



PRESIDENT'S PAGE THOMAS H. BIENERT, JR.

Avoiding a Deficit of Justice

The governor and the state legislature will decide the 2014-2015 state court budget in the coming month. We must do what we can to urge them to close the deficit in court funding.

The California Courts budget has been slashed by over \$1 billion since 2007. The state judicial branch estimates it needs \$2.6 billion to enable a fully functioning court system.

The courts currently receive only about \$1.5 billion in state funding, well below the amount needed.

Not surprisingly, the dramatic reduction in funding has led to significant diminishment of important court services. Statewide, over 50 courthouses and 200 courtrooms have been closed. Over two million Californians no longer have courts in their communities. Dozens of other courts have reduced their public hours and reduced self-help and family law facilitator services. Reductions in the availability of local courthouses and in the number of courthouse staff have led to significant delays in some courthouses, with the judges and staff simply having too big a caseload to move the matters as expeditiously as in the past.

Here in Orange County, budget cuts have necessitated the closure of eleven courtrooms. We've also permanently closed the South County Courthouse, which had four courtrooms. The OC Superior Court has also reduced clerk's office hours, reduced locations of mediation and self-help centers, reduced court reporter hours and eliminated some court reporter positions, and closed call centers. These reductions result in delays for the public in getting things done in court, since the work of many courts has, by necessity, been consolidated into fewer. The cuts also mean that people now are required to physically travel to a courthouse to do things previously done over the phone, and many Orange County residents must travel much greater distances to access our courts than before. Indeed, with the close of the Harbor Justice Center in Laguna Hills, many residents now have to travel about thirty miles to get to the nearest courthouse.

The drastic reduction in funding California courts has adversely affected access to justice. OC Superior Court Presiding Judge Glenda Sanders notes, "As Chief Justice Tani Cantil-Sakauye has said, the underfunding of the Judicial Branch has led to a civil rights crisis different from that experienced fifty years ago when the Civil Rights Act was passed. The reductions have led, and will continue to lead, to unacceptable, alarming delays in civil redress for wrongful termination, discrimination, personal injury, and urgent family matters."

This year the state legislature is in a better position to help the courts than in recent years. California currently has a surplus in the general fund of over \$2 billion. Governor Brown has proposed allocating \$105 million of that to the state courts for FY 14/15. These additional funds will be greatly appreciated. That amount, however, still leaves the courts with an extremely challenging deficit. The California Judicial Branch estimates that \$266 million is needed to meet the

same level of service as last year, and that the courts need \$612 million to effectively operate this coming year.

Whatever amount is allocated, pursuant to a caseload-based formula developed by the state courts, Orange County Superior Court will receive about 6% of any new funds provided to the California court system. OC Superior Court Presiding Judge Glenda Sanders, Assistant Presiding Judge Charles Margines, and CEO Alan Carlson are confident that they can run our courts effectively with our percentage of the \$612 million sought. A budget of less than that will likely require additional reductions to our services and personnel.

OC Superior Court has been one of the best run courts in the state. Its efficiency and forward thinking allowed it to, among other things, place funds in reserve over time. By using those reserve funds during the last several years to supplement the state's allocated funds, OC Superior Court has been able to minimize the impact of the budget cuts and has managed to continue a level of service significantly higher than most counties. "We've worked hard to use our reserve funds to have the minimal impact on lawyers and services despite the budget cuts," says CEO Carlson. For example, OC Superior Court used reserve funds to purchase equipment that automatically processes checks and payments to the Court. The equipment allowed the Court to do in a few hours what previously took several employees all day to do. "The equipment paid for itself in eight months, and allowed us to do things with fewer employees, as necessitated by the budget cuts," notes CEO Carlson.

Our courts' ability to continue to provide terrific service with ever decreasing funds may be reaching its end. "OC Superior Court has already made appropriate and good use of our reserves, which are now depleted," Carlson says. "Unlike past years where we could use our reserves to supplement the funds we received from the state, this coming year the state allocation will essentially be our full budget." Thus, we need to obtain from the state the funds necessary to run our courts.

The budget issues for our courts are significant and, of course, of primary importance to our practice of law. Each of us should consider what we can do to help seek appropriate funding for the courts. Contacting our elected officials to educate them on the difficulties caused by the budget cuts for Orange County courts is helpful. Of particular significance would be relating specific anecdotes of our clients who have suffered clear hardship as a result of the reductions and deficits to our courts. Please consider whether you have any information that would assist this cause and, if so, let your elected officials know.



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