

CASA QUARTERLY

SPRING 2012 | A COUNCIL OF APPELLATE STAFF ATTORNEY OFFICIAL PUBLICATION

Spring Edition of the CASA (Still Not Quite) Quarterly

By Janice Irving
Central Staff Director
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Following in the footsteps of last year's editor, Taye Sanford, the CASA Quarterly is once again not quite so – well, quarterly. As the newly elected Secretary and CQ editor, I first put out a call for articles last December and again at the mid-year conference in February, but submissions have been light. We need articles! The CQ is one of the two main ways we stay connected as appellate staff attorneys, the other one being the Summit. I know it is difficult for some people to attend the Summit, but there are no travel expenses involved in submitting an

article. Wouldn't you like to see your name in lights? We want to hear from you.

In the summer issue, we hope to have more information about the upcoming Summit and the first taste of what makes Louisiana's legal system so unique. (Hint: it isn't just the people.) In this issue, Gail Gieson writes about her travel experiences and Dalila Patton, our connection to the Virgin Islands, writes about her experience with epilepsy. Also, Judy White sums up the 2011 summit, and Greg Lercher, the law student liaison to the Judicial Division, addresses the issue of court funding.

Message From the Chair

By Susan Dautel
New York State Court of Appeals
Albany, NY

Over the years, involvement with CASA has brought me wonderful friendships, opportunities to explore new places, and, perhaps most important, renewed inspiration for our similar court missions around the country. This year, CASA brought me love. In February, in and around chairing the CASA Executive Board meeting during the ABA Midyear

Meeting, I absolutely fell in love with New Orleans! It wasn't just that the city was already in full Mardi Gras regalia and spirit. (I didn't know that Mardi Gras was a whole season!) It wasn't just the unexpected and wonderful invitation to one of the Mardi Gras balls, equal parts medieval pageant and high society elegance, with the playfulness of Halloween masks thrown in. It was getting a whole view, from old and new friends who weathered and are still recov-

ering - years later - from nature's wrath, of a city determined not just to endure but to reflower. Can't explain it - I've been to the city before and enjoyed it - this time I was smitten! Of course I am delighted that the 2012 Summit will take us back there in November. The AJEI Education Committee has been hard at work putting together its usual topnotch slate of speakers and sessions. I hope you already have November 15-18 marked on your calendar, so that New Orleans can

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work its magic on you, too.

Another part of the February delight for me was participating in the ABA Judicial Clerkship Program (JCP). The JCP takes place every year at the ABA Midyear Meeting in February. Approximately 100 law students from all over the country are selected to attend this three-day program in which they work with volunteer judges on a research project intended to simulate the experience of being elbow clerk to a judge assigned to write an opinion. The program promotes diversity in the clerkship process and gives the students wonderful networking and career information, as well as the first-hand look at the research and working relationship involved in a typical clerk position. Students from around 18 law schools participate and judges from all segments of the ABA's Judicial Division give their time to this program--the 2012 JCP included

judges and justices from various courts, including state supreme courts and four circuits of the U.S. Court of Appeals. In the past, members of CASA's Executive Board, usually present at the Midyear Meeting for a short time only for CASA's Saturday business meeting, have been invited to join some of the social events of the JCP and meet the students. This year CASA officers and board members were invited to come for an additional two days and participate fully in the program with the students. Taye Sanford, Kembra Smith and I were able to fit in the additional time, and attended three days of workshop sessions. The students were so bright and eager, and we all had a wonderful time working with them and the judges. The research project was an interesting one: whether a dog sniff at the front door of a suspected "grow house" by a trained narcotics detection dog was a search requiring probable cause under the Fourth Amendment. Throughout

the program, I thought the CASA members had a particular expertise to offer, based on our own varying experiences in court operations and working relationships. We hope that CASA will have the continuing opportunity to participate in the JCP, and I highly recommend the experience to future CASA officers and board members attending the Midyear Meeting, and also to CASA members in the locality of the meeting. We were gratified to add a different perspective and some additional manpower to one of the Judicial Division's premiere programs. And, as Kembra noted in her remarks in a closing session with the students and judges, we were the recipients of a wonderful dose of young energy and enthusiasm for the law. If you are considering future service on the CASA Executive Board - and we hope you are - participation in JCP may be a benefit you would enjoy.

Minutes From CASA Executive Board Meeting At ABA Midyear Meeting

New Orleans, LA | Sheraton Hotel
Saturday, February 4, 2012

The meeting was called to order at 8:05 a.m.

Chair Susan Dautel welcomed everyone and asked all attendees to introduce themselves. Present were Susan Dautel, Chair; Taye Sanford, Chair-elect; Naomi Godfrey, Acting Immediate Past Chair; Janice Irving, Secretary; and members at large John Olivier, Peter Stevens, Geoff Davis, Rachel Zahniser, Delilah Patton, Kembra Smith and guest Bill

Lowe. Also present were Christie Breitner, ABA liaison, and special guest Peter Lercher, a second year law student from Stetson University College of Law and the ABA Law Student Liaison to the Judicial Division.

Susan noted that Naomi is retiring April 30 but will be staying on as Acting Immediate Past Chair until November 2012 with the unanimous approval of the Executive Committee. After review of the minutes from the November 12, 2011, meeting in Washington, D.C., Janice moved to

approve the minutes, and Peter seconded the motion. All were in favor of approval.

Susan explained how the Judicial Clerkship program, part of the ABA Midyear Meeting, worked and highly recommended that all CASA members take part in the program if possible. Susan, Kembra and Taye participated. This program was designed to help broaden the diversity of clerkship applicants and to encourage student members to become involved in the ABA. The

ABA invites 100 students from participating law schools, and the law schools fund the expenses of the students with a three-year commitment to the program. Justice Frank Sullivan drafted the case study this year concerning a case argued at the United States Supreme Court. The students discuss the case with the judges working in the program (including CASA members who participated as a "judge for the day") and complete their work in a computer laboratory provided by Lexis.

Justice Mark Martin, Chair of the Appellate Judges Conference, has promoted the involvement of CASA members in the clerkship program, and this year was the first time CASA was asked to participate fully in the program. Our members were able to give the clerkship participants valuable information about the writing process as well as other jobs for attorneys in the courts. Although only three CASA members were able to participate this year, all of the participating CASA members spoke highly of the program and the enthusiasm and dedication of the students with whom they worked.

Susan mentioned that the clerkship program tied in with the mission that CASA has had for several years in providing career panels at law schools during the AJEI Summit and other opportunities. She mentioned that for the November meeting in New Orleans, CASA is looking at doing presentations at Loyola and Tulane Law Schools, and possibly University of Connecticut Law school in April. Lee Ramsey has been in contact with Dean Erwin Chemerinsky at the University of

California, Irvine School of Law about doing a presentation there, possibly with local CASA members. It may be possible to get funding for these visits. Susan suggested we put together a proposal to show the Appellate Judges Conference what we have been doing and what we would like to do. Kembra offered to work on a proposal for the UC Irvine trip that could be presented at the AJC meeting in August.

John mentioned that he has contacted both Tulane and Loyola, and because the universities are in close physical proximity to each other and to the Louisiana Supreme Court, it might be possible to combine the groups for a presentation at the Courthouse. The presentation will be the Thursday morning before the conference begins that afternoon.

COMMITTEE REPORTS

Education:

Peter mentioned highlights of the upcoming summit. Justice Scalia has been asked to participate, and Cokie Roberts has been asked to do a session on the impact of the elections on the court. Neither were confirmed as of February 4. Professor Chemerinsky has agreed to present two sessions on the work of the United States Supreme Court. CAL is working on a technology session, possibly online brief filing. Linda Elrod will be back, and Rufus Fears will do a lunchtime presentation. There also will be a Professionalism session for the states that require both Professionalism and Ethics. Several sessions will discuss training practices, and other sessions will focus on post-disaster lessons and possibly a review

of the Patriot Act ten years later.

Several options are being discussed for the social events. One possibility the AJEI is exploring is a reception at the World War II museum, catered by noted New Orleans chef John Besh. Breaking with tradition, there will likely not be a speaker for the Saturday night dinner.

The possible locations for the CASA dinner and t-shirt exchange will be affected by the timing of the reception at the World War II museum, but there are plenty of alternatives. One suggestion was to have the T-shirt exchange in the hospitality suite. The committee will investigate several options.

Long Range Planning:

The committee had nothing to report. CASA needs to focus on expanding its membership and spreading the word on ABA group membership.

Membership:

CASA has about 75 members. The Membership Committee will email reminders to all of the persons who attended the meeting last year. Work on the directory continues.

Christie Breitner from the ABA encouraged CASA members to look into ABA group membership. She confirmed that groups need to consist of at least half new members, but after the first year other "old" members can join at the reduced rate.

Publications:

Janice solicited articles for the CASA

Quarterly. After she reported that some scholarship recipients had inquired whether the submission of an article was an actual requirement to receive the scholarship or simply a custom of having received a scholarship, a discussion ensued. Susan will check the application documents for clarity.

New Business:

Susan updated the Executive Committee on some new programs by the ABA. The ABA will underwrite

the costs of producing 4 webinar CLE programs during the next fiscal year. Applications for suggested webinars will be taken as of September 1.

The 2012 AJEI Summit will be in New Orleans. Options for the 2013 AJEI Summit are San Diego, Seattle or Philadelphia. [Editors note: By vote of the AJEI Executive Committee the day after the CASA business meeting, San Diego was selected for the 2013 Summit.] The 2013 Midyear meeting will be in Dallas on February 6-12, 2013. The 2014 AJEI Summit is

tentatively set for Dallas with the Midyear meeting in Chicago, and the 2015 AJEI Summit is tentatively set for Washington, D.C.

Motion to adjourn by Janice, seconded by Kembra. The meeting adjourned at 9:35 a.m.

Respectfully submitted,

Janice Irving,
Secretary

Highlights of the 2011 Summit

By Judy White
Solo Staff Attorney
Fifth District Court of Appeals at
Dallas

The 2011 Summit held in Washington, D.C. did not disappoint! Besides the fabulous location, the Summit offered programs that informed and inspired. Justice Sonia Sotomayor began our Summit on Thursday afternoon by talking to us informally about her life experiences, her work on the Supreme Court, and her interaction with fellow justices. It was enlightening and fun to hear about her journey to the Supreme Court and her experiences as one of the newest justices. Later that evening, we attended a reception at the Supreme Court, and Chief Justice John Roberts dropped by. What an awesome way to begin the 2011 Summit!!

We began Friday morning with the ever-popular Dean Erwin Chemerinsky, University of California, Ir-

vine School of Law, who spoke to us for over two hours about recent developments in civil and criminal law – all without any notes or deviation from his printed outline (which he did not have in hand)! It's always interesting to hear Dean Chemerinsky's perspective on the cases decided by the Supreme Court the year before and the cases to watch for during the coming year.

A special highlight of this year's Summit was the reenactment of oral argument from the 1807 trial of Aaron Burr for treason. The court heard two motions. Burr sought a motion in limine to halt the trial, arguing that the prosecution did not have evidence he had committed at least one overt act of treason. The prosecution moved for a protective order against Burr's attempt to discover records of the President of the United States. The reenactment was held on Veterans' Day at the United States Court of Appeals for the Armed Forces. All participants were outstanding (with

Burr in period costume) and even provided some levity during the arguments.

The Summit offered a variety of breakout sessions. The sessions on electronic briefs and paperless courts were informative and timely as courts move toward all electronic records. The sessions on ethics allowed staff attorneys and judges to vote and voice opinions about how to handle hypothetical ethical situations. Some responses were surprising and participants were given an opportunity to explain their votes. In another breakout session, we learned whether it was possible – and how – to balance our professional and personal lives! We also had guest speakers and entertainment during our lunch and evening meals, including Scott Turow, a military brass quintet, and The Capitol Steps.

The CASA Dinner and T-Shirt Exchange was a hit! The food was delicious, and all who attended were

treated to an evening of fun with fellow staff attorneys. CASA also provided a hospitality suite for members after the day's programs. Staff attorneys who dropped by to visit were able to relax in an informal setting and share war stories with other staff attorneys. The officers of CASA provided wine and snacks for all, and even a few gifts for some lucky staff attorneys!

The Summit provided the perfect opportunity to meet fellow staff attorneys from across the United States and to compare how other appellate courts operate. It was a great time to interact with judges and justices, to make new friends, and to get ideas! Several appellate practitioners commented to me that they had been unaware of the quality of the programming offered at the AJEI Summit.

Some were first-time attendees who said they would be sure to include future summits in their CLE plans because of the outstanding programming.

Suffice it to say that the 2011 Summit was a huge success! I encourage you to attend the 2012 Summit in New Orleans to experience it for yourself!

Report From Bangkok From A Newly Retired Staff Attorney

By Gail F. Giesen
CASA Past Chair

As a recipient of a scholarship to the 2011 AJEI Summit, I am writing this long-promised article for the CASA Quarterly – from Bangkok. As many of you know, on September 30, 2011, I retired from the Connecticut appellate system after nearly twenty-eight years. I based my decision to retire on several factors, which included a brother's unexpected death and my growing sense of the speedy passage of time. Although I admit there are times when I miss my work and my colleagues, I have no regrets. My husband, who retired several years before I did, and I saw retirement as the beginning of a new chapter – downsizing and travel! Before doing any serious downsizing, however, we decided to do a travel test run by living for three months in Bangkok. And so, here we are. ...We are living in a small condo that is a short walk from the Sky Train and the subway – which virtually puts all the best of Bangkok at our fingertips. The street scene

here is colorful, noisy, crowded and usually full of street vendors, who sell everything imaginable. The odor of food being cooked by the street vendors is a constant temptation to which I often succumb – fried chicken, steamed dumplings, curry, noodles, grilled fish, waffles and crepes. And then there is the fruit – the familiar, such as bananas, apricots, mangos, pineapples and papayas, and the more exotic, with which we are gradually becoming acquainted. Yesterday, it was rose apples, and today, dragon fruit. Who knows what tomorrow will bring?

Aside from exploring the food of this country, I am keeping quite busy and have learned that staying active in retirement will not be a problem for me. I am doing yoga, meditating and learning about Buddhism and Buddhist art by attending lectures at the Bangkok National Museum and the Siam Society. We recently took a day trip, by bus and boat, to the ancient Thai capital of Ayatthaya, which until it was defeated in the mid-1700s, had a greater population than that of London.

Bangkok is a city with something for everyone! Yes, there is Patpong Road and the well-known bar scene, but there is SO much else. At a recent gallery opening, as I stood enjoying a cold Singha beer, I felt that I could have been in SoHo. The young artist, whose medium was primarily copper sheeting, looked like he was from Manhattan, with his shaved head, black horn-rimmed glasses and closely cut black suit. Later, I had a magnificent meal at an Italian restaurant. For all that Bangkok has adopted from the West, I am always aware that I am in Thailand. Almost every building — even the newest, high-rise condominium — displays a spirit abode. These are small structures, which are usually mounted on a pole, designed to house the guardian spirit of the building. They are kept supplied with flowers, incense, small plates of fresh food and sometimes figurines. Traditional Thailand is evident in the morning, when a saffron-robed monk collects alms from the local shopkeepers in our neighborhood. And the big smiling Ronald McDonald figure, who stands outside the you-know-what restaurant, greets potential cus-

tomers with hands clasped before his chest in a respectful “wai.”

We keep up with current events by reading the Bangkok Post, which is a good English language newspaper. Recently, it ran an article about a decision by the Connecticut Supreme Court (my former employer) upholding the force-feeding of an inmate on a hunger strike and rejecting his claim that being forced violated his First Amendment rights. Speaking of legal matters, I had occasion to attend a court hearing in Bangkok regarding the estate of my brother, who owned a condo in Bangkok. The matter at hand was an application to be appointed executor filed by the person my brother named as executor in his will. It was supported by affidavits from my younger brother and me in which we consented to the appointment. To everyone’s surprise, the judge, *sua sponte*, dismissed the application for grounds that I would call jurisdictional - specifically, for lack of standing. Jurisdiction was the main focus of my work as a staff attorney, so I found this most interesting. The lawyer for the estate

explained to me that Bangkok courts have gotten stricter in dealing with wills involving foreigners, and this judge – to be very careful -- ruled that the application should have been filed by the heirs, that is, by my brother and me, as opposed to the would-be executor. I do not know if this ruling was based on a new rule or court decision (Thailand’s legal system has been influenced to some extent by English common law, but, for the most part, it resembles the legal systems of continental Europe), or whether it was a somewhat *ad hoc* response prompted by issues that have arisen in other cases involving *farangs*, that is, foreigners. Anyhow, my brother and I need to file our own application, which we will do shortly. To paint a fuller picture of the whole experience, the modern, wood-paneled courtroom looked just like any courtroom in the United States, except, behind the bench, there was a large photograph of the King of Thailand in a gilded frame. Another difference was that the attorneys wore black robes when they argued, as is done in Europe. Also, the degree of respect for the bench expected of those in the courtroom is greater than that which is expected in the States.

As I sat in the gallery observing cases (since Thai was the operative language, I really was just an “observer”), I felt a tap on my shoulder and was told by my lawyer’s assistant to uncross my legs - even as a spectator in the gallery (and one wearing conservative slacks)! Looking around, I noticed that everyone – men and women -- was sitting with feet placed firmly, and respectfully, on the floor. Body language matters! Finally, after each matter on the calendar was finished, the judge, still sitting on the bench, quietly dictated his decision into a recording device, and the court reporter immediately transcribed his words. Surprisingly, testimony and legal arguments were not transcribed.

With all there is to do and learn in Thailand, there hasn’t been a dull moment. As our three-month sojourn comes to an end, we know that extended trips suit us, and we have decided to come back to Bangkok next year.

Hopefully, My Brain Is Repaired

By Dalila Patton
Staff Attorney
Supreme Court of the Virgin Islands

I was sorry to miss the midyear meeting in New Orleans, especially because I have not been to New Orleans since I graduated from Tulane Law School in 2002. However, from January 2, 2012, to February 2,

2012, I was still recovering from the brain surgery I chose to have in order to cure my epilepsy. The surgery was supposed to happen on December 1, 2011. It’s fairly common, and usually only requires 2-3 days in the hospital to recover, then about 6 weeks of rest. So I thought that I could rest through the holidays and return to

work in January, 2012.

However, things did not turn out that way.

THE BEGINNING OF MY EPILEPSY

Before 2009, I only had a general idea of seizures and epilepsy. I

thought that seizures happened when you fall down on the floor and start twitching uncontrollably. However, that year I learned all about seizures. In August of 2009, I started having experiences like the following that I wrote in my diary:

August 27, 2009

I just wanted to write down the only abnormal thing going on in my head, but it's hard to describe. I keep having "visions" or impressions like an alternate dimension type of thing (weird I know) of something/ someone repeatedly hitting/ beating me. I mouth 'stop stop stop stop stop stop stop.' I have to even pause. Yeah I think alternate dimension is a good way to describe it now because I know it's not real. I'm not seeing or feeling anything. It's all in my mind.

September 28, 2009:

I spent all day at Granny's house. A bunch of people came there. Maybe Mom called them all. I do have something going on with my brain. They said I had a few "seizures" this weekend and the scary part for me is that I wouldn't have known it if others weren't there.

My family said that what I called "visions" or "trances" were actually seizures, because when they happened, I waved my left hand and moved my head back and forth, exactly like my uncle did when he was having seizures. As I said, I had no idea I was doing this. Therefore, because my uncle has epilepsy, I did research on (i.e. Googled!) epilepsy and seizures.

Epilepsy is a neurological condition that is usually diagnosed after a person has at least two seizures that were not caused by a known medical condition. A seizure is a sudden surge of electrical activity in the brain that usually affects how a person feels or acts for a short time. There are many types of seizures. The type I knew (falling down shaking), is a "grand mal" or "tonic-clonic" seizure. I identified with the symptoms of another type, a "complex partial seizure":

[d]uring a complex partial seizure, a person cannot interact normally with other people, is not in control of his or her movements, speech or actions; doesn't know what he or she is doing; and cannot remember afterwards what happened during the seizure. Although someone may appear to be conscious because he or she remains standing with their eyes open and moving about, it will be an altered consciousness—a dreamlike, almost trancelike state. Often accompanied by movements called automatisms. These may include chewing movements of the mouth, picking at clothes or fumbling. A person may even be able to speak, but the words are unlikely to make sense and he or she will not be able to respond to others in an appropriate way www.epilepsyfoundation.org.

Due to my family's description of my activities during my "trance-like" state, as well as the fact that the only way I can describe my experience is that I'm having "a trance," I knew that I had epilepsy due to my frequent complex partial seizures.

In September of 2009, I went to the Cleveland Clinic in Weston, Florida (the Cleveland Clinic has many locations, the most recent one being Dubai!) in order to confirm that I have epilepsy and get treated. I spent the night in the Epilepsy Monitoring Unit, where they attached electrodes all over my scalp to monitor my brain's electrical activity. After I was sleep deprived, my "trance" happened and the doctors were able to confirm that it was a seizure. At that point, I was diagnosed with epilepsy and my doctor prescribed a combination of epileptic medication.

Two years later, I was at the maximum medication dosage, yet my seizures were getting more frequent. When I started taking the medication, they were every other week. By September of 2011, they were happening about every three days. Therefore, my neurologist recommended that I get a more thorough examination to see if I was eligible for surgery at the Cleveland Clinic in Cleveland, Ohio.

MY SURGERY

On November 19, 2011, I went to the Cleveland Clinic in Cleveland Ohio (a/k/a "the mother ship") to begin testing for my surgical eligibility. After the various physical and monitoring tests, the surgical team determined that I was eligible for the brain surgery and scheduled it for December 1, 2011.

This was actually the first of a two-step surgery. On December 1st, my surgeon implanted "grids and depths" in order to pinpoint the location of the portion of my brain

where the abnormal electrical activity began. “Grids” are a subdural strip of electrodes placed over the cortical surface of the brain and “depths” are electrodes placed directly into brain structures. They then discontinued my medication figuring it would not take long to isolate this location. This is especially true because, even though my medication was at its maximum, I was not going four days without having a seizure.

However, to my shock, I did not have a seizure until December 14, when I had two seizures. Fortunately, those seizures confirmed location of the surge of electronic activity in my brain. The surgical team then re-entered my brain to remove that area, which was about 2 cm of brain tissue. That was supposed to be the end of it.

The problem occurred when my brain fluid became infected, which

resulted in extreme swelling of the surgical area. On December 20th, my surgeon had to perform another emergency surgery to drain that fluid. This infection was the most painful and dangerous aspect of my hospital stay, but I was finally able to leave the hospital on January 2, 2012, and get outpatient treatments at the hotel. I still had to remain in Cleveland because of the continuing intravenous antibacterial treatments and the weekly blood tests. This lasted until January 31, 2011. I then had to go through final tests to confirm that the infection was gone and I could be discharged from the hospital. On February 1, 2012, I was able to leave the freezing temperatures of Cleveland to return home, to St. Croix, U.S. Virgin Islands, on February 2, 2012.

I am happy to say that, as of today, I have not had a seizure since December 14, 2012.

A FINAL NOTE

I’d like to close out by noting the extreme benefit of my employment with the Supreme Court of the Virgin Islands, in light of my medical condition. First and absolutely foremost is . . . Medical Insurance! If I didn’t have it, I don’t know what I would have done, having gone through the years of medications, the pre-surgical testing, all the MRIs and three brain surgeries! Second is the fact that my job does not require me to drive anywhere (aside from going there at the beginning of the day and leaving at the end of the day). Last, but not least, is the support that my Supreme Court family has given me, especially allowing me to “ease” back into my daily work duties. Since security, friendliness and stability are valuable assets of my job, I feel so grateful to be Staff Attorney for the Virgin Islands Supreme Court.

The Crisis of Defunding Our Courts and How Our Justice System Is Affected

By Greg Lercher
Stetson University College of Law
ABA Law Student Liaison to the Judicial
Division

In a recession-starved economy with meager tax receipts, state legislatures have been desperate to find more places to cut funding in their budgets.(i) The result is a crisis in court funding that threatens to undermine our nation’s ability to deliver justice in a fair and timely manner. Even though the judicial branch is designed to be a co-equal branch of the government, the courts are

dependent on the legislative and executive branch for funding.

Last year, 42 states reduced their courts’ budgets considerably, according to the National Center for State Courts.(ii) State courts handle 95% of the nation’s legal cases.(iii) Many states are delaying filling clerk vacancies, laying off court staff, and reducing court operating hours – which literally forces courtrooms to close their doors and limit the public’s access to justice.(iv)

In Los Angeles, a man successfully

fought a wrongful eviction with the help of pro bono lawyers. He died sleeping outside, waiting for the order to be processed.(v)

“The justice system’s funding has been decreasing in constant dollars for at least two decades,” said David Boies, co-chairman of a commission formed by the American Bar Association to study court budget issues. “We are now at the point where funding failures are not merely causing inconvenience, annoyances and burdens; the current funding failures

are resulting in the failure to deliver basic justice.”^(vi) Boies’ co-chairman is Ted Olson, former Solicitor General under President George W. Bush. Boies and Olsen were once adversaries in Bush v. Gore, but they have teamed up to address the funding crisis in the courts, demonstrating that justice for all should be a non-partisan issue.^(vii)

“The problem with these cuts is in part that it’s making the justice system much more costly, and much less efficient, than it would otherwise be,” said Boies during the ABA’s 2012 Midyear meeting. “So you think you’re saving a million dollars by cutting the judicial budget. But in fact you’re incurring tens of millions of dollars of costs on consumers of the justice system who now have to wait, have to travel, have to incur additional fees — have to just generally have justice delayed.”^(viii)

This is a widespread problem across the country. For example, Georgia’s court funding evaporated by 25% in just two years.^(ix) Court delays resulting from judicial budget cuts and increased caseloads have cost Georgia thousands of jobs and hundreds of millions of dollars in annual economic impact, according to a study by the Washington Economics Group.^(x) “It has gotten to the point where it is difficult to say that we are delivering the constitutionally required judicial system,” said Chief Justice Hunstein of the Georgia Supreme Court, after two and a half years of budget cuts for her state’s courts.^(xi)

In California, people stand in lines at courts for hours to deal with matters as basic as traffic tickets. Courts have reduced hours of operation, closed civil courtrooms, cut back small claims courts, and generally slashed services to the public.^(xii) San Francisco has cut 30% of its staff since 2008 and closed six civil courtrooms.^(xiii) In San Diego,

a woman filed for a restraining order against her abusive spouse. Unable to get a hearing due to budget cuts, and at risk of beatings at home, she slept in her car at the superior court.^(xiv)

In New Hampshire, most courts only hold eight months’ worth or jury trials instead of twelve.^(xv) In Albuquerque, the backlog of court filings meant the district court clerk’s office laid off key judicial staff to hire entry-level clerks and instituted night shifts to keep documents flowing through the system.^(xvi)

ABA President William Robinson III has focused on state court funding problems throughout his presidency. His words are a chilling reminder of what is really at stake: “An adequately funded independent court system is the key to constitutional democracy, and constitutional democracy is the key to freedom.”^(xvii)

(i) <http://www.usatoday.com/news/opinion/editorials/story/2011-12-05/Editorial-Budget-troubles-cut-delivery-of-justice/51661672/1>

(ii) <http://www.ncsc.org/Newsroom/Backgrounder/2011/Court-Budget-Cuts.aspx>

(iii) http://www.nytimes.com/2011/11/27/us/budget-cuts-for-state-courts-risk-rights-critics-say.html?_r=2&adxnnl=1&adxnnlx=1322487855-xEef7r2QSzXBxfBt3qTgg

(iv) <http://www.ncsc.org/Newsroom/Backgrounder/2011/Court-Budget-Cuts.aspx>

(v) http://www.slobar.org/index.php?option=com_content&view=article&id=94:effect-of-budget-cuts&catid=32:article1

(vi) http://www.nytimes.com/2011/11/27/us/budget-cuts-for-state-courts-risk-rights-critics-say.html?_r=2&adxnnl=1&adxnnlx=1322487855-xEef7r2QSzXBxfBt3qTgg

(vii) <http://blogs.wsj.com/law/2012/02/09/justice-delayed-lawyers-unpaid/?KEYWORDS=Justice+Delayed+Lawyers+Unpaid#>

(viii) <http://blogs.wsj.com/law/2012/02/09/justice-delayed-lawyers-unpaid/?KEYWORDS=Justice+Delayed+Lawyers+Unpaid#>

(ix) <http://www.usatoday.com/news/opinion/editorials/story/2011-12-05/Editorial-Budget-troubles-cut-delivery-of-justice/51661672/1>

(x) http://www.gabar.org/news/impact_study_finds_judicial_funding_cuts_costly_to_georgias_economy/

(xi) http://seattletimes.nwsource.com/html/nationworld/2016866718_courtbudgets27.html

(xii) http://www.slobar.org/index.php?option=com_content&view=article&id=94:effect-of-budget-cuts&catid=32:article1

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