Court Funding Crisis Fact Sheet

In times of economic distress, court caseloads usually go up. Now more than ever, courts need to be available to address the rise in foreclosure cases, domestic relations, consumer issues and housing disputes. Instead, state budget deficits are forcing states to close courtrooms, shorten court hours, lay off staff, institute furloughs, pay cuts, pay freezes and personnel cuts, and leave judicial vacancies unfilled.

When the judiciary is underfunded, the three branches of government are out of balance. The lack of funds combined with a heavy caseload affects the ability for the judicial branch to check the legislative branch and ensure that our laws are constitutional.

When courts close their doors and cut down on personnel to save money, caseloads back up. People need answers to their legal questions in a timely, efficient and fair manner.

Court Funding Facts

- State judiciaries handle approximately 95 percent of all cases filed in the United States—more than 100 million—according to the National Center for State Courts.
- In 2008, the most recent year for which data is available, states reported 106 million incoming trial court cases—the most in 35 years.
- Anecdotally, we know the trend has continued as more people represent themselves and legislators add more laws to the books.
- According to NCSC, 42 states cut budgets for their judiciaries in 2011.
- Over the last three years, NCSC says 27 states have increased fines and fees, 23 states have reduced operating hours for their courts, and nine states have delayed jury trials.
- Courts are doing their part to demonstrate integrity, efficiency and innovation including electronic filing, juror selection and fine payment systems.

In California

- Chief Justice Cantil-Sakauye says California has “closed” signs on courtrooms and clerks’ offices in 24 counties around the state after four successive years of budget cuts totaling $653 million.
- Despite these cuts, and increasing caseloads, the California judicial budget is on the brink of facing an additional $100 million in cuts if Gov. Edmund G. Brown Jr.’s current budget is approved as proposed.
- Presiding Judge Steve White of the Sacramento County Superior Court told The New York Times that people are waiting five to six hours due to a reduced staff. After waiting in line a full day for services in the family courts, some residents have had to leave and come back the next day.
- In San Francisco, the Superior Court laid off 67 employees and merged two self-help centers, even after receiving a $2.5 million loan from the Administrative Office of the Courts.

Across the Country

- Iowa increased its court budget in 2011 from $148 million to $154.1 million—a relatively minor increase for a budget that has been cut five times between 2001 and 2010.
- In 2011, Kansas left 80 staff positions vacant and 36 courts operating on reduced hours to keep costs down, despite legislators giving the judiciary a small increase in funding.
- During testimony before the ABA Task Force on Preservation of the Justice System, Linda Stewart chief justice of the New Hampshire Supreme Court explained in New Hampshire the courts closed their doors for 12 days between April 2010 and March 2011, and all staff was required to take unpaid furlough days during that time. Nine judicial vacancies remained unfilled, and some courthouses closed in the afternoons for a few days each week.
- Albuquerque’s District Court clerk’s office has been so short staffed that lawyers and citizens have had to wait in long lines to file a document or check the status of a case.