



## NEWS | SAN DIEGO

## Report paints bleak picture of state court system

By **DOUG SHERWIN**, The Daily Transcript  
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Dramatic cuts to California's judicial budget have resulted in court closures, extensive trial delays and a decrease in services, ultimately restricting the public's access to justice, according to a report released this week by the San Diego County Bar Association.

Bar officials hope the grim picture detailed in the "2013 State of the Judiciary in San Diego County" report -- the first of its kind -- will encourage legislators to restore critical funding to the judicial branch.

"It's a great opportunity for us to advocate for something that has just so much shared interest," said Marcella McLaughlin, president of the SDCBA. "We represent 10,000 members, and it affects every one of them and the greater community."

The cuts the state courts have sustained during the past five years have been staggering -- to the tune of \$1.2 billion or almost 30 percent of its former operating budget.

To offset the shortfall, more than 46 courthouse buildings in 18 California counties have been shuttered and an additional 170 courtrooms throughout the state have been closed as well.

In San Diego County, 20 courtrooms were closed in the fiscal year 2012-2013, reducing the number of trial courtrooms in the county from 157 to 137, a nearly 13 percent decrease.

San Diego Superior Court closed its Ramona branch courthouse, which handled traffic, small claims and unlawful detainer cases. And the small claims services of its East County and South County divisions were consolidated into the downtown San Diego branch, or moved to the Kearny Mesa branch court.

"There's no way that justice is not going to be affected when those [cuts] are happening," McLaughlin said.

The report chronicles the lengthy hearing and trial delays the cutbacks have caused, in some cases bringing businesses in San Diego to a halt.

Families confronting difficult custody issues now have to wait up to 10 weeks to schedule a first appointment with Family Law Services; those wishing to contest a simple traffic ticket have to wait at least seven months or longer; and the entry of judgments in a variety of cases can occur more than six months after a matter is concluded, according to the report's findings.

The setting of routine motions in civil disputes, which formerly were scheduled and heard within a few weeks, are instead being set for hearing six to eight months out.

"By cutting the courts, particularly in times of great need, a societal 'safety net' is substantially weakened, encouraging parties in many instances to take matters into their own hands, a trend which not only threatens public safety but also tears at the very fabric of any ordered democracy," the report said.

Personnel, who constitute a significant portion of the courts' operating budget, have been hit the hardest. More than 2,200 employees in 36 counties have been laid off, with numerous others offered incentivized retirements.

Among the staff reductions in San Diego this year were 25 court reporters as Superior Court officials announced the trial courts would no longer provide court reporters in civil, probate and most family law cases.

"Consequently, in those cases where court reporters are no longer provided by the courts, unless the parties retain their own reporters at their own expense, there is no record of the proceedings heard and decided by the courts," the report said.

Many of the positions that sustained losses have not been filled in order to save money. The San Diego trial courts project that by the end of next fiscal year, there will be 470 vacant positions among permanent staff, a vacancy rate of 28 percent.

"The thing that shocks me the most is the breadth of the impacts you see across huge swaths of cases," said Jon Williams, co-chair of the SDCBA's Court Funding Action Committee and the primary author of the report.

In addition to the cuts, the legislature has taken \$790 million in court construction funds -- most of which were raised from court fees and fines -- and used it to help offset statewide budget shortfalls. It's resulted in the delay or outright cancellation of 11 courthouse projects statewide -- although plans for a new state courthouse in San Diego will proceed.

"The recent recession has only increased the demand for court services -- to address rising unemployment, home foreclosures, landlord-tenant, business, and family law disputes," said Richard Huver, CFAC committee co-chair. "Those same difficult economic conditions have led to cuts to the courts' annual operating budget, delaying and eliminating essential court services when individuals and businesses in our community need them the most."

On a bright note, the state plans to restore \$60 million to the judicial budget for the fiscal year 2013-14.



"It's a step in the right direction, but it's just a start," Williams said. "And it's certainly not the panacea for all of the problems in San Diego outlined in this report.

"We'd like to think our message is finally resonating with the legislature for sure and in particular with our local elected officials. They get this issue. They know how important it is."

McLaughlin is passionate about getting out the message of the judicial branch's importance.

"For me, it's the foundation [of democracy]; it's what makes us great," McLaughlin said. "You can have your day in court. That's what sets us apart. It's just a shame that the court has taken a disproportionate share of the cuts."

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