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STATEMENT OF THE CALIFORNIA ACADEMY OF APPELLATE LAWYERS IN OPPOSITION TO PROPOSITION 66

The California Academy of Appellate Lawyers urges a NO vote on Proposition 66. Proposition 66 would impose crushing burdens on California's Supreme Court and intermediate appellate courts, disrupting and delaying thousands of other cases for years to come. The drastic negative impact of this proposition on resolution of appeals in all non-death-penalty cases – civil and criminal – cannot be overstated.

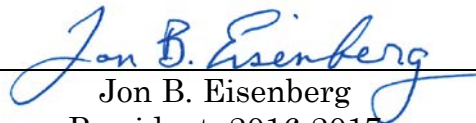
The Academy consists of more than 100 of California's most experienced appellate lawyers, who represent individuals, businesses, and organizations in all types of California appeals. Our clients, and all Californians, need access to the appellate courts to vindicate their legal rights and promptly resolve serious and important disputes.

Death penalty appeals are among the largest and most complex cases decided by the California Supreme Court. Proposition 66 would require the Supreme Court to decide *all* death penalty appeals within five years – without providing additional judges, staff, or necessary funds. The Court could not meet the new five-year time limit without delaying its decisions in all other areas of the law or declining to accept new cases it would otherwise accept. Proposition 66 would thus prevent the Supreme Court from timely resolving legal questions of statewide importance, undermining the predictability and stability of the law for California families, citizens, business and government.

Proposition 66 would also adversely affect California's intermediate appellate courts, which would for the first time review death penalty habeas corpus appeals. As in the Supreme Court, Proposition 66 imposes a strict time limit on our intermediate appellate courts' death penalty cases *without* providing additional judges, staff, or funds to handle this new category of complex appeals. Consequently, as in the Supreme Court, California's intermediate appellate courts could meet the deadline for death penalty cases only by delaying the resolution of other civil and criminal cases – likely for years.

A final troubling aspect of Proposition 66 is its requirement that lawyers who wish to receive appointments to represent indigent criminal defendants in serious non-death criminal cases must agree to represent clients sentenced to death. Some skilled appellate lawyers will decline appointments due to this requirement, which will deprive indigent defendants of able counsel and bog down the justice system. In addition, lawyers should not be compelled to undertake the extraordinarily heavy responsibility of a death penalty appeal. Such cases take many years to resolve, require specialized expertise and demand a level of emotional commitment greater than even the most complex of other appeals.

In opposing Proposition 66, the Academy neither supports nor opposes the death penalty or reasonable measures to clear the backlog of death penalty appeals. The Academy opposes Proposition 66 just as it would oppose any measure that would drastically disrupt the ability of California courts to do justice for California citizens. We urge Californians, regardless of their views on the death penalty, to vote against this ill-considered proposition, and to consider contributing financially to the campaign against it.



Jon B. Eisenberg
President, 2016-2017

California Academy of Appellate Lawyers