

Judiciary's Canceling of Jury Trials is Hardly Due to Budget 'Cuts'

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THE JUDICIAL branch has attempted to lay the blame for its decision to cancel jury trials in five out of the next 15 months on "cuts" in the judiciary's budget made by the Legislature. But not only were there no "cuts" in the judiciary's budget, the Legislature actually increased the budget for jury trials by more than 25 percent. With this context, the decision to cancel the jury trials and blame the Legislature appears to have much more to do with pressuring the Legislature into further increasing the judiciary's budget than with economics.

The judiciary spent about \$880,000 during the last fiscal year on jury trials and requested an increase of about \$237,000 per year over the next two-year budget cycle. The Legislature increased the judiciary's budget for jury trials by the amount requested. The Legislature also increased the judiciary's overall budget. According to the Supreme Court's own press releases, the operating budget for the 2002 fiscal year will increase to more than \$52.8 million and to nearly \$53.2 million for the 2003 fiscal year.

So why have we been told that the jury trials were canceled on account of budget "cuts" if the judiciary received all of the budget for jury trials that it asked for and its overall budget was increased? Because what the judges mean by "cut" is the Legislature's decision to give the judiciary less than the 18 percent budget increase it requested. In other words, a "cut" is budgeting less than the judges want to spend, even if that amount is more than was spent last year.

What really happened is that the judiciary on its own decided to transfer about \$250,000 of the amount budgeted by the Legislature for jury trials to other areas of its budget. This \$250,000 is less than one-half of one percent of the entire judicial budget.

The judiciary has yet to explain how it could not achieve savings of a mere one-half of 1 percent in the remainder of its budget. While it has claimed that not canceling jury trials would require staff to be cut, there should be no reason to cut staff since the overall budget was increased. The judiciary's request for an 18 percent budget increase included an additional 49 staff positions, so perhaps "cutting" staff means not adding some or all of these new staff positions.

Shortly after announcing that the jury trials would be canceled, the judiciary announced that it would not allow the Legislature to conduct a planned audit to determine whether the judiciary is spending taxpayer dollars appropriately. The judiciary claimed that the audit would violate the separation of powers but gave no specifics to back up this claim.

The audit would not violate the separation of powers because its scope is limited to assuring that the judiciary is operating in a fiscally responsible manner. While it would be important for the Legislature to go forward with the audit under any circumstances, it is especially important to do so now that the judiciary has claimed that the budget it has been allotted only allows jury trials two out of every three months.

Our system of government is one of checks and balances. The "power of the purse" resides with the Legislature, not the judiciary, because the Legislature, unlike the judiciary, regularly stands accountable to the people whose hard work puts money in the purse. It would be an egregious dereliction of duty for the Legislature to simply give the judiciary a blank check. The audit may indicate that there is a need to increase the budget for the judicial branch. On the other hand, it may indicate that the judiciary is already adequately funded but is spending taxpayer dollars unwisely, such as on a press secretary for the Supreme Court rather than on jury trials.