



PRESIDENT'S PAGE ASHLEIGH E. AITKEN

The Fight for Court Funding Continues (Or, Why My Court Reporter Has Been Replaced by a Marionette)

Last week, our office had a trial scheduled in the Van Nuys Superior Court. As the team was gearing up for trial, they decided to tour the courtroom and get a sense of what technology and resources were available. It was quickly discovered that some courthouses have been hit harder than others by budget cuts, as this courtroom did not have the capability to hook up laptops, nor did it have simple instruments like projectors, elmos, and screens. A clerk mentioned that we should be thankful the court has electricity. Thankfully, we live in the age of Amazon and all needed technology was delivered to the office the next day.

When I arrived to watch opening statements, I was surprised to see a large red sign warning me that the local courthouse would no longer store my alcohol, drugs, and weapons during my court appearances. Now, I have never been to a status conference without my sidearm and a fifth of gin, so this presented some serious issues for me. This courtroom funding issue has gone too far.

Courtroom funding issues arise every spring, as the courts struggle to survive the yearly funding cuts. Our local court has weathered the storm quite well due to superb financial planning and the ability to rely (at least for a short while) on its healthy reserves. The prognosis for Orange County is "not bad," but as Court Executive Officer Alan Carlson remarked, "Saying we are pleased with the budget is like the Titanic captain being grateful there was only one iceberg." At least Alan still has his sense of humor.

By the numbers, the Governor's May budget proposal allocated \$3.8 billion statewide to the judicial branch. This sounds like a lot, but it represents only 70% of the need as calculated by the Workload Allocation Funding Methodology (WAFM), the system put in place in April 2013 to help determine how court funding is distributed to each county courthouse. Under WAFM, Orange County is receiving 78% of its funding need. While this isn't as drastic as court funding cuts in years past, it means we will not see any growth in staffing or courthouse projects in the near future.

What can the OCBA do to help? The Judicial Council continues to advocate for a permanent, sustainable funding solution that does not tie judicial funding to the whims of state budgetary pressures. As lawyers, we can assist by continuing to reach out to our elected officials, and let them hear about the real impact court funding reductions have on our clients. When we cannot get a trial date, when a victim cannot get a TRO, or when our family law clients are left to represent themselves without the assistance of self-help clinics, justice

is not being served. Access to courts and fair treatment should not depend on who can afford the bigger law firm or who can benefit from delay tactics. If we want an independent third branch, and a system that delivers justice fairly and equitably, all members of the OCBA need to reach out to their legislatures and demand that court funding be a priority. And, if you copy me with your email or letter to your elected official, I will personally treat you to a cup of coffee as a reward for your civic duty. (Warning: I get my coffee at a gas station, so don't expect anything too fancy).

State Bar President Visits the OC

At a reception held in May, the OCBA hosted California State Bar President Craig Holden. Mr. Holden gave an overview of the business of the state bar, provided a little insight into the whistleblower lawsuit that overshadowed his first months in office, and outlined a few of the new requirements that may be implemented statewide.

One proposal from the Board of Trustees is to increase the amount of continuing legal education hours every attorney will need to complete from twenty-five hours to thirty-six hours every three years, with twelve of those hours focusing on the attorney's specialty. As someone who has admittedly attended last-minute seminars on topics such as Indian Gaming Law and Corporate Governance (both slightly outside my practice area), I may have to be more focused in my legal education. President Holden noted that California has the

lowest hours requirement of any state except for Hawaii and Alaska. The Board of Trustees has already voted to require ten additional hours of MCLE for attorneys in their first year of practice. Both proposals require approval from the state supreme court and legislature before they can take effect, so if you have extremely strong opinions on the state MCLE requirements, mention it to the legislator that you are already calling about court funding.

The other hot topic was the concept of allowing limited licenses to practice law. According to President Holden, the plan aims to address the justice gap crisis, the recent dramatic increase in pro per filings, and the 70% rise in those seeking *pro bono* assistance. This justice gap has taken place as the State Bar suffers from a drastic downturn in interest from IOLTA accounts, the state's main funding source for legal services. The proposal would enable certified individuals to provide limited, discrete legal services to consumers in defined legal subject matter areas. The

proposal would allow the limited license attorneys to assist clients with tasks like filling out judicial council forms, and would not allow for court appearances or discussions with opposing counsel.

This July, I will be in France celebrating America's independence by eating *gateau, pain, et fromage*. For those hoping I do not come back so that this column will be mercifully stopped, please take comfort in knowing that over half my columns have been put to bed. *Joyeux Jour de l'Indépendance!*



*Ashleigh E. Aitken is Of Counsel at Aitken*Aitken*Cohn, a position she obtained neither through nepotism nor duress. She is a plaintiff-only civil litigation attorney specializing in wrongful death, personal injury, business torts, and class actions. She can be reached at ashleigh@aitkenlaw.com.*

