

NEW YORK TIMES

August 23, 2011

As Budgets Continue to Shrink, the Lines Will Grow in California Civil Courts

By JESSE MCKINLEY



Ramin Rahimian for The New York Times

People waited at the William R. Ridgeway Family Relations Courthouse in Sacramento last week.



Jim Wilson/The New York Times

Meredith Grier, a paralegal, expects to lose her job next month due to budget cuts.

SAN FRANCISCO — Lines at a courthouse are kind of like hurt feelings in a divorce: they are expected, they are unavoidable, but, hopefully, they are dealt with quickly.

For the romantically estranged residents of San Francisco, however, the wait for a divorce may soon drag on longer than the life span of most Hollywood marriages, as a series of cutbacks

threatens to cripple the civil courts. Under a plan unveiled last month and due to take effect this fall, San Francisco will close 25 courtrooms, reduce clerks' hours and lay off more than 175 employees, effectively bringing much of the business of the court to a crawl.

Katherine Feinstein, the presiding judge of San Francisco Superior Court, said the average time for a divorce would be at least 18 months. All manner of other civil matters — small claims, civil and class-action lawsuits, probate and conservatorship cases, and big-money complex cases — will also probably take longer to settle.

“The civil justice system in San Francisco is collapsing,” Judge Feinstein said.

But San Francisco is hardly alone in seeing hours or services cut; other California counties have already made cuts or are expected to soon.

Judge Steve White, who presides over Superior Court in Sacramento, the state capital, said a shrinking staff had already caused the number of service windows at family court to be reduced to 2 from 10, leading to waits of five to six hours.

“People bring lawn chairs,” Judge White said. And while San Francisco's cuts have not yet taken effect, on Monday lines were already forming before open windows. Nicole Carson, 21, had been waiting for nearly four hours with her 7-month-old daughter, Essence, on her lap outside the Superior Court's Family Law Self-Help Center, hoping to file paperwork to get full custody of her daughter and child support from the girl's father.

“This is the third day I've come here,” Ms. Carson said. “I had no idea it would be this hard.”

The cutbacks stem from a \$350 million reduction in financing for the state's judicial branch — the largest cut in California's history — in the 2011-12 budget, part of a penurious spending plan endorsed by Gov. Jerry Brown, who has made taming California's money problems a priority. Gil Duran, a spokesman for the governor, said the cuts were unfortunate, but were part of “immense fiscal challenges that require sacrifice at every level of state government.”

As constitutional officers, judges cannot be laid off. But as anyone who has ever entered a courtroom can attest, much of the heavy lifting is done by the support staff.

“It's not that we don't have the judges to do the work, we do,” said Judge Feinstein, the daughter of Senator Dianne Feinstein. “We won't have the clerical staff to back us up. We won't have the papers.”

Dozens of judges and court officers had written to Mr. Brown, a Democrat, to say that the cuts would “render precarious our democratic ideal of justice for all.” And the cutbacks will lead to all manner of other effects, lawyers say.

Marinus H. Goossens, whose legal practice in San Francisco focuses on [estate planning](#) and family law, said the slowdowns could create a ripple effect, as hearings were pushed back and divorce and other monetary settlements were delayed.

That, in turn, could lead to delays by clients in making all kinds of economic decisions.

“A pending case means legal uncertainty,” Mr. Goossens said, “and people don’t like uncertainty. Uncertain periods lead to people keeping their wallet closed.”

The cuts could also jeopardize the paying of traffic tickets, which would mean lost revenue for the judiciary. Runners who file cases at courthouses are often paid by the number of cases they file, so longer lines mean longer waits and fewer paydays.

The delays will make already painful, scary and expensive processes all the more taxing, said Diane Wasznicky, the president of the Association of Certified Family Law Specialists.

“It’s horrendous for people whose only legal resource is to use the system,” Ms. Wasznicky said.

Even those not involved in knock-down, drag-out fights were finding delays, prompting them to seek alternate solutions. Elizabeth Toumi, for example, was at the San Francisco court on Monday with her former husband to change the child custody agreement for their two children, ages 5 and 6. Frustrated by the lines, Ms. Toumi — who is unemployed — said she finally went online and figured out how to do the paperwork herself, without lawyers or assistance from the court.

On the policy-making level, meanwhile, the cutbacks have also laid bare a simmering tension between the civil and criminal courts and the courts’ administrative arm. (In California, financing for the courts is allocated through the state’s Judicial Council, a 21-member group made up of judges, legislators and lawyers, along with other nonvoting members.)

While the courts still receive the bulk of the money, judges accuse the Administrative Office of the Courts of “sucking revenues” with a variety of construction, computer and other projects.

“The dollars are not being delivered to where the rubber meets the road,” said Judge David Lampe of Kern County, north of Los Angeles, a member of the board of the Alliance of California

Judges, a group of some 400 state judges that was formed in 2009 in response to a previous round of cuts.

Philip Carrizosa, a spokesman for the Administrative Office of the Courts, said that he understood the judges' complaints but that they were "misinformed and mistaken in blaming the A.O.C." because the Judicial Council had the final decision on all financing.

"We're just staff," Mr. Carrizosa said. "They're judges."

A spokeswoman for the council, Lynn Holton, also defended the Administrative Office of the Courts, saying that the council included trial and appellate judges who had gone along with the cuts made to the trial courts.

"In budget times like these, there are no winners," Ms. Holton said in an e-mail message.

Indeed, while criminal cases will continue, even constitutional guarantees for a speedy trial could be put to the test, meaning potential dismissals of less serious charges. But, Judge White said, "even what are considered minor charges can be very serious in terms of public safety. Drunk driving, for example."

Meredith Grier, meanwhile, a paralegal at San Francisco Superior Court who is facing a layoff in September, said she expected to see an increase in people coming to court to file civil actions in hopes of beating the lines, and filling her in-box with more forms than she can count.

"It's just like sand," Ms. Grier said. "It just continues to fill."