



JUDICIAL COUNCIL OF CALIFORNIA

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June 21, 2016

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, California 95814

Subject: AB 2341 (Obernolte), as amended May 18, 2016 - Support/Sponsor
Hearing: Senate Judiciary Committee – June 28, 2016

Dear Senator Jackson:

The Judicial Council is pleased to support and sponsor AB 2341, which would represent the Legislature's reallocation of up to five vacant judgeships from courts with more authorized judgeships than their assessed judicial need, to courts with fewer judgeships than their assessed judicial need. Reallocation of the vacant judgeships would be based on a methodology approved by the council and under criteria contained in statute, subdivision (b) of section 69614 of the Government Code. This proposal is intended to address the Governor's message when he vetoed SB 229 in 2015, in which he stated:

I am aware that the need for judges in many courts is acute -
Riverside and San Bernardino are two clear examples. However,
before funding any new positions, I intend to work with the
Judicial Council to develop a more systemwide approach to
balance the workload and the distribution of judgeships around the
state.

Reallocating up to five vacant judgeships would place additional judges in our most desperately underjudged counties, and help balance the workloads among the various courts. Statewide, our courts are 270 judges short of the total need, and new judgeships have not been funded since 2007. There were 50 new judgeships authorized by AB 159 (Stats. 2007, ch. 722), but these have also not been funded, leaving California with a severe shortage of judgeships. Since 2007, access to justice has been limited by the closing of courthouses and reduction of hours due to the economic recession, and, especially in counties with high population growth, greater numbers of people utilizing the same limited judicial resources as were available a decade ago.

It is important to note, despite claims to the contrary, AB 2341 does not refer to the Judicial Council allocating judgeships, but rather, that the Legislature, as is its duty under Article VI, Section 4 of the California Constitution, would allocate the vacant judgeships. This allocation, just like the allocation of the fifty new judgeships in SB 56 (Stats. 2006, ch. 390), is to be based on a methodology approved by the council and under criteria contained in statute. That statute provided that the new judgeships be allocated based on “uniform standards approved by the Judicial Council in August 2001, and as modified and approved by the Judicial Council in 2004.” Furthermore, current law also requires the Judicial Council to update this methodology and report to the Legislature and the Governor in every even-numbered year (Gov. Code § 69614(c)(1)). Similarly, in 2007, when the Legislature and Governor authorized the conversion of vacant subordinate judicial officer positions to judgeships under section 69615 of the Government Code (AB 159, Stats. 2007, ch. 722), that statute again provided that the council develop uniform criteria for the allocation of the conversions.

AB 2341 is consistent with judgeship allocations previously enacted by the Legislature and signed by the Governor. The only difference is that AB 2341 would apply to reallocating vacant judgeships rather than new positions.

The consequences of a judicial shortage are acute and significant for the people of California. Access to the courts is a right of every Californian, and that right becomes hollow if disputes cannot be resolved by the courts in an expeditious manner. The current gap between the caseload and the number of judges available to hear those cases means that critical civil proceedings and family law hearings, for example, are often deferred or delayed, resulting in long delays from the time of filing to the time of trial. These delays keep parents and children, in limbo. Without resolution in their cases, many litigants suffer economic and emotional harm, while others may simply conclude that the courts are not available to assist them.

While AB 2341 does not solve the statewide crisis that exists due to the overall shortage of judgeships, it does represent a critical step towards relieving the strain on our most overburdened courts. Should it be passed by the Legislature and signed by the Governor, up to five vacant judgeships will be reallocated to the counties with the most severe judicial need. It is critical to

Hon. Hannah-Beth Jackson

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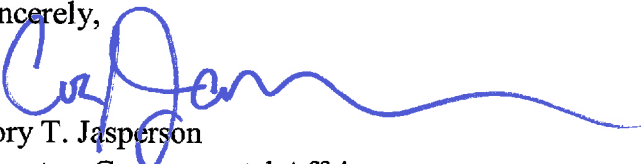
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the reduction in wait times and the ability of the courts to provide meaningful access to justice for the citizens of California that judicial workloads be kept at a manageable level. AB 2341 will take the first step towards accomplishing these goals.

For these reasons, the Judicial Council supports and is sponsoring AB 2341.

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

Sincerely,



Cory T. Jaspersen
Director, Governmental Affairs

CTJ/ANH/yc-s

cc: Members, Senate Judiciary Committee
Hon. Jay Obernolte, Member of the Assembly
Ms. Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Ms. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California