

CPDA

A Statewide Association of Public Defenders and Criminal Defense Counsel

April 20, 2004

Via Facsimile (202) 228-2258
& U.S. Mail

Honorable Dianne Feinstein:
United States Senate
331 Hart Senate Building
Washington, D.C. 20510

RE: Ninth Circuit Court of Appeals Judgeship
and Reorganization Act of 2004
(S.2278), S.562, H.R. 2723

Dear Senator Feinstein:

The California Public Defender's Association (CPDA), an organization comprised of more than 3,000 criminal defense attorneys, strongly opposes S.2278 et al: proposals to split the Ninth Circuit. CPDA is convinced that no truly authentic rational basis exists to support tearing asunder the Ninth Circuit.

Conversely, the entirely unnecessary and avoidable costs which such a gambit would entail constitute sufficient justification to reject each and all of the measures.

Dividing the Ninth Circuit would squander important advantages that inhere in the Circuit. The Ninth Circuit benefits from significant economies of scale. A divided circuit would be plagued by redundant functions and employees.

Diminishing the Ninth Circuit by half as proposed by S.562 and H.R. 2723 would impose otherwise avoidable general costs estimated at \$100 million, plus \$10 million per year in added administrative costs. Moreover, the three-way split proposed by S.2278 would further exacerbate such unnecessary administrative costs.



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The Federal Government is struggling with unprecedented deficits. Hence our efforts ought to be focused on reducing our costs and preserving our existing advantages.

The Ninth Circuit has consistently operated at the vanguard of innovative technological and administrative development. Historically, the Ninth Circuit has well served its constituents for the past 110 years. Rending this institution will yield only a degradation of services and a significant increase in costs.

As judicial caseloads and workloads (two distinct concepts) increase across America, the Ninth Circuit continues to illuminate the proper path as it maintains an important uniform approach to the development of Federal Jurisprudence. Fragmenting such an extraordinarily well functioning major portion of the nation's judicial branch is a terrible idea.

Should you or your staff require any additional information, I would be pleased to respond

With High Regards,



MICHAEL T. JUDGE

Chairperson

CPDA Legislative Committee

MPJ: fm

cc: The Honorable Howard L. Berman
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and Intellectual Property Committee on the Judiciary
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