

Lack of court funding further hampers access

Richard Zitrin

At noon on Wednesday, a huge rally will be held in front of San Francisco City Hall in support of better funding for our court system. Attorney General Kamala Harris and State Bar President Jon Street-er will be there, as will the usual politicians and community leaders. As we all know by now, our courts are substantially underfunded, with departments closing, systemwide layoffs, services severely curtailed and the danger of cases simply not being adjudicated even within statutorily mandated deadlines.



The most significant attendees may be those whose programs deliver services to the poor and help people of modest means. It

will come as no surprise that any defunding, including this one, will disproportionately harm these people. But for the legal system, the result could be a systemic failure, perhaps even of constitutional proportions, to deny many Bay Area people fundamental rights, including due process of law, by effectively obstructing access to our courts.

The numbers themselves are staggering. San Francisco closed six courtrooms outright. Sixty-seven court personnel were laid off, including 29 court reporters and all eight court-funded commissioners. In San Mateo, 120 court workers were laid off. But numbers don't begin tell the whole story, and it's not the reduced number of courtrooms that presents the worst problems. Here's a look behind the statistics:

- San Francisco courts have long operated two vitally important programs, ACCESS and the Family Help Center,

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which served more than 35,000 people in 2010. ACCESS is a multilingual, multicultural self-help program that provides free legal assistance to people representing themselves in small claims, eviction, civil harassment, guardianship and other similar proceedings. The Family Help Center provides support and assistance to people going through divorces, particularly in assisting those with child custody, child support and domestic violence issues.

These vital programs continue, but at half-speed. Their two locations have been consolidated to one, the hours of each cut in half. To try to serve the same number of people, the programs now emphasize seminars and group discussions. But that method necessarily diminishes the specific one-on-one assistance that has proven so helpful in the past.

- Dependency and family law courts have been commingled in the wake of losing two commissioners and a host of support staff. Now, with one reporter covering both courts, neither calendar can operate at full speed. Because dependency cases have priority, family law cases with domestic violence issues take much longer to be heard. And with one shared reporter, those of poor or modest means will go to family court without a reporter, as they can't afford to hire one. According to a recent San Francisco bar memo, dependency lawyers have less time to appropriately evaluate and protect youths most at risk — those with significant mental and physical health issues.

- San Francisco's vaunted "collaborative programs," all focused on rehabilitation and education for people such as at-risk youths and minor offenders, have been almost completely gutted. Just reading the names of the terminated programs gives context to how both individual enrollees and the public at large are harmed by these closures: "Back on Track," a drug diversion program with education and job-skills components; Juvenile Wellness; Adult and Juvenile Re-entry; and so on.

- Because of constitutional requirements, criminal cases have priority

throughout the state and must be reported because of the defendant's right to appeal. But there are *no* court reporters in any of San Francisco's 10 remaining civil trial departments. It's not much of a problem for big business disputes or other cases involving substantial sums, since the parties can supply their own reporters. But for limited-jurisdiction cases (those under \$25,000) or smaller cases brought by those of modest means who are injured physically or financially, hiring a court reporter is usually out of the question. (I would like to see one or two reporters assigned to serve civil departments for those of limited means to at least have the possibility of having their cases reported.)

- The same problem exists with interpreters. Their first obligation is to the criminal courts, so finding an interpreter in a civil department — and, more importantly, in family and dependency courts — can be daunting. Again, private hires are available, but only for those with money.

- With the clerk's office open one hour less a day, the traffic lines have increased dramatically, according to court information officer Ann Donlan. And when the clerk's office closes at 4 p.m., those who are waiting cannot be served and can't avail themselves of a drop box. They simply have to come back.

Recently, Chief Justice Tani Cantil-Sakauye noted the effect of our diminished courts on "a woman in a rural county who could not receive a restraining order when she sought it because the county court had reduced its hours of operation. The woman spent the night with her child in a car rather than return home to a boyfriend she said physically and sexually abused her."

Bay Area Legal Aid reported a similar situation that began last July. A Vietnamese-speaking woman came in asking for help in getting a TRO against her boyfriend, who she said had sexually assaulted her. Because the court was unable to act on the application that day, a Friday, the woman and her two children stayed at a shelter for battered

women over the weekend. The woman missed a weekend of work — her two most profitable days — although the court did issue the TRO on Monday. But twice, the hearing on her case had to be continued because there was no Vietnamese interpreter. That hearing ultimately was not heard until the end of January, leaving the woman and her children in fear and uncertainty for months.

San Franciscans are fortunate compared to those in other counties. The city is 49 square miles, and its three courthouses are all within a few miles of each other. San Joaquin County, which has a population comparable to San Francisco's, had to lay off "only" 46 workers and close three branches. But San Joaquin is spread over 1,399 square miles, and has courts in Stockton, Manteca, Lodi and Tracy.

Or rather *had* courts, since the Tracy branch has been closed. Some services have been eliminated in both Lodi and Manteca, and small claims matters are now heard only in Stockton and only on a "very limited basis," according to the court's website. San Joaquin is a relatively poor county with a higher-than-average percentage of people falling below the poverty line and a lower-than-average median family income. The county is 38 percent Latino and 23 percent foreign-born.

What does this mean in terms of services? In short, limited access for some, no access for others. San Franciscans complain endlessly about Muni, but they can still make it across town. But for a poor or elderly person, trying to get from Tracy or Manteca to downtown Stockton is daunting indeed. While some things can be done online, such as paying traffic tickets, those least likely to have computer access are those with the most frequent issues. Finally, those whose first language is not English begin with the further disadvantage of having to scramble for interpreters.

It is axiomatic but extremely unfortunate that when court services are jeopardized, it is the poor and working poor, the elderly, the youths and those others most in need who are most disenfranchised.