

The Committee for the Rule of Law
1475 Powell Street, No. 201, Emeryville, CA 94608
Telephone: 510.919.9327

December 10, 2015

By: e-mail attachment

Hon. Toni Atkins
Speaker, California Assembly
Attention: Mr. Greg Campbell, Chief of Staff

Re: Author Request

Dear Speaker Atkins:

We write to ask you to carry Senator Sheila Kuehl's 2004 bill (SB 1655, copy attached to the e-mail cover) regarding access to justice, transparency, accountability and corruption in the judiciary, and to end prohibition on citing or mentioning unpublished (90%+) appellate opinions in our state courts. Backing the bill will be an important first step in correcting many problems with the state judiciary as recited in our previous correspondence to you and www.NonPublication.com.

We ask that you meet as soon as possible with Diane Boyer-Vine, Legislative Counsel, and ask her to delete the past years' cover letter to the bill and legislative analysis language raising a Supreme Court claimed constitutional issue, where none reasonably exists, as also discussed in the above documents. This reference strikes us as a gratuitous, political "poison pill." The previous deputy legislative counsel told us that her boss, the Chief Legislative Counsel, ordered her to include such language about this unlikely possibility as urged by the bill's opponents, but she declined to furnish detailed written supporting reasons. Thus, there is a need to speak with Boyer-Vine to secure this cover letter deletion, or detailed written reasons justifying it. The bill's opponents will raise the argument anyway, but if made part of the supposedly neutral Legislative Counsel package, an inappropriate tilt arises, chilling supporters, co-authors and legislators interested in signing a joint letter to the Supreme Court urging it to end the prohibition on its own, without need for continued direct legislative intervention.

Unconditional support and cooperation is sought from the Speaker's General Counsel and, if there is any qualification or resistance, detailed written reasons are requested.

We look forward to hearing from you.

Sincerely,

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Michael Schmier, Director
The Committee for the Rule of Law