



Resolution Urging the Judicial Council Use a Ways & Means Method to Insure Sufficient Funding of the Courts

Whereas, The Constitution of the State of California establishes the state's courts as one of three independent and co-equal pillars of the state government, following the Constitution of the United States; and

Whereas, the World Justice Project, in its annual Rule of Law Index of 2011, ranked the U.S. last among large Western industrial countries in access to civil justice. California has the largest judicial branch in the United States. Pursuant to the Sergeant Shriver Civil Council Act enacted by the California Legislature, it found that equal access to justice without regard to income is a fundamental right in a democratic society; and

Whereas, over the last 40 years this right to a day in court has been under indirect attack by:

1. Cutting funding for legal services programs such that 50% of those who would be eligible for services are turned away, at the same time placing limitations on the types of cases that legal services programs can undertake, making the legal process inaccessible for those without means. Self-help centers within the courts have also been severely defunded as have small claims courts where individuals can obtain resolution of claims without the necessity of an attorney;
2. Limiting damage awards, taking the power to assess them from juries in violation of the Seventh Amendment of the U.S. Constitution and making many cases economically impossible for an attorney to take;
3. Inserting mandatory arbitration clauses in consumer and employment contracts, which force consumers and employees to privately arbitrate all claims before for-pay arbitration firms, and precluding consumers and employers from bringing class actions in cases where the practices affect many and in violation of the Seventh Amendment of the U.S. Constitution;
4. Allowing foreclosure of homes without court order, violating homeowners' rights to due process; and

Whereas, the California Legislature's \$1.5 billion in cuts over the last few years to the court budget has led San Francisco closing 25 of 63 courtrooms, firing 20% of its staff and getting rid of 11 out of 12 commissioners. The impact may be felt even more when more resources are needed to try criminal cases as those resources will come from the civil side. Other cities have shut down their courthouses and courtrooms completely. For low-income workers, loss of access to courts in their cities and counties makes it virtually impossible for them to have their day in court because of the additional expense of traveling to far away court entails. There are no court reporters available for civil cases in the Bay Area unless they are paid for by one or both parties; even in some criminal cases, such as arraignments and misdemeanor cases, court reporters are not present, thus denying defendants the right to appeal; and

Whereas, in some counties, such as San Joaquin County, the Small Claims Courts are all but closed, which leaves low-income workers without the only recourse they can afford, yet the State of California offers \$41 billion in tax deductions and credits to large corporations and the wealthy, more than twice the state's deficit; and

Whereas, the California Constitution provides that the right to petition the government for redress of grievances not be limited; and

Whereas, those rights have been infringed for the vast majority of Californians, through a course of action leading to closing courtrooms; and

Whereas, the massive defunding of the judicial branch makes it ineffective, not only as a means of legal recourse to resolve grievances, but also for the judiciary, which is the designated branch of the government responsible for interpreting, applying, administering and enforcing the laws of our state. For the executive and legislative branches of the government to defund a co-equal branch of the government destroys the mandate of the separation of powers and the notion of a tripartite government. Without an effective and timely method of resolving grievances, these actions by the legislative and executive branches of the government rob the people of their rights. Waiting for five years for a civil case to go to trial is untenable and a denial of justice; and

Whereas, the Chief Justice of the State of California and the California Judicial Councils have the inherent power to compel sufficient funding to carry out the duties of the state courts,

Therefore be it Resolved that the San Mateo County Central Labor Council demands that the Judicial Council use a ways and means method to insure sufficient funding to hear and determine all cases, civil as well as criminal, in a timely and expeditious manner, thus providing equal access to meaningful legal recourse without regard to income as a fundamental right under both the United States and the California constitutions.

Submitted by the San Mateo County Central Labor Council Executive Board

Adopted by the San Mateo County Central Labor Council on November 13, 2017