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Chief Justice George Urges Essential Resources for State's Judicial Branch

Top Jurist Delivers State of Judiciary Address; Cites New Judgeships, Unsafe Courthouses as Key Concerns This Year

Sacramento—In his 13th annual State of the Judiciary address, California Chief Justice Ronald M. George told lawmakers that the judicial branch is keenly aware of the fiscal crisis in Sacramento and “understands its obligation to contribute to the solution.”

The judiciary has examined its budget to determine how it equitably can share the burden and will provide that information to the Legislature during upcoming budget hearings. The judicial branch’s budget comprises approximately 2.5 percent of the entire state budget.

At the same time, Chief Justice George urged legislators to provide the judicial branch with the resources that are essential to the integrity of the judicial system and to the vital interests of Californians.

Observing that “[w]e have transformed our court system into an increasingly fair and effective branch of government better able to serve the public,” Chief Justice George told a joint session of the state Legislature, “[b]ecause of the structural reforms we have undertaken at our own initiative, our branch is in a better position to cope with the present fiscal crisis than it otherwise would be.”

He warned, however, that “given the proposed reductions, it will remain difficult to perform our core function of providing accessible justice to all Californians.”

The state’s top jurist asked that legislators take into consideration urgent needs that include funding for new judgeships and the upgrade of outdated courthouses and deficient security systems that threaten the safety of the public, judges, and court staff. These measures are needed to enable the courts to administer justice for all Californians.

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New Judges Essential for Growing Population

Chief Justice George warned that the failure to provide sufficient judicial and related resources could risk depriving California of an effective public civil justice system. The shortage of judges in some areas already has resulted in lengthy delays for civil cases and created large backlogs in criminal cases, which have precedence under the state and federal constitutions.

California's Central Valley and Inland Empire are among the most severely affected areas, since both regions have seen enormous population growth in the past few decades without a corresponding increase in judges.

"The case backlog is so acute that recently, for two years in a row, Riverside's court was forced to close down all of its civil courtrooms for months [at] a time to handle criminal cases, which have priority under the Constitution," the Chief Justice said. He appointed a special task force of experienced judges to work in Riverside to decrease the backlog, and discussions held between the court and its justice system partners have produced promising results for changes that will improve the system. No additional funding was requested to provide for the task force.

Several years ago, the National Center for State Courts concluded that California needed 350 new trial court judges to meet current needs after so many years of no growth in judicial positions. The judicial branch requested creation of the 150 highest priority positions, and the Legislature created 100 new judgeships in the past two sessions.

"It is vital that the last complement of 50 judgeships be authorized this year," said Chief Justice George, noting that funding for many of the newly created positions has been delayed by one year.

The absence of an operational civil justice system will affect every aspect of California life: business and financial institutions, dissolutions of marriage, probate distributions, child custody and support, civil rights, governmental functions—all will have no place to go, he declared.

Safe and Secure Courthouses at Forefront of Court Needs

Chief Justice George also focused on the need to rehabilitate and replace those court facilities that, because of earthquakes, fire safety, and security deficiencies, pose substantial dangers not only to those who work in them, but also to persons who appear to pay traffic tickets or as witnesses, parties, and jurors. He asked lawmakers to enact pending legislation that will extend the deadline for the transfer of court facilities from county to state ownership under the management of the judicial branch. Approximately 120 transfers have already occurred of the 451 court facilities affected.

Senator Don Perata is carrying a revenue bond measure that will help the court system to undertake the most urgently needed repairs and replacements of court buildings. The Chief Justice said that the judicial branch is exploring options such as performance-based infrastructure processes—involving public/private partnerships—to make the most effective use of state funds.

“Many courthouses also have major security problems,” Chief Justice George also noted. “The lack of adequate resources is a contributing cause [of] the dangerous incidents that occur all too frequently in courthouses across the state.”

“Innocent bystanders are at risk if we cannot secure our courthouses—as are the employees who work there and the understaffed law enforcement officers who serve in unsafe conditions,” he continued.

The state’s top jurist urged legislators to provide statewide security standards and necessary funding to reduce those risks.

Court Initiatives Improve Judicial Branch Administration

Chief Justice George also described other initiatives to improve the judicial branch:

- The Supreme Court has proposed a constitutional amendment that would permit the court to transfer certain death penalty appeals to the Courts of Appeal. The proposal would help alleviate the large death penalty backlog before the Supreme Court and would give the court more time to focus on other important substantive criminal and civil issues. Because of the state’s budget situation and the need for adding funding to the defense and prosecution entities involved in these cases to implement the plan successfully, the Chief Justice has asked that the proposal not be advanced at this time but asked legislators to keep it in mind for future consideration.
- The Judicial Council’s Blue Ribbon Commission on Children in Foster Care is seeking public comment on draft recommendations to respond to the urgent needs of California’s nearly 80,000 foster children. The recommendations will be considered by the Judicial Council later this year.
- The judicial branch continues to improve access to justice for all Californians, focusing on methods to permit more Californians to use the services of the courts, even if they lack legal counsel.
- The Chief Justice urged reform of the state judicial retirement system, to attract well-qualified candidates from public and private practice, including candidates from diverse backgrounds. The retirement system in effect for judges appointed since 1994 is “grossly inadequate,” the Chief Justice said, and “should be corrected in the near future if we are to ensure the continued excellence of our judicial system.”

The full text of Chief Justice George's State of the Judiciary address is available on the California Courts Web site at www.courtinfo.ca.gov/reference/soj032508.htm.

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