

FLOOR ALERT
UPDATED

January 11, 2012

TO: Members, California State Assembly
FROM: Mira Guertin, Policy Advocate *MG*
SUBJECT: **AB 1208 (CALDERON) TRIAL COURTS: ADMINISTRATION**
OPPOSE -- JOB KILLER

The California Chamber of Commerce continues to **OPPOSE AB 1208 (Calderon)**, as amended May 18, 2011, because it goes far beyond increasing the fiscal accountability of the judicial branch, and instead blurs the separation of powers between the Legislative and judicial branches. AB 1208 will undermine uniformity of the laws and rules governing state courts and harm state-wide court programs, creating uncertainty and unpredictability for California employers and other litigants, and driving more employers from the state and harming the economy.

AB 1208 grants the Legislature inappropriate influence over management of the judicial branch. For example, AB 1208 deletes the Judicial Council's mandate to allocate state funds to courts to, "best assure their ability to carry out their functions, promote implementation of statewide policies, and promote the immediate implementation of efficiencies and cost saving measures in court operations, in order to guarantee equal access to the courts." Instead, the Judicial Council would be required to mechanically allocate funds based on each court's pro rata share of the adjusted base budget from the prior year, and all changes to this allocation would have to be approved by the legislature. In other words, it would now be up to the Legislature to prioritize funding and make substantive decisions about how to promote efficiencies and cost saving measures, and to ensure equal access to justice. This is much more than mere oversight.

AB 1208 allows 2-3 courts to override important judicial branch policies and statewide needs. By requiring the written approval of 66 ^{2/3} percent of the trial courts, as determined by each court's proportionate share of judges, AB 1208 gives as few as 2 courts the ability to veto the expenditure of monies on necessary statewide technology or administrative infrastructure, even if every other court is demanding it.

AB 1208 prevents helping courts in dire emergencies. By requiring the Judicial Council to allocate every dollar that is appropriated for trial court operations, the bill eliminates the ability of the Judicial Council to set aside money to assist courts dealing with especially difficult fiscal circumstances. Further, by preventing the Judicial Council from reallocating trial court funds during the year, the bill hinders the ability of the judicial branch to respond to emergencies and allocate resources where they would most benefit the public.

AB 1208 allows a single court to benefit at the expense of the entire justice system. Another troubling provision in the bill allows a trial court that has not used all of its allocated funds to keep them unless it voluntarily chooses to return them. This means one court may place its own priorities ahead of those of the judicial branch and the larger interests of the state justice system. For example, a court could choose to keep extra funds to upgrade its facilities, preventing the branch from using those resources to provide legal services for the poor system-wide or prevent court shut-downs at a court facing greater financial hardship.

AB 1208 will worsen California's legal climate and harm the economy. Employers depend on the reliable and efficient administration of justice, something California already struggles to provide, as evidenced by the state's consistently rock-bottom rankings for fairness of its justice system by the U.S. Chamber's Institute for Legal Reform. AB 1208 would only worsen the situation, increasing the costs and risks of litigating in the state, and driving more employers and the jobs they provide to other states.

For these reasons and more, we must respectfully **OPPOSE AB 1208 (Calderon)**.

cc: The Honorable Charles Calderon
Aaron Maguire, Office of the Governor
Daniel Balloon, Assembly Republican Caucus
Senate Floor Analyses
CA Department of Justice
District Offices, CA State Assembly

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