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Supporting the Effective Administration of Justice: The Roundtable's Recommendations

Preparing – and passing – the 2010-2012 biennial budget will be the most significant and complicated issue facing legislators convening in the 2010 session of the Kentucky General Assembly this month. After Gov. Steve Beshear outlines his own spending priorities in a January 19th budget address, lawmakers will begin the grueling task of aligning a long list of pressing needs with increasingly scarce resources.

Finding sufficient funding for an already heavily burdened judicial system will be among the competing demands in an intense budget-making process carried out over the next four months. Our multi-faceted judicial branch is not just another state agency, but rather a separate and equal branch of government and requires priority funding as such.

Especially now, in these trying economic times, it is critical that judges, prosecutors, and public defenders work together to ensure adequate funding for the proper functioning of the criminal justice system. The influx of cases and workload of the courts are beyond the control of the judiciary, the prosecutors, and the defense. Their roles and responsibilities are not discretionary; they have no ability to reduce or limit the demands placed upon them by constitutional requirements and statutorily imposed duties, including the

right to counsel, the right to a speedy trial, and the right to due process. These are rights that are mandated by law and are essential to a free and safe society.

Adequate resources must be provided to comply with this constitutional mandate to protect the citizenry and all those who come before the courts seeking justice. Fair, balanced, and reliable results cannot be achieved without funding that is based upon the true reality of the on-going caseloads of judges, prosecutors, and public defenders.

Case number calculations are often used by each group to demonstrate the amount of work accomplished and the amount of funding necessary to fulfill each organization's constitutional duties. With this background, an advisory group of judges, prosecutors, defense lawyers, and law professors recently met at the Kentucky Bar Center in order to find common ground. The findings of this group were forwarded to Gov. Beshear and the leadership of the Kentucky General Assembly for their consideration in the budget-making process.

These recommendations included:

- Identification of the total caseload opened each year plus cases carried forward from the previous years by prosecutors and public defenders when reporting caseloads.

- Encourage prosecutors and public defenders to count cases in a way that makes comparisons of caseloads easier and more comprehensive.

- Encourage prosecutors and public defenders to calculate their workloads in a similar fashion.

- Encourage prosecutors and public defenders to collaborate and unite in advocating for adequate funding for all parts of the criminal justice system.

- Advocate adequate funding be provided to the courts, prosecutors, and public defenders so that the criminal justice system in Kentucky can properly protect constitutional rights, guarantee public safety, and ensure that the courts render valid and reliable results in a timely and fair manner.

As an integrated bar representing all Kentucky lawyers, the Kentucky Bar Association supports the effective administration of justice in the Commonwealth's courts. We are hopeful that the roundtable's recommendations will lead to better funding, better communication, and more cooperation among the key players in the interest of all stakeholders, the most important being the public at large. 