

**REMARKS TO THE HOUSE (SENATE)
APPROPRIATIONS COMMITTEE
Presented by Hon. Thomas R. Fitzgerald
Chief Justice, Supreme Court of Illinois**

Madam Chairwoman (Mr. Chairman) and
Members of the Committee:

Good afternoon. First --- allow me to thank you for this opportunity --- it is an honor to appear before you this afternoon to present the Fiscal Year 2010 budget request of the Supreme Court. I have prepared a brief statement --- and in the time allotted --- will attempt to give to you a broad summary of the major components of our Fiscal Year 2010 appropriation request and then -- - to answer any questions you may have. Joining me today are Cynthia Cobbs --- the Director of the Administrative Office of the Illinois Courts --- and Kathleen O'Hara --- Assistant Director of the Administrative Services Division of the

Administrative Office --- and who serves as our fiscal officer.

Typically --- the State's annual appropriation for the judicial branch has represented approximately only 1% of the State's total General Revenue Fund. Our current year General Revenue budget of \$291 million represents only a 1.1% increase from the Fiscal Year 2003 appropriation level. By any standard --- a 1% increase in funding in a six year period --- for the State's third branch of government --- reflects only very minimal growth.

With the resources appropriated --- the Court has needed to maintain the operations of the Supreme Court --- the five districts of the Appellate Court --- various circuit court operations --- and our Administrative Office. I am pleased to report that

--- we not only managed the operations of the judiciary within the dollars allocated --- but --- ever mindful of the state's continuing fiscal crisis --- we have continued to take a conservative approach to spending those dollars. The task though --- has not been without its challenges. In presenting the Court's Fiscal Year 2010 appropriation request --- I --- and my colleagues on the Supreme Court --- are as cognizant of our shared responsibility to contribute to the State's fiscal well being as we are of our continuing duty to administer justice on behalf of the citizens of the State of Illinois. Thus, in Fiscal Year 2010 --- we are requesting an appropriation of \$316 million dollars in general revenue funds --- an 8.6% increase over the Fiscal Year 2009 appropriation, and if approved --- a 9.8 % increase over our 2003 appropriation.

As you've no doubt noted --- the largest component of our budget request --- as in years past --- is for the payment of judicial salaries. Of the total \$316 million dollar Fiscal Year 2010 appropriation request --- \$175 million is allocated to pay the salaries of the more than 900 Illinois judges. This amount represents 55% of our total budget request. It is important to note here that where shortfalls occur in the overall level of state funding provided for the judiciary, we must then draw from those lines in our budget --- which are then further diminished --- to insure that the constitutionally mandated salaries of judges can be paid.

Of the remaining 45% of our budget request --- nearly half is allocated to support programs and services which operate in the circuit courts throughout the state --- specifically --- probation

services. In prior years --- former Chief Justices who have appeared before this body --- have urged consideration of increased funding to support the delivery of probation services in our state. In Fiscal Year 2005 --- in response to a substantial decrease in funds appropriated to the Supreme Court --- the deep cuts in our budget were hardest felt --- I believe --- in the level of statewide funding that we could then make available for probation services. In every year since 2005 --- we have struggled --- along with cash strapped county governments --- to provide the necessary resources to adequately support the work of local probation departments.

Prior to my election to the Supreme Court in 2000, I had spent most of the previous 32 years as either a prosecutor or trial judge at 26th and California and for twelve years I served as the

Presiding Judge of the Criminal Division. I mention this in an effort to enhance my credibility in the area of probation services.

It is essential to our maintenance of a viable criminal justice system that we have probation services available as a most important tool in restoring those who qualify for probation to citizens who can participate as valuable members of our society. I can not help but think of my dear friend, Judge Earl Strayhorn who was the master of changing lives by the way he used probation. His death just a few short weeks ago was a loss to us all. In his name I urge proper funding of probation.

Research has shown --- and only a few would disagree --- that the availability of probation services as a sentencing option for lower risk

offenders --- reduces the rate of recidivism and --- is a more cost effective sentencing option than is incarceration. Though substantial dollars are desperately needed --- in light of the fiscal climate --- we are again requesting only a modest increase in funding for probation services. Our \$69.6 million request reflects a 4% inflationary increase --- and an additional 4% increase --- which will begin to restore funding to acceptable levels and provide the necessary resources to insure the adequacy of probation services statewide. Funding for probation services is a critical component of the Court's budget --- with implications for public safety throughout the State. Thus --- I respectfully urge your favorable consideration of our request.

Funding for judicial salaries and probation services make up 77% of the Supreme Court's

budget request. The remaining 23% of our request represents what will be needed to cover the hard costs in administering the State's judiciary. Within that 23% is funding for rents --- utilities --- telephones --- copiers --- computers --- and personnel. And should our Fiscal Year 2010 request be honored --- those dollars will allow our continuation of initiatives commenced in the Appellate Courts to better insure the safety and security of judges and staff who work there.

With this current appropriation request --- not only will we need to --- but we will --- continue to explore strategies to control and reduce spending in the judiciary. We will continue to hold the line on the creation of new programs --- reduce the number and costs of contracts with outside vendors for the purchase of ordinary goods and services --- maintain the moratorium

on merit increases --- and hire essential personnel at the minimum of the respective salary grade. Our spending in Fiscal Year 2010 will continue to be limited to only those goods and services essential to the proper operations of the courts.

To effectively address the financial crisis which continues to plaque our State --- will require difficult and --- likely --- unpopular decisions. As you consider the Court's 2010 request, I recognize and --- indeed, I expect --- that the judicial branch will not be exempt from those decisions. In that vein --- I offer you these three assurances. That the budget which we have presented represents our fairest assessment of the fiscal resources necessary to sustain the operations of Illinois' judiciary in the next fiscal year. That you will have my complete cooperation, as well as the cooperation and assistance of our Director and her

staff throughout this budget process and in the days following. And finally --- that the judiciary will exercise sound judgment and good stewardship over whatever level of funding this body is able to provide. With that --- I urge your most favorable consideration of our budget request.

Thank you again for the opportunity to appear before you. It has been my privilege. And now --- Madam Chairwoman (Mr.Chairman) --- I would be happy to answer any questions.