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DeKalb courts prep for cuts

County may be forced to cut 80 court positions in 2010, while DA and sheriff's offices are in line for increase in funds

By Andy Peters, Staff Reporter

Like others across metro Atlanta, the judicial system in DeKalb County is preparing for steep spending cuts and job eliminations next year. One item being considered by county commissioners: eliminating 80 workers from various DeKalb court positions.

But there is a twist for DeKalb: unlike Fulton, Gwinnett and other counties where leaders have proposed across-the-board budget cuts, some parts of DeKalb's judiciary would see more money, while others would get less.

DeKalb's district attorney and law enforcement are in line for an increase in funds, while most of the county's courts and other county-paid lawyers would have their budget cuts, according to an early proposal by County CEO W. Burrell Ellis Jr.

The county CEO's budget proposal of \$582.7 million for 2010 was released on Dec. 21. Public hearings are scheduled for January and February, and the DeKalb Board of Commissioners is expected to vote on the budget by March 1. The budget will become effective on Jan. 1.

Ellis cited several factors for the decline in revenue, including a drop in sales tax collections and in the property tax digest, the loss of revenue from the incorporation of the city of Dunwoody, and a sharp increase in demand for county services.

Many areas of DeKalb County government would be cut, including libraries, parks and recreation and the tax commissioner's office. Ellis proposed a total of 400 job cuts county-wide.

The courts would be one of the hardest-hit areas. Ellis proposed cutting a total of 80 jobs from DeKalb's Juvenile, Magistrate, Probate, State and Superior courts. That figure includes a proposal to cut 21 jobs in the office of the Clerk of Superior Court.

Ellis would also cut 13 jobs from the office of the county's public defender and 12 jobs in the office of the solicitor general.

These courts and offices would also see their budgets cut. DeKalb Superior Court, for example, would have its budget cut by 14 percent to \$7,590,104 from \$8,836,854. Most of the Superior Court's savings would come from deep cuts in court administration, court reporters and jury management.

The State Court's budget would be cut 9.4 percent to \$11,203,519 from \$12,365,020, with all of the court's divisions being affected.

Meanwhile, the office of District Attorney Gwendolyn Keyes Fleming would see a 4.3 percent increase in county funding and no job cuts.

"I am grateful for the CEO's recommendation with respect to the District Attorney's office," Fleming said in a statement. "However, I also recognize that the budget review is an ongoing process and it must still be finalized by the Board of Commissioners."

Claudia S. Saari, the head of DeKalb's public defender office, said she suspects the reason the District Attorney's office is in line for an increase in funding is because Ellis, who was elected in November 2008, has said that he wants to emphasize public safety.

"You can't raise staff in one area and decrease in another area, or it will create a crisis situation," Saari said. "The DA falls under the umbrella of public safety, but so do public defenders and the courts. We're all related. You can't prosecute cases without defense attorneys and judges."

Saari's office is slated for a 6 percent funding decrease, including the loss of 13 jobs.

Ellis proposed a 3.6 percent increase in funding for the DeKalb County Sheriff, raising its budget to \$77,520,533 from \$74,780,796. Most of the Sheriff's additional funds would go toward operations of the county jail. Ellis' budget would also provide a 5 percent increase in funding for the Sheriff's operations in providing security for the DeKalb County courthouse. Ellis proposed no job cuts for the Sheriff's department.

"Everyone needs to recognize that this county's income is down, like everyone else's, and when that happens, expenses have to go down," said Edward E. Carriere Jr., chief judge of the DeKalb County State Court. His court is slated for a 9 percent funding decrease, including 23 jobs cut.

Ellis did not return calls seeking comment. Other DeKalb officials also could not be reached, including Connie Stokes, chair of the Budget, Finance & Audit Committee of the county Board of Commissioners, and Sharon Barnes Sutton, chair of the board's Public Safety & General Government Committee.

Cynthia J. Becker, chief judge of the DeKalb Superior Court, said, "It will be several weeks before we have a better assessment of the impact" of the budget proposal. She declined additional comment.

DeKalb Solicitor Robert D. James Jr. declined to comment.

Before Ellis released his budget proposal, DeKalb's State Court judges had discussed where they might apply reductions in their budget, Carriere said.

"Those discussions have not produced any final resolutions," Carriere said. "It's a give and take. You've got to decide where your priorities are."

The situation in DeKalb parallels what's going on throughout metro Atlanta. Fulton County officials this month said they're facing a \$146 million shortfall, and that they're considering the dismissal about 1,000 employees from the county's courts, district attorney, public defender and sheriff's department. Courts are also dealing with ongoing budget cuts to their state revenue.

On Tuesday, the chairman of the Fulton Board of Commissioners, John Eaves, responded to a petition by Fulton court officials with this statement: "To ask us not to cut the Justice System's budget is to essentially ask that we not only give them preferred treatment over other county employees and much needed programs, but to also raise taxes on Fulton County citizens in very tough economic times."

This summer, Gov. Sonny Perdue told all state agencies they would receive 25 percent less money in June than budgeted due to a \$274 million revenue shortfall. The judiciary initially balked, saying it would be unconstitutional for the governor to order the judicial branch to cut its legislatively approved budget, although a settlement was later reached.

DeKalb would achieve additional cost cuts in many areas throughout the courts. In many courts and departments, Ellis proposed not filling some job positions that are currently vacant. In the State Court, for example, Ellis would not provide money to hire workers for two vacant jobs, saving the county about \$80,000.

Capital spending would also be reduced. Ellis rejected the Superior Court's request for \$2.2 million, for example, to construct a multipurpose courtroom.

There are some anomalies throughout the budget. DeKalb's Juvenile Court, for example, would see a 13.79 percent increase for next year, raising its budget to \$9,663,767. That increase would come a year after the Juvenile Court had its budget cut by about 16 percent. Even with an increase for 2010, if it's approved, the Juvenile Court's budget would still be lower than its level in 2008.

The county law department's budget would rise about 1 percent to \$4,428,808 from \$4,382,791. But the law department's staff would be reduced by five positions, and an additional two vacant positions would be left open.