

Testimony of Laura Held  
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On a Home Rule Message in Support of  
A.8696/S.5349

Before the New York City Council  
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Good afternoon. My name is Laura Held, and I am the Chief Administrative Law Judge at the Department of Finance. Thank you for inviting me to testify on behalf of Finance Commissioner Martha E. Stark.

I strongly urge the City Council to pass a Home Rule message in favor of A.8696/S.5349, which will allow the Finance Department to hire Administrative Law Judges as full-time and part-time civil service employees. By doing so, Finance will improve service to New Yorkers who contest parking tickets and save at least \$1 million in administrative costs.

The Mayor and the City Council have challenged Finance to do more with less, and labor has challenged us to take advantage of opportunities to “contract in” whenever possible. This initiative would achieve both goals.

Finance currently uses about 220 contract lawyers who serve as ALJs to adjudicate parking tickets throughout the five boroughs. Many of these per-diem contract workers split their time between their private practice as lawyers and their public service as administrative law judges. This creates administrative burdens for the agency, from providing adequate staff for hearings to processing time

sheets that vary every week for each judge. Most importantly, having part-time contractors as ALJs makes it more difficult to ensure that every New Yorker who contests a ticket is treated consistently and fairly.

The bill before you today would help Finance address each of these challenges.

Unionized employees with civil service protection are less likely to be swayed by political or budgetary pressures when ruling on a ticket than are per-diem contract workers. And it will be easier to get civil servants to follow hearing guidelines that are needed to ensure that New Yorkers are treated consistently and fairly. We want the businessperson in a suit who contests double parking in Queens to be treated the same as the teenager from Brooklyn trying to fight the same violation. To do that, we need to have a civil service staff that works regularly scheduled hours, so we can review basic guidelines with them and provide feedback.

Having a staff with regularly scheduled hours will also allow Finance to avoid last-minute work cancellations by per-diem workers, who often put their private practice before their public service. Obviously, cancellations have a negative impact on service. Currently, if we see a backlog

in one of our borough offices and we want to provide extra staff, we have to work around the shifting schedules of per-diem contractors, which also makes it more difficult to reduce wait times.

Some people have suggested that Finance is pursuing this legislation as a backhanded way to use non-lawyers as Administrative Law Judges. Nothing could be further from the truth. The whole point of this legislation is to create a staff of lawyers who are committed to making a career out of interpreting the parking laws and delivering justice to New Yorkers as fairly and efficiently as possible. We want to build a career ladder for lawyers so they can grow with Finance, receive ongoing training and feedback and develop an esprit d'corps that's about putting the best public face on the City of New York, because contesting parking tickets is the way most New Yorkers interact with their government. For this reason, the ALJs' job is simply too important to rely on per-diems, who are often distracted by their private obligations.

Just to be clear about our intentions, we have inserted language into the bill specifying that admission to the New York State Bar will continue to be a requirement

for every attorney serving at any level as an Administrative Law Judge.

In terms of prior experience, we have not changed the requirements for any but the first level of ALJs. The Vehicle and Traffic Law currently requires that ALJs in New York City be admitted to the bar for three years. But there's no reason why a smart lawyer who's dedicated to public service and has only been admitted to the bar for one or two years cannot make a fine ALJ. After all, Assistant District Attorneys all across the City with less than two years' admission to the bar try first-degree robbery cases, which carry sentences of 25 years in jail. If inexperienced lawyers can handle that kind of responsibility, they can certainly adjudicate parking violations, where the stakes are important but obviously much smaller.

Employing civil servants as ALJs will give us a better workforce with which to serve the public. And it will save the City \$1 million per year, because we will need far fewer ALJs, and we will no longer have to maintain a separate system for processing their payroll. That's \$1 million less that the City has to make up for in reduced service cuts or layoffs.

Let me address another unfounded charge --- that by making ALJs employees, Finance is attempting to curb the judges' independence and raise revenue for the City. This is absolutely not true.

Administrative law judges are not independent members of the judicial branch of government, contrary to what has been written in the press. They are contract workers employed by the Department of Finance. And while they exercise discretion, they should do so within guidelines set by the chief administrative law judge and the Finance Commissioner, consistent with the laws they are sworn to uphold. The bills before you will not make the ALJs less independent; they will still work for Finance. But the bills will make it easier for us to enforce guidelines, just as federal and criminal judges must work within sentencing guidelines. Without such guidelines, there would be no way to make sure that the traffic laws are applied consistently and fairly.

Having civil service employees will also ensure that future ALJs live in New York City. We believe that a judge who has to park in New York every day will have a better understanding of the impact of parking rules on the

average New Yorker, and will be even more inclined to rule fairly and consistently.

Fairness and efficiency are the goals, not increased revenue. Like the supposed loss of judicial independence, this is another myth, much like the media-created “ticket blitz.” ALJs are not responsible for revenue. Their job is to adjudicate tickets fairly and make sure that those who write tickets give New Yorkers fair and accurate notice.

If adjudications was about revenue, then we would not have started dismissing defective tickets *sua sponte*, or on our own, even when the person with the ticket hasn't pointed out the defect. This was one of the first policy changes we made, and it has no doubt cost the City money. But it is the right thing to do. You shouldn't have to be a lawyer or an expert on the arcane details of traffic law to receive basic justice and fairness.

Every New Yorker deserves to be treated consistently, fairly, and expeditiously. New Yorkers expect their government to look for ways to provide better service at less cost - especially now. This initiative will help Finance meet those expectations, so I urge you to vote favorably on the Home Rule message. Thank you.

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