



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

April 2, 2010

Hon. Edward P. Hernandez
Member of the Assembly
State Capitol, Room 4112
Sacramento, California 95814

Subject: AB 1987 (Hernandez), as introduced – Oppose Unless Amended

Dear Assembly Member Hernandez:

The Judicial Council regrets that it must oppose your AB 1987 dealing with public retirement.

The Judicial Council typically does not weigh in on proposals in which the Legislature is considering a change in the substantive policy governing the role of the state and local entities as employers. The primary exception is when the legislative proposal seeks to treat the branch in an inequitable fashion or creates a significant burden on court operations and a direct impediment to judicial independence or court operations.

AB 1987 would have a significant and unique impact on court administration, by prohibiting retired judicial officers from serving for a period of at least six months from their retirement date. Such a requirement would dramatically disrupt court calendars and increase the existing backlog in criminal and civil cases.

Hon. Edward P. Hernandez

April 2, 2010

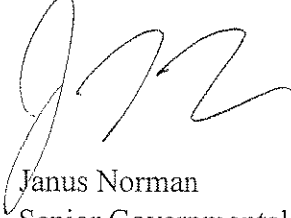
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When a judicial vacancy occurs due to the retirement of a judge or the conversion of a subordinate judicial officer position, the court has no ability to control the length of time to fill that position as that authority rests solely with the Governor. To bridge the gap of time between the vacancy and the new appointment, many courts rely on the retired judge or subordinate judicial officer sitting on assignment immediately until the time when an appointment takes effect. AB 1987 would substantially interfere with the ability of the courts to fill behind temporary and permanent vacancies to ensure that the administration of justice does not come to a standstill.

We would respectfully request that AB 1987 be amended to exclude judicial officers from the provision requiring at least six months separation before an individual covered by a state or local pension system may return to service.

To be clear, the Judicial Council has no position regarding the provision of the bill related to the final calculation of retirement benefits. If you have any questions, please feel free to contact me at (916) 323-3121.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Norman', with a stylized, cursive flourish.

Janus Norman

Senior Governmental Affairs Analyst

cc: Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Kristen Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research



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April 7, 2010

Hon. Alberto Torrico, Chair
Assembly Public Employees, Retirement & Social Security Committee
State Capitol, Room 3160
Sacramento, California 95814

Subject: Assembly Bill 1987 (Hernandez), as introduced – Oppose Unless Amended
Hearing: Assembly Public Employees, Retirement & Social Security Committee – April 12, 2010

Dear Assembly Member Torrico:

The Judicial Council regrets that it must oppose AB 1987 dealing with public retirement, unless it is amended to exclude judicial officers from the provisions requiring a bonafide period of separation.

The Judicial Council typically does not weigh in on proposals in which the Legislature is considering a change in the substantive policy governing the role of the state and local entities as employers. The primary exception is when the legislative proposal seeks to treat the branch in an inequitable fashion or creates a significant burden on court operations and a direct impediment to judicial independence or court operations.

AB 1987 would have a significant and unique impact on court administration, by prohibiting retired judicial officers from serving for a period of at least six months from their retirement date. Such a requirement would dramatically disrupt court calendars and increase the existing backlog in criminal and civil cases.

Hon. Alberto Torrico

April 7, 2010

Page 2

When a judicial vacancy occurs due to the retirement of a judge or the conversion of a subordinate judicial officer position, the court has no ability to control the length of time to fill that position as that authority rests solely with the Governor. To bridge the gap of time between the vacancy and the new appointment, many courts rely on the retired judge or subordinate judicial officer sitting on assignment immediately until the time when an appointment takes effect. AB 1987 would substantially interfere with the ability of the courts to fill behind temporary and permanent vacancies to ensure that the administration of justice does not come to a standstill.

We would respectfully request that AB 1987 be amended to exclude judicial officers from the provision requiring at least six months separation before an individual covered by a state or local pension system may return to service.

To be clear, the Judicial Council has no position regarding the provision of the bill related to the final calculation of retirement benefits.

Sincerely,



Janus Norman
Senior Governmental Affairs Analyst

JN/ljb

cc: Members, Assembly Public Employees, Retirement & Social Security Committee

Hon. Edward P. Hernandez, Member of the Assembly

Ms. Karon Green, Consultant, Assembly Public Employees, Retirement & Social Security Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Terry Mast, Consultant, Assembly Republican Office of Policy



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Director, Office of Governmental Affairs

May 7, 2010

Hon. Felipe Fuentes, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: Assembly Bill 1987 (Ma), as amended April 29, 2010 – Oppose Unless Amended
Hearing: Assembly Appropriations Committee – May 12, 2010

Dear Assembly Member Torrico:

The Judicial Council regrets that it must oppose AB 1987 dealing with public retirement, unless it is amended to exclude judicial officers from the provisions requiring a bonafide period of separation.

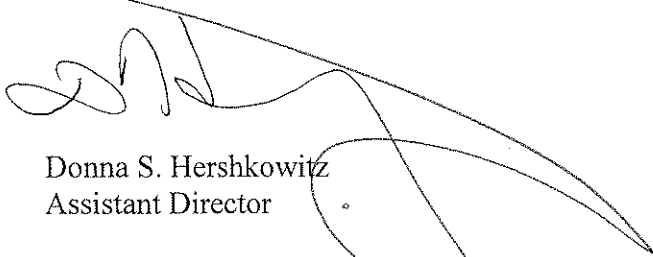
The Judicial Council typically does not weigh in on proposals in which the Legislature is considering a change in the substantive policy governing the role of the state and local entities as employers. The primary exception is when the legislative proposal seeks to treat the branch in an inequitable fashion or creates a significant burden on court operations and a direct impediment to judicial independence or court operations.

AB 1987 would have a significant and unique impact on court administration, by prohibiting retired judicial officers from serving for a period of at least six months from their retirement date. Such a requirement would dramatically disrupt court calendars and increase the existing backlog in criminal and civil cases.

When a judicial vacancy occurs due to the retirement of a judge or the conversion of a subordinate judicial officer position, the court has no ability to control the length of time to fill that position as that authority rests solely with the Governor. To bridge the gap of time between the vacancy and the new appointment, many courts rely on the retired judge or subordinate judicial officer until the time when an appointment takes effect. Unlike other positions, no degree of succession planning can protect against this problem as judges are appointed by the Governor, and not brought up through the ranks of the courts. AB 1987 would substantially interfere with the ability of the courts to fill behind these vacancies to ensure that the administration of justice does not come to a standstill.

We would respectfully request that AB 1987 be amended to exclude judicial officers from the provision requiring at least six months separation before an individual covered by a state or local pension system may return to service. The Judicial Council has no position regarding the provision of the bill related to the final calculation of retirement benefits.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donna S. Hershkowitz', is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Donna S. Hershkowitz
Assistant Director

DSH/lmb

cc: Members, Assembly Appropriations Committee

Hon. Fiona Ma, Member of the Assembly

Mr. Brad Williams, Consultant, Assembly Appropriations Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Allan Cooper, Fiscal Consultant, Assembly Republican Fiscal Office



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Director, Office of Governmental Affairs

June 17, 2010

Hon. Lou Correa, Chair
Senate Public Employment & Retirement Committee
State Capitol, Room 5052
Sacramento, California 95814

Subject: Assembly Bill 1987 (Ma), as amended June 1, 2010 – Oppose Unless Amended
Hearing: Senate Public Employment & Retirement Committee – June 23, 2010

Dear Senator Correa:

The Judicial Council regrets that it must oppose AB 1987, dealing with public retirement, unless it is amended to exclude subordinate judicial officers from the provisions requiring a bona fide period of separation.

The Judicial Council typically does not weigh in on proposals in which the Legislature is considering a change in the substantive policy governing the role of the state and local entities as employers. However, AB 1987 would have a significant and unique impact on court administration, by prohibiting retired subordinate judicial officers whose position is converted to a judgeship (pursuant to Government Code section 69615) from serving for a period of at least six months from their retirement date, when the judiciary is not in control of filling behind them. Such a requirement would dramatically disrupt court calendars and increase the existing backlog in criminal and civil cases.

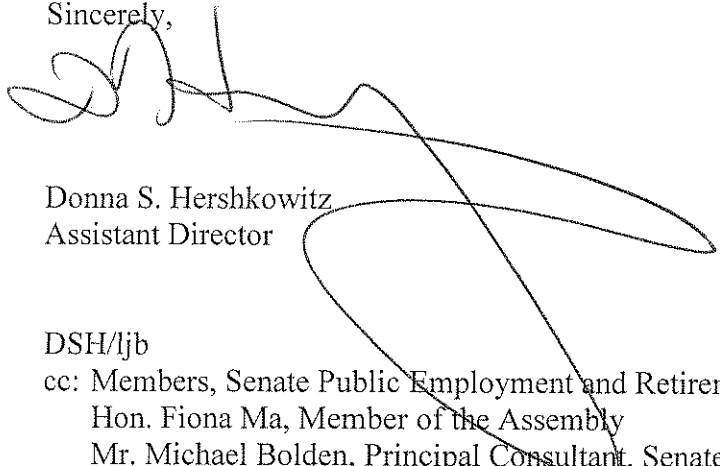
When a judicial vacancy occurs due to the conversion of a subordinate judicial officer position, the court has no ability to control the length of time to fill that position as that authority rests solely with the Governor. To bridge the gap of time between the vacancy and the new appointment, many courts rely on the retired subordinate judicial officer to sit in the seat and

continue to hear their cases until the time when an appointment is made. Unlike other positions affected by the bill, no degree of succession planning can protect against this problem as judges are appointed by the Governor, and not brought up through the ranks of the courts. AB 1987 would substantially interfere with the ability of the courts to fill behind these vacancies to ensure that the administration of justice does not come to a standstill. Absent the ability to have the position filled by the recently retired commissioner pending the Governor's appointment of a judge to that position, in many instances the court will have no ability to fill a critically needed position

Our most recent study found that California has a shortage of 325 judges. If California had sufficient judges to meet the need, the 180 day separation requirement might not be so onerous. In the current environment, however, it will significantly impact the judiciary's ability to meet the needs of Californians.

We would respectfully request that AB 1987 be amended to exclude subordinate judicial officers from the provision requiring at least six months separation before an individual covered by a state or local pension system may return to service. The Judicial Council has no position regarding the provisions of the bill related to the final calculation of retirement benefits.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DSH/ljb

cc: Members, Senate Public Employment and Retirement Committee

Hon. Fiona Ma, Member of the Assembly

Mr. Michael Bolden, Principal Consultant, Senate Public Employment and Retirement Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research

Ms. Therese Twomey, Consultant, Senate Republican Fiscal Office



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CURTIS L. CHILD
Director, Office of Governmental Affairs

June 22, 2010

Hon. Lou Correa, Chair
Senate Public Employment & Retirement Committee
State Capitol, Room 5052
Sacramento, California 95814

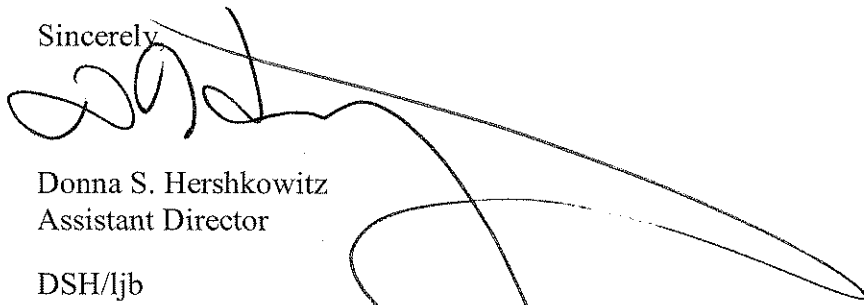
Subject: Assembly Bill 1987 (Ma), as amended June 1, 2010 – Removal of Opposition
Hearing: Senate Public Employment & Retirement Committee – June 23, 2010

Dear Senator Correa:

The Judicial Council is pleased to be able to remove its opposition to AB 1987 (Ma). The Judicial Council appreciates the receptivity of the author and your committee staff to the unique issues that impact on the state judiciary. Based on the commitment from all parties to address these issues separately, the Judicial Council now takes no position on AB 1987.

If you have any questions, please feel free to contact me at 916-323-3121 or donna.hershkowitz@jud.ca.gov.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DSH/ljb

cc: Members, Senate Public Employment and Retirement Committee
Hon. Fiona Ma, Member of the Assembly
Ms. Pamela Schneider, Staff Director, Senate Public Employment and Retirement Committee
Ms. Therese Twomey, Consultant, Senate Republican Fiscal Office
Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research