Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date
April 27, 2007

To
Members of the Judicial Council

From
William C. Vickrey
Administrative Director of the Courts

Subject
Report from the Administrative Director of the Courts

Action Requested
For Your Information Only

Deadline
N/A

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The following information highlights some of the many activities that have taken place during the past two months to further the council's goals and agenda for the judicial branch. Please note that this memorandum follows a different format than previous Administrative Director's reports. The first four pages consist of a summary section, which is then followed by more detailed information. Page references to the more detailed information are provided in the summary section.

SUMMARY

(Page numbers next to the segment headings reference more detailed information)

Legislation

Recent Action on Corrections Reform (Page 6) The Legislature today approved and sent to the Governor AB 900 to address California's prison overcrowding crisis.

State (page 6) Current key council-sponsored legislative priorities include new judgeships, facilities, and JRS II (Judges' Retirement System).

Bench-Bar Coalition (page 9) The BBC is scheduled to meet with legislative leadership in Sacramento on Wednesday, May 23 to discuss key legislative and budget priorities for the judicial branch, including new judgeships, judicial budget issues (including SAL funding for legal services and for court facilities), and JRS II.

National (page 10) As a member of the National Center for State Courts Government Affairs Committee, we met this month focusing on federal legislation which addresses issues involving funding for state courts (e.g., interpreters, security), federalism, and the implications for the state courts resulting from fair trade agreements. A copy of the report is attached.

Budget

Current Status (page 10) The initial round of budget hearings has been completed and additional hearings will be scheduled after the May Revise.

Court Security Funding (page 11) A pressing issue is resolving the ongoing funding shortage for court security. Representatives from all key stakeholder groups have met and proposed a plan that would not only address current shortfalls but also the long-term needs in providing adequate court security.

Allocation of State Appropriation Limit (SAL) (Page 11) Adjustment for the trial courts – While SAL funding is intended to provide the Judicial Branch stable funding that can be allocated based upon the needs and priorities of the courts, the Legislature may seek to direct how the SAL increase is allocated to courts.

Infrastructure Initiatives

Technology (page 12) All of the enterprise infrastructure initiatives are proceeding apace. CCMS has been successfully installed in many courts, and these courts are already experiencing several benefits from this system. We continue to improve, enhance, and develop the business case model for CCMS, which will then be applied to the other technology initiatives.

Facilities (page 14) Court transfers are progressing very well. Currently, 49 facilities have been transferred or are part of executed transfer agreements. All five facilities of the Superior Court of Madera County will be transferred on May 1.

Judicial Council Activities

Planning (page 15)

Judicial Council Strategic Plan The current version of the Judicial Council's strategic plan is now available in a new professionally printed format and has been sent to judicial branch leaders.

Branchwide Operational Planning Advisory committees, task forces, and AOC divisions are engaged in drafting proposed objectives and outcomes for the council to consider.

Trial Court Planning Trial courts are engaged in submitting local strategic plans to the Trial Court Planning Web site.

Advisory Committee and Task Force Meetings (page 15)

The following committees recently held meetings:

- *Court Executives Advisory Committee*
- *Trial Court Presiding Judges Advisory Committee's Executive Committee*
- *Governing Committee of the Center for Judicial Education and Research*
- *Trial Court Budget Working Group*
- *Domestic Violence Practice and Procedure Task Force*
- *Court Technology Advisory Committee*
- *State Judicia--Child Support Task Force to be considered*
- *Court Interpreters Advisory Panel*
- *Traffic Advisory Committee*

Local Court Site Visits (page 17)

In March, nine Judicial Council members participated in two site visits to courts.

Kleps Awards (page 17)

The Kleps Awards Committee has completed its site visits and assessments for the 2007 Kleps Awards.

California Selected for a National Criminal Justice Project (page 18)

The Council of State Governments (CSG) Justice Center has awarded California, through a competitive submission by the Judicial Council, to participate in a national project regarding

services designed to assist state judicial leaders in improving services for people with mental illnesses in the criminal justice system.

Administrative Office of the Courts Updates

Two Leadership Transitions in the Finance Division (page 19)
Two major transitions have occurred in the AOC Finance Division. Tina Hansen has requested an opportunity to transition to a new direction and has accepted a one-year position as an Executive Consultant, effective April 2, to work on several high-priority projects for the Judicial Council.
Stephen Nash, who has been Acting Director during Tina's leave, has been appointed to the position of Director of Finance, effective April 2.

Communications and Media Outreach (page 20)
The first organizational meeting of the Statewide Bench Bar Media Committee is to take place on May 11.

The first statewide meeting for California Public Information Officers is to take place on June 18.

Sentencing Reform Update (page 20)
The Criminal Law Advisory Committee has been working on revising the rules of court regarding felony sentencing to comply with recent legislation (SB 40) and the United States Supreme Court opinion in *Cunningham v. California.*

Court Research (page 20)
Several projects and initiatives have made significant progress in this area.

Branchwide Professional Excellence/Education (page 22)
The CJER Governing Committee has posted an updated version of *Guidelines for Implementation of Rules 10.451–10.471* on the Serranus Web site.

Forms are being developed for judges to record and report their participation in continuing education.

The Director of the Education Division/CJER is collaborating with the NCSC and three western states to develop multistate regional programs for CEOs and key court managers. Numerous educational events took place.

Numerous educational events took place during this time, including programs in judicial ethics, science and the law, civil and criminal law, juvenile and family law, as well as programs for court staff, assigned judges, and the annual ADA/Access Coordinators Conference. Nearly 50 new judges completed New Judge Orientation.

The AOC will hold its statewide teacher training institute at California State University San Marcos, bringing teacher-leaders from around the state to a two-day institute in August to review and develop law-related education programs and curricula.

Over the past two years, we have been developing partnerships with several institutions of higher learning. We now have promising relationships with the University of California, the California State University system, as well as with several community colleges.

Legislation

Recent Action on Corrections Reform
The Legislature today approved and sent to the Governor AB 900 (Solorio) to address California's prison overcrowding crisis. AB 900, as amended April 26, 2007, authorizes up to 40,000 new state prison beds, contingent upon significant program enhancements designed to reduce recidivism. In summary, the bill adds 53,000 beds (40,000 for state prisons, and 13,000 for county jails), to be constructed in two phases. The bill also authorizes the out-of-state transfer of 8,000 current prison inmates. Phase I construction will be funded by $3.6 billion in lease-revenue bond financing for 24,000 state prison beds; Phase II construction will be funded with $2.5 billion in lease-revenue bond financing for 16,000 state prison beds, contingent on CDCR having met specific benchmarks including having achieved a certain amount of construction progress, and demonstrating improvements in rehabilitation programs. The bill also requires local matches of 25% (approximately $300 million) of $1.2 billion in lease revenue bonds for local jails, and additional funding of $350 million General Fund ($300 million for infrastructure, $50 million for rehabilitation). The bill is an urgency measure, and will take effect immediately upon signing.

Judicial Council–Sponsored Bills[1]
This section summarizes the current legislation that is being supported and/or sponsored by the Judicial Council. The current key legislative priorities include new judgeships, facilities, funding for the probate conservatorship legislation ($17 million), and JRS II (Judges' Retirement System).

New judgeships Assembly Bill 159 (Jones) would enact the next 50 of the council's proposal to add 150 new judges to the trial courts. This bill also addresses the critical shortfall of judicial resources in the trial courts. AB 159 has been placed on the Assembly Appropriations Committee's Suspense File with all legislation with a fiscal impact. The budget request related to new judgeships has not yet been acted on by the Legislature's budget committees.

Facilities Senate Bill 145 (Corbett) would extend the deadline to transfer court facilities to the state from June 30, 2007 to December 31, 2008. This extension is critical to implementing a true statewide trial court facilities program. Senator Corbett has also created a court-county working group to discuss potential improvements to the transfer process. SB 145 is the vehicle for any statutory changes agreed to by the working group. SB 145 has passed out of the Senate and is awaiting a hearing in the Assembly Judiciary Committee.

[1] A copy of Judicial Council sponsored legislation is attached.

JRS II This proposal would modify the JRS II retirement formula to allow judges to receive a defined-benefit pension if they have served for at least 10 years and have reached age 63. This change is necessary for the judicial branch to attract and retain the highest caliber judges from ethnically and racially diverse backgrounds and a wide array of public- and private-sector legal practices. The legislation has been reviewed by the Senate Budget Subcommittee, and the Assembly Budget Subcommittee will review the proposal on May 2. The Legislature has not yet taken action on the proposal to date.

Following is the list of current/pending legislation:

AB 159 (Jones) New judgeships
As amended March 22, 2007
Creates 50 new superior court judgeships in fiscal year 2007–2008, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of 162 eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.
Status: Assembly Appropriations Committee

SB 145 (Corbett) Court facilities transfer deadline
As amended February 27, 2007
Extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007, to December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor.
Status: Assembly; awaiting referral

AB 227 (Beall)
Codifies changes to the maintenance of dffort (MOE) payments made by counties to the state for trial court funding. Changes are consistent with negotiated buyouts related to undesignated fees and AB 233 fees buyouts.
Status: Assembly Floor; proposed consent

AB 367 (De León) Court-ordered debts
Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from $250 to $100 and expands the program to include collections for registration, pedestrian, traffic, and bicycle violations.

AB 467 (Feuer) Fee waiver
Revises and recasts provisions for court fee waivers for indigent litigants. Clarifies required application processing procedures. Requires recovery of fees in specified cases and provides procedures for reconsideration of fee waivers during the pendency of the case.

Status: Assembly Judiciary Committee

AB 926 (Evans) Civil discovery
Amends discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection.
Status: Assembly Judiciary Committee

AB 1248 (Evans) Courts
Among other things, makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, and removes the cap on habeas investigations costs paid by the Supreme Court.
Status: Assembly Appropriations Committee

AB 1464 (Benoit) Vehicles: preclusion of vehicle registration and issuance of arrest warrant
Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense.
Status: Assembly Public Safety Committee

Other bills of interest:

AB 163 (Mendoza) Trial courts: limited-term employees
As introduced, would have prohibited the Superior Court of Los Angeles County from employing any limited-term law clerk for more than 180 days. Provides that any limited-term law clerk employed for more than 180 calendar days become a regular employee.
Status: Judicial Council opposed the bill as introduced. Amended on March 28, 2007, to address another subject; no longer affects trial courts. Judicial Council opposed AB 163 as introduced.

AB 276 (Solorio) Trial courts: limited-term employees
As introduced, provided that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court.
Status: Amended on March 15, 2007, to delete substantive provisions. Judicial Council opposed AB 276 as introduced.

AB 758 (Plescia) Vehicles: traffic violator schools: regulation
Requires DMV to license home study traffic schools, and to adopt rules and regulations to implement the licensing program.

Status: Assembly Appropriations Committee. Judicial Council supports AB 758; it will relieve courts of an inappropriate regulatory responsibility.

AB 1340 (Jones) Safe and Secure Court Facility Bond Act of 2008
Authorizes a November 2008 ballot measure for the issuance of $2 billion in bonds for the acquisition, design, construction, or renovation of court facilities.
Status: Assembly Judiciary Committee. The Assembly has indicated that it does not intend to move bond bills in 2007.

AB 1557 (Feuer)Jury selection: peremptory challenges
Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.
Status: Assembly Public Safety Committee. The Judicial Council supports AB 1557; it is sponsored by CJA.

AB 1726 (Committee on Judiciary) Evidence: court interpreters
Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Requires that unless a party has notified the court that he or she has made arrangements for a private interpreter, the court shall provide the interpreter. Specifies a priority order for when an interpreter will be provided if there are insufficient interpreters or funding available. Limits funding provided for this purpose to $10 million.
Status: Assembly Judiciary Committee. The Judicial Council supports AB 1726 in concept, contingent on funding and workability. Negotiations are ongoing and the bill is anticipated to be significantly narrowed.

SB 396 (Ridley-Thomas) – Dispute Resolution
Requires the Judicial Council to establish a Commission on Civil Fees in the Courts.
Status: Senate Appropriations Committee. The Judicial Council is cosponsor of the bill.

Bench-Bar Coalition

The Bench-Bar Coalition (BBC) is scheduled to meet with key legislative leadership in Sacramento on Wednesday May 23. During that day representatives from the bench, bar, and legal services community will meet with legislators to discuss key legislative and budget priorities for the judicial branch. The three key focus areas include new judgeship bills, judicial budget issues (including SAL, funding for legal services, and funding for court facilities), and JRS II. This is a more focused event than previous visits to the Legislature in that we are meeting with specific fiscal and policy legislators, such as the chairs of key policy and fiscal committees including Judiciary, Public Safety, and Appropriations. Legislators from the Republican leadership will also participate.

The AOC is also progressing on its Day on the Bench (DOTB) program. This program enables legislators to visit a court in his or her district to see first hand what the issues

and concerns are in that court. DOTB is co-sponsored by the CJA, which works closely with the AOC in administering the program and arranging the visits.

Background of the BBC. The BBC, founded in 1993 under the leadership of the California Association of Local Bars (CALB), the State Bar of California, and the Judicial Council, enhances communication and coordinates the activities of the judicial community with the state, local, and specialty bars on issues of common interest—particularly in the legislative arena. Among the benefits derived from the coalition has been the development of strong working relationships and better communication between the judiciary and members of the bar, as well as enhanced advocacy efforts with the Legislature. The bar has kept the coalition informed about issues important to the Commission on Equal Access to Justice and the State Bar. BBC membership includes judges and the presidents, past presidents, presidents-elect, executive directors, or other person(s) designated by the president, of a state, local, minority or specialty bar association, legal services organization, or statewide organization dedicated to improving the justice system. The BBC is currently cochaired by Miriam Krinsky, executive director of the Children's Law Center of Los Angeles, and Anthony Capozzi of Capozzi Law Offices, Fresno, immediate past president of the State Bar of California.

National

The National Center for State Courts recently distributed its Monthly Government Affairs Committee Report which lists federal legislation that impacts federal and state court systems.[2] Legislation of note includes bills that deal with funding state court interpreter programs, funding for court security, increasing funding for drug courts, and assessing appropriations for programs and initiatives from the Department of Homeland Security (e.g., technology security and disaster recovery).

Judicial Branch Budget

Budget Update

One round of budget hearings has been completed with many of the key items left open. The Assembly Budget Subcommittee No. 4 will meet on May 2 to discuss the JRS II legislative proposal; it is unlikely that they will take action. Additional hearings will be held after the Governor releases the May Revise on May 14.

As previously discussed in the Legislation section above, the key budget priorities for the Judicial Council include funding 50 new judgeships, JRS II revision, facility transfer funding (discussed in the following section under Facilities), and continuing SAL funding for the trial courts.

[2] A copy of the report is attached for your review.

Court Security Funding

Of particular concern is the ongoing and increasing court security deficits across the state and the difficulties associated with addressing and resolving these issues. The growth in court security costs is a constant challenge for the courts and the sheriffs statewide because the overall percentage increase in costs for providing security has historically been higher than the percentage increase in the SAL. One consequence of this outpacing of actual costs is that many courts are not fully funded for even the minimal level of service. The courts have very little, if any, control over these increases because many of the increased costs (e.g., sheriff salaries and benefits) are determined at the county level and the courts are not included in those discussions. To further complicate this situation, the courts have had difficulty in obtaining complete and accurate information regarding the nature and cost of these increases that are included in the MOU we have with the sheriffs.

This past year, the difficulty of ascertaining complete and accurate security costs delayed the finalization of security funding allocations for the courts. The Judicial Council approved an allocation of security funding at the October 2006 meeting, but many specific court allocations were not confirmed and finalized until January and February 2007. This delay diminished the ability of courts to implement actions necessary to absorb costs that exceeded their allocation, thus leading to the need for an allocation of one-time funding for ten courts in the current fiscal year so they could address the excess security costs.[3]

Actions We Are Taking to Address This Situation

We have held several meetings with representatives from the sheriffs (including union representatives) and our court security working group to collaboratively develop an approach to not only correct these immediate shortfalls in security funding, but also to improve the long-term situation. Consequently, a joint proposal was developed that would fund the current shortfall, fund all courts at the minimum standard, make security a separate line item, limit state responsibility for salary increases to the CPI plus 3 percent, and finally, restore statutory language that would permit budget requests to address costs in excess of the SAL rate when the costs result from mandatory increases from local government or from new policies or programs. We then held several individual meetings with the Department of Finance and most recently one joint meeting with the sheriffs, our security committee, and with the Department of Finance to present this proposal.

Finally, we are streamlining the security cost survey process for FY 2007–2008 to make it easier to understand and comply with so that the data can be more easily compiled and verified, with the result being that the development of security funding allocations for fiscal year 2007 – 2008 should be more timely and efficient for the next fiscal year. We

[3] Please see CO-07-02, which was distributed to the Judicial Council on January 30, 2007.

are scheduling several trainings this spring for sheriff and court personnel involved with preparing and submitting the cost data to ensure that AOC staff will have complete and accurate data for the purpose of allocation development.

The overall goal of this process is to enable all of the key stakeholders to be more accountable for security costs, more effectively engaged in the process by which these costs are funded, and more responsible for implementing appropriate cost controls. Ultimately this will have the benefit of strengthening the MOU we have with the sheriffs that defines how court security is to be provided.

Infrastructure Initiatives

Technology

California Court Case Management Systems (CCMS)
CCMS has three components, V2, which is criminal and traffic; V3, which is civil, probate, small claims, and mental health; and V4, which is family and juvenile law plus the integration of V2 and V3. The lead courts for CCMS continue the implementation of new case types and court locations of the CCMS-V3 product. In March 2007, the Ventura court implemented both the small claims and probate case types and San Diego added the Central Justice Center to the list of locations using the civil case type. Release 6 of CCMS-V3, which will add the functionality for mental health case types, will be available in July 2007. A cross-functional team of court representatives, AOC staff, and the CCMS vendor met April 4–5, 2007, in order to finalize the requirements for CCMS-V4. The development phase for CCMS-V4 will begin in July.

CCMS Integrated Contract A negotiation team that includes representatives from AOC IS, CCMS Regional Project Office, and CEOs from Orange and San Diego Counties is working on an agreement that will give a comprehensive price for the three major components of the CCMS project: CCMS-V4 development, a baseline deployment package for each county, and maintenance and support of all CCMS products. This is part of a larger effort to refine, enhance, and further develop the business case for the CCMS project that will stabilize the funding process for both the courts and the AOC. Ultimately, this business model will be applied to all judicial branch enterprise technology initiatives.

V2 Status- The CCMS-V2 criminal and traffic case types were deployed in Fresno last year. Shortly after the product was installed, Fresno began to experience performance issues. Currently, work continues to enhance the performance and add functionality to the application and ensure that the product is stable and ready to deploy to additional courts. Once the technical and stability issues have been resolved, four additional courts (San Luis Obispo, Sonoma, Solano, and Plumas) will re-engage preparations for deployments during 2007 or early 2008.

Reactions and Observations to CCMS Several courts have provided us with input and feedback on CCMS and its installation. While analyzing their current processes, they found that operations were heavily influenced by how information is captured and stored in their current case management systems. The courts also gained great insight into the best practices of other courts during the CCMS deployment and installation process and are consequently leveraging that insight to update their business processes to work as efficiently as possible with CCMS. This has resulted in increased efficiencies, and reduced data entry backlogs and processing queues. CCMS has also increased functionality in many of the courts by providing them with more sophisticated tools, such as Web-based forms, electronic access to court information, and enhanced reporting features.

Phoenix Financial and Human Resources Systems
In April 2007, Lassen, Mariposa, and Sierra courts became the 41st, 42nd, and 43rd California courts to go live on the Phoenix Financial accounting application. Thirteen more courts are scheduled to implement the financial system in FY 2007–2008. Project completion, and implementation of the remaining two courts, is scheduled for FY 2008–2009. Rollout of the human resources system remains on hold to allow time to adjust the deployment strategy based on lessons learned from the first six trial court implementations. The intention is to begin rollout of the next courts in early 2008 with projected completion in FY 2010–2011.

Enhanced Collections
Based on midyear collection reports, courts continue to increase compliance with the program components required by Penal Code section 1463.007, that allows them to recover their costs of collections. $3.59 million has been granted to courts from the Comprehensive Collection Program Awards, and over $1.25 million has been awarded so far to assist court collection programs.

Supreme Court Court-Appointed Counsel System (SCACS)
Completion of phase two of the Supreme Court-Appointed Counsel System in April enables Supreme Court staff to process all payment request types for court-appointed counsel for capital cases. The next phase, scheduled in FY 2007–2008 includes extensive management reporting and CAP/SF payment requests and quarterly reporting.

Appellate Court Case Management System (ACCMS)
ACCMS was rolled out to two additional Courts of Appeal in early 2007 (the First and Third Divisions of the Fourth Appellate District join the First, Fifth, and Sixth Appellate Districts). ACCMS replaces the two case management systems previously used by the Courts of Appeal and the Supreme Court. The ACCMS rollout to the remaining Courts of Appeal (Division Two of the Fourth Appellate District and the Third and Second Appellate Districts) and the Supreme Court is scheduled to be completed in 2007.

Telecommunications Update
The Ventura Court telecommunications update was completed, the second largest implementation to date. (Riverside is the largest implementation to date). Ventura has completely separated from the county network and has a new owned and operated Local Area Network and Wide Area Network. Coinciding with completion of the project was implementation of CCMS V3 and the Phoenix Financial System. The AOC Information Services Division worked with Ventura to bench-test the network requirements for this combined use of applications hosted in the California Courts Technology Center—the results of which will inform the next level of networking standards.

Web Services
New information on the California Courts public Web site features mediation as an alternative dispute resolution option and coincides with the promotion of Mediation Week. The section consists of 4–5 new pages and a Judicial Council resolution, a link to audiocasts from Judicial Council meetings, a list of events, and links to local court mediation programs. http://www.courtinfo.ca.gov/programs/adr/

Facilities

Current Transfers To date, 49 facilities have been transferred or are part of executed transfer agreements. This includes the complete transfer of facilities in the Superior Courts of Mariposa and Plumas Counties, as well as facilities located in 16 other superior courts. The five facilities of the Superior Court of Madera County will be transferred on May 1. We have met with both superior court representatives and county government representatives regarding the transfer of facilities in Alameda, Los Angeles, San Diego, and San Bernardino Counties and have reached a conceptual understanding with each county to transfer all the facilities.

Funding to Acquire Properties Seven projects have been recommended for approval by the Department of Finance for funding to acquire property for the Superior Courts of Calaveras, Lassen, Madera, Riverside, San Bernardino, San Joaquin, and Tulare Counties. For Los Angeles, the Department of Finance has also recommended for approval an equity buyout of the county's interest in the court's buildings.

Alternate Funding Models Pursuant to our efforts in exploring more effective and flexible funding and delivery models, we have engaged in discussions with several advisory firms to

understand their experience in structuring these transactions. We are now beginning to prepare a request for a proposal for these services. The initial subject for this approach would be the Los Angeles–Long Beach capital project.

Status of Bond Measure We have been informed that it is likely that the Legislature will not address or proceed with the proposed court facility bond measure this year. We will continue to advocate for the Legislature to address it this year, but if not, we are hopeful that the Legislature will take up this measure early next year.

Judicial Council Activities

Planning

Justice in Focus: the Strategic Plan for California's Judicial Branch, 2006–2012, is now available in a professionally printed format. This new version has been sent to all California justices, judges, executive officers, and other judicial branch leaders. The professional print version is also available online at:
http://www.courtinfo.ca.gov/reference/documents/strategic_plan_2006-2012-full.pdf.

Branchwide Operational Planning Judicial Council advisory committees, task forces, and AOC division planning teams are engaged in drafting proposed objectives and desired outcomes for possible inclusion in the branchwide operational plan for California's judicial branch, 2007–2010. Online and on-site operational plan training sessions have been conducted to assist these groups with this work. The due date for initial submissions was April 18, 2007. Stakeholder input will be used to create a draft one operational plan for the council's review and revision in June.

Trial Court Planning Trial courts are engaged in submitting local strategic plans on the Serranus Trial Court Planning Web site. The Web site will be open for this purpose through April 30, and will reopen for additional revisions and submissions on September 1, 2007.

Committee Meetings and Task Force Meetings

Court Executives Advisory Committee In its March meeting, topics on the agenda included a review of: (1) draft Rules of Court for trial court Self-Help Center Management, (2) Traffic Advisory Committee Draft Legislative Proposals including proposed amendment to Vehicle Code Section 42006 to allow an assessment for court sessions for traffic cases on weekends, proposed amendment to Vehicle Code Section 11205 regarding court assistance program (CAP) fee, and proposal for Installment Payment of Bail Forfeiture and Traffic Violator School Fees for Traffic Infractions. All proposals were supported as stated by

CEAC, (3) update of cost calculation methods to be included in the Trial Court Capital Outlay plan, and (4) overview of model juror summons project.

Trial Court Presiding Judges Advisory Committee's Executive Committee In its March meeting, topics on the agenda included a review of (1) proposed amendments to rule 4.115 of the California Rules of Court for criminal trial calendaring and continuances for requests to change the trial date and continue criminal proceedings, (2) update of cost calculation methods to be included in the Trial Court Capital Outlay plan, and (3) draft rules of court for trial court Self-Help Center Management.

Governing Committee of the Center for Judicial Education and Research (CJER) PerJudicial Council directive, the committee has created recommendations for new rules that would establish minimum continuing education requirements for Supreme Court and Court of Appeal justices, clerk/administrators, managers, supervisors, and other personnel; formalize minimum orientation and continuing education requirements for AOC executives, managers, supervisors, and other employees; and incorporate relevant key provisions regarding education from the Standards of Judicial Administration. The invitation to comment on the proposed rules of court extends through May 2. The CJER Governing Committee will review comments and finalize recommendations during a May 8 meeting in San Francisco. The committee plans to submit recommendations to the JudicialCouncil for the August 2007 meeting.

Trial Court Budget Working Group The budget working group met in March to discuss recommendations on statewide funding priorities for the trial courts. Input was received from the courts, justice system partners, employee bargaining units, as well as the public and considered during the group's deliberations. Recommendations will be presented to the council at its April business meeting.

Domestic Violence Practice and Procedure Task Force The task force conducted two public hearings to obtain comment on its draft guidelines and recommended practices in domestic violence cases issued in January 2007. The initial hearing was conducted in Los Angeles on March 14, 2007, and the second hearing was in San Francisco on March 21, 2007. Featured speakers included Presiding Judges David Ballati (San Francisco), J. Stephen Czuleger (Los Angeles), Nancy Weiben Stock (Orange), and Colleen Toy White (Ventura). Other participating judges were Judges Becky L. Dugan (Riverside), Mary Carolyn Morgan (San Francisco), and Philip H. Pennypacker (Santa Clara). Presenters included experts in the field of domestic violence, including attorneys, law enforcement officers, probation officers, organizational leaders, community-based advocates, and members of the public. The hearings yielded a rich array of opinions and suggestions for improving the draft proposals. Transcripts of the hearings and an audio tape of the proceedings are posted on the judicial branch Web site.

Court Technology Advisory Committee The Court Technology Advisory Committee and the Appellate Advisory Committee have partnered to develop rules of court to address electronic filing, service, and access at the appellate level. At the request of CTAC Chair Justice Ming W. Chin, Justice Joanne C. Parrilli of the First Appellate District and former chair of CTAC is chairing a workgroup formed of justices and clerks from all appellate districts and the Supreme Court to draft rules that will enter the rules cycle in 2008 and go into effect in 2009. Concurrently, AOC Information Services staff are assessing processes to adapt the Appellate Court Case Management System and other applications to enable electronic filing. A short-term project is under way to allow attorneys to submit electronically the courtesy copies of appellate briefs served on the Supreme Court.

State Judicial–Child Support Task Force to Be Considered Commissioner Margot Bean of the HHS's Office of Child Support Enforcement has asked California to form a State Judicial–Child Support Task Force modeled after the national model. Diane Nunn, Director of the AOC's Center for Families, Children & the Courts, has been in touch with California's Department of Child Support Services about scheduling an initial meeting to discuss this possibility. We invited representatives from the Office of Child Support Enforcement and Region IX to attend this meeting as well.

Court Interpreters Advisory Panel Met on April 12, 2007. by teleconference to discuss its contributions to the 2007–2010 Operational Plan.

Traffic Advisory Committee Meeting At its meeting on March 2, the Traffic Advisory Committee discussed three legislative proposals to improve administration and adjudication of traffic cases by amending the Vehicle Code. The committee voted to recommend Judicial Council sponsorship of proposals to amend the Vehicle Code to (1) allow courts to charge a fee for daytime weekend court sessions, (2) allow court clerks to accept installment payments of bail forfeiture or a traffic violator school fee for infraction violations, and (3) allow courts to collect a fee for processing and monitoring traffic violator school attendance without using a nonprofit court assistance program.

Court Site Visits

On March 27–28, 2007, nine Judicial Council members visited the Superior Courts of Alameda and Contra Costa Counties as part of the council's site visit program. The purpose of the program is to reinforce the communication between the local courts and the council, and reflect a dedicated, interactive, and accessible Judicial Council. The site visit participants toured facilities and had an opportunity to discuss issues of local concerns with the bench. A full report will be made to the council at a later meeting.

Kleps Awards

Members of the Kleps Awards Committee completed site visits and assessments for the applicant programs for the 2007 Kleps Awards. The committee's recommendations for awards are included in the council's meeting binder.

California Selected for a National Project

On April 2, 2007 the Council of State Governments (CSG) Justice Center announced that the Judicial Council of California has been selected to participate in a national project, the Chief Justices' Criminal Justice and Mental Health Leadership Initiative, which is designed to assist state judicial leaders in their efforts to improve responses to people with mental illnesses in the criminal justice system.

The CSG Justice Center solicited applications from chief justices across the country interested in establishing a statewide task force on criminal justice/mental health issues. Twenty-three states submitted applications for the initiative, from which seven were selected. As part of the initiative, the task forces will receive technical assistance, access to leading national experts, and a small amount of funding support. The Justice Center will also convene a two-day national policy forum for the seven states in the spring. Ohio Supreme Court Justice Evelyn Stratton, cochair of the advisory board that reviewed the applications, congratulated leaders in California: "The application process was very competitive. The states selected had to demonstrate that they had engaged legislative and executive branch leaders, and that their task force had the potential to yield a viable, comprehensive plan. California clearly demonstrated the broad base of leadership necessary to make the plan successful, and we look forward to working with the state in the upcoming year."

California's Council on Mentally Ill Offenders has estimated that between 12 and 20 percent of incarcerated persons in California suffer from some degree of mental illness. At the national level, a U.S. Bureau of Justice Statistics report found that half of all prisoners have mental illness, defined by a history of mental illness, symptoms of mental illness, or both history and symptoms. This report was based on a 2004 census of all state jails and prisons. According to a 2006 report [same report as above?] by the bureau, nearly a quarter of both state prisoners and jail inmates who reported they had a mental health problem had served three or more prior sentences to incarceration. These statistics highlight the systemwide impacts of mentally ill offenders.

"Improving outcomes for people with mental illness involved in the criminal justice system requires extensive collaboration among leaders in the judiciary, the legislature, and the administrators of multiple state agencies," said Massachusetts. Rep. Mike Festa and chair of the Justice Center Board of Directors. "We established this initiative because in many states, a state supreme court's chief justice is uniquely positioned to convene and lead a multi-branch discussion on this issue that leads to real, meaningful action."

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to improve public safety and strengthen communities. This project is coordinated through the Judges' Criminal Justice/Mental Health Leadership Initiative, managed by the Justice Center in partnership with the National GAINS Center.

Administrative Office of the Courts/Other Initiatives

Leadership Transitions in the Finance Division

There are two major leadership transitions in the Finance Division:

- After 7 years of tireless and creative leadership as our Director of Finance, Tina Hansen has requested an opportunity to transition to a new direction and has accepted a one-year appointment as Executive Consultant, effective April 2. In this new position, Tina will be working directly with the Executive Office on several high-priority projects for the Judicial Council.

- Stephen Nash, who has been ably serving as the Acting Director of Finance for the past 6 months during Tina's health-related absence, has been appointed to the position of Director of Finance, effective April 2.

When Tina Hansen joined the AOC in 2000, we were facing a terrible statewide financial crisis. Tina immediately took an active role in confronting these fiscal challenges by working closely with the executive branch to develop innovative and effective strategies to address our budget shortfalls. These efforts protected open access, investment in key programs and infrastructure initiatives and allowed courts to maintain public access to critical court services for all Californians. Since that time, Tina's leadership, tireless dedication and creative approaches have contributed to an impressive list of accomplishments, including (but not limited to) a new statewide budget development process, trial court financial policies and procedures, the establishment of a statewide enhanced collections process, a court accounting and reporting system, and the establishment of a centralized treasury. Thanks in a very large part to Tina Hansen's talents and strong leadership, the financial condition of the judicial branch is stable and strong, thereby enabling the courts to continue to provide essential court services for the benefit of all Californians. We will be forever grateful for Tina's many, many contributions to the branch and are very fortunate that we will continue to benefit from her talents in her new role as an Executive Consultant.

While serving as the Assistant Director for Budget Management in the Finance Division for the past 5 years, Stephen Nash has significantly contributed to enhancing and improving the judicial branch budgeting process and policy development and has worked successfully with Tina and others to advocate for legislation that would strengthen and stabilize the financial structure of the branch. In addition, Stephen is highly regarded in California state government for his extensive knowledge of state fiscal policies and procedures and brings with him a wealth of experience. He has previously served as the Deputy Director of Administrative Services for the California Youth Authority. Prior to that he worked on various state budget issues at the Department of Finance and before that, as a Tax Auditor with the Employment Development Department.

Stephen's proven talents and strong leadership skills assure that there will be a smooth transition to his new role as Director of Finance.

Please join us in congratulating both Stephen and Tina in their new roles.

Communication and Media Outreach

Planning the first organizational meeting of the statewide Bench/Bar/Media Committee on Friday, May 11. To be appointed this spring by Chief Justice Ronald M. George, the committee will seek to improve working relationships among judicial officers, lawyers, and journalists who report on the courts and legal issues. A number of states have been successful in bringing together representatives of these three important groups to address areas of conflict and enhance their respective contributions to an open, independent, and impartial system of justice. Recently, the Chief Justice was approached by Ralph Alldredge, member of the board of directors of the California Newspaper Publishers Association, to propose such a committee. Although the official charge of the committee has not been established, we expect that the committee would study such issues as public and press access to court records, cameras and other electronic coverage of court proceedings, high-profile trials, and the significant role that educational programs may have in improving the mutual understanding among the bench, the bar, and journalists.

Planning first statewide meeting for Public Information Officers in California courts on Friday, June 18. The meeting will feature educational programs for court professionals who handle media relations and community outreach, featuring the state's full-time PIOs as faculty. The meeting will also give PIOs a chance to network and share resources.

Sentencing Reform

SB 40 and *Cunningham*- The Criminal Law Advisory Committee has been working on revising the rules of court regarding felony sentencing to comply with recent legislation (SB 40) and the United State Supreme Court in *Cunningham v. California*. A subcommittee, comprised of select committee members and other judges who are expert in the area of felony sentencing, have drafted revisions to the rules, which next are to be considered by the full committee. The members of the subcommittee are Justices Steven Z. Perren and Thomas E. Hollenhorst, Judges George J. Abdallah, Jr. (San Joaquin), Tricia Bigelow (Los Angeles), J. Richard Couzens (Placer, Ret.), Jack Ryan (Orange, Ret.), and Eddie Sturgeon (San Diego), Mr. David Coleman, Mr. James Fax, and Mr. Jay Kohorn.

OFFICE OF COURT RESEARCH

Data Validation Kick-off meeting for initiation of Phase II of the Data Validation project with Superior Court of Placer County. Project will continue the work begun in Phase I and include courts that have recently made the transition to CCMS. This work targets operational data that courts report to the AOC and are used by AOC staff to estimate the need for judges

and court staff, allocate other resources and funds to the courts, monitor and evaluate court programs, and measure court performance.

Class Action Filings Data Collection Recruitment of law students to conduct a comprehensive case file review of class action cases. This partnership with Hastings College of the Law will establish a baseline assessment of class action cases filed in California trial courts over the past five years, including the impact of the Class Action Fairness Act on filing trends in California. In the first round of work on this project last year, Hastings law students completed case file reviews of almost 1,000 cases in 10 trial court jurisdictions, and OCR staff will begin analyzing the data when this second phase of case file review is completed.

Conservatorship Case Processing Fiscal analysis of workload in conservatorship case processing completed. Allocation will distribute $17.4 million in funding for the trial courts for implementation of the Omnibus Conservatorship and Guardianship Act of 2006 using survey data collected for the Probate Conservatorship Task Force. This survey captured essential information on court workload and resources available to manage the workload related to conservatorship cases. Data was collected for all but one of the 58 superior courts. The information will be used next to modify the Resource Allocation Study model to make the allocation of SAL funding to the trial courts more equitable.

OCR staff completed and submitted a report to the U.S. Senate Special Committee on Aging in response to a request for proposals on innovative methods for improving the quality of life of the incapacitated elderly.

Study of Batterer Intervention Systems in California Gave presentation to California Association of Batterer Intervention Programs of findings and work to date on five-county evaluation of batterer intervention systems. This study has more than 1,400 enrolled study subjects, making it the largest known study of its type.

- **OCR Staff Participating in Providing Technical Assistance to the Courts for Caseflow Management** The Developing Effective Practices in Caseflow Management projects for criminal, family, and delinquency cases continued their efforts with the trial courts. The caseflow management project was established by the regional offices initially for criminal cases. The original project has been replicated for family and delinquency cases by the Center for Families, Children & the Courts. In the last two months, criminal caseflow technical assistance projects in the trial courts have been conducted in Glenn and San Diego Counties. In addition, representatives from the Superior courts of Fresno, Lake, Orange, San Luis Obispo, Santa Clara, Ventura, and Yolo Counties, the National Center for State Courts, CCMS staff from the Souther Regional Office, and AOC staff from OCR met for two days in March with Fred Miller, the project director, and John Greacen, the project consultant, to define the data elements required for a comprehensive series of criminal caseflow management reports. The Developing Effective Practices in Criminal Caseflow Management project is now being

conducted by the Executive Office Programs Division, where its activities can be better coordinated with projects conducted by OCR and Planning and Effective Programs.

Branchwide Professional Excellence/Education

- The CJER Governing Committee has posted an updated version of *Guidelines for Implementation of Rules 10.451–10.471* on the Serranus Web site. The document includes definitions, frequently asked questions, as well as forms, templates, and resources for local court use.

- As required in rules 10.652 (e) and 10.462 (f) of California Rules of Court, forms are being developed for individual judges to record and report their participation in continuing education and for presiding judges to report aggregate participation of judges in continuing education. The forms will be available in both an automated and a hard-copy format. In the interim, the types of content/data that will be collected are posted on the Serranus web site as a resource for the local courts.

- Karen Thorson, Director of the AOC's Education Division/CJER, is collaborating with the judicial educators from Arizona and Utah, and with the Institute for Court Management of the National Center for State Courts, to develop and deliver annual, multistate, regional programs for court executive officers and key managers. The first collaborative event is planned for October 2008. This should provide a new and valuable resource for court administration leaders to further their own education while meeting with and learning about individuals in similar positions in other western states.

- The Education Division produced numerous educational events for the courts in February, March, and April:
    - New Judge Orientation (Feb 26–Mar 2) (Mar 5–9) (Mar 19–23) (April 23–27)
    - Qualifying Ethics for Judges (Mar 7, 14, 16, 23) (Apr 4, 12, 27)
    - Science and the Law Institute: *Neurobiology and the Courts* (Feb 28–Mar 2)
    - Court Staff Regional Training: *Jury Trial Procedures* (Mar 5)
    - Assigned Judges Program Orientation (Mar 5)
    - Civil Law Institute (Mar 7–9)
    - Core 40: Education for Court Supervisors (Mar 12–16)
    - Court Staff Regional Training: *DMV Abstract Training* (Mar 19)
    - Criminal Law Courses (Mar 20–22)
    - Traffic Adjudication Institute (Mar 21–23)
    - Orientation for CJP Special Masters (Mar 26–27)
    - Court Staff Regional Training: *DMV Abstract Training* (Mar 29)
    - Juvenile Law Institute (April 16–18)
    - Annual Training Coordinators Meeting (April 18)
    - Family Law Institute (April 18–20)
    - Annual Training Coordinators Business Meeting (April 18)
    - Annual ADA/Access Coordinators Conference (April 19)

- Appellate Justices Institute (April 25–27)

- **Teacher Training Institute** The AOC has contracted to hold a statewide teacher training institute for a second year, to be conducted at California State University San Marcos. This year's institute will be larger in scope, bringing teacher-leaders from around the state to a two-day institute in August to review and develop law-related education programs and curricula. The consultant held meetings and conference calls at the AOC in order to recruit teacher participants and instructors for the institute from the Bay Area. Individual judges and court staff will be included in the institute, as well as academics and leaders from the State Department of Education.

- **2007 Judicial Branch Information Technology Conference** A conference is being planned for June 2007. Invitations will be going out to executive officers, presiding judges, and information technology leaders in the superior courts and administrative presiding justices; clerk/administrators, and systems administrators for the Courts of Appeal and Supreme Court.

- **Adoptions and Save Families Act (ASFA) Title IV-E Compliance** CFCC together with the Superior Court of Siskiyou County will hold a Permanency Planning for Foster Care Youth: A County Collaborative Workshop on April 24, 2007, covering topics such as family finding; identifying, locating, and facilitating life-long connections; and concurrent planning.

- **Juvenile Delinquency Caseflow Workshops** Over the span of four weeks in late February and early March 2007, CFCC conducted three workshops aimed at helping the courts improve juvenile delinquency case processing. These caseflow management sessions were modeled on the successful criminal and family sessions held in 2005 and 2006 respectively. Twenty-eight courts (organized by court size: large, midsized, and small) sent teams to one of the three workshops held in Burbank, San Francisco, and Sacramento AOC offices. Over 170 representatives of the courts, district attorney's offices, defense counsel, and juvenile probation departments participated. Teams developed action plans to take to their individual jurisdictions for use in improving their delinquency case management. They also provided CFCC staff with a list of suggestions for assistance the AOC could provide them in the future as they tried to implement their plans and improve their delinquency systems.

  - **Domestic Violence Education** Courses organized relating to domestic violence were conducted at the Criminal Law Courses program held in conjunction with the Traffic Adjudication Workshop on March 20, 2007, in Torrance, and featured at the Family Law Institute, the Juvenile Law Institute, and the Family Dispute Resolution Statewide Educational Institute held during Spring Education Week, April 16–20, 2007, in Burlingame. Approximately 375 participants attended these courses.

- **Indian Child Welfare Act** CFCC together with the Superior Court of Orange County held a Collaborative Meeting on the Indian Child Welfare Act on March 10, 2007.

- **Partnerships with Other Institutions** During the past few years the AOC and several local courts have been developing partnerships with colleges and universities to enhance access to academic education for both judges and court personnel. We have been working on making these partnerships available on a statewide basis. Several of these partnerships are now becoming a reality. One is a partnership with several community colleges for education for court personnel, another is a partnership with the University of California system regarding education for judges in areas such as science and the law. And one that will be available this fall is with the California State University at Sacramento is for developing leadership in court administration. In this program, students will have an opportunity to obtain either a masters in public policy administration with a concentration in judicial administration or a certificate in judicial administration. Specific court-related courses will be offered at the Northern/Central Regional Office on Fridays and Saturdays, rather than the traditional university schedule, to enable participation by working professionals. This program is one of the many ways the judicial branch is addressing succession planning for court administration leadership.

  Every Child, Every Hearing –The booklet entitled *Every Child, Every Hearing* was published and distributed statewide. The booklet offers key questions (with accompanying citations) that must be asked and followed up on for every child in the dependency system. For children served by the juvenile court, consistent inquiry into these questions is necessary to help them transition to their home of origin or to another permanent plan when reunification is not possible.

  The Adjudication of Sex Crimes – Domestic Violence A comprehensive benchbook by Judge J. Richard Couzens (Superior Court of Placer County, Ret.), and Judge Tricia Ann Bigelow (Superior Court of Los Angeles County), was distributed to every judicial officer and posted on Serranus. This groundbreaking volume, one of the few published on this topic nationally, will be updated biannually or as needed to reflect legislative changes.

Self-Represented Litigants

- Article published in *California Litigation Magazine,* The Magazine of the Litigation Section, State Bar of California, Vol. 20, No. 1 (2007) "Self-Represented Litigants in Family Law" coauthored by Judge Donna Hitchens.
- Three technical assistance visits completedon family law caseflow management to Fresno, San Diego and Sonoma courts.
- Meeting of court representatives convened to develop model plan for trial courts on serving persons with limited English proficiency.
- Meeting of legal services stakeholders hosted at the AOC on April 25 to address issues of statewide concern including proposed pilot project for civil representation, using law students, and coordinating between self-help centers and legal services agencies. Included

special meeting April 24 on using technology in providing legal services; meeting included presentation on model being developed with the AOC and the Superior Court of Los Angeles County on assisting litigants in workshops using document assembly programs.

Collaborative Justice Courts

- The Council of State Governments announced that the Judicial Council of California/Administrative Office of the Courts was one of seven states nationally to be chosen for a grant to establish a task force focused on interbranch collaboration regarding mentally ill court users.
- CFCC's Collaborative Justice Project provided assistance to a well-attended conference on homelessness and court-community collaboration. The conference was sponsored by the City of Santa Monica, the RAND Corporation, Public Counsel, and the California Endowment, with Chief Justice Ronald M. George providing opening remarks.
- The DUI Court in the Schools Project was invited to present at the plenary session for the statewide conference of the Office of Traffic Safety regarding the launch of this new, innovative DUI prevention project. The presentation was well received by the conference, which was attended by educators and representatives from law enforcement, substance abuse prevention programs, and traffic safety programs from around the state.

JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2007 Legislation and Status of Bills

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JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2007 Legislation and Status of Bills

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 112 (June Clark)	AB 112 (Wolk) – Highways: Safety Enhancement Double Fine Zones As amended March 12, 2007 Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012. ***UPDATE: As amended March 28, 2007*** ***Same as above, but amended to include urgency clause.***	Oppose; further complicates court fine structure. Moratorium until Judicial Council completes Fines Collection Task Force work.	Author	Assembly Appropriations Committee
AB 117 (June Clark)	AB 117 (Beall) – Traffic offenses: additional assessment: traffic safety As introduced Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of $2 for every $10 or fraction thereof, upon each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85 percent shall be used in traffic safety programs approved by the county board of supervisors, and 15 percent shall be deposited in the county's courthouse construction fund. ***UPDATE: As amended March 22, 2007*** ***Amendments narrow bill to authorize only Santa Clara County to elect to impose the $2 assessment.***	Oppose; further complicates court fine structure. Moratorium until Judicial Council completes Fines Collection Task Force work.	Author	Assembly Public Safety Committee
AB 159 (Donna Hershkowitz)	AB 159 (Jones) – Courts: judgeships As introduced Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of certain eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions. ***UPDATE: As amended March 22, 2007*** ***Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of 162 eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.***	Sponsor	Judicial Council	Assembly Appropriations Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 163 (Eraina Ortega)	AB 163 (Mendoza) – Trial courts: limited-term employees As introduced Prohibits the Superior Court of Los Angeles County from employing any limited-term law clerk for more than 180 days. Provides that any limited-term law clerk employed for more than 180 calendar days becomes a regular employee. This bill is similar to AB 176 (Bermúdez) and AB 1797 (Bermúdez), which were passed by the Legislature in 2005 and 2006 and were vetoed by the Governor. ***UPDATE: As amended March 28, 2007*** ***Addresses another subject, no longer affects trial courts.***	Oppose Update: *As amended March 28, 2007* *No position*	American Federation of State, County, and Municipal Employees (AFSCME)	Assembly Business and Professions Committee
AB 227 (Eraina Ortega)	AB 227 (Beall) – Trial court funding As introduced Codifies changes to the Maintenance of Effort (MOE) payments made by counties to the state for trial court funding. Changes are consistent with negotiated buyouts related to undesignated fees and AB 233 fees buyouts. ***UPDATE: As amended March 22, 2007*** ***Same as above and corrects the new MOE for Mendocino County.***	Sponsor	Judicial Council	Assembly Consent Calendar
AB 276 (Eraina Ortega)	AB 276 (Solorio) – Trial courts: limited-term employees As introduced Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill is similar to AB 176 (Bermúdez) and AB 1797 (Bermúdez), which were passed by the Legislature in 2005 and 2006 and were vetoed by the Governor. ***UPDATE: As amended March 15, 2007*** ***Spot bill; no substantive impact on trial courts.***	Oppose Update: *As amended March 15, 2007* *No position*	American Federation of State, County, and Municipal Employees (AFSCME)	Assembly Public Employees, Retirement & Social Security Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 367 (Eraina Ortega)	AB 367 (De León) – Court-ordered debts As introduced Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from $250 to $100 and expands the program to include collections for registration, pedestrian, and bicycle violations. ***UPDATE: As amended March 22, 2007*** ***Same as above and clarifies that it applies to traffic-related offenses.***	Sponsor	Judicial Council	Assembly Judiciary Committee
AB 369 (Tracy Kenny)	AB 369 (Solorio) – Child abuse reporting As introduced Authorizes CASA organizations in California to submit fingerprint information on prospective CASA volunteers to the California Department of Justice (DOJ) to determine whether there is relevant information pertaining to that individual in the Child Abuse Central Index (CACI), in addition to the criminal history information that is currently provided regarding each prospective volunteer. ***UPDATE: As amended March 29, 2007*** ***Same as above; technical amendments.***	Support	California Court Appointed Special Advocates (CASA) Association	Assembly Appropriations Committee
AB 467 (Tracy Kenny)	AB 467 (Feuer) – Courts: access to justice As introduced States legislative findings regarding court fee waivers and access to justice. Provides that equal justice requires that all persons have access to the court without regard to economic means. Further provides that those who are able to pay court fees should do so, and courts should recover previously waived fees when appropriate. ***UPDATE: As amended April 10, 2007*** ***Revises and recasts provisions for court fee waivers for indigent litigants. Clarifies required application processing procedures. Requires recovery of fees in specified cases, and provides procedures for reconsideration of fee waivers during the pendency of the case.***	Sponsor	Judicial Council	Assembly Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 582 (Donna Hershkowitz)	AB 582 (Evans) – Court transcription fees As amended April 10, 2007 Increases the fee for the original and copies of court reporter transcripts for three consecutive years by a specified amount, and then increases the fee annually by the Consumer Price Index for All Urban Consumers (CPI). Expands the 50 percent additional charge for daily copy service to criminal transcripts. Requires the Administrative Office of the Courts to publish an updated transcript fee schedule based on the increases tied to the CPI.	Oppose unless amended to: 1) adopt key recommendations of Reporting of Record Task Force re: uniform transcripts 2) address impacts on low income litigants by: a) providing for electronic recording in critical case types if reporter unavailable b) expanding access to Transcript Reimbursement Fund 3) provide funding outside of SAL	Service Employees International Union	Assembly Judiciary Committee
AB 758 (June Clark)	AB 758 (Plescia) – Vehicles: traffic violator schools: regulation As proposed to be amended Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles (DMV). ***UPDATE: As amended April 11, 2007*** ***Requires DMV to license home study traffic schools, and to adopt rules and regulations to implement the licensing program.***	Support; relieve courts of inappropriate regulatory responsibility.	TrafficSchool.com Distance Learning Company, Inc.	Assembly Appropriations Committee
AB 863 (Eraina Ortega)	AB 863 (Davis) – Los Angeles County Superior Court Employees As introduced Requires the Los Angeles Superior Court to pay each employee in specified bargaining units two months "back pay" in the amount the employee would have received if the employee's reclassification raise that occurred on October 1, 2005, had been made retroactive to August 1, 2005.	No position	American Federation of State, County and Municipal Employees (AFSCME)	Assembly Appropriations Committee
AB 926 (Daniel Pone)	AB 926 (Evans) – Civil discovery As amended April 10, 2007 Amends three discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection.	Sponsor	Judicial Council	Assembly Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 1126 (Daniel Pone)	AB 1126 (Eng) – Civil discovery: unlawful detainer: subpoenas As amended March 27, 2007 Provides, among other things, that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings. Allows a plaintiff in those summary proceedings to propound interrogatories, make a demand for inspection, and make requests for admission without leave of court at any time that is five days after service of the summons on, or appearance by, the relevant party, whichever occurs first. Makes related changes to the procedures governing discovery in those summary proceedings.	Support	California Law Revision Commission	Assembly Appropriations Committee
AB 1248 (Eraina Ortega)	AB 1248 (Evans) – Courts As introduced Among other things, makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, and removes the cap on habeas investigations costs paid by the Supreme Court. ***UPDATE: As amended April 11, 2007*** ***Same as above and allows the courts to charge the current "night court assessment" for court sessions held on weekends, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, and requires the Judicial Council to establish a travel policy for the judicial branch.***	Sponsor	Judicial Council	Assembly Judiciary Committee
AB 1258 (June Clark)	AB 1258 (Caballero) – Highways: Safety Enhancement Double Fine Zones As introduced Designates a segment of State Highway Route 101 and a segment of County Road 16 in Monterey County as Safety Enhancement-Double Fine Zones.	Oppose; further complicates court fine structure. Moratorium until Judicial Council completes Fines Collection Task Force work.	Author	Assembly Transportation Committee
AB 1264 (Daniel Pone)	AB 1264 (Eng) – Courts: delay reduction: status conferences As amended April 11, 2007 Among other things, restricts the court's ability to set various status conferences, other than the initial case management conference and the pre-trial status conference. Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties.	None while negotiations with sponsor continue. [Policy Coordination and Liaison Committee designee to assist OGA staff in negotiations with the author and sponsor.]	Consumer Attorneys of California	Assembly Floor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 1340 (Eraina Ortega)	AB 1340 (Jones) – Safe and Secure Court Facility Bond Act of 2008 As introduced Authorizes a ballot measure for the issuance of $2 billion in bonds for the acquisition, design, construction, or renovation of court facilities.	Support	Governor Arnold Schwarzenegger	Assembly Judiciary Committee
AB 1424 (June Clark)	AB 1424 (Davis) – Elder abuse: continuances As introduced Among other things, adds cases involving elder or dependent abuse to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings under Penal Code section 1050. ***UPDATE: As amended March 29, 2007*** ***Deletes provisions that were basis of council opposition.***	Oppose unless amended; inappropriately interferes with court's authority. Update: *As amended March 29, 2007* *Opposition withdrawn*	Los Angeles City Attorney Rocky Delgadillo	Assembly Appropriations Committee
AB 1464 (June Clark)	AB 1464 (Benoit) – Vehicles: Preclusion of vehicle registration and issuance of arrest warrant As introduced Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense. To ensure due process rights are protected, requires notice to the owner/violator, and allows 21 days for response if the owner/violator was not present when the citation is issued, rather than the usual 10 days.	Sponsor	Judicial Council	Assembly Public Safety Committee
AB 1547 (Tracy Kenny)	AB 1547 (Beall) – Juvenile court: termination of jurisdiction As introduced Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority. These services include providing information on siblings; securing a birth certificate, social security card, and DMV identification card as appropriate; and assisting the ward in obtaining Medi-Cal or other health insurance, transitional housing or other housing assistance, and employment or higher education. These services are currently required to be provided to all dependent children approaching majority (Welfare and Institutions Code section 391). Further requires the Judicial Council to develop and implement standards and forms as necessary to implement the bill (also analogous to the dependency provisions). ***UPDATE: As amended April 11, 2007*** ***Requires probation to deliver the services described above at least six months before a hearing to terminate jurisdiction which will be occurring when the ward is approaching 18 years of age.***	Support	Author	Assembly Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 1557 (June Clark)	AB 1557 (Feuer) – Jury selection: peremptory challenges As introduced Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.	Support; improves jury system.	California Judges Association	Assembly Judiciary Committee
AB 1582 (June Clark)	AB 1582 (Calderon, C.) – Crimes: marijuana: possession: penalty As introduced Reclassifies from a misdemeanor to an infraction a first offense for possession of not more than 28.5 grams of marijuana, and would make it an alternate infraction/misdemeanor for a second or subsequent offense.	Support; more efficient use of jurors and courts' time.	Judge Quentin Kopp (Ret.)	Assembly Public Safety Committee
AB 1660 (June Clark)	AB 1660 (La Malfa) – Victims' rights: presence during criminal proceedings As amended March 29, 2007 Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding.	Oppose	Doris Tate Crime Victims Bureau, Crime Victims United, and Force 100	Assembly Public Safety Committee
AB 1726 (Eraina Ortega)	AB 1726 (Committee on Judiciary) – Evidence: court interpreters As introduced Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Requires that unless a party has notified the court that he or she has made arrangements for a private interpreter, the court shall provide the interpreter. Specifies a priority order for when an interpreter will be provided if there are insufficient interpreters or funding available. Limits funding provided for this purpose to $10 million.	Support in concept contingent on funding and workability.	Assembly Member Dave Jones	Assembly Judiciary Committee
AB 1727 (Daniel Pone)	AB 1727 (Committee on Judiciary) – Conservators and Guardians As introduced Sections 1-8 of the bill contain a number of technical and conforming amendments to the Omnibus Conservatorship and Guardianship Reform Act of 2006. Section 9 of the bill would revise the law governing the invalidation of donative transfers to care custodians by disallowing such transfers only in cases where the instrument creating or modifying the donative transfer is dated after the date that the person receiving the transfer became the care custodian for that transferor.	Support sections 1-8; no position on section 9 as it presents a policy issue outside the council's purview.	Assembly Judiciary Committee	Assembly Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
SB 145 (Eraina Ortega)	SB 145 (Corbett) – Court facilities As introduced Corrects an incorrect cross-reference. ***UPDATE: As amended February 27, 2007*** ***Extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007 to December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor.***	Sponsor	Judicial Council	In Assembly
SB 340 (Daniel Pone)	SB 340 (Ackerman) – Access to Criminal History Information by Court Investigators As introduced Expands the list of agencies entitled to receive criminal history reports by adding an agency performing conservatorship investigations related to a proposed conservator under the Lanterman-Petris-Short (LPS) Act. ***UPDATE: As amended April 9, 2007*** ***In addition to the above, broadens list of agencies entitled to receive criminal history reports to include probate court investigators.***	Support and co-sponsor if amended to broaden the list of agencies entitled to receive criminal history reports from the Department of Justice to include court investigators in connection with investigations of proposed guardians and conservators under the Probate Code. Update: *As amended April 9, 2007* *Support & Co-sponsor*	California Judges Association	Senate Appropriations Committee
SB 396 (Eraina Ortega)	SB 396 (Ridley-Thomas) – Dispute Resolution As introduced Increases the portion of the filing fee that is distributed to dispute resolution programs from an amount not to exceed $8 to an amount not to exceed $12. ***UPDATE: As amended April 9, 2007*** ***Requires the Judicial Council to establish the Commission on Civil Fees in the Courts.***	Oppose Update: *As amended April 9, 2007* *Support & Co-sponsor*	California Dispute Resolution Council Judicial Council	Senate Appropriations Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
SB 431 (Eraina Ortega)	SB 431 (Aanestad and Wiggins) – Public employees' retirement: Butte County and Solano County As introduced Requires the assets and liabilities of the Superior Courts of Butte and Solano Counties and the Counties of Butte and Solano to be separated based on a computation determined by an actuary retroactive to June 30, 2002. Following the separation of assets and liabilities, requires the courts to participate in a risk pool created by the California Public Employees' Retirement System.	Oppose unless amended to clarify the authority of consenting courts and counties to enter separate contracts and to specify how to separate members' assets and liabilities.	Butte County and Solano County	Senate Public Employment and Retirement
SB 539 (Eraina Ortega)	SB 539 (Margett) – Trial Court Trust Fund As proposed to be amended This bill would (1) establish a tiered penalty structure that reduces the retroactive penalty to the amount that the revenue would have earned had it been receiving interest in the State Treasury's pooled money investment rate (an amount closer to four to six percent) so long as the court or county remits the revenue within 30 to 45 days, as specified, from the time the error is discovered; and (2) require the entity found in error to make the payment directly to the state (currently the county is required to pay the state and seek reimbursement from the court, if the court is at fault). SB 539 will be amended to delete the new penalty structure (described as item 1, above) prior to the bill's hearing on April 10. Only the amendment to Government Code Section 68085 (j) on page 6 will remain in the bill. This is the section identified as (2), above. ***UPDATE: Amended April 9, 2007, consistent with above.***	Update: *As amended April 9, 2007* *Neutral*	State Association of County Auditors	Senate Appropriations Committee
SB 800 (Daniel Pone)	SB 800 (Corbett) – Conservators and guardians: care plans As introduced Requires a conservator or guardian to submit to the court within 45 days of appointment a plan for the care, custody, control, and, if applicable, the education of the ward or conservatee. As part of this plan, the bill would require an assessment of the strengths of the conservatee's or ward's family, an assessment of appropriate residential placement, and a schedule of visits between the ward or conservatee and the conservator or guardian, as well as visits between the ward or conservatee and his or her family. ***UPDATE: As amended March 29, 2007*** ***Deletes provisions pertaining to guardianships. Changes timeline for submission of care plan from 45 to 90 days after appointment. Requires the Judicial Council to develop and adopt an implementing form.***	Support in concept	Author	Senate Appropriations Committee

Appendix

Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of April 19, 2007
AB 159 (Donna Hershkowitz)	AB 159 (Jones) – Courts: judgeships As introduced Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of certain eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions. ***UPDATE: As amended March 22, 2007*** ***Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of 162 eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.***	Judicial Council	Assembly Appropriations Committee
AB 227 (Eraina Ortega)	AB 227 (Beall) – Trial court funding As introduced Codifies changes to the Maintenance of Effort (MOE) payments made by counties to the state for trial court funding. Changes are consistent with negotiated buyouts related to undesignated fees and AB 233 fees buyouts. ***UPDATE: As amended March 22, 2007*** ***Same as above and corrects the new MOE for Mendocino County.***	Judicial Council	Assembly Floor
AB 367 (Eraina Ortega)	AB 367 (De León) – Court-ordered debts As introduced Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from $250 to $100 and expands the program to include collections for registration, pedestrian, and bicycle violations. ***UPDATE: As amended March 22, 2007*** ***Same as above and clarifies that it applies to traffic-related offenses.***	Judicial Council	Assembly Judiciary Committee

Appendix

Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of April 19, 2007
AB 467 (Tracy Kenny)	AB 467 (Feuer) – Courts: access to justice As introduced States legislative findings regarding court fee waivers and access to justice. Provides that equal justice requires that all persons have access to the court without regard to economic means. Further provides that those who are able to pay court fees should do so, and courts should recover previously waived fees when appropriate. ***UPDATE: As amended April 10, 2007*** ***Revises and recasts provisions for court fee waivers for indigent litigants. Clarifies required application processing procedures. Requires recovery of fees in specified cases, and provides procedures for reconsideration of fee waivers during the pendency of the case.***	Judicial Council	Assembly Judiciary Committee
AB 926 (Daniel Pone)	AB 926 (Evans) – Civil discovery As amended April 10, 2007 Amends three discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection.	Judicial Council	Assembly Judiciary Committee
AB 1248 (Eraina Ortega)	AB 1248 (Evans) – Courts As introduced Among other things, makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, and removes the cap on habeas investigations costs paid by the Supreme Court. ***UPDATE: As amended April 11, 2007*** ***Same as above and allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, allows the courts to charge the current "night court assessment" for court sessions held on weekends, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and requires the Judicial Council to establish a travel policy for the judicial branch.***	Judicial Council	Assembly Appropriations Committee

Appendix

Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of April 19, 2007
AB 1464 (June Clark)	AB 1464 (Benoit) – Vehicles: preclusion of vehicle registration and issuance of arrest warrant As introduced Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense. To ensure due process rights are protected, requires notice to the owner/violator, and allows 21 days for response if the owner/violator was not present when the citation is issued, rather than the usual 10 days.	Judicial Council	Assembly Public Safety Committee
SB 145 (Eraina Ortega)	SB 145 (Corbett) – Court facilities As introduced Corrects an incorrect cross-reference. ***UPDATE: As amended February 27, 2007*** ***Extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007 to December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor.***	Judicial Council	In Assembly

Monthly Government Affairs Committee Report

National Center for State Courts

Government Relations Office

April 19, 2007

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Part II: Issue, Position, Strategy/Tactics and Status

(Bold italics indicate an update since the last report.)

A. 2007 Priorities

1. **Appropriations – Court Interpreters** Legislation has been introduced to establish a federal funding stream for state court interpreter programs. *(Dimas)*	**Position:**	**Strategies:** Explore and inform the courts of legislative developments in this area. Push to increase cosponsors to this legislation. Advocate for passage of this legislation.	**Status:** ✓ Senator Herbert Kohl (D-WI) introduced S 1733 on 10/15/03. The bill was referred to the Senate Judiciary Committee, but saw no further action. ✓ Representatives of the DOJ's Civil Rights Division met with the COSCA Board of Directors on 3/12/04 to discuss the federal requirement to provide language services to persons with limited English proficiency (LEP). This meeting was in follow-up to correspondence sent to all State Court Administrators in December 2003 regarding this requirement. ✓ Senator Kohl introduced the court interpreter bill (S 2497) on 4/4/06 using the Court Improvement Program as the model for distributing the funds. He was able to attach S 2497 to an immigration reform bill (S 2611), which passed the Senate on 5/25/06. The House had previously passed a different version of immigration reform legislation. House and Senate conferees were not appointed prior to the adjournment of the 109th Congress. ✓ Senator Kohl has reintroduced this bill (S 207). Additionally, he received assurances from the leadership that his bill will remain in the immigration reform legislation from last year, which will also be reintroduced. ✓ Senator Ted Kennedy (D-MA) plans to reintroduce the Immigration Reform bill as the "base" bill as a starting point for the debate. This bill contains our court interpreter provision. ✓ ***HR 1645, the companion House Immigration Reform measure, was introduced by Representative Luis Gutierrez (D-IL) on 3/22/07. It contains the Court Interpreter Assistance provision as it appeared in S 2611 during the last Congress.***
2. **Appropriations – Court Security** Legislation has been introduced that addresses	**Position:**	**Strategies:** Support language to increase state court access to federal funding	**Status:** ✓ Representatives Louie Gohmert (R-TX) and Anthony Weiner (D-NY) introduced The Secure Access to Justice and Court Protection Act of 2005 (HR 1751) on 4/21/05.

court security in both federal and state courts. The legislation includes new federal crimes for killing a judge or court employee and recording fictitious liens against federal judges and attorneys, increased penalties for certain crimes, and authorization for new grant programs. *(Farley and Dimas)*		streams Advocate for amendments to authorize new grant programs to assist state courts address security needs and establish an incident reporting database. Work with key Judiciary staff on subcommittee and committee. Make selective contacts with key members of Congress.	HR 1751 passed the House by an overwhelming margin of 375-45 on 11/9/05. HR 1751 included several provisions important to state courts – (1) the Omnibus Crime Control and Safe Streets Act of 1968 would be amended to include state and local courts in the definition of state and local unit of government so that courts would be able to apply directly for Departments of Justice (DOJ) grants tied to this Act; (2) state and local governments applying for and distributing these DOJ grant funds would also be required to consider the needs of the judicial branch and consult with the chief judicial officer of the highest court of the state or local unit of government; (3) a new $20M grant program would be authorized to assist state courts to conduct assessments and implement court security improvements deemed necessary based on the assessments; (4) a new $20M grant program would be authorized to enable state courts to establish and maintain a threat assessment database; and (5) clarification would be added to insure that state and local courts are eligible to apply for grants associated with the Omnibus Crime Control and Safe Streets Act of 1968, the Edward Byrne grants, Armored Vests grants, and the Child Abuse and Prevention and Treatment Act (CAPTA). ✓ Senators Arlen Specter (R-PA), Patrick Leahy (D-VT), and John Cornyn (R-TX) introduced the Court Security Improvement Act of 2005 (S 1968) on 11/7/05. S 1968 primarily addressed the needs of federal courts, but did include language to make state courts eligible to apply directly for DOJ discretionary funds. The Senate stripped out the text of HR 1751, inserted the language of S 1968, and passed it on 12/6/06. House and Senate conferees were not appointed prior to the adjournment of the 109th Congress. ✓ On 1/24/07, House Judiciary Committee Chairman John Conyers, Jr. (D-MI) introduced HR 660, the Court Security Improvement Act of 2007. The bill closely follows the bill passed by the Senate in 109th Congress. HR 660 includes 1) a provision that would make state courts eligible to apply directly for Department of Justice funds and 2) would create a $20M grant program to protect witnesses and victims. Senate Judiciary Committee Chairman Patrick Leahy (D-VT)

		introduced the companion bill, Court Security Improvement Act of 2007 (S 378), also on 1/24/07. ✓ The House Judiciary Committee scheduled a court security hearing on 2/8/07, but then postponed it. CCJ/COSCA was invited to provide oral testimony. No new date for the hearing has been scheduled. ✓ The Senate Judiciary Committee had a hearing on court security and judicial independence on 2/15/07. The only witness was Justice Kennedy. The focus of the hearing was more on judicial pay and cameras in the court than security issues. ✓ On 2/8/07, GRO staff met with Senate Judiciary Committee staff director, Bruce Cohen, and Counsel, Jeremy Paris, regarding the court security bill. They invited CCJ/COSCA to submit written testimony for record. They asked for a copy of our favored provisions, which were in Representative Gohmert's bill in the 109th Congress. Also, they shared suggestions on key members to approach on the Senate Judiciary Committee to broaden support for state court provisions in the bill. Mr. Paris indicated that the Senate would likely mark-up the court security bill shortly after the hearing. ✓ On 2/16/07, GRO staff asked CCJ and COSCA members with representation on the Senate Judiciary Committee to make a personal contact to their Senators to support inclusion of state court security provisions i8n S 378. Chief Justice Steele and Lee Suskin provided us with copies of the letters they submitted. ✓ S 378 was approved by the Senate Judiciary Committee on 3/1/07. Our 3 provisions were not included in this version. We have been making appointments with Senate Judiciary Committee members in an effort to get support to amend the bill to include our 3 favored provisions. On 3/12/07, we met with staff to Senator Cornyn. ✓ ***Majority Leader Reid (D-NV) placed S 378 on the Senate Calendar under an expedited rule that would limit debate. It has been reported that Senator Tom Coburn (R-OK) has placed a "hold" on the measure because it calls for new***

		spending without the appropriate offsets. A "hold" is an indication that the Senator intends to filibuster the bill to keep it from being voted upon. On 4/18/07, the Senate approved a motion to invoke cloture by a vote of 93-3. Cloture limits each Senator to 1 hour of debate and brings the measure to a floor vote after 30 hours of consideration.

	Position:	Strategies:	Status:
3. Appropriations – Drug Courts, Substance, Abuse, and Mental Health The Office of National Drug Control Policy (ONDCP) has become increasingly supportive of drug courts as a strategy to reduce drug use. ONDCP has encouraged drug courts and schools to enter into partnerships that allow students to see the repercussions of drug abuse by non-violent offenders may serve as a strong deterrent and promote demand reduction. Additionally, Congress has become increasingly concerned about methamphetamine abuse and is considering several bills. The Substance Abuse and Mental Health Services Administration (SAMHSA) administers a number of federal grant programs to support substance abuse and mental health services. State courts needs greater access to these federal funds. *(Farley)*		Advocate for increased funding for drug courts. Develop new and enhance existing relationships with ONDCP and SAMHSA staff. Develop a list of ONDCP and SAMHSA grants that would be of interest to state courts. Encourage Congress and federal agencies to include language in grant guidelines to require consultation with state courts in the planning and distribution of funds.	✓ The 109th Congress approved reauthorization legislation for the Office of National Drug Control Policy (ONDCP). Sponsored by Representative Mark Souder (R-IN), HR 6344 reauthorized ONDCP and related programs through FY 2011. The programs include the High-Intensity Drug Trafficking Areas Program, the Counterdrug Technology Assessment Center, and the National Youth Anti-Drug Media Campaign. Funding for the high-intensity areas program was authorized at $240M for FY 2007 with a $10M annual increase through FY 2011. HR 6344 also established a National Methamphetamine Information Clearinghouse, which will maintain a national database on law enforcement, treatment and other issues related to the drug. President Bush signed the legislation on 12/29/06 making it PL 109-469. ✓ On the funding front, the federal Drug Court program received $40 million (M) in the House approved CJS bill (HR 5672); perhaps reversing the cut it suffered last year when it received $10M. In the Senate Appropriations Committee's version of HR 5672, they only awarded $15M for the Drug Court program. Senate floor action on HR 5672 was not scheduled before the 109th Congress adjourned. ✓ Follow-up contacts were made to the SAMHSA participants in the National Problem-Solving Courts Summit hosted by the CCJ/COSCA Court Management Committee. GRO staff met with Cheri Nolan, Senior Advisor to the Administrator, on 10/18/06. Cheri has a background with the US Department of Justice and understands the important role of state courts. She indicated a willingness to work with GRO to increase state court access to SAMHSA funds. ✓ The President's FY 2008 budget calls for a reduction in funds available for mental health treatment and prevention. A SAMHSA budget briefing was held on 2/15/07. ✓ ***SAMHSA's FY 2008 budget proposal includes $31.8M for drug courts within the Center for Substance Abuse***

		Treatment (CSAT) criminal justice activities program. ✓ *Senators Richard Durbin (D-IL) and Charles Grassley (R-IA) are drafting legislation that would establish incentives for states to implement an electronic log book that documents purchases of drugs that could be used to manufacture methamphetamine.*

	Position:	Strategies:	Status:
4. Appropriations – Homeland Security DHS programs have a major impact on courts because of the security requirements on public institutions, technology standards for information sharing, and funding for disaster planning and implementation. The effect on courts has not been recognized in either legislative language or administrative regulations. *(Dimas)*		Use state court contacts to approach members of the security-related Congressional committees. Educate the Department of Homeland Security officials on state court needs. Utilize the expertise of the CCJ/COSCA Security Preparedness Committee to promote the court agenda.	✓ GRO staff continue to make entreaties to the DHS, such as meeting with Director Tracey Trautman of the Office of State and Local Government Coordination and Preparedness (OSLGCP). She highlighted their recommendation that state DHS plans should to include a state court representative and indicated a willingness to issue a memo to encourage collaboration and consideration of state court needs. ✓ GRO staff met with Kerry Kinirons of the House of Representatives Committee of Homeland Security on 5/9/06. Her direct boss is Representative Peter King (R-NY). We asked for greater access to DHS funding for state courts. As a follow-up to this meeting, we have shared with her examples of funding and court consultation language from DOJ programs such as VAWA and Juvenile Justice. ✓ GRO staff met with staff to Senator Joe Biden (D-DE) regarding the possible establishment of emergency preparedness funding for the state courts on 12/5/06. We have followed up by sending them draft language patterned after the Court Improvement Program (CIP) for disbursement of funds to state courts. ✓ We agreed on legislation with Senator Biden's staff on the creation of an emergency preparedness grant program for state courts. The bill is patterned after the CIP. Senator Biden is deciding on whether to introduce the legislation as a stand alone bill or as an amendment to another bill. ✓ The emergency preparedness grant bill will be a part of an omnibus package containing other related provisions. Senator Biden will be the chief sponsor of this bill. ✓ ***Congressman Earl Permutter (D-CO) successfully added an amendment to the Homeland Security authorization bill (HR 1684) that would make state courts eligible for a variety of Department of Homeland Security (DHS) grants, including the Urban Area Security Initiative (UASI) program and State Homeland Security Grants. The next step for HR 1684 is floor consideration in the***

		House of Representatives. ✓ *It was announced on 4/18/07 that Anne P. Petera had been appointed as Assistant Secretary for Intergovernmental Programs. Ms. Petera previously worked in Virginia state government, including the VA Office of the Attorney General. The new Office of Intergovernmental Programs includes elements of the previous Office of State and Local Coordination. GRO staff will set up an appointment with Ms. Petera.*

5. **Children and Families – Child Welfare Reform** (a) The Keeping Families Together Act (S 382) has been introduced to assist families with children with serious emotionally disturbed children. Parents that cannot afford the needed mental health services for their children currently must voluntarily relinquish custody to the state child welfare agency in order to get services for their children. These cases are filed as dependency cases and must be processed and overseen by the courts as any other dependency case. (b) The Administration continues to promote optional block grants for federal child welfare funds. (c) The Kinship Caregivers Support Act (S 661) has been introduced to provide funding for subsidized guardianship. *(Farley)*	**Position:** Open Courts CCJ 01-M-20 COSCA 01-M-II Pew Commission CCJ 04-A-15 CCJ 04-A-16 CCJ 05-M-30 COSCA 04-A-15 COSCA 04-A-16 COSCA 04-M-1 ICPC CCJ 05-M-31 COSCA 04-M-	**Strategies:** Advocate CCJ/COSCA policy positions to Congress and the Children's Bureau. Solicit support of CCJ/COSCA policy positions from other associations and child welfare advocates. Educate the Senate Finance Committee staff and House Ways and Means Human Resources Subcommittee staff and other targeted Congressional staff on the important role state courts and financial needs of state courts.	**Status:** ✓ Representative Jim Ramstad (R-MN) reintroduced the Keeping Families Together Act of 2007 (HR 687) on 1/24/07. HR 687 would establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children. Senator Susan Collins (R-ME) introduced the companion bill (S 382) on the same date. ✓ The President's FY 2008 budget again offered state child welfare agencies the option of a flexible block grant instead of the current entitlement structure. Details of how the new block program would work have not been made available. ✓ The Pew Partners are pushing 3 issues with a variety of Hill and media events. The campaign is entitled "Kids Are Waiting". The issues are (1) restructuring child welfare financing, (2) funding for subsidized guardianship, and (3) transition support for children aging out of foster care. A briefing on the Pew Commission recommendations for finance restructuring was held on 3/12/06. The majority of the speakers were foster parents and foster children. Also on 3/12/07, Senator Hillary Clinton (D-NY) held a press conference in New York to discuss the need for additional support for kinship care. Senator Clinton introduced the Kinship Caregiver Support Act (S 661) on 2/16/07. The legislation would give states flexibility to use federal funds to make guardian assistance payments to relatives who have assumed legal guardianship of foster children. ✓ ***The Safe Babies Act of 2007 was introduced by Senator Tom Harkin on 2/15/07 and endorsed by the Senate Judiciary Committee on 3/26/07. The legislation would provide funding to promote the Court Teams concept, which was developed in the Miami-Dade Juvenile Court by Judge Cindy Lederman and Joy Osofsky, a child development expert. The problem-solving court approach is used for parent-infant intervention.***
6. **Children and Families – Juvenile Justice and**	**Position:**	**Strategies:** Monitor and report.	**Status:** ✓ The JJDPA is authorized until the end of FY 2007. To date,

Delinquency Prevention Act Congress will consider the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA). The major provisions of JJDPA are currently authorized through the end of FY2007. *(Dimas)*			no hearings have been held on the reauthorization, but key committee staff has been reaching out to juvenile justice stakeholders. A key issue to be addressed from the state court viewpoint is in maintaining our traditional purview in dealing with juvenile justice delinquency cases.
7. **Children and Families – New Child Support International Treaty** The US is currently not a party to any international Convention related to the establishment and/or enforcement of child support and other family maintenance obligations. A Special Commission was established in 2003 to develop of new international child support convention. One of the objectives of the Special Commission is to craft a Convention to which the US could become a party. *(Farley)*	**Position:**	**Strategies:** Analyze the drafts of Convention language for impact on state courts. Participate on the Administrative Cooperation Workgroup and the Forms Committee to insure that state court concerns are considered. Work with CCJ and COSCA to develop a policy response to the draft Convention. Coordinate with the Department of State (DOS) and the Office of Child Support Enforcement (OCSE) and advise them of any state court concerns prior to Special Commission meetings and Drafting Committee meetings.	**Status:** ✓ Kay Farley continues as a member of the National Child Support Association's delegation to participate in the Special Commission meetings and participates in on-going consultations with officials from the Department of State and the Office of Child Support Enforcement. ✓ The US Department of State had an Experts Meeting on new Hague Convention for 4/20/06. Kay Farley worked with the State Department to include judges and court administrators in the consultation. Court representatives include Lee Suskin (VT State Court Administrator), Judge Kristin Ruth (NC), Chief Magistrate Peter Passidomo (NY), and Magistrate Jodie Metcalf (MN). ✓ The Special Commission met on 6/19-28/06 for what was hoped to be the last negotiation session, so that the diplomatic session to approve the convention could occur in the Spring of 2007. While significant progress was made, there are unresolved issues about the scope of the convention for family maintenance obligations beyond child support and the level of services required of parties to the convention. ✓ ***The last negotiation session is scheduled for May 6-16, 2007 and the diplomatic session will be in November 2007. The current draft of the convention is Working Doc. 98, which is on-line for review along with material. http://www.hcch.net/index_en.php?act=progress.listing&c***

		at=3

8. **Children and Families – Use of Federal Child Support Incentive Payments** The Deficit Reduction Act of 2005 (PL 109-171) eliminated the practice of allowing state child support agencies to use their federal incentive payments as state match to draw down additional federal dollars. Implementation of this provision is 10/1/07. States that are unable to restructure their funding schema will see a reduction in their federal funding. *(Farley)*	**Position:**	**Strategies:** Monitor and report. Assist CCJ/COSCA to develop a policy response and adopt a resolution at their upcoming annual meeting.	**Status:** ✓ On 3/6/07, the House Ways and Means Subcommittee on Income Security and Family Support held a hearing on the impact of the Deficit Reduction Act of 2005. Following the hearing, Subcommittee Chairman Jim McDermott (D-WA) introduced the Child Support Protection Act of 2007 (HR 1386) on 3/7/07 to repeal the provision that prohibited use of federal incentive funds paid to a state to be used as state match to draw down additional federal amounts for state child support enforcement expenditures. ✓ Senator John Rockefeller (D-WV) introduced the companion bill (S 803) also on 3/7/07.
9. **Collection of Court Fines, Fees, and Restitution** Legislation is being developed to assist state courts in collecting debt through the offset of federal tax returns. *(Dimas)*	**Position:** CCJ 03-M-15 COSCA 02-M-2	**Strategies:** Seek sponsor and cosponsors for legislation allowing the offset Consider updated CCJ/COSCA resolution	**Status:** ✓ GRO staff has promoted the issue with other likeminded organizations such as NGA, NACO, NLC, USCM and NCSL ✓ IRS and FMS object to our proposal because of two concerns: 1) protection of taxpayer confidentiality and 2) it could hurt taxpayer compliance. GRO staff is working on responding to the above objections. ✓ Representative Phil English (R-PA), a Ways and Means Committee member, agreed to carry the proposal in the House in 109th Congress. ✓ Senator Gordon Smith along with Senator Chuck Schumer (D-NY) introduced the court fee intercept bill (S 3512) on 6/15/06. The Senate Finance Committee approved S 3512 along with S 1321, the Excise Tax Repeal Act, and S 832, the Taxpayer Protection Assistance Act, on 9/14/06. ✓ Both of these bills had good support in the Senate and in the House. However, the rush for lawmakers to leave Washington and campaign for the November elections

		doomed these measures and many others. It is expected that this legislation will be reintroduced in the 110th Congress. ✓ ***We have gotten assurances from staff to Senators Schumer and Smith that this bill will be re-introduced. Congressional staff are identifying legislation to attach this bill, as was done in the last Congress.***

10. Federalism – Incentives for Attorneys to Enter Public Service The legislation is designed to encourage qualified individuals to enter and continue employment as criminal prosecutors and public defenders. Eligible applicants would sign an agreement committing to remain employed as a prosecutor or defender for not less than 3 years. For each year of fulfillment, the applicant student loans would be paid by the US government at a rate of no more than $10,000/year for a maximum of $60,000 for all years spent in such employment. *(Mize)*	**Position:** *CCJ adopted a resolution in favor of this kind of legislation on 2/7/07.*	**Strategies:** Monitor and report. Encourage Congress to enact a separate program to create incentives for Legal Aid attorneys.	**Status:** ✓ Senator Richard Durbin (D-IL) introduced the John R. Justice Prosecutors and Defenders Incentive Act of 2007 (S 442) on 1/31/07. On 3/1/07, the Senate Judiciary Committee marked up S. 442 and favorably reported it to the full Senate. Five amendments were approved without objection: (1) only attorneys working full time will qualify, (2) juvenile delinquency litigators will be included, (3) provision for fair allocation of repayment benefits, (4) study of the impact of law school accreditation requirements on law school costs, and (5) preference given to attorneys with lower salaries and greater debt. ✓ ***The favorably reported bill was filed on 4/10/07 (S Rep. No. 110-51). The CCJ Resolution supporting this type of legislation was made part of the official record by Senator Durbin. No full Senate action has been scheduled yet.*** ✓ ***The House Judiciary Committee has not scheduled action on a companion bill.***
11. Federalism – International Issues Most bilateral and multilateral Free Trade Agreements (FTAs) include provisions that enable foreign investors to bring international arbitration actions to challenge the actions of American courts. The US agreements under the General Agreement on Trade in Services (GATS) may limit the authority of state Supreme Courts to	**Position:** CCJ 04-A-26 CCJ 06-A-4 CCJ 06-A-5	**Strategies:** Collaborate with other state and local governmental organizations, bar groups, and the U.S. Trade Representative (USTR). Establish an active consortium is established opposing the Chapter 11 process. Establish an ongoing dialogue with USTR and Congress. Advocate for consideration of alternative approaches by USTR.	**Status:** ✓ At the 2006 Annual Meeting Australian bar officials met with the CCJ Professionalism Committee and International Agreements Committee. The Australians offered 3 proposals: (1) That lawyers admitted to practice in Australia who are providing advice on Australian or international law in the US for periods of less than 90 days be allowed to do so with no special permission (a fly-in, fly-out situation); (2) That lawyers admitted to practice in Australia who wish to provide advice on Australian or international law in the US for periods greater than 90 days be able to be admitted as foreign legal consultants (FLCs) in all US jurisdictions, that FLC provisions be as uniform as possible throughout the US, & that they not include age, length of practice, and commercial presence requirements, at least for Australian lawyers, since they are not needed given the Australian licensing system; and (3) That lawyers who received a law degree from an Australian law school and were admitted to

regulate admission to practice law. (*Van Duizend*)			practice in Australia be able to sit for the bar in any US state. ✓ At the 2007 Midyear Meeting, CCJ adopted two resolutions: The first urges state supreme courts to consider allowing graduates of Australian law schools to sit for their bar examinations; the second urges the ABA Section on Legal Education to consider developing a process for recognizing law schools in common law countries as equivalent to ABA-accredited law schools. ✓ WTO trade negotiations have resumed, including discussions regarding lowering barriers for trade in services (such as legal services) and development of international standards on admission to professional practice. ✓ ***The US has entered into FTAs with Panama and Korea. Both include investor/state dispute resolution provisions that permit challenges to state court decisions before ad hoc international arbitration tribunals. These new Free Trade Agreements must be approved by Congress by June 30.*** ✓ ***The Trade Promotion Act which prohibits Congressional amendments to FTAs expires on June 30. A bill extending this Act is expected to be introduced soon.***

12. Federalism – Preemption of State Law Senator Thomas Harkin (D-IA) and others introduced the Competitive And Fair Agricultural Markets Act of 2007 on 2/15/07. The bill outlaws a long series of actions with respect to the production and marketing of agricultural products. It mandates the US Secretary of Agriculture to aggressively enforce its provisions in federal courts. And, significantly, the legislation would: create a private cause of action in state courts, create personal jurisdiction in state courts over alleged wrongdoers, and annul any state law that is inconsistent with its provisions. *(Mize)*	**Position:** CCJ/COSCA have consistently opposed legislation that preempts state policies and oversteps principles of federalism.	**Strategies:** Monitor and report; work with legislators and their staff members to help them appreciate the local impacts created by these bills.	**Status:** The Senate Committee on Agriculture, Nutrition and Forestry has not yet scheduled any action.

B. Other Issues with Activity

13. Appropriations – Budget Proposal for FY 2008 The Administration released it's FY 2008 budget proposal impacting many of the programs that are of interest to state courts, e.g., Byrne JAG grants, NCHIP, OJJDP, etc. *(Dimas)*	**Position:**	**Strategies:** Attempt to add generic language re: court access to funding (VAWA model). Work with key appropriations staff on subcommittee. Make selective contacts with key members of Congress.	**Status:** ✓ Congress approved three continuing resolutions (CRs) to keep the federal government running. The most recent CR will expire 2/15/07. The new Democratic leadership of the 110th Congress intends to pass another CR, without Congressional earmarks, that would leave the federal government at FY 2006 levels for the rest of FY 2007. The notion of approving any funding bill free of earmarks is drawing concern. ✓ The House approved a long-term CR that would fund the federal government for the remainder of FY 2007 on 1/31/07

		(HJ Res 20). Generally, the CR gives more money to social programs like education and health. It appears that law enforcement is given a modest increase, as well. The next step is for the Senate to consider this legislation. ✓ The President submitted his proposed budget for FY 2008 on 2/5/07. The FY 2008 budget calls for renewed consolidation of DOJ Divisions and grant programs, including the elimination of the Juvenile Delinquency Prevention Office. Congress must still sign off on these proposed changes and they have not been supportive of them in the past. ✓ ***Congress has been holding hearings evaluating the President's recommendations for federal programs. It is expected that the smaller appropriations bills will be marked up as we head into the summer and the larger ones (Commerce-Justice, Labor-HHS) will be taken up later on in the summer or maybe in the fall.***

14. Children and Families – Intercountry Adoption The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption is a multilateral treaty among signing countries and provides a framework for the adoption of children from one Convention country by individuals resident in another Convention country. The U.S. implementing legislation is the Intercountry Adoption Act of 2000 (IAA). The US Department of State is taking steps to move the US closer to ratification of the Convention. *(Farley)*		**Strategies:** Monitor and report	**Status:** ✓ The US Department of State (DOS) issued a final rule on 3/17/06, moving the US closer to ratification of the Convention, which requires accredited and approved service providers before the Convention can be brought into force. ✓ The DOS published two proposed rules for public comment that will move the US closer to ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. On 6/16/06, the DOS published a proposed rule that would establish procedures for the DOS to issue certificates that children have been adopted from the US or a declaration that custody (for the purpose of adoption) has been granted in accordance with the Convention and the IAA. On 6/22/06, the DOS published a proposed rule that would expedite the orphan visa processing for children being adopted and brought to the US to confirm the child's eligibility to enter and permanently reside in the US. ✓ DOS published the final rule (22 CFR Part 97) on 11/2/06 to establish procedures for DOS to issue certificates for children adopted from the US or a declaration that custody (for the purpose of adoption) has been granted in accordance with the Convention and the IAA. The final rule brings the US another step closer to ratifying Hague Convention. US ratification is expected to occur in 2007. ✓ DOS published a final rule (22 CFR Part 99) that will require adoption service providers (public and private) to report on the adoption of children emigrating from the US as a result of adoption. ✓ DOS officials are now estimating that the US will be able to file documentation necessary to join the Adoption Convention by the end of 2007. After the documentation is filed, there is a 90 day waiting period. The Adoption Convention is expected to be effective in the US on 4/1/08.
15. Court Administration – Social Security Numbers Protection	**Position:** CCJ 02-A-29	**Strategies:** Urge Congress to consider the costs of redacting social security numbers from	**Status:** ✓ Then COSCA President Mike Buenger testified before the Social Security Subcommittee of the Ways and Means

Various legislative proposals have been introduced to protect Social Security Numbers (SSNs) in public documents and from viewing over the Internet. *(Dimas)*	COSCA 02-A-I	court records. Work toward a solution by sharing best examples of state court innovations in the area of protecting individual privacy while maintaining traditional court access. Monitor and report.	Committee on 6/15/04 regarding HR 2971. He outlined the CCJ/COSCA Public Access Guidelines project, the use of SSNs by the courts and offered to work cooperatively with the Congress to craft a solution to this issue. HR 2971 died in the 108th Congress. ✓ Representative Shaw introduced HR 1745 in the 109th Congress, which was similar to HR 2971. Representative Shaw was amenable to changing the bill to allow the "incidental" appearance of SSNs in court documents. SSNs that appear in ancillary documents to a court case would not incur a violation penalty. Only the SSNs that a court (or government agency) requests would have to be protected. We will still be pushing to incorporate best practices in this area that courts have undertaken. Another privacy bill (S 1332) was introduced on 7/5/05and listed COSCA as an organization to contribute to a report to be prepared by the Comptroller General. ✓ Mary McQueen testified before the House Ways and Means Subcommittee on Social Security on behalf of COSCA on 3/30/06. She outlined the CCJ/COSCA Court Management Committee best practices for protecting SSNs while at the same time maintaining traditional public access to court records and committed to working with Congress to obtain a solution. ✓ ***While several bills have been introduced this year in the Congress on identity theft, it appears that this issue is not as high of a priority as it has been.***
16. Criminal - Criminal History Records Legislation has been introduced to create a new grant program to assist state courts to improve the automation and transmittal to Federal and State record repositories of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic	**Position:**	**Strategies:** Monitor and report.	**Status:** ✓ Representative Carolyn McCarthy (D-NY) introduced the NICS Improvement Act of 2005 (HR 1415) on 3/17/05. The legislation would create a new grant program to assist state courts to improve the automation and transmittal of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories. The Attorney General would make grants to each state. HR 1415 would authorize $250 million/year for each of the fiscal years 2006 – 2008. ✓ The House Judiciary Subcommittee on Crime, Terrorism,

violence, court orders, and mental health adjudications or commitments. *(Farley)*			and Homeland Security had several mark ups of HR 1415 along with two bills (HR 1384 and HR 5005) that would make dramatic changes in gun control laws by easing dealer's reporting requirements. ✓ Representative McCarthy reintroduced her NICS Improvement Act of 2007 (HR 297) on 1/5/07.
17. Criminal – Re-entry Legislation to Support the Return of Ex-Offenders to Their Communities The Second Chance Act of 2005 (HR 1704) would reauthorize and expand provisions regarding adult and juvenile offender reentry demonstration projects, including authorization of funds to: (1) provide structured post-release housing and transitional housing; (2) facilitate specified collaboration to promote the employment of people released from prison and jail; (3) carry out programs that support children of incarcerated parents; and (4) establish or expand the use of reentry courts. The legislation also sets forth grant priorities and requirements. *(Farley)*	**Position:**	**Strategies:** Monitor and report	**Status:** ✓ The Second Chance Act of 2005 (HR 1704) was introduced by Representative Rob Portman on 4/19/05. The House Homeland Security Subcommittee on Crime and Terrorism held a hearing on 2/8/06 and approved the bill for full committee consideration on 2/15/06 by a voice vote. ✓ The Senate companion bill (S 1934) was introduced by Senator Arlen Specter (R-PA) on 10/27/05 and was referred to his Judiciary Committee. There has been no further action in the Senate. ✓ On 7/19/06, the House Judiciary Committee marked-up HR 1704, but did not complete action on the legislation. The panel is expected to resume consideration of the measure on 7/26/06. ✓ Before adjourning, the panel gave its voice vote to several amendments including an amendment presented by Representative John Conyers (D-MI) that would authorize $10M for fiscal 2007-2008 for grants to special state and local courts that would monitor juvenile and adult offenders returning to the community. The funds would be used to provide drug and alcohol testing and treatment as well as mental health services. ✓ It is expected that this legislation will be reintroduced in the 110th Congress. ✓ ***Representative Danny Davis introduced the Second Chance Act of 2007 (HR 1593) on 3/20/07. The House Judiciary Committee endorsed the bill on 3/28/07. Senator Joseph Biden introduced a similar bill, Recidivism Reduction and Second Chance Act of 2007 (S1060) on 3/29/07.***

18. Federalism - Eminent Domain Both Houses of the 109th Congress looked at bills to prohibit Federal funding and restrict tax benefits from accruing to any state agency or anyone else who would acquire private property from an unwilling owner through eminent domain for economic development purposes. Although the Senate and House versions differed significantly, both were in direct response to the 2005 decision of the U.S. Supreme Court in *Kelo v. City of New London, Connecticut.* *(Mize)*	**Position:**	**Strategies:** If re-introduced, work with legislators and their staff members to help them appreciate the local impacts created by these bills.	**Status:** ✓ CCJ President Shepard sent a letter to the chairman and ranking member of the House Judiciary Committee reminding them that CCJ opposed legislation like HR 4772 in the 105th Congress [1999]. Nevertheless the full House passed HR 4772 on 9/29/06. ✓ As his predecessor did with respect to the House, current CCJ President Bell sent a letter to the chairman and ranking member of the Senate Judiciary Committee reminding them of CCJ's opposition to legislation like HR 4772. The Senate did not consider HR 4772. ✓ S 48 was introduced on 1/4/07. It is similar to S 1896 (109th Congress), which would deny federal tax benefits to land owners who acquire property through certain types of eminent domain. Condemning authorities would also suffer the loss of federal tax benefits for authorizing those types of condemnations. ✓ Enactment of S 48 and bills like HR 4772 is unlikely in the 110th Congress.
19. Other - Federal Judiciary Ethics Reform Legislation has been introduced in both Houses of Congress to address ethics reform for federal judges. S 2202 would establish a fund to support federal judges' participation in private seminars and would require federal judges to disclose financial interests that could impact their impartiality. S 2678 and HR 5219 would establish an Inspector General for the federal judicial branch to investigate possible misconduct. *(Farley)*	**Position:**	**Strategies:** Monitor and report	✓ Senator Charles Grassley (R-IA) introduced S 2678, the Judicial Transparency and Ethics Enhancement Act of 2006 on 4/27/06. Representative James Sensenbrenner (R-WI) introduced the House companion bill (HR 5219). The legislation would establish the Office of Inspector General for the federal Judicial Branch, to be headed by an Inspector General appointed by the Chief Justice to: (1) investigate matters pertaining to the Judicial Branch, including possible misconduct in office of justices and judges; (2) conduct and supervise audits and investigations; and (3) prevent and detect waste, fraud, and abuse. The legislation would also provide for whistleblower protection. The House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on 6/29/06. ✓ Senator Grassley reintroduced the Judicial Transparency and Ethics Enhancement Act of 2007 (S461) on 1/31/07. On the same day, Representative Sensenbrenner) introduced HR 785, the companion bill.

20. Other - Federal Rules of Civil Procedure – Rule 11 The House of Representatives *adopted HR 420* on 10/27/05 to apply new, stringent sanctions on attorneys under a pre-1993 version of Rule 11 of the Fed. Rules of Civil Proc. in state court cases **if** the state court determines the case "affects interstate commerce". It would have also mandated new jurisdiction and venue provisions for personal injury cases filed in state or fed courts, i.e., plaintiffs would have to file suits where they live, where they are injured or where the defendants' principal business is located. *(Mize)*	**Position:** CCJ 05-M-26 (opposing federal usurpation of state court authority)	**Strategies:** If re-introduced, work with Congress to get CCJ's objection on the record. Selectively approach legislators with CCJ's arguments against the bill.	**Status:** ✓ The Senate Judiciary Committee did not schedule any action on the bill. ✓ This and other "tort reform" bills are not likely to be adopted in the 110th Congress.
21. Other - Habeas Corpus Overhaul Legislation in both Houses of the 109th Congress would have amended the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") to streamline federal court procedures for collateral review of habeas corpus petitions from state prisoners. The House and Senate bills would have made it more difficult for prisoners to file multiple or amended federal habeas petitions. The complex legislation would, among other things, bar federal judges from hearing appeals based on a sentencing error if a state judge found the error to be "harmless	**Position**: CCJ and COSCA adopted Joint Resolution 16 [August 2005] urging the Senate & House Judiciary Committees to delay further action affecting the filing and processing of habeas corpus petitions until a study can be completed. The study	**Strategies:** Work cooperatively with the Congress and the U.S. Judicial Conference to identify problems related to AEDPA. Assist in the development and implementation of strategies to address identified problems.	**Status:** ✓ The reauthorization of the US Patriot Act in 2006 contained two provisions from the bills pending in committee. The "opt-in" proposal is now law. The Attorney General of the United States (not a federal habeas court) now decides if a state's procedures for providing defense counsel to a petitioner qualifies for a quicker consideration of the petition under chapter 154 of the AEDPA. The Patriot Act also provides that, once an attorney is appointed for a petitioner, any stay of execution expires no later than 90 days after appointment. ✓ In addition, the Military Commissions Act of 2006, Pub. Law 109-366, restricted habeas corpus review of military commission proceedings. ✓ It appears unlikely that sweeping habeas corpus overhaul will occur in the 110th Congress. Indeed, there already appears to be movement toward re-establishing habeas corpus review of military commission orders.

or not prejudicial," unless the state judge's finding is "contrary to clearly established federal law." The legislation would have nullified several U.S. Supreme Court decisions (2 of which clarify how time requirements are calculated under current law; the other regarding clemency review). *(Mize)*	would evaluate whether current habeas corpus statutes have led to unwarranted delays in dispositions and, if so, whether there are less disruptive solutions than the far-reaching measures contained in these bills.		
22. Other - Lobbying Reform Both Houses of Congress are considering lobbying reform legislation in response to recent scandals. The legislation includes provisions that attempt to crack down on earmarks. *(Farley)*	**Position:**	**Strategies:** Monitor and report	**Status:** ✓ The House adopted H Res 6 on 1/5/07, which overhauls the ethics and lobbying rules. The new rules require disclosure of the sponsor of earmarks and certification that the sponsors would not personally benefit from the earmarks financially. The rule package also creates a new "pay-as-you-go" point of order that would prevent consideration of legislation affecting mandatory spending or revenues that would increase the deficit or reduce the surplus. ✓ The Senate considered S 1, which was introduced by Senate Majority Leader Harry Reid (D-NV) to provide greater transparency in the legislative process. S 1 closely mirrors H Res 6. ✓ The Senate approved S 1 on 1/18/07 by a vote of 96-2. S 1 has now been referred to the House for consideration.
23. Other – Recognition of Notarization in State Courts The 109th Congress considered legislation to require State and Federal State courts to	**Position:**	**Strategies:** Monitor and report	**Status:** ✓ The House passed HR 1458 in late 2006. The Senate did not act on it. ✓ It is unclear this legislation will proceed further in the 110th

recognize a notarization made by a notary public licensed under the laws of other states when such notarization occurs in or affects interstate commerce *(Mize)*			Congress.

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Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date
January 30, 2007

To
Members of the Judicial Council

From
William C. Vickrey
Administrative Director of the Courts

Stephen H. Nash
Acting Director, Finance Division

Subject
Circulating Order: CO-07-02
Allocation of Additional One-Time Funding for Court Security Costs

Action Requested
Voting Members (Only) Sign and Return Via Fax

Deadline
February 2, 2007

Contact
Stephen H. Nash
Acting Director
Finance Division
415-865-7584 phone
415-865-4331 fax
stephen.nash@jud.ca.gov

The purpose of this circulating order is to secure Judicial Council approval to allocate funding from the Trial Court Trust Fund to address, on a one-time basis, a portion of a security funding shortfall for courts where security spending in the first six months of this fiscal year exceeds the current funding standard.

While many courts provided the required information needed to determine the funding allocation for fiscal year (FY) 2006–2007, complete and accurate information was not provided by most courts until late fall, after the council had already approved tentative funding. (Some courts have indicated disagreement with the standard and its funding implications, but this issue will need to be referred to the Working Group on Court Security for further review at a future date.)

Issue Statement

Development of court funding allocations for security costs in the current fiscal year has required iterations of court surveys and taken several months to complete. At the Judicial Council

meeting in October 2006, the council approved an allocation of funding to address mandatory security funding cost increases for FY 2006–2007. However, many of the specific court allocations were still unconfirmed and based on incomplete data submitted by the courts or county. Most of the specific court allocations were finalized in January, with the remainder to be finalized in February. Based upon an application of the approved court security funding standards, ten courts will incur actual mandatory security cost increases that are in excess of the recommended funding levels based upon approved funding. The delay of the allocation in the current fiscal year diminishes the ability of courts to implement actions necessary to absorb projected excess costs.

When decisions on annual allocations are made after the start of each fiscal year and such actions require the court to reduce funding or reallocate internal budget resources, the Judicial Council, has, at times, provided one-time bridge funding to facilitate the change. The Administrative Director of the Courts met with the presiding judge of the Superior Court of Los Angeles County on November 22, 2006, and stated that if one-time funding were available a similar recommendation would be made to the Judicial Council next year. He was subsequently notified in early 2007 that such a recommendation would be made this year.

Recommendation

Administrative Office of the Courts (AOC) staff recommends that the Judicial Council approve $6.05 million in one-time funding from the Trial Court Trust Fund to provide one-time transitional funding representing 50 percent of the funding gap for those courts whose mandatory security costs exceed their current funding standard.

Discussion

The total new funding dedicated to mandatory cost increases for security costs in FY 2006–2007 is $24.3 million. This $24.3 million consists of approximately $20.0 million of FY 2006–2007 State Appropriations Limit (SAL) funding, and approximately $4.3 million in ongoing unallocated funding remaining from FY 2005–2006 SAL security funding. When the courts were first surveyed in May 2006, it initially appeared that the cost for funding security cost increases would be as high as $44 million.

In view of this potential shortage of funding, staff analyzed salary and benefits information provided by the courts and it appeared that the courts were incorrectly reporting salary and benefit costs. Consequently, a follow-up survey was developed and distributed to the courts in September 2006. When these surveys were submitted to the AOC in October, it was found that a majority of the courts miscalculated mid-step salaries, included some benefits that are not allowable, and inadvertently reported incentive pay and certain benefits at the highest levels, rather than at average or actual rates. Some courts were not able to provide the background data that was needed to verify the information that was submitted.

As a result of the need to acquire accurate data, staff conducted research to confirm the actual mid-step compensation for various counties for security staff, verify retirement rates, and contact

each court or sheriff to determine actual average costs for incentive pay and benefits. Because of the excessive time required to compile and confirm this information, allocations for courts with confirmed costs were not completed until January.

Courts Whose Costs are Above Security Standard Levels

As displayed on Attachment 2, most courts are funded below the approved funding standard, with some courts substantially below the standard. However, after application of the standards, ten courts have costs that exceed standard funding levels. Normally, courts with confirmed costs are advised of the security funding level they would receive at the beginning of each fiscal year. Since courts were not notified of their funding status until the fiscal year was almost half over, staff believes that transitional funding would be appropriate to allow these courts to take action to manage any difference between actual costs and funding. We note, however, that courts have the discretion to allocate existing court resources, including reserves, to address security funding needs for the current year. Nevertheless, it is recommended that 50 percent of the difference between the actual costs and the funding standard in the current year be allocated to these courts, to minimize any funding difficulties (see Attachment 1 for detailed, court by court analysis).

As stated in council meetings, consistent with meetings with the Governor, meetings have been scheduled with the security working group, sheriff's leadership and lobbyists, and Judicial Council and AOC representatives, to develop long term solutions to be recommended by the Judicial Council and sheriffs to the Governor.

Court System	Proposed One-Time Allocation	Additional Funding as Percentage of Total
Amador	$1,867	0.0%
Lassen	17,082	0.3%
Los Angeles	5,569,826	92.1%
Marin	35,796	0.6%
San Luis Obispo	111,435	1.8%
Santa Barbara	122,814	2.0%
Shasta	20,242	0.3%
Siskiyou	11,720	0.2%
Trinity	76,822	1.3%
Tulare	77,446	1.3%
	$6,045,050	**100.0%**

Comments from Interested Parties

This item has not been previously circulated for comment. The Chair of the Judicial Council's Executive Committee recommends approval and has voted to approve this proposal. He also requests that court security be discussed at the next Judicial Council Issues meeting.

Implementation Requirements and Costs

Funding in the amount of $6.05 million in one-time Trial Court Trust Fund monies would be needed to implement this recommendation.

Voting Members

- Please indicate your vote, sign, and FAX the signature pages attention Roma Cheadle at 415-865-4332 by 5:00 p.m., February 2, if possible.
- If you are unable to reply by February 2, please do so as soon as possible.
- Additionally, return the *original* signature page to the Secretariat Office, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California, 94102-3660. Please keep a copy for your records.

Advisory Members

The circulating order is being faxed to you for your information only. There is no need to sign or return anything.

WCV/SHN/VV
Attachments

Court Security Funding for Courts Funded at 100 Percent of Security Standards

A	B	C	D	E	F	G	H	I
Court System	FY 05-06 Court Security Requests	FY 05-06 Court Security Expenditures	Beginning Base Budget FY 2006-2007 (Ongoing)	FY 06-07 Court Security Requests (Adjusted)*	Total Court Security Budget Based on Standards & Other Costs	Funding Needed to Get to Standard (Difference from Beginning Base Budget and Standard) and Approved Allocation	Additional Funding Needed to Fund Security Requests (Adjusted) in Excess of Standard	Recommended 50% Additional Funding Needed to Fund Security Requests (Adjusted)
						F-D	E-F	H*.5
Amador	$ 382,010	338,884	$ 382,010	$ 514,671	$ 510,936	$ 128,926	$ 3,735	$ 1,867
Lassen	260,567	226,237	222,257	256,497	222,333	76	34,164	17,082
Los Angeles	129,926,419	134,879,202	129,926,419	146,528,816	135,389,165	5,462,746	11,139,651	5,569,826
Marin	2,376,809	2,225,121	2,197,566	2,383,475	2,311,882	114,316	71,593	35,796
San Luis Obispo	2,558,973	2,991,635	2,448,213	2,879,070	2,656,199	207,986	222,871	111,435
Santa Barbara	4,818,315	4,099,899	4,668,885	4,955,911	4,710,283	41,398	245,627	122,814
Shasta	1,596,058	1,778,527	1,285,570	1,690,954	1,650,470	364,900	40,484	20,242
Siskiyou	612,691	443,484	612,691	599,541	576,101	(36,590)	23,440	11,720
Trinity	223,368	Unknown**	177,086	298,102	144,459	(32,627)	153,643	76,822
Tulare	3,805,800	3,654,386	3,570,763	3,805,186	3,650,294	79,531	154,892	77,446
Total							**$ 12,090,100**	**$ 6,045,050**

*Excludes costs that are not SB1396 allowable, funding for staffing above previously funded service levels, costs above approved service and supply and vehicle standards, and radio and communication costs being deferred for one-time funding.

** Includes Acting Marshall

*** Unknown - Court Employees

Attachment 2

Court System	Funding as a Percent of Standard
Alameda	94.25%
Alpine	Incomp. Info
Amador	100.00%
Butte	86.95%
Calaveras	59.04%
Colusa	67.55%
Contra Costa	86.42%
Del Norte	74.34%
El Dorado	78.55%
Fresno	85.43%
Glenn	82.08%
Humboldt	88.97%
Imperial	67.26%
Inyo	53.91%
Kern	78.79%
Kings	64.81%
Lake	54.77%
Lassen	100.00%
Los Angeles	100.00%
Madera	38.87%
Marin	100.00%
Mariposa	49.63%
Mendocino	78.27%
Merced	64.78%
Modoc	24.64%
Mono	91.85%
Monterey	86.40%
Napa	82.56%
Nevada	89.90%
Orange	99.21%
Placer	59.59%
Plumas	88.95%
Riverside	66.19%
Sacramento	95.60%
San Benito	53.46%
San Bernardino	99.06%
San Diego	85.50%
San Francisco	76.34%
San Joaquin	66.59%
San Luis Obispo	100.00%
San Mateo	73.02%
Santa Barbara	100.00%
Santa Clara	99.56%
Santa Cruz	76.81%
Shasta	100.00%
Sierra	Incomp. Info
Siskiyou	100.00%
Solano	81.75%
Sonoma	87.76%
Stanislaus	78.98%
Sutter	68.41%
Tehama	69.57%
Trinity	100.00%
Tulare	100.00%
Tuolumne	67.67%
Ventura	98.10%
Yolo	89.88%
Yuba	62.75%

The Judicial Council of California

The Judicial Council approves the: Allocation of Additional One-Time Funding for Court Security Costs

My vote is as follows:

☐ Approve ☐ Disapprove ☐ Abstain

Ronald M. George, Chair	Raymond G. Aragon
Marvin R. Baxter	Anthony P. Capozzi
Candace D. Cooper	Ellen Corbett
Peter P. Espinoza	Terry B. Friedman
Thomas V. Girardi	Richard D. Huffman
Jamie Jacobs-May	Dave Jones

My vote is as follows:

☐ Approve ☐ Disapprove ☐ Abstain

Suzanne N. Kingsbury	Carolyn B. Kuhl
Thomas M. Maddock	Charles W. McCoy, Jr.
Barbara J. Miller	Eileen C. Moore
Dennis E. Murray	Barbara J. Parker
J. Michael Welch	

Date:

Attest: _____

Administrative Director of the Courts
and Secretary of the Judicial Council