

Clerk of Court Budget Realities

COURT CONTENTIONS	CLERK BUDGET FACTS
<p>ALLEGATION: CLERK BUDGETS GREW BY 33% WHILE AVERAGE STATE BUDGETS GREW BY 13% OVER THE PAST FOUR YEARS</p>	<p>FACT: ACTUAL CLERK SPENDING GREW BY 13.7% OVER THE PAST FOUR YEARS, INCLUDING FUNDING FOR STAFFING FOR NEW JUDGES AUTHORIZED BY THE LEGISLATURE.</p>
<p>ALLEGATION: IF LIMITED TO 13% GROWTH, CLERKS WOULD HAVE HAD A BUDGET OF \$465.5 MILLION INSTEAD OF \$539.2 MILLION IN FY 2008-09, FREEING UP MORE THAN \$70 MILLION THAT THE CLERKS COULD HAVE RETURNED TO THE STATE.</p>	<p>FACT: CLERKS' ACTUAL SPENDING IN FY 2008-09 IS PROJECTED TO BE \$448 MILLION, MEANING THEY WILL RETURN MORE THAN \$80 MILLION TO STATE COFFERS THIS YEAR</p>
<p>ALLEGATION: CLERKS ARE NOT ACCOUNTABLE NOR ARE THEY SUBJECT TO BUDGET CUTS BECAUSE THEIR BUDGETS AREN'T SUBJECT TO THE STATE APPROPRIATIONS PROCESS.</p>	<p>FACT: THE CLERKS' BUDGET PROCESS IS HIGHLY ACCOUNTABLE AND SUBJECT TO MULTIPLE CHECKS AND BALANCES. CLERKS' BUDGETS ARE ESTABLISHED BY A STATUTORY FORMULA THAT SETS A SPENDING CEILING. THEIR SPENDING MAY NOT EXCEED THEIR COLLECTIONS; IF REVENUES ARE DOWN, THEY MUST CUT THEIR BUDGETS. ALL CLERKS' BUDGETS ARE SUBJECT TO ANNUAL REVIEWS BY THE AUDITOR GENERAL AND BIENNIAL AUDITS BY THE DEPARTMENT OF FINANCIAL SERVICES. CLERKS ARE ALSO SUBJECT TO STRICK PERFORMANCE STANDARDS FOR ALL OPERATIONS.</p>
<p>ALLEGATION: CLERKS HAVE MORE BUDGET FLEXIBILITY THAN OTHER GOVERNMENT ENTITIES.</p>	<p>FACT: THE CLERKS' BUDGET PROCESS IS ESTABLISHED IN STATUTE AS A WORKLOAD-BASED, BUSINESS MODEL. REVENUES TRACK WORKLOAD, AND CLERKS MUST CUT THEIR BUDGETS IF REVENUES ARE DOWN. CLERKS SERVE A VITAL COLLECTION ROLE FOR THE STATE AND HAVE RETURNED MORE THAN \$1.4 BILLION TO THE STATE SINCE FY 04-05.</p>