FUNDING CRISIS RALLY ENERGIZES THE LEGAL COMMUNITY

Kelly M. Dermody
This past spring, BASF sponsored a number of efforts to inform our members and stakeholders about the scope of the current problem and the potential threat presented if there are more budget cuts. For example, in early April, BASF conducted a “train-the-trainer” event to assist the leaders of other bar associations on effective approaches to elected representatives on the court funding topic. BASF sent delegations of its own members to lobby various legislators in Sacramento and around the Bay Area throughout April and into May. On April 16, I testified on behalf of BASF at the Joint Informational Hearing of the Senate Judiciary Committee and the Senate Budget and Fiscal Review Committee Subcommittee on Corrections, Public Safety, and the Judiciary. This hearing, cochaired by Senators Noreen Evans and Loni Hancock, featured testimony from the presiding judges of Contra Costa, Yolo, and San Joaquin Counties, as well as leading lawyers David Boies and Ted Olson, and many other legal luminaries.

BASF’s biggest public effort on the court funding issue, however, occurred on April 18, 2012, when BASF organized a rally of more than five hundred lawyers, legal professionals, students, union members, business leaders, and members of the public on the steps of City Hall in San Francisco. The attendees were joined by approximately thirty judges from the San Francisco Superior Court, who stood with the speakers during the event.

Attorney General Kamala Harris led off the rally and provided the keynote speech, energizing the crowd. She was followed by a host of dignitaries, including San Francisco Mayor Ed Lee; San Francisco Board of Supervisors.
President David Chiu; San Francisco Public Defender Jeff Adachi; former State Senator and current Executive Director of the State Bar of California Joe Dunn; former California Supreme Court Justice Carlos Moreno; former Santa Clara County Superior Court Judge LaDoris Cordell; Stanford Law School Associate Dean Diane Chin; Bay Area Legal Aid Executive Director Ramon Arias; East Bay Community Law Center Executive Director Tirien Steinbach; SEIU member Julie Rumsey; San Francisco Building and Construction Trades Council Secretary-Treasurer Mike Theriault; Consumer Attorneys of California President Niall McCarthy; California Chamber of Commerce President Allan Zaremberg; McKesson Corporation Associate General Counsel Jill Dessalines; and California State Bar President Jon Streeter. I had the unique privilege of playing master of ceremonies for this rousing collection of speakers.

The speakers reminded us of what is at stake in this crisis: nothing less than a functioning civil justice system in our state, access to justice for our most vulnerable, public safety, and a commercial climate in which economic investment and recovery of jobs can only be sustained if businesses are assured that legal disputes will be resolved promptly. We heard about the devastating impacts of court cuts on people particularly in connection with housing, family law, and domestic violence matters. Several speakers also highlighted the significant connection between a functioning civil justice system and public safety and the need for open courts to ensure that California’s economy gets onto and stays on track. We heard about San Joaquin County temporarily closing its small claims department over the past year and its plans to close all civil courtrooms next year if finances do not improve. We heard about domestic violence survivors in San Mateo and across the state failing to receive timely restraining orders. We heard about fistfights at the clerk’s office in Contra Costa County because the lines are so long and people cannot afford to leave the line, even to use the bathroom, causing a woman this spring to have an “accident” while waiting in line. And we contemplated the dire impacts in the housing and dependency courts of Los Angeles with the projected closing of fifty-six courtrooms.
All of these stories underscored the risks we in San Francisco know we face in our own backyard if our court is presented with the same budget situation as last year or worse, as the current proposed budget threatens.

The hopeful news is that our voices of concern are getting louder and the coalition of concerned people is bigger than ever. BASF was extremely proud to be joined at the rally by scores of different law firms, legal departments, and bar associations, including the county bars of Los Angeles, Sacramento, Santa Clara, Alameda, Marin, Contra Costa, Kern, Ventura, Orange, and Fresno as well as all variety of specialty and minority bars, including the Minority Bar Coalition, Black Women Lawyers Association of Northern California, Charles Houston Bar Association, Consumer Attorneys of California, San Francisco La Raza Lawyers Association, San Francisco Trial Lawyers Association, South Asian Bar Association of Northern California, and many others. Among our more than fifty rally captains—each of whom pledged to bring at least ten people with them—there were some notable standouts, including former BASF President Jim Brosnahan of Morrison & Foerster who brought thirty-one people; BASF board member Merri Baldwin of Rogers Joseph O’Donnell (twenty-five); former Marin County Bar President Otis Bruce of the Marin County District Attorney’s Office (twenty-three); Stuart Gordon of Gordon & Rees (eighteen); BASF President-Elect Chris Kearney of Keker & Van Nest (seventeen); BASF Estate Planning, Probate, and Trust Section Cochair Howard Slavitt of Coblentz, Patch, Duffy & Bass (sixteen); Niall McCarthy of Cotchett, Pitre & McCarthy (fifteen); and Julia Veit of Hanson Bridgett (fourteen). In terms of absolute numbers, Farella Braun + Martel gave Morrison & Foerster stiff competition for biggest law firm turnout.

BASF will remain vigilant and keep its members and stakeholders informed as the California budget gets finalized. Stay tuned.

Kelly M. Dermody is the 2012 president of The Bar Association of San Francisco. She is a consumer protection litigator and is a partner and chair of the Employment Law practice at Lieff Cabraser Heimann & Bernstein.
WHAT CAN YOU DO TO HELP WITH THE FUNDING CRISIS IN THE COURTS? HERE ARE FOUR PHONE CALLS TO MAKE.

The message is: Keeping California’s courthouses open to the public is crucial to our communities, businesses, and our state’s future.

1. Write or call Governor Jerry Brown
http://gov.ca.gov/m_contact.php
State Capitol, Suite 1173
Sacramento, CA 95814
Phone: 916-445-2841

2. Write or call Senate President pro Tem Darrell Steinberg
http://sd06.senate.ca.gov/contact
Capitol Office, State Capitol, Room 205
Sacramento, CA 95814
Phone: 916-651-4006   Fax: 916-323-2263

3. Write or call Assembly Speaker John A. Pérez
http://asmdc.org/speaker/
Capitol Office, State Capitol
P.O. Box 942849
Sacramento, CA 94249-0046
Phone: 916-319-2046   Fax: 916-319-2146

4. Write or call your local representative. Go to www.leginfo.ca.gov/yourleg.html, type in your zip code, and a list of your legislators will show up. This link also has the committees and legislators who serve on each committee for both the assembly and senate.

For more information please visit www.sfbar.org/court-funding.
For more photos from the rally, visit BASF’s page on Facebook at www.facebook.com/sfbar.

1. Rally speaker Mike Theriault, Secretary-Treasurer, San Francisco Building and Construction Trades Council

2. UC Hastings College of the Law students Ryan Harrison and Ashley Toles

3. BASF’s Carole Conn (left) and Daniel Burkhardt (right) with BASF President Kelly Dermody

4. BASF’s Yolanda Jackson (left) and Julie Traun (right) with rally speaker Judge LaDoris Cordell (Ret.)

5. From left, Jill Dessalines, McKesson Corporation, and Presiding Judge Katherine Feinstein