

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # \*B-6

Urgent  Routine

AGENDA DATE August 28, 2012

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Adopt a Resolution Supporting Senate Bill (SB) 1014/House Resolution (HR) 3890, the Emergency Judicial Relief Act, to Provide for Additional Federal District Judgeships, in the Eastern District of California.

STAFF RECOMMENDATIONS:

Adopt County position supporting Legislation Senate Bill 1014/House Resolution 3890, the Emergency Judicial Relief Act to increase the number of federal judgeships in the United States District Court, Eastern District of California. This legislation will address, through enhanced federal prosecution, the proliferation of illegal marijuana grow sites throughout the Central Valley and to reduce the public safety risks that accompany these sites.

FISCAL IMPACT:

There is no fiscal impact associated with the County Board of Supervisors supporting SB (1014)/ (HR) 3890.

BOARD ACTION AS FOLLOWS:

No. 2012-437

On motion of Supervisor Withdraw, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withdraw, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Adopt a Resolution Supporting Senate Bill (SB) 1014/House Resolution (HR) 3890, the Emergency Judicial Relief Act, to Provide for Additional Federal District Judgeships in the Eastern District of California.

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**DISCUSSION:**

The County of Tulare Chair of the Board requests Stanislaus County to support legislation to increase the number of federal judgeships in the Eastern District (attached). The Eastern District Court currently ranks first in the nation in workload, with filings double the average number in the nation and the Circuit. The Fresno Division of the Eastern District Court is overburdened with increasing workloads and limited resources. The timely prosecution of illegal marijuana activities is imperative to the safety of the community. The continued growth of these illegal activities is placing a strain on local law enforcement, endangering the public, and generating environmental damage. Supporting federal prosecution will assist in controlling these activities by providing a mechanism for local law enforcement to ensure that individuals and organizations are not able to continue their illegal operations.

If the proposed position of support is approved by Stanislaus County Board of Supervisors, an adopted resolution signed by the Chairman supporting the emergency judicial relief act will be forwarded to Senator Dianne Feinstein's office.

**POLICY ISSUES:**

This action is consistent with the Board's priority of efficient delivery of public services and supports program areas and individual departmental priorities.

**STAFFING IMPACT:**

There is no staffing impact associated with this item.

**CONTACT:**

Monica Nino, Chief Executive Office, 525-6333

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

No. 2012-437

Date: August 28, 2012

On motion of Supervisor Withrow Seconded by Supervisor Chiesa  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*B-6

**RESOLUTION IN SUPPORT OF THE EMERGENCY JUDICIAL RELIEF ACT**

WHEREAS, according to nationwide court statistics, the Eastern District of California had a weighted case-load of 1,098 per judgeship where the national average is 509; and

WHEREAS, 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 12 new permanent judgeships; and

WHEREAS, the Eastern District of California has not been authorized a new permanent judgeship since 1978; and

WHEREAS, the Eastern District of California, despite heavy case-loads, terminations per judgeship stand at 1,227, ranking this district second in the nation and first in the Circuit; and

WHEREAS, the pending case-load has risen from 1,176 to 1,319, or 12%, since 2006; and

WHEREAS, civil filings increased from 756 to 933 filings, or 23%, in the past five years; and

WHEREAS, the time from filing to trial in a civil case has risen from 34 months to 43.6 months since 2006 compared to the national average of 24.8 months; and

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

WHEREAS, during the August 2010 Ninth Circuit Judicial Conference, United States Supreme Court Justice Anthony Kennedy stated that federal judges in the Eastern District are struggling with case-load and urged Congress to move swiftly to authorize additional judgeships for courts struggling to contend with massive case-loads; 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 Congressman Dan Lungren have introduced bipartisan legislation, the Emergency Judicial Relief Act (SB 1014/HR 3890), to provide for additional Federal district judgeships, including the Eastern District of California.

NOW, THEREFORE, BE IT RESOLVED, that the Stanislaus County Board of Supervisors urges the United States Congress to appoint additional federal judgeships to the Eastern District of California to help alleviate the increasing burden and case-load on current judges as well as to expedite the judicial process within the district.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Senator Dianne Feinstein, Congressman Dan Lungren, all United States Representatives from the Eastern District of California, Judge Alex Kozinski, Chief Judge of the Ninth U.S. Circuit Court of Appeals, and Judge Anthony Ishii, Chief Judge of the Eastern District of California.

ATTEST: **CHRISTINE FERRARO TALLMAN, Clerk**  
**Stanislaus County Board of Supervisors,**  
**State of California**



File No.

**COUNTY OF TULARE** AUG -9 A 10:45  
BOARD OF SUPERVISORS



**ALLEN ISHIDA**  
Board Chairman

August 1, 2012

William O'Brien, Chair of the Board  
Stanislaus County Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, California 95354

Dear Supervisor O'Brien:

I am writing to request your support of legislation to increase the number of federal judgeships in the United States District Court, Eastern District of California. This legislation is necessary to address, through enhanced federal prosecution, the proliferation of illegal marijuana grow sites throughout the Central Valley and to reduce the public safety risks that accompany these sites.

The Eastern District Court currently ranks first in the nation in workload, with filings double the average number in the nation and the Circuit. The Fresno Division of the Eastern District Court is overburdened and this workload is an impediment to intensified and timely prosecution of illegal marijuana activities. As you are aware, the continued growth of these illegal activities is placing a strain on local law enforcement, endangering the public, and generating environmental damage. Supporting federal prosecution will assist in controlling these activities by providing a mechanism for local law enforcement to ensure that individuals and organizations are not able to continue their illegal operations.

Senator Feinstein is seeking our support; please send your adopted resolution to Senator Dianne Feinstein, 331 Hart Senate Office Building, Washington, D.C. 20510 or, to expedite delivery, fax to 202-228-3954. Included is a copy of the resolution that will be used by Tulare County. The Tulare County Board of Supervisors appreciates your support on this issue. Do not hesitate to contact me at (559) 636-5000, or [aishida@co.tulare.ca.us](mailto:aishida@co.tulare.ca.us), if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Ishida", is written over a light-colored background.

**Allen Ishida, Chair of the Board**  
Tulare County Board of Supervisors



**BOARD OF SUPERVISORS**

**William O'Brien, 1<sup>st</sup> District**  
**Vito Chiesa, 2<sup>nd</sup> District**  
**Terry Withrow, 3<sup>d</sup> District**  
**Dick Monteith, 4<sup>th</sup> District**  
**Jim DeMartini, 5<sup>th</sup> District**

1010 10th Street, Suite 6500  
Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4410

August 29, 2012

United States Senator  
Honorable Senator Dianne Feinstein  
One Post Street  
Suite 2450  
San Francisco, CA 94104

Dear Senator Dianne Feinstein:

On behalf of the Stanislaus County Board of Supervisors, I would like to write in support of the legislation to increase the number of federal judgeships in the United States District Court, Eastern District of California. This legislation is necessary to address, through enhanced federal prosecution, the continuation of illegal marijuana grow sites throughout the Central Valley and to reduce the public safety risks that accompany these sites.

The Eastern District Court currently ranks first in the nation in workload, with filings double the average number in the nation and the Circuit. The Fresno Division of the Eastern District Court is overburdened. This workload is an impediment to intensified and timely prosecution of illegal marijuana activities. The continued growth of these illegal activities is placing a strain on local law enforcement, endangering the public.

We appreciate your support of the legislation to increase the number of federal judgeships in the United States District Court, Eastern District of California. Included is a copy of the resolution adopted by the Stanislaus County Board of Supervisors.

Sincerely,

William O'Brien  
Chairman  
Stanislaus County Board of Supervisors

cc: Honorable Congressman Dan Lungren  
Honorable Judge Alex Kozinski, Chief Judge of Ninth U.S. Circuit Court of Appeals  
Honorable Judge Anthony Ishii, Chief Judge of the Eastern District of California