



## Budget cuts, increased caseloads taking toll on Georgia judiciary

By [Bill Rankin](#)

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Georgia's top court uses unpaid interns to keep its clerk's office running. One judicial circuit suspended civil trials to hear only criminal cases. Some Georgians find the doors to courthouses closed one day a month because of furloughs.

The steady erosion of the state's judicial budget and increased caseloads have resulted in a "tremendous backlog of cases that are not being addressed," Georgia Chief Justice Carol Hunstein told the American Bar Association's Task Force on Preservation of the Justice System. Hunstein was among a number of leading jurists and lawyers who provided anecdotes about problems encountered by judiciaries nationwide at the task force's first hearing held here Wednesday.

"The courts are public safety," Hunstein said. "Without the court system, you jeopardize public safety. ... This includes the backlog of civil cases. People need to have the opportunity to have their disputes resolved in a peaceful fashion, rather than taking their disputes to the streets."

Because of budget cuts, the state Supreme Court lost seven of its 50 employees, gave up office space, closed its law library and returned a much-needed copy machine. The clerk's office has turned to student interns, who receive course credit instead of pay, Hunstein said.

The task force is co-chaired by lawyers David Boies and Ted Olson, who faced off in the 2000 U.S. Supreme Court case *Bush v. Gore* and then worked together last year in a challenge to overturn Proposition 8 -- California's same-sex marriage ban.

Olson, the former U.S. solicitor general, said three sectors are most affected by cuts to the judiciary -- the poor, the middle class and small businesses. Large corporations and deep-pocketed individuals can turn to private mediators and arbitrators to avoid lengthy court delays, he said.

"If some people charged with crimes don't get trials, they're still out on the street potentially committing more crime," Olson said. Overcrowded court dockets are delaying divorce cases, including some where a spouse may be seeking a restraining order, he said. "Those people cannot be told they have to wait."

A study commissioned by the State Bar of Georgia found that declines in judicial funding cost jobs and drain the economy. Assuming court delays increase the expense of litigation by \$500 per case, this means added legal costs of more than \$142 million, said the study, conducted by Washington Economics

Group of Coral Gables, Fla. Cuts in judicial spending since 2007 will cause the state to lose almost 5,000 jobs -- most of them highly paid professionals, the economists concluded.

"The findings of this study represent clear and solid evidence of the consequences of an underfunded judiciary," said Lester Tate, president of the state bar. "When our courts are unable to fulfill their constitutionally mandated functions due to a lack of adequate resources, it is not only a public safety problem, but it is also a severe economic problem for all Georgia citizens."

The state Legislature, faced with plunging revenue because of the economic downturn, cut judicial spending by 14 percent in fiscal year 2010 and by 6 percent in fiscal year 2011. The judicial budget, which includes money for prosecutors, accounts for 0.89 percent of the state's budget.

Rep. Terry England, chairman of the House Appropriations Committee, said his panel is trying to preserve as much of the judicial budget as it can while still making some of the cuts that every other state agency endured.

That meant recommending Wednesday morning in an amended budget for the current year to exempt judges, courts and district attorneys from any cuts on salary. Reductions were recommended in administrative areas instead. "Most of their budget is in people," England said. "We are protecting them as much as we can."

House Judiciary Committee Chairman Wendell Willard, R-Sandy Springs, said he is aware of the delays past cuts have created in the criminal courts and worries they will only worsen if an alternative to more reductions isn't found. "The depth of the cuts we've made affect the courts' ability to function as they need to," he said.

Senate Judiciary Chairman Bill Hamrick, R-Carrollton, said discussions of the cuts help educate the public about the effects of shrinking budgets on their court system. "I am open to their suggestions and arguments, but on the other hand we have to balance the judiciary budget and look for ways to save. Like any other agency, we have to balance their needs in the overall budget."

Staff writers April Hunt and Christopher Quinn contributed to this article.

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