RESOLUTION - ACTION REQUESTED 2012-452

MEETING: September 4, 2012

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: Additional Federal Judgeships to Fresno Division

RECOMMENDATION AND JUSTIFICATION: Adopt a Resolution Supporting Additional Federal Judgeships to the Eastern District of California, Fresno Division. The Eastern District of California ranks first as the busiest district in the Circuit and in the nation, with a weighted caseload of 1,098 per judgeship compared to a national average of 509. Since 1990 California’s three other federal judicial districts have received twelve new permanent judgeships yet the Easter District has not been authorized a new permanent judgeship since 1978. The Judicial Conference consistently recommends additional judgeships for the Easter District and in 2011 recommended six new permanent judgeships.

The Eastern District of California, Fresno Division, hears criminal, civil, and misdemeanor actions arising out of the counties of Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare, and Tuolumne. These central valley, foothill and mountain counties have experienced a proliferation of illegal marijuana cultivation sites. Local law enforcement has worked closely with other jurisdictions and federal agencies to investigate and eradicate these illegal sites; however, the United States Attorney’s Office efforts to prosecute cases are impacted by the extreme caseload carried by the Eastern District Court.

Senator Dianne Feinstein and Congress Member Dan Lungren have introduced legislation S. 1014 and HR 3890 to provide for additional federal judgeships in the most impacted districts including the Eastern District of California. In order to successfully deter illegal activities, the entire criminal justice system, from local law enforcement up through the court system, must be adequately staffed. The proposed legislation will provide a mechanism for increased court staffing by adding judgeships in the Eastern District. The legislation proposes to pay for the new judgeships through a nominal increase in filing fees.

BACKGROUND AND HISTORY OF BOARD ACTIONS: The Board has traditionally supported legislation that will ultimately have a beneficial impact on the citizens of Mariposa
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County.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Do not adopt a Resolution supporting additional federal judgeships in the Eastern District of California, Fresno Division. Individual Board members may write their own letters of support which may not carry the same weight as a Resolution supported by the entire Board.

FISCAL IMPACT:
None

CAO RECOMMENDATION
Requested Action Recommended

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Lee Stetson, District I Supervisor
SECONDER: Lyle Turpin, District II Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
MARIPOSA COUNTY RESOLUTION NO. 12-452

A RESOLUTION SUPPORTING ADDITIONAL FEDERAL JUDGESHIPS FOR THE
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

WHEREAS, according to nationwide court statistics, the Eastern District of
California has a weighted caseload of 1,098 per judgeship where the national average is
509 and the Eastern District of California, according to a comprehensive, nationwide
workload survey, ranks first as the busiest district in the Circuit and in the nation; and

WHEREAS, since 1990, California’s three other federal judicial districts have
received twelve new permanent judgeships and the Eastern District of California has not
been authorized a new permanent judgeship since 1978; and

WHEREAS, total filings per judgeship reached 1,123 in 2011, more than double the
average number of filings in the Circuit and the Nation; and

WHEREAS, the 2011 Judicial Conference recommended six additional judgeships
for the Eastern District; and

WHEREAS, the Eastern District of California, Fresno Division operates with only
two judges; and

WHEREAS, Senator Dianne Feinstein and Congress Member Dan Lundgren have
introduced bipartisan legislation, the Emergency Judicial Relief Act (S. 1014/HR 3890), to
provide for additional Federal district judgeships, including the Eastern District of
California.

NOW, THEREFORE BE IT RESOLVED, that the Mariposa County Board of
Supervisors, a political subdivision of the State of California, does hereby urge the United
States Congress to appoint additional federal judgeships to the Eastern District of
California to help alleviate the increasing burden and caseload on current judges as well
as to expedite the judicial process within our district.

PASSED AND ADOPTED this 4th day of September 2012, by the following vote:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE

Janet Bibby, Chair

ATTEST: APPROVED AS TO FORM:

Margie Williams, Clerk of the Board

Steven W. Dahlem, County Counsel
September 25, 2012

Senator Dianne Feinstein
Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

At their meeting of September 18, 2012, the Board of Supervisors took action and adopted Resolution No. 12-452 supporting additional Federal Judgeships for the Eastern District of California, Fresno Division. Enclosed you will find a copy of Resolution No. 12-452.

Should you have any questions please feel free to contact me at (209) 966-3222.

Sincerely,

Janet Bibby,
Chair, Board of Supervisors

Enclosure

Cc: Chief Judge Alex Kozinski
Chief District Court Judge Anthony W. Ishii
Senator Barbara Boxer
Congressman Dan Lungren
Congressman Kevin McCarthy
Congressman Devin Nunes
Congressman Buck McKeon
Congressman Jeff Denham
Congressman Jim Costa
Chief Judge Alex Kozinski
Chief District Court Judge Anthony W. Ishii