



STATE OF CONNECTICUT
JUDICIAL BRANCH

CHAMBERS OF
BARBARA M. QUINN
CHIEF COURT ADMINISTRATOR

231 CAPITOL AVENUE
HARTFORD, CT 06106

**Testimony of Judge Barbara M. Quinn
Chief Court Administrator
Judiciary Committee Hearing on the State of the Judicial Branch
January 19, 2010**

Good afternoon, Senator McDonald, Representative Lawlor, Senator Kissel, Representative O'Neill and members of the Judiciary Committee. My name is Barbara M. Quinn, and I am the Chief Court Administrator. Let me begin by thanking you for this opportunity to address the Committee about the very serious financial issues that are faced by the Judicial Branch and the negative consequences that are affecting all aspects of the courts as a result.

Since at least the mid 1980's, the Judicial Branch has been a staunch partner with the Executive and Legislative Branches, assuming responsibilities that I can confidently say are among the most expansive of any Judicial Branch in the United States. We have done so because we know that judicial independence in the decision-making process does not bar the Branch from working cooperatively with the other two branches of state government to solve the problems facing Connecticut residents. Most importantly, it was then, and remains now, the right thing to do.

Despite this long and unprecedented history of cooperation, recent actions by the Legislative and Executive Branches have placed the Judicial Branch in an increasingly untenable position and are jeopardizing much of what we have accomplished through our partnership. We are facing an enormous and unexpected budget shortfall in FY 2010, with the likelihood of additional budget cuts to come, and we find ourselves forced to choose among unpleasant and unpopular program cuts and delays to try to live within available dollars. New mandates given to the Branch by the Legislature, such as "Raise the Age" and the creation of sex offender treatment beds, are now in direct conflict with disproportionate budget reductions imposed on us. While neither the Legislature nor the Executive Branch are pleased with the choices we have to make to reconcile this conflict, to date no relief has been provided to the Branch that would resolve this dilemma. As a result, we have concluded that certain fixed expenses associated with essential court operations and contractual obligations must be our first funding priority. The plain fact is that there is not enough money remaining to institute new programs or expand existing ones.

We fully recognize that decisions of this type are best made collaboratively by the Legislative and Executive Branches in consultation with the Judiciary. However, the actions, and in some cases inaction, of the Legislative and Executive Branches have made it necessary for the Judicial Branch to act unilaterally in a fiscally prudent manner and to use every means at our disposal to avoid or minimize a budget deficiency. Not moving forward with new programs and cutting certain existing ones, despite the obvious conflicts with Legislative intent, will make it possible for the Judicial Branch to cut the expected deficiency in our *Other Expenses* line item from more than \$12.9 million to approximately \$1.2 million. Although time grows short, we stand ready to revisit these decisions and fund the programs if the Legislative and Executive Branches act to restore the necessary funding to the Judicial Branch.

As I noted in my testimony before the Appropriations Committee on November 18, 2009, the irrefutable cause of our fiscal plight is a series of extraordinary, unprecedented and unworkable allotment reductions that have been imposed on the Branch's *Other Expenses* appropriation by the Executive Branch. This problem is being compounded by the failure to provide any funding to the Branch in either FY2010 or FY2011 for law libraries and electronic legal research tools which are critically necessary for judges in their decision-making process. This latter problem has occurred despite the fact we have spent nearly \$2.5 million per year in the past to provide required electronic access to legal research and to keep publications current.

Make no mistake, the Judicial Branch is committed to full participation and partnership with the Executive and Legislative Branches in saving money wherever practical and possible. I know that you realize that we always do at least our fair share in budget savings efforts. In fact, the Judicial Branch sustained allotment reductions of more than \$17 million in FY 2009. In FY2010, \$30 million has been removed from the Branch's *Personal Services* and *Other Expenses* line items through allotment reductions that were imposed *after* the current budget went into effect.

The Judicial Branch budget is divided into three main areas: *Personal Services* (PS), which pays the salaries of the approximate 4000 full-time employees who work for the Branch; *Other Expenses* (OE), the account from which virtually all of our operating expenses are paid; and various *Other Current Expense* (OCE) accounts that consist primarily of the many adult and juvenile alternative to incarceration programs that we have taken on. While our most pressing problem is certainly the extraordinary budget cuts that have been made to our operating budget, each of these budget categories has been strained by the present budget crisis.

In the area of *Personal Services* (PS), we had a hiring freeze in place for almost 18 months, beginning in June 2008, and during that time we lost more than 400 employees to attrition and the Early Retirement Program. These losses came from virtually every personnel category in the Branch. We are only now beginning to refill a percentage of these vacancies, and are concentrating on essential areas such as court security, juvenile and adult probation officers, juvenile detention staff, court monitors and

interpreters and other court staff that support our judges in the courtroom. We are also moving forward to fill the limited number of positions that were newly authorized by the Legislature for initiatives such as "Raise the Age," because this jurisdictional change will eventually double the number of delinquency matters.

With respect to *Other Expenses*, the vast majority of our costs are fixed and contractually obligated. As an example, more than \$30 million of our *OE* budget will be spent to lease or operate court buildings and probation and support enforcement offices throughout the State. As well, approximately \$5 million in *OE* is needed to provide food, clothing and medical care for children in Juvenile Detention Centers. More than \$3 million is spent to maintain telecommunications service to court facilities throughout the State. The allotment reductions that have reduced available funds in our *OE* appropriation from \$74.9 million to \$62 million in FY2010 are impossible to achieve through discretionary spending reductions. I have communicated this clearly and repeatedly to our Legislative and Executive Branch colleagues since the reductions were first imposed but, as of today, no solution has been forthcoming. If the cuts are not reversed or other measures not taken, such as the programmatic transfers and reductions I will address shortly, we will simply run out of money and stop paying our bills some time in the spring.

Other Current Expenses have grown exponentially, beginning with an appropriation of barely \$1 million in 1990 and reaching more than \$102 million today, representing fully twenty percent of the Branch's total budget. The array of programs and services that have been put in place for adult and juvenile offenders is staggering, including both residential and community placements and state-of-the-art diagnostic services to match offender needs with the most appropriate services. I do not believe that there is a better example anywhere of inter-branch cooperation to address a critical public policy need and I also believe that the Branch deserves due credit for willingly taking on responsibilities that other judiciaries might feel are outside the traditional core functions of the courts. We fully recognize how important these programs and services are and we are committed to them. However, they represent a significant commitment of resources and they cannot be immune from the impact of budget cuts to the Branch.

Adequate funding is essential to carry out the will of the Legislature and to provide the services expected of a statewide court system. It is disheartening and frustrating to see an ever-widening chasm between the programmatic responsibilities and mandates given to the Judicial Branch by the Legislature and the funds that are ultimately available to meet those critical and central duties. Responsibilities and mandates only seem to grow and expand while resources continue to shrink. This cannot continue. If adequate funding is unavailable, we have no choice but to curtail what we do and where we do it.

That is the unavoidable and unfortunate situation we find ourselves in, and in the absence of budgetary relief, we must now take a series of actions to narrow the gap as much as possible between available funding and expenses. None of the actions that I will

outline are ones we would otherwise choose to do, but they are among the few areas where some spending discretion can be exercised. They include:

CLOSING THE GAP

Curtailing hiring

As I noted, we have been trying to recover from a prolonged hiring freeze and ERIP, a situation that left us perilously short-staffed in many areas. We have recently made some progress, including hiring a class of 36 Judicial Marshals in October, filling 38 adult probation vacancies, hiring 19 new juvenile probation officers to implement "Raise the Age," replacing 13 juvenile detention officers who left, and filling several dozen court vacancies throughout the State.

We are also trying to bolster our Information Technology staff, so that we can continue to move forward with e-filing and with improving the flow of information among criminal justice agencies. These IT efforts are also critical if we are to function efficiently with fewer staff in the future.

Nevertheless, significant staff issues remain, particularly with respect to court security staff, an area where attrition continues to outpace hiring and we remain far short of meeting our goal of 920 Judicial Marshals. I believe we now have no choice but to indefinitely postpone other planned hiring for the balance of the fiscal year, including a class of Judicial Marshals scheduled for February.

Closing courthouses

The majority of our 47 courthouses are owned by the State, and most of those that are leased have continuing contractual obligations that cannot be breached without significant cost to the State. However, there are three leased court facilities for which the leases can be cancelled within the next year. As I notified you in my letter of January 13, 2010, it is our intent to close those facilities as soon as legally permissible. They include:

- The present *Willimantic Juvenile Matters* courthouse will close by November 1, 2010 and the business will be moved to a smaller Branch-owned building on Valley Street in Willimantic. It is a shame because the present juvenile courthouse is a modern spacious facility that serves the public well. However, this will eventually save \$500,000 in lease and operating costs.
- With the concurrence of the Legislature, the *Bristol Geographic Area (GA)* courthouse will close by March 2011, and business will be moved to New Britain, saving \$150,000 in lease and operating costs.
- The *Norwalk Juvenile Matters* courthouse will be closed by July 1, 2010, saving \$225,000 in present lease and operating costs and avoiding \$2.3 million in future

costs associated with the lease of a new larger juvenile facility. The juvenile court business will move to Stamford, which will present a significant hardship for those who must travel to court from Norwalk and other communities east of Stamford.

While these closings will save little money in the present fiscal year, they must be undertaken as soon as possible in order to save the dollars noted above in the coming years.

Closing law libraries

As I noted earlier, legal research tools, in both electronic and printed form, are essential in order for judges to render rulings that are consistent with law and legal precedent. They are also used extensively by lawyers and increasingly by self-represented parties.

There are presently 16 law libraries throughout the State, and it cost \$2 million to maintain their collections in FY 2009. Additionally, providing electronic access for judges and legal research clerks costs almost \$500,000 per year. No funding has been provided to the Branch for FY2010 or FY2011.

We are, therefore, closing 6 libraries by July 1, 2010. Operating the remaining 10 and providing necessary electronic tools will still result in the expenditure of \$1.5 million, which will exacerbate our budget shortfall in *OE*.

Shifting certain expenses out of *Other Expenses*

Juvenile

Approximately \$5 million in costs associated with food, medical care and clothing for children in Juvenile Detention Centers will be shifted from *OE* to the Juvenile Alternative Incarceration and Youthful Offender *Other Current Expenses (OCE)* line item. This will be consistent with the accounting structure used by some Executive Branch agencies, such as DOC's budgeting for medical expenses for inmates.

Adult

Up to \$2 million in *OE* expenses associated with adult offenders will be transferred from *OE* to the Adult Alternative Incarceration *Other Current Expenses (OCE)* line item. The specific charges that will be transferred are still being determined.

Reducing new and existing programs

Juvenile initiatives

Shifting \$5 million in Juvenile Detention costs from *OE* to *OCE* accounts will have the unfortunate and unwanted consequence of resulting in less *OCE* funding for existing and new juvenile programs.

- New programs associated with “Raise the Age” and the expansion of Family Support Centers from 4 to 10 will not occur. This is tragic, as so many people have worked so long and so hard to implement this initiative.

Adult initiatives

Shifting up to \$2 million in Adult offender costs from OE to OCE accounts will impact the following initiatives:

- 60 new treatment beds associated with the Jail Re-interviewing Program and substance abuse/mental health originally funded under PA 08-01 will not be implemented. These slots would have served 300-400 clients per year.
- As you well know, to date, 6 residential sex offender beds also funded under PA 08-01 have not been purchased.

Funding for other organizations

A variety of funding for non-budgeted organizations is passed through the Branch’s *OE* line item. Funds that are being reduced from present levels or eliminated include:

- The *Connecticut Bar Foundation* was slated to receive \$1.5 million in FY 2010, which includes a new \$500,000 to provide legal services to the poor. At this time, we do not plan to distribute any of the \$1.5 million. However, legal services is benefiting from more than \$8 million in new funding as a result of new revenue generated from increased court fees.
- *Children in Placement* was slated to receive \$350,000 in FY 2010. This has been reduced to the statutory minimum of \$150,000.
- *The Paul and Lisa Program* provides a variety of services to female prostitutes. It is budgeted at \$128,000 per year, of which \$95,000 is being withheld.

These actions are neither desirable nor consistent with Legislative intent, but in the absence of a viable alternative, I believe we have no choice but to act. We are also concerned that additional budget reductions are likely as the fiscal year progresses and that the FY2011 fiscal picture for the state shows no signs of significant improvement. We are, therefore, undertaking the regrettable task of identifying additional rounds of court closings and program cuts that may need to be implemented in the future. I can assure you that, if implemented, these additional closings will be both painful and disruptive. Nevertheless, our obligations must be reduced to match our available funds.

Are these actions avoidable? The answer is, largely, yes. Restoration of the inordinate reductions in our *OE* account would go a long way toward that end. Recognizing an appropriately sized deficiency in *OE* would also help, although it leaves open the question of adequate funding for FY2011. From the Branch’s perspective, what happens going forward is as important as what happens to resolve the present budget problem.

Budget certainty and consistency are needed if the Branch is going to continue to meet its statutory and constitutional responsibilities, as well as the expectations of its partner branches. The present system of mandating added responsibilities and program expansions and either not providing adequate funding or reducing funding without reducing mandates after a budget is adopted serves no one well. Responsibilities and funding need to align. However, let me be clear; budget certainty is not the same as budget immunity, and we fully recognize that it is our obligation to always do our share, in good times and in bad.

The ultimate question for you as a Legislature is this: What kind of court system do you want to have in Connecticut? Is it a Branch that provides services to citizens in reasonable proximity to where they live? Is it a Branch that has an adequate number of judges and support staff to serve the public and ensure that people have timely access to justice? Is it a Branch that is in the forefront of new and innovative programming that actually reduces crime and costs to the State and its communities? Is it a Branch that can continue to work effectively and cooperatively with its Legislative and Executive partners? Or, is it a Branch that struggles to meet its traditional statutory and constitutional responsibilities because of incessant budgetary conflict and uncertainty?

I know that at the end of the day we are all committed to working together to maintain the best court system we can, even in the face of tight resources. Thank you for this opportunity, and I am pleased to answer any questions that you may have.