



Steep cuts to Florida courts' budget will paralyze our civil justice system

Florida courts currently handle an average of 4 million cases a year. Lawmakers are considering additional cuts to funding for Florida courts which would force the courts to further reduce essential support staff and resources in addition to reductions they were forced to make as a result of budget cuts last year. The Chief Justice of the Florida Supreme Court, Justice Peggy A. Quince, recently warned lawmakers about the significant impacts any additional cuts would have on the resources of our state courts -- particularly their ability to handle cases.

In a letter to lawmakers, Justice Quince asked lawmakers to reconsider making further cuts to funding for Florida's courts, "Since the courts carry out their functions entirely through the work of judges and their support staff, these reductions, in addition to those already sustained, will substantially impair the Branch's ability to perform its constitutional functions, will result in significant delay in the processing of certain types of cases, and place at risk the constitutional guarantee to our citizens that the courts will 'be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay,' " Justice Quince wrote.

According to Quince's memo, the courts would be forced to cut an additional 250 jobs in addition to the 280 positions, or close to 10 percent of their workforce, already lost as a result of the budget cuts for FY 2007-'08 and FY 2008-'09.

The reductions will be much more significant because so many of its workers cannot be let go, such as judges, court clerks, state attorneys and public defenders. Instead the proposed cuts will result in the reduction of essential support staff that assist judges in moving cases through the system expeditiously. This will compromise the ability of the courts to quickly and effectively process the millions of cases they receive each year.

Florida courts were already impacted by significant cuts last year. The additional cuts this year could result in civil disputes being significantly delayed or being completely shut down as a result of the repeated cuts to the court system and the rising number of cases clogging courts.

By disabling our courts with such significant cuts two years in a row, we are impeding Floridians access to justice. If our courts do not have the capacity to process the rising number of cases, the ability of Floridians and businesses to access justice will be significantly impacted.

As economy worsens courts play an even more significant role

When our state and national economies are facing a downturn, it is not time to slash our courts' budgets. Recessing economies traditionally result in an increased number of civil disputes, foreclosures and bankruptcies. Therefore, it is imperative that our justice system and courts remain efficient and well-funded.

The weakening housing market has already flooded courts with mortgage foreclosure cases, with the number of cases on Florida dockets soaring by 356 percent in the last two years.

The proposed budget cuts will make it even more difficult for courts to process these cases, causing greater financial losses for banks and other lenders. Because these institutions rely on their ability to sell distressed properties through legal proceedings, the cuts could result in greater financial losses or even bank failures. Businesses shutting down or having to leave the state will only result in more significant impacts on the state's economy.

In fact, the proposed cuts will affect all businesses in the state as civil cases languish on court dockets, while businesses continue to pay attorneys' fees and wait for their day in court, sometimes for years. Consider the following impacts that are likely to result from the cuts:

- Worker compensation cases would be delayed, increasing the bottom line cost to employers in resolving disputes as well as the time it would take employees to receive compensation for an injury.
- Civil claims between businesses and consumers will languish on court dockets for years at a time, resulting in businesses continuing to pay attorney fees and costs associated with the case. These costs are passed on to consumers.
- Banks, title companies, real estate brokers, and other related industries would see delays in foreclosures, guardianship cases, estate settlements, bank access to property determinations, and real estate transactions.
- Business contract disputes would take longer to resolve.

The proposed cuts will increase the current backlog of cases impacting the efficiency of Florida courts, and will reverse the gains our civil justice system has made in recent years as a result of civil justice reform.

Florida's legal climate has improved in recent years as a result of a number of common sense civil justice reforms. However, civil justice reform does little good if our state courts are never able to consider disputes because they are languishing on civil court dockets.

Florida's court system is the one institution that should stand strongest when our state is facing economic distress.

The Florida Justice Reform Institute's mission is to fight wasteful civil litigation through legislation, promote fair and equitable legal practices, and provide information about the state of civil justice in Florida. To facilitate these goals, the Institute employs research and advocacy in support of meaningful tort reform legislation.