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Chief Justice Delivers State of the Judiciary Address to Legislature

Courts Are Doing More With Less; Challenges to Access to Justice Remain

Sacramento—In his 14th annual State of the Judiciary Address to the California Legislature, Chief Justice Ronald M. George acknowledged the difficult choices the Legislature has had to make in formulating the state budget and thanked it for its support in helping the judicial branch to better serve the public. He noted, however, that critical challenges remain to ensuring that the courts can provide fair, accessible, and impartial justice for all Californians.

“The courts recognize that we share the obligation of doing our part to address the serious economic downturn,” Chief Justice George told legislators. “In the judicial branch we have taken the initiative to reduce expenditures and to do more with less.”

Among the cost-saving measures are a voluntarily furlough participated in by more than a third of the employees of the Supreme Court, the Court of Appeal, and the Administrative Office of the Courts (AOC), the Chief Justice noted.

In addition, statewide at the trial and appellate level, many non-critical vacant positions are being kept open, travel budgets have been curtailed, in-person meetings have been replaced with telephone and video-conferencing when possible, and the replacement of equipment and furniture has been delayed.

Economic Stress Results in Higher Caseloads

The state’s top jurist observed that the pervasive economic crisis in our state and the nation will most likely result in caseload increases in many areas—criminal activity, unlawful detainer actions caused by foreclosures

of residential and commercial property; child support due to job loss by one or both parents; an increase in domestic violence and a greater need for foster care; contract claims as parties cannot meet their obligations; and increased collections activity.

And courts will face the challenge of dealing effectively with the growing number of offenders who are homeless or have no access to services for mental illness or addiction,” the Chief Justice stated. “....All of these matters, often fraught with heated emotions, require that services provided by the courts be available if important issues are to be resolved in an orderly and expeditious fashion.”

Courthouse Construction to Stimulate Economy

As new courthouses are renovated and rebuilt throughout the state, Chief Justice George observed, the state’s historic trial court facilities program will help invigorate California’s economy.

“The enactment of Senate Bill 1407 last year established a revenue bond program that will fund the 41 most urgently needed courthouse construction projects across the state,” Chief Justice George reported. The Legislature approved a measure this year that allows the prompt initiation of site acquisition and design work for these very important courthouse projects.

“It has been reported that this courthouse construction program will provide more than 100,000 jobs—acting as a stimulus to California’s economy, with no burden on the state’s beleaguered general fund,” stated the Chief Justice. “We have every intention of proceeding rapidly with these projects, reporting back to you on our progress, and demonstrating that your continued support for these efforts is well-deserved,” he continued. He also noted that designs for these projects will be incorporating high levels of sustainable and green design.

Security Dangers Persist in Courthouses

Chief Justice George warned that serious security issues continue to plague many California courthouses.

“The staggering caseloads and the emotional volatility of many of the matters brought to our overcrowded courthouses also accentuate the often insufficient security that exists in our judicial facilities, despite the best efforts of the officers and attendants who oversee them,” he stated.

The Los Angeles Superior Court’s *2009 Annual Report* notes that in monitoring the more than 21 million entries into that court’s 48 facilities last year, weapons screeners recovered—in the first 8 months of the year—almost 209,000 dangerous and prohibited

items, including more than 53,000 knives, 21,000 razors, 8,200 handcuffs, and 114 stun guns, he noted.

“Just six days ago in Stockton, a murder suspect punched and stabbed San Joaquin Superior Court Judge Cinda Fox with a six-inch metal spike before being shot to death in the courtroom by a police officer.”

In response to these concerns, the Governor has advanced a proposal to add a modest \$7 increase in the court security fee to erase the ongoing shortfall funding and to allow courts simply to maintain—not to increase—existing security levels. The judicial branch will be working with the Governor and the Legislature to adopt the proposal and a measure to contain security costs for the courts in the future.

“I know none of us wants to pick up the newspaper or turn on the evening news and learn about another attack or fatal incident that would have been prevented by the provision of adequate funding for courthouse security,” stated the Chief Justice.

The Impact of Potential Reductions upon Trial Court Operations

Turning to another challenge, Chief Justice George declared that trial courts urgently need funding for new judgeships that have already been approved by the Legislature, as well as approval of measures for the creation and funding of the last group of judicial positions first requested in 2005.

As it has for decades, “[t]he gap between population and caseload growth and the number of judges continues to widen,” the Chief Justice noted. Case backlogs in Riverside County led our branch during the last fiscal year to use existing resources to send extra judges there to help process cases. Our resources are limited, however, and delays continue in Riverside and are developing in other areas of the Inland Empire, the Central Valley and in Sacramento.

In 2005, the Judicial Council sought authorization for 150 of the most critically needed judicial positions among the 350 that the National Center for State Courts deemed necessary for California. The first group of 50 was authorized and funded for the last month of the 2006-2007 fiscal year. Funding for the second set of 50 judgeships has been twice delayed, most recently until July 2009.

More recently, however, funding for this set of 50 judgeships has been made contingent upon reaching the trigger mark in federal stimulus funds, as has the funding necessary for the final 50 positions.

“In the event the trigger is not pulled and these funds are not automatically restored to the budget, I urge you nonetheless to seriously consider authorizing this funding so that the courts can meet the very urgent need of Californians for access to the justice system” the Chief Justice told lawmakers.

The status of the trigger also will determine whether \$100 million in the budget for the support of trial courts will be restored.

“Failure to fill the \$100 million hole in our budget would decrease the availability of services that are vital to the public and its access to the courts,” stated the state’s top jurist. “It potentially could result in lay-offs and furloughs of court employees at some courts, in shortened hours of service, and inevitably in further delays in adjudicating cases.”

Other Actions to Improve Justice System

The Chief Justice also reported on several other activities designed to improve the justice system’s ability to serve the public:

Foster Care: The California Blue Ribbon Commission on Children in Foster Care, chaired by Supreme Court Justice Carlos Moreno, is sponsoring three bills to provide the courts with the tools necessary to ensure that the best interests of abused and neglected children are served by our child welfare system, and that these children leave the system with the skills they need to succeed.

Self-Represented Litigants: A Family Law Task Force, chaired by Court of Appeal Justice Laurie Zelon, was appointed last year to make recommendations for improving access to justice in family law proceedings, ensuring due process and providing more effective, efficient, and consistent rules in this area.

Impartial Courts: Chaired by Supreme Court Justice Ming Chin, the Commission on Impartial Courts is developing recommendations to ensure that California courts remain impartial and accountable in the face of increasing special interest expenditures and inappropriate campaign tactics in judicial elections across the nation. The commission’s final report will be made to the Judicial Council later this year.

The full text of the Chief Justice’s State of the Judiciary Address is available on the California Courts Web site at www.courtinfo.ca.gov.