

# Funding Justice

Strategies and Messages for  
Restoring Court Funding

Justice  
at Stake 

NCSC  
National Center for State Courts

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Dear Reader:

Nearly every court in the United States has been shaken by the Great Recession, as economic contraction has devastated state budgets, forced the slashing of thousands of jobs, and closed courthouse doors. Judicial leaders have scrambled to tighten their belts, innovate and blunt the damage to their budgets. But across the country, the judiciary's treasured constitutional role has not spared it from the budget axe. Access to justice is in peril.

Justice at Stake and the National Center for State Courts recently joined forces to examine what strategies and messages could help courts make a stronger case for court funding. We reached out to learn more about the crisis, and the best practices being developed to deal with it. We worked closely with the American Bar Association's Task Force on the Preservation of the Justice System.

We also commissioned a nationwide opinion research project to understand how to better tell the story of the courts—to the public, the media, and the legislators who shape budgets. The project included research, focus groups, a nationwide poll of American voters, and one-on-one interviews with Chief Justices, legislators, and others who have been closely involved in the debates around court funding in the states.

This guide—*Funding Justice: Strategies and Messages for Restoring Court Funding*—builds on more than a year of work. It contains important lessons, some of them counter-intuitive, about how people view the courts and their funding needs. It explains how to tell the story of the courts, and why they matter, in an era when the public is very focused on government austerity. It includes a special section on working with budget policymakers, based on interviews conducted around the country.

Whether budgets improve soon, or a “new normal” has set in, everyone who cares about the courts needs to improve their efforts to help them secure adequate resources. We hope you find this guide useful, and will share it with others. Please let us know if we can be of further assistance.



Bert Brandenburg, Executive Director,  
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# Executive Summary

## **Courts face special challenges seeking funding.**

Most voters blame backlogs on excessive lawsuits and legal maneuvering, not funding cuts. They appreciate the unique role of courts, but give higher priority to other government services. Voters are unaware of the effects of court budget cuts on ordinary people.

## **A two-tiered strategy is needed.**

Court leaders must make their best case to budget policymakers now, while commencing a long-term campaign to build public education and support. Most Americans are simply not motivated by short-term appeals for court funding.

## **Stick to a core message.**

Do not rely on the courts' status as a co-equal branch. Embrace demands for austerity, and show how courts will be effective stewards of taxpayer dollars. Use detailed narratives to show the impact of cuts on people and the economy, not on institutional needs. Remind audiences of the courts' core mission of delivering fair and timely justice.

## **Use the right messengers.**

On court funding issues, the public is most persuaded by retired judges and small-business owners. Legislators want to hear from Supreme Court justices, fellow lawmakers who are attorneys, and constituents (especially judges, attorneys, business leaders, and court users).

## **Engage the public.**

Americans need to know more about how courts work, and how underfunding of courts harms taxpayers and the economy. Acknowledge problems, and use specifics to show how investments will generate efficiency and savings. Close by showing how budget cuts threaten access to justice and fundamental protections promised by the justice system.

## **Target budget policymakers wisely.**

Build relationships by engaging policymakers year-round, not just at budget time. Be a full partner in the budget process, and win trust through transparent, detailed budgets with strong business data and metrics. Find ways to save taxpayer money, and report back on progress. Educate legislators and staff about the courts, explain the impact of cuts in concrete terms, and remind legislators of the judiciary's core mission. Build broad coalitions with non-traditional partners.





## Section One: The Challenge—and the Need for a Two-Tiered Strategy

### The Judiciary Faces Steep Challenges in the Court of Public Opinion

Most Americans believe that strong courts are important to our democracy. But advocates for adequate court funding face a number of serious obstacles as they make their case.

***Public distrust of government taints the courts:*** Confidence in major institutions has declined steadily over the last three decades. While voters have more confidence in the courts than the other branches of government, the judiciary has been hurt by rising public cynicism. Fewer than 1 in 5 report “a great deal” of confidence in the courts (see Figure 1).

***Americans are demanding austerity, and focusing on other priorities:*** In an era of widespread hardship and record deficits, people have had to tighten their belts—and they insist that government do the same. “I do believe that you have an issue with your court budget,” said a focus group participant in Virginia. “However, I’m taxed a lot already.”

Moreover, courts have no natural public constituency. Many voters believe government should spend more on schools, roads, and public safety. Few believe the courts need more money (see Figure 2). And perceptions that courts are not efficiently run are widespread, undermining calls for more resources.

***Courts are still seen as special—but not when money is involved:*** Money changes everything. Americans support the unique role of courts in our system of checks and balances. But the judiciary’s spending requests are viewed with the same skepticism as those made by any agency of government. The unique constitutional status of the courts does not give them a blank check.

***Public confidence in court performance is not strong:*** The public is more likely to blame backlogs and delay on unnecessary lawsuits (41%), legal maneuvering that drags out cases (35%), and bureaucratic inefficiency (33%) than funding cuts (see Figure 3).

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Court leaders must use a two-tiered strategy: making their best case to budget policy-makers now, while commencing a long-term campaign to build public education and support.

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## A Two-Tiered Strategy is Imperative

For most, the plight of our courts is far from a kitchen table issue. The public's skepticism—coupled with their lack of knowledge of how courts work and the challenges they face—leads to a profound implication for advocates of court funding.

The focus groups and polling made very clear that most Americans are simply not supportive of appeals for court funding at present. Longer-term campaigns are needed to persuade them that under-funded courts will hurt taxpayers and the economy.

This approach does not mean giving up on the public. Our research reveals the most effective strategies and messages for engaging Americans, which we detail in Section Two. These efforts should begin without delay. But results will not come quickly, especially when taxpayer money is involved, and a painful recession lingers.

In the short term, supporters of court funding should expend their limited capital on persuading key lawmakers and other decision-makers. Best strategies for this approach are detailed in Section Three.

Figure 1



## Public Distrust in Government Taints Courts, Too

*Question: For each of the following, please tell me how much confidence you, yourself, have in each one.*

Percentage answering:

**“Great deal of confidence.”**

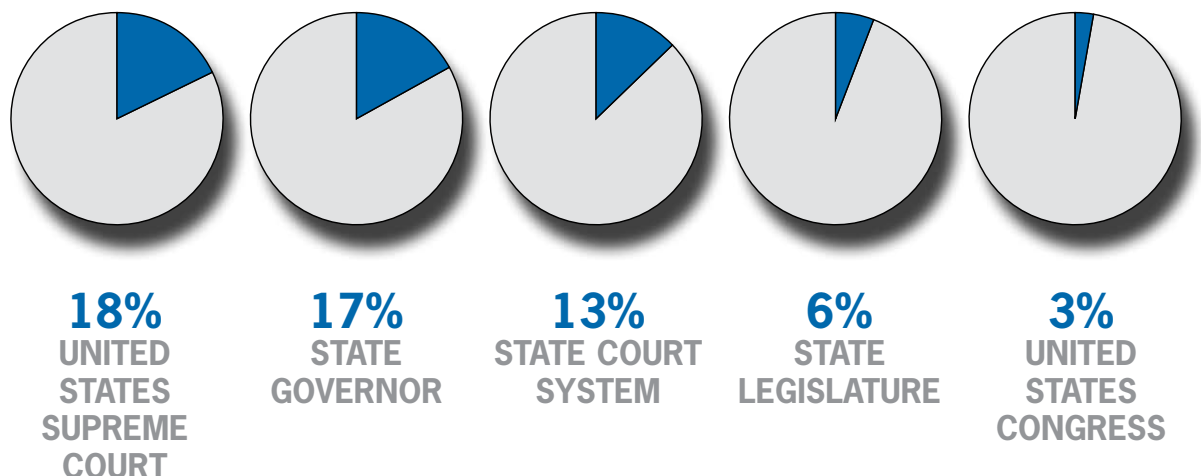


Figure 2

## Public Focused on Other Priorities



*Question: For each of the following, please tell me whether you feel the state of (RESPONDENT'S STATE) spends too much on it, spends about the right amount on it, or does not spend enough on it.*

Percentage answering: **“Does not spend enough on it.”**

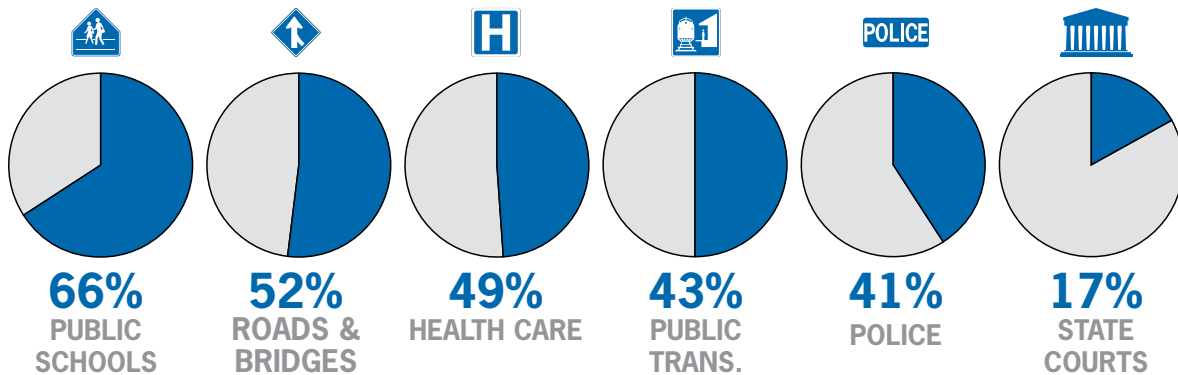
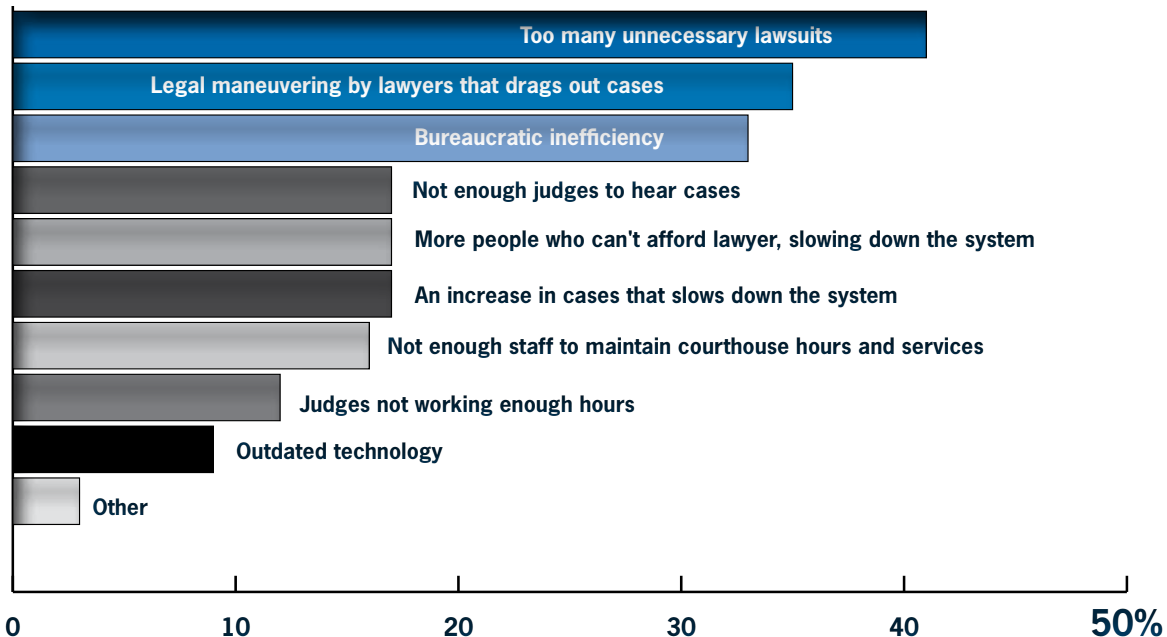


Figure 3

## Public Blames Delays on Courts, not Cuts

*Question: As you may know, state court systems face record levels of delays and backlogs today. Which TWO of the following do you feel are most responsible for the delays facing our court system today?*





## Section Two: Reaching the Public

“You need to. . . find and repair any inefficiencies, bring the court system to the 21st century.”

—Focus Group Participant, Arizona

The research reveals that no strategy is likely to mobilize significant segments of the public any time soon. The public doesn’t know enough about how courts work, and too many voters don’t know or believe that cuts in court funding carry real costs. Champions of court funding should not expect that a few town meetings, or other episodic outreach, will generate meaningful support for the courts.

Strategic planning is required, along with a sustained commitment of resources and a willingness to invest in longer-term results. Advocates should focus their efforts on their most important target audiences. Disciplined campaigns will be required, and our research identifies the best messengers and the most effective messages.

### Six steps to an effective message

In focus groups and the opinion poll, we tested numerous messages used by judges, bar leaders and advocates around the country. Although there are no silver bullets, six key messaging principles emerged that can help advocates craft the best possible arguments:

#### **I. Focus on harm to taxpayers and the economy—not damage to the courts**

It’s not about you. It’s about them. Supporters of court funding should not rely on statistics about caseloads and staff cuts. Instead, ***focus on the harm done to individuals, average taxpayers and the economy as a whole when courts are underfunded.***

Use specifics to explain the damage done by court budget cuts:

- Delays raise incarceration costs, wasting taxpayer money
- Effective and efficient courts save taxpayers money
- Backlogs hurt small business owners, stifling job creation
- Cuts in courthouse security could put people in harm’s way

And those growing caseloads and staff cuts? Talk about how they’ve brought the justice system to a breaking point—and how further cuts will directly impact businesses and taxpayers when they can least afford it.

## 2. Acknowledge shortcomings

When Americans learn that courts are overwhelmed, they usually blame problems with how the justice system is run. For example, when they hear about court delays, many are quick to blame legal maneuvering (*see Figure 3*).

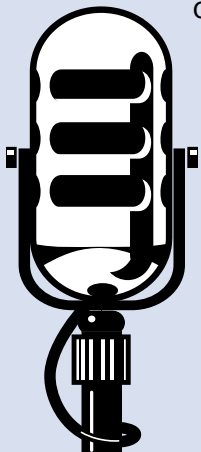
To credibly make the case for more resources, courts must first acknowledge their own shortcomings; only then can they convince the public they are a good investment of taxpayer dollars. Failure to acknowledge problems will weaken the power of your other arguments.

Facts and examples are critical to dealing with public skepticism. Focus groups were far more responsive to arguments that “there is no more fat to cut” when they were factually supported with detailed examples of how court users are suffering.

### Effective Criminal Justice Message

When courts are able to process criminal cases speedily, it saves taxpayers money by reducing the time that defendants spend in jail awaiting trial. Cutting

court funding costs taxpayers money by increasing jail time before trial.



## 3. Give taxpayers confidence in their investment

In a fiscally lean environment, all funding requests must demonstrate fiscal responsibility and performance accountability. Pull together a fact sheet, using specific examples and data to show how waste has been cut, and efficiencies implemented. Be positive and stay focused on the future; do not use the fact sheet as a tale of woe.

Give taxpayers confidence in their investment by providing details on how new funding will be spent. Use success stories that show how investments can save money and improve the delivery of justice. These might be technology initiatives that speed the hearing of cases, or specialty courts, such as drug courts, that reduce spending on incarceration.

The public wants to know that funding will modernize courts, not just restore a lost status quo. If your court has embraced performance measurement instruments such as the National Center for State Court’s *CourTools*, make sure to highlight both your participation in the program and what your jurisdiction has learned from such measurements. (Learn more about this program at [courtools.org](http://courtools.org).)

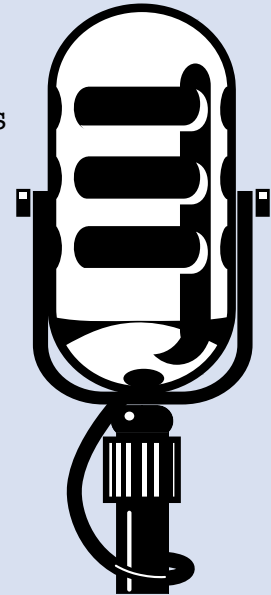
Technology is seen as a weakness of the courts: “Please review technology within the court system to improve efficiency,” said a focus group participant in Arizona. The public is willing to support technology investments to help with modernization and efficiency.

## 4. Use detailed stories

In focus groups discussing court funding, each session had a moment when the issue truly came alive. When abstract arguments turned to stories with a human impact, listeners’ energy and attention jumped.

### Effective Backlogs Message

Courts are overwhelmed with record caseloads creating long delays and backlogs. If we don't act now to strengthen our courts, it will cost taxpayers millions of dollars and put basic Constitutional protections at risk.



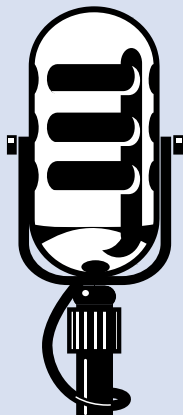
What makes a strong narrative? It should be drawn from real cases and involve real people. Highlight localized stories of human impact, and impact on taxpayers. The stories must be detailed, credible and clearly caused by a shortage of court resources. (Otherwise, the public is far more

likely to blame legal maneuvering or frivolous lawsuits.)

Narratives must follow arguments about the economy, efficiency, and taxpayer savings. In this fiscal environment, stories will not change minds by themselves.

### Effective Justice Message

Our courts are the final line of protection for individual rights. They provide access to justice, protect us from abuses of power by corporations or government officials, and protect our most basic Constitutional rights.



### 5. Close by reminding the public of the courts' justice mission

Abstract arguments will not carry the day, but it is important to finish by reminding voters and lawmakers of first principles: Courts exist to deliver justice, and funding cuts threaten the rights of everyday Americans. Once austerity-minded taxpayers are reassured that their money will be responsibly spent, invoking these principles can be a powerful closing argument.

Make voters aware that budget cuts have put access to justice and the fundamental protections at risk. The public also is responsive to arguments that there is a two-tiered system of justice, one for the wealthy and one for others. For example, "Access to justice is not a luxury. Our courts are needed in hard times such as these more than ever."

Figure 4

## Investment Options That Inspire The Most Public Confidence



*Question: Please indicate how effective you feel each of these would be in reducing delays in the court system and ensuring fair and impartial courts on a scale of zero to ten, where ten is extremely effective and zero is not at all effective.*

- 7.1** New technology to reduce paperwork and ensure more efficient recordkeeping
- 7.0** Mediation programs to resolve disputes without a trial
- 5.8** More public defenders to represent defendants who can't represent themselves
- 5.8** Specialized courts to handle complex issues like patent disputes
- 5.7** More judges to hear cases more quickly
- 5.5** Self-help centers that make it easier for people to represent themselves
- 5.5** More administrative staff to handle paperwork and ensure more efficient recordkeeping

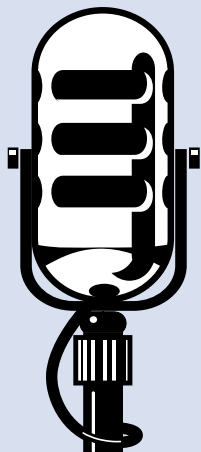
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“The American justice system cannot. . . sit idly by with the expectation that it will remain relevant, well-functioning, and indefinitely respected. In this new century, impatience is up, immediacy is king, and interconnection is essential.

Yesterday is not tomorrow's answer.”

—John T. Broderick, Jr. Former Chief Justice, Supreme Court of New Hampshire

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### **Effective Investment Message**

Courts must change the way we do business to better meet the needs of citizens and employers across our state. That's why we're investing in technology to save taxpayers money and provide better customer service to those in our courts.

#### **6. Avoid messages that could backfire**

The research also flagged three messages that reinforce public skepticism or that might even backfire. Some may be surprising or counter-intuitive. Be careful not to fall into these traps:

**“Courts are a ‘separate and co-equal’ branch of government and thus should be treated with greater respect in the budget process.”**

**INEFFECTIVE:** While appealing to many in the judicial and legal community, this perspective falls on deaf ears with the public. In fact, Americans overwhelmingly felt that the courts should not get special treatment, and the judiciary should be expected to tighten its belt—like everyone else.

**“More money should be poured into rebuilding staff capacity.”**

**INEFFECTIVE:** Though court budgets are spent mostly on personnel, the public is not persuaded that the answer to reducing delay and eliminating backlogs is to hire more staff. People were most responsive to arguments focused on measures to make courts more efficient, including new technologies.

**“Only conservatives believe that the court system is over-run by legal maneuvering, frivolous lawsuits, and red tape.”**

**FALSE:** Democrats, Independents and Republicans all cited these same three reasons most when asked why they think courts are backlogged (see Figure 3).

#### **Messengers the public trusts most**

- Retired judges
- Small-business owners
- Sitting judges
- Bipartisan groups of retired elected officials

**The role of attorneys:** The data show that the public does not view attorneys to be persuasive messengers on court funding. This is an important finding, since the courts naturally turn to bar leaders for support. Nonetheless, lawyers and bar leaders have vital roles to play organizing events and building audiences for other public messengers. (And attorneys can often be effective surrogates in reaching out to legislators and other decision-makers.)

## Section Three: Influencing Budget Policymakers

The old rules about how courts will be treated in state budget processes have been tossed out the window; new strategies are needed. In detailed interviews with budget policymakers in three states, several recurring themes stand out. All are related to the courts and their allies engaging fully in the budget process. These findings are affirmed by tactics used in a half-dozen states that helped courts gain some relief from the wholesale budget slashing seen in recent years.

By contrast, courts that have remained isolated from lawmakers, relying primarily on the “special status” of the Third Branch to protect budgets, have suffered.

To help courts advocate more effectively, we conducted in-depth interviews with a carefully selected set of individuals: budget policymakers, court leaders, court administrators and legislative fiscal staff in three diverse states (Kentucky, Oregon and Utah). We also interviewed leaders of successful court funding advocacy efforts in other states.

Forging year-round relations with lawmakers, demonstrating innovative management, and being transparent helps courts in the budget process. So does concretely demonstrating how well courts are serving the public.

The interviews revealed that court funding advocates face serious challenges—but that they can be addressed, and in some cases overcome, using the strategies and messages laid out here.

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“The courts like to be able to say ‘we’re a separate branch of government, we need full funding because we are a separate branch. . . . You’re treating us unfairly, you don’t understand why we need this funding.’”

And that’s true because they can’t document it satisfactorily for us.”

—Legislative Fiscal Staffer

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### Challenges courts face

- The absence of a natural constituency—policymakers feel little or no political pressure on court funding
- Fewer lawyer-legislators means less knowledge among budget policymakers



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“We survey the public as they leave the courts during the month of June, and we tell [budget policymakers] what they are saying about the services. They have a good feeling for what we are doing and how well we’re performing.”

—Court Administrator

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- Lawmakers may see courts as special, but budget pressures trump
- Legislators are inundated with budget requests on all fronts
- Lawmakers feel enormous pressure to ensure taxpayers dollars are used wisely

### **Messengers that policymakers trust most**

- Supreme court justices
- Lawyers *within* the legislature
- Judges from the lawmaker’s district
- Lawyers from the lawmaker’s district
- Other “users” of the courts (business, families, veterans, etc.)
- Business leaders, preferably from the lawmaker’s district
- Court officials and administrators with data and evidence in hand

### **Understand the budget process**

While each state’s budget process is unique, there are commonalities worth noting. Courts must work effectively with both the executive and legislative branches, and understand that the two sometimes establish overarching principles for how to bring home the budget.

Typically, a handful of legislators are the budget experts, and other legislators depend on them. Courts must work effectively with legislative budget leaders in particular.

Bipartisan legislative supportive is generally needed. The good news is that funding for the courts should appeal to legislators on both sides of the aisle, though they may have different perspectives on how it fits into budget priorities. Suggested one legislator: “If you’re conservative like me, then we understand that the judicial system is a fundamental requirement of government.”

### **Make relationship-building a year-round process**

Within virtually every legislature in the United States, there are fewer lawyers than a generation ago. This means fewer natural champions for the courts, less understanding of what courts do, and less natural trust between judges and lawmakers.

“The majority of legislators have little contact with the courts, and lack any real knowledge of the court. The truth is it doesn’t make any difference, the decisions are made by 4-5 people [who are legislative budget leaders]. You’re wasting your time talking to anyone else.”

—Judicial Leader

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Legislators also often hear from constituents unhappy with particular court decisions. This points to a need for a more proactive approach by judges to help legislators understand the work of the courts. Where they exist, lawyer-legislators can be helpful, particularly if they communicate collectively.

One of the most damaging practices cited by legislators was a tendency among some judges to show up only at budget time, delivering requests in a manner perceived as an entitlement.

“They have to be constant advocates,” said one legislative leader. “[I]n the old days the chief [justice] would write down a number, and they chief legislator would say, ‘Ok. Here are those dollars.’ [With] so much pain in so many parts of the budget, there has to be constant advocacy, over-communication.”

Several court systems took this idea to heart, meeting year-round with legislators—in the capitol *and* in home districts.

Inviting legislators to local courthouses to meet with judges and court personnel, and to see firsthand how the courts work for people, helps with both education and relationship-building. In Missouri, every legislative session begins with a social event and orientation for freshman lawmakers hosted by the state supreme court.

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**“[A] number of new freshman legislators were lawyers, all on the GOP side. For the first time we had a bipartisan group of lawyers form a caucus called the ‘Caucus on Court Funding,’ and they advocated in a caucus for our budget.”**

—Judicial Leader

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**“Keep a line of communication open. . . . A presentation to a subcommittee should be a closing argument, not an opening argument.”**

—Legislative Fiscal Staff

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Year-round advocacy will assist greatly in making the case for funding to legislators.

### **Respect the budget process and those who run it**

Effective advocates for the courts are those who collaborate and provide the information needed in the budget process, including about current requests and past allocations. Fully account for expenditures under prior allocations as well as court fees. Respond promptly and completely to documentation requests. Understand that budget leaders need information to do their jobs. Be proactive.

“Courts tend to be too reserved and fail to press their case when they need to compete with other voices,” said one legislator. “Not enough to show the need, you have to play the ‘begging for dollars’ routine at least somewhat in the style that the legislature is comfortable with.”

Give credit to legislators working to understand court needs and who are trying to help. Demonstrate a thorough understanding of both the budget situation and the budgeting process, and the multiple complex demands made on budget policymakers throughout the process. policymakers take their jobs and budgeting responsibilities to taxpayers seriously, and expressed the most willingness to work hard on court funding when they felt court officials’ approach mirrored theirs.

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“[W]e’re trying to come to an appropriate balance: make sure that their constitutional needs are being met, but we have to make sure to fund education and state troopers, but [the courts] don’t see that. They’re only looking out for themselves.”

—Legislative Fiscal Staffer

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### **Effective staff-level work is essential**

The rules of respect and courtesy that apply to policymakers apply to fiscal staff as well. Collaborative staff-level work between the branches and the budget office is essential. Indeed, as with so many other legislative issues, expect staff to manage the process, get the work done, solve problems, and have enormous influence.

Understand that legislative fiscal staff come from a different perspective than court staff, because they are dealing with all of their state’s many needs, and trying to figure out how to pay for everything with limited funds. Ignoring this reality will not help.

Court leaders should ensure that their staff are well-prepared with data and ready to work using a collaborative style and approach, not just with legislative staff but also with state budget office staff. Legislators cannot be convinced to approve court budget figures if, as one legislator put it, “fiscal bureaucrats are telling them no.”

Staff advocating for court budgets must be reliable and credible. Step one is to demonstrate genuine concern for holding down court costs. It will not help if staff are perceived as untrustworthy, self-interested, or nonchalant about the bottom line.

Lead by example with a collaborative approach, and work proactively to solve inter-branch staff-level tensions.

### **Propose a credible budget**

Court budgets will be taken most seriously when prepared in light of the entire state’s fiscal situation and where the courts fit within the framework of the entire state budget. The current environment of fiscal austerity means that extremely careful preparation is needed so courts can effectively make their case.

First, lay the foundation by developing a strong business model with data, metrics and plans to save taxpayers money. Second, bring forward a practical, detailed budget with explanations of needs that budget areas are meeting. Be prepared to support all aspects of the budget request with evidence and data. Third, explain, in detail, initiatives the courts have undertaken to save money, streamline process, and increase efficiencies. Be ready with documentation of programs, savings and impacts on services to the public and to business. Fourth, document

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“Getting them on the same page, getting them to agree to what numbers meant what, that was a challenge. There was an internal battle between the two staffs. We had to sit down with the chief justice’s staff and our legislative staff, and say ‘knock it off.’”

—Legislative Leader

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“Credibility is very important, showing that you’ve implemented best practices. I want to know what they have done, how does it compare with other states. Is it efficient or not efficient?”

—Legislator

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everything. Be prepared with written summaries, with data or evidence, of how the funds were carefully used and what outcomes were achieved.

Legislators noted that it raises the credibility of those advocating for state budget allocations if they can show that court fees were carefully spent.

“If [the courts] can document how they use that money, that would be good,” said one legislator. “We’ve tried to help them, and show them what they need [to show us]. We’ve tried to work hard [to convey that]: if you can give us this level of detail, we will be really happy, and can work with you to come up with a budget.”

Likewise, transparency in budgeting processes builds credibility and trust. One legislator suggested inviting budget policymakers to view court budgeting deliberations.

### **Detailed Results Show Impact**

“We eliminated all court reporting, [went all-digital]. We improved the delivery of transcript time. It took 138 days on average to deliver a transcript after it had been

requested. We now average 20 days.

We rethought our business model, and improved services while reducing the budget.”

—Court Administrator

### **Build coalitions and enlist partners**

While our research shows that it may be hard work, and take a long time, to persuade the public to support new or restored court funding, it also shows that budget policymakers can be moved by shows of support from outside of the courts. That support cannot come from lawyers and bar associations alone, because they are often viewed by lawmakers as self-interested.

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“[W]hen the courts walked in with enough data [on workload and performance]. . . .

The argument for the courts’ funding was so much easier.”

—Legislator

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“I want to be really careful about the Bar being effective. They can be helpful on a one-to-one basis, they have been active in lobbying our legislature, but there is resistance to the Bar as a whole.”

—Judicial Leader

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Building broad-based coalitions and using them as real-world ambassadors on behalf of the courts lies well outside the comfort zone of many court leaders, who often see budget negotiations as an “inside game” between themselves and a few key decision-makers. And yet states that enlisted outside messengers, notably Massachusetts and South Carolina, scored against-the-odds budget victories.

This approach offers significant potential for states that have not tried it. Outside messengers who already have trusted dealings with decision-makers can validate the value of courts in ways that even the highest court leader cannot.

Said one senior legislator: *“A few business organizations weighed in, that was helpful. . . . to have users of the system advocate, people who didn’t work for the system, that was useful and new. Increase that.”*

## Avoid common missteps

Do not tell a tale of woe about courts losing staff or judges losing salary increases or courtrooms. Legislators are clear: courts exist to serve the public. Thus, what is most effective are compelling, specific narratives about legal needs of people and businesses that courts are unable to meet. Assertions must be supported by data about court users and their cases.

Do not take for granted that legislators or fiscal staff will understand the functions or needs of the courts, how they operate, how many people they serve, or what they need to function at the most basic levels.

Do not assert “Third Branch” arguments while discussing specific budget requests. Court budget needs must be supported by clear articulation of needs demonstrated by data.

Do not offer a “black box” budget with all top-lines and no detail. Use details and evidence to bolster the case, like businesses must.

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“Legislators hear every day how the world is going to end if somebody doesn’t get their funding, it doesn’t faze them anymore.”

—Legislator

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# Stories From the Frontlines

While not all of the states below escaped financially unscathed, the tactics they adopted appear to have been effective in mitigating budget cuts.

## Massachusetts

### Creatively Engaging Legislators



After many years of cuts, a 2012 campaign led by the Massachusetts Bar Association helped preserve a nearly steady budget and ended a four-year freeze on hiring court personnel. A unique part of the program was a billboard campaign on key routes near the state Capitol. This was supplemented with e-mails and videos to legislators (including one video of a 19-year-old girl struggling to keep her family together), and a court advocacy day, with judges, lawyers, and opinion leaders.

## Minnesota

### Simplifying Presentation Of Budget Cut Impacts

In Minnesota, court leaders halted several years of cuts with a more sophisticated legislative campaign centered around simplifying the presentation of budget cut impact data to lawmakers. Pro-court advocates gave legislators a one-page document with detailed impacts of proposed cuts. The short-form document improved legislator education and built new support at budget time.



## Missouri

### Advocating Cost-Saving Measures and Building Relationships



Judicial advocacy of “smart sentencing” showed how a court-instigated reform could significantly reduce costs. Missouri court leaders also engage in constant relationship building, starting with an annual social event hosted by the state supreme court for freshman legislators. The courts also won funding for drug treatment courts as part of the reform package.

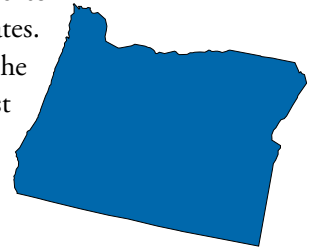




## Oregon

### Building Relationships and Using “Non-Court” Voices

The Oregon Supreme Court earned longstanding credibility with lawmakers through regular outreach and willingness to work within budget realities. A move to e-court operations led to savings. Business leaders were employed as advocates. Proposed (and actual) cuts in court operating hours helped demonstrate to the legislature the real-world impact of budget reductions and led to some modest emergency fund appropriations.



## South Carolina

### Forming Coalitions with Business Leaders

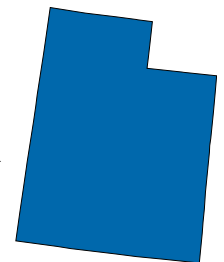
After losing 40% of its total budget in 2009-10, the South Carolina courts tried a new lobbying approach, and won increases in their next two budgets—including approval of nine new judgeships, the first increase in 15 years. Tactics included involving the help of in-house counsel and governmental liaison officers from large corporations, including BMW and Boeing. Messages emphasized economic development and the need of businesses for fair, neutral, quick, and sensible dispute resolution. “Trusted corporate governmental liaison officers and in-house counsel were great messengers for court funding,” according to one state court leader.



## Utah

### Documenting Performance Measurement

At a time when all state agencies were being cut, Utah courts aggressively used National Center for State Courts’ *CourTools* as a basis for assessing branch-wide performance. By sharing performance data with the legislature, along with annual survey results from court visitors, the courts earned strong marks from Utah legislators for transparent, business-like budgeting. This trust and confidence paid bottom-line dividends. The Utah courts received strong legislative support for their accelerated transition to the electronic record and preserved base funding, which had been their request for the 2012 legislative session. In addition, at a time when almost no new programs were being created, they received funding for a state-wide self help center program to assist with the rapidly growing ranks of the self-represented.



# Methodology

This strategy guide is based on research on court funding commissioned by Justice at Stake and the National Center for State Courts and performed by GBA Strategies of Washington, DC.

The recommendations that underlie Sections 1 and 2 of this guide are based on findings from focus groups and a national public opinion survey. Six focus groups were held in Richmond, Virginia; Milwaukee, Wisconsin; and Phoenix, Arizona, between February 13-23, 2012. The public opinion survey of 1,000 registered voters was conducted between April 2-5, 2012.

Recommendations within Section 3 are based on extensive telephone interviews between representatives of GBA Strategies and budget policymakers in the states of Kentucky, Oregon and Utah. Those interviews included state Chief Justices, state court administrators, legislators, legislative staff, and others with an intimate knowledge of the court budgeting process.



# Key Takeaways

## Generally

- Focus on budget policy-makers in the short term, and educate the public over time.
- Embrace demands for austerity, and show how courts will be effective stewards.
- Use detailed narratives to show the impact of cuts on people and the economy.
- Remind audiences of the courts' core mission of delivering fair and timely justice.

## Messengers

- The public is most persuaded by retired judges and small-business owners.
- Legislators want to hear from Supreme Court justices, fellow lawmakers who are attorneys, and constituents (especially judges, attorneys, business leaders and court users).

## Engaging the Public

- Americans need to know more about how courts work, and how underfunding of courts harms taxpayers and the economy.
- Acknowledge problems, and use specifics to show how investments will generate efficiency and savings.
- Close by showing how budget cuts threaten access to justice and the fundamental protections promised by the justice system.

## Persuading Decision Makers

- Understand the budget process at all levels.
- Relationships are key, both with policymakers and staff.
- Educating legislators and staff about the courts is necessary.
- Year-round engagement, not just at budget time, is essential.
- Transparency wins trust, as does being a full partner in the budget process.
- Present a detailed, carefully prepared budget.
- Explain budget-cut impacts on court users—including businesses—in simple, concrete terms.
- Developing strong business data and metrics bring credibility.
- Find ways to save taxpayers money, track progress and report back.
- Remind legislators of courts' core mission.





Justice  
at Stake 



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