

• BULLETIN •

of the San Bernardino County Bar Association

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Our 131st Year

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From the
President's Desk
by
Penny Alexander-Kelley

"To the Good Being who has blessed us by the gifts of civil and religious freedom, who watched over and prospered the labors of our fathers and has hitherto preserved to us institutions far exceeding in excellence those of any other people, let us unite in fervently commending every interest of our beloved country in all future time."

From the Inaugural Addresses of William Henry Harrison and Benjamin Harrison March 4, 1841 and March 4, 1889.

The Judges and trial attorneys of San Bernardino and Riverside Counties are personally aware of the desperate problem of lack of timely access to our courts and our communities are facing short-term and long-term consequences because of the State Legislature's failure to take action and preserve for us all the gift of civil freedom. This is not a new problem - it's one that has not been solved even though a solution is pending. While there are activities being taken at the State level (see below), it is clear that we need to act at a grass roots level to bring more attention to this problem. Through various reports from the hardworking volunteers at the State level, I have heard that certain State Democrats do not want to enact the pending legislation because it will allow Governor Schwarzenegger the ability to appointment "too many judges" and even though some of them might be Democrats, they are the "wrong Democrats." I haven't heard the Republican side of this type of rumor, but I am sure there is one. Mine is not a partisan appeal - it's a plea for a sane response to huge social problem that requires action.

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For more than two years, the Bench-Bar Coalition, consisting of Statewide Bench Officers and Bar Associations has made concerted efforts to explain to the State Legislature the nature of the problem caused by a lack of adequate numbers of new Bench officers and Courthouses. Much of the shortage has resulted from the fast-paced growth in California and the lack of timely governmental response. A detailed analysis of judicial workloads Statewide has already identified a need for approximately 355 new Judges throughout the State.

During the 2005-2006 Legislative Session, Senator Joseph Dunn (D-Santa Ana) introduced Senate Bill 56 to provide for these new judgeships. The Bench-Bar Coalition correctly describes the consequences of not acting as follows: "The critical shortage of judges results in a significant decrease in access to the courts, compromised public safety, an unstable business climate, and enormous backlogs in some courts that inhibit fair, timely, and equitable justice. SB 56 addresses the need for new judgeships and also authorizes conversion of eligible subordinate judicial officer positions to judicial positions."

The recent materials delivered to the State Legislature by the Coalition, included statements from the various Counties

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San Bernardino County Bar Association Events Calendar

APRIL 2006

13 - Substance Abuse **1 hr. substance abuse MCLE**
A general membership meeting co-sponsored by IVAMS. Featuring Retired Judge LeRoy A. Simmons. 12:00 noon. At the San Bernardino Clarion (formerly the Radisson). \$30 SBCBA members, \$40 all others.

24 - Law Day
Volunteer for school presentations (April 24 - May 12) and free attorney consultations at the Inland Center Mall (May 6 From 11 to 3). See page 14.

27 - Probate Law Bench-Bar Symposium **1.5 hrs.* MCLE**
5:30 to 8:00. Featuring Judges Stan Reichert, J. Michael Welch and Frank Gafkowski. See page 11 for details. (*.5 applies to ethics)

MAY 2006

5 - Seventh Annual Constitution Law Forum **1 hr. MCLE**
Featuring Prof. Erwin Chemerinsky, Duke University School of Law, Joint meeting with Riverside County Bar and Federal Bar Associations. See page 6 for details.

18 - Family Law Bench-Bar Symposium **1.5 hrs.* MCLE**
5:30 to 8:00. Featuring Judges Janet Frangie, David Williams and John Pacheco. See page 11 for details. (*.5 applies to ethics)

JUNE 2006

8 - Kaufman Campbell Awards Banquet
At the Clarion in Downtown San Bernardino. 6 to 8 p.m. See inside.

17 - Bridging the Gap for New Attorneys **4.25 hrs. MCLE**
At San Bernardino County Government Center. 8:30 to 2:30 p.m.

22 - Annual Meeting of the SBCBA **1 hr. MCLE**
Featuring Presiding Judge Larry Allen on State of the San Bernardino Courts. Election of officers. 12:00 noon, Clarion.

SEPTEMBER 2006

29 - 6th Annual Bench-Bar Golf Tournament
Shandin Hills - 12:30 to 6:00 p.m. Details TBA.

OCTOBER 2006

6-9 - Baja Cruise with the High Desert Bar Association
Up to 20 hours participatory MCLE available. See page 12.

12 - Annual Installation of Officers
At the National Orange Show Grounds. 6:00 to 9:00 p.m.

You may call 909/885-1986 to reserve or sign up for any of the programs listed.

...President's Desk (from page 1)

throughout the State that are feeling the impact of too few Judicial Officers. Our San Bernardino and Riverside Courts provided information for this and following are excerpts:

Superior Court of San Bernardino County Countywide Judgeship Issues

1. San Bernardino County is perhaps the most "underjudged" court in the state.
2. Recent studies by the Judicial Council and the National Center for State Courts show a current judicial need for 123 judges. We currently have 63 judges.
3. Our county's population is growing faster and faster, and our caseloads are the highest per judge in the state.
4. Access to justice and justice itself are suffering, and the public and law enforcement are being put at risk daily.
5. The immediate need for judges is critical.
 - a. A plan over the next three years to add 150 judicial positions statewide is vital to the citizens of California.
 - b. The system in fast-growing counties is on the verge of breaking down.
6. Civil, family law, and juvenile dependency cases are not receiving the time necessary to adjudicate these matters properly.
7. Criminal cases are being delayed at an alarming rate, and victims and witnesses are not receiving the justice they deserve.

Superior Court of Riverside County Countywide Judgeship Issues

8. Riverside County is the fastest-growing county in California. Over the past decade, we have experienced a 50 percent growth in population.
 - a. We currently have 2.88 judges per 100,000 people; the statewide average is 4.28.
 - b. Since 1989, only three judges have been added to our bench, with the last position being added in 2001.
 - c. Our filings have increased by 23 percent in five years. Over the last three fiscal years, the number of trials we conduct has increased 127 percent.
 - d. Using our filing data and the Administrative Office of the Courts' Judicial Allocation Needs Model, we should have 124 judicial officers; we currently have 49 judges and 20 commissioners. Use of this same model shows that California needs 355 additional judges.
9. Their access to justice is truly compromised and, in some cases, even denied.
10. Last summer, we closed all civil trial courtrooms for several weeks to deal with our criminal trial backlog of 500 cases (if criminal cases do not reach trial within a specific time period, they are dismissed).
11. Due to the constitutional right to a speedy trial, backlogs in criminal cases forced delays and frustration in processing civil cases. As a result of converting civil courtrooms, access to justice

on behalf of our clients was not only delayed but often denied. Civil litigants who already faced long waits were faced with additional uncertainty and frustration in their attempts to seek justice. A stable business climate requires access to justice to resolve civil disputes.

- a. When this occurs, families can lose their housing and ability to earn money.
 - b. When civil cases don't get tried, defective products remain on the market, incompetent doctors continue practicing, and innocent parties wrongly sued continue under an indefinite cloud of suspicion.
 - c. We are on the verge of closing the civil courtrooms again because we simply cannot keep up with the numbers of cases.
12. In family and juvenile courts, the judicial officers must make important decisions-custody, termination of parental rights, adoption-decisions that will impact our children for the rest of their lives.
 13. Due to the increase in cases, our judicial officers have significantly less time to review and decide these critical issues, which means parties are being deprived of their right to a full and fair hearing.
 14. Without additional judicial resources, we can no longer provide true justice to our constituents-the ultimate measure of access to justice.

15. Within the last 10 years, Riverside County has experienced a 50 percent growth rate in its population. Although the population has exploded, within the last 15 years there have only been three judges added to this county's superior court bench.

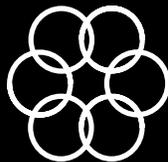
16. As can be imagined, the lack of judicial resources for Riverside County has had dire consequences for our community and for our citizens who seek the resources of the court system.

17. All Californians need access to the court to address civil matters of all types. Family law matters such as divorce, paternity, support, and child custody issues demand the attention that our children deserve. Landlord-tenant disputes deserve timely resolution.

18. Domestic violence and workplace violence issues that are not dealt with promptly can lead to tragic results.

19. Lack of resources has dire consequences for the community we serve and for the citizens who seek justice in the courts. While the numbers alone are compelling, we see on a daily basis the hardships that an overburdened justice system can impose.

SB 56 is now a two-year bill. I urge you each to write to your Statewide representatives and voice your concern about this problem and the need to enact the pending legislation to address the problem that affects our clients on a daily basis. It's up to each of us to take steps to preserve the "excellent institution" of access to justice through our local Court systems.



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