

California Superior Courts in Crisis

Budget cutbacks in Sacramento have forced layoffs and prompted longer and longer backlogs at Superior Courts throughout California. Many court officials worry the problem could get worse, delaying and even denying justice for thousands of residents.

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Thousands of Californians, including residents of the Bay Area, must wait up to four times as long as normal to get their day in court. Some residents now wait five years or longer to have their civil complaints heard by a judge or jury. Some residents are dying while waiting for their day in court.

An NBC Bay Area Investigative Unit analysis of state Superior Court data shows delays in every one of California's 58 Superior Court systems.

In all nine Bay Area county Superior Courts, the Unit found longer delays in processing and scheduling of civil cases on their calendars.

For example, in San Francisco, a stipulated civil divorce that used to take between a month and six weeks now takes up to five months to turnaround.

In Sonoma County, it now can take up to eight months just to get a family law matter put on the court's calendar.

In Alameda County, it can take nearly a year and a half just to complete an uncontested divorce.

The reason: years and years of budget cuts to the court system, the third branch of government, by the state legislature in Sacramento.

According to state court officials, across the state, 175 courtrooms have been closed due to budget cuts.

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To see exactly what that means, NBC Bay Area tracked the statistical delays in court calendars at all nine Bay Area Superior courts. We found every court in our area has seen much, much longer delays in processing and scheduling civil cases on their calendars. It is a system that appears to be breaking down. Talk to just about anyone involved in the court system and they will call this a crisis.

“It’s bad,” said the Honorable Robert Foiles, Presiding Judge of San Mateo Superior Court. “There’s an old saying: justice delayed is justice denied. And we’re delaying justice.”

“We are not at a crisis point,” said Christopher Dolan, former president of the Consumer Attorneys of California. “The crisis point was two years ago. We are well below burning on empty.”

Dolan, a San Francisco-based plaintiff’s attorney who specializes in civil rights cases, says the process has become so broken, some people now actually don’t live long enough to get their day in court.

“People are dying waiting on court dates, literally dying,” Dolan said, “so that they will not see justice at all.”

The problem is affecting anyone who needs to file a small claim, get a divorce or settle a landlord tenant dispute.

Thirty-eight-year-old Tanya Nemcik is just one example of someone who continues to see her case delayed by the backlog.

“It’s hard because they’re my kids,” said Nemcik.

For years, Nemcik has been seeking a trial in Contra Costa County family court in a custody dispute over her two sons.

“I’ve been asking for a fair day in court for years,” Nemcik said, “over three years to be exact. And I get nothing.”

Nemcik say all she wants is her day in court. It is a day that has yet to come despite the fact she has hired five attorneys, stood before two different judges and attended countless hearings, including one this July.

For now, Nemcik’s 5- and 7-year-old sons, like her, remain in legal limbo.

“It’s more than frustrating,” said Nemcik. “I see my children. They cry for me.”

When asked if California’s court system worked for her, Nemcik was unequivocal.

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“No,” she said. “Has it worked for my children? No.”

Then there are the lines. They are a sight at just about every courthouse in California at some point during every week. The lines routinely snake out the door and down the halls.

There are lines to merely file a legal complaint. There are lines to file paperwork for a restraining order.

There are even lines to file an uncontested divorce with no attorneys. In fact, court officials say those lines are the longest of all. Civil court actions that require no attorney often have the longest wait and the fewest resources.

San Mateo resident Kendra Dennaoui recently spent 45 minutes in one line.

Instead of going to the courthouse three blocks from her house -- that courthouse has been closed -- Dennaoui had to take the day off work to travel to the main courthouse in Redwood City to stand in line, only to be told she had to come back to file a civil claim. That will mark the third time she has had to stand in line at a courthouse just to file a claim.

“Last week, I came here. I didn’t realize the budget cuts, and I got here at 3 and they close at 2,” Dennaoui said. “And I didn’t know that, so that was a problem.”

It’s a complaint that echoes in courthouses all over California: from Marin to Merced, San Francisco to San Bernardino.

“They need to quit cutting things that are actually relevant,” said Angelynn Ali, who also stood in line for nearly an hour at a local courthouse just to get court paperwork from a clerk.

Judge Foiles and other court officials at Superior Courts throughout the Bay Area agree court backlogs have reached a crisis point.

Because of constitutional guarantees of a speedy trial for anyone charged with a crime, the backlogs delay civil, family and small claims cases.

“California courts in many cases are becoming roads to nowhere,” said Niall McCarthy, former president of the Consumer Attorneys of California.

McCarthy is a plaintiff’s attorney based in Burlingame. He says that a case that used to take a year or two to resolve now takes five years or more.

“We hear stories about victims of domestic violence who sleep in their cars outside courtrooms because

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they can't get a hearing and they can't go home," said McCarthy.

"We're creating backlogs," Judge Foiles said. "Five years ago we had no backlogs. Now, in just about every division, we have significant backlogs, particularly in civil and in family and in traffic and in records. Substantial backlogs."

The problem: for years, when tight-budget time came in Sacramento, funding for state courts got cut again and again and again.

Even though this year the legislature and governor added \$63 million to fund courts, that barely makes a dent in a deficit that now approaches \$470,000,000.

"It's not a budget gap, it's a budget canyon that we need," said David Yamasaki, CEO of California Superior Court in Santa Clara County. "Civil cases, unfortunately, are not mandated. So they take the biggest brunt of the reduced services, and quite honestly, what used to take days to process now takes many weeks."

While agreeing that financial cutbacks have had an effect, critics say the California legal system can be more efficient than it is now.

"The budget cuts in California courts are real and they are being felt in a lot of counties. And they are delaying justice for many litigants," said Kathleen Russell, executive director of the Center for Judicial Excellence in Marin County. "We have always held that even when the courts had all the money in the world they were not spending it wisely and there were inefficiencies."

Whatever the reason, in Santa Clara, the courts are 90 days behind just in processing family court judgments. It is a problem that has become so problematic that the supervising judge there has now asked for interns to volunteer to come in and help out.

"That's not the way a system of justice should be run, where you get volunteers to come do what paid staff should have done," said the Honorable Brian Walsh, Presiding Judge of Santa Clara County Superior Court.

The problem of backlogs and understaffed courts is so bad in Redwood City that piles of cases, 30,000 documents in all, currently lay stacked on the floor in the clerk's office. There is no one to properly file all those cases so they just pile up on the floor.

Even in a case where a judge rules in your favor -- a case you win because no one shows up to contest your claim -- even that can now take more than a half year to process now.

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“You get a default judgment because the defendant doesn’t answer,” said Judge Foiles. “What would have taken months or days actually days now takes seven months to get through the system, that simple of a case.”

The problem has become even worse of late.

On July 12 there were more layoffs in San Mateo County Superior Court. What used to be a staff of seven commissioners who could hear motions, arraignments and other preliminary and procedural matters is down to just three commissioners. The rest were laid off because of lack of funding. That means more cases for fewer judges and court personnel to handle, and likely even longer lines and longer delays for those seeking their day in court.

Justice delayed again.

To view the video, please click [HERE](#)