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May 20, 1998

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Hon. Byron R. White, Chair
Commission on Structural Alternatives
for the Federal Courts of Appeals
Washington, DC 20544

Dear Justice White:

We write as co-chairmen of the California State-Federal Judicial Council, made up of representative state and federal judges in California. We attempt to improve the administration of justice in both court systems. The council has asked us to express to you its strong objection to any proposed federal circuit restructuring that would divide the State of California between two circuits as contrary to the best interests of the efficient administration of justice.

The purpose of state-federal judicial councils is to foster communication, cooperation, and collaboration between the state and federal courts to conserve resources, reduce duplication, encourage joint projects, and enhance public confidence in the judiciary. The California State-Federal Judicial Council has been meeting regularly for more than a dozen years in successful pursuit of these laudable goals. In fact, part of the reason for its success over the years has been the strong support and assistance it has received from the judicial council of the Ninth Circuit.

At the California State-Federal Judicial Council's last meeting in April, the members of the council raised concerns about the possible restructuring of the Ninth Circuit as a result of the work of the commission on Structural Alternatives for the Federal Courts of Appeals. After discussion, the council was in general agreement that the Ninth Circuit is functioning well and should be preserved in its present configuration. The council was of the unanimous opinion, however, that any proposed circuit restructuring that would divide the State of California would seriously compromise the effective administration of justice and should be strongly resisted.

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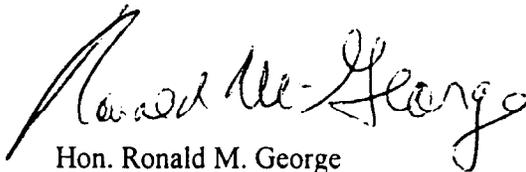
Members of the council expressed three specific concerns if the State of California were to be divided between two circuits. The first and most serious effect would be the possibility of different interpretations of federal law in different parts of the state, causing the potential for great disruption, unequal treatment, and impediments to the free flow of commerce.

A second deleterious consequence of division of the state would be the creation of opportunities for forum shopping in a wide range of civil, criminal, and death penalty cases. Forum shopping, by its nature, multiplies litigation, increases caseloads, and lessens the public's respect for the judicial function.

Third, the State of California has recently adopted a procedure providing for certifying state laws from the federal court. The duplication of circuits is likely to lead to multiple requests for certifications, imposing an unnecessary and unwarranted burden on the California Supreme Court.

For these and other reasons, the California State-Federal Judicial Council respectfully urges the Commission on Structural Alternatives for the Federal Courts of Appeals to reject any circuit restructuring plan that proposes to divide the State of California between two circuits as counterproductive to harmonious state-federal judicial relations and inimical to the effective administration of justice within the state.

Sincerely,



Hon. Ronald M. George
Chief Justice
California Supreme Court
Co-chair



Hon. J. Clifford Wallace
Senior Circuit Judge
United States Court of Appeals for the
Ninth Circuit
Co-chair