



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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March 14, 2011

Hon. Mike Feuer, Chair
Assembly Judiciary Committee
State Capitol, Room 2013
Sacramento, California 95814

Subject: AB 1405 (Committee on Judiciary) – Sponsor
Hearing: Assembly Judiciary Committee – TBD

Dear Assembly Member Feuer:

The Judicial Council is pleased to sponsor AB 1405, a bill to authorize 50 critically needed new trial court judgeships.

California is suffering from a severe shortage of trial court judgeships around the state. The ramifications are serious and far-reaching, and include a significant decrease in Californians' access to the courts and ability to get critical matters heard; compromised public safety; an unstable business climate; and, in some courts, enormous backlogs that inhibit fair, timely, and equitable justice.

Trial court judicial positions have not kept pace with population growth. Since 1989, California's population has grown by over 30 percent, while the number of new judgeships created by the Legislature grew by only 8.5 percent (if you include the positions authorized in 2007, which have not yet been funded or filled). When looking on a county-by-county basis, the disparity is much more drastic, especially in the fast growing Inland Empire and other fast-growing population centers. For example, in Riverside County, population increased by roughly 100% in the last 20 years, in San Bernardino, the increase in population was approximately 60

percent, and here in Sacramento County, population growth during this period was about 45 percent.

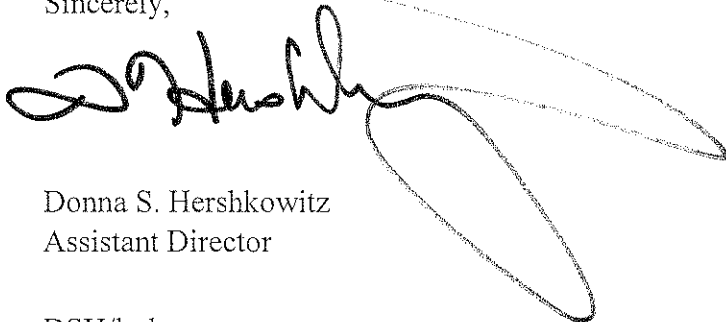
The enactment of SB 56 (Dunn, Stats. 2006, ch. 390), AB 159 (Jones, Stats. 2007, ch. 722) and were critically important steps to begin addressing California's judicial shortage, and the council is thankful for the Legislature's support for those pieces of legislation. However, there continues to be an urgent need for new judgeships. The Judicial Council's 2010 judicial needs assessment found that even with the infusion of new judgeships by SB 56 and AB 159, California needs 330 additional judicial officers to meet the demand, a 14 percent shortfall. If you subtract the 50 authorized by unfunded positions, the net need for new judgeships is 380, a 16.2 percent shortfall in total judicial need. The Judicial Council has focused its efforts in the past several years on seeking the 150 most critically needed trial court positions. AB 1405 will fulfill that commitment. The judgeships authorized in recent years will make significant strides in meeting the judicial need and the needs of Californians who use the courts every day, but do not solve the problems created by the lack of judgeships.

Access to the courts is fundamentally compromised by judicial shortages. Every Californian is constitutionally entitled to impartial and timely dispute resolution through the courts. The current shortage in resources means that civil proceedings and family law hearings are routinely rescheduled, with some courts reporting extraordinary delays from the time of filing to the time of trial. This culture of delay keeps parents, children, victims, and defendants in limbo. In the face of these delays, an unknown number of individuals simply decide that the court has no time for their problems.

The public is endangered when there are too few judicial officers to hear criminal cases. Backlogs in criminal cases have serious repercussions, including that heavy caseloads put pressure to plea bargain because criminal cases must be dismissed if they are not heard within specified time frames. And, because criminal matters take constitutional and statutory priority over all other legal matters, civil justice suffers as well.

For these reasons, the Judicial Council is pleased to sponsor AB 1405.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna S. Hershkowitz", with a long, sweeping horizontal line extending to the right.

Donna S. Hershkowitz
Assistant Director

DSH/lmb

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