

## **Crumbling Courthouses Fall Through the Budgetary Cracks**

Cash-Poor Counties Can't Afford to Properly Maintain Court Facilities

Friday, June 16, 2006

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LOS ANGELES - Wags around the Stanley Mosk Courthouse in downtown Los Angeles are quick to point out advantages of the building's top-floor cafeteria. The food may not be the tastiest, but if the Big One pancakes the building, those diners will be on top of the pile.

At 48, the Mosk courthouse is nearing the end of its life-cycle, as are most courthouses built in the 1960s and earlier in Los Angeles County and the rest of the state.

California counties are responsible for maintaining the courthouses until they are transferred to the state, a switch that was scheduled to begin in 2004 under laws intended to create a unified state court system.

And therein lies the rub.

The state isn't all that anxious to take over dilapidated buildings, and cash-strapped counties don't have the money to pay for repairs.

Counties ask, "Why should we dump a bunch of money into those buildings and then give them to you," facilities administrator John Van Whervin said.

"That's where the counties are coming from."

Only six county courthouses in the state have been transferred so far.

As rickety as it is, the Mosk courthouse is safe to occupy, county officials said. Some other county court buildings "are not going to do as well as others" in a quake, Van Whervin said.

But earthquakes are just one throb in Van Whervin's maintenance headaches.

"There are significant mechanical issues that cause us grief," he said.

In buildings so old, things break. Tiles fall. Pipes burst. Elevators stall. Heating and cooling units break down.

Those things breaking would cost up to \$50 million a year to repair, more than three times the \$15 million the county allocates each year for courthouse upkeep. That \$50 million is simply beyond the county's reach, Van Whervin said.

And it is not likely the county would be willing to spend the money anyway because the courthouses are scheduled to be transferred to state control.

Until the transfers, originally scheduled to be completed next June, take place, county governments must scramble to keep court facilities functioning. Los Angeles County, with 51 court buildings, has some of the most dilapidated.

The most flagrant example is the Long Beach courthouse, a money hole whose advanced decrepitude is near legendary among attorneys who must work there.

The escalators clank and groan loudly before they regularly seize up and stop moving.

"You hear that?" former Supervising Judge Bradford Andrews asked during a

recent tour. "That's metal-on-metal. They're on the verge of breaking down again."

The elevators fail 8 percent to 12 percent of the time, Andrews estimated. The one carrying suspects to courtrooms goes out often, and when it does, defendants have to use the judges' elevator.

Impromptu cyclone fencing runs from the edge of a loading dock where sheriffs' department buses drop off suspects. They are held there until being loaded into the judges' elevator.

That elevator is not secured like the one built to transport defendants, so "they have to scramble all the deputies to post a deputy on each floor," Andrews said.

The courthouse plumbing breaks down, chunks of ceiling have fallen in many courtrooms and the walls are scarred with gaping holes. Earthquakes have separated the east wing from the west, creating a six-inch gap bridged with metal plates on each floor.

"When it rains, it rains from the roof to the basement," Andrews said.

If a magnitude 4.5 quake or greater strikes a nearby fault, the place would fall down before those inside could safely evacuate, Andrews said.

The California Department of General Services developed a seismic risk factor scale, rating buildings 1 through 7, with 1 being safest. State law mandating the transfer of courthouses requires that buildings have a rating of 4 or better.

The Long Beach courthouse is no where near that standard. A \$12 million retrofit now under way will keep it standing long enough for occupants to evacuate, but using the building again after such a temblor would be unlikely, Andrews said.

Patching Long Beach's walls, overhauling the elevators and bringing the building up to seismic code standards would cost between \$80 million and \$120 million, Van Whervin said.

Kim Davis, the director of facilities for the state Administrative Office of the Courts, said two-thirds of the state's court facilities would need an upgrade to meet a 4 or better seismic risk factor, the transfer standard.

A confidential state report obtained by the Daily Journal showed 46 of Los Angeles County's 51 court facilities have a seismic risk level of 5.

But there is no need to panic, Van Whervin said.

"Just because a building does not meet the 1988 seismic code doesn't mean it's unsafe," he said.

Davis agreed. "It's different from being not suitable for occupancy," she said. "They are not more structurally unsound than other buildings the same age."

Robert Emerson, assistant director of the Office of Court Construction and Management, said, "An awful lot of state buildings are level five."

Legislators are considering approaches to make the transfers more practical, adding flexibility to requirements in laws now on the books. No bills have been introduced yet, but discussions have centered on seismic ratings, Davis said.

Legislators might also adjust what is called the court facilities payment. Counties may be transferring the courthouses, but they will still shoulder some costs under such an adjustment. The plan is to calculate what the counties have been paying for upkeep and require them to keep paying that amount to the state.

But money remains an issue. The California Office of the Courts' 20-year master plan estimated that it would cost \$9.8 billion to maintain and expand California's courts, \$2 billion in Los Angeles County alone.

State Sen. Joe Dunn, D-Garden Grove, who chairs the State Senate Judiciary Committee and has championed more funding for the courts, was among those who had hoped the \$9.8 billion would have been part of Gov. Arnold Schwarzenegger's proposed public works bond. But the initiative never made it out of the Legislature.

Dunn bluntly assessed the possibility of getting money for courts now.

"My optimism for \$9 billion is zero," Dunn said. "It's not because of hostility to the courts. Courts just don't rate high on the priority scale."

Dunn and Andrews said a bond measure is the only way to save the crumbling courts. But the state Judicial Council can't get into the political process and campaign for such a bond, Dunn said. The State Bar Association will have to play that role.

"The bar itself," he said, "is going to have to step up and become the voice for the court system."

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