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Testimony of Janet Ray Kalson
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Good morning, my name is Janet Ray Kalson, and I am an associate at Himmelstein McConnell Gribben Donoghue & Joseph, a firm that represents tenants in New York City.

In 2011, a 170 million dollar budget cut was imposed on the New York State judiciary budget, and the courts and litigants have been reeling ever since. I am going to focus on the impact of the cuts on Housing Court, where the overwhelming majority of tenants are not represented.¹ The Civil Court courthouse doors started closing at 3:45PM each day instead of at 5:00PM, and only those tenants whose evictions were scheduled for the following day were permitted in. In the morning, long lines of people outside the courthouses mushroomed, in rain, shine, sleet or snow, as litigants waited endlessly to go through the metal detectors. A shortage of translators developed, causing unceasing delays for non-English speaking individuals. Childcare centers closed, resulting in a sharp increase in the clamor of children crying in courthouse corridors. Trials stopped abruptly at 4:30 PM, leaving witnesses, lawyers and litigants in the lurch. Endless queues of people waited for hours to speak with clerks or file papers.

There are now fewer court attorneys, slowing down the resolution of cases in Housing Court, and fewer attorneys providing information to *pro se* tenants in the Court, resulting in more tenants with less knowledge of their rights. Trial parts no longer have a full time clerk, requiring judges to halt trials midstream to address paperwork and other issues whenever a clerk stops by their courtrooms.

Here are few examples of the cuts' impact on tenants. A Japanese speaking tenant's case was adjourned three times because each time the case was in court there was no Japanese interpreter available to assist her, although a Japanese translator had been specifically requested on each court date. The case was not resolved until the attorney representing the tenant paid for and used her own Japanese translator.

¹ The percentage of unrepresented tenants in housing court has been estimated to be as low as 83% and as high as 95%. See, e.g., *Tipping the Scales: a Report of Tenant Experiences in Bronx Housing Court*, issued in March, 2013, available at http://cdp-ny.org/report/CASA_Report_Final.pdf; *Home Court Advantage, How Landlords are Winning and Tenants are Losing in Brooklyn Housing Court*, issued in December, 2011; available at http://www.maketheroad.org/pix_reports/Home_Court_Advantage_12.13.11.pdf; and *Report on the New York City Housing Court in the 21st Century*, issued by NYCLA in October, 2005, available at http://www.nycla.org/siteFiles/Publications/Publications1516_0.pdf.

Similarly, a Spanish speaking tenant scheduled for trial was unable to proceed with her case because there was no Spanish speaking translator available. The tenant and her lawyer waited all day to proceed, only to be given a sliver of time in the late afternoon to start their trial. The following day, the trial was adjourned yet again because there was no translator available. Finally, on a third day, the tenant was able to litigate the case through completion.

A survey by Brooklyn Tenants United found that non-English speaking tenants waited an average of 1.2 hours to get an interpreter in Housing Court and that 14% of those who obtained an interpreter were told to come back another day after waiting an entire morning in court.

Files are lost, cases are mis-calendared, affidavits of service are not placed in their files and there are long delays in transferring files from courtrooms to clerks' offices, from clerk's office to courtrooms and from archives to clerks' offices.

A few weeks ago, our office sent an employee to Brooklyn Housing Court to file routine paperwork. She arrived at the courthouse at 10:30 AM only to begin waiting on a very long line with 20 people ahead of her. Two hours and 15 minutes later, she arrived at the clerks' window, only to find a clerk who was new and did not know how to assist her. By the time our employee finished her business, it was 1:50PM, 3 hours and 20 minutes after she had arrived.

In January of this year, I went to Manhattan Civil Court, at 111 Centre St., on a morning when the temperature was in the 20s. There was a long line of people waiting to get in when I arrived at court, and a long line of people waiting to get in when I left. I spoke to a court officer who told me that no replacements were being hired when people retired or left. I became very concerned about the health of individuals standing in the cold for long periods of time.

Earlier this year, Bronx tenants were told that they could not answer landlords' petitions because the court was backed up entering petitions into the system. Only after vigorous intervention by Louise Sealey, Director of Housing Court Answers, did court personnel stop turning tenants away. There was also at least one day this year in which Queens tenants seeking Orders to Show Cause to prevent their evictions were told to come back the following day.

Last year, I rushed to finish a motion and get it to Queens Housing Court before the 3:45 PM deadline for getting in the courthouse. I finished the papers, and our employee raced out the door at 2:30 PM. The E train wasn't functioning properly, and our clerk arrived at the Jamaica courthouse after the doors had closed, making the whole process an exercise in futility.

I recently finished a 12 day trial in which we had to stop abruptly at 4:30 PM each day, often in the middle of testimony. The trial could have finished in 10 or 11 days had we been able to continue until 5 PM. The added trial time added unnecessarily to the litigants' costs, and took up time the court could have devoted to other trials.

These problems and countless others all stem from a lack of staff caused by budget cutbacks. Overall, the New York State Judiciary has lost more than 1900 employees in the past

5 years.² The New York City Civil Court has lost 12.5% of its staff since 2010, including highly experienced staff who were enticed to retire with buyouts. For example, more than 20% of the Civil Court's associate court clerks have been cut, as well as 20% of the assistant deputy chief clerks, 14.5% of court assistants, and 60% of principal court clerks. 20% of the Civil Court's translators have been lost, 25% of the senior court interpreters, and the sole principal court interpreter is gone.

The Civil Court has also lost 8% of its court officer staff, but the impact feels much larger because of the budgetary elimination of 2/3 of overtime.³ The Civil Court also lost its sole law librarian, 1 court aide, 14 court attorneys, 7 court office assistants, an assistant keyboard person, 11 court reporters, 2 data recording assistants, one deputy chief clerk (Title V), 2 law stenographers, 4 office clerical assistants, two secretaries, a principal pc analyst, 6 senior court office assistants, 2 senior court office assistants, and a supervising court office assistant.

These staff cuts matter. They result in endless delays, inefficiencies, and hardships for tenants in Housing Court. The Housing Court is in crisis, and it is *pro se* tenants who are suffering the most. The time for a Zero Increase budget in the Judiciary Budget has come and gone. The \$170 million dollar budget cut imposed on the Judiciary in 2011 must be rescinded. As Assemblyman Albert Graf, (R. Holbrook) said at the Legislature's joint budget hearing in February, 2013, "Justice isn't cheap. You have to pay for it."⁴

The Judiciary Budget's proposed 2014-2015 budget, seeking an increase of 2.5%, including money to ensure that courtrooms are open to the public until 5 PM each day, increasing money for civil legal services, and requesting a \$5million supplemental appropriation for 20 new Family Court Judgeships, is a small step in the right direction and must be enacted unchanged. Ultimately, however, this small increase is merely a band-aid covering a hemorrhaging wound, and the Governor and Legislature must restore the full \$170 million dollars cut from the judiciary budget, adjusted for inflation and fixed costs, so that justice can be served to the hundreds of thousands of *pro se* tenants facing eviction who flood the housing court each year.⁵

² : New York State Unified Court System Budget, Fiscal Year 2014-2015, available at <http://www.nycourts.gov/admin/financialops/BGT14-15/2014-15-Budget.pdf>

³ Public Hearing Report, NYCLA Task Force on Judicial Budget Cuts, 1/18/12, p. 3. Available at http://www.nycla.org/siteFiles/Publications/Publications1516_0.pdf

⁴ New York Law Journal, "Cutbacks will be Felt by OCA, Prudenti Says." 2/7/13, p. 1.

⁵ In 2012, 270,249 cases were filed in New York City Housing Court. New York State Unified Court System Budget, Fiscal Year 2014-2015, p. 17.