



# No courts. No justice. No freedom.

The ABA president on restoring court funding, renewing the promise of equal justice

By William T. Robinson III

**T**he great challenge Pennsylvania courts face is mirrored in every state in our union.

States are grappling with a funding crisis, a chronic disease that is wasting away our state courts, diminishing their ability to serve the public they protect. The crisis was born from sustained fiscal instability and magnified by two financial catastrophes in the last decade.

According to the National Center for State Courts, 40 states, including Pennsylvania, reduced funding for the judiciary in fiscal year 2010. That year Pennsylvania state courts contributed a record \$480 million to state and local governments as well as victims —

through fees, fines and restitution collection. This was money that was not returned to the judiciary.

The last six Pennsylvania state budgets included a shortfall of \$94 million, according to the Pennsylvania Supreme Court. However, in early 2011 all three branches of Pennsylvania state government worked together to recognize the underfunding crisis and its impact on access to justice. Pennsylvania courts will now receive an additional \$22 million this fiscal year. That funding, an extension of temporary fees and a loan from the Judicial Computer System reserve account, will fill the gap — for now.

Unfortunately, other states and localities have not been as successful in restoring much needed funds. New Hampshire delayed civil trials for a year. Massa-

chusetts has laid off more than 1,100 trial court employees since 2008. Alabama closes its courts on Fridays. A municipal court in Ohio has announced that no new cases may be filed unless the litigants bring their own paper to the courthouse.

The judiciary is a coequal branch of government, yet many state court systems receive less than 1 percent of the state budget pie, and few state court systems receive more than 3 percent. Pennsylvania courts receive about 0.5 percent.

To fulfill their constitutional responsibilities, courts need to be sheltered from budget squalls. The Pennsylvania Constitution says, "All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay." The basic definition of judicial independence demands that courts be open and accessible.

Courts are doing their part to show efficiency and innovation. The expanded use of videoconferencing in Pennsylvania, for example, has saved taxpayers an estimated \$21 million annually in defendant transportation costs. However, lawyers, judges, court personnel and the general public all have a stake in this crisis, and we all have a responsibility to advocate for our courts.

The American Bar Association's Task Force on Preservation of the Justice System continues to gather stories on the funding crisis and is promoting innovations in technology, case management and the criminal justice system that can help states and state court systems save money. We will rededicate ourselves to civic education to inform policymakers and the public about why courts matter.

The ABA is also building coalitions, especially with state and local bar associations, to confront this problem head on. I am pleased to see that these collaborations are already at work in Pennsylvania. Let's continue to find ways to restore crit-

ical funding to our courts and to renew the promise of equal justice under law that can exist only if courts are open and accessible. The cost of inaction is too great for Pennsylvanians — and for all Americans. We cannot afford to be silent because we know: No courts. No justice. No freedom. ♦



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Every lawyer has a favorite "war story" — a tale of a hard-won legal battle, a story with a hilarious twist, an account of an incredible escapade. Pick your best can't-top-this adventure with a judge, jury, client or colleague and write about it for us in 400 words or less.

We'll choose the best of the best to share with our readers in an upcoming issue of *The Pennsylvania Lawyer* magazine. Email your "war story" to us at [editor@pabar.org](mailto:editor@pabar.org) or mail it to Editorial Director *The Pennsylvania Lawyer* P.O. Box 186 Harrisburg, Pa. 17108-0186.

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