



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

STEVE WHITE
PRESIDING JUDGE
DEPARTMENT 47

720 9TH STREET
SACRAMENTO, CALIFORNIA 95814
(916) 874-5487

May 17, 2010

Jon Ortiz
Sacramento Bee
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Dear Mr. Ortiz:

I am responding to the "State Worker" column of May 6, 2010, which left the inaccurate impression that litigants challenging the governor's furlough of state employees engaged in "judge shopping" by selecting the judge they wanted to hear their case. This is simply not true.

The column states: "Lawyers judge shop by picking a court for a lawsuit filing based on history or its perceived leanings, hoping to get an advantage." It is true that, depending upon the facts of a case, more than one court may have jurisdiction to hear the matter. If so, the plaintiff who brings the lawsuit may have some choice as to the court in which to file it. (For example, the Superior Court of Sacramento County vs. the Superior Court of Alameda County.)

Once the lawsuit is filed, however, our court then randomly assigns it to a judge for hearing. The Superior Court for Sacramento County has five judges assigned to hear writs, such as the challenges to state employee furloughs. Each new filing is assigned by rotation to the next available judge. This procedure is specifically designed to prevent judge shopping.

After the case is assigned to a specific judge, either party may object and request a different judge if they believe the assigned judge is biased or they otherwise cannot receive a fair hearing. In the furlough cases, no party objected to the judge assigned to hear their case.

The column went on to say that "...seven complaints [were filed] in Sacramento Superior Court from Dec. 22, 2008 through Jan.27, 2009. Then two days later [the court] ruled that [Governor] Schwarzenegger could furlough more than 200,000 state workers." In fact, no less than three weeks elapsed between the filing of the last of these cases and the court's ruling. In the interim, the court considered the numerous, lengthy pleadings filed by all parties: petitions, answers, oppositions and replies. The parties then argued the cases in open court, with considerable public interest and media coverage.

The seven state employee furlough cases filed in the Superior Court for Sacramento County were actually heard by two different judges: Judge Patrick Marlette and Judge Timothy Frawley. The column characterized Judge Marlette as perceived to be biased in favor of the governor. He is not. As you would expect with the State Capital located in Sacramento County, over the years numerous writs have been filed with our court challenging various acts and policies by Governor Schwarzenegger. Many of these have been heard by Judge Marlette as a member of our writ team. Judge Marlette has ruled both for and against the governor, depending on the facts and law of the particular case.

In short, the court does not let one party or the other select the judge who will hear their case. Once a judge is assigned, either side may challenge that judge if they believe they cannot receive a fair hearing. Regardless of which judge hears the case, the court does not issue a ruling without giving each side the opportunity to be heard and then fully considering the pleadings, arguments, facts and the law.

The Canons of Judicial Ethics require that every judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. The Superior Court for Sacramento County is committed to an independent and neutral judiciary, which gives every citizen a fair and impartial hearing on the merits of their case. I appreciate the opportunity to respond to even the inference that our court allows judge shopping, as implied by the article.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve White', with a large, stylized flourish at the end.

Steve White
Presiding Judge
Sacramento Superior Court

cc: Judges of Sacramento Superior Court