

RESOLUTION 11-12-04

DIGEST

State Bar Resolution: Support of the Judiciary in the State Court Funding Crisis

Urges the State Bar of California to support and assist the judiciary in its efforts to obtain funding for the state court system.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution urges the State Bar of California to support and assist the judiciary in its efforts to obtain funding for the state court system. This resolution should be approved in principle because the state judiciary is facing a funding crisis that affects the administration of justice for us all.

As officers of the court, the members of the State Bar should have utmost concern that the state courts are funded in a manner sufficient to ensure that our legal justice system is not eroded or compromised. The State Bar of California should be encouraged by its members to apply some of its significant lobbying muscle toward assisting with the appropriate funding of the state courts, especially during times of state economic crisis.

TEXT OF RESOLUTION

RESOLVED that the Conference of Delegates of California Bar Associations urges the State Bar of California to do everything necessary to show its support for, and to assist, the judiciary in its continuing battle to obtain sufficient funding necessary to administer justice to the citizens of the State of California;

FURTHER RESOLVED that the Conference of Delegates of California Bar Associations urges the State Bar of California to promulgate educational materials for distribution to the public regarding the operations of the court system and the necessity for appropriate funding of same; and,

FURTHER RESOLVED that the Conference of Delegates of California Bar Associations urges the State Bar of California to direct its lobbying efforts to support legislation that appropriately funds the state court system.

PROPONENT: Orange County Bar Association

STATEMENT OF REASONS

Existing Law: None

This Resolution: This resolution would show the potentially unanimous support of the Conference of Delegates of California Bar Associations for the judiciary. It would show the position of the Conference of Delegates of California Bar Associations that the State Bar of California should do everything necessary to support the judiciary in its fight to obtain funding. This includes, among other things, educating the public about the structure and importance of the court system and directing its lobbying efforts to support legislation that appropriately funds the state court system.

The Problem: The state court funding issue is an ongoing crisis that adversely impacts the citizens of the State of California and severely undermines a fundamental cornerstone of our democratic society. Under the constitution, the judicial branch is a co-equal branch of government together with the legislative and the executive branches. The checks and balances provided by this system ensures "justice for all", a guarantee of the Bill of Rights. Yet the judiciary's budget comes from the general fund. There is no dedicated source of funding for the courts. Worse, there appears to be no real understanding of the inherent danger to our way of life if the judiciary is not strong and independent. Current budget cuts have already impacted programs that provide legal services to the indigent and the backlog of matters pending due to shortages and curtailment of services is growing. For many, there is no access to the court system. For others, justice delayed is truly justice denied. Appropriate court funding is vital now before justice becomes available only to the wealthy and influential.

IMPACT STATEMENT

This resolution does not affect any other law, statute or rule.

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