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Chief Justice George Reflects on His Tenure and the Achievements and Challenges of the Judicial Branch

Monterey, September 25 — In his final address to the State Bar at its annual meeting, California Chief Justice Ronald M. George today reflected on his legal career and the accomplishments and challenges of his service at the Supreme Court and to the judicial branch, as he prepares to depart his office early next year after 38 years on the bench and 45 years in public service.

Chief Justice George announced on July 14, 2010, that he would not seek confirmation to a new term in the November 2010 election. The final day of his term is January 2, 2011.

The state's top jurist, who has served in that office since May 1, 1996, has overseen the enactment of historic court reforms that have transformed the judicial branch into a more effective, accessible, and accountable system of government than when he assumed his position.

Observing that major structural changes already have been achieved, the Chief emphasized that "I could not in good conscience leave this post if California's judiciary remained enmeshed in a severe budget crisis." Nevertheless, he stated, "through the efforts of many within and outside the judicial branch and the bar, the resource issues facing the courts have been resolved in a manner that will get us through the difficult budget year that lies ahead, without compromising our ability to provide fair and accessible justice to the individuals and institutions who come before the courts."

The State of the Judicial Branch in 1996

Shortly after taking office, Chief Justice George embarked on visits to all the state's 58 counties and the appellate courts, to better understand court operations and their challenges. It was a journey that strengthened his commitment to finding a better funding solution for state courts.

"It soon became apparent that courts in counties large and small desperately needed additional resources to avoid substantial closures and cutbacks in courtroom and clerk's office services as well as widespread employee

(over)

layoffs," the Chief Justice noted.

"This dire situation was highlighted when, in that first year as Chief Justice, I twice had to go to the Legislature to seek emergency bailout funding for the trial courts. A substantial portion of that aid went to the largest trial court, Los Angeles, while, during the same period, we had to hand-deliver checks to allow some of the smallest courts to meet their payroll."

During his visits, the Chief Justice saw the impact of a surge in the number of self-represented litigants who had insufficient means to meet their needs, inadequate public access to court information at every level, and facilities that were falling into disrepair or were simply not up to modern demands. Security was lacking in some court facilities, and in several courthouses jurors waiting to be called for jury duty often were crowded into cramped stairwells and waiting areas, or asked to stand on the sidewalks outside.

"It was clear long before I completed my 13,000 mile journey around the state that the lack of consistent and adequate funding made the administration of justice a day-to-day challenge, and inhibited effective planning for the future."

Chief Justice George described an indelible connection forged between state funding and the Bar's annual meeting, recalling that in the early morning hours before he was to deliver his 1997 State of the Judiciary Address to the State Bar, the Legislature enacted the Trial Court Funding Act of 1998. After hastily revising his speech on his way to the convention hall, the Chief Justice informed a cheering Conference of Delegates that the funding law had been passed.

"I told the Bar that morning that obtaining a stable and adequate source of funding for our courts without a doubt would be one of the most important reforms in the California justice system in the 20th century," the Chief Justice stated. "Those high expectations certainly have been met."

Other Key Court Reforms Enacted

The next major court reform came in 1998 when voters passed by a two-thirds majority a constitutional amendment to permit the unification of the state's 220 superior and municipal courts into 58 trial courts – one in each county. "By 2001, the judges in all counties had voted to unify, vastly reducing many of the inefficiencies that had been apparent during my court visits," Chief Justice George noted.

"Unification has allowed greater flexibility in the use of judicial and staff resources, eliminated duplicative functions, and allowed us to provide additional services such as collaborative justice courts, domestic violence courts, drug courts, and complex litigation courts," the Chief Justice continued.

The third major reform came in 2002 with the Trial Court Facilities Act, followed by a \$5 billion revenue bond measure in 2008 that provided funding for more than 40 of the most urgent courthouse construction projects, as well as a much needed economic stimulus by providing employment opportunities for thousands of Californians.

The Trial Court Facilities Act transferred responsibility — and in many instances ownership — of California's 532 court facilities from the counties to the state, under judicial branch management.

"These historic reforms — trial court funding, court unification, and the transfer of court facilities — have strengthened the independence of the judiciary as a branch of government," Chief Justice George declared. "They have addressed many of the institutional budget inequities among trial courts around the state. And ultimately they have enhanced access to justice and provided a greater degree of accountability by the courts to the public they serve."

These reforms paved the way for many improved services to the public, including jury reforms, increased accommodations for self-represented litigants, improved services for the non-English-speaking population, an ambitious court construction project to repair or retrofit unsafe facilities, and a developing statewide case management system that will change the ways that courts and lawyers deliver services and information, and proposals to ensure to ensure diversity and fairness in the judicial branch.

Judicial Branch Challenges Remain

Despite the great progress made in the judicial branch, enormous challenges remain, the state's top jurist observed. There are too few judges, particularly in areas where the population has greatly surpassed the addition of new judicial positions. The judicial retirement system also must be changed to attract and retain the best in the legal profession, and services to the public should be expanded.

"Justice is not simply a luxury to be adequately funded only in prosperous years," Chief Justice George stated. "Times will continue to be hard — but together we must not just stand still or, worse yet, slip backwards, when confronted by the increasing demands upon the court system and the decreasing resources available to state government. We must continue with the progress we have made in expanding access to justice."

Turning to the future, Chief Justice George praised the Governor's appointment of Justice Cantil-Sakauye, of the Court of Appeal, Third Appellate District, as his successor.

"I know that I shall be leaving the future of the branch in the hands of an outstanding jurist who possesses an incisive mind, a commitment to access and fairness, and exceptional administrative and diplomatic skills," he stated. "Whether leading the Supreme Court or the Judicial Council, I am confident she will build upon the achievements of the individuals who have preceded her as Chief Justice."

Chief Justice Thanks All Those Who Contributed To Achievements of Judicial Branch

"It is with enormous gratitude for the privilege to serve, and with great optimism about the future, that I conclude my time in public office," Chief Justice George told the State Bar. He thanked the four Governors who appointed him to serve at each level of the California court system, and the three Governors with whom he worked closely as Chief Justice — Governors

Wilson, Davis, and Schwarzenegger — as well as the Legislature, in representing and improving the judicial branch. "Each has played a profound role in our branch's development." he said.

Turning to the constitutional body charged with overseeing the statewide administration of justice, the Chief Justice observed: "During my tenure, literally thousands of judges, court executives, lawyers, and others from every part of the state have served on the Judicial Council and its many advisory committees and task forces. Their work has been essential to our efforts — and, with the invaluable assistance of the Administrative Office of the Courts, led by Bill Vickrey and Ron Overholt, and their excellent team — these many individuals have strengthened and informed our efforts to ensure the quality, independence, and accountability of California's judiciary as a co-equal, independent branch of government."

"And" he noted, "during that time, 14 dedicated Presidents and Boards of Governors of the State Bar, along with very able Bar staff, have made invaluable contributions to our shared goals, while the leadership and membership of local and specialty bars across the state have been of crucial assistance in our efforts to improve California's legal and judicial system."

Chief Justice George also acknowledged his colleagues on the Supreme Court — justices and staff alike. "No person could ask for a more rewarding experience than engaging in a common effort to give meaning to the rule of law by collaboratively crafting judicial opinions which, during my 19 years on the court, have spanned 50 volumes of the Official Supreme Court Reports. The opportunity to play a role in seeking a just resolution of the issues that come before the court — issues of vital importance to all Californians and to the nation — always has given me the most personal satisfaction among the various responsibilities of my office."

In closing, the state's top jurist quoted former U.S. Supreme Court Justice Lewis Powell, who once remarked: "Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . it is fundamental that justice should be the same, in substance and availability, without regard to . . . status."

Chief Justice George concluded, "To me — and it was just as true when I began my legal career 45 years ago, as it is now as I leave the Supreme Court — justice never has been a matter of privilege and influence. To me, it always has been about the rule of law that lies at the heart of our democratic system of government."

The Chief Justice's 2010 address to the State Bar annual meeting is available on the California Courts website at www.courtinfo.ca.gov.