



California courts do poorly in competition for funds

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Chief Justice Tani Cantil-Sakauye, her fellow judges and children’s advocacy groups have been trying for years to persuade Gov. Jerry Brown and legislators to provide more legal aid for 60,000 foster children.

These kids have been removed from their families because of neglect and abuse. Legally, their parents are “dependency court” judges.

The law requires that they have legal representation. The state Judicial Council, which Cantil-Sakauye heads, has set 188 as the maximum effective caseload for private attorneys who volunteer, for paltry fees, to take foster children as their clients. However, actual caseloads are about twice that level.

It would cost \$88 million a year to reduce caseloads to the recommended size, but Cantil-Sakauye and others have been trying to get \$22 million to provide some minimal relief – so far unsuccessfully.

Last week, 50 local chief judges sent a letter to Brown and legislators seeking – actually begging – for this relatively tiny appropriation.

“Society’s most vulnerable people are arguably the children whose own parents have subjected them to abuse or neglect,” the judges wrote.

While no one actively opposes providing foster kids with more legal help, it just seems to fall between the cracks each year.

Adequate representation of foster children is not only an obviously important issue unto itself but illustrates how the nation's largest judicial system has been politicized ever since the state assumed full financial responsibility for local trial courts 20 years ago.

Cantil-Sakauye's predecessor, Ron George, was an enthusiastic advocate for the state takeover, which was sold as a way to equalize financing of courts while providing counties with financial relief. She terms it, in fact, "the house that George built."

However, the system became, in effect, a very large state agency with more than 2,000 judges and more than 15,000 employees. It found itself vying with other interest groups when spending in the state budget was divvied up.

The courts have not fared well vis-à-vis those other interests, which have well-connected lobbyists and fat campaign war chests.

While saying she still supports the state's takeover, Cantil-Sakauye told a Sacramento Press Club gathering last week that state financing has been erratic, with courts taking big hits during recessionary belt-tightening.

"We are not fully reinvested in what we lost" during last decade's Great Recession, she said.

The court system's own insularity and blunders have contributed to its relatively poor standing in the Capitol – such as a hugely expensive "case management" data system that failed to work.

Internal squabbling over scarce funds has been another aspect of the state's takeover. A group of rebels called the Alliance of California Judges has accused the system's San Francisco-based administration of squandering money on failed projects and itself while starving trial courts.

There must be a better way of financing and managing the vital third branch of state government.

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