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*ADDRESS*

By The Honorable Tani Cantil-Sakauye  
*Chief Justice of California*

*The Tuesday luncheon session  
honoring new life (25-year) members  
and new 50-year members  
convened in the Colonial Room  
of The Westin St. Francis, San Francisco, California,  
on May 17, 2011.  
President Roberta Cooper Ramo presided.*



**President Ramo:** Ladies and gentlemen; gentlemen and ladies. This is one of the best of the best luncheons to me of the year, because it is a lunch that honors our life members and our 50-year members, and I will get to that in a second.

Let me first say that we have had the most extraordinary few days, from my point of view, from the incredible pizzazz and also importance of our discussion about Election Law through our wonderful finishing of the Torts project, this morning's great discussions about Restitution and all of the other projects that we have are just really amazing in every way. And those people who have been our members for 25 years and for 50 years I know can see with a certain perspective, and those that have been members for 75 years, and I would say a hundred but we haven't quite gotten there yet, how important it is that the vibrancy of this organization simply continues to grow, and that is something that you observe every day in all of our meetings.

Let me introduce first a special guest who is with us today, and that is our member who is the Ambassador to Australia—he swears to me he came all the way over for our Meeting—Jeff Bleich. Would you stand up, Ambassador. (*Applause*)

As I said to him, where else but The American Law Institute could a lawyer from New Mexico have the pleasure of introducing the Chief Justice of New Zealand to our Ambassador to Australia in San Francisco? I mean, we are just a completely magical organization in every possible way.

Let me say that as to our 50-year members, we happily have a number of them, but once again, this is literally true, two of them called to say they were too busy to fly to San Francisco. So unfortunately we have none of them to honor today, but I am glad to know that somebody is doing some billable hours when I am just standing here, and I have hope for the future.

Let me ask all of you who are 25-year members to please stand up so we can say thank you, in every possible way, for everything you have done. (*Applause*)

We have a wonderful medal and a wonderful certificate that will go to each of you. The happy news is we won't give it to you here; we will actually send it to you wherever you are.

We were talking last night, when we saw the wonderful award that we gave both Mike and Guy, about the difficulty and the pleasure of getting awards when you are out of town and don't know what to do with them, and I told a story, which is a true story, although I won't tell what state it was.

I gave a speech a few years ago at a southwestern state, and as my present they gave me the most magnificent Native American feathered headdress you have ever seen, I mean it was just incredible. They handed it to me in a box, and as I was walking through the Dallas-Fort Worth airport, unfortunately the box came open, and I could see people looking around me at these feathers everywhere thinking, my God, it's the world's oldest exotic dancer. (*Laughter*)

So that is why I am so intent on mailing things to people. It has kind of a different meaning to me.

Today we have the enormous honor of having as our speaker the Chief Justice of the state of California. Tani Cantil-Sakauye—how'd I do? I have been in the bathroom saying it for a long time (*laughter*)—came through the most amazing process to me. Appointed by the Governor, confirmed and approved by a commission that looks at quality, and then, amazingly enough, unless you actually had met her, elected by an enormous majority of the voters of California.

You can see her résumé and so I won't repeat it here, but I want to tell you what I think is the most important thing about this great Justice, and that is just watching her here and seeing the warmth with which every California judge and lawyer came to greet her. I am a professional observer of the difference between “This is the Chief Justice and I better be nice” and real warmth, and this was real warmth, Justice, and also the fact that she, like many of our greatest jurists, understands that, especially in the United States, her now going out to all of the people to explain exactly what it is that the justice system does is not something that she

does for fun, it is not just something that is an extracurricular activity. In fact, the need for the people of the state of California to understand what it means to have a serious, neutral, well-supported third branch of government is important to the democracy.

Ladies and gentlemen, it is my honor to introduce the Chief Justice of the great state of California. (*Applause*)

**Chief Justice Tani Cantil-Sakauye:** Thank you. Please sit down. Thank you. Thank you for that warm and funny introduction. I am going to have a vision of an exotic dancer in feathers for the rest of the day, but I am honored to be here with so many of you distinguished members of the bar and members of the bench.

It is an honor and a privilege for me to be able to share with you a few words about the status of the California judiciary. I have been a judge for 20 years, but I have been Chief Justice for five months, and I want to share with you what I have considered the three component parts of being Chief Justice of California. The first is, of course, Chief Justice of the California Supreme Court, where I sit with six other justices to decide some of the most novel and divisive issues facing California.

The second role or component of Chief Justice of California is chair of the Judicial Council, which is the constitutional body responsible for statewide rulemaking in California.

And the third component is Chief Justice of California, head of the judicial branch. It is in this role, as Chief Justice, head of the judicial branch, that I would like to share with you my observations, not only of my past 20 years but of the last five months.

I first want to tell you that, in this role, it is important to know that our system is quite large. It is the largest in the nation, double our counterpart in the federal judiciary, Article III judges. We in California, as you may have guessed or looked around and know, also serve a very diverse population, arguably one of the most diverse populations on the planet.

And our court system, our court locations sort of speak volumes about what we are and how we do our work. We have over 400 court

locations, in places as unique as Alpine County, with two judges and 1200 people, and Los Angeles County, Judge Edmon, as you know, with 10 million residents and 600 judges, and, of course, we provide equal access to justice for all throughout the state.

Think about the fact that we have our Judicial Council, which tries to ensure consistent, impartial, accessible, and independent state-wide rulemaking for all of California, from the Sierra jurisdictions to the desert jurisdictions, to the inland empire, to two-court jurisdictions, and metropolises like Los Angeles County. And under the best of circumstances that is an extraordinary challenge, and under the current circumstances, one that not only grips California, not only grips the nation, but grips the world, with shrinking revenues and trying to do more with less, we are trying to promise and bring the delivery of access to justice in new ways in California.

I need not and will not go into great detail about the challenges facing California because I know they are similar to what is happening in your state. But I will point out, in my view, that compared to when I joined the bench 20 years ago, California today, the judicial branch, is far stronger to weather this storm than we have ever been in the history of our state, and I will tell you why in three brief points.

The first is that we used to be sort of a loose confederacy of courts. We had 260 courts that were under county budgets, and there are 58 counties in California, so we had a loose confederation of courts. But we have moved, in the last 14 years, to more of a shared, unified vision for the judicial branch. It started back in 1997 when our funding became stable. What happened in California was the 260 courts were now funded by the state through the general fund. What that meant was a predictable funding base, more expediency with our funding process, more flexible funding programs, and a better use and planning of our money where we could concentrate our revenue in those places that needed it most: court-interpreter programs, self-help programs, online self-help, self-representation litigation, complex courts.

The next year, the good voters of this state, in 1998, saw fit to amend our constitution to take our 260 loosely confederated courts and

to unify them into one court. So where once we had over 200 courts, we became 58 trial courts; where once we had two court-clerk offices in every jurisdiction and two HRs in every jurisdiction, we now had one. It made us more flexible and streamlined, and it simplified the process not only for litigants and lawyers but also for the judges.

Thereafter, in 2002, we gained control of our institutions by beginning to be operators, managers, and owners of our court buildings. We think, in California, that we are the first judicial branch to actually own and operate and maintain our over 500 facilities. We now manage and own and repair 19 million square feet in the judicial branch. It is a massive undertaking. But in that process, what we did, because of the Act of 2002, judges, court staff, community leaders, the legislature, we got together and we assessed our palaces, our temples of justice, and we came up with 60 priority projects, and these priority projects, seven of them have already been built; three broke ground recently; 52 are funded and under way.

What we have taken control of is where court operates. It is the forum that we provide to the public. We have also been able to undertake innovative projects that save money and use money in the most efficient way to build these courts, and we do this primarily without a dollar from the general fund. You might ask, in this kind of environment, how is it that the judicial branch can afford to build 60 projects? And it is in two words: court fees.

We are able, through the great participation of our state bar, of our attorneys on the civil plaintiff and defense side and our prosecution and defense side, to raise revenues through fees to fund these programs that build courts. I call it our own judicial-branch stimulus package because I know that we will be able to offer anywhere from 130,000 to 150,000 construction-related jobs over the next course of the next 10 years. We are the branch, miraculously so, that is providing employment in California.

This wouldn't have been possible had we not had the 2002 state Trial Court Facilities Act, and that would not have been possible with-

out the 1998 Trial Court Unification Act, and that would not have been possible without the 1997 state Trial Court Funding Act. I am talking about 14 years of massive change in California. I often call it “the house that George built.” My predecessor, the beloved Chief Justice Ron George, pursued these ideas with other judges and justices over a period of time, and it was during his administration that he completed these projects, through three governors and many attendant legislatures, that made this possible.

He also was able to make change possible with the tremendous work of many of the judges here in this room. I recognize you. I know you are your courts’ leaders. It doesn’t surprise me that you are members of ALI because you have been tremendous contributors to how the branch has moved forward.

And the lawyers, the state bar, also made that possible. California’s judicial branch does not have the same constituency when we go to the capitol and the legislature to lobby our reforms and our points of view. Our natural constituency are the lawyers. We don’t bring votes. We surely don’t bring money. What we bring is a civics education about the importance of the third branch, and then the lawyers fill in the gaps by explaining how important it is for public access to keep the courts open, funded, and to be institutionally independent.

So when I step back from those three major reforms in California, I look at the fiscal crisis we are in and I am certain that we are in a better position now to weather this storm than we would have been 14 years ago, let alone 20 years ago, when I first started.

I often say that the judicial branch is as old as statehood, but we are only 14 years young, because that is how old or young our achievements are. I am not saying that we don’t have growing pains. I don’t know to what extent you know of California’s tensions amongst our judges and our legislature, between decentralization and centralization of our courts, but I do know, when I go to other conferences, that our system is the envy of all. We have growing pains and we have tensions. We have 2000 judges. We have 21,000 court employees. Our 2000 judges, like

all of you here, are educated, experienced, intelligent, with opinions. So we are going to have tension and we are going to have conflict and we are going to be able to move forward and make this branch even better.

I would like to tell you a little bit about my first week as Chief Justice under this new canopy of structure, and it started with learning that the Governor had introduced a new age of austerity and would be cutting the judicial branch \$200 million. Well, with his new plan of austerity and his realignment of services from the state to the counties, in many respects the judicial branch was already ahead of him in that way. We had spent the last two to three years realigning services and structure and transferring money in an effort to meet the crises of the last two years, so this would be our third year, and because of our structure we were able to protect ourselves as best we could from those cuts.

However, as we moved into the new age of austerity, it became important that we meet the challenge. The judicial branch understands the challenge, and we have moved forward to meet it. But I would point out that, during this process, we have also seen an uptick in cases and filings having to do with mortgages, foreclosure, employer and employee rights, unlawful detainer, landlord–tenant, child custody, child support, domestic violence. These are the kinds of cases, as you well know, that strike at the heart of home, heart, and soul, and we have seen an uptick in those cases at the same time we have seen a downturn in the economy. So there is no doubt for me and clearly evident that the judicial branch stands on the front lines of the economic downturn, and it is our job to meet those demands regardless of dwindling revenue. It is my absolute goal to keep the courts open, because when jobs are taken and services are cut and homes are lost, you know and I know that courts provide a civil safety net and that is what we will continue to provide in this time of crisis.

I like to point out, too, that the judicial branch is really only 3.1 percent of the entire state budget, and we only receive 2.2 percent of the entire general fund of the state of California. With that money we are expected, and do, provide 37 million Californians protection for their constitutional rights, a place to lawfully and peacefully settle their dis-

puts, a place where those accused of crimes can be prosecuted fairly and where we protect and defend the constitutional rights of Californians. Is it any wonder that there might be a little bit of tension in what we do and how we do it, given our numbers?

But I remain, every day, optimistic that we will be able to provide our services and do more with less, because I have traveled this state and I have met the astounding leadership of judges, presiding judges, lawyers, court staff, and together we are making the effort to move forward and keep the courts open.

When you think about it, we are the most homogenous group of people in the judicial branch: similarly experienced, similarly educated, with a passion for public access as our guiding rule. And so when people say to me: it is challenging, you have had quite a fight, I agree with them, but I also tell you that I could not think of better partners in this challenge than my 2000 colleagues and the 21,000 court employees who are passionate about providing public access and keeping the courts open.

So I close my remarks with you today to say it is only five months in, so I hope to visit with you in the future to give you an update on how California is doing and to hear about your struggles and the best ways that you resolved them. I am convinced that we can resolve this and the best place to do it is in the judicial branch amongst ourselves, with the contributions of great people like yourselves. Thank you. (*Applause*)

**President Ramo:** The Justice has said, and we have time for a few questions. I don't—oh, we do have microphones out there. Great. So if anyone has a question, raise your hand and we will bring a microphone to you.

I think everyone is so uplifted by your positive message in an unexpected way, that and dessert, we don't want any more, it's too good.

**Chief Justice Cantil-Sakauye:** I'm around if you want to talk.

**President Ramo:** Thank you very much. We will reconvene at 2:15 to discuss something totally noncontroversial, Employment Law. (*Applause*)