

RESOLUTION 01-07-2012

DIGEST

Open Courts Coalition: Impact of Court Budget Cuts on California Citizens

This resolution requests that the Conference join the Open Courts Coalition and adopt the proposed resolution to ensure that adequate court funding is achieved.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

Similar to ELF-02-2011, which was approved in principle.

Reasons:

This resolution requests that the Conference join the Open Courts Coalition and adopt the proposed resolution to ensure that adequate court funding is achieved. This resolution should be approved in principle because it makes it clear to the Legislature that they must adequately fund the judiciary as a co-equal branch of government and refrain from further cuts.

Since 2008, the courts have absorbed \$1.2 billion in budget cuts. These budget cuts have had a detrimental effect on access to justice for all California residents. As a result of these cuts, there are untenable delays in prosecution and resolution of cases in both the criminal and civil justice system. Because of numerous court closures, thousands of Californians are without adequate access to justice. Also, the Legislature has approved 150 additional judgeships that remain unfunded and approved court constructions to renovate courthouses that are in desperate need of repairs, which have been put on hold. Instead, the Legislature has “borrowed” the judiciary’s SB1407 construction funds and transferred them to the general fund for other purposes. This resolution makes it clear that the state legislature needs to ensure that courts are adequately funded so as to ensure that our courtrooms remain open and adequately staffed, and that access to justice -- a cornerstone of our constitutional democracy -- is not imperiled.

Similar to Resolution 01-02-2012.

TEXT OF RESOLUTION

RESOLVED, that the Conference of California Bar Associations join the Open Courts Coalition Resolution to condemn the budget cuts to the state judiciary and to restore funding to the California judiciary.

1 Open Courts Coalition Resolution:

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3 THE IMPACT OF COURT BUDGET CUTS ON CALIFORNIA CITIZENS

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5 WHEREAS, as an independent branch of government, the judiciary is vital to the American
6 form of constitutional government. However, the California court system is teetering on
7 financial devastation; and
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9 WHEREAS, California's courts have absorbed major \$653 million in budget cuts since 2008,
10 amounting to a 23-percent reduction in general funds. Those budget cuts have had a deeply
11 detrimental effect on the justice system and the overall well-being of our state, with the public
12 ultimately bearing the impact of such cuts; and
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14 WHEREAS, despite the massive reductions, the courts have found ways to do more with less;
15 yet, there currently remains in the upcoming budget year a \$300 million shortfall in the funding
16 level necessary to provide the most basic court services; and
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18 WHEREAS, the Open Courts Coalition, comprised of interested Californians from the private
19 and public sectors, plus former elected officials from both sides of the aisle, proposes a
20 balanced solution that includes restoration of funds, increased court efficiencies and use of
21 certain existing trial court funds; and
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23 WHEREAS, specifically, the Open Courts Coalition proposes the following to address the
24 current \$300 million shortfall in court funding:
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- 26 I. A three-year, phased-in restoration of the \$150 million that was cut from the courts at
27 the end of the fiscal year 2011-2012 negotiations;
- 28 II. Use of an agreed upon amount from the various trial court reserve funds over the next
29 three years;
- 30 III. Receipt of an agreed upon amount of new revenues generated by new and/or
31 increased user fees in the courts;
- 32 IV. Implementation of criminal and civil court efficiencies that would alleviate the
33 workload of trial and appellate courts under current funding levels; and
- 34 V. Establishment of a mandatory, baseline annual court funding level to prevent yearly
35 budget crises in the judiciary.
36

37 THEREFORE, Be It Resolved by the Board of Directors of the Conference of California Bar
38 Associations, that the Conference of California Bar Associations recognizes the inherent
39 dangers of further reductions in court funds and urges the California State Legislature to adopt
40 the solutions proposed by the Open Courts Coalition to help maintain the court services that
41 tens of millions of California residents and employers depend upon every day. The Conference
42 of California Bar Associations also joins the Open Courts Coalition and will act to ensure that
43 adequate court funding is achieved.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Women Lawyers Association of Los Angeles

STATEMENT OF REASONS

Existing Law: Currently funding to the California judiciary is at an all-time low. Since 2008, the courts have absorbed \$653 in budget cuts. These budget cuts have had a detrimental effect on access to justice to for all California residents. As a result of these cuts, there are untenable delays prosecution and resolution of cases in both the criminal and civil justice system, and it is more difficult for members of the public to access the courts, particularly in the case of pro per litigants, leaving children, parents, families, and victims of crimes without access to justice just when they need it most especially in the areas of family law and juvenile justice. Justice delayed is justice denied.

This Resolution: Would underscore CCBA's support of restoring proper funding to the judiciary and making the Legislature understand that the Judiciary is a co-equal branch of government.

The Problem: Funding to the judiciary branch is grossly inadequate. This resolution makes clear to the Legislature that they must adequately fund the judiciary as a co-equal branch of government to avoid detrimental effects to individual litigants, members of the public and society at large.

IMPACT STATEMENT

This resolution does not affect any other law, statute or rule.

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