

Family Disputes

Child Custody

# Justice

has left  
the building

Divorce

CIVIL  
Lawsuits

AN OVERVIEW BRIEF

Divorce

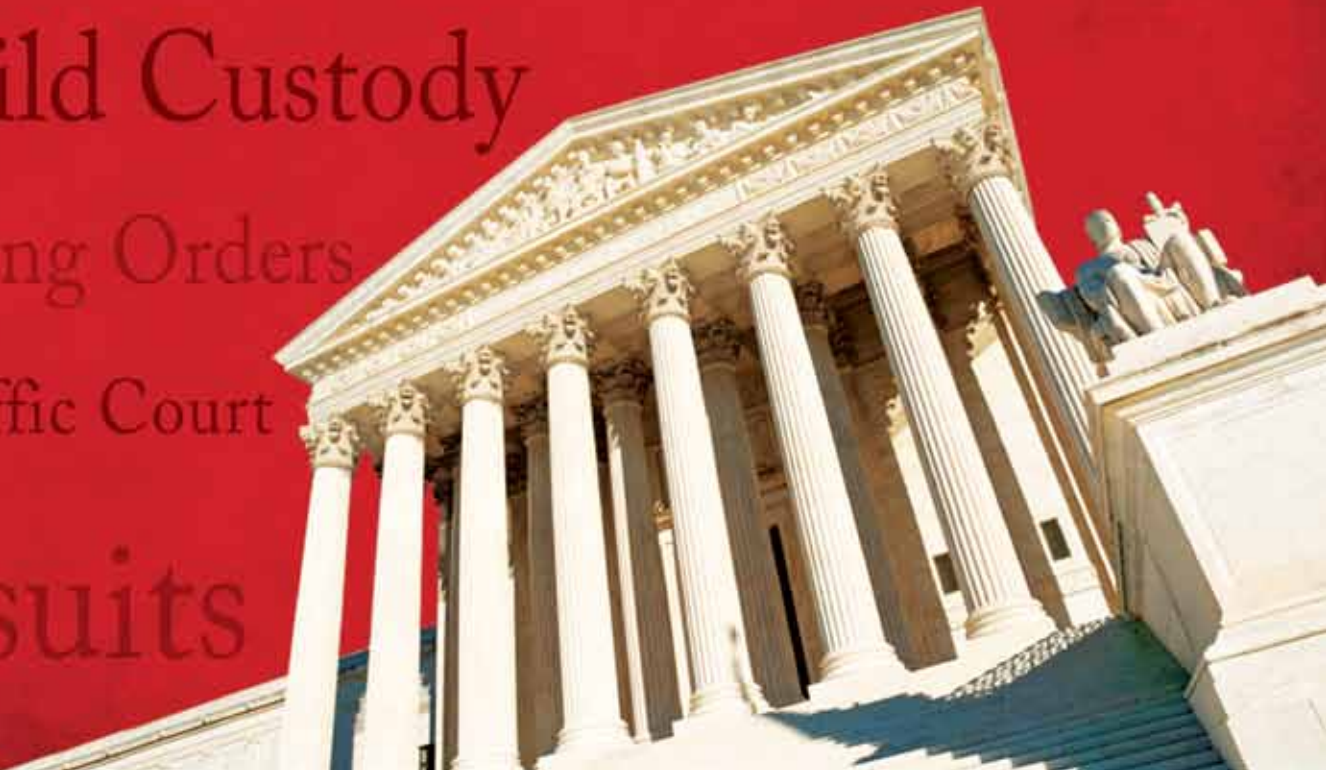
Family Disputes

Child Custody

Restraining Orders

Traffic Court

CIVIL  
Lawsuits



# JUSTICE IS IN JEOPARDY

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*Further Budget Cuts Will Dismantle Our Court System and Endanger Society's Most Vulnerable*

*"With these cuts, courts cannot provide fundamental services or protect the rights of Californians. By marginalizing the courts, California strikes a blow against justice... Courts are not a luxury. They are at the heart of our democracy. These cuts threaten access to justice for all."*

*- Chief Justice Tani Cantil-Sakauye*

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## THE HISTORY

This year, California Courts are being asked to trim expenses by an additional \$350 million after already cutting services and staff to the bone as part of last year's devastating budget reductions. It is the highest single-year reduction since the state began paying trial court costs 14 years ago, and legal experts, court staff and victims all agree that these proposed cuts will make it virtually impossible for the average citizen to access fair and timely justice on important issues like child custody cases, restraining orders, civil lawsuits and more.

To deal with a \$79 million budget deficit last year, the Los Angeles County Superior Court was forced to lay off 329 staff members and lost 229 more workers through attrition. That's 10% of the court's staff. Additionally, mandatory court closures reduced productive working time by another 275,000 hours.

The effect of those cuts already has meant that the pace of justice has slowed to a crawl. Support staff is critical to keeping the flow of justice moving. Like a doctor who depends on nurses, orderlies and others to make sure orders are implemented, judges rely on a range of court staff to make sure their rulings are administered. With the existing cuts, those critical staff and support have been lost. Further cuts will devastate the system and those who rely on it for protection.

## THE CURRENT CRISIS

The Los Angeles County Superior Court faces a deficit of more than \$50 million this year and anticipates budgetary shortfalls of \$161 million in fiscal year 2012-13, and \$204 million in fiscal year 2013-14. In 2012, the local courts may need to lay off over 600 employees in October, and 400 more the following year.

Most of the funding solutions that helped Los Angeles Courts get through the past year were not permanent solutions—85% came from one-time money sources, putting the Fiscal Year 2011-2012 court budget at severe risk.

## IMPACT OF FURTHER LAYOFFS ON CITIZENS

A courthouse workforce loss translates to:

- More than half of civil courtrooms, and nearly one-third of the family and children's courtrooms, will be closed permanently.
- Nearly 2 million traffic tickets are issued in Los Angeles County every year. Since Traffic operations may be cut by as much as half, collections will suffer and further reduce revenue.
- The Traffic Call Center no longer has operators available to answer traffic ticket questions over the phone. The 10% of daily callers (roughly 2,000) who were not able to get answers through the automated system will need to go to a courthouse to have their questions answered, further burdening the system.
- It now takes 9 months from the time a person receives a citation until the first available court date.
- Currently, civil cases such as divorce proceedings and lawsuits take about 16 months to complete. With the planned cuts, those cases will take four-and-half years to wrap up.
- Budget issues at the Sheriff's department have led to criminals being given early release. This problem combined with severe delays in criminal trials and the ability of police officers to get court services such as access to judges to procure search warrants means more criminals on the street.
- Children in foster care will be some of the hardest hit by these cuts. Delays in hearings mean children are separated from parents for longer periods of time, or left in dangerous situations. Since critical cases must take priority, other children are left without the court to oversee basic needs such as medical appointments and educational rights.
- In addition, Los Angeles' nationally-acclaimed Adoption Day has been cancelled, leaving foster kids to languish for months or even years in the system while adoptive families wait to bring them into stable homes.
- Before the most recent budget cuts of \$350 to the trial courts, a 2010 economics study by Micronomics, Inc., concluded that budget allocation reductions imposed by the Judicial Council on the Los Angeles Superior Court would directly affect Los Angeles County in the following four years by:
  - Cumulatively damaging the state and local economies by \$30 billion.
  - Leading to more than 155,000 lost jobs.
  - Reducing state and local tax revenues by about \$1.6 billion.

**WE CAN AVOID THE CATASTROPHIC LAPSE IN JUSTICE THAT THESE CUTS WILL CAUSE. DEMAND THAT OUR LEGISLATORS PROTECT OUR COURT SYSTEM BY PROVIDING ADEQUATE FUNDING TO MAINTAIN THE COURTROOMS, SUPPORT STAFF AND SERVICES THAT ALLOW CITIZENS ACCESS TO FAIR AND TIMELY JUSTICE.**

A LOS ANGELES DAILY NEWSPAPER



Featuring articles on law and the courts, government, politics, business and health

Friday, August 26, 2011

## Local Superior Court Leaders Say They Will Lay Off Over 1,000

By SHERRI M. OKAMOTO, Staff Writer

The Los Angeles Superior Court is preparing to lay off over 600 employees next October, and another 400 in April 2014, according to a memorandum officials circulated yesterday among judicial officers and staff. "Given available resources, we do not expect to conduct any layoffs or furloughs in this current fiscal year," Presiding Judge Lee Edmon and Executive Officer/Clerk John A. Clark wrote, but the court must "begin to adjust how we will do business in the future with a dramatically reduced budget."

The Judicial Council last month approved committee recommendations allocating \$350 million in cuts ordered by the Legislature for the fiscal year that began July 1, which reduced funding for the trial courts by 6.7 percent, a 9.7 percent cut for the California Supreme Court and Court of Appeal, and a 12 percent reduction for the Judicial Council and Administrative Office of the Courts. In the months to come, Edmon and Clarke said, the court will be "pulling back our services to reflect the fact that we will be a smaller court."

They said the court is able to "delay the inevitable contraction" of its operations due to the diversion of money from technology and courthouse projects and from the savings achieved from 329 layoffs conducted last year. "We achieved more than \$45 million in savings" from the forced downsizing and natural attrition of 229 workers, and ended the last fiscal year with a fund balance of \$93 million, Edmon and Clarke said.

This money, they explained, "will be used up over the next three years to delay layoffs" and offset anticipated budgetary shortfalls of \$161 million in fiscal year 2012-13, and \$204 million in fiscal year 2013-14, Edmon and Clarke said. They added that the plan for the next three years includes no anticipated furloughs, "[s]elective attrition," "sustainable non-labor savings," and other "operational changes."

### Efforts Promised

Edmon and Clarke said they "are working at the state level to continue to ensure that trial court operations are the top funding priority for the judicial branch," and pursuing efforts "toward reducing the cuts" already in place and to relieve the court of some of its statutory mandates. "But in the end, it will fall upon us to make the difficult choices of which services we must compromise in order to deliver on our core obligations," they said.

The current budget crisis “may be our greatest challenge ever,” Edmon and Clarke concluded, but “[o]ne way or another, together we will continue to make justice available to those who need it.” Edmon previously said the court will not be seeking emergency funding from the branch, although she voiced support for money to be given to courts in need of assistance in keeping their doors open, such as San Francisco.

### **San Francisco Woes**

That court has already issued layoff notices to 40 percent of its staff and has scheduled the closure of 25 civil courtrooms this fall. Presiding Judge Katherine Feinstein earlier this week laid the blame for her court’s dire fiscal situation at the feet of the Administrative Office of the Courts. She asserted that her court was poised to layoff 122 employees last May, but AOC leaders advised against such a move because it would jeopardize a pending \$230 million legislative package of new revenues and redirection of branch funds intended to backfill prior cuts.

Feinstein said her court acquiesced to this request, to its detriment, as the deal with lawmakers fell through and the one-year delay in implementing the court’s planned restructuring has forced it to lay off 80 more employees than it would have had to let go last year.

Had the court not followed the AOC’s advice, she said the court also would have ended the last fiscal year with a \$15 million reserve, instead of its current \$20.4 million deficit.

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# THE WALL STREET JOURNAL.

ECONOMY | AUGUST 20, 2011

## California Courts Face Cash Crunch

By DAVID FERRY

SACRAMENTO, Calif. — The nation's largest state-court system has clogged up. Gilberto and Jessica Salcedo are experiencing that firsthand.



[View Full Image](#)

Ariel Zambelich for The Wall Street Journal

The line at Sacramento's family-relations courthouse this month.

The couple lined up at 9 a.m. at a family-relations courthouse here earlier this month to file paperwork for their pending divorce. But after waiting all day, the pair hadn't reached the front of the line by the 4 p.m. closing time, and were told they would have to come back the next day.

"Another day here doing nothing, just waiting," said Mr. Salcedo, 26 years old.

The Salcedos' delay underlined the fallout of three years of budget cuts to California's state-court system, which has nearly 1,700

judges and more than 10 million filings annually.

In Los Angeles County Superior Court, where officials laid off 329 people last year from a staff that numbered roughly 5,400, it now takes eight months to fight a traffic ticket, up from three months a few years ago, court administrators said. In San Diego, child-custody matters that once took about a month to finalize now take a full year. In Sacramento, lines for civil services are so long that people bring lawn chairs.

Things are likely to get worse. In July, California's latest budget included \$350 million of cuts to the judicial branch's \$3.5 billion budget. Since 2009, funding from the state's general fund for the court system has fallen by more than 30%, according to the judicial branch.

Some state-court judges who are part of a group called the Alliance of California Judges have blamed the Administrative Office of the Courts, an entity tasked with managing the courts and their funding. The judges claim the state office is bloated and should face more cuts, with savings given to trial courts. A spokesman for the office said it is already undergoing deep cuts.

Drew Soderborg, an analyst with the Legislative Analyst's Office, said the courts have made matters worse by addressing previous cuts with onetime solutions—such as transferring money from a separate construction fund to deal with shortfalls—instead of increasing long-term efficiency. A report issued by the office suggests the court system could save several hundred million dollars if it implemented measures such as contracting out interpreting services; requiring competitive bidding for court security; and replacing court reporters with electronic equipment.

Ron Overholt, chief deputy director of the AOC, said the courts have taken some of the

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<http://online.wsj.com/article/SB1000142405311190388560457...>

legislative analyst's advice. He noted that all had already "taken whacks," and that includes long-term actions such as staff layoffs.

"There have been one-time solutions to try to try ride out the recession—that's how we've dealt with recessions in the past—but this is deeper and badder than any that we've had," Mr. Overholt said. "But I think courts have done a good job of operationalizing their reduced budgets."

While many state-court systems face budget cuts, California's is among the hardest hit. New York courts, which have more than 1,100 judges, took a 6% cut this year, leading to layoffs and reduced hours, said Lawrence Marks, administrative director of the state's Office of Court Administration. The system took no cuts the previous two years, he said.

Unlike some states where trial courts are locally funded, California's state government directly funds each of its 58 county superior courts. Individual courts, however, remain in charge of their own finances and management, said Greg Hurley, an analyst for the National Center for State Courts, a Virginia-based nonprofit group that studies and provides research to state courts. Because of this, each county has dealt with budget reductions differently—and some are faring worse.

In San Joaquin County, east of San Francisco, at least one branch of the court will be shut and judges will hear far fewer small-claims cases, according to the presiding superior-court judge, Robin Appel. San Francisco Superior Court plans to lay off 40% of its work force, and 25 of 63 courtrooms will close Oct. 3. The Civil Division "will effectively be out of business," said San Francisco Superior Court presiding judge Katherine Feinstein; 14 of 17 civil-trial departments will close this year.

"California has already been cut back to the bone, so another cut on that will definitely be felt by users of the court system," said Greg Hurley, an analyst with the NCSC.

Diana Leonida, a 33-year-old court staff attorney at San Francisco Superior Court's Unified Family Court, got her pink slip last month. "I'm on borrowed time," she said recently while helping a man deal with child-custody issues. "So I'm doing all this while I'm thinking, 'What's my next job going to be?'" The impact of the cuts is likely to be felt deepest by low- and middle-income individuals, legal experts said, noting that bigger companies and the wealthy may have the resources to commission private arbitration and mediation services.

"It's the people that depend on a public-court system" who will feel the most effects, said Gerald Uelmen, a law professor at Santa Clara University.

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## The judicial system The feeblest branch

**An underfunded court system weakens the economy as well as access to justice**

Oct 1st 2011 | SAN FRANCISCO AND NEW YORK | from the print edition

IN THEORY America's three branches of government are equal. In practice the judiciary is the weakest, as Alexander Hamilton cautioned in "The Federalist Papers", because it controls neither sword nor purse. Of late, state legislatures and executives have been closing their purses as they struggle to balance tight budgets. At the same time, the federal bench is being weakened by both stagnant salaries and frozen politics. This is now swelling dockets, delaying cases, and reducing access to the legal system.



Ask, for example, Katherine Feinstein, the presiding judge of the San Francisco Superior Court (and daughter of Dianne, California's senior senator). She says that her court narrowly missed "falling off a cliff" last month by getting an emergency loan. But she expects worse later in this fiscal year because California's current budget, which has already cut court funding by \$350m, contains a trigger for even more reductions. Between 15 to 28 of California's 58 county courts could go over that cliff in the coming year, she thinks.

How does a court go over the cliff? In unphotogenic slow motion, which makes the dire consequences harder to see. Since the budget cuts started in 2009, says Ms Feinstein, the court has been muddling through. Service has got slower, waiting times longer. An uncontested divorce now takes about half a year, she says. Without the loan, she would have had to lay off so many people that such a divorce would have taken three times as long. With the loan, it will take merely twice as long. That means lives (not just those of the spouses, but also those of children in custodial limbo) are put on hold.

A typical lawsuit now goes to trial within a couple of years, says Ms Feinstein, but that could soon stretch to five years. The backlog of traffic infractions is already so daunting that it compromises enforcement (and the deterrence of bad driving). And so on. The Californian constitution guarantees criminal defendants a right to speedy trial, but it does not technically require courts to administer civil law at all, Ms Feinstein says. So, in theory, civil adjudication could stop altogether, as it already has on one judicial circuit in Georgia. That, she says would bring about the "unravelling of society".

Courts are in similar straits all over the country. A report by the American Bar Association found that in the last three years, most states have cut court funding by around 10-15%. In the past two years, 26 have stopped filling judicial vacancies, 34 have stopped replacing clerks, 31 have frozen or cut the salaries of judges or staff, 16 have furloughed clerical staff, and nine have furloughed judges. Courts in 14 states have reduced their opening hours, and are closed on some work days. Even the buildings are not immune; around the country 3,200 courthouses are "physically eroded" and "functionally deficient", says the National Centre for State Courts.

This affects courts' functioning in many ways. One municipal court in Ohio stopped accepting new cases because it could not afford to buy paper. New York judges' pay has been frozen for a dozen years, even as their caseload has increased by 30%. The state's 1,300 judges have sued the legislative and executive branches. Trial court judges make \$136,700, less than the \$160,000 (before bonuses) a stammering associate in a top-shelf New York City law firm expects in his first year on the job. Some clerks who have received automatic annual pay rises make more than the judges they serve. The rate of attrition among New York judges has spiked.

This means that the courts are limiting access just when Americans need more adjudication. The recession left a vast legacy of foreclosures, personal and business bankruptcies, debt-collection and credit-card disputes. In Florida in 2009, according to the Washington Economics Group, the backlog in civil courts is costing the state some \$9.8 billion in GDP a year, a staggering achievement for a court system that costs just \$1.2 billion in its entirety. To make up the funding shortfall, courts are imposing higher filing fees on litigants. This threatens the idea of the equal right to justice, says Rebecca Love Kourlis of the Institute for the Advancement of the American Legal System.

Even criminal cases are not immune. Some crimes, like domestic violence, have increased with the rotten economy. In Georgia, where court funds have fallen by 25% in the last two years, criminal cases now routinely take more than a year to come to trial. This means that jails are full of the innocent alongside the guilty. Their incarceration adds costs far greater than the alleged savings in the court system. Above all, it causes gross injustice.

At the federal level, things are better—but only a bit. Politics, more than funding, has kept judgeships empty. Filibustering of judicial nominations increased under George Bush, and even more sharply under Barack Obama, causing federal cases to pile up. But here too, pay is an issue. Even as the caseload has grown, federal judges' salaries have risen by only 39% since 1991 while the cost of living has gone up 50%. Many good judges have simply returned to private practice.

To many judges, as the American Bar Association puts it, "the underfunding of our judicial system threatens the fundamental nature of our tripartite system of government." In San Francisco, Ms Feinstein thinks that the judicial branch must start explaining itself more forcefully to legislators. And if that doesn't work, she thinks it may be time to ask voters directly for money. As one revered judge, Learned Hand, said in 1951, "If we are to keep our democracy, there must be one commandment: thou shalt not ration justice."

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