



The Price of Democracy

It's an understatement to say the courts play a critical role in preserving our democracy. A strong, effective and independent justice system is a core element of our constitutional government. As lawyers, we must do what we can to assure that the courts are properly funded so they may perform their duties.

The budget crisis has taken its toll on our economy. State government was especially hard hit, and drastic funding cuts had to be made. No branch of government was spared the budget knife. The judiciary was especially hard hit. It's now time for us to step back and consider the consequences of these decisions.

Since fiscal year 2008, the judiciary's general fund budget at the state level was cut by \$22 million, and another \$34.5 million was swept from other dedicated funds upon which the courts rely. The Arizona Supreme Court and the Administrative Office of the Courts have had to reduce positions by a whopping 18.5 percent.

And this doesn't even account for the large cuts to the Superior Court budget. The Superior Court for Maricopa County has seen reductions in its court and probation departments ranging from 11 percent to 17 percent over the past two years. This has resulted in the reduction or elimination of important programs, including juvenile and family court services and self-help service centers. The courts cannot sustain themselves if these cuts continue.

Last year, the American Bar Association launched a major effort to assess the impact of this problem. A nonpartisan Task Force on the Preservation of the Justice System, co-chaired by David Boies and Theodore B. Olson, held public hearings across the country and presented a report to the ABA House of Delegates at the Association's recent annual meeting.

That report, *Crisis in the Courts: Defining the Problem*, documents the real-life consequences of cutbacks in court funding, which have forced the courts of virtually every state to institute hiring freezes, pay cuts, judicial furloughs, staff layoffs, early retirements, increased filing fees and outright closures—just as they have been inundated with hundreds of

thousands of new demands for judicial resolution of economic claims.

If this problem is not quickly remedied, it will cripple the ability of the courts to protect public safety and provide access to

justice for our most vulnerable populations. It will undermine the confidence of the American people in the justice system and threaten the capacity of the judiciary to function as an independent and co-equal branch of government. We must urge our policymakers to provide stable and adequate funding for the justice system.

The theme of this year's national Law Day is "No Courts, No Justice, No

Freedom." The upcoming Law Day 2012 event will feature educational events in every jurisdiction, culminating in a call to action on the steps of every state supreme court and the Supreme Court of United States. This effort will raise awareness of the high cost we all pay as the result of an underfunded judiciary.

You can help by joining judges, educators, the bar and civic leaders across the country on May 1, 2012, for a nationwide dialogue to raise public awareness of this crisis. Please visit www.lawday.org to learn more about Law Day 2012. Working together, we can focus attention on this crisis before it's too late. 

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