

In Lean Year, George Pleads Case

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By Cheryl Miller

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SACRAMENTO - Chief Justice Ronald George warned state lawmakers on Tuesday that a proposed \$246 million cut to the judiciary budget threatens basic court operations in California.

"The legislation you enact into law may not be subject to judicial enforcement if that occurs," George said in his annual State of the Judiciary address to the Legislature. "I believe we all agree that a functioning court system is not a luxury - it is an essential component of state government. There are severe limits to how much we can reduce the services that we are required to provide."

George said the judiciary "understands its obligation" to help solve the state's estimated \$16.5 billion budget deficit. But, in what's become a frequently repeated refrain, the chief justice pleaded with legislators to give the judiciary more power to set spending priorities within its proposed \$4 billion budget.

"We, in turn, will continue to remain accountable for how we have used the funds you allocate to our branch," George said.

The chief justice's annual speech - Tuesday marked his 13th appearance before a polite, if not rapt joint session of the Legislature - has developed into a yearly unveiling of the judiciary's wish list. Despite the state's budget troubles, this year was no different, although George pledged not to ask for any "sweeping new initiatives."

He urged lawmakers to approve legislation that will allow the state to finally take ownership of all 451 courthouse buildings that once belonged to California's counties. The state was supposed to receive the deeds for the last buildings in 2007, but disagreements over payments between counties and states as well as end-of-session politics allowed the deadline to pass with more than 330 facilities still in counties' possession. No transfers can happen until the Legislature enacts new legislation this year.

George also asked for more money to beef up courthouse security around the state. Funding has been held up by budget concerns. Legislative Analyst Elizabeth Hill has also criticized state law that requires courts to contract with county sheriff's departments for security instead of issuing competitive bids for the service.

The chief justice praised Senate President Pro Tem Don Perata, D-Oakland, for carrying legislation that would authorize a bond sale - for a yet-undetermined amount - to build new courthouses with the additional help of private financing. The governor has lobbied hard for so-called public-private partnerships, and court construction appears to be one area where the Democrat-controlled Legislature may give its blessing to the concept.

George also lobbied lawmakers to authorize a final set of 50 new judgeships, even though legislative leaders have already said there won't be enough money to fund

them until 2009 at the earliest. And, as he had before, he asked the Legislature to boost pensions for judges appointed after 1994, an improvement, he said, that would attract more candidates "from diverse backgrounds to the bench."

Citing the budget deficit, George noted that he had withdrawn the Supreme Court's proposal to shift some death penalty appeals to appellate courts. But on Tuesday, he vowed to bring the plan back to the Legislature "at a more propitious time" and seek a constitutional amendment. The proposal had not been enthusiastically received by the Legislature's majority Democrats, many of whom are opposed to the death penalty.

"This proposal does not concern the merits of the death penalty," George said. "It is strictly about process."