



**Testimony of Kathryn Wylde, President & CEO**  
**Senate Standing Committee on Judiciary and Assembly Standing Committee on Judiciary**  
**Court Consolidation**  
**November 13, 2019**

---

Thank you Chairs Hoylman and Dinowitz and members of the committees for the opportunity to testify on court modernization. The Partnership for New York City represents the employers of more than 1.5 million New Yorkers. We work with government, labor and the civic sector to maintain the city's position as the pre-eminent global center of commerce, innovation and economic opportunity.

The Partnership strongly supports the constitutional change put forward by Chief Judge DiFiore that would make the structural changes that are necessary to modernize New York's antiquated and cumbersome court system. Since she took office, Judge DiFiore has done much to improve management of what is the most complex court system in the country. The many accomplishments of the Chief Judge and her team were recognized recently when she became the first public sector manager to be awarded the prestigious Deming Cup by Columbia University Business School.

Unfortunately, provisions of the state constitution place major restrictions on what even the best manager can do to ensure the prompt and fair administration of justice in New York. Whether it is a business suffering loss from long delays in the case backlog in the commercial court or an inmate at Rikers waiting years for their cases to be heard in criminal court, the current situation is not working for anyone.

Judge DiFiore's plan relies in part on the work of the Special Commission on the Future of the New York State Courts, appointed by Chief Judge Judith Kaye in 2006, on which I served. We established at that time that the court system must be restructured in order to allow for efficient management and to eliminate duplication of effort. We recommended that the current structure, which is inflexible and difficult to navigate, results in substantial unnecessary costs for all involved, including the taxpayer. In its 2007 report, the Commission estimated that individual and business litigants, employers and municipalities could save \$443 million from the type of reforms that Judge DiFiore recommends.

New York has eleven trial courts -- three more than any other state. California has only one trial court despite having more than twice the population of New York. Many cases involve trials in several courts, resulting in multiple fees and excessive litigation over questions of jurisdiction.

New York court administration has very limited ability to move judges around to address case load needs in the different courts. This has been a key issue for commercial court litigants, who have increasingly moved their cases to Delaware where a more coherent court structure allows for relatively fast disposition of difficult business disputes. In fact, Delaware has enjoyed

## COURT CONSOLIDATION

significant economic benefits from large commercial cases and legions of lawyers descending on them for timely litigation. This is, almost inevitably, at New York's expense.

Many of us would welcome amendments that go further, such as the merit appointment of judges. But Judge DiFiore has presented a proposal that is both simple and modest, in order to take the first major step toward a better, more cost-effective and competitive court system. The Partnership urges the legislature to adopt these long-overdue reforms as soon as possible.

Thank you.