

2013 State of the Judiciary in San Diego County Report

Executive Summary



Introduction:

Over the last 5 years, California's Judicial Branch's budget has been cut by nearly 1.2 billion dollars, almost 30% of its former operating budget. Thus, critical court operations are delayed, curtailed, or have been altogether eliminated. The recent recession has increased the demand for court services – to address rising employment, home foreclosure, landlord-tenant, business, and family law disputes – which are a natural by-product of such economic strain. At the same time demand for court services has increased, the availability of those services has been undermined by consistent budget shortfalls.

Court Funding Cuts at the State Level:

- Cuts to the Judicial Branch budget have included permanent budget reductions of \$535 million, and \$125 million in "trigger cuts" included in the 2012-2013 budget, with the balance of cuts imposed by the Legislature through "sweeps," "loans," or "one-time redirections" of funds.
- This resulted in 46 courthouse buildings shuttered in 18 counties, and nearly 170 courtrooms in 25 counties closed.
- Over 2,200 employees in 36 counties were laid off with others offered incentivized retirements, creating a staff vacancy of nearly 40%.

- Court reserve balances, meant to support basic court operations at the local level, have been "redirected" to other courts in other counties.
- The Courts of Appeal has also suffered, prolonging the processing of appeals from between 12 to 14 months to 18 to 20 months.

Operational Effects of Court Funding Cuts in San Diego County:

- Local court leaders have undertaken significant efforts to reduce operating expenses and court overhead while also providing statutorily mandated and prioritized services in criminal, juvenile, dependency, and some family law matters.
- Consequently, the civil justice system (general civil matters, family law, probate, small claims, and traffic) has been particularly impacted.
- It is projected that there will be 470 vacant positions among permanent staff, a rate of 28% by the end of the next fiscal year. The number of court reporters has been reduced by 38%.
- Court functions have been consolidated to our downtown courts, services which were previously available to San Diegans in all parts of the county, with the Ramona Branch courthouse shuttered. State funded agencies such as the DMV, for example, have more outposts currently in our county than our courts.





Real World Impacts:

Budget cuts generally impact all San Diegans in the same way: *delay*. The long-term societal effects on businesses and families are not completely known, but several current “Real World” implications are detailed in this report. A few general examples of delays are as follows:

- Families confronting difficult custody issues now have to wait up to ten weeks to schedule a first appointment with Family Law Services.
- A party wishing to contest even a simple traffic ticket will wait at least seven months or longer.
- A significant backlog in the entry of judgments in a variety of cases, which now take well over six months after a matter is concluded before a final, enforceable judgment is entered.
- Routine motions in civil disputes are being set for hearing six to eight months out.

Key Operational Backlogs and Delays in San Diego:

- Central Division Civil Independent Calendar departments currently handle an average caseload of 1,500 cases each, whereas those same departments used to process an average case load of 500 cases each.
- Traffic court trials with time waivers are set at least 210 days out for trial, where they previously were

set within 90 days, as there are only two court Commissioners in Central Division to hear 120 traffic court trials set on a calendar each day.

- The time to obtain a Family Court Services appointment was on average two weeks for first-time appointments and three weeks for returns. Now those same wait times average eight and ten weeks, respectively.
- Central Division’s Civil Department has seen an increase in the hours of clerical office backlog from 216 hours in June of 2012 to 2,057 in December of 2012.
- Processing a default judgment can take more than six months, whereas that process used to take only two weeks.
- There is at least an eight week backlog on the issuance of misdemeanor warrants for failure to comply with a court order, whereas those warrants used to issue in no more than one week.

Observations and Conclusions:

The cumulative effects of continuous cuts to the Judicial Branch budget have far-reaching consequences on businesses, families, and individuals. Although a new budget “allocation formula” approved by the Judicial Council – by which the Judicial Branch has agreed to revisit how funds are allocated statewide to county trial courts and to make sure that allocation is equitable – has recently been settled, discussions with local elected officials regarding the importance of an adequately funded court system must continue in earnest. We ask every legislator to place reinvestment in the judiciary at the top of the spending priority list in the upcoming budget discussions, particularly as to the welcomed but unanticipated additional revenues the state is receiving. Our courts are where questions of innocence and guilt are determined, financial culpability is decided, business disputes are addressed, and complex family matters are resolved. If an individual or business is denied prompt access to their “day in court,” or if justice is delayed, then ultimately, the citizens and businesses of our community suffer.