

♦ SAN DIEGO ♦
COUNTY BAR
ASSOCIATION
ESTABLISHED 1899

May 14, 2004

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

The Honorable Dianne Feinstein
Committee on the Judiciary
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510-0504

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RE: Proposals to Split the United States Court of Appeals
for the Ninth Circuit (S.2278, S.562, H.R. 2723)

Dear Senator Feinstein:

I write on behalf of the San Diego County Bar Association to oppose the above-referenced proposals to split the United States Court of Appeals for the Ninth Circuit. The San Diego County Bar Association is a professional association of more than 7,600 lawyers from all practice areas, political parties and ethnic groups. Our members practice in both state and federal courts. At its May 11, 2004 meeting, the Association's Board of Directors adopted a resolution opposing any such division.

Based on comments we have received and discussions held locally, as well as the written testimony of several prominent judges before the Senate Judiciary Committee, we find no evidence that a split in the court would result either in the improved administration of justice or in a reduction in costs. Indeed, the proposed split would unnecessarily increase administrative costs by adding redundant bureaucracy and administrative staff, reducing the existing economies of scale. We believe that the taking of such an action would be affirmatively irresponsible given the current federal budget deficit.

A 1999 report issued by the White Commission recommended against dividing the Ninth Circuit, praised its efficient management, and warned against restructuring courts on the basis of individual decisions by specific judges. No new evidence has been presented since then suggesting that the addition of a new circuit court of appeals would either improve the administration of justice or reduce the current caseload.

In its current configuration, the Ninth Circuit is at the forefront of administrative and technological development. Although the court historically has operated without its full compliment of judges, it currently has only one vacancy and has made great progress toward reducing backlog and increasing efficiency.

San Diego County is well served by the Ninth Circuit. Rather than adding an additional layer of administrative costs, we urge Congress to focus on providing adequate funding for technological improvements and on ensuring an adequate number of judgeships, none of which are vacant. Attention to these concerns will increase the Court's capacity and its ability to administer justice in a fair and timely fashion.

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We appreciate the opportunity to provide you with our comments and would be happy to address any future issues or developments in this area.

Very truly yours,

A handwritten signature in black ink that reads "Tom Warwick". The signature is written in a cursive style with a large, prominent "T" and "W".

Thomas J. Warwick, Jr.
President, San Diego County Bar Association