

## JUDICIAL FUNDING, CASELOADS, AND CONSEQUENCES

### FUNDING

Total state funding of the judicial branch has historically been less than 1% of state revenue. In FY 2009, that figure was 0.89%. There was a 13.3% decrease in judicial branch funding in FY 2009. Governor Perdue has ordered an additional 5% cut in the FY 2010 judicial budget with more reductions expected. The judicial branch has been asked to submit budgets based on 4%, 6% and 8% reductions for FY 2011.

The 2009/2010 reductions have required drastic cost cutting measures to be taken by the courts and District Attorneys:

#### Supreme Court

- eliminated 9 positions
- stopped hiring and step wage increases
- closed library/stop publication purchases
- deferred building repair/maintenance
- imposed travel ban
- abolished paid summer internship
- deferred computer upgrades/maintenance
- three furlough days for staff, three voluntary furlough days for justices
- began FY 2010 with \$220,000 debt due to 25% cut in June 2009

#### Court of Appeals

- eliminated 12 positions
- adopted a hiring freeze
- suspended step pay increases
- closed clerk's office one day/month September through December 2009
- four furlough days for staff
- three voluntary furlough days for majority of judges
- imposed travel ban
- terminated contract for Westlaw research product
- deferred development of new computer docketing system
- eliminated library purchases and other book/publication purchases
- Court's employees will have at least one furlough day per month for the remainder of FY 2010, but the clerk's office will remain open on those days

#### Superior Courts

- eliminated funding for senior judges (the equivalent of 16 full-time judges)
- eliminated new equipment purchases
- eliminated seven law clerks
- some courts closing one day/month due to reductions in county funds
- more than half of Superior Court judges have voluntarily taken three furlough days
- began FY 2010 \$827,000 in debt due to 25% cut in June 2009

Court committees are looking at possible additional cost cutting measures, many of which will require legislative approval:

- statewide contract for WestLaw
- statewide procurements
- distribution of fine \$
- criminal bonds
- civil filing fees equal to cost
- flat filing fee plus % for garnishments
- decriminalization of minor traffic offenses

Counties share responsibility for funding the courts, prosecutors, public defenders, other public safety personnel, and the county jails. Similar county budget cuts are putting an additional strain on the courts and public safety system, impacting all classes of courts, prosecutors, public defenders, sheriffs, county jails, etc. (See Fulton Daily Report article of 10/21--"DA: Courts May Close for Five Weeks")

### CASELOADS

At the same time funding reductions are taking place, the judicial branch workload has increased significantly:

- Supreme Court caseload increased 11% in 2009, with a 68% increase in death penalty cases
- The Court of Appeals' caseload has remained constant; however, it is more difficult for the Court to complete its cases because of the reduction in employees.
- Over the past 5 years, Superior Court caseloads have increased 20% with only an 8% increase in Superior Court judges
- The official 2007 AOC case count supported the need for additional Superior Court judgeships in 30 of Georgia's 49 judicial circuits
- Statewide civil filings (domestic and general civil) have increased by 50,000 from 2004-2008
- Business filings (collections, repossessions, contract disputes, etc) have increased by 40,000 since 2004 and now make up 60% of all general civil filings
- Child support cases have increased by 10,000 since 2004

Additionally, almost all county jails are at capacity and most are over capacity. Inmates awaiting trial have increased by 4000 since 2004.

### CONSEQUENCES

Impact on Public Safety:

- According to bail bondsmen, issuance of bonds for people charged with crimes has increased substantially and those bonded are "higher risk."
- Those charged and jailed get priority for trial, and those on bond may never get tried.
- Some courts are putting people charged with crimes under house arrest because there is no room in the county jail.
- Prosecutors are taking plea deals because they do not have the time or resources to go to trial.
- Fulton Co. has 160 backlogged murder trials.
- For every furlough day taken by state funded DA's, 500 criminal cases are delayed.
- A lawsuit filed in the Northern Judicial Circuit alleges that some indigent defendants have been without legal counsel for more than six months.
- As one judge said: "We're letting people out that don't need to be let out."

#### Impact on Families:

- There are 60-120 day delays in getting hearing dates for domestic cases (divorce, temporary child support, visitation, custody).
- Because of constitutional requirements for "speedy" trials in criminal cases, limited court resources are being devoted to criminal calendars and domestic and civil cases are being deferred.
- The criminal docket is driving court calendars--almost all judicial circuits are reporting domestic cases are handled when/if there is time after the criminal docket is handled.
- Fulton County has three judges who handle domestic cases, and they have 195 domestic filings per month.

#### Impact on Business:

- Like domestic cases, business filings (i.e. repos, collections, contract disputes) which have increased dramatically over the last 4 years, are only being handled after the criminal calendar.
- One judge in the 8th district said he has to tell lawyers with civil cases he can't try their case.
- Another judge said: "we may not get to them at all."
- One jurisdiction has not held a civil trial since the first of this year.

#### Impact on Finality of Cases:

- From the perspective of the Court of Appeals, more time is necessary to process the appeals and cases take longer to reach finality.

#### Impact on State and County Revenue:

- The courts are a significant source of revenue for state and county governments. Court fees and fines generate approximately \$500 million each year, with about \$100 million returned to the state general fund and \$400 million going to local governments.
- In 2009, that revenue was reduced by about \$51 million, primarily, it is thought, due to a slowdown in handling cases resulting from the severe budget cuts.

#### CONCLUSION

As the "Wall Street Journal" reported on 9/8/09: "The wheels of justice in Georgia are grinding more slowly each day...." DeKalb County reports a backlog of nearly 2000 cases. The 9th judicial circuit reports 105 recusal cases with no judge to try them. The budget cuts of 2009 and 2010 have already had serious adverse effects on public safety, Georgia families and businesses, and state and local revenue. Further cuts that are anticipated for FY 2010 and FY 2011 will add even more serious threats to public safety, place even greater strains on families and children, delay even longer the resolution of business disputes, and cause even more erosion in the revenue contribution of the courts to state and local governments.