



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

July 9, 2019

Hon. Anna Caballero
Member of the Senate
State Capitol, Room 5052
Sacramento, California 95814

Subject: SB 744 (Caballero) – as amended July 8, 2019 – Withdrawal of opposition

Dear Senator Caballero:

The Judicial Council is pleased to inform you of its removal of opposition to SB 744, as amended in Assembly Natural Resources Committee on July 8, 2019, specifically to remove the expedited judicial review provision that was the basis for the council's prior opposition. The Judicial Council takes no position on the current version of SB 744 as the remaining provisions in the bill do not impact the courts and address issues that are outside the council's purview.

Sincerely,

Mailed July 10, 2019

Cory T. Jasperson
Director
Judicial Council Governmental Affairs

CJ/jh

cc: Ms. Rachel Wagoner, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
Chief Justice of California
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Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 28, 2019

Hon. Laura Friedman, Chair
Assembly Natural Resources Committee
State Capitol, Room 2137
Sacramento, California 95814

Subject: SB 744 (Caballero), as amended April 29, 2019—Oppose
Hearing: Assembly Natural Resources Committee—July 8, 2019

Dear Assembly Member Friedman:

The Judicial Council regrets to inform you of its continued opposition to SB 744. This bill, among other things, requires the Judicial Council, on or before September 1, 2020, to amend specified rules of court¹ to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) seeking judicial review of environmental review documents and approvals granted for certain No Place Like Home supported housing projects. It requires these actions or proceedings, including any appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

¹ The rules of court that are referenced in proposed Public Resources Code section 21163.5 [Rules 3.2220 to 3.2227]: do not apply to appeals, even though the language in the statute implies that they do; include rules that apply only to the Sacramento arena project; and are based on statutory language in the Sacramento statute that does not exist here. In order to avoid any unnecessary confusion should the bill move forward, the council respectfully requests the following technical amendments to section 21163.5:

Rules 3.2220 to 3.2237, inclusive, of the California Rules of Court, as may be amended by On or before September 1, 2020, the Judicial Council, shall adopt rules of court that apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification or adoption of an environmental review document for a No Place Like Home project or the granting of any approval for that project, to require the action or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. ~~**On or before September 1, 2020, the Judicial Council shall amend the California Rules of Court, as necessary, to implement this section.**~~

Hon. Laura Friedman

June 28, 2019

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It is important to note that the Judicial Council's concerns regarding SB 744 are limited solely to the court impacts of the legislation, and that the council is not expressing any views on CEQA generally or the underlying merits of the projects covered by the legislation, as those issues are outside the council's purview.

SB 744's requirement that any CEQA lawsuit challenging specified supported housing projects, including any appeals therefrom, be resolved within 270 days is problematic for a number of reasons. First, CEQA actions are already entitled under current law to calendar preference pursuant to section 21167.1 (a) of the Public Resources Code in both the superior courts and the Courts of Appeal. Imposing a 270-day timeline on top of the existing preference is arbitrary and likely to be unworkable in practice.

Second, the expedited judicial review for all of the projects covered by SB 744 will likely have an adverse impact on other cases. Like other types of calendar preferences, which the Judicial Council has historically opposed, setting an extremely tight timeline for deciding this particular type of case has the practical effect of pushing other cases on the courts' dockets to the back of the line. This means that other cases, including cases that have statutorily mandated calendar preferences, such as juvenile cases, criminal cases, and civil cases in which a party is at risk of dying, will take longer to decide.

Finally, providing expedited judicial review for all of the projects covered by SB 744 while other cases proceed under the usual civil procedure rules and timelines undermines equal access to justice. The courts are charged with dispensing equal access to justice for each and every case on their dockets. Singling out this particular type of case for such preferential treatment is fundamentally at odds with how our justice system has historically functioned.

For these reasons, the Judicial Council opposes SB 744. If you have any questions, please feel free to contact me at (916) 323-3121 or cory.jasperson@jud.ca.gov.

Sincerely,

Mailed June 28, 2019

Cory T. Jasperson
Director
Judicial Council Governmental Affairs

CJ/DP/jh

cc: Hon. Anna M. Caballero, Member of the Senate
Members, Assembly Natural Resources Committee
Ms. Rachel Wagoner, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Lawrence Lingbloom, Chief Consultant, Assembly Natural Resources Committee
Ms. Katie Sperla, Policy Consultant, Assembly Republican Office of Policy
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 18, 2019

Hon. David Chiu
Chair, Assembly Housing and Community Development
State Capitol, Room 4112
Sacramento, California 95814

Subject: SB 744 (Caballero), as amended April 29, 2019—Oppose
Hearing: Assembly Housing and Community Development Committee—July 3, 2019

Dear Assembly Member Chiu:

The Judicial Council regrets to inform you of its continued opposition to SB 744. This bill, among other things, requires the Judicial Council, on or before September 1, 2020, to amend specified rules of court¹ to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) seeking judicial review of environmental review documents and approvals granted for certain No Place Like Home supported housing projects. It requires these actions or proceedings, including any appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

¹ The rules of court that are referenced in proposed Public Resources Code section 21163.5 [Rules 3.2220 to 3.2227]: do not apply to appeals, even though the language in the statute implies that they do; include rules that apply only to the Sacramento arena project; and are based on statutory language in the Sacramento statute that does not exist here. In order to avoid any unnecessary confusion should the bill move forward, the council respectfully requests the following technical amendments to section 21163.5:

Rules 3.2220 to 3.2237, inclusive, of the California Rules of Court, as may be amended by On or before September 1, 2020, the Judicial Council, shall adopt rules of court that apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification or adoption of an environmental review document for a No Place Like Home project or the granting of any approval for that project, to require the action or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. ~~**On or before September 1, 2020, the Judicial Council shall amend the California Rules of Court, as necessary, to implement this section.**~~

Hon. David Chiu

June 18, 2019

Page 2

It is important to note that the Judicial Council's concerns regarding SB 744 are limited solely to the court impacts of the legislation, and that the council is not expressing any views on CEQA generally or the underlying merits of the projects covered by the legislation, as those issues are outside the council's purview.

SB 744's requirement that any CEQA lawsuit challenging specified supported housing projects, including any appeals therefrom, be resolved within 270 days is problematic for a number of reasons. First, CEQA actions are already entitled under current law to calendar preference pursuant to section 21167.1 (a) of the Public Resources Code in both the superior courts and the Courts of Appeal. Imposing a 270-day timeline on top of the existing preference is arbitrary and likely to be unworkable in practice.

Second, the expedited judicial review for all of the projects covered by SB 744 will likely have an adverse impact on other cases. Like other types of calendar preferences, which the Judicial Council has historically opposed, setting an extremely tight timeline for deciding this particular type of case has the practical effect of pushing other cases on the courts' dockets to the back of the line. This means that other cases, including cases that have statutorily mandated calendar preferences, such as juvenile cases, criminal cases, and civil cases in which a party is at risk of dying, will take longer to decide.

Finally, providing expedited judicial review for all of the projects covered by SB 744 while other cases proceed under the usual civil procedure rules and timelines undermines equal access to justice. The courts are charged with dispensing equal access to justice for each and every case on their dockets. Singling out this particular type of case for such preferential treatment is fundamentally at odds with how our justice system has historically functioned.

For these reasons, the Judicial Council opposes SB 744. If you have any questions, please feel free to contact me at (916) 323-3121 or cory.jasperson@jud.ca.gov.

Sincerely,

Mailed June 19, 2019

Cory T. Jasperson
Director
Judicial Council Governmental Affairs

CJ/DP/jh

cc: Members, Assembly Housing and Community Development Committee

Hon. Anna M. Caballero, Member of the Senate

Ms. Rachel Wagoner, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Lisa Engel, Chief Consultant, Assembly Housing and Community Development Committee

Mr. William Weber, Policy Consultant, Assembly Republican Office of Policy

Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 12, 2019

Hon. Benjamin Allen
Chair, Senate Environmental Quality Committee
State Capitol, Room 4076
Sacramento, California 95814

Subject: SB 744 (Caballero), as amended April 11, 2019—Oppose
Hearing: Senate Environmental Quality Committee—April 24, 2019

Dear Senator Allen:

The Judicial Council regrets to inform you of its continued opposition to SB 744. This bill, among other things, requires the Judicial Council, on or before September 1, 2020, to amend specified rules of court¹ to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) seeking judicial review of environmental review documents and approvals granted for certain No Place Like Home supported housing projects. It requires these actions or proceedings, including any appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

¹ The rules of court that are referenced in proposed Public Resources Code section 21163.5 [Rules 3.2220 to 3.2227]: do not apply to appeals, even though the language in the statute implies that they do; include rules that apply only to the Sacramento arena project; and are based on statutory language in the Sacramento statute that does not exist here. In order to avoid any unnecessary confusion should the bill move forward, the council respectfully requests the following technical amendments to section 21163.5:

Rules 3.2220 to 3.2237, inclusive, of the California Rules of Court, as may be amended by On or before September 1, 2020, the Judicial Council, shall adopt rules of court that apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification or adoption of an environmental review document for a No Place Like Home project or the granting of any approval for that project, to require the action or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. ~~**On or before September 1, 2020, the Judicial Council shall amend the California Rules of Court, as necessary, to implement this section.**~~

Hon. Benjamin Allen
April 12, 2019
Page 2

It is important to note that the Judicial Council's concerns regarding SB 744 are limited solely to the court impacts of the legislation, and that the council is not expressing any views on CEQA generally or the underlying merits of the projects covered by the legislation, as those issues are outside the council's purview.

SB 744's requirement that any CEQA lawsuit challenging specified supported housing projects, including any appeals therefrom, be resolved within 270 days is problematic for a number of reasons. First, CEQA actions are already entitled under current law to calendar preference in both the superior courts and the Courts of Appeal. Imposing a 270-day timeline on top of the existing preference is arbitrary and likely to be unworkable in practice.

Second, the expedited judicial review for all of the projects covered by SB 744 will likely have an adverse impact on other cases. Like other types of calendar preferences, which the Judicial Council has historically opposed, setting an extremely tight timeline for deciding this particular type of case has the practical effect of pushing other cases on the courts' dockets to the back of the line. This means that other cases, including cases that have statutorily mandated calendar preferences, such as juvenile cases, criminal cases, and civil cases in which a party is at risk of dying, will take longer to decide.

Finally, providing expedited judicial review for all of the projects covered by SB 744 while other cases proceed under the usual civil procedure rules and timelines undermines equal access to justice. The courts are charged with dispensing equal access to justice for each and every case on their dockets. Singling out this particular type of case for such preferential treatment is fundamentally at odds with how our justice system has historically functioned.

For these reasons, the Judicial Council opposes SB 744. If you have any questions, please feel free to contact Daniel Pone at (916) 323-3121 or daniel.pone@jud.ca.gov.

Sincerely,

Mailed April 12, 2019

Cory T. Jaspersen
Director
Judicial Council Governmental Affairs

CJ/DP/jh

cc: Members, Senate Environmental Quality Committee

Hon. Anna M. Caballero, Member of the Senate

Ms. Rachel Wagoner, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Genevieve Wong, Consultant, Senate Environmental Quality Committee

Mr. Morgan Branch, Policy Consultant, Senate Republican Office of Policy

Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 4, 2019

Hon. Mike McGuire
Chair, Senate Governance & Finance Committee
State Capitol, Room 5061
Sacramento, California 95814

Subject: SB 744 (Caballero), as amended March 27, 2019—Oppose
Hearing: Senate Governance & Finance Committee—April 10, 2019

Dear Senator McGuire:

The Judicial Council regrets to inform you of its continued opposition to SB 744. This bill, among other things, requires the Judicial Council, on or before September 1, 2020, to amend specified rules of court¹ to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) seeking judicial review of environmental review documents and approvals granted for certain No Place Like Home supported housing projects. It requires these actions or proceedings, including any appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

¹ The rules of court that are referenced in proposed Public Resources Code section 21163.5 [Rules 3.2220 to 3.2227]: do not apply to appeals, even though the language in the statute implies that they do; include rules that apply only to the Sacramento arena project; and are based on statutory language in the Sacramento statute that does not exist here. In order to avoid any unnecessary confusion should the bill move forward, the council respectfully requests the following technical amendments to section 21163.5:

Rules 3.2220 to 3.2237, inclusive, of the California Rules of Court, as may be amended by On or before September 1, 2020, the Judicial Council, shall adopt rules of court that apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification or adoption of an environmental review document for a No Place Like Home project or the granting of any approval for that project, to require the action or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. ~~**On or before September 1, 2020, the Judicial Council shall amend the California Rules of Court, as necessary, to implement this section.**~~

Hon. Mike McGuire

April 4, 2019

Page 2

It is important to note that the Judicial Council's concerns regarding SB 744 are limited solely to the court impacts of the legislation, and that the council is not expressing any views on CEQA generally or the underlying merits of the projects covered by the legislation, as those issues are outside the council's purview.

SB 744's requirement that any CEQA lawsuit challenging specified supported housing projects, including any appeals therefrom, be resolved within 270 days is problematic for a number of reasons. First, CEQA actions are already entitled under current law to calendar preference in both the superior courts and the Courts of Appeal. Imposing a 270-day timeline on top of the existing preference is arbitrary and likely to be unworkable in practice.

Second, the expedited judicial review for all of the projects covered by SB 744 will likely have an adverse impact on other cases. Like other types of calendar preferences, which the Judicial Council has historically opposed, setting an extremely tight timeline for deciding this particular type of case has the practical effect of pushing other cases on the courts' dockets to the back of the line. This means that other cases, including cases that have statutorily mandated calendar preferences, such as juvenile cases, criminal cases, and civil cases in which a party is at risk of dying, will take longer to decide.

Finally, providing expedited judicial review for all of the projects covered by SB 744 while other cases proceed under the usual civil procedure rules and timelines undermines equal access to justice. The courts are charged with dispensing equal access to justice for each and every case on their dockets. Singling out this particular type of case for such preferential treatment is fundamentally at odds with how our justice system has historically functioned.

For these reasons, the Judicial Council opposes SB 744. If you have any questions, please feel free to contact Daniel Pone at (916) 323-3121 or daniel.pone@jud.ca.gov.

Sincerely,

Mailed April 4, 2019

Cory T. Jasperson

Director

Judicial Council Governmental Affairs

DP/jh

cc: Members, Senate Governance & Finance Committee

Hon. Anna M. Caballero, Member of the Senate

Ms. Ronda Paschal, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Anton Favorini-Csorba, Consultant, Senate Governance & Finance Committee

Mr. Ryan Eisberg, Policy Consultant, Senate Republican Office of Policy

Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Chief Justice of California
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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

March 15, 2019

Hon. Scott Weiner
Chair, Senate Housing Committee
State Capitol, Room 5100
Sacramento, California 95814

Subject: SB 744 (Caballero), as introduced—Oppose
Hearing: Senate Housing Committee—April 2, 2019

Dear Senator Weiner:

The Judicial Council regrets to inform you of its opposition to SB 744. This bill, among other things, requires the Judicial Council, on or before September 1, 2020, to amend specified rules of court¹ to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) seeking judicial review of environmental review

¹ The rules of court that are referenced in proposed Public Resources Code section 21163.5 [Rules 3.2220 to 3.2227]: do not apply to appeals, even though the language in the statute implies that they do; include rules that apply only to the Sacramento arena project; and are based on statutory language in the Sacramento statute that does not exist here. In order to avoid any unnecessary confusion should the bill move forward, the council respectfully requests the following technical amendments to section 21163.5:

~~Rules 3.2220 to 3.2237, inclusive, of the California Rules of Court, as may be amended by On or before September 1, 2020, the Judicial Council, shall adopt a rule of court that apply applies to any action or proceeding brought to attack, review, set aside, void, or annul the certification or adoption of an environmental review document for a No Place Like Home project or the granting of any approval for that project, to require the action or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. On or before September 1, 2020, the Judicial Council shall amend the California Rules of Court, as necessary, to implement this section.~~

Hon. Scott Weiner

March 15, 2019

Page 2

documents and approvals granted for certain No Place Like Home supported housing projects. It requires these actions or proceedings, including any appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

It is important to note that the Judicial Council's concerns regarding SB 744 are limited solely to the court impacts of the legislation, and that the council is not expressing any views on CEQA generally or the underlying merits of the projects covered by the legislation, as those issues are outside the council's purview.

SB 744's requirement that any CEQA lawsuit challenging specified supported housing projects, including any appeals therefrom, be resolved within 270 days is problematic for a number of reasons. First, CEQA actions are already entitled under current law to calendar preference in both the superior courts and the Courts of Appeal. Imposing a 270-day timeline on top of the existing preference is arbitrary and likely to be unworkable in practice.

Second, the expedited judicial review for all of the projects covered by SB 744 will likely have an adverse impact on other cases. Like other types of calendar preferences, which the Judicial Council has historically opposed, setting an extremely tight timeline for deciding this particular type of case has the practical effect of pushing other cases on the courts' dockets to the back of the line. This means that other cases, including cases that have statutorily mandated calendar preferences, such as juvenile cases, criminal cases, and civil cases in which a party is at risk of dying, will take longer to decide.

Finally, providing expedited judicial review for all of the projects covered by SB 744 while other cases proceed under the usual civil procedure rules and timelines undermines equal access to justice. The courts are charged with dispensing equal access to justice for each and every case on their dockets. Singling out this particular type of case for such preferential treatment is fundamentally at odds with how our justice system has historically functioned.

For these reasons, the Judicial Council opposes SB 744. If you have any questions, please feel free to contact Daniel Pone at (916) 323-3121 or daniel.pone@jud.ca.gov.

Sincerely,

Sent March 19, 2019

Cory T. Jaspersen

Director

Judicial Council Governmental Affairs

Hon. Scott Weiner

March 15, 2019

Page 3

DP/jh

cc: Members, Senate Housing Committee

Hon. Anna M. Caballero, Member of the Senate

Ms. Ronda Paschal, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Alison Hughes, Consultant, Senate Housing Committee

Mr. Doug Yoakam, Policy Consultant, Senate Republican Office of Policy

Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Chief Justice of California
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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

March 5, 2019

Hon. Anna Caballero
Member of the Senate
State Capitol, Room 5052
Sacramento, California 95814

Subject: SB 744 (Caballero) – as introduced February 22, 2019 – Oppose

Dear Senator Caballero:

The Judicial Council regrets to inform you of its opposition to SB 744. This bill, among other things, requires the Judicial Council, on or before September 1, 2020, to amend specified rules of court to establish procedures applicable to actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) seeking judicial review of environmental review documents and approvals granted for certain No Place Like Home supported housing projects. It requires these actions or proceedings, including any appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

It is important to note that the Judicial Council's concerns regarding SB 744 are limited solely to the court impacts of the legislation, and that the council is not expressing any views on CEQA generally or the underlying merits of the housing development projects covered by the legislation, as those issues are outside the council's purview.

SB 744's requirement that any CEQA lawsuit challenging specified housing development projects, including any appeals therefrom, be resolved within 270 days is problematic for a number of reasons. First, CEQA actions are already entitled under current law to calendar preference in both the superior courts and the Courts of Appeal. Imposing a 270-day timeline on top of the existing preference is arbitrary and likely to be unworkable in practice.

Hon. Anna Caballero

March 5, 2019

Page 2

Second, the expedited judicial review for all of the projects covered by SB 744 will likely have an adverse impact on other cases. Like other types of calendar preferences, which the Judicial Council has historically opposed, setting an extremely tight timeline for deciding this particular type of case has the practical effect of pushing other cases on the courts' dockets to the back of the line. This means that other cases, including cases that have statutorily mandated calendar preferences, such as juvenile cases, criminal cases, and civil cases in which a party is at risk of dying, will take longer to decide.

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For these reasons, the Judicial Council opposes SB 744.

Sincerely,

Mailed March 7, 2019

Daniel Pone
Attorney

DP/jh

cc: Ms. Rachel Wagoner, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California