

ORLANDO SENTINEL

Published Feb. 1, 2010

www.orlandosentinel.com

Don't deny justice

The gist: Legislators should use a trust fund for courts instead of making more cuts and bogging down the system.

Facing yet another multibillion-dollar budget shortfall when they convene for their annual session next month, Florida legislators are bound to slap more spending cuts on state agencies.

But before they take a fresh whack at funding for the state court system, and turn Lady Justice into Venus de Milo, they should consider the consequences, and take advantage of an alternative.

Unlike other targets of budget cuts, the court system is a separate, equal branch of government. Yet since 2007, legislators have slashed funding for courts by more than 10 percent and eliminated almost 300 jobs.

Even as the court system's budget has been shrinking, its case load has been surging. Last year's total of 4.6 million cases in trial courts represented a jump of 13 percent from two years earlier. Cases related to the recession — especially foreclosures — accounted for much of the increase.

Florida's courts already are lean compared with their counterparts around the nation. The state has fewer trial judges per 1,000 residents, at 4.5, than the national average of 7.3. Georgia has more than twice as many judges as Florida per 1,000 residents, at 10.7.

For the fiscal year that begins July 1, legislators have been looking at slicing agency budgets as much as another 10 percent. A cut of that size for the court system, its leaders say, would wipe out an additional 674 jobs, more than a fifth of the staff.

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That staff includes attorneys, administrators, court reporters, mediators and case managers — all of whom support judges in handling cases. Orange Circuit Judge Lisa Munyon says she and colleagues on the bench already are doing tasks that used to be done by staff. Further reducing their ranks amid the surge in cases could delay justice for criminal suspects and their victims, postpone resolution of business disputes, draw out foreclosures and delay divorces, child custody arrangement and other family matters.

Spending cuts in many state agencies are unavoidable if legislators don't want to cover next year's budget shortfall with tax hikes. But they don't need to swing the ax at the court system again.

A year ago, legislators created a trust fund to help finance the court system with fines and fees. That fund is covering \$315 million of the system's \$450 million budget this year. Because of fees associated with the flood of foreclosures, the fund is projected to grow to \$368 million in the next budget year, adding more than \$50 million to the money available to run the courts.

That increase wouldn't be nearly enough to cover the extra \$149 million that courts are seeking — a 33 percent increase. This would be a stretch even in a good budget year. Court leaders say they need the money to make up for earlier cuts and invest in new systems such as electronic filing to make courts more efficient and responsive to public needs. Even so, budget realities dictate that they trim their wish list.

Court leaders also should embrace reasonable proposals that would lead to more cases without merit being dismissed to ease the burden on the system.

Legislators, in turn, need to make sure the court trust fund is off limits for anything other than its intended purpose. They must not treat it as a piggy bank to fill other gaps in the budget.

If legislators look at the court system as just another ripe target for cuts, they'll jeopardize its declared mission "to protect rights and liberties, uphold and interpret the law and provide for the peaceful resolution of disputes."
