

ASSOCIATION OF SUPREME COURT REPORTERS WITHIN
THE CITY OF NEW YORK



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TESTIMONY RE OCA BUDGET CUTS

Good Morning. My name is Eric Allen. I am the President of The Assn. of Supreme Court Reporters Within The City of New York. We represent Sr. Court Reporters who are employed by the Office of Court Administration and work within the 5 boroughs of NYC in Supreme Court parts. Thank you for the opportunity to speak to you from the perspective of the nonjudicial workforce of the Office of Court Administration as we deal with this very unique situation.

The large cuts to The Office of Court Administration budget will undoubtedly have a far reaching NEGATIVE effect on all operations of court business unless a well thought out plan is put into place. To simply put the burden of the cuts on the backs of employees' jobs will create chaos in the courts not only immediately, but certainly once normalcy is restored post pandemic.

My understanding was that we are not here today to have a think tank on how to solve this budget crisis, although recommendations have been made. My understanding was that we are here to examine the IMPACT of the reduction. So here is the impact of the reduction in a word: DISASTEROUS!

It is no secret that The Unified Court System is still feeling the effects of the 2010 retirement incentive and the 2011-2012 workforce reduction. Down approximately 1600 employees since then, according to Judge Marks, the system simply could not function with another hit to our workforce. In my unit alone, we

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have seen an almost 25% reduction in Sr. Court Reporters since 2010/2011. That number includes ONLY the 5 boroughs that constitute New York City. That does not include any other downstate districts of Westchester, Nassau County nor Suffolk County. The irony of the timing of all of this is that we had to petition members of the Assembly and Senate to urge OCA to hire more court reporters. The urge to hire that came from the legislature unfortunately reached Judge Marks' desk as soon as the pandemic hit, so here we are, still understaffed.

The public, the bench, the bar and court personnel will all be negatively affected if jobs are cut. If you couple losing the judges we have been speaking about with losing additional staff, staff that is already too low, then Attorneys and their clients will have to wait inordinately prolonged time periods between filing and being heard due to lack of judges, court reporters, security. The court proceedings transcripts could be delayed due to a backlog of orders court reporters have because, (A), there could be less reporters due to cuts and, (B), the floodgates will eventually be opened once the pandemic has passed us by and the amount of work for everyone will be overwhelming, only because of lack of personnel. The time it takes for filings will be affected if clerks are cut.

In a new weekly email distributed to court employees via their UCS email address called "Clips", one of the "clips" informed us of Queens Criminal Supreme Court Administrative Judge Joseph Zayas' gushing comments on the importance of trials being conducted during this pandemic. The quote from him is that being able to conduct trials is "CRITICALLY IMPORTANT." In the article Judge Zayas said, and very rightfully so, "Nothing is more important than offering defendants — some who have been detained for extended periods — the opportunity to exercise this

most important right.” I ask you, how else can anything like this occur but with a complement of court staff to see to it that criminal defendants, The People of The State of New York, civil litigants and jurors are given meaningful attention.

It’s also not a secret that a vaccine is on the immediate horizon, which would eventually open up our State again. We WILL return to normal. And When we do, we need to be able to provide the public with what they deserve. That cannot be done with staffing levels lower than they are now. I’ll again harken back to the shortfall of staff we are currently in.

We have answered the call of our employer by reporting to work during the pandemic because the need to serve the public is there. We have seen our contractual salary increase withheld because the funds, according to the employer, are not there. We have helped to move cases along so as not to create an insurmountable backlog, because the need is there. The reason the system has not been crushed during this time is because WE ARE THERE.

If layoffs were to occur, and employees are not there, Lady Justice will not only be blind, she will be rendered paralyzed.

At the conclusion of my testimony on November 12, 2020, Chairman Dinowitz asked a very simple but poignant question: “How instrumental are the court reporters to the system; or, to put it another way, what would we do without them?” My answer, summarily, was that we provide the most important tool for the very basic tenet of justice: The ability to appeal by having the verbatim record. As has

been proven over and over in our own State and City Courts, and throughout the nation, electronic recording does not compare to the quality of transcript production as an official, skilled court reporter. The term I used to describe recordings was “woefully inadequate.” The official court record does not leave our possession nor is it left to be interpreted by a third-party transcription company. We are there at the time of the proceedings, we can clarify any unclear statements in real time; not leaving something to a guess by someone else (a transcriber who was never present in the courtroom) months or even years down the road.

Eric Allen, President