

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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Report

TO: Members of the Judicial Council

FROM: Policy Coordination and Liaison Committee
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DATE: October 23, 2009

SUBJECT: Legislative Policy Guidelines (Action Required)

Issue Statement

On behalf of the Judicial Council, the Policy Coordination and Liaison Committee takes positions on more than 90 bills each legislative session and monitors more than 1,000 bills. In the past, the Office of Governmental Affairs (OGA) updated the council's Legislative Policy Guidelines annually, setting forth the council's historical policies on key legislative issues. The guidelines have not been updated recently, and the attached document brings them current.

Recommendation

The Policy Coordination and Liaison Committee (PCLC) recommends that the Judicial Council adopt the attached update to the Judicial Council's Legislative Policy Guidelines through the 2009 legislative year.

Rationale for Recommendation

The Office of Governmental Affairs monitors legislative activity and represents the council before the Legislature and the Governor's Office. OGA provides information and advice to advisory committees and the PCLC on pending legislation so that council positions may be formulated. The Legislative Policy Guidelines sets forth concise council policy guidelines regarding court-related legislative proposals. The document helps ensure that council members, advisory committee members, and Administrative Office of the Courts staff have a common understanding of council policy on issues presented in proposed legislation. The updated document reflects the council's most recent positions on legislative issues and how those positions are derived from the Judicial Council's strategic plan. The

Legislative Policy Guidelines also define the Judicial Council's limited purview when considering pending legislation.

Alternative Actions Considered

N/A

Comments From Interested Parties

None.

Implementation Requirements and Costs

N/A

Attachment



Legislative Policy Guidelines

HISTORICAL SUMMARY OF
LEGISLATIVE ACTIVITY

OCTOBER 2009



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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Legislative Policy Guidelines: Historical Summary of Legislative Activity

The Judicial Council's Office of Governmental Affairs monitors legislative activity and represents the council before the Legislature, the Governor's Office, and executive branch agencies. The following summary of council action sets forth concise council policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six Judicial Council strategic plan goals. The table that follows each policy guideline shows actions taken on legislation that illustrates the policy. The table does not include every bill on which a council position was taken.

When viewing the document electronically, hyperlinks can be used to view text of the bill. This document is updated annually and shows positions taken since 2000.

General Principles

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally takes no position on bills involving substantive law unless matters of court administration are likely to be affected. The council may take a position on an apparent issue of substantive law if issues of procedure and substance are so inextricably intertwined that they directly affect court administration or judicial discretion or negatively affect existing judicial services by imposing unrealistic burdens on the system.

LEGISLATIVE ACTIVITY

I. COURT OPERATIONS

A. COURT STRUCTURE

The council supports a structure of general jurisdiction to increase court efficiency and flexibility in the use of judicial resources. To the extent that specialty calendars (e.g., drug courts, dependency drug courts, domestic violence courts, etc.) are established in the trial courts, the council supports evaluation and development of best practices.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 851	Steinberg	2007	Oppose unless amended; neutral if amended	Authorizes superior courts to establish and implement mental health courts, which may operate a preguilty plea program or a deferred entry of judgment program. Authorizes the California Department of Corrections and Rehabilitation to contract with a superior court and county to use mental health courts as a program for parolees with serious mental illnesses who either violate the terms of parole or receive new terms, as an alternative to custody. As proposed to be amended, a parolee's participation in the mental health court program would be voluntary, and the parolee would be required to sign a waiver indicating agreement that participation in the program is in lieu of parole revocation proceedings. Parolees would remain under legal custody of the Department of Corrections and Rehabilitation.	II	Inappropriately creates shared jurisdiction over parolees.
ACA 38	DeVore	2006	Oppose	Provides that the Supreme Court has original jurisdiction, and no other state court has jurisdiction, in any civil action challenging the facial validity of any statewide initiative measure or referendum placed on the ballot by signature petition of the voters and approved by the voters at a statewide election. Requires the Supreme Court to issue its decision within 90 days of the filing of the action and establishes a 90-day statute of limitations for civil actions challenging the facial validity of this type of initiative measure or referendum.	II	

JUDICIAL COUNCIL OF CALIFORNIA – GUIDING PRINCIPLES

Goal I – Access, Fairness, and Diversity

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1453	Daucher	2005	Oppose	Creates new water courts to adjudicate cases involving the production of groundwater.	II	Interferes with court administration.
SCA 16	Runner	2005	Oppose	Provides that Los Angeles County shall be divided into judicial districts established by three special masters appointed by the Supreme Court within 30 days after the effective date of the measure. Provides that each district must be geographically compact and contiguous to the extent practicable and consist of no more than 36 superior court judges. The districts must also comply with the federal Voting Rights Act.	I, III, IV	
AB 2472/ SB 1424	Wolk/ Burton	2004 2004	Oppose unless amended; neutral if amended	Creates the California Tax Court, which would replace the State Board Equalization (BOE) as the forum that would hear and determine certain tax appeals. Provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the California superior court. The bills provide further that, within 90 days of the date that a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal.	II	Amendments sought to eliminate use of terms "court" and "judge" and to allow review by extraordinary writ only.

B. COURT FUNDING

The council supports funding of the courts at a level that will ensure an adequate and stable source of necessary resources. The council generally opposes funding the courts by fees or fines but departs from this general position in certain circumstances.

1. Budget

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 93	Florez	2005	Neutral	Allows Tulare County to pay any interest and penalties owed to the Trial Court Trust Fund and the Trial Court Improvement Fund over a period of 10 years.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 750	Mullin	2005	Oppose	Authorizes San Mateo County to reduce the amount it is required to remit to the state for funding court operations by 10 percent for 3 years beginning on July, 1 2005.	IV	
SB 324	Florez	2003	Oppose unless amended	Forgives nonremittance of revenues by Tulare County to the Trial Court Trust Fund.	III	Amendment sought to add an appropriation to reimburse the Trial Court Improvement Fund.
SB 1343	Torlakson	2002	Neutral	Forgives retroactive repayment of MOE amounts to the Trial Court Trust Fund.	IV	
SB 1396	Dunn	2002	Support	Clarifies allowable and unallowable costs for court security.	IV	
SB 1153	Johannessen	2001	Oppose	Provides that costs related to court security in counties with a population of less than 103,000 shall be paid by the state.	IV	
AB 2459	Wiggins	2000	No position	Requires the council to adopt rules to provide for public access to budget allocation and expenditure information.	II, IV	

2. Fees, fines, penalties

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1826	Beall	2008	Sponsor	Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the same as the first paper filing fee in unlimited civil actions.	III	
AB 367	De León	2007	Sponsor	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.	III	
AB 1248	Evans	2007	Sponsor	Makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents according to demand for production,	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				increases the cap on habeas investigations costs paid by the Supreme Court, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions.		
AB 145	Committee on Budget	2005	Sponsor	Establishes statewide uniform first-paper and first-response paper fees at three graduated levels: the filing fee for limited civil cases where the demand is less than or equal to \$10,000 is \$180; the filing fee for limited civil cases where the demand is greater than \$10,000 but less than \$25,000 is \$300; and the filing fee for unlimited civil cases is \$320.	II, III, IV	
SB 246	Escutia	2004	Sponsor	Allows courts, in addition to counties, to refer delinquent fines to the Franchise Tax Board.	II, III	
AB 934	Reyes	2003	Oppose	Adds a \$25 filing fee for deposit in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County.	II	
SB 940	Escutia	2003	Sponsor	Requires the Judicial Council to adopt guidelines for a comprehensive collections program, establish a collaborative court-county working group on collections, and report on the effectiveness of collections programs.	II, III	
AB 1819	Robert Pacheco	2002	Support	Removes the \$100 minimum requirement to identify and collect delinquent fines and forfeitures with or without a warrant and provides that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program.	II, III	
AB 2690	Cardoza	2002	Oppose	Requires each court to submit to the Bureau of State Audits an annual financial statement showing outstanding delinquent fines.	II, III	
SB 1969	Machado	2002	Oppose	Requires the court to collect fees charged by the DMV for certificates of completion issued by traffic violator schools.	II, III	

C. COURT FACILITIES

The council seeks ways to fund necessary courthouse construction projects on a statewide basis.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SBX2 12	Steinberg	2009	Sponsor	Provides for the continuous appropriation of revenue created by SB 1407 (Stats 2008, ch. 311) to support courthouse construction projects. Creates an expedited authority process for trial court construction projects.	I, II, III, VI	
SB 1407	Perata	2008	Sponsor	Authorizes a \$5 billion program for the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil first paper filing fees and criminal and traffic fees and penalties to generate the revenue to fund future revenue bonds.	I, III, VI	
SB 10	Dunn	2006	Cosponsor	Revises the Trial Court Facilities Act of 2002 to allow buildings with a seismic level V rating to transfer to the state so long as counties remain liable for earthquake-related damage, replacement, injury, and loss to the same extent that they would have been liable if the responsibility for court facilities had not transferred to the state.	I, III	
SB 1375	Lowenthal	2006	Support if amended	Requires the state to become a party to any public-private partnership agreement entered into by a county that involves a capital lease for construction of replacement court facilities and to become the lessee.	II, III	Amendment sought to remove requirement that the state participate in negotiations with counties and private developers regarding the construction of a new court facility.
AB 262	Berg	2005	Oppose	Prohibits the Judicial Council from requiring that a structure proposed for transfer from a county to the state for court occupancy meet a building code stricter than the standard adopted for the county buildings in the county proposing the transfer.	II, III	
AB 1435	Evans	2005	Support	Adds expenditures on "court facilities" to the list of allowable uses of local courthouse construction funds.	III	
SB 395	Escutia	2005	Sponsor	States the intent of the Legislature to enact the California Court Facilities Bond Act of 2006 to acquire, construct, and finance court facilities.	I, III, VI	

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AB 688	Nakanishi	2003	Oppose	Requires the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities under Senate Bill 1732 (Escutia); Stats. 2002, ch. 1082.	II	April 28, 2003, amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds. Council opposition withdrawn.
SB 655	Escutia	2003	Sponsor	Authorizes the issuance of bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund.	I, III, VI	
SB 1732	Escutia	2002	Cosponsor	Establishes a process for the transfer of responsibility for court facilities from the counties to the state.	I, II, III, VI	

D. COURT MANAGEMENT

1. *Personnel issues*

The council seeks to maintain the ability of the judicial branch to manage relationships between courts and court employees and independent contractors such as court reporters and court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 752	Wiggins	2009	Support	Requires that counties in joint PERS contract with a court, prior to issuing a pension obligation bond (POB), (1) identify court employees as of January 1, 2001, (2) require PERS to complete an actuarial analysis, and (3) reach agreement with the court on the financial and legal impact of the POB on the court's employer contribution rate.	II	
AB 276	Solorio	2007	Oppose	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 would remove the right to bargain with employee organizations over the use of temporary or limited-term employees.	II, III	
AB 553	Hernandez	2007	Oppose	Eliminates or delays the courts' ability to seek	II, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				injunctive relief when court employees or when county employees strike and essential court employees will not cross a picket line. Removes a court's ability to seek injunctive relief in superior court for the return of a limited number of employees instead. Requires all injunctive relief to be sought through Public Employment Relations Board.		
AB 582	Evans	2007	Oppose unless amended and funded	Increases the fee for the original and copies of court reporter transcripts for three consecutive years by a specified amount and then annually by the Consumer Price Index.	I, IV	As amended May 23, 2007, council position changed to take no position on amount of transcript rate increase (if funded), support the uniform transcript standards, and oppose unless amended to address increased costs for low-income litigants.
AB 1797	Bermudez	2006	Oppose	Prohibits use of limited terms for work that is an integral part of the long-term, regular work of the trial court.	II	
SB 733	Aanestad	2005	Oppose unless amended	Requires the assets and liabilities of the Superior Court of Butte County and the County of Butte to be kept in separate accounts within the Public Employees Retirement System fund.	II, III	Amendment sought to delete the requirement that assets and liabilities be split and instead require the Judicial Council to report to the Legislature by January 1, 2006, on how to fairly resolve the issues raised in Butte and Solano Counties.
AB 782	Kehoe	2003	Oppose unless amended	Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations.	II, III	
SB 371	Escutia	2002	Support	Establishes the Trial Court Interpreter Employment and Labor Relations Act, providing for the employment and compensation of certified and registered trial court interpreters.	II, III	
SB 2011	Burton	2002	Support	Establishes the Workers' Compensation Fund. Allows the courts to be uninsured for workers' compensation in the same way the state, as an employer, is uninsured.	II, III	
AB 1571	Shelley	2001	Oppose	Eliminates the statutory "at pleasure" status of the Supreme Court and Court of Appeal employees.	II, III	

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SB 2140	Burton	2000	Support	Establishes the trial court as the employer of court employees.	III	

2. Management and administration

The council closely examines the fiscal and resource implications of any legislative proposal that places additional responsibilities on court administration. When appropriate, the council informs the Legislature of the need for additional resources to carry out new legislatively imposed responsibilities or seeks to improve the efficiency of the new procedure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 996	Anderson	2009	Oppose	Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	II, III	
AB 1338	Anderson	2009	Oppose unless funded	Authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. Also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program.	III	
AB 2357	Duvall	2008	Oppose unless amended	Requires the Judicial Council to develop and implement policies and procedures for the protection of personal information maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. Requires the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States.	III, IV	Sought amendment to direct the Judicial Council to take a comprehensive look at protecting personal information and to develop policies and procedures that are in the best interests of the public.
AB 112	Wolk	2007	Oppose	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.	III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 117	Beall	2007	Oppose	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.	III	
SB 57	Alarcon	2005	Oppose	Authorizes a county board of supervisors to levy a \$2 penalty assessment for every \$10 in base fine, for seat belt, speed limit, DUI, and domestic violence offenses.	III	Imposed undue burden on court case management systems.
SB 324	Florez	2004	Oppose unless amended to include an appropriation to the Trial Court Improvement Fund	Validates the incorrect distribution of fines, forfeitures, and penalties made by the County of Tulare to the State Treasurer for deposit in the Trial Court Improvement Fund in FY 1996–1997 to 1999–2000.	II, IV	
SB 1801	Flores	2004	Oppose	Prohibits any state or local agency or court that accepts a credit card or debit card as a payment from imposing any processing fee or charge for the use of that card that is not also imposed upon persons who pay by cash or check.	II, III	
AB 3036	Corbett	2002	Oppose unless funded	Increases the accountability of guardians by assisting courts in overseeing guardianship cases and helps ensure proper care and treatment for wards.	II, III	
SB 1361	Brulte	2002	Oppose	Provides that in Riverside and in San Bernardino Counties, the chief probation officer shall be appointed and removed for good cause by a majority of the respective boards of supervisors.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1421	Thomson	2001	Oppose unless funded	Authorizes a new involuntary outpatient treatment scheme for certain mentally ill persons. Sets forth new court duties for implementing this program.	III	

E. COURT HOURS

The council seeks to maintain adequate access to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1641	Keene	2003	Sponsor	Improves procedures authorizing the Chief Justice to issue orders during an emergency.	I, II, IV	

II. THE JUDICIARY

A. JUDGESHIPS

The council is committed to ensuring adequate judicial resources in the courts. The council advocates creation of additional trial and appellate court judgeships in order of most severe need and according to an orderly statewide review.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 159	Jones	2007	Sponsor	Authorizes the creation of the second set of 50 judgeships, to be allocated using the council's allocation methodology.	I, II, III, IV	
SB 56	Dunn	2005	Sponsor	Authorizes 50 additional judges based on the uniform criteria and allocation approved by the Judicial Council in the Judicial Needs Study. Requires the Judicial Council to report to the Legislature biannually on the continuing need for new judgeships and their allocation based on the same uniform criteria.	I, II, III, IV	
SB 1857	Burton and Hertzberg	2000	Support	Authorizes 20 new trial court judgeships and 12 appellate justice positions.	I, II, III, IV	

B. JUDICIAL SERVICE

To ensure the ability to attract and retain highly qualified judges, the council supports appropriate increases to judicial salaries, and an adequate,

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fully funded retirement plan for judges. The council also seeks ways to improve the administration of justice in areas related to judicial retention, including (1) benefits, wellness subsidies, professional development allowances, personal leave, and supplemental life, disability, or liability insurance; (2) health-care benefits, including services and programs; (3) compensation and retirement; (4) “quality of judicial life” resources and programs; (5) mentorship programs; and (6) special needs of and programs for new and retired judges.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 32	Lieu	2009	Support	Enhances Internet privacy protections for judicial officers.	II, III	
AB 545	Walters	2008	Support	Amends the Judges’ Retirement System II (JRS II) statute to allow a judge who is on leave from the bench because of active duty service in the military to elect to purchase retirement service credit by repaying his or her missed contributions to JRS II.	II, III	
SB 1187	Ackerman	2006	Sponsor	Permits a judge in the Judges’ Retirement System II who leaves judicial office after five or more years of service and is not eligible to retire to elect to receive the amount in his or her retirement account as an annuity.	II, III	
SB 1364	Battin	2006	Support	Protects privacy of judicial officers.	II, III	
AB 1035	Spitzer	2005	Support	Prohibits any state or local agency from hosting or providing service to an Internet Web site that posts a public safety official’s home address or telephone number.	II, III	
AB 1595	Evans	2005	Support	Prohibits selling or trading for value on the Internet the home address or telephone number of any elected or appointed official who has made a written demand to not disclose his or her home address or telephone number.	II, III	
SB 506	Poohigian	2005	Support	Extends existing voter registration confidentiality programs to include a public safety official.	II, III	
SB 528	Ackerman and Dunn	2005	Cosponsor	Declares the Legislature’s intent to evaluate the impact of trial court unification on the judges’ retirement systems and the resulting increase in the judges’ age at the start of their judicial service.	II, III	
AB 2905	Spitzer	2004	Support	Requires that an employing governmental entity reimburse moving and relocation expenses if it is necessary to move because a judge or court commissioner has received a credible threat that a life-threatening action may be taken against the	II, III	Improve quality of judicial service.

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				judge or his or her immediate family as a result of judicial employment.		
AB 2688	Alquist	2002	Support	Establishes a burial benefit in the amount of \$7,500, subject to cost-of-living increases, for all active and retired judges.	III	

C. SELECTION AND ELECTION OF JUDGES

The council seeks to avoid politicizing the election process and supports a process that is fair and clear to candidates and informative to voters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
ACA 1	Nation	2001	Oppose	Eliminates elections to fill judicial vacancies, providing instead that the Governor shall fill vacancies. Provides that all judges appear on the ballot uncontested, with the question presented about whether the candidate shall be elected.	II, III	

D. COMMISSIONERS, REFEREES, AND TEMPORARY JUDGES

The council supports clarification of the status, powers, and duties of commissioners, referees, and hearing officers.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 942	Committee on Judiciary	2009	Support	Permits the conversion of up to 10 additional subordinate judicial officer (SJO) positions to judgeships each year. Recognizing the importance of assuring that judges who are accountable to the public are serving in critical case types, AB 942 allows the additional conversions if they would result in a judge being assigned to a family law or juvenile law calendar previously assigned to an SJO.	I, II, IV	
AB 159	Jones	2007	Sponsor	Authorizes the conversion of 162 subordinate judicial officer positions to judgeships upon vacancy.	I, II, IV	
AB 1698	Committee on Judiciary	2002	Sponsor	Permits the conversion of eligible subordinate judicial officer positions to judgeships.	I, II, IV	

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III. PROCEDURAL LAW

A. CIVIL PROCEDURE

The council supports measures that reduce delay and make court operations more efficient. It also seeks to protect the exercise of judicial discretion in matters of civil litigation. The council generally supports judicial arbitration and other alternative dispute resolution (ADR) programs and procedures that are likely to assist in the equitable disposition of cases but advocates limiting the use of court-ordered discovery references to exceptional circumstances.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 5	Evans	2009	Sponsor	Amends the Civil Discovery Act to expressly authorize the discovery of electronically stored information and authorizes the “copying, testing or sampling” of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.	III, IV	Improves administration of justice.
AB 839	Emmerson	2009	Support	Requires Medi-Cal service providers with a complaint or grievance concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program to follow specified Department of Health Care Services complaint procedures. In lieu of allowing providers to seek “appropriate judicial remedies” to appeal the department’s decision, instead specifies that the provider who has complied with these procedures may, within the time period prescribed in existing law, file a petition for a writ of mandate under section 1085 of the Code of Civil Procedure in the superior court.	III, IV	Improves administration of justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 259	Benoit	2009	Oppose	Provides that if a court voids any results of a homeowners' association election for one or more Common Interest Development (CID) board members, the court shall not invalidate a decision of the board that was reached after the board was seated by that election unless the court finds that the action of the board was contrary to law or the governing documents.	II	Interferes with court discretion.
AB 225	Beall	2008	Support	Reenacts the elder abuse protective orders statute and expands its scope to allow the court, in its discretion and on a showing of good cause, to extend the protection to include the petitioner's named family or household members, as well as the petitioner's conservator. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued under the bill's provisions.	III, IV	Enhances courts' ability to provide protection to elder abuse victims and improves access to justice.
AB 2193	Tran	2008	Support	Enacts the Interstate and International Depositions and Discovery Act. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding and provides that a request for relief in this regard would be filed in the superior court in the county in which the discovery is sought, with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate Court of Appeal.	IV	Improves administration of justice and enhances court administration.
AB 2379	Evans	2008	Oppose	Provides that an appeal from an order granting or denying a motion to seal or unseal a court record may be made by filing an extraordinary writ petition or notice of appeal. If a party seeks an appeal, requires that the record relating to the matter and the opening brief be filed within 30 days of notice of entry of the trial court's order. Requires the clerk of the reviewing court to set the appeal for a hearing on the first available court date.	II	Interferes with appellate court calendaring authority.
SB 1608	Corbett, Harman, Steinberg,	2008	Neutral	Requires a court, in civil actions involving construction-related accessibility claims, to issue an order, upon request, that grants a 90-day stay of the	IV	Encourages early resolution of these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
	Runner, and Calderon			action and schedules a mandatory early evaluation conference (EEC) if the defendant has satisfied certain requirements relating to inspection of the site at issue by a certified access specialist. Provides that the court must schedule an EEC between 21 and 50 days after issuance of the stay order and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined.		
AB 500	Lieu	2007	Support	Specifies generally that a party may appear by telephone in all general civil cases at case management conferences and other specified conferences, hearings, and proceedings. Provides that a court may require a party to appear in person at such hearings, conferences, or proceedings if the court determines, on a hearing-by-hearing basis, that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.	I, IV	Improves access to the courts and conserves resources.
AB 1264	Eng	2007	Neutral	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.	IV	Improves administration of justice.
AB 2303	Committee on Judiciary	2006	Sponsor (of specified provisions)	Clarifies the procedures governing a change of name; makes service times for elder abuse protective orders consistent with other protective orders; authorizes courts to receive notice to appear citations for non-parking Vehicle Code violations electronically if the court has the ability to receive the information and reproduce it in a printed form; and extends the sunset date on existing statutory authority for courts to impose modest monetary sanctions on jurors who fail to respond to a jury summons.	IV	Improves administration of justice and enhances court administration.
SB 1116	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	IV	Improves the courts' ability to provide oversight of these cases.
SB 1550	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	IV	Improves the courts' oversight of these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 355	Tran	2005	Oppose	Authorizes the court in any action involving joint and several liability to “instruct the jury on the effect of finding any party, including, but not limited to, the State of California, partially liable.”	II, III	Would create confusion; interferes with judicial function.
AB 496	Aghazarian	2005	Support if amended	Requires the clerk to maintain the original summons in the court file.	III	Improves court administration and conserves resources.
AB 1322	Evans	2005	Cosponsor	Modifies grounds for disqualification to require more than casual discussions regarding prospective employment with providers of alternative dispute resolution services.	II, IV	Avoids unnecessary disqualifications of judges.
AB 1742	Committee on Judiciary	2005	Sponsor	Deletes the sunset on Code of Civil Procedure section 128.7, thereby continuing the courts’ ability to impose sanctions for the filing of frivolous lawsuits. Clarifies and streamlines small claims court procedures, extends the sunset of the security fee, and requires that acceptance of an offer to compromise a lawsuit must be in writing.	III, IV	Improves administration of justice and enhances court administration.
SB 575	Torlakson	2005	Oppose unless amended	Establishes calendar preference for actions to enforce provisions of the Anti-NIMBY Law.	II, III	Interferes with court administration.
AB 3078	Committee on Judiciary	2004	Sponsor	Makes several noncontroversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for nonpayment.	III, IV	Improves administration of justice and enhances court administration.
SB 1249	Morrow	2004	Oppose	Provides that the word “hearing,” when applied to any demurrer, motion, or order to show cause, signifies oral argument by moving and opposing parties on a record amenable to written transcription, which shall be had unless affirmatively waived by the parties.	II, IV	Unnecessary; interferes with judicial function.
AB 2321	Hertzberg	2002	Sponsor	Clarifies the process for tort claims filed against judicial branch entities.	III	Eliminates confusion and streamlines the handling of cases.
AB 3027	Committee on Judiciary	2002	Sponsor	Makes various improvements to civil procedure.	III	Improves administration of justice and enhances court administration.

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1. *Alternative dispute resolution*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 202	Harman	2005	Support	Provides that filing a petition to compel arbitration under Code of Civil Procedure section 1281.2 is the exclusive means by which a party to an arbitration agreement may seek to compel arbitration of a controversy alleged to be subject to that arbitration agreement.	III, IV	Would conserve judicial resources by eliminating unnecessary side litigation over issues.

2. *Small claims*

The council advocates a small claims court system that provides a speedy, fair, and inexpensive alternative for resolving conflicts of low monetary value. It also supports adequate funding for small claims human resources in all counties.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 712	Evans	2009	Support	Specifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief when a statute expressly authorizes a small claims court to award that relief. Expressly provides that this legislation does not expand nor encourage the expansion of the jurisdiction of the small claims court.	I, IV	Improves administration of justice.
AB 1873	Lieu	2008	Sponsor	Clarifies that a court is authorized to charge the same fees for postjudgment motions related to the enforcement of a small claims judgment that a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of \$10 from either party who makes more than one <i>pre-service</i> request to postpone a small claims trial. Provides that this fee would be assessed only after a party has already been granted one prior postponement.	III, IV	Improves administration of justice and enhances court administration.
AB 2846	Feuer	2008	Support	Provides that if a dispute exists between the owner of a separate interest and a homeowners' association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of the small claims court, the owner of the separate interest may pay	I, IV	Improves access to the courts.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				under protest the disputed amount and all other amounts levied, including certain fees, costs, and other specified amounts, and commence an action in small claims court.		
SB 1432	Margett	2008	Support	Increases the jurisdiction of the small claims court from \$4,000 to \$6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services.	I, IV	Improves access to the courts.
AB 2455	Nakanishi	2006	Support	Provides that the small claims court has jurisdiction in an action brought by a natural person against the Registrar of the Contractors State License Board as the defendant guarantor holding a contractor's cash deposit if the amount of the demand does not exceed \$7,500.	I, IV	Enhances access to the courts.
AB 1459/ SB 422	Canciamilla	2005	Oppose unless amended, support if amended	Increases the jurisdiction in small claims court from \$5,000 to \$7,500 for actions brought by natural persons.	I, III, IV	Enhances access to the courts by raising jurisdictional amount to \$7,500; proposal to expand jurisdiction to \$10,000 is opposed because it would add too much complexity for small claims.

3. Summary adjudication/summary judgment

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2961	Wayne	2002	Oppose	Authorizes a motion for summary adjudication of a legal issue or claim of damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty if brought upon stipulation of the parties whose claims or defenses are put at issue by the motion.	II	Interferes with courts' management of litigation.

4. Unlawful detainer

The council supports efforts to reduce delays and abuses in unlawful detainer actions and seeks to ensure that processes are not overly burdensome to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1126	Eng	2007	Support	Provides that in unlawful detainer actions and other	II, IV	Improves administration of justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				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.		
AB 664	Jones	2005	Support	Allows the court to list legal service providers not funded by the federal Legal Services Corporation on unlawful detainer notices.	I, IV	Ensures best information on legal service providers for UD defendants.
SB 345	Kuehl	2003	Oppose unless amended	Denies access to unlawful detainer records until 60 days following the date final judgment has been entered in favor of the landlord after a trial or summary judgment motion.	III	Administrative record keeping requirements unduly burdensome on the courts.

B. CRIMINAL PROCEDURE

1. *Criminal and capital case processing*

The council seeks to expedite the resolution of criminal cases at the trial and appellate level. It also seeks to maintain the courts' ability to efficiently and effectively manage the procedures and administration of the court system while improving the delivery of justice to the public and to protect the exercise of the judicial discretion in criminal cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 250	Miller	2009	Support	Requires a criminal defendant's withdrawal of a waiver of his or her speedy trial time limits to be done in open court.	III, IV	Improves court efficiency by ensuring all parties have notice of change in case status.
SB 431	Benoit	2009	Support	Improves probation transfer procedures.	III, IV	
SB 678	Leno and Benoit	2009	Support in concept	Creates the California Community Corrections Performance Incentive Act to provide sustainable funding for improved, evidence-based probation supervision practices and capacities to improve public safety outcomes among adult felons who are on probation.	IV	Furtheres Judicial Council goals to improve sentencing practices and outcomes.
AB 2166	Tran	2008	Support	Clarifies appellate jurisdiction in bail forfeiture proceedings by allocating these cases between the	III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				Courts of Appeal and the superior court appellate divisions the same way they were allocated before unification of the municipal and superior courts. Bases jurisdiction of a bail forfeiture appeal on the underlying criminal charge and the stage of the proceeding at which bail was forfeited.		
SB 1257	Morrow	2006	Oppose	Revises and regulates the capital appeals process.	II	
SB 330	Cedillo	2005	Support	Requires a criminal action to be dismissed if a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after the date of the reinstatement of criminal proceedings under the provisions of law governing the mental competency of defendants.	III	Allows for more efficient case management.
AB 2011	Firebaugh	2004	Oppose	When determining whether to allow a defendant who has pleaded guilty or no contest to be admitted to or to remain out on bail, requires a court to consider the same factors that must be considered after a verdict has been rendered against a defendant.	II	Unnecessary; will result in lengthy hearings.
AB 2173	Parra	2004	Oppose unless amended	Provides that the court must require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of judgment that the person has signed and dated the statement or attach the statement to the abstract.	III	Will significantly lengthen court proceedings. Neutral if amended to provide defendant with information more efficiently.
SB 58	Johnson	2004	Support in concept	Directs courts and district attorneys to establish means of protecting confidentiality of information in police reports.	IV	Protects local control; clarifies authority to establish procedures.
SB 977	Johnson	2004	Oppose	Prohibits the live or delayed broadcasting of any criminal action until a verdict is rendered.	II, IV	Unnecessary; interferes with judicial function.
AB 1306	Leno	2003	Sponsor	Provides that if a person is sentenced under Proposition 36, probation jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	III, IV	
AB 1435	Koretz	2003	No position	Authorizes a court in a criminal case to order a party that has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction.	N/A	Unnecessary; judges currently have this authority.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1653	Mullin	2003	Oppose	Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal.	II	Unnecessary; interferes with judicial function.
SB 131	Sher	2003	Support	Reclassifies as an infraction the possession of small amounts of marijuana.	III, IV	Increased court efficiency.
SB 761	McPherson	2003	Oppose unless amended	Prohibits accepting an undertaking of bail if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid.	II, III	April 30, 2003, amendments eliminate requirement that the court determine solvency of bail agency. Opposition withdrawn.
AB 2159	Cardoza	2002	Oppose unless amended	Requires courts, after arraignment, upon conviction, and when a judgment has been pronounced, to determine if a defendant has custody of any child under the age of 18 years and inquire as to the proper care of that child if the defendant is in custody or remanded to custody.	II, III	Inefficient; ineffective; will significantly lengthen court proceedings.
AB 2211	Horton	2002	Oppose	Provides that a representative of the community affected by a crime may submit a Community Impact Statement.	II, III	Unnecessary; result in lengthy hearings.
AB 2563	Vargas	2002	Oppose	Requires the agency discharging a person who posts bail on charges of domestic violence to serve that person with a protective order, without court involvement but enforceable as a court order.	II	Interferes with judicial functions.
AB 241	Dickerson	2001	Oppose	Prohibits the court from striking prior convictions in DUI cases.	II	Interference with judicial functions.
AB 299	Rod Pacheco	2001	Support	Grants a court exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses.	II	Streamlines court procedures.

2. Sentencing and other judicial decisionmaking

The council seeks to preserve judicial discretion and the independence of the judicial function in sentencing matters. The council does not take positions on the length or severity of sentences for crimes but supports efforts to simplify the criminal sentencing structure.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 908	Berryhill, T.	2009	Oppose	Requires the court, if probation is granted, to order the payment of the reasonable costs of any probation supervision or conditional sentence as a condition of probation.	II	Introduces inappropriate issues into judge's sentencing decision.
SB 59	Huff	2009	Oppose	Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	
AB 2609	Davis	2008	Oppose unless amended	Requires, when appropriate and feasible, that a court order a defendant convicted of vandalism to clean up, repair, and replace the damaged property or keep the damaged property or another property in the community free of graffiti for up to one year.	II	Sought amendment to give the court sufficient flexibility to ensure that the required sanction will be imposed when appropriate and feasible.
AB 1424	Davis	2007	Oppose unless amended	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.	II	Sought amendment to delete the Penal Code section 1050 provisions because it is more effective and appropriate to have the court determine whether there is good cause for a continuance on a case-by-case basis.
AB 1660	La Malfa	2007	Oppose	Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding.	II	Inappropriately interferes with court's authority.
AB 1551	Runner	2005	Oppose unless amended	Among other things, prohibits a court from striking an allegation, admission, or finding of a prior conviction under Penal Code section 1385 for defendants who are convicted of certain sex offenses.	II	Sought amendment to strike the provision eliminating the court's authority under Penal Code section 1385 to dismiss an action in the furtherance of justice.
AB 623	Lieber	2003	No position	Requires the judge in a toxics case to consider whether the defendant has expressed remorse for the acts and whether the defendant has made an appropriate public apology that reflects that nature of the violation and the number of potential victims.	N/A	Outside purview.
SB 1497	Polanco	2002	Oppose	Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices.	II	Impossible to implement.

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C. TRAFFIC LAW

The council advocates use of simplified procedures in minor traffic cases to guarantee expedited disposition. It also supports development of statewide uniform rules, procedures, and forms to provide efficient handling of traffic cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 758	Plescia	2007	Support	Requires the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all driving instruction programs offered to traffic violators may be consolidated under the authority of the department.	III, IV	
AB 1464	Benoit	2007	Sponsor	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, rather than the usual 10 days, for response if the owner/violator was not present when the citation was issued.	III, IV	
AB 1932	Benoit	2006	Support	Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles (DMV) and declares the intent of the Legislature to have the DMV uniformly regulate all traffic violator schools.	II	Appropriately places regulatory function with the executive branch.
SB 1697	Torlakson	2004	Support	Consolidates administration of all sanctions related to the driving privilege imposed as a result of a driving-under-the influence conviction with the Department of Motor Vehicles.	IV	Increases efficiency; provides better service to the public.

D. JURY SYSTEM

The council supports efforts to ensure adequate numbers of jurors, achieve full use of jurors once they are summoned, ensure fair representation of the community served by the court, and provide adequate compensation of jurors. It also seeks to maintain plain-English jury instructions that accurately convey the law using language that is understandable to jurors.

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SB 319	Harman	2009	Sponsor	Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must elapse before a compliance action may be initiated.	III, IV	
AB 1769	Galgiani	2008	Oppose	Exempts all peace officers from jury duty in civil and criminal matters.	IV	Fundamentally opposed to categorically exempting individuals from jury duty.
AB 1828	Huff	2008	Oppose	Excuses from jury service, upon request, a prospective juror who has served as a precinct officer or precinct board member on a statewide or local election during the previous 12 months.	IV	
AB 1557	Feuer	2007	Support	Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.	IV	
SB 171	Alquist	2006	Oppose	Requires that any custodial interrogation of an individual relating to a felony offense be electronically recorded, and codifies a jury instruction to be used verbatim if a court finds that a defendant was subjected to an unlawful custodial interrogation.	I, IV	
SB 1281	Romero	2006	Support	Prohibits a state agency from entering into a contract for the acquisition of goods or services with a contractor who does not have or adhere to a written policy providing his or her employees with not less than five days of regular pay for actual jury service.	IV	
AB 513	Matthews	2003	Neutral	Requires the Judicial Council to adopt a rule of court by January 1, 2005, establishing procedures for jury service to give scheduling accommodations to parole, probation, and correctional officers.	III, IV	
AB 1180	Harman	2003	Sponsor	Clarifies that when a person is summoned but fails to appear for jury service, the court may impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing.	III, IV	Strengthens courts' ability to enforce orders.
AB 2925	Migden	2002	Support	Eliminates reimbursement for the first day of travel to the court for jury duty; increases reimbursement rate for second and subsequent days from 15 cents	IV	Part of larger effort to improve jury system.

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				to 34 cents per mile, one way.		

E. INTERPRETERS

To ensure access to justice, the council seeks to attract quality interpreters and meet the courts' caseload demands. It also supports increased compensation and standardized payment practices and procedure for court interpreters.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 663	Jones	2009	Sponsor interpreter-related provisions; no position on legal aid provision	Requires the Judicial Council to establish a working group to develop best practices to expand the use of interpreters and a pilot project to test the workability of the developed best practices.	I, III, IV	
AB 2227	Chu	2006	Support	Requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. Requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system.	I, IV	
AB 2302	Committee on Judiciary	2006	Support if funded	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. Specifies the priority for use of funding and interpreters provided for civil matters.	I, IV	
SB 927	Escutia	2001	Oppose unless funded	Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence.	I, IV	

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IV. SUBSTANTIVE LAW

A. JUVENILE DELINQUENCY

The council supports legislation to ensure that judges have sufficient discretion and placement and treatment options to fulfill their obligations to promote the rehabilitation and reintegration of juvenile offenders, the safety of the community, and accountability to victims.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1547	Beall	2007	Support	Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority.	II, IV	
AB 2496	Steinberg	2002	Oppose unless amended	Requires that the minor, the minor's counsel, and a probation officer personally appear before the court during each periodic review of the minor's detention.	II, III	Will significantly increase length of proceedings; neutral if amended to achieve goals in more efficient way.

B. JUVENILE DEPENDENCY

The council supports timely and expeditious determinations in dependency matters, as well as measures to enhance the available placement options for dependent children. It also supports efforts to clarify the procedures for declaring a child a dependent of the court and maintaining judicial discretion to terminate dependency.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 12	Beall	2009	Cosponsor	Sets forth the procedures for transitioning the Kin-GAP program to a program with federal financial participation. Sets forth procedures for providing foster care support to youth ages 18–21.	IV	
AB 131	Evans	2009	Sponsor	Authorizes the Judicial Council to implement a cost recovery program to collect reimbursement from parents for the cost of dependency counsel and directs that the recovered funds be used to reduce caseloads for attorneys.	I, IV	Promotes fairness outcomes in dependency proceedings.
AB 938	Committee on Judiciary	2009	Sponsor	Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained and notify the relatives that the child has been removed from his or her parents, and the means by which the relative might	IV	Engages relatives in dependency court to promote best interests of child.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				participate in the care of the child.		
AB 1405	Maze	2008	Support	Provides that information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings.	II, IV	Ensures court obtains necessary information.
AB 3051	Jones	2008	Support	Requires the court to determine whether a child age 10 or older who is not present was given an opportunity to attend the hearing. Provides that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend.	I, IV	Ensures that children can participate in proceedings.
AB 2130	DeVore	2006	Oppose	Requires the court to consider the religious, cultural, moral, and ethnic values of a child or of his or her birth parents before placing a dependent child for adoption.	I, II	Inappropriately limits judicial discretion.
AB 2480	Evans	2006	Support if funded	Requires the appointment of appellate counsel to represent a dependent child if the child is an appellant, or if the Court of Appeal determines that the child would benefit from the appointment of separate counsel.	IV	
SB 1667	Kuehl	2006	Support	Requires that the social worker provide foster parents with a caregiver information form and information on how to submit it to the court. Provides rights for caregivers to receive notice of postpermanency planning hearings.	IV	Ensures that court receives all relevant information regarding dependent children.
AB 519	Leno	2005	Sponsor	Allows the juvenile court to issue ex parte protective orders for parents and caretakers even without regard to the child's need for a protective order.	IV	Allows the juvenile court to protect families in an efficient, individualized manner.
AB 129	Pacheco	2004	Sponsor	Authorizes counties to implement dual-status (dependency and delinquency) protocol for children in juvenile court.	IV	Ensures adequate oversight for dual-need children.
AB 2627	Steinberg	2004	Support	Provides for pilot implementation of presumptively open dependency proceedings in courts selected by the Judicial Council.	I, IV	Promotes public trust in juvenile court.
AB 524	Haynes	2003	Oppose	Requires that a child who has been removed from his or her parents' custody be returned within five working days in certain circumstances.	III	March 26, 2003, amendments eliminated provisions related to criminal proceedings. Council opposition withdrawn.

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SB 59	Escutia	2003	No position, but seek amendments	Provides expedited appellate review of disputed placement orders in juvenile dependency cases.	N/A	June 11, 2003, amendments conform the writ process to the one established in Welfare and Institutions Code section 366.26(1).
AB 2336	Negrete McLeod	2002	Support	Requires that orders for the temporary removal of a prisoner to attend a hearing pertaining to parental rights must be issued at least 12 days before it is to be executed.	I, IV	Ensures access to proceedings for affected parties.
SB 2160	Schiff	2000	Sponsor	Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel.	I, IV	Improves ability of court to fulfill role in dependency cases.

C. FAMILY LAW

The council supports legislation consistent with its goal of increasing access to the courts. It also supports efforts to provide adequate assistance to pro per litigants in family law cases, as well as litigants who face language barriers. The council seeks to maintain judicial discretion to make family law decisions based on the best interest of the child. It also also seeks to clarify the process the court should follow and the factors the court can appropriately consider in family law cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 612	Beall	2009	Oppose	Prohibits the consideration of a “nonscientific theory” in a child custody matter, as defined, and disallows the admission into evidence of any child custody evaluation report that includes a nonscientific theory.	II, IV	Creates inconsistent and unworkable evidentiary standard.
AB 1822	Beall	2008	Oppose	Requires the court, in any proceeding to establish or modify spousal support, to deny spousal support to a party convicted of a sexual offense against a minor.	II	Inappropriately limits judicial discretion.
SB 1255	Harman	2008	Support	Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances.	II, IV	Ensures that court has relevant information in custody cases.
SB 1015	Murray	2006	Oppose	Requires the court to redact specified financial information from family law files.	II	Lessens public trust in court and imposes unnecessary administrative burdens.
SB 1482	Romero	2006	Oppose	Provides that a custodial parent has a presumptive right to change the residence of his or her child subject to the power of the court to restrain a change of residence. Requires the noncustodial	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				parent to make a prima facie showing of harm to the child that would result from the relocation, necessitating a change in custody, but would disallow consideration of the normal incident of moving.		
AB 1307	Dymally	2005	Oppose	Creates a rebuttable presumption that equal custody share is in the best interest of child.	II	Unduly limits courts' ability to make custody orders on a case-by-case basis.
SB 544	Battin	2005	Oppose	Prohibits parents convicted of certain offenses from having unsupervised contact with their children.	II	Overly restricts courts' ability to make custody orders in the best interest of child.
AB 2148	Diaz	2004	Oppose	Restricts the court from holding custody or visitation proceedings until after it has ruled on an application for attorney's fees.	II	Limits ability of court to act in best interest of children.
AB 2228	Garcia	2004	Support	Requires information sharing in cases pertaining to custody of children.	III, IV	Ensures well-informed court regarding child custody.
SB 730	Burton	2004	Oppose	Establishes presumptive right for a custodial parent to relocate with a child.	II	Unduly limits discretion of court to act in child's best interest.
SB 1616	Knight	2004	Oppose	Requires the court to state its reasons for making any spousal support order on the record and in writing.	II	Unnecessary and resource intensive.
SB 734	Ortiz	2003	Oppose	Restricts courts discretion to grant visitation.	II	Unduly restricts individual discretion.
SB 174	Kuehl	2002	No position	Requires the Judicial Council to select four nonconfidential mediation courts to implement a model with initial confidential mediation, with the allowance for subsequent recommending mediation if performed by a different mediator. Implementation contingent on funding.	N/A	
SB 1406	Kuehl	2002	Oppose unless amended	Requires that all child custody mediation be confidential and prohibits the mediator from communicating with the court on any matter.	II, III, IV	Interferes with administration of family cases.
SB 1791	Rainey	2000	Oppose	Shifts responsibility for hearing Title IV-D-related child support actions to Department of Child Support Services administrative law judges.	I, II, IV	Inappropriately shifts judicial function to nonjudicial officers

D. DOMESTIC VIOLENCE

The council supports efforts to improve court procedures in domestic violence cases and the way courts review allegations of domestic violence in family law proceedings. It also supports measures that seek to simplify the process for obtaining a restraining order and the process for making it enforceable.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 104	Cohn	2005	Oppose	Requires a hearing on a motion to modify or dismiss a Domestic Violence Prevention Act order to be held by the judicial officer that issued the order, if available.	II, III	Undue interference with court calendaring process.
AB 106	Cohn	2005	Oppose	Requires every trial court to establish a one-time amnesty program for fines and fees imposed for spousal abuse convictions or as a condition of probation for domestic violence offenses.	II, III	Contrary to the Judicial Council's enhanced collections strategy.
SB 1627	Kuehl	2002	Support	Clarifies procedures for entry of service of process for DVPA orders into the Domestic Violence Restraining Order System (DVROS) by requiring the court to either enter the information into DVROS directly or transmit proof of service to law enforcement for entry within one business day.	III, IV	Makes court orders more likely to be enforced.
SB 1780	Escutia	2002	Oppose unless funded	Requires the court to provide interpreters for specified parties in family law proceedings involving allegations of domestic violence at court expense.	I, IV	

E. CONSERVATORSHIP AND PROBATE LAW

The council supports clarification of conservators' duties and formulation of guidelines about conservatorships.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1163	Tran	2009	Support	Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a nonprobate transfer.	I, IV	Improves administration of justice.
AB 1340	Jones	2008	Support	Requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account balance as of, rather than through, the closing date of the first court accounting. Requires that notice be given five court days before a hearing on the appointment of a temporary guardian or temporary conservator. Prohibits a court from permitting a person without a	IV	Improves courts' oversight of these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
				valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary.		
AB 1880	Tran	2008	Oppose	Requires a guardian or conservator to post a separate recovery bond for the benefit of the ward or conservatee and any person interested in the guardianship or conservatorship estate who may bring a surcharge action against the guardian or conservator for breach of duty.	III, IV	Multiple bonds are more difficult to administer and would impair the courts' ability to provide proper oversight.
AB 2014	Tran	2008	Support	Requires a guardian or conservator to use ordinary care and diligence to determine whether the ward or conservatee owns real property in a foreign jurisdiction and to preserve and protect that property.	IV	Improves court's oversight of these cases.
AB 2247	Spitzer	2008	Oppose unless amended, neutral if amended	Requires a guardian or conservator to file an investment plan with a court not more than six months after the issuance of letters of guardianship or conservatorship. Revises and expands the list of obligations and securities in which a guardian or conservator may invest funds of the estate without court authorization.	IV	Interferes with the ability of the court to protect conservatees' assets.
SB 1264	Harman	2008	Support	Beginning January 1, 2010, revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments. Limits the enforceability of no contest clauses to direct contests brought without reasonable cause, transfers of property, or creditor claims as specified. Defines direct contest and probable cause for these purposes. Eliminates provisions regarding the authority of a beneficiary to apply to a court for a determination regarding a no contest clause.	I, IV	Improves access to the courts and enhances court administration.
AB 1727	Committee on Judiciary	2007	Support	Enhances a court investigator's access to confidential medical information. Prohibits a conservatorship of the person or of the estate from being granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions.	II, IV	Improves the courts' ability to provide oversight of these cases.

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SB 340	Ackerman	2007	Cosponsor	Broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators.	II, IV	Improves the courts' ability to provide oversight in guardianship and conservatorship cases.
AB 1363	Jones	2006	Support if funded	Makes a number of reforms to the probate conservatorship system, including enhanced court reviews of conservatorships primarily through increasing the frequency and scope of court investigations.	II, IV	Improves the courts' ability to provide oversight of these cases.
SB 1116	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	II, IV	Improves the courts' ability to provide oversight of these cases.
SB 1550	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	II, IV	Improves the courts' oversight in these cases.
SB 1716	Bowen	2006	Support if funded	Authorizes the court to take action in response to ex parte communications regarding a guardian's or conservator's performance of his or her fiduciary duties.	II, IV	Improves the courts' oversight of these cases.
AB 541	Harman	2005	Support	Allows the court to test prospective guardians for drugs or alcohol and exempts guardians of the person only from having to register with the Statewide Registry.	II, IV	Enhances the courts' discretion and improves ability to oversee these cases.
AB 1155	Liu	2004	Support	Requires the Judicial Council to adopt a rule of court that specifies the qualification and educational requirements of private professional conservators and private professional guardians.	II, IV	Improves courts' ability to oversee these cases.
AB 1851	Harman	2004	Support	Revises and recasts the law concerning courts' responsibility to approve compromises of claims of minors, and settlements or actions or disposition of judgments in favor of minors or "incompetent persons." Permits the court to establish a special needs trust for a disabled minor that will continue under court supervision after the minor reaches age 18.	IV	Improves the courts' ability to administer these cases.
AB 1883	Harman	2004	Support	Prevents routine waivers but allows court discretion in waiving bond requirement where it is warranted.	II, IV	Enhances court's discretion.
AB 1784	Harman	2002	Support	Implements the recommendations of the California Law Revision Commission for clarification of Probate Code provisions regarding the construction	III, IV	Promotes clarity and consistency in the handling of these cases.

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				of trusts and other instruments.		

V. MISCELLANEOUS

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2301	Assembly Judiciary Committee	2006	Support	Provides the State Bar with the authority to collect voluntary financial support from its membership to support organizations that provide free legal services to those of limited means.	I, IV	
SCA 3	Lowenthal	2006	No position	Shifts redistricting responsibility from the Legislature to an 11-member Independent Redistricting Commission to reapportion legislative and congressional districts. Provides that the California Supreme Court has original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the commission. Requires the Judicial Council to appoint a panel of 10 retired justices of the state appellate courts, and for that panel to establish a pool of 50 candidates for the Independent Redistricting Commission.	N/A	
SB 1246	Burton	2004	No position	Requires the Supreme Court and the State Bar to develop standards and rules of professional conduct governing the propriety of an attorney appearing before a court where that individual previously served as a judicial officer.	N/A	Outside purview.
AB 1095	Corbett	2003	Co-sponsor	Requires the Judicial Council to establish a task force on funding for county law libraries.	I, IV	Improves access to the courts.

A. ACCESS TO JUSTICE

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 590	Feuer	2009	Support	Creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases,	I, IV	Improves access to justice for unrepresented litigants.

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				beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees.		
AB 2448	Feuer	2008	Sponsor	Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner and to provide for recovery of those fees in appropriate cases.	I, III, IV	
AB 171	Beall	2007	Support	Establishes the Assumption Program for Loans for Law in the Public Interest to provide up to \$11,000 in loan assumption benefits over a four-year period to public interest attorneys.	I	
AB 1723	Committee on Judiciary	2007	Support	Requires banks that hold interest on lawyer trust accounts (IOLTA) to allow those accounts to participate in higher-paying investment products or receive an interest rate that is comparable to the rates paid by those investment products (referred to as IOLTA comparability).	I	

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