

## TALKING POINTS RE FLORIDA STATE COURTS SYSTEM BUDGET ISSUES

(March 31, 2008)

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**The proposed budget cuts would impede our courts' ability to ensure that justice is served.**

*The judicial branch is facing potentially serious budget cuts. Although it is not known at this time how significant the cuts will be, judges report that cuts of the magnitude they have been told to expect would cause a tremendous disruption in Florida's court system.*

### Cuts already made

- *September 2007 – 2 percent of current budget or \$8.9 million*  
Our courts implemented hiring freezes and delays, and restricted or eliminated expenditures and expenses that were not essential to their mission of protecting constitutional rights and dispensing justice.
- *March 2008 – 4 percent of current budget or \$17.2 million*  
In addition to cuts the courts could make, courts were allowed to use their cash reserves to avoid massive employee furloughs before the end of June 2008. But the cut will still force significant loss of court staff beginning in July unless other alternatives are found.

### Cuts still to come

- *April 2008 – 10 percent? 4.8 percent? 6 percent?*  
The staggering front-line impact of a 10 percent reduction – which is a cut of \$42 million – would be a 30 percent reduction in the work force that supports the judicial system.

A Senate proposal avoids massive layoffs by adjusting some court-user fees to help the courts continue to function. That would reduce the cut to 4.8 percent or \$20 million. However, combined with prior year cuts, 11 percent of the judicial branch's workforce would be lost.

A House proposal would cripple the courts by imposing an additional 6 percent or \$26 million cut. This would bring the total reduction of the courts' workforce to 19 percent. Those House cuts would eliminate:

- 35 percent of the staff in the Office of the State Courts Administrator, slashing the staff that helps the Chief Justice run the judicial branch by more than a third
- more than half of the judicial assistants in the District Courts of Appeal, which hear the vast majority of appeals in Florida's court system. Judicial assistants are a judge's only personal assistant
- over 500 employees in the trial courts, significantly impacting the courts' ability to process cases

### Cases continue to increase

The Supreme Court recently reported to the Legislature that the work of the trial courts continues to grow. Overall, 4 million cases were filed in the trial courts last year – up 4 percent. The latest statistics show the following increases in specific areas (from FY 05-06 to FY 06-07):

- capital murder have increased by 17 percent
- property crimes increased 6 percent
- drug crimes increased 5 percent
- small claim cases have increased by 22 percent
- civil cases up to \$15,000 have increased by 17 percent
- county criminal traffic cases increased 7 percent
- county misdemeanors increased 4 percent
- violations of municipal and county ordinances have increased 4 percent
- mortgage foreclosures soared 97 percent over last 12 months

*Florida's courts must have the capacity to process the cases coming to them, or their ability to deliver justice will be significantly impacted.*

### Impact of Cuts

If steep cuts are made, emergency provisions would have to be deployed to minimize the disruption.

Cases would be prioritized, with criminal cases and family cases that have mandated timeframes being heard first.

- Court-based mediation would likely be eliminated, resulting in significant delays and higher costs for people who now choose this alternative method for dispute resolution.
- Layoffs of court staff could significantly impair court operations, forcing citizens to wait substantially longer for court action.
- Civil traffic hearing officers are being eliminated, slowing disposition of these cases.
- With criminal and certain family cases getting priority, significant delays will be seen in many civil cases.

Businesses across all sectors would be impacted:

- Banks, title companies, real estate brokers, and other related industries would see delays in foreclosures, guardianship cases, estate settlements, bank access to property determinations, and real estate transactions.
- Business contract disputes would take longer to resolve.
- Retailers and small businesses seeking to recover payments owed to them would be unable to opt for mediation and, forced to join judges' already crowded dockets, would have to wait longer to collect their money.
- Landlords seeking to evict tenants who don't pay their rent would have to wait longer to regain possession of their property.
- Worker compensation cases would be delayed, increasing the bottom line cost to employers in terms of time spent, benefits paid and attorney fees.

### Due Process

Essential to the rule of law is the concept that people are constitutionally entitled to judicial due process when their liberty or other fundamental rights are at stake.

- when they face jail time,
- when they face losing custody of their children,
- when they face institutional commitment without their consent

A person facing these possibilities is entitled to essential elements of the court system before the authority of the state may be brought to bear. Such services include:

- court reporting services,
- language interpretation

If the courts are forced to cut their budgets for these due process services, criminal and family cases cannot move through the system. The courts will be unable to comply with speedy trial requirements or process family matters on a timely basis. As a result:

- local jail overcrowding will increase
- trials cannot occur; forcing release of those accused of crimes
- children will remain in foster care longer

*The legislature can fund the machinery of the judicial system, but without the “fuel” of due process services, the wheels of the judicial machine will not turn.*

#### Efficient, Accountable and Innovative

Florida’s court system operates efficiently. Our state has fewer trial judges, on a per capita basis, than many other large states. In fact, some states have twice as many judges per 100,000 population:

- Georgia – 10.7 judges per 100,000 population
- Texas – 10
- New Jersey – 8.9
- Pennsylvania – 8.2
- National average – 7.3
- Florida – 4.5

Florida’s court system manages its workload in a cost-effective and productive way by utilizing many professionals:

- judicial assistants
- staff attorneys
- court administrators
- magistrates
- hearing officers
- case managers
- mediators

In a variety of ways, these court professionals allow judges to focus on the cases that come before them and help ensure that the people who turn to the courts are served in a fair and timely way. They also allow for accountability of the branch and foster innovation, both of which improve the delivery of justice.

The court system budget is only 0.7 percent of the budget for state government – a small amount to be paid to honor fundamental expectations of government:

- to protect Floridians' rights and liberties
- to ensure that the law is upheld and correctly interpreted
- to provide for the peaceful resolution of disputes.

The Florida Constitution requires a systematic and uniform assessment of the need for new judges. Florida first adopted a case-weighting methodology in 1999, becoming one of the very few states to try to use sophisticated evaluation techniques when analyzing judicial workload. The analysis is continually reviewed and improved.

*In the last five years, just 32 percent of the new judgeships needed in Florida to handle the workload have been funded. This year, the branch needs 61 more judges to properly handle the demands placed on the courts by our citizens.*

#### Uniformity: Justice for All Floridians

Just four years ago, the Legislature budgeted \$112 million to fulfill the will of voters and implement the constitutional requirement of "Revision 7" for budgetary unification of Florida's courts system. This eliminated the fiscal fragmentation that had existed for so many years, with poorer counties being short-changed in the quality and availability of court services.

Two branches of our government – the court system and state lawmakers – worked long and hard, together, to establish the baseline of court functions necessary to meet the needs of our citizens. Some 1,200 positions in the court system were shifted from county funding to state funding to better ensure equal justice from one end of Florida to another.

Now, the judicial branch is facing the loss of almost as many positions – a reduction in workforce that could push the whole system back 30 years.

#### Courts Touch Everyone

Although Florida's court system is funded by less than 1 percent of the budget for state government, it touches millions of lives. Each of the more than 4 million cases filed in Florida's trial courts last year represents at least one Floridian with a serious need for justice:

- victims of crime ... people accused of crimes
- couples in the throes of divorce ... families grappling with custody
- abused and neglected children ... vulnerable elders
- drivers who break traffic laws and those they hurt and endanger
- business owners ... homeowners ... landlords and tenants
- neighbors and consumers with small claims.

*The court system is an integral part of the justice system and is essential for public safety. State budgetary difficulties must not impede the court from upholding its constitutional obligations to Florida's citizens, businesses, and communities.*

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