

Understaffed, Overwhelmed, Swamped

Legislature Must Overhaul Judicial System, Allowing Families, Kids to Get Fair Hearings

By Fred Silberberg

It is time to reconsider the division of labor in California's civil courts. In many of the civil trial courts, the court personnel and judicial officers seem to have too much free time, while in family law courts, the personnel seem overwhelmed. In fact, our family law courts are so overburdened that judges commonly take work home, while their civil trial counterparts sit in courtrooms that are empty a good part of the day. It is time for the Legislature and the governor to solve the problem and build a system where justice is handed out evenly.

The Los Angeles Superior Court is a prime example. Here sits what is supposed to be the largest unified court system in the world. The Central Civil Courthouse, located in downtown Los Angeles, has 93 judicial officers on its roster. Of those 93, only 14 are assigned to family law cases. That is the largest panel to be assigned to family law in years, but it falls far short of what is needed.

On any particular weekday, you can walk the courthouse floors without family law departments and hear a pin drop. And although there are always civil courtrooms where part of the morning is spent arguing motions or conducting a trial, there also are those where it appears that little is occurring.

But take a walk through the second floor, where most of the family law departments are located, and one encounters noisy crowds. In many of these courtrooms, it is standing-room only. On those floors where there is a smattering of family law departments, a crowd is nearly always assembled outside the family law courtroom, while the rest of the hallway contains only a handful of people. Inside a civil trial court, one will encounter a clerk and bailiff sitting alone in the courtroom, and a judge who is alone in chambers or not there at all.

The Central Civil Courthouse isn't the only one like this. It is the same way in the branch courts and in Orange County. Apparently, non-family-law law matters do not require much court time.

The Legislature needs to solve this problem. With the possible exception of criminal court, there is no other area in our court system that has a greater impact on society. Our family law courts decide issues every day that greatly affect parents and children. Moreover, the impli-



cations of those decisions don't stop with that particular family but also affect subsequent generations, neighbors, friends and extended family.

They should be the first priority of the court system. Unfortunately, they are not.

This disparity in the available labor pool results in many problems. Judicial officers become fatigued. The family law assignment is avoided by many judges when it should be the assignment of choice. The need to read pleadings for 30 or more cases per day is possibly why so few want the job.

In civil courtrooms the day's work usually ends at 4:30 p.m., whereas in family law courtrooms the job requires staying up until the wee hours. One of our now retired judges, a staunch family law advocate and respected jurist, told me that she was counting the days until her retirement so she could get eight hours of sleep and

spend time again with her husband.

The family law system is so overburdened that judges become irritable and lose patience with litigants and attorneys. The intense caseload almost forces even the most conscientious judge to make bad calls from time to time because they don't have time to really listen to and process the evidence. Multiply the 30 cases on calendar by the three sets of documents filed in each case, some of which are read in full due to late continuances, and it is easy to understand why the judge seems impatient. The problem is explaining that to the litigant who expects to have his or her "day in court."

The Legislature and the governor need to wake up. All judges are paid the same salary. Although auto accident cases may not be exciting, the prospect of ending the day at 4:30 p.m. is enticing. This is not how the workload should be dis-

tributed. The existing system makes a public policy statement that those types of cases deserve more court time and resources than cases that affect families.

If we cannot afford to expand our court system, then it should be restructured. There should be more family law departments, even if it means reassigning some civil trial departments to family law. If the workload were distributed evenly, more judges would be interested in family law, fewer delays would occur and better decisions would be made concerning families and children.

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