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PRESS RELEASE

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FEDERAL CLASS ACTION LAWSUIT AGAINST ADMINISTRATIVE OFFICE OF THE COURTS CHALLENGES CRUSHING CASELOADS OF SACRAMENTO DEPENDENCY COURT LAWYERS

Suit Alleges California's Courts Are Violating Their Own Caseload Standards For Those Who Represent Abused And Neglected Children

(Sacramento) – Child advocates filed a class action suit in Sacramento U.S. District Court yesterday alleging that the caseloads shouldered by attorneys for abused and neglected children — which in Sacramento can reach nearly 400 cases per attorney — violate numerous federal and state laws, including the right of the children to effective assistance of counsel.

The federal class action suit alleges that the Administrative Office of the Courts of the Judicial Council, that funds and manages Sacramento's program, has allowed caseloads to swell far past the Judicial Council's own recommended maximum of 188 children per attorney. As a consequence, the Sacramento lawyers who represent abused and neglected children are, according to the suit, unable adequately to perform even the minimum tasks required of such counsel under law and in accordance with the American Bar Association's standards.

“This is the single most important legal proceeding in the lives of these children and it has far greater consequences for the parties than most criminal and civil matters,” said Prof. Robert C. Fellmeth, Price Professor of Public Interest Law and Executive Director of the Children's Advocacy Institute (CAI) at the University of San Diego School of Law. “These proceedings determine whether their relationship with their moms and dads will be severed, where and with whom these children will live, what medications the children will take, and whether these children will live with or see their brothers or sisters,” noted Fellmeth, one of the lawyers filing the case.

“The heroic and dedicated lawyers who represent these children do the best they can, but enough is enough,” said Ed Howard, Senior Counsel of CAI, whose lawyers are representing the Plaintiffs. “As the Judicial Council itself acknowledges, no lawyer can do what should be done for these children with these astonishing caseloads. Abused and neglected children need lawyers whose workloads allow them to take the time to hear and act upon the cries of every boy and girl. We are suing simply to enforce the Judicial Council’s own caseload standards,” added Howard.

The lawsuit highlights that every part of Sacramento’s dependency court system is similarly crushed by unreasonable caseloads. The caseloads of dependency court judges are alleged to be similarly and unlawfully excessive. Only five judicial referees are alleged to be appointed to preside over the approximately 5,100 dependency cases currently pending in the County of Sacramento; a load of over 1,000 cases per judicial officer. A former lead dependency referee from Sacramento estimates that such a caseload affords referees roughly 2 *minutes* of courtroom time per case — less than a small claims case. (Former Sacramento County Lead Dependency Referee Carol Chrisman has observed, “When you calculate it out, it’s two minutes per case — enough time for everyone to say submit or object, but not much more.” Karen de Sá, *Broken Families, Broken Courts*, SAN JOSE MERCURY NEWS (Feb. 8, 2008).)

In the words of the Blue Ribbon Commission on Children in Foster Care (the “Blue Ribbon Commission”), headed by California Supreme Court Justice Carlos Moreno, “California’s dependency court system is overstressed and under-resourced,” which has a direct impact on the level of time and attention any one case receives.” Administrative Office of the Courts of the Judicial Council of California, CHILDREN IN FOSTER CARE: FINAL RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE TO IMPROVE THE JUVENILE DEPENDENCY COURTS AND FOSTER CARE SYSTEM IN CALIFORNIA (2008) at 13, 16.

A recent report commissioned by the Board of Supervisors of the County of Sacramento concludes that Sacramento’s social workers carry excessive caseloads such that they cannot compensate for the absence of effective legal counsel, even if the roles of social workers and counsel for children in dependency proceedings were interchangeable, which they are not. MGT of America, Inc., REVIEW OF THE SACRAMENTO CHILD PROTECTIVE SERVICES DIVISION, FINAL REPORT (March 23, 2009).

CAI’s complaint is available online at www.caichildlaw.org.

CAI is an academic, research, and advocacy center dedicated to promoting the health and well-being of California’s children. CAI advocates in the legislature, in the courts, before administrative agencies, and before the public to improve the status of children. CAI strives to educate and inform Californians about children’s needs for economic security, adequate nutrition, health care, education, quality child care, and protection from abuse, neglect, and injury.