Lack of judges, unsafe buildings plague courts

By Diane Curtis, *Staff Writer*

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California's judicial system lacks safe court buildings and courtrooms, is in desperate need of more judges and administrative staff and gets a dismal grade when it comes to accommodating people with special needs — all at a time when judges are under increasing attack from ideologues opposed to an "activist judiciary," a parade of witnesses told the California Judicial Council at a hearing in San Francisco last month.

Sharon Waters, presiding judge of the Riverside County Superior Court, warned of an "erosion of public confidence" in the legal system as court dates are postponed and hearings are rushed or even drawn out too long because overloaded judges need to schedule two trials on the same day. Waters said one judge told her that because she was trying multiple cases, a trial that should have taken four days took five weeks. The problem is especially acute in Riverside County, where a 150 percent increase in population has been met with a 2 percent increase in judges.

A survey by the National Center for State Courts determined that California needs 350 more judges. A bill pending in the legislature would add 150 judgeships.

Waters also sympathized with Raymond Pinkston of San Francisco, who had earlier told of losing his livelihood when he couldn't clear up a wrongly issued ticket because court clerks insisted he needed to appear in person in Los Angeles, a trip he couldn't afford. (Los Angeles Superior Court Judge J. Stephen Czuleger, a member of the council, said he would help Pinkston settle the matter.) But Waters didn't limit her sympathy to Pinkston: She said she also could commiserate with the harried court clerks who talked to him, saying that she could picture them trying to answer his questions on the phone while a long line of agitated people clamored for help in front of them.

Waters also told of a Temecula woman who came to court seeking a restraining order against her abusive husband only to find that Temecula did not have a judge who could issue such an order. Her paperwork languished in the courthouse, during which time the woman was killed by her husband.

Judges have a duty to help create a civilized society "and we're failing in that duty every day," she told council members.

Other witnesses followed up on Chief Justice Ronald George's statement before the legislature in March that recent violence aimed at judges in Atlanta and Chicago "highlights the physical vulnerability of our courts and shatters the public's expectation that black-robed judges occupying a high bench can dispense justice unthreatened by the dangers of everyday life . . . Once courthouses themselves are perceived as dangerous, the integrity and efficacy of the entire judicial process is in jeopardy."

Richard Martinez, chief of the court services division of the Los Angeles County Sheriff's Department, noted that court altercations in his county increased from 122 in 2003 to 135 in 2004. Last year alone, he said, four guns, 78,000 knives, 30,000 scissors, 20,000 razors, 11,000 sets of handcuffs and more than 8,000 mace containers were confiscated. But Los Angeles is ahead of other counties in that it was able to detect the contraband. Twenty-two of the state's 451 courthouses don't check for weapons.

Merced County Superior Court Presiding Judge Frank Dougherty warned of the danger posed by lack of separate entrances and court sections for prisoners going to or coming from court. Lines of shackled defendants in orange jumpsuits are frequently seen on the streets of Merced, presenting the "opportunity for drive-by shootings by gang members," he said. Court employees said they frequently had to give wide berth to prisoners coming down halls because the courts lacked special tunnels or corridors for them alone. Victims' relatives complained that space-short courtrooms placed them too near assailants' cronies, opening the door to frightening harassment. Disabled lawyers and members of the public testified that broken elevators and narrow or swinging doors or gates prevented them from easily getting into courtrooms and restrooms, reaffirming a state survey showing that three-quarters of the state's courts do not comply with the Americans With Disabilities Act.

The Judicial Council later adopted a formula tying state allocations for court security to such standards as number and types of filings and number of judges. Los Angeles council members complained that the formula hurt them and would require court cuts. Los Angeles handles 2 million of the state's 6 million annual criminal filings, which include a huge number of violent felonies, Martinez said. But council member Richard Huffman, justice for the Fourth District Court of Appeal, said the vote was "an absolutely essential first step we have to take. If we don't take this step, we have no rationale, other than anecdotal, to get our funding."

While court security costs have been increasing at an estimated 7 percent a year, lawmakers imposed a $22 million cut that took effect last July. The council is supporting a $6 billion bond measure that it hopes to get on the 2006 ballot for structural improvements in California courts that, besides updating dilapidated buildings, would help improve security.

One of the last speakers was Sacramento Superior Court Judge James Mize, president of the California Judges Association and a member of the Judicial Council. Mize spoke of the "repugnant and dangerous attacks" on the judicial system by people like those who are trying to recall Sacramento Superior Court Judge Loren McMaster because McMaster upheld the constitutionality of California's domestic partners law and by politicians who fuel animosity toward judges who make decisions that may be unpopular to certain groups. "We should not be lulled into the misconception that more armed officers alone will be sufficient to make the public, the litigants and the court personnel safe," Mize said. "If the previously stated repugnant and dangerous attacks find fertile ground in our citizens, then all the peace officers in the country will not save our justice system."

A grim picture for California's courthouses

- California needs 350 more judges, according to the National Center for State Courts.
- 23 court facilities are in trailers.
- 25 percent of courtrooms have no space for a jury box or the jury box is used for prisoners.
- 68 percent of court buildings lack up-to-date fire and life safety systems, such as sprinklers, proper exits and emergency lighting.
- 78 percent of court buildings lack adequate access for people with disabilities.
- 22 courthouses do not check for weapons.
- More than 50 percent of courthouses are not earthquake-safe.

Source: Judicial Council of California

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