

**INAUGURAL ADDRESS UPON INSTALLATION AS PRESIDENT OF THE STATE
BAR OF CALIFORNIA**

Jon B. Streeter
(September 17, 2011)

Madam Chief Justice, President Rubin, members of the board of the State Bar and of the California Judges Association, it is a great honor and privilege to take the gavel today. I am grateful for the opportunity to lead the Bar this year. I undertake that role with deep humility, but with great anticipation for the year to come.

I would first like to introduce my lovely wife, Dorine, without whose patience and support I would never be standing here today; my two wonderful daughters, Lindsey and Hillary, each of whom played hooky from college to join me today, Lindsey from Occidental, and Hillary from Stanford; my dear mother, Kathleen, who travelled down from Seattle; and my two brothers Doug and Kurt, and their wives Jane and Vanashiree. It is a joy to have you all here.

Our Bar is an arm of the Court. We are integral to the judicial branch, located expressly in Article VI of the California Constitution. So let there be no doubt that we stand together with the Court, and as part of our core mission we are duty-bound as an agency to do all that we can to advance the cause of the fair administration of justice.

Many have asked what is at the top of my agenda. Well, Judge Dennis Archer, a distinguished ABA President of just a few years ago, answered that question when posed to him upon entering office by saying no Bar President can choose an agenda – the agenda finds you. My good friend Bill Hebert found that out last year, with the issue of governance tracking him down and dominating his schedule and ours as a board.

I sense that I may be about to have the same experience but with a different issue – one that is of much greater magnitude and consequence to the citizens of this State than board governance, a discussion that may well have seemed like a parlor debate among us about the number of chairs at our board table.

The Chief Justice just laid out for you the issue I see coming – it is court funding. Madam Chief, I say to you, we have your back. The Bar will be at the leading edge of the effort to find solutions to that most pressing of problems. Sometimes it takes a crisis to galvanize the forces of change, and I believe this is one of those times.

This crisis illustrates the critical importance of something Chief Justice George talked about for years – finding our way to a stable, predictable way of funding the administration of justice in California. I am happy to have the chance during my year as President to support that cause. Living year-to-year on a hand-to-mouth existence may be the norm for executive branch agencies, but it is no way to run the largest system of courts in the world.

I take what we just heard from the Chief as a call-to-action. Sure, there have been judicial branch budget shortfalls for years, some worse than others. But this one is of a scope and magnitude we have not seen before. Courts all over the state are closing. And because

almost all of the impact will be felt in the trial courts – in the trenches, if you will, where the public will feel it most – these cuts imposed on the branch present profound access to justice issues.

Now, keeping courts open is not an end in itself. We keep the courts open so that citizens may find protection there, so that our laws are enforced with certainty and predictability, so that we are guarding the safety of the public. In a word, we do justice there. To this audience, these things are basic. We are talking about the rule of law.

In an era when so few lawyers serve in the Legislature, it is sometimes difficult to get the message across that the judicial branch is not just another agency and that, with these recent massive cuts, we are now at a point where the level of cuts we are absorbing threatens to undermine the rule of law in our society.

Now, sometimes I hear it said that, with dwindling fiscal resources available to everyone, the courts are only one priority among many, and some of those other competing priorities -- such as funding health services for children -- will always win out.

But to that I would say this is a false choice. The lives and physical safety of citizens are at stake all day every day in some of the court departments that are most vulnerable to closure. Talk to any judge who has sat in a family law department. If we turn the courts into a dull and unresponsive instrument when dealing with the most difficult human problems, we make our civilization meaner and more brutal.

Two years ago my predecessor, Howard Miller, stood before you and talked about the vast increase in unrepresented litigants that we are seeing in our court systems. He made a clarion call of adoption of some form of right to representation in certain civil cases, and during Howard's Presidential year, legislation was passed that began to take the first tentative steps toward this laudable goal.

That was a step forward for access to justice, for sure, but let's be clear that the accumulated effect of the funding crisis we are now facing will soon represent a giant step backwards. That is because the inevitable effect of these cuts will fall most heavily in areas where unrepresented litigants are the heaviest users of our courts.

This year, I pledge that we at the State Bar will serve as a vigorous advocate for the judicial branch on court funding issues. It is absolutely critical that we speak with one voice, not only among ourselves as members of the Bar, but within the judicial branch. Our message will not be effective if judges for whom we carry this message are perceived as divided. We must put aside those things that divide us, get behind our Chief Justice, and unify. If within the judicial branch we are in disarray, if we are saying different and even conflicting things, our efforts are bound to be futile.

Even before taking the gavel today, I began working with Bill Hebert and Joe Dunn to mobilize our members in a coordinated way as advocates for court funding. We have formed a statewide steering committee, drawing together influential lawyers from all over the state. This

group will be a hub for information and ideas, for developing a unified set of proposals designed to address the fiscal challenges facing the judicial branch, and to press for adoption of those proposals. I cannot yet say what those specific proposals will be because our work has just begun, but we expect to move rapidly, so stay tuned.

Our mobilization efforts will not be limited to the steering committee. We are busy establishing lines of communication on court budget issues all across the state, tapping one of our greatest resources – the voluntary bar associations and specialty bars. Earlier this week, at our annual Bar Leaders Conference held for the new officers and executive directors of the many bar associations around the State, we established a network of communications that will allow us to develop ground-level information from as many of the 58 counties as possible.

It is difficult to overstate the gravity of this issue. The quality of our justice system is being eroded, and once a phenomenon like this starts, it is hard to say where it will end. We may be headed back to the era in which the quality of justice varies not only based on litigants' ability to pay – for the wealthy can always buy private justice -- in every county, depending on how rich or poor the region was. That, in my view, was the great triumph of statewide court unification. Unification allowed us to move toward a system in which there was a uniform standard of justice statewide.

We cannot stand idly by and see the vision of uniform justice for all Californians destroyed. In the short term, I hope we at the Bar can help the branch find its way back to fiscal stability, with as much restoration of lost funding sources as we can muster. In the medium term, I hope we can help the Chief steer things toward a multi-year budget plan, agreed to by the Legislature and the Governor, capitalizing on and perhaps even building on whatever protections are achieved as the State's economy returns to health.

But in the end, I suggest to you that stopgaps and half-measures will not do. For the fair administration of justice in California, the independence of the judiciary, for the rule of law in our state, this matter of court funding is the most consequential issue of our time. The best solution is a ballot initiative designed to embed into our state constitution a mandatory indexing formula designed to fundamentally change how the justice system is funded.

For big issues, big solutions are sometimes called for. As JFK said fifty years ago, "When written in Chinese, the word 'crisis' is composed of two characters – one represents danger, and the other represents opportunity." Or, as translated less elegantly but in the more modern style by Rahm Emmanuel, "You never want a serious crisis to go to waste. And what I mean by that is it sometimes gives you an opportunity to do things you think you could not do before."