



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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

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Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

August 2, 2006

Hon. Don Perata
President pro Tem
California State Senate
State Capitol, Room 205
Sacramento, California 95814

Hon. Fabian Núñez
Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California 95814

Ms. Susan Kennedy
Chief of Staff
Office of the Governor
State Capitol, First Floor
Sacramento, California 95814

Dear Senate President pro Tem Perata, Speaker Núñez, and Ms. Kennedy:

Thank you all for your support of the judicial branch. I deeply appreciate your ongoing commitment both to ensuring access to justice for all Californians and to ensuring that the bench better reflects the rich gender, racial, and ethnic diversity of our state. I am attaching a letter I wrote to the Governor that underscores my views about the importance of our mutual efforts to encourage greater diversity on the bench; it also reflects the commitment of the judiciary to assist in outreach efforts, as discussed in our recent phone call about this issue.

Hon. Don Perata, Hon. Fabian Núñez, Ms. Susan Kennedy

August 2, 2006

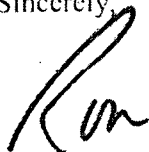
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The agreement in the budget will fund the first 50 desperately needed new judgeships consistent with the Judicial Council's judgeship needs analysis. This agreement, which will be reflected in legislation that will move in August (SB 56 (Dunn)), will provide significant relief to those courts that struggle daily to meet the crushing demands of court users. Consistent with the conceptual proposal that has moved through the legislative process, and based on our discussions on this issue, I would appreciate your continued support of provisions in the judgeship bill to allow eligible subordinate judicial officer (SJO) positions to be converted to judgeships, upon vacancy.

I am optimistic that the new judgeships and SJO conversions will provide a valuable opportunity to make significant progress in increasing diversity on the bench and in enhancing access to justice. While the new judicial positions are clearly needed to meet the courts' growing workload, the SJO conversions are more focused on improving the quality of justice. SJO conversions will permit litigants to have their cases heard by judges in case types where that is appropriate, such as family law and juvenile dependency. In addition, SJO conversions will make judges available at no new cost to the state (the *de minimis* transition cost will be addressed in the judicial branch base budget). The SJO conversion proposal is a prudent approach that will be phased in over about 8-10 years. The number of conversions is limited to 25 per year, and upon vacancy in SJO positions. Our bench will benefit from this policy change.

Again, thank you for your leadership and commitment on these vitally important judicial branch issues.

Sincerely,



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

RMG/WCV/KH/lb

Enclosure

cc: Ms. Shelley Curran, Consultant, Office of the pro Tem Don Perata
Ms. Fredericka McGee, General Counsel, Office of Speaker Fabian Núñez
Ms. Andrea Hoch, Legal Affairs Secretary, Office of Governor Arnold Schwarzenegger
Mr. William C. Vickrey, Administrative Director of the Courts



Judicial Council of California
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RONALD M. GEORGE
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RONALD G. OVERHOLT
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July 14, 2006

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

Re: Follow-up to the Summit on Diversity in the Judiciary

Dear Governor Schwarzenegger:

When we met in December 2005, you asked that the judicial branch take action to help increase the diversity of judicial officers in California. Diversifying the state's judiciary has been a firmly held priority of the Judicial Council for a number of years, as reflected in the Judicial Council's 2000–2006 strategic plan goal statement that “[m]embers of the judicial branch community will reflect the rich diversity of the state's residents.” (*Judicial Council of California Strategic Plan—Leading Justice Into the Future*, March 2000, p. 9.) Achieving the goal of a more diverse judiciary is important not only to enhance the public's trust and confidence in California's judicial system, but also to realize the value that persons with diverse cultural backgrounds, work and life experiences, and perspectives bring to the judicial decision-making process.

Last month a summit on diversity in the judiciary—Continuing a Legacy of Excellence: A Summit on Diversity in the Judiciary—was held in San Jose. This summit attracted over 120 judicial officers, legislative staff, State Bar leaders, and practicing attorneys, all of whom expressed a high level of interest in this issue. I had the opportunity to address the participants and very much appreciated the participation of John Davies as a panelist at the summit, as the perspective he offered as judicial appointments advisor was of special interest to the attendees.

With the success of the recent summit, we are actively exploring how we can effectively respond to your request for assistance in improving diversity in the judiciary. To support you as you exercise your constitutional authority for judicial appointments, we are happy to share with you some observations about the current judicial selection process.

First, the application for superior court appointment appears to emphasize trial or litigation experience as a major consideration for judicial appointment. This emphasis may be a factor that limits applications from candidates with different legal practice experiences who are well qualified to serve as judges. General civil practice lawyers, government lawyers (including lawyers who represent state entities, counties, and municipalities), and lawyers who specialize in family, juvenile, probate, and mental health matters offer different expertise, which can improve the quality of judicial decision making and provide much-needed experience in our high-volume courts. We would encourage the consideration of practitioners with diverse backgrounds who may not have extensive trial experience.

Second, we believe the judicial selection process should respond to the needs of the community in which the appointments will be made. Judicial officers should possess the abilities and experiences that enable them to relate to a community's needs. Consideration should be given to applicants who offer these additional qualities—diversity of experiences and backgrounds and relationships with and service to local communities—in order to enhance the courts' ability to understand and meet the needs of the communities they serve. To the extent that consideration of a community's needs would mean making out-of-area judicial appointments, we would support that approach.

Third, the judicial branch will continue to explore outreach and other actions that the Judicial Council, the courts, and the State Bar can take to encourage well qualified attorneys from all races, ethnicities, cultures, and professional backgrounds to serve the public as judicial officers in California and to assist them in the application process.

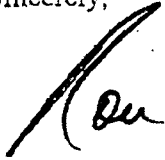
These are several of the many ideas that have been generated on this topic since our conference call following the judicial summit. I would be happy to discuss these and other ideas with you at any time.

Thank you for your interest in continuing California's tradition of a well-qualified judiciary that is institutionally independent and in increasing the diversity of the judiciary to reflect the

Hon. Arnold Schwarzenegger
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richness of California's populace. We look forward to working with the executive branch to accomplish those goals.

Sincerely,

A handwritten signature in black ink, appearing to read "RMG", written over a horizontal line.

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

RMG/MMR/lag

cc: Susan Kennedy, Chief of Staff, Office of the Governor
John Davies, Judicial Appointments Advisor, Office of the Governor
William C. Vickrey, Administrative Director of the Courts, Administrative Office of
the Courts