



May 16, 2003

PROMOTING JUSTICE  
THROUGH SERVICE TO OUR  
COMMUNITY

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Bar Association**

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**TO: All Senators and Assembly Members, California State Legislature**

We are writing on behalf of our 33,000+ members, their clients, and countless other Californians who care deeply about access to justice, to express our profound concern about the threatened loss of adequate funding levels that the California courts need to sustain our state's justice and legal system.

The courts are the linchpin of our free society, the guarantors of our community's most precious possessions: equal justice, liberty, and public safety. Our freedoms are protected and preserved not in formal ceremonies or on the ramparts of distant bastions, but in the crowded and heavily used courthouses in our cities and towns. There, our free heritage is not a remote abstraction, but a daily reality.

That is why the proposed dramatic cut in funding of our judicial branch threatens much more than abstract notions of justice. It represents a real danger to Californians at every level of society who rely on our courts to ensure justice and public safety.

The far-reaching impact of our judicial branch on all aspects of our community should not be underestimated. Last year in Los Angeles County alone, the court system handled over 400,000 criminal prosecutions, over 75,000 cases impacting children and families, and over 275,000 civil disputes. Included within that massive caseload were thousands of orders seeking to keep domestic violence in check (over 16,000 cases), restrain civil harassment (24,000 cases), address mental health concerns (nearly 3,000 cases), and adjudicate felony offenses (over 55,000 cases). Statewide, these figures are even higher.

Stripping our judicial branch of the essential resources it requires to move cases through our legal and justice system in a fair and efficient manner necessarily would have severe adverse consequences for all segments of our society. For example:

- **Families, children, and victims of elder abuse will suffer.** Reduced funding will expose those most defenseless in our community to potentially life threatening harm, by jeopardizing prompt access to our courts for those in need of domestic violence and child welfare protective orders, or protection from elder abuse. It will curtail the availability of custody and visitation orders that protect children from parental conflict and from parental resort to such crude self-help as abduction and concealment. Moreover, in the area of financial elder abuse, abusers will have a greater ability to dissipate estates and commit fraud against the elderly as a result of delayed hearings and the diminished ability of the court to review papers filed with the court.
- **Our criminal justice system will be degraded.** Although the courts are sure to make every effort to keep our criminal justice system operating, reduced funding will inevitably force staff reductions that will impair judicial effectiveness and thereby

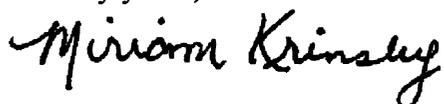
undermine the efforts of law enforcement. We simply cannot assume that public safety can be preserved by funding law enforcement without ensuring the commensurate ability of our court system to promptly and effectively adjudicate the resulting criminal cases.

- Unavailability of emergency civil judicial relief could foster inappropriate self-help remedies. Reduced funding will impair the civil courts' ability to provide injunctive relief and to resolve other emergent civil disputes. Whether the threat is a foreclosure by one of the many perpetrators of homeowner frauds, or the devastation of an environmentally-sensitive area, or the theft of a high-tech company's closely-guarded trade secrets, courts hobbled by the proposed budget cuts will be unable to provide effective relief. Citizens unable to avail themselves of the prompt workings of a court system may seek other less effective and more problematic means of resolving disputes.
- Individuals will lose access to justice. The negative impact of reduced funding will likely fall most heavily on the poor, who rely on court-sponsored equal-access programs. Cutbacks would also result in the reduction of services for self-represented litigants -- services that, by way of example, assist over 100,000 individuals annually in family law matters in Los Angeles County alone. Disputes that can no longer find resolution in small-claims courts, court-sponsored mediations, or with the assistance of court informational services, may erupt into destructive self-help.
- Our business and commercial systems will be hurt. Our business community relies upon the availability of our civil courts to enforce the rule of law in the marketplace. Reduced funding will jeopardize the courts' ability to provide the assurances, protections and certainty that commerce requires. As the Chief Justice noted in his recent address to the Legislature, business leaders have cited delays in our court systems as a major factor that would incline them to move their corporate headquarters to other states.
- Courthouse and courtroom security will be compromised. Reduced funding will substantially undermine the courts' ability to provide reasonable public security within our courthouses, even as our society faces ever-increasing threats to security. The threat extends beyond the obvious security concerns in the criminal courts. Tempers are often highest, and the danger of violence greatest, in family law and juvenile courts.
- The courts' infrastructure will be shattered. Budget cuts in the current year have already forced the courts to lay off experienced and highly-trained personnel. The proposed cuts for next year would extend these layoffs to a great many additional staff members. These employees, the specialized human infrastructure of our courthouses, are one of the keys to a well-run court system. Moreover, these massive staff reductions will inevitably give rise to equally massive backlogs that could persist for many years, even after the resolution of the current budget crisis.
- The public will lose confidence in the government. The courts are the part of our government that most directly, most frequently, and most broadly touches Californians in their daily lives. Our citizens may read or hear about other government institutions, but they go to our courthouses more than 60 million times a year. They depend upon the courthouse staff to answer the phones, to guide them through jury service, to handle the settlement of their traffic tickets, and to address countless other matters. They come away from their visits, and from their interactions with the courthouse

staff, with very concrete impressions about the quality of our government. The proposed funding cuts will deeply erode this important aspect of the relationship between the public and the government.

The courts guard and breathe life into the principles that give us our freedoms under law, and are indispensable to the preservation of our public safety. To be sure, as members of a community we must all be willing to bear much hardship in bad times. But even in the worst of times we cannot fail to preserve our defining principles. Please join with us in resisting a budgetary assault on our third branch of government that threatens those basic fundamental principles.

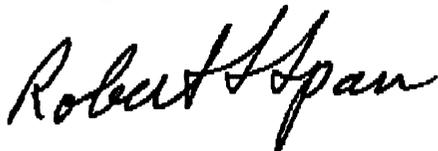
Sincerely yours,



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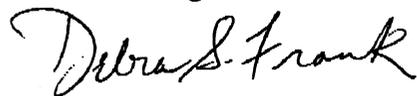
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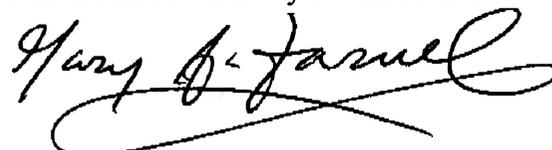
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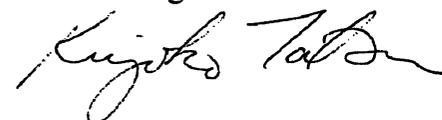
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TO: All Senators and Assembly Members  
RE: Judicial Branch Budget

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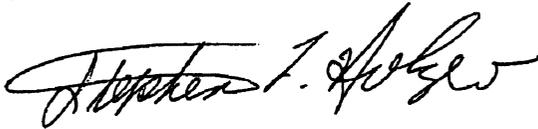
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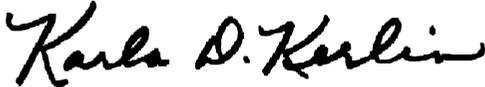
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