



# Judicial Council of California

520 Capitol Mall, Suite 600 · Sacramento, California 95814-4717

Telephone 916-323-3121 · Fax 916-323-4347

PATRICIA GUERRERO  
*Chief Justice of California*  
*Chair of the Judicial Council*

MS. SHELLEY CURRAN  
*Administrative Director*

April 23, 2024

Hon. Buffy Wicks  
Chair, Assembly Appropriations Committee  
1021 O Street, Suite 8220  
Sacramento, California 95814

Subject: Assembly Bill 3265 (Bryan), as amended—Oppose

Dear Assembly Member Wicks:

The Judicial Council regrettably must oppose Assembly Bill 3265, which requires a city within the County of Los Angeles that is the lead agency to certify an “environmental leadership media campus project” due to be constructed for streamlined judicial review once the project meets certain conditions.

It is important to note that our concerns regarding this bill are limited solely to the court impacts of the legislation, and that the Judicial Council is not expressing any views on CEQA generally or the underlying merits of the proposed project that would be covered by the bill, as those issues are outside the council’s purview.

The bill specifically requires the Judicial Council to adopt rules of court by July 1, 2025 for any CEQA action or proceeding challenging the certification of an environmental impact report of an “environmental leadership media campus project” or the granting of any project approval and requires the action or proceeding – including any potential appeals to the court of appeal or the Supreme Court – to be resolved, to the extent feasible, within 365 calendar days of the filing of the certified record of proceedings with the court. This is problematic as CEQA actions are already entitled under current law to calendar preference “over all other civil actions” pursuant to section 21167.1(a) of the Public Resources Code in both the superior courts and the Courts of Appeal. Imposing an expedited 365-day judicial review timeline on top of existing CEQA calendar preferences is unworkable for several reasons.

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- The 365-day timeline is problematic in practice. CEQA cases are inherently complex and time-consuming. Even in an unrealistic scenario in which no extensions of time were requested or granted for any aspect of a case, such a CEQA case would take an estimated six months just to get to a hearing, not to mention a decision. The reason this is an unrealistic scenario is because parties almost always request – and even stipulate to – continuances, delays, or other procedural extensions. Assuming a court was able to issue its decision within six months, that would leave only 185 days for proceedings in the Court of Appeal and the Supreme Court.<sup>1</sup>
- CEQA cases often include ancillary administrative and non-CEQA judicial causes of action. Expediting review of CEQA causes of action does not necessarily lead to a faster resolution of the entire case, as non-CEQA causes of actions are frequently brought together with CEQA claims. These non-CEQA causes of action proceed under the usual civil procedure rules and timelines and can cause delays to the principal CEQA action.
- The expedited judicial review requirements for two additional infrastructure projects in AB 3265 will likely have an adverse impact on other cases with calendar preferences. Like other types of court calendar preferences, which the Judicial Council has opposed, setting an extremely tight timeline for deciding these complex cases has the practical effect of pushing other cases on the courts' dockets to the back of the line, even those with their own statutorily mandated calendar preferences. This means that juvenile cases, criminal cases, wage theft cases, and civil cases in which a party is at risk of dying will take longer to resolve.

Should you have any questions or require additional information, please contact Heather Resetarits at 916-323-3121.

Sincerely,



Cory T. Jaspersen  
Director  
Governmental Affairs

CTJ/HR/ad

cc: Members, Assembly Appropriations Committee  
Hon. Isaac Bryan, Member of the Assembly, 55th District

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<sup>1</sup> In a typical civil appeal, it takes more than 95 days from when a trial court decision becomes final just for the record on appeal to be prepared and filed in the Court of Appeal. This does not include any time for briefing, oral argument, analysis of the issues, or preparation of a decision by the court.

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Mr. Daryl Thomas, Consultant, Assembly Republican Office of Policy and Budget  
Mr. Jith Meganathan, Deputy Legislative Affairs Secretary, Office of the Governor  
Ms. Shelley Curran, Administrative Director, Judicial Council of California