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Editorial

Rebuilding California's courts

It's time to put money designated for construction to work doing that, not funding ongoing operations.

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In 2008, the Legislature and Gov. Arnold Schwarzenegger agreed to increase the cost of parking tickets and a range of other civil and criminal fines and fees to raise money to begin repairing and rebuilding dangerous, outdated and inaccessible courthouses across the state. But almost as soon as the higher fees were in place, lawmakers and the governor declared a budget emergency and temporarily diverted much of the new money to fund ongoing court operations.

Now the state's biggest trial court, the Los Angeles County Superior Court, sees years of further budget shortfalls ahead and says that it may need to lay off as much as a third of its nonjudicial staff over the next three years to make ends meet. To avoid those layoffs and, more to the point, to avert a large-scale courtroom shutdown that could delay justice for many litigants -- from residents seeking divorce and child custody to corporations suing one another -- court leaders here want to put off the construction program for at least one more year so they can again divert the money to operations.

But such diversions cannot go on forever. There almost certainly will never be a time when courts are so knee-deep in money that judges, court administrators and Sacramento lawmakers will lose all temptation to grab the construction funds. Today's court operations funding problem could well be severe, but so is the need to replace or repair dozens of ramshackle, outmoded, unsafe and just plain inconveniently located courtrooms in many of California's 58 counties, including Los Angeles. The funds -- authorized by legislation known as [SB 1407](#) -- should finally be allowed to do their work.

It would have been nice if some compromise were possible. The Los Angeles courts, after all, generate more than a third of the state's fines and fees, and have responded to local needs with outstanding programs to serve the county's extraordinarily high number of people seeking justice. Couldn't part of L.A.'s fines and fees stay here to help fund day-to-day operations, and let revenue generated in, say, Imperial or Tehama counties be used for their courthouses?

But SB 1407 was designed so that the higher fees and penalties would produce enough money -- and only enough money -- to pay for initial stages of construction, and ultimately to back the \$5 billion in bonds that will be sold when it's time to start building. Loss of Los Angeles' portion of the funds could well prevent construction of facilities anywhere in the state, and it would certainly make any projects that do go forward far less efficient.

In the last two decades, California has deliberately and wisely moved away from a system in which trial courts were little more than county departments, and the availability and quality of justice depended on how well any particular board of supervisors decided to fund and oversee their court operations. In other areas of government, such as school administration, Californians find themselves wondering whether statewide centralization has gone too far and whether taxing and policymaking decisions might best be returned to more local control. But something as fundamental as justice -- and the access to it and the quality of its administration -- should not be allowed to vary from county to county or be dependent on the whims of local officials.

That uniform approach to justice still rankles some trial judges throughout the state. The most dismaying aspect of the dispute over the best use of SB 1407 fines and fees revenue has been the continuous sniping between those Superior Court judges and administrators who long for the old days when they ruled their domains with near-absolute power, and the leaders on the state's Judicial Council and Administrative Office of the Courts who, in creating a judicial branch out of whole cloth, too often come off as imperious, high-handed and smug. Exempt from these criticisms are Los Angeles Superior Court Presiding Judge Charles "Tim" McCoy and Chief Justice Ronald M. George, who are the most polite of disputants. But McCoy and George know that they have behind them enough angry judges and turf-defending court officials that the entire issue threatens to make all of them look more adolescent than judicial.

That's dangerous. Courts do not have a naturally strong constituency among the public, and that's even more true when times are hard, budgets are strapped and everyday expenses -- for example, the price of traffic tickets -- are on the rise. A court system at war with itself is ill-equipped to make its best case in the Legislature for sufficient funding and in the court of public opinion for respect and continued independence.

The Los Angeles Superior Court is to be commended for keeping a wary managerial eye on its budget and protecting the integrity of its reserve fund. But it also must be reminded that the size of its current budget problem is not yet clear, and won't be much before the state's May budget revision. It's not yet clear whether the Legislature will accept Schwarzenegger's proposal to fund courts with drastically higher penalties assessed on speeders who are caught in the act by cameras currently used only to catch drivers who run red lights -- nor is it clear to this page, by the way, that such a funding scheme is a good idea if it raises penalties out of all proportion to the offense. Superior Court leaders should continue working in unity with George and others in the state judicial branch to ensure enough funding to keep courtroom doors open.

Officials in the Judicial Council and the Administrative Office of the Courts must work to make their operations more transparent, to dispel any hint of mystery about how they allocate money. The best way to refute assertions by a handful of trial judges that judicial branch leaders are a secret cabal is to become the very model of governmental openness, bypassing minimum standards set by statute.

Meanwhile, branch leaders should not forget that they now have a dual obligation -- not simply to swiftly and efficiently get the SB 1407 construction program on track, but to help courts around the state, including here in Los Angeles County, find a way to keep courtroom closures to a minimum.