

## *The Future of California's Courthouses*

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*The following are edited remarks delivered by Chief Justice George on the occasion of the California Supreme Court Historical Society's educational panel, Temples of Justice: The Past, Present and Future of California's Courthouses, held at the California State Bar Annual Meeting in Monterey on October 11, 2002.*

Our state's 451 court locations include mid-nineteenth century Greek revival "temples of justice," and the only courthouse designed by the eminent architect Frank Lloyd Wright, as well as an assortment of indifferent and often dilapidated public buildings of indeterminate lineage.

Soon after becoming Chief Justice in 1996, I undertook a tour of the courts in all 58 counties of California. In the year that followed, I traveled more than 12,000 miles across the state. I consistently encountered dedicated judges and staff interested in improving the administration of justice and in better serving the people of their local communities. These individuals often were stymied, however, by the uncertain flow of resources, barriers restricting reallocation of personnel and functions, and court locations that were inadequate, if not totally inappropriate, to meet current demand.

Two major reforms since the time of my tour have had an unprecedented effect on the court system's ability to tackle innovative and wide-ranging projects designed to improve court operations and to respond more effectively to the public's needs. The first, of course, was the 1997 enactment providing for a shift from a bifurcated system of funding for the trial courts – split between the state and the individual counties – to a system of state funding. As a result, the state has been providing a steady, consistent source of income for the courts, permitting planning and efforts to make reforms that improve court operations.

The Judicial Council, the constitutionally mandated body (that, as Chief Justice, I chair) with responsibility for setting policy for the statewide administration of justice, has ultimate responsibility for the budget and allocation process, a function that has permitted us to tackle issues on a broader and more effective level. Although our state and our nation currently face difficult economic times, it appears that the state funding system is enabling the courts to weather this fiscal crisis far better than we would have fared under the county-based system.

The second key reform was unification of the trial courts, authorized by an overwhelming majority of the voters in 1998. By the end of that year, courts in 50 of our 58 counties had unified, and by early 2001 every



*Built of native stone in 1917, the Lassen County Courthouse remains in use and is listed on the National Register of Historic Places.*

county in the state had a unified trial court. The resulting increased flexibility in the use of judicial and administrative resources has led to an outburst of innovation in the courts, including specialty courts addressing domestic violence, drug use, and juvenile mental health; increased outreach to local communities and constituencies; improved services for self-represented litigants; and closer coordination with local bar associations and social services providers.

On the statewide level, the Judicial Council has expanded its services to the courts, and has set new directions and created new initiatives in areas including jury reform, uniform rules, improved family court services, and the improved use of technology. The Council's role in assisting the local courts continues to develop. It has enabled our branch to assume far greater responsibility for its future and to be accountable to the public and our sister branches of government.

Following these reforms, there remained one area of deep concern – one in which I had gained direct experience during my visits around the state: the condition of court facilities. For some time, the condition of courthouses in many counties had languished. There was no mechanism accurately to detail present or projected needs statewide, and counties often placed courthouse renovations or additions at the bottom of their to-do lists.

The problem of deteriorating and inadequate court facilities was exacerbated once responsibility for the courts' operation shifted from a shared responsibility with the counties to the sole responsibility of the state. The counties were left to maintain facilities for government functions over which they no longer had control.

Courthouses in California have played a unique role in our state's history. *California Court Houses*, a publication of the California Supreme Court Historical Society, catalogues some 60 of these structures. My wife, Barbara George, who serves as Chair of the California Arts Council – a government entity – ensured that an allocation of funds for art was made

when the Supreme Court's historic home in San Francisco was renovated and a new building was erected by its side.

One project she undertook, with the assistance of individuals from the Supreme Court and the Administrative Office of the Courts (the Judicial Council's staff arm), was to obtain photographs of historic courthouses from each of the 58 counties. This had never been done before, and proved to be an unexpectedly complicated and time-consuming venture. Persistence and patience paid off, however, and the results were remarkable. A complete pictorial history of California's courthouses now can be found in the lobby of the Judicial Council's boardroom and in the hallways of the Supreme Court.

In her introduction to *California Court Houses*, Barbara wrote: "These courthouses are monuments to the way the people of California saw themselves at an earlier time, when the state was young and ideals of the democratic society were not only embraced, but also enshrined in what was often the grandest building in town." I would add that these buildings symbolized the key role that the judicial system played not only in our nation's self-image, but also in its aspirations. These buildings were monumental – not so much inviting as commanding.

Much has changed. Of the 60 courthouses that were catalogued in this publication, only 32 remain in existence today, with 21 designated national historic places and 22 still in use by the courts. In some communities, the symbolic significance of these structures seems to have abated, but local communities are being urged to recognize not only the architectural value of these remaining courthouses, but also their cultural significance as emblematic of the role of justice in our democratic society. Perhaps in an era in which skyscrapers and monster malls are commonplace, majestic court buildings have lost some of their immediate power to impress and focus the community.

Nevertheless, these historic models are important to remind us of the continuing place of a strong and independent judicial system in our state's history, and also of the future need to provide adequate sites in which justice properly can be administered. We must invest wisely in restoring and building our state's court facilities now. By doing so, we will support and encourage recognition – by current and future generations of Californians – of the critical role that meaningful and equal access to justice plays in our society.

When state funding became a reality, the question of how to allocate responsibility for courthouses was set aside for a later day. In order to understand the scope and nature of the tasks involved, the Legislature created the Task Force on Court Facilities. With members



*Completed in 1921, the Plumas County Courthouse remains in official use, having been preserved in nearly its original state.*

from each of the three branches of state government and representatives of the counties and trial courts, the task force undertook a comprehensive three-year examination of court facilities in the state – the first time such a survey had occurred.

The task force issued its report in October 2001. Its key recommendation was to transfer responsibility for facilities from the counties to the state. Its findings reveal the basis for its recommendation.

The task force compiled a complete current inventory of trial court facilities. Ten million useable square feet of court space are located in 451 buildings. Of these locations, 29% were built before 1960, and 70% before 1980.

Given their age, the amount of use these buildings endure, and the changes in responsibility for court operations, it is no surprise that the task force found that significant maintenance, repair or renovation is needed in 90% of existing court structures. It identified 187 buildings as potentially requiring seismic upgrades based on age and type of structure.

Fifty-four percent of courthouse space is in buildings rated either functionally deficient or marginal; leaving only 46% of space in buildings rated physically and functionally adequate – not necessarily excellent or good, but merely adequate. And 56% of court buildings are marginal or deficient for overall building security alone.

In short, the task force reached the basic conclusion that trial court facilities throughout the state are in poor condition and that new facilities are needed to meet growing demand.

Conditions differ across the state. Support for the courts has varied greatly from county to county, due to factors ranging from poor relationships between local court leadership and the county board of supervisors to marginal fiscal conditions in an individual county in the face of competing demands for other public services. By the mid-1990s, it was not uncommon to find court-

rooms housed in trailers; jurors without an assembly room, forced to wait in stairwells or corridors; courtrooms carved out of former storage rooms or even bathrooms; insufficient perimeter and courtroom security; and the full panoply of physical problems encountered in any building that has not been properly maintained.

During my travels across the state, I visited a courtroom with stacks of law books piled around the judge's bench to serve not as a resource for scholarship, but rather as a replacement for a bullet-proof shield. I witnessed prisoners being led through the clerk's office or public corridors on their way to a courtroom; water-damaged ceilings and walls; judges' chambers the size of broom closets; and juvenile facilities unfit for any child or adult. At one point, during a visit to Los Angeles, I arrived in the courthouse as the floors were still being mopped to remove the blood from a fatal shooting that had taken place in the hallway, arising out of a family law matter.

The lack of county investment in facilities has continued in many locations – due not only to stretched resources, but also, in the wake of the shift to state funding, to a lack of strong incentive to invest in facilities that support programs that are the responsibility of the state.

After thoroughly reviewing the present system, the Task Force on Court Facilities concluded that the judiciary should have the authority, responsibility, and financial capacity for all functions related to its operations and staff, including facilities. The task force observed that controlling both operations and facilities best ensures that all costs are considered together when decisions are made. Doing so will help bring about economical, efficient, and effective court operations.

Equal access to justice is the paramount goal of the Judicial Council. The task force concurred, and concluded that the state can best ensure uniformity of access to all court facilities in California by placing control of court facilities under the judiciary's control.

The task force's conclusions were carried forward in the Trial Court Facilities Act of 2002 (SB1732), authored by Senator Martha Escutia. The success of this measure was touch-and-go until the very end, but it finally was signed into law by Governor Davis on September 30, 2002.

The Act will permit our branch for the first time, on a statewide basis, to consider the full range of issues relating not only to the condition of our courthouses, but also to the manner in which court locations can affect the overall administration of justice for which the judiciary is responsible.

For example, the new act will facilitate the judicial branch's focus on increased security needs. All individ-

uals – judges, staff, litigants, jurors, witnesses, lawyers, and members of the public – should be safe from harm within the confines of a courthouse in which justice is dispensed. And that includes not only the prevention of harm from weapons and assaultive conduct, but also the provision of seismically safe and environmentally sound structures that meet public accessibility requirements. In addition, a proper facility should provide separate circulation paths for the public, court staff, and prisoners.

Our branch also will now be able to focus on ensuring that court facilities can meet current and future needs. These include adequate jury rooms, space for alternative dispute resolution, wiring for technological services, accommodations for specialized courts, and planning to incorporate the benefits made possible by court unification to the delivery and distribution of judicial services.

Courts are not asking for palaces nor are they asking that the buildings in which they operate be constructed to outshine any other structure in the area in which they are located. They are asking simply that courthouses be designed and maintained to provide an adequately equipped and accessible location sufficient to provide needed services to the public, consistent with maintaining the independence and strength of the judicial system.

I do not view this new Facilities Act as a burden — although it does impose a wide range of new responsibilities on the judicial branch. Instead, I see it as an enormous opportunity. Our judicial branch now will have the full range of tools available to set the course for the administration of justice in our state. We are fortunate. We have a history of excellence to rely upon, and a future of unlimited possibilities to look forward to – as well as the talent and dedication of thousands of judges and court employees who remain eager to continue their efforts to improve how we serve the public.

This is a truly historic time for our state and for our courts. Our judicial system has experienced change to an unprecedented extent during the past several years. Because so much is in flux, it is a time in which an individual can have an important impact on our judicial branch's ability to administer justice. I urge each of you to join the courts in building our system's future.

California Court Houses, *edited by Barbara George and published by the CSCSHS, is provided as one of the many benefits of Society membership at the Judicial level and above. To become a member of the Society or upgrade your membership, mail the membership form printed in this newsletter or join on-line at [director@cschs.org](mailto:director@cschs.org).*