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## Court Review: Volume 44, Issue 4 – President's Column

Tam Schumann

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# President's Column

Tam Schumann

## Who's Afraid of the Big Bad Wolf? All of Us.

As your president, I have attended meetings of the Conference of the Chief Justices and of the National Association for Court Management. The focus of both conferences was the fiscal crisis confronting us. From chief justices to nonjudicial employees, the dominating topic of conversation was how do we survive the harsh reality of our economic times? I thought it would be of interest to share with you information collected by NCSC's Budget Resource Center as to what some states have done in response.

The almost universal action taken has been to implement an immediate hiring freeze. This freeze is not only as to nonjudicial employees but also to the filling of judicial vacancies. Although a freeze may make sense, it could not have come at a worse time. The very same economic catastrophe that has caused the budget crisis has also caused an increase in filings of such cases as unlawful detainers, domestic-violence restraining orders, civil restraining orders, divorces, and criminal misdemeanors and felonies. More of us are seeing a significant increase in our caseload with fewer resources and assistance.

Another common tactic is to modify the hours of court operation. This modification has varied from closing courts on a regular basis to closing them occasionally. For example, Oregon closed its courts every Friday beginning from mid-March through June 2009. Iowa closed all of its courts one day in February, and Vermont closed its courts a half day every week as well as closing them a full day on certain designated days. Those who have not shut the doors on some days have reduced operation hours instead, such as Maine.

Unpaid furloughs have also been utilized. California has implemented a voluntary day off each month with comparative reduction in pay while Iowa requires all court employees to take seven days of unpaid leave. In Idaho, that number was two days of unpaid leave and in Oregon 16 unpaid days before the end of June 2009. More furloughs will undoubtedly have been announced before this issue arrives in your mailbox. New Hampshire specifically extended unpaid furloughs to judicial officers. At the meeting of the Conference of Chief Justices, several chief justices mentioned that even if judges were not subject to unpaid furloughs, they should consider doing so in order to bolster morale among other court employees.

The economic crisis has also caused us to eliminate suppliers of traditional court services. In Utah, Massachusetts, and New Hampshire, court reporters have either been replaced by digital audio recordings or had their hours significantly reduced. Massachusetts has also reduced the number of full-time interpreters. Minnesota has cut back using assigned retired judges.

Judges have been directly impacted in other ways too. Many states, such as South Carolina, Florida, Massachusetts, and New Hampshire, have eliminated out-of-state travel allowances. South Carolina and Massachusetts have eliminated law book subscriptions, advance sheets, and compilations of recent court decisions. The *Los Angeles Times* recently reported that Ohio would accept new case filings only from people who bring their own paper, claiming that the court has just enough paper to handle hearing notices. Minnesota has closed down a satellite court and Massachusetts has cancelled all judicial education conferences. Maine has announced that there will be no court facility repairs unless life- or health-safety concerns require them. Some states, such as Iowa and Connecticut, have offered "golden handshake" incentives for early judicial retirement.

What is especially alarming is that some states have had to utilize drastic measures to deal with the fiscal crisis. For example, Minnesota has had to reduce the daily per diem to its jurors by roughly half.

In these frightening times that threaten the economic stability of our court system, the American Judges Association becomes even more important in its role as the Voice of the Judiciary.™ It is critical that AJA continue to serve as a networking source for solution sharing among its members. We all face common problems, and AJA should not only be viewed as a forum where we can air our concerns but also can learn what others are doing to respond to them. Fully realizing that travel allowances and budgets are being eliminated or severely curtailed, one of my goals is to implement an online education program for our members who cannot attend our conferences. Judge Michael Cicconetti has been highly instrumental in attempting to obtain federal funding for us to accomplish this.

The bottom line is that AJA is even more necessary to us now than it has ever been before.

