

Judges warn of impact of funding cuts

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ATLANTA—New Hampshire's retired top judge said civil trials had to be suspended to cope with cuts to the judiciary. Georgia's chief justice had to seek out donations for basic supplies. And when Oregon's Supreme Court chief thinks of the justice system, an image of a dying tree propped up for appearances comes to mind.

The emotional testimony from some of the nation's most powerful judges came Wednesday at the first hearing of the American Bar Association's Task Force on Preservation of the Justice System. The 50 or so judges, court administrators and other legal experts gathered in Atlanta to highlight the effect of budget cuts on the judicial system.

"Things have only gotten worse. What has been a problem for a long time is now a crisis. And if we don't do something now, it's too late," said Steve Zack, the association's president. "This isn't about the judiciary. It's about the failure of the system to provide access to the court."

The task force was created to gauge the impact of the funding cuts, which have contributed to court backlogs, staff cuts and speedy trial violations in some states. The group is also charged with documenting how the courts are struggling to provide access to justice for all Americans.

"Lawyers aren't suffering. They are not doing this to assist or advance their interests," said Ted Olson, a former solicitor general who co-chairs the task force. "It's for the American people. They are the ones who can't get a judge."

In Georgia, where backlogs have forced months-long waits for relatively simple matters such as child support hearings, lawmakers have slashed funding by six percent this fiscal year and 14 percent last year.

Carol Hunstein, the state Supreme Court's chief justice, said her office had to lay off seven employees, close its law library, give up office space and even return a copy machine. She said the court is forced to solicit pen and pencil donations from vendors and draft unpaid student interns to keep the clerk's office humming.

"That's as tight of a budget as we can get," she said. "The courts are public safety, and without the court system, you jeopardize public safety -- not only with the backlog of criminal cases, but the backlog of civil cases."

Oregon Supreme Court Chief Justice Paul de Muniz said the courts themselves are partly to blame, because they have come to expect the "barest and most minimal funding."

"Our courts today represent a dying tree you prop up in your front yard so that the landscaping looks OK," he said. "But it's a facade. Because behind that are layoffs, furloughs and eliminations of all kinds of services."

New Hampshire's budget cuts forced some districts to cancel civil trials and small claims cases, cut back judge hours and jury days and close courts. John Broderick, who recently retired as the state's top judge, said the state is in danger of an even graver threat.

"The courts are in a foot race to remain relevant in American life," he said. "And we're losing the race in my state."

Broderick echoed a concern that many addressed: Politicians need to be reminded that the judiciary is an independent, and equal, branch of government, not a state agency whose budget can be slashed at will.

"We're not special, we never pretended to be special," Broderick said. "But we are different, and that difference is grounded in the Constitution."

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