

State of the Judiciary
Chief Justice Tani G. Cantil-Sakauye, California Supreme Court
Message to the California Legislature
March 19, 2012, in Sacramento, California

Good afternoon, I am honored to be here.

Thank you, President pro Tem Darrell Steinberg and Assembly Speaker John Pérez, for the opportunity to deliver my inaugural State of the Judiciary address.

First, let me thank my Supreme Court colleagues, who welcomed me graciously and warmly to the Supreme Court. I had much to learn and still do, and they have been superb teachers. I was sorry that Justice Moreno left soon after I joined the court, but Justice Goodwin Liu has been an excellent addition to the court.

I am pleased that also present are my colleagues from the Courts of Appeal, the Superior Courts, and the Judicial Council, as well as lawyers from the State Bar, the Bench Bar Coalition, the Open Courts Coalition, One Justice, and directors from the Administrative Office of the Courts.

Since this is my inaugural State of the Judiciary and my first opportunity to tell you about our great branch of justice, I hope you will indulge me a few non-traditional, personal comments in an otherwise traditional address.

I grew up about half a mile from here, in a home that was slated for redevelopment. My family had to move and the forced sale of our house gave us our first experience with the justice system.

My mother went to court without a lawyer to fight the action and came away feeling disheartened and disrespected. What seemed like a crisis at the time was actually the beginning of a journey that brings me here.

You see, not long after that my mother took me to see one of the first Filipina woman lawyers, Gloria Mejino Ochoa. While Gloria was speaking, my mother threw me an elbow jab and said, "You could do that, too." I didn't know what "that" was but I knew that whatever Gloria was doing was important.

In 1988, I had the privilege to enter this august chamber for the first time. Fresh from the District Attorney's Office, I had the tremendous honor to work for Governor George Deukmejian, first as his deputy legal affairs secretary and then as one of his deputy legislative affairs secretaries.

When Governor Deukmejian appointed me to the bench in 1990, and I entered the third branch of government, I never thought I would be back here 21 years later.

And now, after serving at all levels of the branch—14 years on the superior court, 6 years on the court of appeal and 14 months on the Supreme Court – and from experiences in all three branches of government, I am honored to appear before you as the leader of the judicial branch.

I am the 28th Chief Justice of this great state. There have been many great chief justices before me. They faced very different challenges at very different times. All were affected by the issues of the day; all had to fashion an agenda that ensured that the courts could best serve the public and perform our fundamental role in our democracy.

When I became Chief Justice, our entire state faced unprecedented challenges brought on by the economic crisis affecting the entire nation. This has brought particular challenges to all three branches of government and the public we serve.

I would like to spend the next few minutes sharing with you a little about the judicial branch and some of our challenges, changes, and triumphs—and also my vision for the future.

The judicial branch is as old as statehood, but in many ways we are 15 years young. The structural reforms for the judicial branch you wisely and cooperatively legislated—branch funding in 1997 and branch facilities in 2002—and that voters approved—trial court unification—helped to transform the branch. The result was a more efficient court system better able to serve the needs of Californians.

We are the largest court system in the country, the best law-trained judiciary in the world, and collectively we are resolute in providing justice to 38 million Californians.

Our judiciary is made up of approximately 2,000 judicial officers, 20,000 court employees—all serving in three levels of court: 58 Superior Courts, six districts of the Courts of Appeal, and the Supreme Court. As the third branch of government, we function as more than a confederation of courts. We have a constitutional policy-making body, the Judicial Council, staffed by the Administrative Office of the Courts. The primary goal of the Judicial Council is "improving access, fairness, and diversity."

I am proud of the women and men who have made the attainment of justice for others their livelihood.

The branch is a huge, complex organization, undergoing a transformation due in part to fiscal challenges but also because of the natural and welcome process of change.

More than ever, the judicial branch must serve as the safety net for a democratic and civil society. Yet judges do not get to choose the number or kinds of cases that come before us. In fact, the cruel irony is that the economic forces that have led to budget reductions to the courts are the same ones that drive more of our residents to court. They seek help with evictions, debt collection, and modifications of child support orders.

As Californians lose their livelihoods and as the California dream disintegrates for some, they rightly come to the courts for restoration of lost resources and dignity.

I am not here to belabor the fiscal facts. Here are the basics:

- The judicial branch is 2.4% of the state budget and on that budget we provide a forum for justice to 38 million people;
- The judicial branch has seen reductions of nearly 24% since 2008;
- The judicial branch baseline budget has been cut \$653 million.

And yet this year superior court filings topped 10 million for the second consecutive year – a 20 percent increase over the last decade.

In times like these, after four successive years of severe reductions, we have “closed” signs on courtrooms and clerks offices in 24 counties around the state. Several courts have been forced to implement staff layoffs; many more are planning layoffs. They have severely impacted the men and women who work so hard to serve the public. We are already seeing worrisome and potentially dangerous delays in the resolution of cases.

Let me give you just one chilling example. A woman in a small rural county sought a temporary restraining order from her physically and sexually abusive boyfriend—but the court with its reduced hours of operation couldn’t help her when she needed it. So she and her child spent the night in her car rather than take the chance of returning home to the abuser.

The effect on the courts has not gone unnoticed by those who practice in them. Budget reductions have resulted in a remarkable outpouring of support from the bar and we appreciate their important efforts. Attorneys around the state stand with us on the need to restore funding to the courts.

New judicial positions were already desperately needed, especially in fast-growing areas of the Central Valley and the Inland Empire. And especially in family law. This historic need has been documented by independent studies. The Judicial Council remains committed to closing the gap between the current number of trial court judges and the need in many courts.

Resolve alone is not enough. To honor and respect the laws signed by the Governor, the judicial branch must be funded adequately and consistently. The promise of equal justice in California should not be illusory.

The budget has made us do more with less. But our fiscal reality is not the only engine of change.

Although my first year as Chief Justice of California included the historic and unique experience of weathering the single largest budget reduction ever to the judiciary, my administration has embraced both branch history and branch potential.

I bring a fresh approach to the governance of the judicial branch. That has meant different leadership, more transparency and greater accountability, and significantly more collaboration within the branch, with justice system partners, and with you.

One of my first official acts was to survey all sitting judges through their presiding judges. I asked for their perspectives on branch governance, and I invited their criticisms and

recommendations.

Judges from 35 courts responded—over 200 pages of comments. I read every word, catalogued all recommendations, and directed them to the appropriate people for action.

We made some changes immediately and are at work on others:

- I have appointed new leadership in key roles. The new leadership in turn opened all of our meetings to the public. I invite you to listen in anytime to our lively and sometimes tense discussions. All Judicial Council meetings are audiocast live and archived on the California courts website.
- Judicial Council members are reaching out to all judges to hear concerns and answer questions. We attend regional meetings to talk with local court leaders, and just recently we launched a liaison program that connects council members and courts.
- A national search is underway for a new Administrative Director of the Courts.
- Early in my term, I appointed a committee of judges and others to take a comprehensive look at the role and responsibilities of the Administrative Office of the Courts. We expect the recommendations soon.
- I have emphasized collaboration—with the Legislature and within the judicial branch—and I have emphasized judicial oversight of administrative infrastructure.

Let me give you two examples.

- A judicial oversight committee I appointed last year is taking an ongoing, exhaustive look at our desperately needed court construction program. We have cancelled and modified construction projects where it made sense, and more recommendations are expected.
- Another oversight committee oversees the Court Case Management System. I want to take a moment to thank you for helping to acknowledge the role that the Legislature had in helping inform decisions about CCMS. The audit you requested was delivered in my first weeks as Chief Justice and it has informed decisions of the oversight committee and Judicial Council. We know that CCMS works but we face grim fiscal realities, and the council will be weighing its options in another week.

I believe that we all will be well served by these changes. We on the Judicial Council need facts before we make decisions that affect the administration of justice in our state.

I've given you an overview of our complex branch, talked about our challenges and changes, and now I'd like to highlight some important branch dynamics.

Like the communities we serve, our courts are extraordinarily diverse in terms of size, geography, needs, and culture. We operate in 451 facilities around the state in communities as

unique as Alpine County, with 1,200 residents served by 2 judges, to Los Angeles, with more than 10 million residents and a bench of almost 600. The Judicial Council and I share the concern that the diverse areas and people of our state—from Alpine to Los Angeles, from North to South, from East to West—are provided the access to justice that is their right and our duty.

Even the scope and breadth of the types of cases the branch adjudicates are spectacularly diverse: from the national, sophisticated business client represented by a large law firm engaged in complex civil litigation that will set the tone across the country to the self-represented litigant fighting for the most basic human needs. Both case types require a court and its resources.

To serve our judiciary, importantly we have a hybrid system of local court control with statewide rules, policies, and programs. Together we seek a balance to best serve our diverse public. In doing so, we rely on a strong, inclusive, independent, impartial state judicial branch and a statewide platform to consider the needs of all Californians and to balance the many competing interests found in our branch. Local courts and judges are eloquent and effective advocates for their local needs—as they should be.

But the Judicial Council serves statewide concerns, just as the Legislature addresses issues of broad impact while cities and counties address those closer to home.

Amidst these dynamics, the judicial branch has seen great success—from self-help kiosks and complex civil litigation courts to military veteran courts, elder courts, a mortgage fraud court, to a protective order registry built from the CCMS structure. These are all grass roots concepts, concepts born in local courts and concepts brought to the Judicial Council by the 38 different advisory committees that help the council. These advisory committees are comprised of approximately 400 judges, lawyers, and subject matter experts who propose ideas to the Judicial Council. These dynamics serve the public well. It is a balanced process, and it is conducted openly, publicly, and collaboratively.

Long ago, my mother gave me the seed of her vision and I have brought it to fruition by being here today in this, my first State of the Judiciary. I can tell you that the judiciary is undergoing a transformation, but that is an understatement.

I am as optimistic as I was 14 months ago when I first took office. It is an exciting privilege to be at the forefront of this transformation surrounded by bright, engaged professionals devoted to clarifying, protecting, and advancing justice for all.

Last year I traveled more than 30 thousand miles to meet you, listen to you, and to exchange information. What a brilliant group of bench, bar, and community leaders we have in this State.

As we transform ourselves into a new normal, I honor the past—after all, I wouldn't be here, as the first minority and second female chief justice, if it were not for visionary leaders in all three branches of government and the creation of a statewide structure that afforded me many opportunities.

I honor the present—with a fresh approach to governance. I want to thank the Judicial Council,

the judicial officers, the court leaders, bar leaders, elected officials, and all of you for your constructive, honest dialogue, taking into account our diversity and our limited resources in advancing justice.

Like our prior chief justices, I will fashion my own agenda and I seek to plant an idea for the next generations of Californians of what our justice system can do for them and for all of us.

And because I have another 11 years here, I honor the future. I believe it is well worth our effort to think of the children in our state as we consider our resources.

Recently, I became aware of alarming statistics. California had over 700,000 suspensions and expulsions from our schools. And studies show that one suspension triples the likelihood of a juvenile justice contact within that year. And that one suspension doubles the likelihood of repeating the grade. And nationally, the studies show that this particular kind of discipline has a racially disparate effect.

You might ask, why is school discipline a justice issue? The answer is obvious—when children are not in school studies show they are at risk of entering the juvenile justice system. And when children do not graduate from high school—it does not take a great leap of logic to know that they are at risk of entering the juvenile justice system.

The judicial system can't wait until that happens—we need to recognize this looming problem and create the partnerships needed to return these children to their schools and to become productive members of society. Let's get to work.

And to assist our youth in becoming informed members of society, we are working on civics education in the schools—in collaboration with our court, a retired federal judge, deans of law schools, and the state bar. We are looking forward to bring to you something in February 2013.

There are of course other initiatives I have in mind.

However, in the end, we must lead in our times, with our limitations and our strengths. We are stewards of the public trust; we are placeholders and we owe it to the future leaders of the judiciary to preserve and maintain an impartial, independent, and diverse judiciary.

Before I close, I want to introduce you to some special guests here this afternoon, my family: people who have inspired me with their triumphs over hardship—as immigrants to our state, as workers in the fields, as prisoners of WWII internment camps. People whose hope and faith in the world motivates me to do my best.

- My mother, Mary Cantil;
- My in-laws, Jiro and Dorothy Sakauye;
- My husband, Mark, and our two daughters, Hana and Clare.

I conclude by thanking them for their support, my predecessors for their foresight, and this body for sharing the vision of access, fairness and diversity, and making all this possible.

Thank you for your leadership and your support as the next era of transformation begins.