



## Statement of Senator Feinstein on Withdrawal of 9th Circuit Split Provision

December 19, 2005

*Washington, DC – U.S. Senator Dianne Feinstein today issued the following statement about the decision to withdraw the measure to split the 9th Circuit Court of Appeals from the final budget reconciliation conference report. The provision was included in the House budget reconciliation bill, but not in that of the Senate.*

**“The exclusion of language splitting the 9th Circuit from the budget reconciliation bill is a victory for judicial independence, for the legislative process, and for California and the other Western states that comprise the 9th Circuit,”** Senator Feinstein said.

**The plan to split the 9th Circuit was a politically driven attempt to intrude on the constitutionally mandated independence of the federal judiciary. It would have increased costs, decreased efficiency, and unfairly punished California.**

**Although the Senate Judiciary Committee is working diligently to evaluate the functioning of the 9th Circuit, and is in the process of holding hearings on proposals to split the 9th Circuit, our examination of the 9th Circuit must be based on judicial efficiency and fairness, not political retribution.**

**The proposed split would have divided the judicial resources of the 9th Circuit. It would have divided the existing circuit into a ‘new’ 9th Circuit of California, Hawaii, Guam, and the Northern Mariana Islands, and a 12th Circuit including Washington, Oregon, Alaska, Montana, Idaho, Nevada, and Arizona. While 72% of the current 9th Circuit caseload would have remained in a ‘new’ 9th Circuit, it would have received only 60% of the judges. As a result, judges in the ‘new’ 9th Circuit would have been saddled with 536 cases per judge, while judges in the proposed 12th Circuit would have had 317 cases per judge.**

**The legislation was overwhelming opposed by those who know the 9th Circuit best. Only 3 of the 24 active judges on the Ninth Circuit were in favor of splitting the Circuit. Every state bar association that weighed in on the split -- Arizona, Washington, Montana, and Hawaii -- opposed breaking up the Ninth Circuit, and the two major national bar associations, the Federal Bar Association and the American Bar Association, opposed the**

**split. Over 100 different national, regional, and local organizations also opposed the legislation.**

**It is essential that Congress continues to respect the independence of the judiciary and ensures that any legislation affecting our Courts reflects valid judicial considerations, not politics and ideology.”**

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