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Kentucky Law Day 2012

Chief Justice John D. Minton Jr.
Remarks

May 1, 2012
Chambers of the House of Representatives
Kentucky Capitol

On behalf of the Supreme Court of Kentucky, I welcome all of you to this celebration of the rule of law.

In 1957, the president of the American Bar Association, Charles Rhyne, envisioned a national day to celebrate our legal system. The following year, President Dwight D. Eisenhower made that vision a reality by proclaiming Law Day as a day of national dedication to our great heritage of liberty, justice and equality under law. Law Day in America was in sharp contrast with the May Day celebrations of military might displayed in the Soviet Union. Now, more than a half century later, the United States of America and our legal system are strong and vibrant.

Each year Law Day provides a new opportunity to expand awareness of our legal and judicial system and its impact on our lives. It offers us a chance to reflect upon our nation's constitutional heritage and to appreciate the vital contributions an informed and active citizenry makes to our constitutional democracy.

The national theme for Law Day 2012 is No Courts, No Justice, No Freedom, a topic that is both timely and important because it focuses the nation's attention on Law Day to a funding crisis that threatens the stability of state courts across this nation. Kentucky is one of those states in crisis.

The constitutional argument for sustainable funding for our courts is simple: The judiciary is a co-equal branch of government responsible for doing justice. The practical argument is equally compelling: Each day state courts are busy in every county of the commonwealth about the business of resolving disputes – doing the business of justice – in every county across this commonwealth.

State judiciaries handle approximately 95 percent of all cases filed in the United States. In 2008, the most recent year for which data is available, all states reported 106 million incoming trial court cases – the most in 35 years. Kentucky's courts experience approximately one million case filings annually.

Courts must be open, available and adequately staffed. No one would accept closing the local emergency room, or the local firehouse or the local police station for one day a week. Our justice system is no different.

Kentucky's is a unified court system totally dependent upon an appropriation from the General Assembly to fund the Judicial Branch. The Judicial Branch represents approximately 3 percent of the Kentucky state budget and 10 percent of the state workforce, yet since Fiscal Year 2009 the court system has experienced a cumulative budget reduction of 48 percent.

We have addressed this by holding judicial vacancies open, halting judicial education programs, reducing our personnel complement by 235 employees through layoffs and attrition, eliminating juvenile and family drug courts, implementing significant operating cuts and streamlining the organizational structure of the Administrative Office of the Courts. Until now, these austerity measures have allowed the Kentucky court system to avoid the worst-case scenario experienced in other states – mass layoffs, mass furloughs and closed courthouse doors. But I fear those scenarios lie ahead of us in Kentucky in the upcoming fiscal biennium.

We have all learned to be resourceful and to live within our means, to change, to evolve and to reengineer, but state courts are running out of options for dealing with The Great Recession. Four years of implementing cuts is beginning to hollow out our judicial institutions, permanently eroding their capacity to serve as the backbone of the American system of justice.

The underfunding of state courts impacts not only the prompt and fair resolution of disputes, but also public safety, the economy and our very system of government.
On Law Day 2012, we recognize our duty and renew our dedication as legal professionals to articulate more clearly than ever what courts do and why adequately funded and stable state courts are so essential to the cause of justice for all our citizens.

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