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[Back to Article](#)

Nationwide, state court systems continue to feel the pinch

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March 10, 2010

As state court systems nationwide struggle with budget shortfalls, a Boston Bar Association task force is trying to head off a proposed \$10 million Massachusetts court system cut in the upcoming fiscal year.

The budget decrease for the fiscal year starting July 1 would add to the steep \$24.4 million reduction rolled out in the current fiscal year. The court also tightened its belt with \$22 million in voluntary reductions during fiscal year 2009.

The state's judicial budget "has been cut so far to the bone" already, said Joan Lukey, the chairwoman of a Boston Bar Association task force on the FY 2011 Judiciary Budget. "The question is, at what point do you reach the precipice and fall over?" said Lukey, a Boston litigation partner at Ropes & Gray. "It's difficult for a court to perform its function [in some areas]."

Child and elderly abuse cases, for example, used to be heard within a week and are now routinely delayed a couple of months, she said.

Several courts also run sessions without court officers. And at the Probate and Family Court in Middlesex County, assistant judicial case managers cover all courtroom sessions because there are too few sessions clerks to do the work.

The Massachusetts court system is functioning without more than 600 employees who have left since July 2008, mostly through early retirement programs.

But Massachusetts is far from the only state feeling pinched.

Court systems in Arizona, California, Florida, Georgia, Illinois, Michigan, Nevada, New York, Ohio, Texas and Virginia are facing slashed budgets, higher fees and fewer resources or demands to curtail spending. Court systems in the District of Columbia and Maryland, in contrast, are faring comparatively well.

New York Gov. David A. Paterson recommended \$130 million in cuts for the state's judiciary in the 2010-11 year, which begins on April 1, [according to *The New York Law Journal*](#), an NLJ affiliate publication.

Chief Judge Jonathan Lippman of New York has said the courts would have to lay off 2,000 employees to meet those numbers. Instead, Lippman wants to boost court spending by \$183.5 million, including \$48 million for the first judicial pay raises since 1999.

"We cannot function without the court's [recommended] budget," said Lippman in a state bar speech earlier this year.

Georgia legislators are considering boosting dozens of court filing fees to narrow a state budget gap for the fiscal year that begins July 1, [according to a story in the *Fulton County Daily Report*](#), an NLJ affiliate publication.

Last year, Georgia boosted all Supreme Court and Court of Appeals filing fees, except for criminal cases and most habeas matters, to \$300 from \$80.

And moving down the coast, the Florida Supreme Court recently asked the state legislature to fund 90 new judge

positions to address docket pressures created by recent budget cuts and the foreclosure crisis.

NLJ affiliate publication *The Daily Business Review* noted that the Florida legislature has not created any new judge positions since 2006. Court system budget cuts of 10% since July 2007 have prompted the [elimination of 291 positions](#).

In the mid-Atlantic region, newly elected Virginia Gov. Bob McDonnell is proposing a court system budget for the fiscal year beginning July 1 that slashes \$11 million from the current \$441 million budget.

That's on top of \$5 million in court system cuts in fiscal year 2009 and \$3 million in fiscal year 2008.

Maryland's judicial budget remained level in fiscal years 2009 and 2010 and is expected to remain relatively flat again, despite a \$2 billion state funding shortfall. Gov. Martin O'Malley's proposed 2011 budget for the courts, for the year beginning July 1, is \$434 million, or a slight gain over this year's \$433 million in funding.

In both Virginia and Maryland, the court system is funded by a combination of state and local government entities.

Courts in the nation's capital are faring better by drawing from federal funding sources.

Thanks to an agreement struck back in 1997, Washington's local courts are entirely paid for by the federal government. So even with the District facing a massive budget hole, the system has been able to ask for a significant increase to its funding. Its \$398 million request for the 2011 fiscal year, which starts Oct. 1, would be a \$138 million hike from last year — \$9 million more for operating expenses, and \$129 million more for capital improvements. The proposal is currently before Congress, said D.C. Courts spokeswoman Leah Guowitz.

Over in the Midwest, court systems are hurting, including in Michigan, where the state's judicial branch has lost 28% in funding and 18% of its staff during the past decade due to the state's economic hardships.

Fiscal year 2011, which starts Oct. 1, doesn't look much better: Gov. Jennifer Granholm has proposed giving \$500,000 less in 2011 to the Michigan Supreme Court and the State Court Administrative Office. Court officials, meanwhile, are pleading for \$1.3 million in additional funding, arguing that more cuts will jeopardize crucial programs such as foster care, trial court oversight and drug courts.

The state's county and municipal courts, which are funded locally, are also feeling some pain.

In neighboring Illinois, where trial courts are also locally funded, state courts face a \$21 million budget cut for the fiscal year beginning July 1, due to a projected state deficit of at least \$11 billion.

And in Ohio, a \$23 million budget deficit in Cleveland is forcing the Cleveland Municipal Court into making some cuts. The court, which is trying to slash \$684,000 from its current budget, which runs with the calendar year, is forcing about 310 employees to take 3 1/2 unpaid furlough days in 2010, equal to a 1.46% pay cut. They will also lose cost-of-living raises and longevity pay next year.

In California, the state's budget crisis forced the courts to close once a month beginning last September.

Other austerity measures include judicial pay cuts, a hiring freeze and the closure of the California Supreme Court's clerk's office in Los Angeles. The Los Angeles County, Calif., Superior Court also expects to lay off more than 300 people this month.

Despite the fiscal pain, California Chief Justice Ronald M. George said in his Feb. 24 State of the Judiciary Address that the court would still continue to support funding for a systemwide computerization project for the upcoming fiscal year, which begins July 1. He also said he would not rechannel construction funding to operational expenses.

The 200-member Alliance of California Judges, formed in the wake of the court closure policy, has criticized those decisions. "Right now, they've been dumping literally hundreds of millions of dollars into a statewide computer system," said alliance director and Los Angeles Superior Court Judge Charles Horan. "While it's nice, it is an extravagance that can't be afforded right now while we're closing."

Other Western court systems are also suffering, including Nevada's. The state court system has taken a 4.6% reduction in its budget, said William Gang, public information officer of the Nevada Supreme Court. The courts managed to avoid layoffs but were forced to cut building projects, travel, and upgrades to its computer system.

By July 1, if anticipated cuts continue, Gang said he anticipated that the court's 100 staff members would take mandatory furloughs of one day a month.

In Clark County, home of Nevada's largest court system based in Las Vegas, officials were forced to make cuts of 5.7% in the past two fiscal years due to reductions in county budgets, said Steve Grierson, court executive officer of the Clark County Courts, which includes justice courts and district courts. To make the cuts, the court instituted voluntary furloughs, reduced overtime compensation and decreased its security fund. The county also reduced the court's budget for salaries and benefits by \$3 million this fiscal year, he said.

A 5% cut anticipated for fiscal year 2011, which begins on July 1, might force the court to institute layoffs, he said.

In Arizona, the state court budget has been slashed by \$38 million since July 1, 2007, said Jennifer Liewer, communications officer for the Arizona Supreme Court. She said the court has limited travel, imposed a hiring freeze and asked for voluntary pay reductions.

In Texas, Gov. Rick Perry, Lt. Gov. David Dewhurst and House Speaker Joe Straus asked each state agency and appellate court in January to submit a plan for saving 5% on their 2010-2011 appropriations, according to *The Texas Lawyer*, an NLJ affiliate.

The state's next budget biennium [begins on Aug. 31, 2011](#).

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