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SAN JOAQUIN COUNTY COURTS EXPECTS TO REDUCE SERVICES IN LIGHT OF FURTHER BUDGET CUTS

The budget passed in Sacramento this week dealt a crippling blow to the courts. An additional \$150 million was taken from the trial courts and \$300 million from court construction funds in spite of strenuous opposition by court leaders.

Last week, Judicial Branch leaders issued a letter to Governor Jerry Brown, Senators, and Assembly Members to make known their “*strong and unified opposition to any further legislative efforts to direct additional budget reductions to California’s 58 trial courts.*” The letter was signed by six administrative presiding justices of the California Courts of Appeal, along with the presiding judges and court executive officers of all 58 trial courts in the state.

The letter came after both houses of the legislature passed a budget that called for an additional \$150 million cut from the trial courts. The letter states that “*this is the third consecutive year of crippling budget reductions to the judicial branch...the proposal to take an additional \$150 million cut from the trial courts was and will be unsupportable. The branch represents approximately 2.88% of the state budget, yet the reductions and other budget solutions of \$790 million proposed for this year along represent 3.5% of the State’s budget solution.* In March, the branch willingly concurred with a \$200 million cut. Several weeks ago the governor vetoed a budget plan which included additional cuts but this week approved a budget which included the additional cuts.

Presiding Judge Robin Appel, who also signed the letter said, “The courts in San Joaquin County have historically been underfunded and under resourced. Further reductions to the courts

will negatively impact our ability to dispense fair and equal justice to the citizens of our county. The bottom line is that the public will be left with an inadequate system of justice to rely on.”

With the additional cuts on top of the \$200 million cut already taken for this fiscal year, court leaders forewarn the Governor and legislature of the catastrophic consequences that will follow, including the closure of clerk’s offices and courtrooms, public counter and courtroom hours will be reduced, and the possibility that entire caseloads may not be heard as all resources will need to be focused on criminal and juvenile proceedings, which are high priority. The letter declares that *“the public will experience longer lines, backlogs in processing filings and judicial orders, and significant encroachment on due process rights of defendants as interpreters become less available and other courtroom support services are sharply diminished. These are but a few known impacts to the public if additional cuts are made to the judiciary.”*

Specifically in San Joaquin County, the presiding judge warns that court will not be able to maintain the level of service it has provided to the public. Changes as a result of further funding reductions are anticipated to include the closing of the entire Tracy court branch of the courts, the elimination of one of the Lodi courts leaving the remaining court open to handle only in-custody criminal matters, the elimination of certain case types including small claims hearings, fish and game hearings, and possibly civil cases. The clerk’s office hours were reduced last year as a result of budget cuts and even shorter hours for public access is anticipated. Judge Appel stated “It is almost incomprehensible that an entire branch of government is being forced to eliminate the basic fundamental right of people to have access to the courts to address their grievances”. She urges the public to contact their local legislators to voice their strong opposition to the draconian cuts to the judicial branch of government and in particular to the severely underfunded courts in San Joaquin County.

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(See attached letter)

June 21, 2011

Honorable Edmund G. Brown
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Members of the California State Legislature
State Capitol
Sacramento, California 95814

Re: Judicial Branch Budget

Dear Governor Brown, Senators, and Assembly Members:

We write to express our strong and unified opposition to any further legislative efforts to direct additional budget reductions to California's 58 trial courts. The impact of this action would be nothing short of catastrophic to the administration of justice and the public we serve. Chief Justice Tani Cantil-Sakauye eloquently stated our shared belief, in response to the proposed \$150 million additional budget reduction included in AB 98, that "[w]ith these cuts courts cannot provide . . . fundamental services or protect the rights of Californians. By marginalizing the courts, California strikes a blow against justice". The impact of any additional reductions will affect the civil rights of every Californian and render precarious our democratic ideal of justice for all.

This is the third consecutive year of crippling budget reductions to the judicial branch. The branch has experienced devastating budget reductions for two prior fiscal years, resulting in a permanent decrease in baseline funding of \$297 million, before this budget year even began. In the proposed budget put forward in January, and the budget approved by the Legislature in March, you asked the branch to take an additional unallocated \$200 million cut, loan the State General Fund \$350 million from our State Court Facilities Construction Fund, and loan the State General Fund \$90 million from our Immediate and Critical Needs Account. The branch willingly concurred with your proposals. The proposal to take an additional \$150 million cut from the trial courts was and will be unsupportable. The branch represents approximately 2.88% of the state budget, yet the reductions and other budget solutions of \$790 million proposed for this year alone represent 3.5% of the State's budget solution. By adding this cut to the reductions imposed on the judiciary since fiscal year 2009-2010, the judicial branch will have absorbed a cumulative reduction of more than 30% in General Fund support.

A further budget reduction of this magnitude will have a devastating impact on the public. Since courts have no statutory authority to close their doors, as the Executive Branch has

done, the effects on public service will be difficult to countenance each and every day. Unlike higher education, trial courts do not control the number of users of the justice system and cannot independently raise user fees, such as admissions, or engage in fundraising to mitigate budget reductions. The adage, 'justice delayed is justice denied' will be a predictable and inevitable result of these reductions. The public relies on California courts when they are most vulnerable. They rely on the courts to protect their most basic human needs. They rely on the courts to protect them from harm, reunify them with their children, and ensure that they have a forum to resolve business disputes, enforce contracts, and preserve and protect their housing.

Any additional reduction, on top of the cuts already made for this budget year and the cuts courts have 'operationalized' from prior years, will mean that Californians will not be well served by their justice system. The public may find the clerk's office closed or courtrooms not in session, as public counter and courtroom hours will be reduced. Conceivably, even entire caseloads may be unserved, as courts may be required to dedicate all available resources to the highest priority filings, like criminal and juvenile proceedings. Victims of domestic violence may not receive protective orders in a timely manner. Self-help services may be severely curtailed for those needing assistance with child support, custody and visitation matters, housing-related issues, or conservatorships to protect elders and dependent adults. The public will experience longer lines, backlogs in the processing of filings and judicial orders, and significant encroachment on due process rights of defendants as interpreters become less available and other courtroom support services are sharply diminished. These are but a few of the known impacts to the public if additional cuts are made to the judiciary.

Below are the names of key leaders of California's judicial branch, including the 6 administrative presiding justices of the California Courts of Appeal, and 58 presiding judges and 58 court executive officers from California's trial courts, joining together in support of statements made by Chief Justice Tani Cantil-Sakauye to let you know that further reductions to the courts will adversely affect the people in all of our communities throughout the state. Moreover, the judiciary will be severely compromised in executing its core mission and responsibilities, if this catastrophic budget action is not reversed. Please do not allow this budget crisis to marginalize the third branch of government and one of the cornerstones of our democracy, a strong and effective judiciary. We urge you not to impose further reductions on the judicial branch. We respectfully thank you for your thoughtful consideration of this urgent request.

cc: . Hon. Tani Cantil-Sakauye, Chief Justice of California and Chair of the Judicial Council

Roger W. Boren
Administrative Presiding Justice
Court of Appeal, Second Appellate District

Brad R. Hill
Administrative Presiding Justice
Court of Appeal, Fifth Appellate District

Judith D. McConnell
Administrative Presiding Justice
Court of Appeal, Fourth Appellate District

William R. McGuiness
Administrative Presiding Justice
Court of Appeal, First Appellate District

Vance W. Raye
Administrative Presiding Justice
Court of Appeal, Third Appellate District

Conrad Lee Rushing
Administrative Presiding Justice
Court of Appeal, Sixth Appellate District

Jeff Almquist
Presiding Judge
Superior Court of Santa Cruz County

Robin Appel
Presiding Judge
Superior Court of San Joaquin County

Francis W. Barclay
Presiding Judge
Superior Court of Modoc County

Diana Becton
Presiding Judge
Superior Court of Contra Costa County

Molly A. Bigelow
Presiding Judge
Superior Court of Shasta County

Terrence R. Boren
Presiding Judge
Superior Court of Marin County

Thomas James Borris
Presiding Judge
Superior Court of Orange County

Michael G. Bush
Presiding Judge
Superior Court of Kern County

Donald Cole Byrd
Presiding Judge
Superior Court of Glenn County

Christopher R. Chandler
Presiding Judge
Superior Court of Sutter County

Ricardo Cordova
Presiding Judge
Superior Court of Stanislaus County

Charles S. Crandall
Presiding Judge
Superior Court of San Luis Obispo County

D. Scott Daniels
Presiding Judge
Superior Court of Solano County

David L. DeVore
Presiding Judge
Superior Court of Alpine County

Eric L. DuTemple
Presiding Judge
Superior Court of Tuolumne County

Lee Smalley Edmon
Presiding Judge
Superior Court of Los Angeles County

Stanley L. Eller
Presiding Judge
Superior Court of Mono County

Sherrill A. Ellsworth
Presiding Judge
Superior Court of Riverside County

Douglas M. Elwell
Presiding Judge
Superior Court of San Bernardino County

Kevin A. Enright
Presiding Judge
Superior Court of San Diego County

Katherine A. Feinstein
Presiding Judge
Superior Court of San Francisco County

William H. Follett
Presiding Judge
Superior Court of Del Norte County

Beth Labson Freeman
Presiding Judge
Superior Court of San Mateo County

Debra L. Givens
Presiding Judge
Superior Court of Yuba County

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Acting Presiding Judge
Superior Court of Nevada County

David W. Herrick
Presiding Judge
Superior Court of Lake County

Janet Hilde
Presiding Judge
Superior Court of Plumas County

Brian Hill
Presiding Judge
Superior Court of Santa Barbara County

Gary D. Hoff
Presiding Judge
Superior Court of Fresno County

Steven J. Howell
Presiding Judge
Superior Court of Butte County

John P. Kennelly
Presiding Judge
Superior Court of Sierra County

Suzanne N. Kingsbury
Presiding Judge
Superior Court of El Dorado County

Brian Lamb
Presiding Judge
Superior Court of Inyo County

James LaPorte
Presiding Judge
Superior Court of Kings County

Richard J. Loftus, Jr.
Presiding Judge
Superior Court of Santa Clara County

Hon. John E. Martin
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Superior Court of Calaveras County

Laura J. Masunaga
Presiding Judge
Superior Court of Siskiyou County

Cindee F. Mayfield
Presiding Judge
Superior Court of Mendocino County

Brian L. McCabe
Presiding Judge
Superior Court of Merced County

Gary Nadler
Presiding Judge
Superior Court of Sonoma County

Vincent J. O'Neill, Jr.
Presiding Judge
Superior Court of Ventura County

Alan V. Pineschi
Presiding Judge
Superior Court of Placer County

Diane M. Price
Acting Presiding Judge
Superior Court of Napa County

Melinda Myrle Reed
Presiding Judge
Superior Court of Tulare County

David Sargent Richmond
Presiding Judge
Superior Court of Amador County

Mitchell C. Rigby
Presiding Judge
Superior Court of Madera County

Timothy P. Roberts
Presiding Judge
Superior Court of Monterey County

Jon R. Rolefson
Presiding Judge
Superior Court of Alameda County

David Rosenberg
Presiding Judge
Superior Court of Yolo County

Richard Scheuler
Presiding Judge
Superior Court of Tehama County

Hon. F. Donald Sokol
Presiding Judge
Superior Court of Lassen County

Jeffrey A. Thompson
Presiding Judge
Superior Court of Colusa County

Harry J. Tobias
Presiding Judge
Superior Court of San Benito County

F. Dana Walton
Presiding Judge
Superior Court of Mariposa County

W. Bruce Watson
Presiding Judge
Superior Court of Humboldt County

Steve White
Presiding Judge
Superior Court of Sacramento County

James P. Woodward
Presiding Judge
Superior Court of Trinity County

Christopher W. Yeager
Presiding Judge
Superior Court of Imperial County

Janelle Bartlett
Court Executive Officer
Superior Court of Glenn County

Todd H. Barton
Court Executive Officer
Superior Court of Kings County

Tamara Lynn Beard
Court Executive Officer
Superior Court of Fresno County

Gary M. Blair
Court Executive Officer
Superior Court of Santa Barbara County

Cynthia J. Busse
Court Executive Officer
Superior Court of Mariposa County

Alex Calvo
Court Executive Officer
Superior Court of Santa Cruz County

Alan Carlson
Chief Executive Officer
Superior Court of Orange County

Sherri R. Carter
Court Executive Officer
Superior Court of Riverside County

Jeanne Caughell
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Superior Court of Tuolumne County

Jake Chatters
Court Executive Officer
Superior Court of Placer County

John A. Clarke
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Superior Court of Los Angeles County

LaRayne Cleek
Court Executive Officer
Superior Court of Tulare County

Caryn Downing
Interim Court Executive Officer
Superior Court of Mendocino County

Richard D. Feldstein
Court Executive Officer
Superior Court of Napa County

John Fitton
Court Executive Officer
Superior Court of San Mateo County

Kimberley Flener
Court Executive Officer
Superior Court of Butte County

Melissa Fowler-Bradley
Court Executive Officer
Superior Court of Shasta County

Larry Gobelman
Court Executive Officer
Superior Court of Siskiyou County

Hector Gonzalez
Court Executive Officer
Superior Court of Mono County

José Octavio Guillén
Court Executive Officer
Superior Court of Sonoma County

Tammy L. Grimm
Court Executive Officer
Superior Court of Inyo County

Jan Hamilton
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Superior Court of Sierra County

Norbert Jaworski
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Kerri L. Keenan
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Tressa S. Kentner
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Superior Court of San Bernardino County

Steve Konishi
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Superior Court of Yuba County

Kristine Kussman
Court Executive Officer
Superior Court of Imperial County

Sandra Linderman
Court Executive Officer
Superior Court of Del Norte County

Susan E. Matherly
Court Executive Officer
Superior Court of San Luis Obispo County

Connie Mazzei
Court Executive Officer
Superior Court of Monterey County

G. Sean Metroka
Court Executive Officer
Superior Court of Nevada County

Terry McNally
Court Executive Officer
Superior Court of Kern County

Deborah Norrie
Court Executive Officer
Superior Court of Plumas County

Linda Ostoja
Court Executive Officer
Superior Court of Modoc County

James B. Perry
Court Executive Officer
Superior Court of Yolo County

Michael D. Planet
Court Executive Officer
Superior Court of Ventura County

Rosemari Reed
Court Executive Officer
Superior Court of Lassen County

Michael M. Roddy
Court Executive Officer
Superior Court of San Diego County

Margaret Sackrider-White
Court Executive Officer
Superior Court of Alpine County

Gina Setter
Court Executive Officer
Superior Court of Tehama County

Mary E. Smith
Court Executive Officer
Superior Court of Lake County

Linda Romero Soles
Court Executive Officer
Superior Court of Merced County

Gil Solorio
Court Executive Officer
Superior Court of San Benito County

Sharol Strickland
Interim Court Executive Officer
Superior Court of Sutter County

Pat Sweeten
Court Executive Officer
Superior Court of Alameda County

Hugh Swift
Court Executive Officer
Superior Court of Amador County

Brian Taylor
Court Executive Officer
Superior Court of Solano County

Bonnie Thomas
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Superior Court of Madera County

Mary Beth Todd
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Superior Court of Calaveras County

Kiri S. Torre
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Michael A. Tozzi
Court Executive Officer
Superior Court of Stanislaus County

Kim Turner
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Superior Court of Marin County

Tania Ugrin-Capobianco
Court Executive Officer
Superior Court of El Dorado County

Laurie Wills
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Superior Court of Trinity County

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T. Michael Yuen
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