



## *From the President*

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# The impact of court budget cuts

The Los Angeles Superior Court stands to lose \$78 million this fiscal year. Are we heading back to the bad old days of five-year delays to jury trial?

How would your practice in the Los Angeles Superior Court be affected if the following occurred?

- 70 courtrooms closed
- 4 neighborhood courthouses closed

- 830 court personnel were let go

That scenario, and others are under discussion to deal with the third consecutive year of court budget cuts. In the past two years \$297 million was cut from the statewide court budget. This year the trial courts are scheduled to lose another \$150 million unless other resources are tapped. The loss to the LASC would be \$78 million for the fiscal year just started.

Unlike education, the trial courts do not control the number of users of its services, cannot raise “tuition,” [it cannot raise user fees without legislative approval] and it cannot engage in fund-raising.

Such a severe budget cut would mean shorter hours of service, delays in domestic violence protective orders, longer lines at service windows, backlogs in processing paperwork and delays in proceedings for child custody and conservatorships. It would also mean longer delays in getting to trial in civil cases.

To deal with the 2009-10 fiscal year budget cuts, all courts in the state were closed one day a month for seven months until new funding was obtained; 329 court staff were laid-off – some 10 percent of the court staff.

Ninety-three percent of the LASC judges, whose salaries could not be reduced by the prior budget cuts, pitched in five percent of their salaries for a fund to assist the retention of court employees.

So, what else, other than court closures and layoffs can the court do to

preserve the civil justice system? Ideas being discussed include raising filing fees for civil actions, raising the ceiling on jurisdiction for limited civil actions, increasing motion and summary judgment filing fees, requiring that jury fees be posted sooner and making them non-refundable, increasing pro hac vice application fees, moving toward smaller juries and shorter trials [LASC currently summons 2.8 million prospective jurors per year to meet the current 10,000 per day needed in the system.]

An economic impact report concerning the court budget cuts in effect as of December 2009 concluded that the dollar value of the decline in business activity in Los Angeles County from decreased utilization of legal services was \$13 billion. Other conclusions of the report were that 150,000 non-court jobs would be lost and local and state tax revenue diminished by \$1.6 billion. The impact on Los Angeles would of course be the greatest. LASC has 30 percent of all new filings; the second closest county had only one-fourth as many.

### Some ways to take action

What can the local bar associations do about this looming disaster?

- letters, calls and visits to Assembly and Senate representatives in their districts
- letters and calls from each organized bar association
- informal resolution of discovery disputes; some departments are taking conference calls from litigants for informal discussion and attempted resolution; starting last September, 5 judges at Mosk operate a pilot project for on-the-spot discovery rulings.

- early meeting of counsel to agree on a discovery plan, order of depositions, documents to be produced
- more concerted efforts at mediation either privately or through court-sponsored mediators; currently there is an MSC panel of four judges at Mosk.

### Increasing filings vs. decreasing revenue

The court can only increase revenue from users or decrease expenses of running the system – or both. While the various trial bars can try to influence the Governor and the Legislature, we have more power over improving the efficiency of the system than over revenues. Do demurrers really need to be filed? Is summary judgment needed in every case? How many discovery disputes could be resolved informally before putting them in the lap of the courts?

The public relies on courts when they are most vulnerable – to protect them from future harm, and to compensate them for past harm, reunify them with their children, resolve business disputes, enforce contracts, protect their housing.

A joint effort is needed by the plaintiff and defense bars to agree on a protocol to be followed before asking the court to intervene.

Civil filings are increasing when available resources are decreasing. We are heading back to the bad old days of five-year delays to jury trial. Efforts of the trial bars to lessen the burden on the court by voluntary efforts at resolution of litigation disputes are our primary weapons to keep us moving forward, not falling back.