

Why underfunded courts hurt all Americans

By Lisa A. Rickard, and Bill Robinson III

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In 2009, the chief justice of New Hampshire's Supreme Court felt compelled to take an extreme step to keep the state's wider court system running. The poor funding situation for New Hampshire's judiciary had grown so dire that then-Chief Justice John Broderick Jr. reluctantly suspended civil jury trials for 12 months. In the short term, undermining a cornerstone of the American legal process provided necessary savings, but it also threatened timely and reliable access to justice for individuals and businesses.

This scene may soon be mirrored across the country as budgets for courts — a coequal branch of government — wither to distressing lows. Last year, 42 states cut much-needed funding for their judiciaries.

The staggering toll of inadequately funded courts threatens the ability of people to file for divorce, seek custody of a child or save a home from foreclosure. It is also an emergent burden on our economy as the judiciary has experienced growing caseloads amid those declining budgets.

The crisis of court underfunding ultimately touches every person, every business and every community in our country. Two years ago, a municipal court in Ohio announced that no new cases could be filed unless the litigants brought their own paper for court filings. The court has since received additional funding to pay for paper, but closes on Fridays to save money.

In North Carolina, litigants could not exchange documents in a court there because copying services had been eliminated. The local bar association held a supply drive to remedy this situation. Right now, more than \$350 million in cuts to California's judicial budget for 2011 could bring years of delays for civil trials.

Inadequate funding across our nation this year has resulted in 23 states reducing hours of operation and 34 states laying off court staff. The resulting shuffle of court dates, postponed hearings, and last-minute scheduling means that answering the question of whether a contract is enforceable or a debt collectible is increasingly unclear.

Commerce thrives on certainty. So when states financially starve their judiciaries, they inadvertently create environments toxic to economic growth. Enterprise requires that open and available courts be accessible to resolve disputes from construction contracts to supply matters.

Timely access to courts is especially important to small business — the backbone of our economy. According to a survey of small-business owners, 71% said that they would delay hiring new employees if they were sued. And small businesses that are embroiled in litigation often cannot get vital loans from banks until the suit is concluded.

All of this translates into costly delays, which sap resources from companies and organizations that could be used to hire employees, fund research, expand a company or pay dividends to shareholders.

Ultimately, these delays undermine confidence in the historically reliable and efficient system of justice that has built our country into the world's best opportunity for economic growth and international investment.

Our courts are a necessary element in the inner workings of commerce. Just as we all have an interest in rebuilding our economy, we all have a stake in the health of our justice system. All Americans should insist on adequate funding of our courts, giving the judiciary the tools necessary to help our economy grow.

Lisa A. Rickard is president of the U.S. Chamber Institute for Legal Reform. Bill Robinson III is president of the American Bar Association.