

**Written Comments Received for  
January 24, 2012, Judicial Council Business Meeting**

<b>Name and Title</b>	<b>Affiliation</b>	<b>Topic</b>	<b>Date of Receipt</b>	<b>Pages</b>
1. Mr. James L. Kaller, Esq.	Coalition for Concerned Legal Professionals (CCLP)	Restoration of funding to the judicial branch and the impacts of state budget cuts	1/9/12	2-4
2. Referee Heidi W. Shirley of the Superior Court of California, County of Los Angeles	On her own behalf	Prospective collaboration on CCMS deployment	1/20/12	5

January 2, 2012

Honorable members of the Judicial Council:

I am an attorney in San Francisco and I have practiced here for over 25 years. I am a certified specialist in estate planning, trust and probate law.

I am a member of the Board of Directors of Bay Area Coalition of Concerned Legal Professionals (CCLP), an all-volunteer organization of attorneys and members of the community who since 1976 have organized together to address the lack of meaningful legal recourse for working people who cannot afford it. We organize Know Your Law educational sessions and free-of-charge Legal Advice Sessions in the community as one approach to address this lack.

CCLP supports the Judicial Council's efforts to restore the funding for the California State courts. As of October 3, 24 of the 60 courtrooms in San Francisco have been closed and 100 clerks laid off. The delays in justice will cause many people serious problems:

- Delays are expected of 18 months in probate proceedings before action can be taken with decedents' properties.
- Divorces are expected to take 18 months and the delays in civil proceedings are skewing the equities against plaintiffs.
- When insurance companies know that a case can take five years to go to trial and they can set aside money for any recovery in a tax deductible account while forcing the plaintiff and counsel to forego any hope of recovery for years, they can bring tremendous pressure on the plaintiff and counsel (or on a claimant who cannot find an attorney to take the case) to take an unfairly low settlement or simply give up. My colleagues who handle personal injury cases are already reporting this.

The Judicial Council is a body of the California Judiciary, under our tripartite system, and the judiciary is a separate and coordinate body of government and independent of the Legislative and Executive branches. It is time that the Council on behalf of the Judiciary demands whatever is necessary to meet the needs of the people of California for an arena in which to exercise their rights under the U.S. and California Constitutions to "petition the government for redress of grievances" and to a jury trial in civil case.

For large corporations, in business cases, there are other forums available. They can have their disputes handled with greater efficiency and expediency through mediation and arbitration services where recently retired judges from the same courts suffering the budget cuts, reside over the cases.

But individuals, such as an injured plaintiff, a woman in an abused relationship, someone subjected to discrimination or whose civil rights are denied, have nowhere else to go. Justice delayed is justice denied. Is it any reason people are taking their grievances to the street and “occupying”?

Over the years I have been practicing law, my colleagues and I have witnessed that the right to a day in court has been under indirect attack, including by:

- Cutting funding for legal services programs such that 50% of those who would be eligible for services are turned away, at the same time placing limitations on the types of cases that legal services programs can undertake, making the legal process inaccessible for those without means.
- Limiting damage awards, taking the power to assess them from juries and making many cases economically impossible for an attorney to take;
- Inserting mandatory arbitration clauses in consumer and employment contracts, which force consumers and employees to privately arbitrate all claims before for pay firms, and precluding consumers and employers from bringing class actions in cases where the practices affect many.
- Allowing foreclosure of millions of homes without court order or review of any kind.
- The California Legislature’s \$350 million in cuts to the court budget has led to San Francisco closing 24 of 60 departments, and criminal cases have constitutional priority.

Yet, the State of California continues to offer *\$40 billion in tax deductions and credits to large corporations* and the wealthy, more than *twice* the state’s deficit.

Whereas, the California Constitution provides that the right to petition the government for redress of grievances not be limited;

Whereas, those rights have been infringed for the vast majority of Californians, through a course of action leading to closing courtrooms; and

Whereas, the Chief Justice of the State and the California Judicial Council have the inherent power to compel sufficient funding to carry out the duties of the state courts,

We demand that the Judicial Council use whatever ways and means may be necessary to demand sufficient funding to hear and determine all causes, civil as well as criminal, in a timely and expeditious manner and to demand that the legislature not simply cut from constitutional responsibilities of the state, but examine and eliminate these \$40 billion in corporate handouts as a means of fully funding government obligations.

Thank you.

James L. Kaller, Esq. (State Bar No. 103487)

On behalf of Coalition for Concerned Legal Professionals (CCLP)

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**From:** Referee Heidi W. Shirley [mailto:HWShirley@LASuperiorCourt.org]  
**Sent:** Friday, January 20, 2012 2:44 PM  
**To:** Executive & Planning  
**Subject:** Re: Judicial Council Meeting on Jan 24

I wish to express my objections to the prospective collaboration with Dr. Soon-Shiong's foundation. It is surprising and disturbing that the Judicial Council would even contemplate accepting \$20,000,000 from a private citizen. What about all those ethical rules preventing judicial officers from accepting even miniscule gifts from members of the public? This individual has been involved in extensive litigation disputes in the courts, and very likely will again be involved in future disputes. Will the entire California judiciary be ready to recuse itself, in the event of new or ongoing litigation? It makes much more sense to put the cherished computer plan on hold until funding can be obtained through the state. Independence of the judiciary must be maintained. Yours sincerely, Heidi Shirley