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First Annual Address to the State Bar of California*
Saturday, September 17, 2011
Long Beach, California

Thank you. Good morning. Thank you, Bill [Hebert], for that overly kind and exaggerated fictional story, but I appreciate your support in every way. And this has been a transitional year, but I have had the strength of leadership in Bill Hebert. In coming to the Supreme Court, you find out that the State Bar is closely connected to the Supreme Court. When you're a trial judge and an appellate justice, you don't see the connection and you don't see the oversight. And so with Bill's courage, guidance, and leadership, I was able to make that transition fully informed at every step of the way. I always knew I had a partner in Bill. Thank you for your strong leadership throughout this year. I appreciate that very much.

And before I deliver some remarks that I'd like to share with you, I think it's also very appropriate to tell you that outgoing CJA [California Judges Association] President Keith Davis was a pillar at a time of rough waters and dark waters in the transition of this year due to our fiscal situation. And Keith is a man of elegance and eloquence and a strong leader. We met often. We discussed things that were very serious, face to face. We didn't always agree, but we always met each other face to face to talk about what was troubling the branch and where we were and how we could proceed. So I congratulate Keith on a year of great leadership, and I wish you the best and I thank you for all of your assistance in this transitional year, Keith.

But as we know, the next year promises to be quite interesting and challenging. And so I look forward to the great leadership that I know exists in the qualities of [incoming California State Bar president] Jon Streeter and [incoming California Judges Association president] Judge Dave Rubin. And I know that we will be partners in this and we will meet eye to eye when there are situations where we need to meet and cannot always agree. But I think that because of the intersection this morning of bar leaders and bench leaders, and because we start a new term, that it would be important for me to say a few words about the judicial branch—where we all meet, where we all practice, about which we care much about.

And I want to start by saying that the judicial branch as it exists today was an aspiration, a dream, of four governors, at least four Chief Justices, bar leaders, and bench leaders. And so, after sheer will, effort, persuasion, and a little bit of muscle—supplied by you, of course, because judges don't have muscle in the Legislature—the judicial branch we have today, 14 years later, is much stronger than the branch we had 14 years ago. And I submit that the reason, the primary reason that the judicial branch has been able to function even though its budget has been ravaged for the last three years, is because we are a strong

2:

institution, because we were built with collaboration, and we were built with ideas and inclusiveness.

And also, it always bears repeating, that Chief Justice Ron George, who presided over the most highly regarded state Supreme Court in the nation, was the architect. They weren't his ideas, but he executed those ideas with the aid and guidance of the venerable Bill Vickrey, who's here attending his last State Bar conference.

When I was growing up in the judicial branch, I was likely unaware of the major changes and the composition that gave the court its strength—as you know, state funding, unification, and transfer of court facilities to the judicial branch. But all of those individually were game changers. And when I meet with the Chief Justices of Guam and I meet with the Chief Justice of the Virgin Islands and the Chief Justice of New York, etc. at our conferences, our system, however imperfect, is the model for the United States.

And we have down through the years survived, and we have done great things—imperfect and flawed but nevertheless, overall, great things.

And so when I became Chief, I inherited this legacy, and I promise not to squander it and I stand by that promise. But it looks like we are reaching a point in the result of budget cuts [where] the judicial branch is in peril. Because, as you know this year, the judicial branch is 2.4 percent of the [State Budget] , and we also unwillingly contributed \$1.1 billion back to the General Fund.

Something is wrong with those arrows. Something is wrong with that equation.

[That's] 2.4 percent of the [State Budget] to protect the constitutional rights of 38 million Californians, to provide a place for the resolution of civil dispute, to protect public rights, to protect the rule of law. I tell you 2.4 percent is unconscionable in good years. But in the bad years that we have suffered, with an economic crisis and where jobs are lost, privileges are taken, services are cut, that's when courts need to be open. You need to be able to go to court to defend your client in that kind of squeeze.

I recognize that there has been a national, global, state economic downturn and I recognize as a third branch of government, we need to do our part—and we have done our part, I think, admirably and heroically with shrinking resources, trying to provide the same level of service. And how have we done that? We have looked to efficiencies, we have changed funds, transferred money to operations. We have tried technological business models. We've done a number of things. But the remedy doesn't exist to fix the branch with 2.4 percent of the [State Budget]. We can slice the pie any way we want, but 2.4 percent is never going to be enough.

3:

In solving a long-term problem, I have met with Bill; the State Bar; CJA; attorneys, north, south, and we are planning a central meeting as well, to try to find a long-term solution. We've met and I really appreciate [executive director of the State Bar] Joe Dunn's efforts to provide the administrative base to bring all of these interests together to seek restoration and a long-term solution to the chronic problem of judicial branch funding.

That's the long-term solution, and I thank you for your efforts for meeting with me in San Francisco, coming from Los Angeles, Riverside, San Diego, looking for a way to solve this problem.

However, the judicial branch is more than just the budget, although it's consumed us for six months. And in my first nine months, I've gone up and down the state, met many of you, talked with you, and I've heard your concerns. And so what I've done in the last nine months is try to put some of those concerns to rest the best I could. For example, by putting judges in charge of CCMS, the computer system, and by putting judges in charge of our court construction initiative, by having judges evaluate, assess, and help us prioritize the services of the AOC.

By appointing new leadership in key committees, by expanding committees to get more voice because we need to have the constant flow of information, and new voice and diverse voice so that we continue to be the dynamic and ever-changing place that is California.

But that's what we've done so far. And I'm going to submit to you that I've thought of a four-point plan for the immediate and midterm future. And that four-point plan consists of keeping courts open across the state with your help.

It will be a coalition effort, as we do that, and none of us can succeed alone, and it really is the legacy of how the branch was built—by collaborative leadership, muscle, and sheer will. And I think the second component of my four-point plan is to strengthen the branch from within. I thank Chief Justice George for the institution he created, but now it's time for us to be advocates for ourselves. It's time to take the great talent we have here, the persuasion, the connections and strengthen the branch so that we can move forward and do the best we can for the public, our clients, and ourselves.

My third [point] in the four-point plan is to coax—not force, not strong-arm—but to coax the branch into the 21st century. And you know and I know (how many of you checked your smart phones this morning?) we can coax ourselves into the 21st century, not only by building safe accessible buildings but by having a user-friendly case management system. That will take some time and it will also require your insistence.

4.

And the last thing we have to do and always must do is that we have to engage the public in the important work you do and the important work we do so that there's an appreciation that it is lawyers and the judicial branch that protect their rights.

And so we will, and I have engaged a federal judge and an appellate justice in moving together for a civics education initiative this year. And amidst all of those plans, I commit to you a partnership in working together, in being inclusive, and working with civility and integrity.

Now, given my background as a blackjack dealer, I'll tell you, I always note the wager, but I wait and watch for the tell. And I'm also going to say, that as the mother of two teenage girls, I know drama. But it never gets in the way of a solution. And even when we have our dramatic moments, my husband and I with our two girls, we love them the next day. So I look forward to partnering with you. I think we have a really strong branch and a great bar. And that's why California is the model for the United States.

So I thank you for giving me these few moments and I look forward to administering the oath of office to the new board of governors and the president.

*This is a transcript of remarks made by Chief Justice Tani Cantil-Sakauye at the State Bar of California annual meeting. The transcript has been adjusted slightly to conform her remarks to a written format.