



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

March 29, 2013

Hon. Roger Dickinson
Member of the Assembly
State Capitol, Room 2013
Sacramento, California 95814

Subject: AB 515 (Dickinson), as amended March 11, 2013 - Oppose

Dear Assembly Member Dickinson:

The Judicial Council regrets to inform you of its opposition to AB 515. The current version of AB 515 mandates the creation of new California Environmental Quality Act (CEQA) compliance court divisions of the superior court in specified counties and vests these divisions with original jurisdiction over actions or proceedings brought pursuant to CEQA and joined matters related to land use and environmental laws. The bill also requires a CEQA compliance division judge to issue a preliminary decision in each of these cases before the opportunity for oral argument is granted. In addition, the bill requires the Judicial Council to adopt rules for establishing, among other things, protocols to govern the administration and efficient operation of the divisions, so that those judges assigned to the divisions will be able to hear and quickly resolve those actions or proceedings.

The Judicial Council has a long history of opposing bills that mandate the creation of specialty courts, including most recently tax courts and business courts. Courts need to have flexibility to manage their own calendars, especially in the current budget climate when courts are struggling under severe budget reductions to operate with staff layoffs, reductions in services and hours of operation, and insufficient judicial resources. Directing courts to dedicate limited staff and judicial resources to these cases at this time would tie courts' hands and limit their ability to manage their workload in what they believe to be the most effective and efficient manner. In the absence of a specific appropriation, AB 515 could have the unintended effect of taking away resources from other equally important cases.

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The Judicial Council also believes that AB 515 is not needed in light of the statutory calendar preference already provided to CEQA cases, and the existing mandate that courts in counties with a population over 200,000 have one or more dedicated CEQA judges who have received specialized training in this area of the law. In addition, the council objects to the provision in the bill that would require the court in every case to issue a preliminary ruling, rather than maintaining the court's discretion under current law, which allows, but does not require, a court to issue preliminary rulings. Judges should continue to be allowed to decide, on a case-by-case basis, to issue a preliminary or tentative ruling in these cases when the court determines it would be valuable, versus the across the board approach in the bill. Notwithstanding the laudable goals of this legislation, mandating the creation of new CEQA compliance court divisions in the absence of any compelling empirical evidence that the current system for handling these cases is broken seems, in the council's view, to be unwarranted.

For these reasons, the Judicial Council opposes the current version of AB 515. As always, we would be happy to work with you and your staff on alternative approaches to addressing your underlying concerns that are more workable for the courts.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Pone", written in a cursive style.

Daniel Pone
Senior Attorney

DP/yc

cc: Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Ken Alex, Director, Governor's Office of Planning and Research



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April 10, 2013

Hon. Bob Wieckowski, Chair
Assembly Judiciary Committee
State Capitol, Room 4016
Sacramento, California 95814

Subject: AB 515 (Dickinson), as amended March 11, 2013 – Oppose
Hearing: Assembly Judiciary Committee – April 23, 2013

Dear Assembly Member Wieckowski:

The Judicial Council opposes AB 515, which mandates the creation of new California Environmental Quality Act (CEQA) compliance court divisions of the superior court in specified counties and vests these divisions with original jurisdiction over actions or proceedings brought pursuant to CEQA and joined matters related to land use and environmental laws. AB 515 also requires a CEQA compliance division judge to issue a preliminary decision in each of these cases before the opportunity for oral argument is granted. In addition, the bill requires the Judicial Council to adopt rules for establishing, among other things, protocols to govern the administration and efficient operation of the divisions, so that those judges assigned to the divisions will be able to hear and quickly resolve those actions or proceedings.

The Judicial Council has a long history of opposing bills that mandate the creation of specialty courts, including most recently tax courts and business courts. Courts need to have flexibility to manage their own calendars, especially in the current budget climate when courts are struggling under severe budget reductions to operate with staff layoffs, reductions in services and hours of operation, and insufficient judicial resources. Directing courts to dedicate limited staff and judicial resources to these cases at this time would tie courts' hands and limit their ability to manage their workload in what they believe to be the most effective and efficient manner. Moreover, in the absence of a specific appropriation, AB 515 could have the unintended effect of taking away resources from other equally important cases.

The Judicial Council also believes that AB 515 is not needed in light of the statutory calendar preference already provided to CEQA cases, and the existing mandate that courts in counties with a population over 200,000 have one or more dedicated CEQA judges who have received specialized training in this area of the law. In addition, the council objects to the provision in the bill that would require the court in every case to issue a preliminary ruling, rather than maintaining the court's discretion under current law, which allows, but does not require, a court to issue preliminary rulings. Judges should continue to be allowed to decide, on a case-by-case basis, to issue a preliminary or tentative ruling in these cases when the court determines it would be valuable, versus the across the board approach in the bill. Notwithstanding the laudable goals of this legislation, mandating the creation of new CEQA compliance court divisions in the absence of any compelling empirical evidence that the current system for handling these cases is broken seems, in the council's view, to be unwarranted.

For these reasons, the Judicial Council opposes the current version of AB 515. As always, we would be happy to work with the author and his staff, as well as the committee's counsel, on alternative approaches to addressing the underlying concerns that are more workable for the courts.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Pone", with a stylized, flowing script.

Daniel Pone
Senior Attorney

DP/yc

cc: Members, Assembly Judiciary Committee
Hon. Roger Dickinson, Member of the Assembly
Mr. Tom Clark, Counsel, Assembly Judiciary Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy
Mr. Ken Alex, Director, Governor's Office of Planning and Research