

LAW DAY 2012

The 2012 Law Day theme, "No Courts, No Justice, No Freedom," underscores the importance of the courts and their role in ensuring access to justice for all Americans.

Open and accessible courts are fundamental to our way of life. From seeking justice in a criminal case to enforcing a patent or copyright, from personal injuries to landlord-tenant disputes, we turn to the courts to provide us with a fair and impartial forum to reach a just result. In state after state, severe funding cuts are crippling courts' ability to fulfill this role.

The quality of justice is not only the concern of lawyers and judges. It affects the health and well being of the entire community. Even if you have never been inside a courtroom, you benefit from what happens there every day to ensure justice for all. For example:

The Courts are Essential to a Free Society

Even the most eloquent constitution is worthless with no one to enforce it. If, as John Adams famously declared, we are to have a "government of laws and not of men," we need open and accessible courts to ensure that everyone's legal rights are respected. The courts belong to everybody.

The Courts are "Society's Emergency Room"

The courts play a special role in protecting the least advantaged members of our society. In a 2011 report, a nonpartisan ABA Task Force on the Preservation of the Justice System said, "Given their historic role as the protectors of the least advantaged in our nation, the courts have rightly been called 'Society's Emergency Room.' And never is that title so warranted as in times of economic distress. The same recession that has led legislatures to reduce access to our justice system has obviously increased the numbers of people who need it."

The Courts are Important to Families

A bitter divorce, a custody dispute, or a contested will can hit a family hard. Courts provide an impartial forum for resolving these situations without undue delay so that people can get on with their lives.

The Courts are Important to Businesses

Commerce would grind to a halt if businesses could not rely on the courts to enforce contracts and settle disputes. Courts facilitate commerce by providing certainty and predictability to businesses both large and small.

The Problem

Judicial Caseloads are on the Rise

Courts, many of which were already understaffed prior to the economic downturn, have been inundated with economy-related cases such as foreclosures, bankruptcies, and evictions.

The courts are struggling with severe budget cuts. As a result of funding cuts at the state and local levels, many courts have been forced into hiring freezes, pay cuts, judicial furloughs, staff layoffs, increased filing fees, reduced hours, and facility closures.

Criminal Trials are Being Delayed

Many states have experienced delays in their criminal dockets. States sometimes face the dilemma of warehousing defendants awaiting trial for extended periods or releasing them and risking public safety.

Civil Backlogs are Growing

Because criminal cases implicate constitutional rights and receive priority, delays are often most acute on the civil side, with growing backlogs reported in family cases and commercial and consumer disputes that are important to the everyday lives of many Americans.

Justice is in Jeopardy

If these trends continue, courts will lack the staff and other resources they need to process cases in a timely and effective manner, resulting in more and more instances of justice delayed and denied. It is essential that we keep our courts open and accessible. That's why this year's Law Day theme is "No Courts, No Justice, No Freedom."