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March 29, 2022

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102

Re: Supreme Court order dated September 15, 2021

To the Judicial Council:

The Academy's constitution calls upon us to "promote and encourage changes and reforms in appellate procedure designed to ensure . . . more efficient administration of justice at the appellate level" and "to establish relations and cooperate with the Judiciary, the Judicial Council, the Legislature, and such other organizations and committees as may be involved in matters relating to the appellate practice."

With those purposes in mind, we ask the Council to proceed with the investigation recommended by our Supreme Court more than 180 days ago, and inform the bench, bar and public of its progress.

Although we express no view on the merits of the issues to be investigated, we are concerned that no investigation has—apparently—yet commenced, despite the Supreme Court's recommendation that the work be completed by now. That has left a vacuum with no timeline for any constitutional or statutory watchdog agency examination of serious judicial administration issues.

We stand ready to assist in any way we can. Thank you.

Respectfully yours,

Michael G. Colantuono, First Vice President

Laurie J. Hepler, Second Vice President

Joseph P. Mascovich, Secretary/Treasurer

*\* CAAL President Raymond A. Cardozo is recused and has taken no part in this matter, due to his role as counsel for the defendants in the original proceeding which gave rise to the Supreme Court's order.*

SUPREME COURT  
FILED

SEP 15 2021

Jorge Navarrete Clerk

Deputy

S269691

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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JON B. EISENBERG, Petitioner,

v.

COURT OF APPEAL, THIRD APPELLATE DISTRICT et al., Respondents.

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The petition for a writ of mandate is denied. We recommend that within 180 days of this order, the Judicial Council complete an investigation of alleged delays in the Third District Court of Appeal's disposition of criminal appeals and, if appropriate, propose measures that the Judicial Council and the Court of Appeal should employ to address any problems that are identified.

Cantil-Sakauye, C.J. and Corrigan, J., were recused and did not participate.

Kruger  
*Acting Chief Justice*