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Chief Justice Delivers Annual State of the Judiciary Address to Legislature

State Courts Affected by Fiscal Crisis, but Remain Focused on Delivering Equal Justice

Sacramento—In his 15th annual State of the Judiciary Address to the California Legislature, Chief Justice Ronald M. George today praised the Legislature and Governor for their support in achieving fundamental reforms in the judicial branch’s structure that have left courts “better able to deliver on the promise of equal justice under law than at any other time in my service as Chief Justice of California, and perhaps than at any other time in our state’s history.”

These historic structural reforms began with breakthrough legislation in 1997 that provided for statewide funding of the courts. Trial court unification followed in 1998 and the historic Trial Court Facilities Act was enacted in 2002.

Chief Justice George observed that the reforms “have enabled us to provide better service to the public, have strengthened the fundamental role of the judiciary as a co-equal branch of government, and have resulted in a greater degree of accountability to you—the legislative branch of government—and to the public.”

Although courts are fundamentally strong, the state’s current fiscal crisis leaves the courts “increasingly hard-pressed to meet their obligation to provide accessible justice,” the Chief Justice noted.

The Chief Justice urged the Legislature to maintain the essential infrastructure projects already under way—including the statewide Case Management System (CCMS) and the court facilities construction and management program.

Impact of Fiscal Crisis on State Courts

“We managed to get through this difficult year with a combination of spending reductions, redirections of one-time funding, and the use of reserves—which will not continue to be available,” Chief Justice George stated. “But at this critical juncture I can report that although the state of the judicial branch is significantly challenged, the branch remains robust and resilient.”

At an emergency meeting last July, the Judicial Council instituted a one-day-per-month closure of all state courts for a total of ten days during the fiscal year. The decision to close the courts was made with “great reluctance” by council members, but it was the only feasible option available to address year-end budget reductions while providing statewide consistency for the public, protecting court employees from major layoffs, and avoiding other piecemeal cutbacks in service.

“The unintended yet inevitable symbolism of ‘Closed’ signs on our courthouses—institutions that embody our nation’s revered democratic ideals—is a graphic indication of the severity of California’s economic crisis,” Chief Justice George declared. “These statewide closures must not continue into the next fiscal year.”

“For many Californians the courts represent their primary—and sometimes their most important—interaction with state government. Yet the entire judicial branch budget accounts for only about two percent of the state budget,” he stated.

“The current budget now proposed for the courts includes triggers related to federal funding and new revenue from traffic violations—contingencies that are uncertain,” he stated. “We look to you not for increases, but for sufficient and secure funding in the coming fiscal year, including an extension of temporary revenue enhancements that are due to sunset next year.”

Judges Voluntarily Waive Portion of Salaries

The Chief Justice last July pledged to reduce his own salary and requested that other state jurists do the same to acknowledge the sacrifice that was asked of the 20,000 court employees who were forced to take a pay cut equivalent of one day a month, as a result of state court closures.

“I am pleased to report that the vast majority of judges and justices in California—between 80 and 90 percent—have pledged to participate in a voluntary salary waiver program amounting to a 4.6 percent pay reduction, or have otherwise made equivalent donations to

their courts to help preserve access to justice in their communities,” Chief Justice George stated, noting that 100 percent of the Supreme Court justices are participating.

Cost-savings measures also were implemented by the California Supreme Court, which closed its Los Angeles Clerk’s Office at the end of 2009, and the Administrative Office of the Courts (AOC), which instituted a hiring freeze on all except critical positions and reduced operating expenses.

Court Technology Moves into the 21st Century

Chief Justice George told legislators that “we cannot retreat from our mutual commitment to investing in the judicial branch’s infrastructure”—specifically, the California Case Management System (CCMS) and the court facility construction and management program.

“These endeavors cannot be shelved when we encounter bad times—the welfare and safety of Californians depend upon proper investment in the long-term future of our state, and our plans will enhance California’s economy to benefit us all,” he declared.

As a result of severely outdated case management systems in most courts, judges and law enforcement officers are often unaware of the past criminal history of violent offenders, of outstanding warrants, and of domestic violence restraining orders.

Chief Justice George reported that development and testing of CCMS, undertaken at the urging of two governors and the legislature and in partnership with our justice system partners, is nearly complete.

“When fully deployed, the new system will deliver the services, efficiencies, and access to information that the public has a right to expect.”

Building Safe and Secure Courthouses

Chief Justice George also reported that as of December 29, 2009, all of state’s 532 courthouses and other facilities had transferred from the counties to state governance under the historic Trial Court Facilities Act, marking the “successful conclusion of one of the largest real estate transactions in our state’s history.”

“Judicial branch oversight of court facilities provides significant benefits for the public: increased safety and security, greater operational efficiencies, savings through statewide purchasing power, and enhanced delivery of programs and services,” he noted.

The critical task before the judicial branch now, the Chief Justice stated, is to begin repairing and replacing the most dilapidated and dangerous court facilities under Senate Bill 1407, legislation that created funding for this purpose with lease revenue bonds—without using a single dollar from the state’s general fund.

The bill authorizes the expenditure of up to \$5 billion to construct or renovate 41 courthouses in 34 counties—the most critically needed projects required to remedy seismic, asbestos, mold, and security deficiencies.

“This homegrown stimulus package ... could not have come at a better time for the California construction industry and the men and women employed in the building trades,” Chief Justice George observed. “Estimates are that as many as 105,000 jobs will be created by the projects authorized by this measure.”

The Chief Justice responded to suggestions by some that the fees designated for the court construction program be redirected to day-to-day court operations for the duration of the economic downturn:

“For many reasons, I—and at least 54 of the state’s 58 superior court presiding judges—believe this shortsighted approach would have severe negative consequences for public safety and the well-being of the men and women who work in our courts. It also would be financially costly to the state in the long run.”

In closing, Chief Justice George noted, “Courts are not a luxury to be funded in good times and ignored in bad times. Justice cannot be available only when it is convenient to pay for it. We shall attempt to address and absorb the reductions in our budget during these difficult times. But all of us—in each of the three branches of government—must remain committed to continuing the progress we have made toward meeting the goal of a fair and accessible system of justice.”

The Chief Justice’s 2010 State of the Judiciary Address to the California Legislature is available on the California Courts Web site at <http://www.courtinfo.ca.gov/reference/soj022310.htm>.

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