



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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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

KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

April 19, 2007

Hon. Mark Leno, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 159 (Jones), as amended March 22, 2007 – Sponsor
Hearing: Assembly Appropriations Committee – April 25, 2007

Dear Assembly Member Leno:

The Judicial Council is pleased to sponsor AB 159, a bill to create 50 new trial court judgeships, convert eligible subordinate judicial officer positions to judgeships upon vacancy, and to create court of appeal judgeships.

California is suffering from a severe shortage of judgeships. 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. Between 1990 and 2000, California's population grew by over 16 percent while the number of new judgeships created by the Legislature grew by less than three percent. Between fiscal years 1989–1990 and 2002–2003, the growth of judgeships lagged far behind population growth in several large counties.

Last year's SB 56 (Dunn), creating 50 new judgeships, was a necessary first step, and the council is thankful for the Legislature's support for that legislation. However, there continues to be an urgent need for new judgeships. A 2007 Judicial Council judicial needs assessment concluded

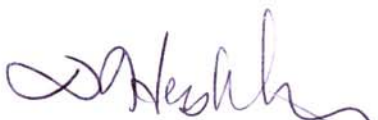
that California needs approximately 360 more judicial officers to meet the demand. The Judicial Council has focused its efforts on seeking the 150 most critically needed trial court positions. The 50 trial court judgeships authorized by AB 159 will make significant strides in meeting the judicial need and the needs of Californians who use the courts every day.

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 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. Heavy caseloads encourage plea-bargains, because criminal cases must be dismissed if they are not heard within specified time frames. Delays occur in both the issuing and recalling of bench and arrest warrants. And since criminal matters take priority over all other legal matters, civil justice suffers as well.

For these reasons, the Judicial Council urges your "aye" vote on AB 159.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DSH/lb

cc: Members, Assembly Appropriations Committee
Hon. Dave Jones, Member of the Assembly
Mr. Eric Csizmar, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Office of Planning and Research
Mr. Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Mr. Allan Cooper, Consultant, Assembly Republican Office of Policy



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KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

August 15, 2007

Hon. Tom Torlakson, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 159 (Jones), as amended July 17, 2007 – Sponsor
Hearing: Senate Appropriations Committee – August 20, 2007

Dear Senator Torlakson:

The Judicial Council is pleased to sponsor AB 159, a bill to create new trial court judgeships and convert eligible subordinate judicial officer positions to judgeships upon vacancy.

California is suffering from a severe shortage of judgeships. 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. Between 1990 and 2000, California's population grew by over 16 percent while the number of new judgeships created by the Legislature grew by less than three percent. Between fiscal years 1989–1990 and 2002–2003, the growth of judgeships lagged far behind population growth in several large counties.

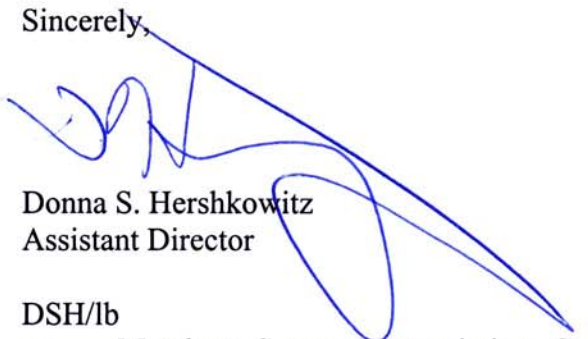
Last year's SB 56 (Dunn), creating 50 new judgeships, was a necessary first step, and the council is thankful for the Legislature's support for that legislation. However, there continues to be an urgent need for new judgeships.

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 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. Heavy caseloads encourage plea-bargains, because criminal cases must be dismissed if they are not heard within specified time frames. Delays occur in both the issuing and recalling of bench and arrest warrants. And since criminal matters take priority over all other legal matters, civil justice suffers as well.

For these reasons, the Judicial Council urges your "aye" vote on AB 159.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DSH/lb

cc: Members, Senate Appropriations Committee
Hon. Dave Jones, Member of the Assembly
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Office of Planning and Research
Mr. Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Mr. Dave Lewis, Consultant, Senate Republican Fiscal Office of Policy
Ms. Nora Lynn, Consultant, Senate Appropriations Committee



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KATHLEEN T. HOWARD
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September 21, 2007

Hon. Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, California 95814

Subject: AB 159 (Jones) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council is pleased to sponsor AB 159, a bill to create new trial court judgeships and convert eligible subordinate judicial officer positions to judgeships upon vacancy. California is suffering from a severe shortage of judgeships. 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.

Last year's SB 56 (Dunn), creating 50 new judgeships, was a necessary first step, and the council is thankful for your support for that legislation. However, there continues to be an urgent need for new judgeships.

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 must be repeatedly rescheduled resulting in long delays from the time of filing to the time of trial. This culture of delay keeps parents, children, victims, and defendants 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.

Hon. Arnold Schwarzenegger
September 21, 2007
Page 2

emotional harm, while others may simply conclude that the courts are not available to assist them.

A shortage of judicial officers has deleterious consequences in criminal cases as well. While criminal cases must take priority over all other legal matters, the current judicial shortage has created backlogs in criminal cases which threaten public safety. Because criminal cases must be heard within specified time frames or be dismissed, a judicial shortage encourages an over reliance on plea bargaining to prevent case dismissal. In addition, the shortage extends the time for the court to issue and recall bench and arrest warrants. Finally, while the court seeks to keep abreast of the criminal matters, civil matters must linger delaying and sometimes denying justice in those arenas. Addressing the overall judicial shortage will allow the courts to fulfill their core functions by enhancing public safety and promoting timely access to justice for all Californians.

For these reasons, the Judicial Council requests your signature on AB 159.

Sincerely,



Kathleen T. Howard
Director

KH/DH/lb

cc: Hon. Dave Jones, Member of the Assembly
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Deputy Legislative Director, Office of Planning & Research