



Judicial Council of California

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April 7, 2009

Hon. Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 5108
Sacramento, California 95814

Subject: SB 377 (Corbett) – Sponsor
Hearing: Senate Judiciary Committee – April 14, 2009

Dear Senator Corbett:

The Judicial Council is pleased to sponsor SB 377, 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 has grown by 98 percent from 1989 to 2008, in San Bernardino, the increase in population was 58 percent, and here in Sacramento County, population growth during this period was 43 percent.

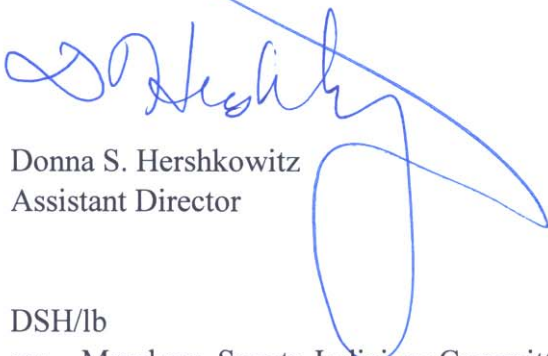
The enactment of SB 56 (Dunn, Stats. 2006, ch. 390) and AB 159 (Jones, Stats. 2007, ch. 722) were critically important steps to begin addressing California's judicial shortage, and the council is thankful for the Legislature's support for those pieces of legislation. However, there continues to be an urgent need for new judgeships. The Judicial Council's 2008 judicial needs assessment found that even with the infusion of new judgeships by SB 56 and AB 159, California needs more than 325 additional judicial officers to meet the demand. The Judicial Council has focused its efforts in the past several years on seeking the 150 most critically needed trial court positions. SB 377 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 all these reasons, the Judicial Council urges your "aye" vote on SB 377.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DSH/lb

cc: Members, Senate Judiciary Committee

Ms. Saskia Kim, Chief Counsel, Senate Judiciary Committee

Ms. Kirsten Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Mike Petersen, Counsel, Senate Republican Office of Policy

Mr. Michael Prosio, Legislative Affairs Secretary, Office of the Governor