



## JUDICIAL COUNCIL OF CALIFORNIA

### GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE

*Chief Justice of California  
Chair of the Judicial Council*

MARTIN HOSHINO  
*Administrative Director*

CORY T. JASPERSON  
*Director, Governmental Affairs*

June 23, 2022

Hon. Thomas Umberg, Chair  
Senate Judiciary Committee  
1021 O Street, Suite 6730  
Sacramento, California 95814

Subject: Assembly Bill 2313 (Bloom), as proposed to be amended – Withdrawal of opposition  
Hearing: Senate Judiciary Committee – June 28, 2022

Dear Senator Umberg:

The Judicial Council is pleased to inform you of its removal of opposition to AB 2313, as proposed to be amended.

We appreciate the willingness of the author and your committee to work with us on these important amendments to address our concerns.

These amendments remove the mandate from the training program, ensure language in the bill provides funding for its provisions, and recast the judicial appointment language to maintain individual courts' discretion over case assignments and not inappropriately involve the Judicial Council in trial court case assignments. Instead, if a court needs assistance in making a case assignment, the court may request the Chairperson of the council to make an assignment. This is consistent with how judicial assignments work currently for cases where there are full bench recusals or the need for coordination of complicated cases that touch multiple counties.

Hon. Thomas Umberg

June 23, 2022

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Should you have any questions or require additional information, please contact Kate Nitta at 916-323-3121.

Sincerely,



Cory T. Jaspersen

Director, Governmental Affairs

CTJ/KN/yc-s

cc: Members, Senate Judiciary Committee  
Hon. Thomas Umberg, Member of the Senate  
Ms. Amanda Mattson, Counsel, Senate Judiciary Committee  
Mr. Morgan Branch, Consultant, Senate Republican Office of Policy  
Ms. Angela Pontes, Deputy Legislative Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California  
Ms. Shelley Curran, Chief Policy & Research Officer, Judicial Council of California



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June 23, 2022

Hon. Richard Bloom  
Assembly Member, District 50  
1021 O Street, Suite 8130  
Sacramento, California 95814

Subject: Assembly Bill 2313 (Bloom), as proposed to be amended – Withdrawal of opposition  
Hearing: Senate Judiciary Committee – June 28, 2022

Dear Assembly Member Bloom:

The Judicial Council is pleased to inform you of its removal of opposition to AB 2313, as proposed to be amended. The Judicial Council appreciates your agreement to amend the bill to address our concerns.

These amendments remove the mandate from the training program, ensure language in the bill provides funding for its provisions, and recast the judicial appointment language to maintain individual courts' discretion over case assignments and not inappropriately involve the Judicial Council in trial court case assignments. Instead, if a court needs assistance in making a case assignment, the court may request the Chairperson of the council make an assignment. This is consistent with how judicial assignments work currently for cases where there are full bench recusals or the need for coordination of complicated cases that touch multiple counties.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,

Kate Nitta  
Attorney

Hon. Richard Bloom

June 23, 2022

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KN/ycs

cc: Ms. Angela Pontes, Deputy Legislative Secretary, Office of the Governor  
Ms. Amanda Mattson, Counsel, Senate Judiciary Committee  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California  
Ms. Shelley Curran, Chief Policy & Research Officer, Judicial Council of California



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June 13, 2022

Hon. Thomas Umberg, Chair  
Senate Judiciary Committee  
1021 O Street, Suite 3240  
Sacramento, California 95814

Subject: Assembly Bill 2313 (Bloom), as amended April 27, 2022 – Oppose unless amended

Dear Senator Umberg:

The Judicial Council opposes AB 2313, unless amended. The bill, among other things, requires the Judicial Council, on or before January 1, 2025, to establish a program that provides training and education to judges in technical, scientific, legal, managements, and infrastructure actions relating to water. It also allows any party in an action relating to water to file a noticed motion for the case to be assigned to a judge who has participated in the training program, and requires the presiding judge of the superior court to take specified action in response to such a motion.

Finally, the bill requires the Judicial Council to identify experts in water science or management, or research attorneys, who may be available to any judge adjudicating an action relating to water as an expert under section 730 of the Evidence Code or as a research attorney, or to consult on the contents of a document submitted by a party, and allows the council to reimburse courts for the costs of employing or contracting with such experts or attorneys.

The council appreciates the willingness of the author to work with us on our concerns; however, past amendments to the bill have taken it further from what the council previously agreed to. Specifically, by

making the training program mandatory and dictating very specific judicial assignment procedures, the bill marks a departure from the Legislature into judicial branch purview in violation of the separation of powers between branches of government. By dictating how courts assign cases and mandating creation of specific judicial training, the Legislature would be inappropriately interfering with a judicial branch duty. The Judicial Council's Center for Judicial Education and Research (CJER) is the sole entity responsible for educating the state's approximately 2,500 justices, judges, and subordinate judicial officers and nearly 20,000 court staff as required by California Rules of Court rules 10.451–10.491. Further, assignment of judges is also something that is purely the role of courts, and, in very limited cases, the Chief Justice. This is not something that is done by the council.

To address these concerns, the council proposes the following amendments:

1. Amend proposed Government Code section 68556(a)(1) to make creation of the training program permissive, rather than mandatory:

*On or before January 1, 2025, the Judicial Council ~~shall~~ **may** establish a program that provides training and education to judges in technical, scientific, legal, management, and infrastructure actions relating to water.*

2. Replace the existing judicial assignment provisions in proposed Government Code section 68556(b) with the following:

**For actions relating to water, the court may assign a judge with training or education provided pursuant to subdivision (a), or the court may request the Chairperson of the Judicial Council to assign a judge with training or education provided pursuant to subdivision (a).**

3. Ensure that funding is provided to reimburse courts for the costs of water experts, research attorneys, and special masters.

These amendments maintain the creation of training programs under the purview of the Judicial Council, ensure language in the bill provides funding for its provisions, and recast the judicial appointment language to maintain individual courts' discretion consistent with the rules of court over case assignments and avoid inappropriately involving the Judicial Council in trial court case assignments. Instead, if a court needs assistance in making a case assignment, as with current procedures, the court may request the Chairperson of the council to make an assignment. This is consistent with how judicial assignments work currently for cases where there are full bench recusals or the need for coordination of complicated cases that touch multiple counties. The council appreciates the intentions behind the bill; however, without these necessary amendments, the council must unfortunately remain in opposition.

Should you have any questions or require additional information, please Kate Nitta at 916-323-3121.

Hon. Thomas Umberg

June 13, 2022

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Sincerely,



Cory T. Jasperson

Director, Governmental Affairs

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Finally, the bill requires the Judicial Council to identify experts in water science or management, or research attorneys, who may be available to any judge adjudicating an action relating to water as an expert under section 730 of the Evidence Code or as a research attorney, or to consult on the contents of a document submitted by a party, and allows the council to reimburse courts for the costs of employing or contracting with such experts or attorneys.

The council appreciates the willingness your office has expressed to work with us on our concerns; however, past amendments to the bill have taken it further from what the council previously agreed to. Specifically, by making the training program mandatory and dictating very specific judicial assignment procedures, the bill marks a departure from the Legislature into judicial branch purview in violation of the separation of powers between branches of government. By dictating how courts assign cases and mandating creation of specific judicial training, the Legislature would be inappropriately interfering with a judicial branch duty. The Judicial Council's Center for Judicial Education and Research (CJER) is the sole entity responsible for educating the state's approximately 2,500 justices, judges, and subordinate judicial officers and nearly 20,000 court staff as required by California Rules of Court rules 10.451–



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3. Ensure that funding is provided to reimburse courts for the costs of water experts, research attorneys, and special masters.

These amendments make the creation of the training program optional, ensure language in the bill provides funding for its provisions, and recast the judicial appointment language to maintain individual courts' discretion over case assignments and not inappropriately involve the Judicial Council in trial court case assignments. Instead, if a court needs assistance in making a case assignment, the court may request the Chairperson of the council make an assignment. This is consistent with how judicial assignments work currently for cases where there are full bench recusals or the need for coordination of complicated cases that touch multiple counties. The council appreciates the intentions behind the bill; however, without these amendments, the council must unfortunately remain in opposition.

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