[MS-0398.039.008.014]

The Superior Court of California

San Diego County
MICHAEL I. GREER
Presiding Judge

December 8, 1989

Hon. Leon L. Williams
Supervisor, County of San Diego
Board of Supervisors
1600 Pacific Highway
San Diego, California 92101

Dear Supervisor Williams:

Because philosophically, and by way of training, I believe that direct communication is most appropriate, and because of my fear that the message might be lost in the translation from statement to press article to reader, let me please state my position to you as directly as possible.

On Monday, December 11, 1989 at 12:00 Noon I have called a meeting of the 1989 and 1990 Executive Committees and the Master Plan Committee of this bench. At that meeting I propose to recommend to them that, in light of the "political difficulties" presently presented with regard to the memorandum of understanding regarding nine necessary courts for downtown, we proceed to recommend to the bench the action set forth in Government Code Section 68073. Let me quote the first paragraph of that section:

> "In each county the board of supervisors shall provide suitable rooms for holding the superior, municipal, and justice courts, for the chambers of the judges of these courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for the rooms and chambers and for the transaction of the business of the courts. Prior to the construction of new court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the affected court for review and recommendation as to the adequacy and standard of design and such review and recommendation shall not be disregarded without reasonable grounds."

P.O. Box 2724 San Diego, CA 92112

To make myself perfectly clear on the meaning of this, I am only proposing to recommend that the second paragraph be applicable only to the nine downtown courts. I quote:

> "If the board of supervisors of any county does not provide suitable rooms for holding the superior, municipal, or justice courts, for the chambers of the judges of those courts and for the court attendants, together with sufficient attendants, furniture, furnishings, heat, light, equipment, stationery, supplies and other personal property, for such rooms and chambers and for transaction of business, the court shall give notice to board of its particular needs. If the board then fails to provide anything necessary to the conduct of the court's functions, the court may direct the appropriate officers of the county to provide the same. The expenses incurred, certified by the judge or judges to be correct, are a charge against the county treasury, and shall be paid out of the General Fund."

It is my personal feeling that the political process must work with regard to future North County courtrooms.

It is critical that the members of the Board understand the immediacy and magnitude of the problem. Based on the promises of the County that nine courts would be provided downtown, the Superior Court has established a nine-court independent calendar program. Nine judges have been assigned, staff hired, and new rules of court adopted. Special educational programs have been given and are arranged, including one for December 12, 1989, where 550 lawyers have paid to learn about the program. Thousands of letters have been mailed to lawyers and litigants and hearings set. We cannot go back. These nine courts must be colocated somewhere downtown.

We will, as of January 1, 1990, have 77 judicial positions to deal with and space for only 66. Despite your great efforts to provide the courts with additional facilities, your votes over the last eleven years have resulted in the addition of nine permanent courtrooms and five temporary trailers during a period of time that the bench has grown from 43 judicial positions to 77 judicial positions. It is my belief that the judges have a State and constitutional mandate to deal with, just as you do. Government Code, Section 68073, mandates that the Board of Supervisors provide suitable courtrooms. The misconception that seems to have occurred is that the law has to be "invoked". The first paragraph quoted above of Government Code, Section 68073, need not be invoked by this court. It

is the law. It is the second paragraph which requires the action of our court. Despite your individual efforts and good faith, and I believe the good faith of CAO Mr. Hickey, the Department of General Services has failed to produce the urgently needed downtown courts by January 1, 1990 as promised.

Time has run out and we must deal with an emergent situation. It is on that basis that this recommendation will be made and made in good faith. I hope that we may all cooperate with each other in dealing with this emergency.

Very truly yours,

MICHAEL I. GREER

MIG/ra
cc: Norman W. Hickey, CAO
David E. Janssen, Asst. CAO