

Recession's effects come full circle in the courts

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FAIRFIELD — The economic crisis has brought with it big changes at Solano County courthouses.

The numbers of crimes and criminals moving through the local criminal justice system has dropped -- a lot.

By the end of the year the number of felony criminal cases is estimated to drop by nearly 20 percent since 2006. Even steeper cuts in crime are projected for misdemeanor crimes. The drop in minor crime cases will be more than 36 percent since 2006, according to a court management analyst.

Presiding Judge D. Scott Daniels is reticent to pin the drop in criminal cases on any specific thing but points to police personnel cuts as a significant factor.

Fewer cops on the streets is also causing a large drop in the number of traffic tickets going through the court system. Citations have dropped by more than 30 percent since 2005, from 83,524 in 2005 to roughly 58,000 projected for this year.

The drop in crime has fueled a deep drop in business for local criminal defense attorneys. Law firms that for years prided themselves as being able to refuse court-appointed cases have quietly begun taking up those cases with their fixed hourly payments.

"You see the Public Defender's Office getting cases that a few years ago would have been handled by private criminal defense attorneys because people do not have the money to hire lawyers," longtime local lawyer Daniel Healy said. "Even before the unemployment rates changed the loss in home equity radically changed people's ability to hire a lawyer or sometimes even post bail."

Healy predicted the decline in business for criminal defense attorneys will probably get worse for a while before it gets better.

"I haven't seen a lawyer holding a Will Work For Food sign, not yet anyway," he said.

Unlike many of his peers, Healy has managed to find a way out from under the economic hard times. He was elected to a judgeship earlier this year and will take office in January.

One sign that things may be turning around is the recent arrival of a pair of criminal defense specialists going from government to the private sector and hanging their shingle in Vacaville.

"Although it was difficult to leave the safety of the Public Defender's Office -- especially now -- I'm glad I did because working for ourselves gives us more flexibility and we can help a broader range of clients," Robert Warshawsky said. "Besides, it has turned out to be a ton of fun."

Warshawsky's legal partner is also his wife, Laura Petty.

“Clients are having to dig deeper in order to retain private attorneys, and they are comparison shopping more than ever,” Petty said of the current economic climate. “At the same time, more and more attorneys are competing for cases and clients. Under these circumstances, skill, experience and reputation are qualities that set an attorney apart.”

Civil contrast

While criminal courtrooms are less hectic, the civil courts have seen a boom in business.

“We've got four civil law judges who have seen an increase of more than 50 percent in civil filings in recent years,” Judge Scott L. Kays said. “That has put a real burden on court staff who have had their workload go up by 50 percent.”

Statewide, the number of civil lawsuits has jumped by more than 30 percent in recent years, according to the state Administrative Office of the Courts.

“Solano County has been hit hard by the foreclosure crisis,” Kays said, noting the peak was in 2008. “We've had lots of real estate litigation -- foreclosures, people trying to stop foreclosures or claims of wrongful foreclosures.”

The worst of times may have passed, according to court data. Eviction cases soared by more than 30 percent between 2007 and 2008 -- from 2,619 cases to 3,461. That number is expected to drop by 10 percent this year.

Family law

In the family law courts, the number of divorce cases has remained mostly unchanged. What has changed is what the judges hear when trying to reach settlements in divorce cases.

“I'll know the economy is finally turning around when I start hearing couples dividing up their assets instead of their liabilities,” Judge John Ellis said.

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