

Testimony of

Circuit Judge Emeritus Marilyn Huff

U.S. District Court, Southern District, CA

October 26, 2005

Statement of Judge Marilyn L. Huff
Senate Judiciary Committee
Subcommittee on Administrative Oversight and the Courts
Hearing on Revisiting Proposals to Split the Ninth Circuit
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I am Marilyn Huff, the immediate past chief judge of the Southern District of California, and I am also speaking for the Honorable Irma Gonzalez, our current chief judge. Together, we oppose legislation to split the Ninth Circuit as the split would reduce available resources for the district courts in California, further splinter enforcement of our borders, reduce administrative sharing, and waste taxpayer funds to duplicate the buildings and staff necessary to administer another circuit.

I speak from experience on the resource issue. While I was Chief Judge, our court experienced a dramatic increase in its caseload-number one in the country for need-- at a time when we experienced a decrease in our judges due to tragic illness and death. We clamored for help. During that time, we relied on over thirty visiting judges, primarily from our circuit, to help with our overwhelming caseload. The size of the Ninth Circuit maximized the available judicial resources to assist with the caseload. It took several years and a bipartisan effort of several dedicated senators and representatives to finally secure the judges that we needed to properly administer justice. On resources alone, the proposed split of the circuit results in a disproportionally large caseload for the circuit with California compared to the other circuit. As a result, it is a mistake to reduce the resources for the district courts by a split of the Ninth Circuit. The split would further splinter the enforcement of our borders by placing California and Arizona in different circuits. Today, our courts have an agreement that permits the magistrate judges in Yuma, Arizona and El Centro, California to assist each other with their caseload and permits the agents to bring cases in either district. This helps our border cases to be handled efficiently and effectively. Aside from the loss of resources, a split of the circuit may lead to inconsistent law based on region, further diminishing the enforcement of our borders.

The size of the Circuit does not warrant a split. Instead, the size of the Circuit is one of its many strengths. The size allows a wide and diverse range of views for improvement in the administration of justice. Let me share four examples: 1) the jury project, 2) the capital case committee, 3) the fairness committee, and 4) the wellness committee. The jury committee studies ways to improve service for jurors, a critical role in our system of justice. The capital case committee saves millions of taxpayer dollars by implementing an effective and efficient budgeting system for capital cases. The Fairness Committee promotes equal justice under our law. I am proud of the fact that when I was Chairperson of the Gender Fairness Committee, the Ninth Circuit improved its Employment Dispute Resolution process even before Congress

passed the Congressional Accountability Act. Finally, the wellness committee attempts to preserve the health of our most valued resource-our people. These improvements to the administration of justice are made possible by the size of the Ninth Circuit.

Finally, the split of the Ninth Circuit would result in unnecessary and significant costs to taxpayers without justification. No study of the Ninth Circuit has recommended that it be split. The Ninth Circuit already has in place the infrastructure needed to support the court. A split of the Ninth Circuit is not warranted based on the dissatisfaction of some with the results of particular decisions. Indeed, permitting a split to influence the results of decisions would be contrary to our system of government and judicial independence. Rather, a split would require the duplication of buildings and staff at a time that precious resources should be directed where they are needed, not wasted on a Circuit split. In sum, we oppose the split of the Ninth Circuit.