



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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## MEMORANDUM

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Date	Action Requested
October 29, 2010	For Information
To	Deadline
Members of the Judicial Council	N/A
From	Contact
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Subject	
Report on Activities of the Administrative Office of the Courts	

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The following information outlines some of the many activities taking place to further the Judicial Council's goals and agenda for the judicial branch. (It does not address issues on which the council has been briefed through other information sources.)

Issues and activities highlighted include the following:

- Budget (*p. 2*)
- Legislation (*p. 3*)
- Judicial Appointments and Vacancies (*p. 4 & 31*)
- Administrative Infrastructure Initiatives (*p. 8 & 25*)
- JusticeCorps Expands to Rural Courts (*p. 5*)
- Foster Care Grant (*p. 5*)
- Advisory Committees, Task Forces, and Working Groups (*p. 11 & 15*)
- Judicial and Court Employee Education (*p. 11 & 27*)
- Honors for Judicial Council Members (*p. 5*)

*Attachments:* Women Lawyers Association of Los Angeles' 2010 Annual Awards Equal Access Article, Final Status of 2009—2010 Legislation Considered by the Policy Coordination and Liaison Committee

## Summary

\* Please note: Page numbers next to summary items reference more detailed information.

### Budget

#### Final Budget Action:

- The Governor signed an \$87.5 billion spending plan attempting to address a \$19 billion budget gap. The budget included \$6.8 in reductions, \$5.4 billion in assumed federal funding, \$3.3 billion in revenue actions (including a \$1.4 billion in higher assumed baseline state revenues), and \$2.7 billion in one-time loans, transfers, and funding shifts. The Governor vetoed \$962 million in spending for the purpose of increasing a \$300 million state reserve in the budget to \$1.3 billion.
- By and large, the trial court funding package negotiated earlier this year and adopted by the Budget Committees remained intact. The primary difference in the final budget was a \$30 million reduction from the May Revise budget in the General Fund transfer to the Trial Court Trust Fund that was intended as an adjustment based on actual fiscal year 2009–2010 revenue and expenditures.
- The budget bill included two other provisions of import for the courts:
  - *Court Interpreters*: Revised the provisional language which describes the allowable costs funded by the interpreter appropriation.
  - *Subordinate Judicial Officer Conversions for 2010–2011*: Contains the annual ratification of the Judicial Council authority under Government Code 69614 to convert 16 vacant subordinate judicial officer positions to judgeships in eligible courts.

#### Judiciary Budget Trailer Bill – SB 857:

- The Governor signed SB 857 containing a variety of fine, fee, and penalty increases, implementing language for the budget package negotiated this summer, and a number of changes from action taken by the Budget Committees in June; most notably three-year sunsets on all fee, fine, and penalty increases with the exception of the court security fee.
- Effective immediately, the bill requires that trial courts provide written notice to the public 60 days prior to closing any courtroom or closing or reducing the hours of clerks' offices. The Judicial Council is required to forward the notices provided by the trial courts to the Legislature.
- For detailed descriptions of the key elements of SB 857, see page 18.

**Other Budget Bills:** Provisions in two other bills that passed on the last night of session should also be noted.

- **Public Safety Budget Trailer Bill—AB 1628:** Contains provisions shifting jurisdiction for all wards paroled in the Department of Juvenile Justice (DJJ) from Board of Parole Hearings to juvenile court, with supervision provided by the probation department of the county from which the ward was committed to DJJ. Additional funding will be provided to probation to cover the cost of the supervision.
- **Pension Reform—SBx6 22:** Reduces pension benefits for all state employees, including the largest group, state miscellaneous employees, which includes state judicial branch employees. These provisions do not apply to trial court employees.

## Legislation

The Governor signed five pieces of legislation particularly important to the judicial branch dealing with foster care, jury trials, the regulation of traffic schools and court administration. (*Page 21*).

- **California Fostering Connections to Success Act, AB 12 (Beall):** Implements federal foster care reform legislation to provide federally subsidized relative guardianships, and extend foster care jurisdiction to age 21.
- **Whistleblower Protection Act: AB 1749 (Lowenthal, Bonnie):** Expands the California Whistleblower Protection Act to include employees of the trial courts, Courts of Appeal, Supreme Court, and Administrative Office of the Courts.
- **Jury Trials, AB 2284 (Evans):** Establishes the Expedited Jury Trials Act, which is operative until January 1, 2016. Among other things, defines expedited jury trial as a binding jury trial before a reduced jury panel and judicial officer. Requires the Judicial Council, by January 1, 2011, to adopt implementing rules and forms.
- **Traffic, AB 2499 (Portantino):** Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles. Requires courts to transmit to DMV abstracts of judgment for convictions of traffic violations rather than the court dismissing the case upon completion of the program.
- **Judgeships, AB 2763 (Committee on Judiciary):** Authorizes the Judicial Council to convert up to an additional 10 subordinate judicial officer positions to judgeships each year (upon annual legislative ratification by statutory enactment other than through the annual Budget Act), with every such conversion to result in a judge being assigned to a family or juvenile law assignment previously presided over by a subordinate judicial officer.

Additionally, all of the Judicial Council-sponsored legislation was signed by the Governor. Those bills are:

- **Juvenile Court Costs, AB 1229 (Evans):** Clean-up to AB 131 of last year clarifies that courts can designate their own financial evaluation officers.
- **Property taxation: possessory interests: Long Beach Courthouse, AB 1341 (Lowenthal, Bonnie):** Provides that no possessory interest arises for a nongovernmental entity that delivers the new Long Beach Courthouse if certain criteria are satisfied.
- **Protective orders: emergency protective orders: enforcement priority: sexual assault, AB 1596 (Hayashi):** Contains numerous technical changes to create more consistency in protective order statutes.
- **Court records: preservation guidelines, AB 1926 (Evans):** Authorizes courts to create, maintain, and preserve records in any form that satisfies standards or guidelines to be established and adopted by the Judicial Council.
- **Escheat, AB 2767 (Committee on Judiciary):** Among other things: (1) Clarifies the disposition of unclaimed victim restitution money held by the superior court; and (2) Adjusts, from April 1, 2010, to April 1, 2013, the date on which the Judicial Council is required to submit the first report to the Legislature regarding increased dollar amounts for homestead exemptions.
- **Electronic service of process, SB 1274 (Committee on Judiciary):** Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. The bill also explicitly authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.

Additionally, see the attached legislative status report on 2010 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee during the 2009–2010 legislative session.

**New Judgeships and Vacancies (Page XX):**

- Thirteen new judicial appointments were made by the Governor: Alameda (1), Contra Costa (1), Fresno (1), Kern (2), Lassen (1), Monterey (1), Sacramento (1), San Diego (1), San Francisco (1), Santa Clara (2), and Yolo (1).
- Currently, there are 31 trial court judicial vacancies and 3 appellate court vacancies.

**Honors for Judicial Council Members:**

- The Women Lawyers Association of Los Angeles presented Ms. Edith R. Matthai with the 2010 Ernestine Stahlhut Award recognizing a woman in the legal profession for outstanding character, dedication to serve, and significant contributions to the encouragement of women in the law profession and the cause of justice.
- The State, Court, and Counties Law Libraries Special Interest Section of the American Association of Law Libraries presented Honorable Keith D. Davis with the 2010 Law Library Advocate Award recognizing substantial contributions toward the advancement of the service and mission of law libraries.

**Bench-Bar Coalition:** Eighty-five coalition members attended the fall meeting, which included a live demonstration of the California Court Case Management System (*page 24*).

**JusticeCorps Expands:** JusticeCorps has launched its first program in a rural/small court area. The Capitol Region JusticeCorps program, a collaborative of Sacramento, Yolo and Placer courts, has recruited and begun training its first class of 30 students from UC Davis and Sacramento State University. Students will serve the public in the courts' self-help centers throughout the 2010–2011 academic year.

**Presiding Judges and Executive Officers Regional Meetings:** The AOC sponsors regional meetings that offer judicial branch leaders an opportunity to plan and discuss topics of interest to their courts. Meetings were held in October.

- *Bay Area/Northern Coastal Region:* 15 out of 16 courts attended. Region-specific topics included: regional education needs and opportunities.
- *Northern/Central Region:* 28 of 31 courts attended.
- *Southern Region:* All 11 courts attended. Region-specific topics included: emerging case management issues and concepts for civil cases.
- Common topics included:
  - Judicial Council, legislative, and budget updates by a Judicial Council member and AOC executives.
  - Update on the Advisory Committee on Accountability and Efficiency in the Judicial Branch.
  - Transfer of probation cases under Penal Code Section 1203.9.
  - Planning for court costs associated with new courthouses.
  - Presentation recognizing the retirement of Chief Justice Ronald M. George.

**Foster Care Grant:** The California Department of Social Services (CDSS) will receive approximately \$14.5 million over five years from the U.S. Department of Health and Human Services to help reduce the number of children in long-term foster care. CDSS will partner with the AOC, the Child and Family Policy Institute of California, the Child Welfare Co-Investment Partnership, and the County Welfare Directors Association in this endeavor. The partnership will focus on addressing issues faced by African American and Native American children in finding

permanent homes and experiencing longer stays in foster care. In the first year, the grant will focus on four pilot counties: Fresno, Humboldt, Los Angeles, and Santa Clara.

**Community Corrections Program:**

- Teams from the seven *Parolee Reentry Pilot Courts*, along with representatives from Federal reentry courts and the California Department of Corrections and Rehabilitation, participated in a three-day workshop hosted by the AOC, the Federal Justice Center, and the Stanford University Criminal Justice Center. The curriculum utilized the National Institute of Corrections' *Integrated Model for Implementing Effective Correctional Management of Offenders in the Community* as a framework applicable to reentry courts.
- In support of the *California Risk Assessment Pilot Project*, a request for proposals was issued to facilitate training and technical assistance projects with local justice partners statewide, including courts, probation, defense, and prosecution. Yolo County was recently selected to participate in pilot project.
- The first of three *Senate Bill 678/Evidence-Based Practices Regional Trainings* was held to educate teams of judges and probation officers in the new law and increase the potential benefits and successes of SB 678.
- The first meeting of the Community Corrections Coordinating Committee was held. The 24-member committee discussed the use of evidence-based practices in reducing recidivism rates and the impact of Senate Bill 678. The 24-member committee is co-chaired by Hon. Tricia Ann Bigelow, Presiding Justice of the Court of Appeal, Second Appellate District, Division Eight; and Ms. Isabelle Voit, President, Chief Probation Officers of California.

**Commission for Impartial Courts Implementation Committee:**

- In August 2010, the Judicial Council approved two of the commission's recommendations that address judicial outreach, public information, and civics education, providing for:
  - Appointment of a branch-wide Leadership Group on Civics Education and Public Outreach; and
  - Focused and coordinated judicial branch advocacy for improvement of civics education in K–12 curriculum.
- The membership of the leadership group is in the process of being identified. The group will focus on improving civics education and public outreach, and will submit periodic updates so that the Judicial Council will have an opportunity to review progress.

**Judicial Branch Audit Program:**

- *Audits initiated:*
  - Regular cycle comprehensive audits of the superior courts of Alpine, Imperial, Inyo, Napa, Sierra, and Sonoma.
  - AOC: Facilities Management Unit of the Office of Court Construction and Management.
- *Audits reports completed and pending submission to the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch:*
  - Regular cycle comprehensive audits of the superior courts of Lassen and Shasta.

- *Audits reports completed and submitted to the A&E Committee:*
  - Regular cycle comprehensive audits of the superior courts of Plumas, San Francisco, San Mateo, and Tehama.
  - Performance audits: San Mateo Superior Court: Audit Report on Budgeting Practices
- Audits reports pending acceptance of the Judicial Council:
  - Regular cycle comprehensive audit: Colusa Superior Court
  - Performance audits:
    - Merced Superior Court: Limited review of the new downtown courthouse construction costs and other related matters.
- *Audit reports finalized:* Superior courts of Calaveras, Kern, Sacramento, and Solano Counties.

**Labor Relations:** Assistance was provided to 36 courts on labor and employee relations issues.

**Chinese Court Administrator Visit:** Twenty administrative representatives from various Chinese courts met with AOC leadership as part of a judicial study tour held by the International Judicial Academy. Delegates learned about California trial court reform, judicial education, and court management.

**Development of Dependency Drug Court Performance Measures:** A final report was submitted to the State Justice Institute on a project it funded to develop, pilot test, and disseminate the first standardized dependency drug court (DDC) performance measures in the country. AOC researchers collaborated with the National Center for State Courts, the California Alcohol and Drug Programs, California DDC Coordinators, and other local stakeholders. Pilots were conducted in San Joaquin and Orange Counties.

**Mental Health Courts Evaluation:** The AOC launched an evaluation of California's mental health courts and has begun compiling a current roster of all mental health courts in the state in order to field preliminary surveys.

**Multi-Agency Plan:** AOC staff, in partnership with the Department of Alcohol and Drug Programs, reviewed the Multi-Agency Plan of counties applying for funding under the Comprehensive Drug Court Implementation, Drug Court Partnership, and Dependency Drug Court programs.

## National Activities

**National Association of Women Judges' Annual Conference:** California's women judges hosted the organization's 32nd annual conference in San Francisco. The conference featured several members of the Judicial Council. Chief Justice Ronald M. George participated in the plenary session, "Conversation with the Chiefs," moderated by Justice Carol Corrigan. Justices Ming W. Chin and Carlos R. Moreno and Judges Erica Yew and Kathleen O'Malley served on

panels regarding topics ranging from foster care issues to assisting self-represented litigants. In addition, the AOC's Violence Against Women Education Project presented a track of workshops on domestic violence issues.

**National Judicial Education Program on Sexual Assault:** AOC staff facilitated and served as faculty for a national education program on sexual assault. The program, *The Challenges of Adult Victim Sexual Assault Cases*, was sponsored by the National Judicial Education Program, a project of Legal Momentum in cooperation with the National Association of Women Judges.

**Federal Outreach:**

- Justice Ming W. Chin and AOC representatives attended meetings with California congressional members and staff, as well as meetings with officials from the U.S. Departments of Justice, Homeland Security, and Health and Human Services. They explored options to support the deployment of CCMS with funds included in federal fiscal year 2012 budget requests of federal justice partners, and urged passage of pending tax intercept legislation (HR 1956), as well as Senate bill 1329 that would provide \$15 million in annual grants for state court interpreters.
- The AOC's Fund Development Group hosted a meeting with an adjudication policy advisor from the U.S. Department of Justice's Bureau of Justice Assistance to highlight tribal court/state court forum work being staffed by the AOC. Forum members Justice Richard Huffman and Judge Abby Abinanti participated. The program included a policy and program panel of California projects related to the adjudications portfolio of the bureau: collaborative justice, community corrections, self-represented litigants, domestic violence, criminal law, procedural fairness, jury improvement, and JusticeCorps. The California Case Management System also was discussed.

## **Administrative Infrastructure Initiatives**

**Facilities:**

**New San Diego Central Courthouse:** San Diego County supervisors and local business leaders from the Downtown San Diego Partnership welcomed Chief Justice Ronald M. George, local court leaders, AOC Chief Deputy Director Ronald G. Overholt, and me for a special event recognizing the successful collaboration between the county and the state on the pending construction of a new central courthouse in downtown San Diego.

**Five-Year Infrastructure Plan:** The Judicial Branch AB 1473 Five-Year Infrastructure Plan for Fiscal Year 2011–2012 was submitted to the state Department of Finance. Each year, and in accordance with AB 1473, the AOC submits an updated plan in conjunction with the upcoming fiscal year's capital-outlay project funding-request process.

**Facilities Management Process Re-engineering:** The AOC released a request for proposals to implement Job Order Contracting for facility modification projects statewide. This is the first step in a broader process that will change how the AOC provides facilities services. The solicitation will result in selection of contractors to perform facility modifications, primarily between \$15,000 and \$500,000, representing about one third of facility management work. The new process is expected to be implemented throughout the state in January 2011.

**Capital Projects:**

- **B.F. Sisk Courthouse Dedication:** Chief Justice George, Presiding Judge M. Bruce Smith of the Fresno Superior Court, Justice Brad R Hill of the Court of Appeal, Fifth Appellate District, and Ronald G. Overholt, AOC Chief Deputy Director, attended the dedication and ribbon-cutting ceremony of the newly renovated B.F. Sisk Courthouse. The courthouse was renovated under the direction of the AOC. Construction began in 2008 and was completed on-schedule and within budget.
- **In-site selection/acquisition:** 37 projects, with a total value of \$4 billion. The AOC is working with many counties and cities who have offered equity swaps, exchanges, and property donations for locating these projects.
- **Courthouse dedication:** The new Richard E. Arnason Justice Center in Contra Costa County will be dedicated in November.

**State Public Works Board Approval:**

- Conditional site acquisition approved for the new North Butte courthouse project.
- Preliminary plans developed for the new Porterville courthouse in Tulare County, enabling this project to proceed into working drawings.

**Performance-Based Infrastructure (PBI) Project for New Long Beach Court Building:**

The AOC and its preferred proposer, Long Beach Judicial Partners, have completed negotiations on the contract for design, construction, financing, operation and maintenance of the new Long Beach court building. The Department of Finance must approve the contract and final financial proposal. Approval is expected in late November. The state took title to the new courthouse site in October.

**Facility Modifications:**

- **In progress:** 805 active facility modifications at a value of \$41.6 million.

**Facility Awards:** Plumas/Sierra regional courthouse was awarded Best Small Project of 2010 by McGraw Hill/California Construction. Construction of this facility was completed in 2009 and the dedication ceremony was held in June 2010 in Portola. This is the first trial courthouse completed from start to finish by the AOC.

## **Technology (Page 25):**

### **California Case Management System:**

- *Liaison with State Chief Information Officer:* Monthly meetings are continuing with the Office of the Chief Information Officer (OCIO) to discuss progress on approximately 20 recommendations from the Chief Information Officer's report on CCMS. Many of the recommendations have been accomplished, and others will be accomplished in the near future. (Chief Information Officer Teri Takai will be taking a position with the Department of Defense on November 5. We will continue to work with the OCIO on these issues.)
- *CCMS Audit:* The Bureau of State Audit's team received a demonstration of CCMS V2, V3, and the final product, V4 in Burbank in October. The audit process continues and while the final delivery date in and of itself is not certain, it is expected during January 2011.
- AOC executives continue to have weekly meetings with executive management of Deloitte Consulting to track process and development.
- The courts, AOC, and Deloitte Consulting completed the integration testing phase of the CCMS core product. Pass-rate was 89 percent (82-83 percent for court testers) for integration scripts, which is very high for this phase of testing.
- Preparation work for deploying CCMS to the early adopter courts is under way. Release 10 of the Civil module is in use at the Superior Courts of Los Angeles, Orange, Sacramento, San Diego, San Joaquin, and Ventura Counties, and continues to process 25 percent of civil cases statewide.
- CCMS was well-received during presentation to the Bench-Bar Coalition at the State Bar meeting in Monterey. Justice Ming W. Chin participated in the presentation.
- The Consumer Attorneys of California passed a resolution supporting CCMS.

### **Infrastructure and Security**

**California Courts Technology Center (CCTC):** The CCTC successfully completed its sixth annual disaster recovery exercise.

### **Administrative & Management Systems**

**E-Business Strategic Initiative Gets Under Way:** The AOC has partnered with the Institute for the Future, a non-profit specializing in helping private and public organizations prepare for the future, to develop an e-business blueprint for the judicial branch. A key goal of the project is to devise a roadmap to facilitate planning for a full e-business model for court operations. The official kick-off of the project was held in September, and participants were introduced to the initiative and how it relates to the Judicial Council's strategic planning effort.

### **Computer-Aided Facilities Management (CAFM)**

- CAFM is a Web-based program that is a single source of facilities information for a real estate portfolio comprising over 20 million square feet and 533 transferred facilities. Users have grown to 1,232, and 141,300 plus service work orders have been processed to date. In this period:
  - Utilities, permits, and real property functionality were added.
  - Performance improvement initiatives commenced.
  - New facility management reports were developed.

### **Advisory Committees, Task Forces, and Working Groups (Page 27):**

*Advisory committees will hold only one in-person meeting per year until the fiscal situation improves. Other meetings will be convened using video- or audio-conferencing.*

The following committees met since the Judicial Council's August meeting:

1. Access and Fairness Advisory Committee
2. Administrative Presiding Justices Advisory Committee
3. Appellate Advisory Committee
4. Appellate Indigent Defense Oversight Advisory Committee
5. Center for Judicial Education and Research Governing Committee
6. Collaborative Justice Courts Advisory Committee
7. Commission for Impartial Courts Implementation Committee
8. Court Executives Advisory Committee
9. Court Interpreters Advisory Panel
10. Court Technology Advisory Committee
11. Criminal Law Advisory Committee
12. Elkins Family Law Implementation Task Force
13. Ralph N. Kleps Award Committee
14. Task Force for Criminal Justice Collaboration on Mental Health Issues
15. Traffic Advisory Committee
16. Trial Court Budget Working Group
17. Trial Court Presiding Judges Advisory Committee
18. Working Group regarding Change of Venue
19. Tools for Judges on Engaging Fathers in Child Welfare Cases

### **Education and Training Programs (Page 27-):**

#### **Judicial Education**

1. Basic and Advanced Felony Sentencing
2. Criminal Law Primary Assignment Orientation
3. Death Penalty Trials
4. Dealing with Difficult People

5. Financial Statements in the Courtroom
6. Homicide Trials
7. Immigration Issues in Domestic Violence Cases
8. Mental Health in the Criminal Courts Limited Jurisdiction, Small Claims, and Unlawful Detainer Orientation
9. Micro-Aggressions and Fairness
10. National Association of Women Judges Annual Conference
11. Probate Primary Assignment Orientation
12. The Neuroscience and Empirical Psychology of Decision-making, Credibility, Assessment, and Demeanor
13. The Risky Relationship of Science and the Law: Managing Uncertainty in the Courts
14. Understanding Education Rights in Juvenile Court
15. Violence Against Women Education Project

#### **Judicial Officer, Court Employee, and Justice System Stakeholder Education**

16. 2010 New Laws Workshops
17. American With Disabilities Act Coordinators Conference
18. Assessing Requests for Dementia Powers, for probate court investigators
19. Court Connection Teachers' Workshop
20. Court Investigator's Role in Guardianships After the Issuance of Orders and Letters
21. Family Dispute Resolution Training
22. Indian Child Welfare Act Trainings
23. National Association of Counsel for Children Annual Conference
24. Tribal Advocates Curriculum
25. Tribal Projects Training and Curriculum
26. Facilitating Offender Reentry to Reduce Recidivism: A Workshop for Teams

#### ***For Managers and Supervisors***

27. Court Performance Standards: CourTools
28. Fundamentals of Caseflow Management
29. Grant Seeking: Find the Most Appropriate Opportunities
30. Grant Application Writing: Improve Your Odds for Success
31. Managing Court Financial Resources
32. Managing Human Resources
33. Myers-Briggs Type Indicator
34. Purposes and Responsibilities of Courts

#### **Broadcasts**

35. Continuing the Dialogue—The Neuroscience and Psychology of Decision Making: The Media, the Brain, and the Courtroom
36. Everyday Court Practices: Felony Minute Orders
37. Everyday Managing and Supervising: Juvenile Dependency

38. Great Minds: The Moral Dilemmas of Judging
39. Legal Aid Association of California
40. Presiding Judges and Executive Officers Roundtable: Court Security for Court Leaders
41. Supreme Court Outreach, Fresno, California Channel broadcast
42. The Supervisors' Role in the Professional Development of Staff
43. Unlawful Detainers

#### **New Courses**

44. Felony Processing
45. Self-Represented Litigants
46. Unlawful Detainer and Custody and Visitation

#### **Updated Courses**

47. Awarding Conduct Credits Under P.C. Sections 4019 and 2933
48. Table of Sentencing Changes Under Chelsea's Law

#### **Online Videos**

49. Bail
50. Child Development
51. Competency to Stand Trial
52. Crawford Issues
53. Criminal Motions Video Series:
  - a. Bifurcation, Severance, and Joinder in Criminal Cases Ethics for Juvenile Law
  - b. Marsden Motions and Attorney Substitution
  - c. Miranda Update and Overview
  - d. Pitchess Motions
54. LPS Conservatorship
55. Marsden Motions, Judicial Education
56. Mediator Training
57. Mental Illness
58. Severance, Judicial Education

#### **Publications**

59. California Judges Benchbook: Civil Proceedings - Trial, 2nd Edition (2 volumes) - Discovery 2010 Update
60. Financial Analysis Tools for Court Appointed Special Advocates Programs
61. Foster Care Reform Update, Quarterly Newsletter for County and Statewide
62. Sharing Information About Children in Foster Care

#### **Updated Benchguides**

63. Death Penalty Benchguide 98: Pretrial and Guilt Phase
64. Death Penalty Benchguide 99: Penalty Phase and Post-trial

**California Courts News Broadcast Stories** (*Also available on the Serranus Web Site*)

65. Commission Confirms Chief
66. Courthouse Opening in Portola
67. Court Interpreter Testing Process
68. Getting Started in Court Interpreting
69. Judicial Branch on You Tube and Twitter
70. Judicial Council Considers Audits
71. Juvenile Delinquency Court
72. New Contra County Courthouse Almost
73. Overview of a Career in Court Interpreting
74. Overview of a Career in Court Interpreting,
75. Supreme Court Chief Justice Nominee
76. Visalia Drug Court Graduation

## Additional Detail on Summary Items

### Advisory Committees/Task Forces/Working Groups

#### **Access and Fairness Advisory Committee:**

- Approved final draft of bench card to provide guidance to judicial officers about in-session requests for disability accommodations; publication pending.
- Considered modifications to draft bench card for bench officers with juvenile calendars to provide guidance in handling issues relating to lesbian, gay, bisexual, and transgendered youth in the courtroom.
- Approved letter to AOC's Ethics and Fairness Curriculum Committee recommending inclusion of Americans with Disabilities Act training in New Judges Orientation.
- Submitted proposal for new rule and form to permit transgender court users to request that they be addressed by their preferred gender designation in court proceedings.
- Considered comments about proposed amendments to Rule 10.741 and 10.743 regarding recruitment of temporary judges.

#### **Administrative Presiding Justices Advisory Committee:**

- Discussed the budget and other appellate issues.
- Bid farewell to retiring Assistant Presiding Judges Arthur Scotland (Third District) and James Ardaiz (Fifth District).

#### **Appellate Advisory Committee:**

- Reviewed and prepared comments on draft report and recommendations of the Bench Bar Media Committee.

#### **Appellate Indigent Defense Oversight Advisory Committee:**

- Audited 140 compensation claims.
- Sent 17 adjustment letters and one commendation letter to panel attorneys.

#### **Center for Judicial Education and Research Governing Committee:**

- Approved proposal to amend education rules on court executive officer ethics education.
- Approved the process for evaluation of judicial education rules during first three-year period, which will be reported to the Judicial Council.
- Received update on Curriculum Committee meetings and development of the judicial branch education plan and confirmed additional appointments for Curriculum Committee membership.
- Discussed 2008–2009 CJER Governing Committee survey results.

**Collaborative Justice Courts Advisory Committee:**

- Discussed collaborative justice courts law school externship project and the technical assistance program.

**Court Interpreters Advisory Panel:**

- Approved recommended guidelines for the use of deaf intermediary interpreters developed and written by the panel's subcommittee on American sign language issues. The guidelines will help courts select and use deaf intermediary interpreters in proceedings. Input on the guidelines is being sought from the Trial Court Presiding Judges Advisory Committee.

**Court Technology Advisory Committee:**

- Approved proposed annual agenda to present to Executive and Planning Committee. Key activities include:
  - Review and comment on Bench-Bar Media Committee's recommendations on media access to the courtroom.
  - Examine whether development of statewide rules for e-filing and e-service should be considered at this time.
  - Look at automated redaction technologies, including partnering with the Civil and Small Claims Advisory Committee on the development of redaction policies and procedures; digital and electronic signatures; and information security guidelines.
  - Development of technology education and communication strategy for judges.
  - Approved proposed course description for judicial education on e-business that focuses on e-filing, e-services, and e-access issues.
- Received the following reports and updates:
  - CCMS development and deployment efforts.
  - California Courts Protective Order Registry.
  - Statewide E-Business Initiatives, including E-Citations, E-Filing, and Justice Partner Outreach.
  - Second District Court of Appeal's Web site for submitting electronic versions of briefs.
  - Outreach Subcommittee, including status of Access and Technology Principles.

**Criminal Law Advisory Committee:**

- Reviewed and prepared comments on draft recommendations of the Task Force for Criminal Justice Collaboration on Mental Health Issues.
- Met with legislative advocates for various criminal justice system partners to discuss and identify obstacles and best practices in the use of videoconferencing in criminal proceedings.

**Elkins Family Law Implementation Task Force:**

- Formed four working groups to address Judicial Branch and Litigant Education, Rules and Forms, Process Improvements, and Research and Workload Data.

**Ralph N. Kleps Award Committee:**

- Reviewed 16 nominations submitted by courts throughout the state for the 2010-2011 award cycle and advanced 12 programs to the site visit stage of the award process.
- Will conduct site visits from November 2010 through March 2011.

**Task Force for Criminal Justice Collaboration on Mental Health Issues:**

- Reviewed and addressed public commentary on the draft recommendations report.

**Traffic Advisory Committee:**

- Approved revision of uniform bail and penalty schedules to reflect changes in law effective January 1, 2011, and recommended circulation for comment.
- Recommended to circulate for comment proposed revised forms for installment payment plans in traffic cases.
- Made recommendations regarding draft amended rules of court on eligibility to attend traffic violator school for traffic infractions and adoption of bail schedules.
- Made recommendations for revision of public outreach reference materials for judicial officers to use in presentations to community and school groups.

**Trial Court Budget Working Group:** Staff met with the working group to get input from court leaders on budget allocation issues. Areas discussed include:

- Allocation of funding to offset fiscal year 2010–2011 reductions;
- Security;
- Trial court employee benefits;
- Court interpreter; and
- Court-appointed dependency counsel.

**Trial Court Presiding Judges Advisory Committee & Court Executives Advisory Committee Joint Meeting:**

- Received finance, budget, and legislative updates, as well as updates on the Judicial and Staff Workload Study and the next project phase of the Presiding Judge and Court Executive Officer Rules and Roles Analysis Working Group.
  - Discussed Assigned Judges Program budget and outlined new distribution protocols for trial courts. 35,000 days of assistance are available within the projected \$26 million budget of the program in 2010-2011; however, it is projected that more than 40,000 days will be requested. Addressed alternatives to the use of retired assigned judges, including increased use of reciprocal assignments, paired with the use of Government Code section 69740 (change of venue) and possible increased use of pro-tems and retired subordinate judicial officers.
  - Conducted individual business meetings regarding judicial recruitment and retention; implementation plan for the Elkins Task Force recommendations; Internal Audits Services recommendations; and facility management issues and practices.

- Convened session on history, development, and current status of the Court Case Management System.

**Working Group Regarding Change of Venue:** Discussed issues relating to implementation of Government Code section 69740(b), including:

- Memorializing the agreement between presiding judges;
- Statistical tracking of cases;
- Recording cases in both affected courts' case management systems;
- Handling of original court filings; and
- Sharing of costs and distribution of fines and fees.

## Administrative Office of the Courts

### Legislation

#### **Key Provisions of Judiciary Budget Trailer Bill – SB 857**

##### **Civil Fees:**

First Paper Filing Fee Increase. Increases the first paper filing fees as follows:

- Unlimited civil cases: \$40, from \$355 to \$395
- Limited civil cases where the amount in controversy is greater than \$10,000: \$40, from \$330–\$370
- Limited civil cases where the amount in controversy is less than \$10,000: \$20, from \$205–\$225
- Limited civil cases that meet the monetary jurisdictional limit for small claims court, but are not eligible to file in small court because the claimant is an assignee (typically debt collection cases): no filing fee increase.

Provides that if the amount of the General Fund transfer to the Trial Court Trust Fund were to decrease (in fiscal year 2010–2011 through fiscal year 2012–2013) by more than 10 percent, without offsetting increases, the amount of this first paper filing fee would also decrease proportionately.

These fee increases sunset July 1, 2013. The bill also sets forth the intent of the Legislature to impose a moratorium on filing fee increases until July 1, 2013.

Summary Judgment and Pro Hac Vice Fee Increase. Increases the fee for filing a motion for summary judgment from \$200 to \$500. Increases the fee for filing an application to appear pro hac vice from \$250 to \$500, and imposes an annual renewal fee of \$500. Takes effect immediately. Sunsets these fee increases on July 1, 2013.

Telephonic Appearance Fee. Effective immediately, imposes a \$20 fee on telephonic appearances (to be assessed by the provider of telephonic hearing services). The fee is to be transmitted to the Trial Court Trust Fund for distribution by the Judicial Council to the trial courts. Preserves and continues, at the 2009–2010 level, the revenue that courts received from telephonic appearance vendors. Requires the Judicial Council, by July 1, 2011, to establish a master agreement for telephonic appearances which will, among other things, set a statewide uniform fee for the service (which will include the \$20 and the continuation of the revenue previously received by some courts from vendors).

### **Criminal and Traffic Fees:**

Court Security Fee. Last year's budget increased the court security fee imposed on all criminal convictions from \$20 to \$30 until July 1, 2011. This trailer bill increases the fee, effective immediately, to \$40 until July 1, 2011, sets the fee at \$30 from July 1, 2011–June 30, 2013, and returns the fee to \$20 effective July 1, 2013. The increase to \$40 applies to all convictions occurring after the date of enactment of the budget (not just for violations occurring after enactment), and exempts this increase from the requirement that new or increased fees get distributed in "bucket 5" under Penal Code section 1203.1d.

Traffic Penalty. Adds a \$3 penalty for each parking offense where a parking penalty, fine, or forfeiture is imposed. Takes effect 60 calendar days after the enactment of the budget. Sunsets on July 1, 2013.

\$7 of \$10 Additional Penalty. Current law imposes an additional penalty in the amount of \$7 for every \$10 on every fine, penalty, or forfeiture, for all criminal offenses. That \$7 may be reduced by the additional penalty amount assessed by the county for the local courthouse construction fund. Government Code section 76000(e) contains a chart setting forth the amount that is to be assessed in each county. Effective immediately, this trailer bill updates that chart, making changes for 15 counties.

Installment Payments. Effective immediately, decreases from 25 percent to 10 percent of the total bail amount that the clerk of court may accept to set up an installment payment without the need for a bench hearing.

Criminal Fines Task Force. Expands membership of the task force to be established by the Judicial Council for the purpose of evaluating criminal and traffic-related court-ordered debts imposed against adult and juvenile offenders. Also expands the charge of the task force to identify, in addition to the distribution of revenue from court-ordered debts, "expenditures made by those entities that benefit from the revenues." Deletes the provision that the task force recommendations for consolidation and simplification of these fines, fees, and penalties

be made without recommending redistribution in a way that will have a detrimental effect on any of the entities currently receiving distribution of the revenue. Requires the task force report to be completed by June 30, 2011.

### **Collections:**

A joint court/county working group, established consistent with Penal Code section 1463.010, developed a package of collections proposals that seek to increase uniformity and program performance. The package, co-sponsored by the Judicial Council and the California State Association of Counties, represents a continuum of efforts that begins with enhancing mechanisms to enforce court-ordered debt, and ends with discharging accountability for uncollectible debts. As enacted, the collections package in the trailer bill:

- Strengthens the existing statutory structure for comprehensive collection programs by prioritizing the attributes a comprehensive collection program must have to ensure that collection programs are engaging in activities that yield peak performance. This change is operative July 1, 2012.
- Creates an unclaimed property intercept program. Similar to the program for unpaid taxes and child support, this program, effectively immediately, would redirect unclaimed cash from a claimant to a collections program if the claimant has outstanding court-ordered debt.
- Provides clear authority to enforce court-ordered debt beyond 10 years. Under this language, effective immediately, collection activities for criminal judgments would be able to extend beyond the ten year limit for civil judgments.
- Implements an amnesty program for the period of January 1, 2012 to June 30, 2012. Allows individuals convicted of an infraction to satisfy certain unpaid court-ordered obligations at a reduced amount. The program excludes persons that owe restitution to an individual.
- Clarifies authority related to discharge of accountability. Effective immediately, clarifies the statutory authority for ceasing collections efforts on outstanding debt that is less than the cost of collection or is determined to be uncollectible. The entity responsible for collection would have the authority to discharge the debt, unless a local memorandum of understanding transfers that authority to another party.

### **Audits of Trial Courts and AOC:**

Requires the AOC to contract with the State Controller, Department of Finance, or Bureau of State Audits to conduct fiscal compliance audits of the trial courts and the AOC. No earlier than July 1, 2011, and no later than December 15, 2012, the auditing entity will audit six trial courts as a pilot project. Audits of the remaining trial courts will be commenced on or before December 15, 2013, and shall be conducted every four years. The audits will review compliance with statutes, rules and regulations relating to the revenues, expenditures and

fund balances of all material and significant funds under the trial court's administration and control. Audits of the AOC will be conducted biennially. Reasonable and necessary costs of the audits shall be borne by the trial courts and the AOC.

### **Miscellaneous:**

**Intent for Courts to Remain Open/Notification of Court Closures:** Sets forth the intent of the Legislature that, in providing in the budget the fee increases and fund transfers to support the courts, trial courts remain open to the public and that access to court services for civil litigants is preserved. Effective immediately, requires trial courts to provide written notice to the public, by posting at the court, on its web site, and to the Judicial Council, 60 days prior to closing any courtroom or closing or reducing the hours of clerks' offices. Provides that "nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decision-making, including calendar management and scheduling decisions." The Judicial Council is required to forward the notices provided by the trial courts to the Legislature.

**Debt collection cases—Default Prove-Up Process:** Requires the Judicial Council review the costs incurred by trial courts related to the default prove-up process in collections cases, and report to the Legislature, by September 30, 2011, on these costs, the different methods trial courts use in processing filings related to the default prove-up, revenue generated by these filings, and best practices from other states.

**Health Benefits Pilot Project for SB 1407 Construction Projects:** Directs the Judicial Council to conduct a pilot project for three SB 1407 construction projects of different sizes to assess the benefits and impacts of requiring subcontractors with bids in excess of \$500,000 to pay for employee health care expenditures for construction field employees.

**Audit Hold Harmless for Counties:** Provides that counties that failed to transmit the then-\$1.50 state court construction penalty on parking offenses to the State Court Facilities Construction Fund but deposited the revenue in the local courthouse construction fund in 2008 shall be held harmless from an audit finding and not liable for this failure to transmit.

### **Additional Legislation**

**California Fostering Connections to Success Act, AB 12 (Beall):** Implements federal foster care reform legislation to provide federally subsidized relative guardianships, and extend foster care jurisdiction to age 21. Reenacts the existing state-funded Kinship Guardianship Assistance Program (Kin-GAP) to conform to federal requirements and allow for federal financial participation in the program. Provides that a child in foster care on his or her 18th birthday may remain in care as a non-minor dependent up to age 21 if certain eligibility criteria are met. Phases in this expansion beginning July 1, 2012, to reach eligible

youth up to age 19, July 1, 2013, for youth up to age 20, and, contingent upon an appropriation by the Legislature, on July 1, 2014, to reach eligible youth to age 21. Requires the court, at the last review hearing before a foster child turns 18, ensures that the child's transitional independent living case plan includes a plan for the child to meet one of the criteria for eligibility as a non-minor dependent and that the child has been informed of the right to seek termination of dependency jurisdiction. Requires that status review hearings involving non-minor dependents be conducted in a manner that respects the non-minor dependent's status as a legal adult, be focused on the goals and services described in the non-minor dependent's transitional independent living case plan, including efforts made to achieve permanence, and attended as appropriate by additional participants invited by the non-minor dependent. Provides that parents of non-minor dependents are not entitled to notice of proceedings or representation by counsel. Requires the court when terminating the delinquency jurisdiction of a delinquent ward who is in a foster care placement or who was a dependent child who was removed from his or her parents at the time he or she was adjudicated a delinquent ward to set a hearing pursuant to Welfare and Institutions Code section 241.1 if the court finds that the child appears to come within the description of Welfare and Institutions Code section 300 because of abuse or neglect and cannot be returned home safely.

**Whistleblower Protection Act: Administrative Office of the Courts, AB 1749 (Lowenthal, Bonnie):** Expands the California Whistleblower Protection Act to include employees of the trial courts, Courts of Appeal, Supreme Court, and Administrative Office of the Courts. Provides that the State Personnel Board (SPB) may investigate claims of employer retaliation against an employee making a protected disclosure, which shall result in the SPB issuing recommendations to the judicial branch employer regarding any findings that retaliation has taken place and any remedial actions that should be taken.

**Jury trial: expedited jury trials, AB 2284 (Evans):** Establishes the Expedited Jury Trials Act, which creates a voluntary, alternative, streamlined method for handling certain civil cases in a more cost-effective manner for litigants and the courts. Under this bill, parties are encouraged to enter into agreements that streamline the method of presenting evidence and other matters so that cases generally would be concluded within one trial day. Smaller juries and limitations on appeals should also yield significant savings and help courts conserve precious judicial resources. AB 2284 is a bipartisan measure that is supported by a broad coalition of stakeholders, including the plaintiff and defense bars and the insurance industry.

**Vehicles: Traffic Violator Schools, AB 2499 (Portantino):** Improves California's driving safety program by consolidating the regulation of all traffic violator schools, including Internet-based and other home-study programs, under the licensing authority of the Department of Motor Vehicles (DMV). Appropriately relieves the judicial branch of its regulatory role in the absence of DMV licensing.

**Judgeships, AB 2763 (Committee on Judiciary):** Authorizes the Judicial Council to convert up to an additional 10 subordinate judicial officer positions to judgeships each year (upon annual legislative ratification by statutory enactment other than through the annual Budget Act), with every such conversion to result in a judge being assigned to a family or juvenile law assignment previously presided over by a subordinate judicial officer.

The following is a selection of other bills of interest to the courts that have been signed by the Governor (Vetoed bills also are noted):

**Civil:**

**Judges: disqualification, AB 1894 (Monning):** Extends, for civil cases only, the time period for moving to disqualify a judge under Code of Civil Procedure section 170.6 from 10 to 15 days and requires the moving party to notify all other parties within five days after making the motion.

**Civil procedure: deadlines: computation, AB 2119 (Tran):** Where any law governing civil procedure requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the date of the hearing.

**Criminal Law and Procedure:**

**Veteran's courts, AB 1925 (Salas):** Authorizes superior courts to develop and implement veteran's courts for eligible veterans of the United States military. Authorizes the veteran's courts to operate as a pre-guilty plea, deferred entry of judgment, or post-guilty plea program, where the defendant has entered a guilty plea or has been sentenced and is on probation. *Status: Vetoed.*

**Warrants: electronic signature: computer server transmission, AB 2505 (Strickland, Audra):** Allows an oath by an affiant seeking a search warrant to be made using a telephone and computer server, in addition to a fax machine or e-mail, and allows the affiant's signature to be in the form of an electronic signature.

**Marijuana: possession, SB 1449 (Leno):** Reclassifies simple possession and possession while driving of not more than 28.5 grams of marijuana from a misdemeanor to an infraction.

**Family Law:**

**Family law proceedings, AB 393 (Committee on Judiciary):** Authorizes service of post-judgment modifications of support or custody to be served by mail.

**Child custody: preferences of child, AB 1050 (Ma):** Creates a presumption that a child is of sufficient maturity at age 14 to express a preference or provide input on a child custody or visitation issue, unless the court finds that such testimony is not in the child's best interests and states its reasons on the record.

**Child support: suspension of support order, SB 1355 (Wright):** Provides that from July 1, 2011, until July 1, 2015, the obligation of a person to pay child support under an order being enforced by a local child support agency is suspended for the period of time in which the obligor is incarcerated or involuntarily institutionalized if the period of incarceration is more than 90 days. *Status: Vetoed.*

### **Judicial Officers:**

**Judges: gifts and honoraria, AB 2116 (Evans):** Extends existing provisions regulating gifts and honoraria limitations for judges and justices to subordinate judicial officers.

**Judges: disqualification, AB 2487 (Feuer):** Requires a judge to disqualify himself or herself when the judge has received a contribution in excess of \$1,500 from a party or counsel in a matter before the judge, where the contribution was received in support of the judge's election and the election is either upcoming or occurred within the last six years.

**Elections: write-in candidates, AB 1335 (Lieu):** Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility provisions for a judge of a court of record. *Status: Vetoed.*

### **Juries:**

**Jurors: electronic communications, AB 2217 (Fuentes):** Requires the court to clearly explain that prohibitions against jury conversations about the trial include research or dissemination of information on any subject related to the trial and to all forms of electronic and wireless communication. Requires the officer in charge of a jury to prevent any form of electronic or wireless communication. *Status: Vetoed.*

### **Bench-Bar Coalition Awards:**

- Chief Justice George and BBC leadership presented the following awards to members in recognition of their leadership and service:
  - Outstanding Legal Services Leader: Ms. Salena Copeland of San Francisco
  - Outstanding Bar Leader: Mr. James Penrod of San Francisco
  - Leadership Award: State Bar Executive Director: Ms. Judy Johnson
  - Outstanding Bench Leader: Associate Justice Terence Bruiniers, Court of Appeal, First Appellate District, Division Five
  - Outgoing California Judges Association: Hon. Michael Vicencia

- Outgoing State Bar of California President: Mr. Howard Miller
- Legislative Leadership Awards:
  - California State Assembly Member Mike Feuer, Chair, Judiciary Committee
  - Christopher Dolan, President of Consumer Attorneys of California
  - Nancy Drabble, CAOC Chief Lobbyist and CEO
  - Harry Chamberlain, President of California Defense Counsel
  - Mike Belote, Chief Lobbyist, California Defense Counsel

## Administrative Infrastructure Initiatives

### California Court Case Management System

**Product Development:** The vendor, AOC, and court subject-matter experts completed the validation of the application code against the final functional design to ensure readiness for testing. The AOC and the courts continue to be closely involved in the vendor's testing of the core product, which began in August and is scheduled to last six months.

Testing efforts include working to automate test scripts, participating in integration testing and preparing for Product Acceptance Testing. The core product will be delivered, and is planned to be accepted, by April 30, 2011 and includes:

- Functional components to manage all case types;
- Forms, notices, and reports;
- Interpreter scheduling;
- Court Reporter scheduling;
- Orders After Hearing functionality; and
- Minute Order Codes.

The external components will be phased into the final product and tested, which is scheduled to be completed by the end of July 2011. The external components include:

- Statewide Reporting Data Warehouse;
- E-filing;
- Data exchanges; and
- Statewide portal

**Deployment:** Preparations continue with the early adopter courts: the Superior Courts of San Diego, Ventura, and San Luis Obispo Counties. The 21-week Readiness and Integration Assessment Plan was approved by all three courts. Meetings with the local justice partners are taking place to detail the deployment schedule, data exchanges, and other preparations for successful implementation. Individual sessions have been held with managers of various business units to understand court organization, structure, operations, and technology environments in preparation for the readiness report.

Statewide deployment to the remaining 55 courts will depend on available funding. Priority will be given to courts that have urgent case management needs.

**Outreach:** CCMS outreach activities included the distribution of a new CCMS Executive Update and product demonstrations and presentations to the following groups:

- Bench-Bar Coalition
- 14th Annual AB 1058 Child Support Training Conference
- Court Technology Advisory Committee
- California State Bar Association Conference
- Court Executives Advisory Committee
- Fresno Superior Court and Bar Association Visit to the AOC
- Judicial Council – new member orientation

**Civil, Small Claims, Probate and Mental Health (V3) Case Management System:**

Release 10.02 is in use at the Superior Courts of Los Angeles, Orange, Sacramento, San Diego, San Joaquin, and Ventura Counties, and continues to process 25% of civil cases statewide. Release 10.02 provides the ability to process e-filed documents, which is in use at Orange County Superior Court. Other functionality includes electronic clerk review, digital stamping and endorsing, electronic notification of filing and return of endorsed documents, and system verification that the data elements are complete and accurate.

**Criminal and Traffic Case Management System**

- The Fresno Sheriff's Office implemented a new records management system. This system provides real time responses to warrants transactions issued using the criminal and traffic case management system, improving coordination between the Fresno County Superior Court and Sheriff's Office.
- Release 7.1, was successfully deployed and went live. This release is expected to resolve all known Judicial Branch Statistical Information reporting issues for the criminal and traffic case management system. Testing is complete for the new Entrust Security Certificates, which will replace the older 1024 security certificates.

**Infrastructure & Security**

**Statewide Electronic Business Services (E-Filing):**

- Orange County Superior Court's new Civil CMS e-filing project (court complex and unlimited civil) has processed 11,000 plus transactions and approximately 19,000 individual documents as of October 1, with 95 percent of all documents processed within a single business day.
- The team continues to work with Ventura Superior Court to explore the feasibility of deploying electronic filing in the Civil CMS application by year end.

**Managed Security Services:**

- 31 courts have been migrated to this service.

## Education Programs

### Judicial Education

**Financial Statements in the Courtroom:** Held in collaboration with the National Judicial College, and offered to judges in unlimited civil, criminal, family, and probate assignments.

**Micro-Aggressions and Fairness:** San Francisco judges explored ways in which unconscious bias manifests in verbal communications and nonverbal behavior. The course demonstrated scientifically proven methods for dismantling this bias.

**Qualifying Judicial Ethics Training, Fourth Cycle:** Eight core ethics classes were held in Sacramento, Compton, Monterey, Burlingame, Los Angeles, San Jose, Riverside, and Fresno.

**Violence Against Women Education Project:** Thirty-six judicial officers participated in a program entitled *Immigration Issues in Criminal Domestic Violence Cases* as part of the criminal assignment courses. Issues discussed included the intersection of domestic violence and immigration issues at arraignment, in setting bail, at the issuance or dismissal of a criminal protective order, in plea agreements, and at trial; options for victims of domestic violence; and understanding the immigration consequences of criminal convictions.

**Tools for Judges on Engaging Fathers in Child Welfare Cases:** Hon. Leonard Edwards (Ret.), the AOC's Judge-in-Residence has produced four video vignettes providing practical guidance to judges on locating and involving fathers in child welfare cases (<http://www.fatherhoodqic.org/>).

### Faculty Development

**Faculty Development Fundamentals:** Eighteen judges and subordinate judicial officers were introduced to the basics of course design, development, and delivery.

**Local Court Training:** Two half-day training sessions on stress management were presented at the Siskiyou County courthouse in Yreka. Attendance was open to all employees and included attendance at all levels and positions in the court.

### Judicial Officer, Court Employees, and Justice System Stakeholders Education

**AB 1058 Child Support Program:** Conducted annual training conference for child support commissioners, family law facilitators, court clerks, paralegals, accounting and administrative staff. Justice partners representing staff from the federal Office of Child Support Enforcement, California Department of Child Support Services, local child support

agencies, and the Child Support Directors Association were among the 380 attendees. Costs for the training were covered by grant funding.

**Appellate Judicial Attorneys Institute:** Twenty courses were offered to approximately 200 attendees, including courses on ethics, evidence, and legal writing. Jonah Lehrer, author of *How We Decide*, was the concluding speaker.

**Assessing Requests for Dementia Powers:** A two-day regional program provided probate court investigators with information on recognizing forms of dementia, assessing the need for secured placements, identifying medications that treat dementia, and effective interviewing techniques.

**Court Connection Teachers Workshops:** The first of six workshops was held at the Superior Court of Orange County. These one-day workshops to be held at superior courts throughout the state will provide local K-12 teachers with an introduction to the courts and connect them with local, state, and national civic education resources.

**Court Investigator's Role in Guardianships after the Issuance of Orders and Letters:** Two-day regional program for probate court investigators provided course topics on common reasons for review of guardianships, status reports, reasons for terminating guardianships, and mediation techniques.

**Facilitating Offender Reentry to Reduce Recidivism:** AOC staff presented a reentry court evaluation design and discussed the data elements at the Workshop for Teams Conference in collaboration with the Stanford Criminal Justice Center and the Federal Justice Center.

**Family Dispute Resolution:**

- Regional one-day trainings for family court services directors in Fresno, Sacramento, Redding, and San Francisco. Topics included recent legislative changes; effective practices for communication with Children's Protective Services; learning plans to assist mediators and evaluators in tracking their training; and management/leadership skills.
- One-day regional trainings for child custody mediators and evaluators in Fresno, Sacramento, Redding, San Francisco, and San Diego addressed children's voices and participation in family court; domestic violence topics; and mental health interdisciplinary issues. Family Court judicial officers served as faculty and panelists together with Family Court Services faculty and mental health professionals.
- WebEx training held for Family Court Services staff on the 2008 Snapshot Study of court-based child custody mediation. Topics included children's participation in mediation, domestic violence, child abuse, mental health, and substance abuse.

**Grant Seeking and Writing:** Day-long session for court and AOC employees responsible for researching, locating, and/or writing grants. Topics included finding the most appropriate opportunities for grants and improving odds of grant approval.

**National Association of Counsel for Children Annual Conference:** AOC staff and Judge John Specia (Ret.) presented a workshop on "Collaborating to Achieve Better Outcomes: Building a Successful Multidisciplinary Foster Care Commission" at the National Association of Counsel for Children's annual conference in Austin, Texas.

**Tribal Advocates Curriculum:** The Tribal Advocates Curriculum development got under way with the assistance of consultant Kene Me-Wu Family Healing Center.

**Tribal Projects Training and Curriculum:** (1) Training on the Indian Child Welfare Act (ICWA) and tribal customary adoption in Marin County, (2) ICWA training for probation officers in Mendocino County, (3) ICWA and tribal customary adoption training in Tehama County, and (4) ICWA training in Contra Costa County.

## Broadcasts

**Court Security for Court Leaders:** Designed to heighten awareness of court leaders about potential security threats and explain how to protect the privacy of both public and personal records.

**Legal Aid Association of California:** Two webinar broadcasts for association attorneys on the application of collaborative justice court principles.

**The Supervisors' Role in the Professional Development of Their Staff:** A new broadcast program for managers and supervisors, addressing training and development needs, types of development, developing high potential employees, and using the California Judicial Branch Leadership Competencies to guide development efforts.

## Publications

**Financial Analysis Tools for Court Appointed Special Advocates Programs:** CASA programs completed the project with funding from the Walter S. Johnson Foundation.

**Foster Care Reform Update, Quarterly Newsletter for County and Statewide Collaborations:** Provided information, resources, and support to local foster care commissions at the county level and to statewide collaborative groups working on child welfare issues. The update is one of the commission's efforts to help ensure implementation of its recommendations (<http://www.courtinfo.ca.gov/jc/tflists/brc-newsletter-1010.htm>).

**Sharing Information About Children in Foster Care:** Policy papers were completed on the challenge and promise of confidentiality law and policy in the areas of education, health care, substance abuse, and mental health. These papers focus on information sharing among child welfare, the courts, and local and state agencies as it pertains to children in foster care (<http://www.courtinfo.ca.gov/programs/cfcc/>).

### JUDICIAL VACANCY REPORT

Number of Judgeships Authorized, Filled and Vacant as of **October 25, 2010**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	Filled(Last Month)	Vacant(Last Month)
Supreme Court	1	7	7	0	0	7	0
Courts of Appeal	6	105	102	3	0	103	2
Superior Courts	58	1646	1565	31	50*	1560	86
<b>All Courts</b>	<b>65</b>	<b>1758</b>	<b>1674</b>		<b>84</b>	<b>1670</b>	<b>88</b>

\* Authorized January 1, 2008, 50 new (AB 159) judgeships are added. However, the funding for these 50 new (AB 159) judgeships has been deferred and has not yet been provided.

### JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Third Appellate District	2	Retirement	Hon. Arthur G. Scotland	09/30/10
Third Appellate District		Retirement	Hon. Rodney Davis	02/16/09
*Fourth Appellate District, Division Two	1	Retirement	Hon. Barton C. Gaut	02/28/10
<b>TOTAL VACANCIES</b>	<b>3</b>			

\* Hon. Carol D. Codrington (Riverside Superior Court) was nominated on August 11, 2010 to replace retired Associate Justice Barton C. Gaut. She was confirmed on August 25, 2010 and will stand for election in the November 2010 election.

**JUDICIAL VACANCIES: SUPERIOR COURTS**

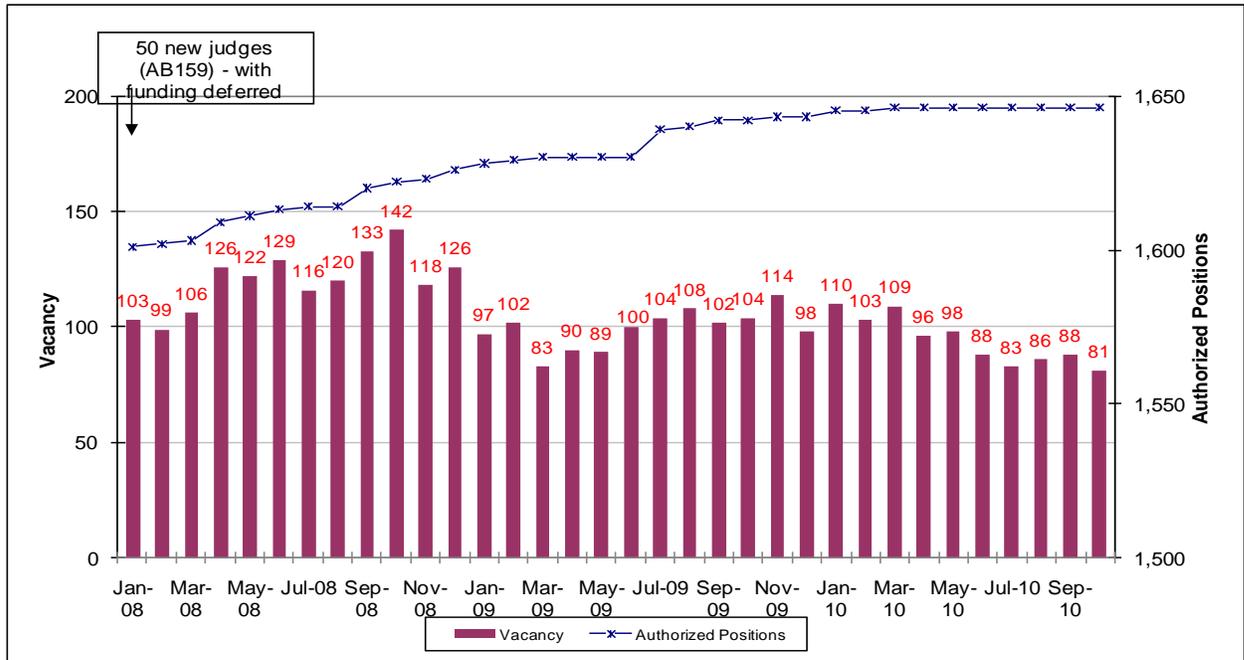
<b>County</b>	<b>Vacancies</b>	<b>Reason for Vacancy</b>	<b>Judge to be Replaced</b>	<b>Last Day In Office</b>
Alameda	1	Retirement	Hon. Stephen Allen Dombrink	03/31/10
Colusa	1	Retirement	Hon. John H. Tiernan	06/25/10
Los Angeles	4	Retirement	Hon. Eudon Ferrell	09/16/10
Los Angeles		Retirement	Hon. Gregg Marcus	09/07/10
Los Angeles		Deceased	Hon. Richard B. Wolfe	08/29/10
Los Angeles		Retirement	Hon. Emily A. Stevens	05/11/10
Madera	1	Elevated	Hon. Jennifer R.S. Detjen	08/05/10
Marin	2	Retirement	Hon. John A. Sutro, Jr.	02/28/10
Marin		Retirement	Hon. Michael B. Dufficy	02/18/10
Mono	1	Retirement	Hon. Edward Forstenzer	03/31/10
Sacramento	3	Elevated	Hon. Louis R. Mauro	08/24/10
Sacramento		Retirement	Hon. Michael T. Garcia	05/31/09
Sacramento		Retirement	Hon. Richard H. Gilmour	03/31/09
San Bernardino	3	Retirement	Hon. Michael A. Smith	06/30/10
San Bernardino		Retirement	Hon. Raymond Paul Van Stockum	05/10/10
San Bernardino		Dis Retirement	Hon. Linda M. Wilde	05/10/10
San Diego	2	Retirement	Hon. Yuri Hofmann	10/08/10
San Diego		Retirement	Hon. Charles R. Hayes	08/16/10
San Joaquin	1	Retirement	Hon. Thomas M. Harrington	11/27/09
San Mateo	2	Retirement	Hon. Carol L. Mittlesteadt	08/25/10
San Mateo		Retirement	Hon. Norman J. Gatzert	07/06/10
Santa Clara	6	Retirement	Hon. Mary Jo Levinger	10/21/10
Santa Clara		Retirement	Hon. Gregory H. Ward	10/15/10
Santa Clara		To Fed Court	Hon. Lucy H. Koh	06/11/10
Santa Clara		Retirement	Hon. John J. Garibaldi	04/17/10
Santa Clara		Retirement	Hon. James C. Emerson	01/31/10

Santa Clara		Retirement	Hon. Thomas C. Edwards	12/31/09
Sonoma	1	Retirement	Hon. Arnold D. Rosenfield	12/31/09
Stanislaus	1	Retirement	Hon. Donald E. Shaver	08/10/10
Tulare	1	Retirement	Hon. Stephen Drew	06/30/10
Yuba	1	Retirement	Hon. James L. Curry	07/09/10
<b>SUBTOTAL</b>	<b>31</b>			
Butte	1	(AB 159)*	New Position	1/1/2008
Contra Costa	1	(AB 159)*	New Position	1/1/2008
Del Norte	1	(AB 159)*	New Position	1/1/2008
Fresno	4	(AB 159)*	New Positions	1/1/2008
Kern	3	(AB 159)*	New Positions	1/1/2008
Kings	1	(AB 159)*	New Position	1/1/2008
Los Angeles	1	(AB 159)*	New Position	1/1/2008
Madera	1	(AB 159)*	New Position	1/1/2008
Merced	2	(AB 159)*	New Positions	1/1/2008
Monterey	1	(AB 159)*	New Position	1/1/2008
Orange	1	(AB 159)*	New Position	1/1/2008
Placer	2	(AB 159)*	New Positions	1/1/2008
Riverside	7	(AB 159)*	New Positions	1/1/2008
Sacramento	6	(AB 159)*	New Positions	1/1/2008
San Bernardino	7	(AB 159)*	New Positions	1/1/2008
San Joaquin	3	(AB 159)*	New Positions	1/1/2008
Shasta	1	(AB 159)*	New Position	1/1/2008
Solano	1	(AB 159)*	New Position	1/1/2008
Sonoma	1	(AB 159)*	New Position	1/1/2008
Stanislaus	2	(AB 159)*	New Positions	1/1/2008
Tulare	2	(AB 159)*	New Positions	1/1/2008
Yolo	1	(AB 159)*	New Position	1/1/2008
<b>TOTAL VACANCIES</b>	<b>81</b>			

**Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month,  
from January 2008 through October 2010**

Month	Superior Court				Court of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Jan-08	1,601	1,498	103	6.4%	105	100	5	4.8%
Feb-08	1,602	1,503	99	6.2%	105	100	5	4.8%
Mar-08	1,603	1,497	106	6.6%	105	100	5	4.8%
Apr-08	1,609	1,483	126	7.8%	105	101	4	3.8%
May-08	1,611	1,489	122	7.6%	105	101	4	3.8%
Jun-08	1,613	1,484	129	8.0%	105	103	2	1.9%
Jul-08	1,614	1,498	116	7.2%	105	102	3	2.9%
Aug-08	1,614	1,494	120	7.4%	105	102	3	2.9%
Sep-08	1,620	1,487	133	8.2%	105	101	4	3.8%
Oct-08	1,622	1,480	142	8.8%	105	101	4	3.8%
Nov-08	1,623	1,505	118	7.3%	105	100	5	4.8%
Dec-08	1,626	1,500	126	7.7%	105	100	5	4.8%
Jan-09	1,628	1,531	97	6.0%	105	98	7	6.7%
Feb-09	1,629	1,527	102	6.3%	105	96	9	8.6%
Mar-09	1,630	1,547	83	5.1%	105	96	9	8.6%
Apr-09	1,630	1,540	90	5.5%	105	96	9	8.6%
May-09	1,630	1,541	89	5.5%	105	96	9	8.6%
Jun-09	1,630	1,530	100	6.1%	105	100	5	4.8%
Jul-09	1,639	1,535	104	6.3%	105	101	4	3.8%
Aug-09	1,640	1,532	108	6.6%	105	102	3	2.9%
Sep-09	1,642	1,540	102	6.2%	105	102	3	2.9%
Oct-09	1,642	1,538	104	6.3%	105	102	3	2.9%
Nov-09	1,643	1,529	114	6.9%	105	102	3	2.9%
Dec-09	1,643	1,545	98	6.0%	105	102	3	2.9%
Jan-10	1,645	1,535	110	6.7%	105	102	3	2.9%
Feb-10	1,645	1,542	103	6.3%	105	101	4	3.8%
Mar-10	1,646	1,537	109	6.6%	105	101	4	3.8%
Apr-10	1,646	1,550	96	5.8%	105	102	3	2.9%
May-10	1,646	1,548	98	6.0%	105	102	3	2.9%
Jun-10	1,646	1,558	88	5.3%	105	101	4	3.8%
Jul-10	1,646	1,563	83	5.0%	105	102	3	2.9%
Aug-10	1,646	1,560	86	5.2%	105	103	2	1.9%
Sep-10	1,646	1,558	88	5.3%	105	103	2	1.9%
Oct-10	1,646	1,565	81	4.9%	105	102	3	2.9%

**Trial Court Authorized Positions and Vacancies**



# Equal Access

Volume 4, Issue 2, 2010

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Options Workshop

\*Upcoming  
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*Newsletter of the  
Council of California  
County Law Librarians*



## 2010 SCCLL Law Library Advocate Award Recipient

### Honorable Keith D. Davis

The State, Court, and Counties Law Libraries (SCCLL) Special Interest Section of the American Association of Law Libraries (AALL) presented the Honorable Keith D. Davis with the Law Library Advocate Award on July 11th, 2010. It was presented at the annual SCCLL business meeting in Denver, CO.

The award was created in 2009 and is presented in order to recognize a law library supporter for substantial contributions towards the advancement of a state, court, or county law library's service and mission. According to SCCLL, "Nominees for this award are any person who has had a significant influence on a state, court or county law library and who is not a member of the law library staff.

At the meeting, SCCLL Chair Anne C. Matthewman presented the award to Judge Davis. Matthewman noted that, "Judge Davis is deserving of this honor due to continuing actions exemplified by his commitment to California county law libraries through service as the President of the Council of California County Law Library Trustees and Librarians (CCLLTL), his support of state legislation supporting county law libraries, including S.B. 113, and his efforts in increasing awareness of state, court, and county law libraries." Judge Davis was honored to be selected by SCCLL for the award and expressed his gratitude for the executive director of the Law Library for San Bernardino County, Larry Meyer.

"I know these have been very difficult and trying economic times for law libraries everywhere," said Judge Davis. "But that doesn't mean that any of us give up, it means that we try harder, try to be more creative, we

try to do the things we need to, to see to it that we are able to continue to provide the public with the social services that they deserve. I would encourage everyone to continue those efforts because bad times, much like good times don't last forever and a brighter day I am certain is ahead for all of us, so let's just keep soldiering on."



## **Options In Foreclosure Workshop A Great Success**

There was a full house at the Options In Foreclosure workshop held in Bakersfield, Thursday, August 19, 2010. Over 100 members of the community showed up to find out what their options were while facing foreclosure. Conducting the workshop were four local attorneys that practice in Loan Modifications, Creditor Representation and Bankruptcy. These attorneys discussed the Short Sale Process, Deed in Lieu of Foreclosure, Loan Modifications, and Bankruptcy. The workshop was well received and as a result, the Kern County Law Library will begin offering Bankruptcy workshops once a month, beginning in October. The two Bankruptcy attorneys who spoke at the event will be presenting the workshops.

# Equal Access

Volume 4, Issue 2, 2010

County Law  
Libraries

Open to the  
Public

Established in  
1891

Governed by a  
Board of  
Trustees

Funded by a  
Portion of Court  
Filing Fees

Newsletter of the  
Council of California  
County Law Librarians



## Upcoming Workshops

### Alameda

Lawyers In The Library: 3rd Tuesday of each month (6:00 - 8:00 p.m.). Sign up 5:30 p.m.  
Legal Document Assistant in the Library: Hayward Branch, September 13, 2010 (3:00-5:00 p.m.)  
Legal Document Assistant in the Library: Oakland Branch, September 14, 2010 (6:00-8:00 p.m.)

### Contra Costa

Lawyer In The Library: 2nd Tuesday of each month (1:30 - 4:30 p.m.)

### Kern

Guardianship Self Help Clinic-Getting Started, Objections, Fix Notes, Visitation, and Termination: Mondays (9:30-11:00 a.m.) & Tuesdays (10:30 a.m.- 12:00 p.m.)  
Small Claims Public Workshop for Self-Represented Litigants: Mondays (11:15a.m.-12:15 p.m.)  
Divorce Default Self Help Clinic-Getting Started, Objections, Checking Papers, & Fixing Pinks: Tuesdays & Thursdays (1:30 p.m.-3:00 p.m.)  
How To Probate A Small Estate: 3rd Tuesday of each month (12:15 p.m. -1:15 p.m.)

### Riverside

Family Law Workshop at Night: 1st Monday (Petition and Response Workshop) and Wednesday of each month (Default Judgment Workshop) (5:30 - 8:30 p.m.). Space is limited to 10 people  
ABC's of Handling Traffic Tickets: September 7, 2010 (7:00-8:00 p.m.)

Sacramento *All workshops are held at the Sacramento County Public Law Library, 813 Sixth Street, Second Floor. Go to [www.saclaw.org](http://www.saclaw.org) to register using Visa or Master Card online.*

Make It Happen In Court Using Trial Director 5.2, Part A: September 10, 2010 (1:30 - 3:30 p.m.), Training Center, 2 MCLE Credits \$65  
Summations: September 14, 2010 (2:00 - 4:00 p.m.) Training Center, 2 MCLE Credits, \$55  
Make It Happen In Court using Trial Director 5.2, Part B: September 17, 2010 (1:30 - 3:30 p.m.) Training Center, 2 MCLE Credits, \$65

San Diego-Main *Workshops are free for SDCPLL Members, \$5.00 Non-Members, Call 619.531.3900 to register.*

Short Sales & Other Options to Avoid Foreclosure: September 22, 2010 (12:00 - 1:00) San Diego Public Library-El Cajon Branch, 201 E. Douglas, El Cajon.

Free Tax Clinic: September 29, October 27, November 24, and December 29, 2010 (2:00 - 4:00 p.m.)

### North County Branch

Using Lexis: September, 15, 2010 (12:00 - 1:00 p.m.)

San Mateo *(Noontime Lectures Series)( All lectures begin at 12 noon and are free)*

September 16: Conservatorship

October 14: No Court Divorce

November 18: Business Survival: Keep Your Business Alive

December 10: Assemblywoman Ma, 12th District

## THE 2010 ERNESTINE STAHLHUT AWARD RECIPIENT

*The Ernestine Stahlhut Award is bestowed annually on a woman in the legal profession who has attained the respect, admiration and affection of the Bench and Bar by her outstanding character, her dedication to service and her significant contributions to the cause of justice; a person who has challenged women in our profession to excel, and who has been an encouragement to young women in our society to seek the law as a profession.*

### *Edith R. Matthai*

Ms. Matthai is a founding partner of Robie & Matthai, APC, where her practice centers on professional malpractice defense. She also defends judges in disciplinary matters. In 2010 Ms. Matthai became a member of the Judicial Council of California. She is the immediate past chair of the ABA Standing Committee on Lawyers' Professional Liability (2007-2010). Ms. Matthai has been named by California Lawyer as one of the prominent California attorneys who defend legal malpractice actions and she has been repeatedly named by the Los Angeles Daily Journal as one of the top 100 attorneys in California. In 2008, she received the Trial Lawyer Hall of Fame award from the Litigation Section of the State Bar of California. In 2006, she received the "Champion of Justice" award from Loyola Law School. She is a past president



*Edith R. Matthai*

of Los Angeles County Bar Association, the Association of Southern California Defense Counsel and the Los Angeles Chapter of the American Board of Trial Advocates.

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## THE 2009 MYRA BRADWELL AWARD RECIPIENT

*The Myra Bradwell Award was established in 1993 to honor a law firm, corporate or government office, or other entity that has been exemplary in promoting and advancing women lawyers and issues important to women.*

### *Toyota Motor Credit Corporation*

General Counsel Katherine E. Adkins manages a legal department at Toyota Motor Credit Corporation in which over 50% of the attorneys are women and three of the four managing attorneys reporting directly to her are women. Toyota Motor Credit Corporation offers attorneys numerous benefits, including an optional flex schedule, adoption assistance, paid maternity leave, and LifeCare Resources (a free referral service for topics ranging from prenatal, to adoption, child care, schools, emergency

care, special needs, summer care, colleges and universities, adult and geriatric care). The company has a Women's Business Partnering Group to foster leadership, volunteerism, and networking opportunities, and sponsors numerous non-profits, including the Working Mother Multicultural Women's Conference, the Revlon Walk for Women, 100 Hispanic Women, the National Council for Research on Women, and Catalyst.



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

### OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393  
Telephone 916-323-3121 ♦ Fax 916-323-4347 ♦ TDD 415-865-4272

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## MEMORANDUM

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**TO:** Honorable Ronald M. George  
Members of the Policy Coordination and Liaison Committee  
William C. Vickrey, Administrative Director of the Courts

**FROM:** Curtis L. Child, Director  
Office of Governmental Affairs

**DATE:** October 6, 2010

**RE:** Status of 2009-2010 legislation considered by the Policy Coordination and Liaison Committee—FINAL

Following is the final status report on 2009-2010 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2009-2010 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description" summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The "Judicial Council position" column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at: <http://www.leginfo.ca.gov/bilinfo.html>

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2010 Legislation**  
**and Status of Bills**

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AB 1596 (Hayashi) – Protective orders: emergency protective orders: enforcement priority: sexual assault .....	B
AB 1926 (Evans) – Court records: preservation guidelines .....	C
AB 2767 (Committee on Judiciary) – Civil omnibus bill .....	C
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**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2010 Legislation**  
**and Status of Bills**

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 5, 2010
AB 12 (Tracy Kenny)	<p><u>AB 12 (Beall) – California Fostering Connections to Success Act</u></p> <p>As amended August 30, 2010            Implements federal foster care reform legislation to provide federally subsidized relative guardianships, and extend foster care jurisdiction to age 21. Reenacts the existing state funded Kinship Guardianship Assistance Program (Kin-GAP) to conform to federal requirements and allow for federal financial participation in the program. Provides that a child in foster care on his or her 18th birthday may remain in care as a nonminor dependent up to age 21 if certain eligibility criteria are met. Phases in this expansion beginning July 1, 2012 to reach eligible youth up to age 19, July 1, 2013 for youth up to age 20, and, contingent upon an appropriation by the Legislature, on July 1, 2014 to reach eligible youth to age 21. Requires the court, at the last review hearing before a foster child turns 18, to ensure that the child’s transitional independent living case plan includes a plan for the child to meet one of the criteria for eligibility as a nonminor dependent and that the child has been informed of the right to seek termination of dependency jurisdiction. Requires that status review hearings involving nonminor dependents be conducted in a manner that respects the nonminor dependent’s status as a legal adult, be focused on the goals and services described in the nonminor dependent’s transitional independent living case plan, including efforts made to achieve permanence, and attended as appropriate by additional participants invited by the nonminor dependent. Provides that parents of nonminor dependents are not entitled to notice of proceedings or representation be counsel. Requires the court when terminating the delinquency jurisdiction of a delinquent ward who is in a foster care placement or who was a dependent child who was removed from his or her parents at the time he or she was adjudicated a delinquent ward to set a hearing pursuant to Welfare and Institutions Code section 241.1 if the court finds that the child appears to come within the description of Welfare and Institutions Code section 300 because of abuse or neglect and cannot be returned home safely</p>	Sponsor	Judicial Council, Children’s Law Center, California Alliance of Child & Family Services, California Youth Connection Youth Law Center, County Welfare Directors Association, John Burton Foundation for Children without Homes, and SEIU	Signed into law (Stats. 2010, ch. 559)
AB 273 (Donna Hershkowitz)	<p><u>AB 273 (Anderson) – Collections</u></p> <p>As introduced            Requires the superior courts to submit all unpaid court-ordered debt to the Franchise Tax Board, regardless of the amount, if the debt is at least 90 days delinquent. Allows the Franchise Tax Board to include in the total amount owed by the debtor that is subject to collection, the “actual and reasonable cost of collection.”</p>	Oppose	Author	Assembly Judiciary Committee— Dead.
AB 447 (June Clark)	<p><u>AB 447 (Nestande) – Criminal procedure: trial counsel: inability to pay</u></p> <p>As introduced            Makes mandatory on the court and defendant several provisions permissive under current law relating to the court’s determination of a defendant’s ability to pay for counsel.</p>	Oppose	Riverside County District Attorney	Assembly Public Safety Committee— Dead.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 5, 2010
AB 612 (Tracy Kenny)	<p><u>AB 612 (Beall) – Custody and visitation: nonscientific theories</u></p> <p>As introduced 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 which includes a nonscientific theory.</p> <p><b>UPDATE: As amended May 5, 2009</b> <i>Provides that courts may consider the significant hostility of a child to a parent as evidence corroborating allegations of abuse by that parent in a child custody dispute, and shall not make a determination that allegations of physical or sexual abuse are false based solely on the expression of significant hostility by the child to the allegedly abusive parent. Requires that training for child custody evaluators include this provision.</i></p> <p><b>UPDATE: As amended June 28, 2009</b> <i>Prohibits courts from relying on or considering an unproven, unscientific theory and disallows acceptance into evidence of reports that rely on such theories</i></p>	<p>Oppose</p> <p>Update: <i>As amended May 5, 2009</i> <i>Neutral</i></p> <p>Update: <i>As amended June 28, 2009</i> <i>Oppose</i></p>	Center for Judicial Excellence	Senate Judiciary Committee— Dead.
AB 663 (Tracy Kenny)	<p><u>AB 663 (Jones) – Legal aid: court interpreters</u></p> <p>As amended June 15, 2009 Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings and to implement a three-year pilot project in up to five courts to provide interpreters in civil proceedings. Also requires the Judicial Council to enter into one or more master agreements with telephonic appearance providers to provide uniformity in the fees charged and requires fifteen dollars per appearance to support the cost of the civil interpreter pilot project.</p> <p>Limits the use of the term legal aid.</p>	Sponsor interpreter related provisions; no position on legal aid provision	Judicial Council	Senate Appropriations Committee— Dead.
AB 743 (Tracy Kenny)	<p><u>AB 743 (Portantino) – Foster care: sibling placement</u></p> <p>As amended July 15, 2010 Modifies the standard for sibling visitation to require that if siblings are not placed together the social worker must explain why placement together would be contrary to the safety or well-being of any sibling. Requires a social worker considering a change of placement that will result in sibling separation to notify the attorney for the child being moved as well as the attorney for any affected sibling ten calendar days prior to the change, with specified exceptions.</p>	Support	Children’s Law Center of Los Angeles	Signed into law (Stats. 2010, ch. 560)

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Judicial Council Position</b>	<b>Sponsor</b>	<b>Status as of October 5, 2010</b>
AB 790 (Donna Hershkowitz)	<u>AB 790 (Hernandez) – State employee compensation</u>  As amended March 22, 2010 Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for to pay compensation and employee benefits, so state employees will be fully paid in the absence of a state budget.	Oppose unless amended to provide equal treatment for judicial branch employees	California Association of Professional Scientists; Professional Engineers in California Government	Senate Floor— inactive.
AB 908 (June Clark)	<u>AB 908 (Berryhill, T.) – Probation: cost of services</u>  As introduced 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.	Oppose	Chief Probation Officers of California	Assembly Public Safety Committee— Dead.
AB 939 (Tracy Kenny)	<u>AB 939 (Committee on Judiciary) – Family law proceedings</u>  As amended August 16, 2010 Makes numerous changes to provisions in the Family Code. Authorizes service by mail of post-judgment modifications of child support or custody. Requires that the court receive live testimony in family law proceedings unless it finds good cause not to, and states its reasons on the record. Requires the court to rule on a request for attorney’s fees early in the proceeding, and requires that fees be awarded if the court finds that there is a disparity in income and an ability of one party to pay the other party’s fees. Allows the court to order “family centered case resolution” (previously referred to as “case management” by statute) without stipulation. Requires that the minor’s counsel and the court comply with existing rules of court concerning the appointment requirements for minor’s counsel. Eliminates the authority for minor’s counsel to prepare and submit to the court a statement of issues, and instead authorizes counsel to present only admissible evidence. Requires minor’s counsel to present the wishes of the child if the child desires them to be presented. Requires that any recommendation by a mediator in a child custody matter be provided to the parties in writing in advance of the hearing, and requires the judicial officer to inquire to ensure compliance with this provision. Requires courts to refer to child custody mediators who are authorized to submit recommendations to the court as “Child Custody Recommending Counselors,” and requires that the process be referred as “Child Custody Recommending Counseling.” Allows the court to accept a paternity stipulation in a Domestic Violence Prevention Act (DVPA) matter, and provides that custody, visitation and support orders issued in a DVPA matter survive the termination of the order. Requires that child welfare agencies investigate referrals from the family court in the same manner that they investigate other allegations of abuse. Authorizes family court personnel to examine child welfare case files, even if no petition has been filed with the court. Revises the current summary dissolution statute to allow use of this procedure for an eligible marriage that is less than five years in duration at the time the parties are legally separated, and allows the court to issue the judgment after six months, absent any other action by the parties.	Support	Author	Signed into law (Stats. 2010, ch. 352)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 5, 2010
AB 942 (Donna Hershkowitz)	<u>AB 942 (Committee on Judiciary) – Judgeships</u>  As amended July 14, 2009 Requires the Judicial Council to prepare and submit to the Legislature a Judicial Needs Assessment that revises the time study specifically for family and juvenile law, and thus re-evaluates the overall judicial need. Authorizes the Judicial Council to convert up to an additional 10 subordinate judicial officer positions (SJOs) to judgeships each year, upon vacancy, if the conversion of these additional positions will result in a judge being assigned to a family or juvenile law assignment previously presided over by a subordinate judicial officer.	Support	Author	Senate Appropriations Committee— Dead.
AB 996 (Janus Norman)	<u>AB 996 (Anderson) – Hours of operation</u>  As introduced Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	Oppose	Author	Assembly Judiciary Committee— Dead.
AB 1050 (Tracy Kenny)	<u>AB 1050 (Ma) – Child custody: preferences of the child</u>  As amended August 2, 2010 Creates a presumption that a child is of sufficient maturity to provide input to the court on a child custody or visitation issue at age 14 and requires the court to permit the child to address the court unless the court finds that testimony is not in the child’s best interests and states its reasons on the record. If the court denies calling the child, requires the court to find alternate means of obtaining information about the child’s preferences. Requires the Judicial Council to promulgate a rule of court regarding the examination of a child witness, including guidelines for obtaining information by means other than direct testimony. Delays implementation of the new provisions until the rule is adopted.	Support	Author	Signed into law (Stats. 2010, ch. 187)
AB 1229 (Tracy Kenny)	<u>AB 1229 (Evans) – Juvenile court costs</u>  As amended August 10, 2010 Clean-up to AB 131 of last year (Stats. 2009, ch. 413), clarifies that courts can designate their own financial evaluation officers.	Sponsor	Judicial Council	Signed into law (Stats. 2010, ch. 569)
AB 1335 (June Clark)	<u>AB 1335 (Lieu) – Judicial elections: write-in candidates</u>  As amended June 9, 2010 Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility provisions for a judge of a court of record. Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest, extends the time required for a write-in candidate to declare his or her intentions to run.	Support	California Judges Association	Vetoed

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 5, 2010
AB 1338 (June Clark)	<u>AB 1338 (Anderson) – Arraignment courts</u>  As amended April 28, 2009 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.	Oppose unless funded	Author	Assembly Appropriations Committee— Dead.
AB 1341 (Curtis Child)	<u>AB 1341 (Lowenthal, Bonnie) – Property taxation: possessory interests: Long Beach Courthouse</u>  As amended August 2, 2010 Provides that no possessory interest arises in a non-governmental entity that delivers the new Long Beach Courthouse if certain criteria are satisfied. The courthouse shall be public property and exempt from tax that would attach if it a private entity were deemed as having a possessory interest in public property.	Sponsor	Judicial Council	Signed into law (Stats. 2010, ch. 442)
AB 1596 (Tracy Kenny)	<u>AB 1596 (Hayashi) – Protective orders: emergency protective orders: enforcement priority: sexual assault</u>  As amended August 5, 2010 Contains numerous technical changes to create more consistency in protective order statutes.	Sponsor	Judicial Council	Signed into law (Stats. 2010, ch. 572)
AB 1655 (Tracy Kenny)	<u>AB 1655 (Evans) – Dependent children: psychotropic medications</u>  As introduced Establishes a pilot project in three counties, operative until January 1, 2014, to enhance procedures relating to approval of psychotropic medication requests for youth in foster care. Requires the Department of Social Services to report on the findings of the pilot project and mental health outcomes for foster youth by July 1, 2014. Requires the Judicial Council to adopt rules and forms to implement the project by July 1, 2011.	Support	Children’s Law Center of Los Angeles	Assembly Appropriations Committee— Dead.
AB 1697 (Donna Hershkowitz)	<u>AB 1697 (Hall) – Court security</u>  As introduced and as conceptually proposed to be amended Takes the authority to allocate funding for court security away from the Judicial Council. Directs that the allocation to each sheriff be determined by the Judicial Council’s Working Group on Court Security; makes all persons who provide court security services employees of and under the direction of the county sheriff; extends the sunset date on the \$10 increase in court security fee from 2011 to 2016 and directs that the revenue from this fee be placed in a special account; provides that this fee shall be adjusted annually based on the change in the California Price Index.  <i>UPDATE: As amended May 28, 2010</i> <i>In lieu of the above, extends the sunset date on the \$10 increase in the court security fee from June 30, 2011, to June 30, 2013, and creates a court security account in the Trial Court Trust Fund which shall be used solely for court security purposes.</i>	Oppose as introduced; oppose as conceptually proposed to be amended; inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council.  Update: <i>As amended April 15, 2010</i> <i>Neutral</i>	California State Sheriffs’ Association; Peace Officers Research Association of California; and Los Angeles County Sheriff Lee Baca	Senate Judiciary Committee— Dead.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 5, 2010
AB 1699 (Donna Hershkowitz)	<u>AB 1699 (Hernandez) – State employee compensation</u>  As introduced Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for employee compensation and benefits, so that state employees will be fully paid in the absence of a state budget. The contents of this bill are identical to the provisions of AB 790.  <b>UPDATE: As amended August 17, 2010</b> <b>Extends the protections of this bill to, among others, judicial branch employees, including employees of the trial court.</b>	Oppose unless amended to provide equal treatment for judicial branch employees.  Update: <b>As amended August 17, 2010</b> <b>Neutral</b>	Professional Engineers in California Government; California Association of Professional Scientists	Senate Floor— Dead.
AB 1749 (Tracy Kenny)	<u>AB 1749 (Lowenthal, Bonnie) – Whistleblower Protection Act: Administrative Office of the Courts</u>  As introduced Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the Administrative Office of the Courts.  <b>UPDATE: As amended April 27, 2010</b> <b>Includes the trial courts, courts of appeal and Supreme Court in the CWPA. Provides that the State Personnel Board will only make recommendations to the judicial branch employer on retaliation complaints.</b>	Oppose unless amended to address separation of powers concerns  Update: <b>As amended April 27, 2010</b> <b>Support</b>	Author	Signed into law (Stats. 2010, ch. 160)
AB 1852 (Tracy Kenny)	<u>AB 1852 (Portantino) – Dependent children: locating extended family members</u>  As introduced Requires the county welfare department to document in the reports it provides to the court at the disposition hearing its efforts to locate and contact relative and non-relative extended family members of a dependent child to establish permanent familial connections between the child and his or her family.	Support	California Youth Connection	Assembly Appropriations Committee— Dead.
AB 1894 (Daniel Pone)	<u>AB 1894 (Monning) – Judges: disqualification</u>  As amended June 10, 2010 Extends, for civil cases only, the time period for moving to disqualify a judge from 10 to 15 days and requires the moving party to notify all other parties within 5 days of making the motion.	Support	Consumer Attorneys of California	Signed into law (Stats. 2010, ch. 131)
AB 1925 (June Clark)	<u>AB 1925 (Salas) – Veterans courts</u>  As amended August 2, 2010 Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military.	No position	Author	Vetoed

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 5, 2010
AB 1926 (Tracy Kenny)	<u>AB 1926 (Evans) – Court records: preservation guidelines</u>  As amended April 6, 2010 Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines. Requires the Judicial Council to adopt rules to establish the guidelines or standards for the creation, maintenance, reproduction, and preservation of court records. The amended statutes would not apply to court reporters’ transcripts or electronic recordings made as the official record of oral proceedings.	Sponsor	Judicial Council	Signed into law (Stats. 2010, ch. 167)
AB 1987 (Donna Hershkowitz)	<u>AB 1987 (Ma) – Public retirement: final compensation: computation: retirees</u>  As amended August 17, 2010 For 1937 Act retirement systems, prohibits the practice of “pension spiking” by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals’ pension benefits. Prohibits “double dipping” by requiring at least six months separation before any employee covered by a state or local pension system may return to service.	Oppose the provision mandating a period of time for separation, unless amended to exclude subordinate judicial officers (SJO). No position on remaining provisions.  Update: <i>No position based on commitment to allow exclusion of SJOs from separation requirement in a separate bill.</i>	Author	Vetoed
AB 2056 (June Clark)	<u>AB 2056 (Miller) – Criminal procedure: continuances: assault with intent to commit rape</u>  As amended April 28, 2010 Adds cases involving assault with the intent to commit rape 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.	Oppose; inappropriately interferes with the court’s function to have the court determine whether there is good cause for a continuance on a case-by-case basis.	Riverside County District Attorney Rod Pacheco	Assembly Public Safety Committee— Dead.
AB 2116 (June Clark)	<u>AB 2116 (Evans) – Subordinate judicial officers: gifts and honoraria</u>  As amended June 29, 2010 Extends existing provisions regulating gifts and honoraria limitations for judges and justices to subordinate judicial officers. Requires the court employing the subordinate judicial officer to exercise initial jurisdiction to enforce the provisions, and the Commission on Judicial Performance to exercise discretionary jurisdiction.	Support	California Judges Association	Signed into law (Stats. 2010, ch. 206)

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Judicial Council Position</b>	<b>Sponsor</b>	<b>Status as of October 5, 2010</b>
AB 2119 (Daniel Pone)	<u>AB 2119 (Tran) – Civil procedure: deadlines: computation</u> As introduced Provides that when any law governing civil procedure requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the date of the hearing.	Support	State Bar of California – Committee on the Administration of Justice	Signed into law (Stats. 2010, ch. 41)
AB 2212 (Tracy Kenny)	<u>AB 2212 (Fuentes) – Minors: mental competency</u> As amended August 5, 2010 Authorizes the juvenile court or the minor’s counsel in a delinquency matter to express a doubt as to the competency of the minor who is the subject of the action, and requires the court to suspend the proceedings if the court finds that substantial evidence raises a doubt as to the minor’s competency. Upon suspension, requires the court to order that the question of the minor’s competence be determined in a hearing and to appoint an expert. Requires that, if the minor is found to be incompetent by a preponderance of the evidence, all proceedings remain suspended to determine whether there is a substantial probability that the minor will attain that capacity in the foreseeable future or the court no longer retains jurisdiction. Allows the court during the period of suspension to make any order for services to restore the minor to competency, and to rule on any motion that does not require the participation of the minor to prepare the motion. Requires the Judicial Council to adopt a rule of court to implement the requirements for the competency evaluations and proceedings.	Support	Author	Signed into law (Stats. 2010, ch. 671)
AB 2217 (June Clark)	<u>AB 2217 (Fuentes) – Jurors: electronic communications</u> As amended August 3, 2010 Requires the court, when admonishing the jury against conversation about the trial, to clearly explain, as part of the admonishment, that the prohibition on conversation applies to all forms of communication, including electronic and wireless. Requires the officer in charge of a jury to prevent any form of electronic or wireless communication. Includes “research and dissemination” in the prohibition. Violation of this admonishment would be included in the list of acts constituting criminal and civil contempt of court.	Support	Author	Vetoed
AB 2271 (Daniel Pone)	<u>AB 2271 (Silva) – Probate: appeals</u> As amended June 16, 2010 Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders.	Support	Conference of California Bar Associations	Signed into law (Stats. 2010, ch. 94)
AB 2284 (Daniel Pone)	<u>AB 2284 (Evans) – Jury trial: expedited jury trials</u> As amended August 18, 2010 Establishes the Expedited Jury Trials Act. Among other things, defines expedited jury trial as a binding jury trial before a reduced jury panel and judicial officer. Requires the Judicial Council, by January 1, 2011, to adopt implementing rules and forms. Makes the Act operative until January 1, 2016	Support, but reserve the right to modify the position, as necessary, after consideration of all public comments received on the rules proposal.	Consumer Attorneys of California; California Defense Counsel	Signed into law (Stats. 2010, ch. 674)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 5, 2010
AB 2475 (Tracy Kenny)	<u>AB 2475 (Beall) – Judicial immunity</u>  As amended April 28, 2010 Provides that the doctrine of judicial or quasi-judicial immunity shall not apply to any private third party engaged by the court for his or her expertise in family law matters in an advisory capacity. Requires the Bureau of State Audits to establish a compliance unit to review compliance of family courts and public employees with family laws and procedures.  <b>UPDATE: As amended May 11, 2010</b> <b>Requires the Judicial Council to adopt a statewide complaint procedure for family court appointees.</b>	Oppose   Update: <b>As amended May 11, 2010</b> <b>No position</b>	Author	Assembly Appropriations Committee— Dead.
AB 2487 (June Clark)	<u>AB 2487 (Feuer) – Judge disqualification</u>  As amended August 2, 2010 Requires a judge to disqualify himself or herself when the judge has received a contribution in excess of \$1,500 from a party or counsel in a matter before the judge, and the contribution was received either in support of the judge’s election, if the election occurred within the last six years, or in support of an upcoming election. Allows the non-contributing party to waive the disqualification. Also requires the judge to disclose on the record any contribution of an amount that a judicial candidate would be required to report to the Fair Political Practices Commission (currently \$100).	Support if amended to limit the mandatory disqualification to two years instead of six years.	Author	Signed into law (Stats. 2010, ch. 686)
AB 2499 (June Clark)	<u>AB 2499 (Portantino) – Traffic violator schools: regulation</u>  As amended August 5, 2010 Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles. Requires courts to transmit to DMV abstracts of judgment for convictions of traffic violations rather than the court dismissing the case upon completion of the TVS program.	Support	Author	Signed into law (Stats. 2010, ch. 599)
AB 2505 (June Clark)	<u>AB 2505 (Strickland) – Warrants: electronic signature: computer server transmission</u>  As amended April 8, 2010 Allows an oath by an affiant seeking a search warrant to be made using a telephone and computer server, in addition to a fax machine or email, and allows the affiant’s signature to be in the form of an electronic signature.	Support	Ventura County District Attorney Greg Totten	Signed into law (Stats. 2010, ch. 98)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 5, 2010
AB 2521 (Donna Hershkowitz)	<u>AB 2521 (Torrico) – Courts: budget and fiscal management</u>  As amended June 17, 2010 Requires the Controller to perform a compliance audit all funds and accounts under the jurisdiction and control of each trial court every four years. Requires the Controller to perform a compliance audit all funds under the jurisdiction and control of the Administrative Office of the Courts (AOC) every 2 years. Provides that the first audit of the trial courts shall be a pilot with six trial courts established by December 15, 2012. Audits of all trial courts and the AOC shall begin by December 15, 2013. Requires the results of the audits to be issued to the Legislature, Judicial Council, and Department of Finance. Provides that the costs of the audits shall be borne by the trial courts and the AOC within existing resources.	Oppose unless funded, concerns noted about the scope and frequency of the audits.	Services Employees International Union	Senate Judiciary Committee— Dead.
AB 2763 (Donna Hershkowitz)	<u>AB 2763 (Committee on Judiciary) – Judicial needs assessment and subordinate judicial officer conversions</u>  As amended August 18, 2010 Requires the Judicial Council to prepare and submit to the Legislature a Judicial Needs Assessment that revises the time study specifically as to family and juvenile law judgeship needs. Authorizes the Judicial Council to convert up to an additional 10 subordinate judicial officer positions to judgeships each year, upon annual ratification by the Legislature, if the conversion of these additional positions will result in a judge being assigned to a family or juvenile law assignment previously presided over by a subordinate judicial officer.	Support	Author	Signed into law (Stats. 2010, ch. 690)
AB 2767 (Daniel Pone)	<u>AB 2767 (Committee on Judiciary) – Civil omnibus bill</u>  As amended June 15, 2010 Among other things: (1) Clarifies the disposition of unclaimed victim restitution money held by the superior court; and (2) Adjusts, from April 1, 2010, to April 1, 2013, the date on which the Judicial Council is required to submit the first report to the Legislature regarding increased dollar amounts for homestead exemptions.	(1) Sponsor (2) Support	(1) Judicial Council (2) California Teamsters Union	Signed into law (Stats. 2010, ch. 212)
SB 59 (June Clark)	<u>SB 59 (Huff) – Criminal procedure: trials: continuances</u>  As amended December 15, 2009 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.	Oppose	Sacramento County District Attorney's Office, Gang Unit	Senate Public Safety Committee— Dead.
SB 210 (June Clark)	<u>SB 210 (Runner) – Traffic violator schools: regulation</u>  As proposed to be amended Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles.	Support	Author	Senate Rules Committee— Dead.

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Judicial Council Position</b>	<b>Sponsor</b>	<b>Status as of October 5, 2010</b>
SB 259 (Daniel Pone)	<u>SB 259 (Benoit) – Common interest developments: elections</u>  As introduced 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 pursuant to that election unless the court finds that the action of the board was contrary to law or the governing documents.	Oppose	Community Associations Institute	Senate Judiciary Committee— Dead.
SB 377 (Donna Hershkowitz)	<u>SB 377 (Corbett) – Courts: judgeships</u>  As introduced Authorizes 50 new judgeships, upon appropriation by the Legislature, to be allocated to the superior courts pursuant to the methodology adopted by the Judicial Council.	Sponsor	Judicial Council	Senate Appropriations Committee— Dead.
SB 962 (Tracy Kenny)	<u>SB 962 (Liu) – Prisoners: adjudication of parental rights: participation</u>  As amended August 2, 2010 Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available. States the intent of the Legislature that no job placement or reduction in earned privileges while incarcerated result participation by parents from court proceedings Allows the California Department of Corrections and Rehabilitation to establish a pilot project to facilitate parental involvement in dependency court hearings if private funding can be obtained.	Support	Los Angeles Dependency Lawyers, Inc.	Signed into law (Stats. 2010, ch. 482)
SB 1041 (Daniel Pone)	<u>SB 1041 (Harman) – Hearsay evidence: wills and revocable trusts</u>  As amended May 6, 2010 Among other things, provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her revocable trust, is not made inadmissible by the hearsay rule because the declarant is unavailable as a witness.	Support	Conference of California Bar Associations	Signed into law (Stats. 2010, ch. 106)
SB 1274 (Daniel Pone)	<u>SB 1274 (Committee on Judiciary) – Electronic service of process</u>  As amended March 23, 2010 Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. The bill also explicitly authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	Sponsor	Judicial Council	Signed into law (Stats. 2010, ch. 156)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of October 5, 2010
SB 1417 (June Clark)	<u>SB 1417 (Cox) – Corporations for prevention of cruelty to children or animals: endorsement and appointment</u>  As amended August 16, 2010 Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers.	Support if amended to provide clear court process.	State Humane Association of California; Placer County Counsel; California State Sheriffs Association	Signed into law (Stats. 2010, ch. 652)
SB 1425 (Donna Hershkowitz)	<u>SB 1425 (Simitian) – Public Retirement: final compensation: computation: retirees</u>  As amended August 19, 2010 For Public Employees’ Retirement System (PERS) and State Teachers’ Retirement System (STRS) prohibits the practice of “pension spiking” by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals’ pension benefits. Prohibits “double dipping” by requiring at least six months separation before any employee covered by PERS or STRS may return to service.	Oppose the provision mandating a period of time for separation, unless amended to exclude judicial officers. No position on remaining provisions.  Update: <i>No position based on commitment to allow exclusion of judges and SJOs from separation requirements in a different bill.</i>	Author	Vetoed
SB 1449 (June Clark)	<u>SB 1449 (Leno) – Marijuana possession: reclassification</u>  As amended April 5, 2010 Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana.	Support	Author	Signed into law (Stats. 2010, ch. 708)
SCA 27 (June Clark)	<u>SCA 27 (Harman) – Death penalty appeals: transfer</u>  As introduced Authorizes the Supreme Court to transfer a case to a court of appeal when a judgment of death has been pronounced and requires the Supreme Court to review the resulting decision of the court of appeal affirming or reversing that judgment.	Support	Author	Senate Public Safety Committee—failed passage.

**Appendix**  
**Status of 2010 Judicial Council-sponsored Legislation**

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 5, 2010
AB 12 (Tracy Kenny)	<p><u>AB 12 (Beall) – California Fostering Connections to Success Act</u></p> <p>As amended August 30, 2010</p> <p>Implements federal foster care reform legislation to provide federally subsidized relative guardianships, and extend foster care jurisdiction to age 21. Reenacts the existing state funded Kinship Guardianship Assistance Program (Kin-GAP) to conform to federal requirements and allow for federal financial participation in the program. Provides that a child in foster care on his or her 18th birthday may remain in care as a nonminor dependent up to age 21 if certain eligibility criteria are met. Phases in this expansion beginning July 1, 2012 to reach eligible youth up to age 19, July 1, 2013 for youth up to age 20, and, contingent upon an appropriation by the Legislature, on July 1, 2014 to reach eligible youth to age 21. Requires the court, at the last review hearing before a foster child turns 18, to ensure that the child’s transitional independent living case plan includes a plan for the child to meet one of the criteria for eligibility as a nonminor dependent and that the child has been informed of the right to seek termination of dependency jurisdiction. Requires that status review hearings involving nonminor dependents be conducted in a manner that respects the nonminor dependent’s status as a legal adult, be focused on the goals and services described in the nonminor dependent’s transitional independent living case plan, including efforts made to achieve permanence, and attended as appropriate by additional participants invited by the nonminor dependent. Provides that parents of nonminor dependents are not entitled to notice of proceedings or representation be counsel. Requires the court when terminating the delinquency jurisdiction of a delinquent ward who is in a foster care placement or who was a dependent child who was removed from his or her parents at the time he or she was adjudicated a delinquent ward to set a hearing pursuant to Welfare and Institutions Code section 241.1 if the court finds that the child appears to come within the description of Welfare and Institutions Code section 300 because of abuse or neglect and cannot be returned home safely</p>	<p>Judicial Council,  Children’s Law Center,  California Alliance of  Child &amp; Family Services,  California Youth  Connection Youth Law  Center,  County Welfare  Directors Association,  John Burton Foundation  for Children without  Homes, and  SEIU</p>	<p>Signed into law (Stats. 2010, ch. 559)</p>

**Appendix**  
**Status of 2010 Judicial Council-sponsored Legislation**

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 5, 2010
AB 663 (Tracy Kenny)	<p><u>AB 663 (Jones) – Legal aid: court interpreters</u></p> <p>As amended June 15, 2009            Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings and to implement a three-year pilot project in up to five courts to provide interpreters in civil proceedings. Also requires the Judicial Council to enter into one or more master agreements with telephonic appearance providers to provide uniformity in the fees charged and requires fifteen dollars per appearance to support the cost of the civil interpreter pilot project.</p> <p>Limits the use of the term legal aid.</p>	Judicial Council	Senate Appropriations Committee—Dead.
AB 1229 (Tracy Kenny)	<p><u>AB 1229 (Evans) – Juvenile court costs</u></p> <p>As amended August 10, 2010            Clean-up to AB 131 of last year (Stats. 2009, ch. 413), clarifies that courts can designate their own financial evaluation officers.</p>	Judicial Council	Signed into law (Stats. 2010, ch. 569)
AB 1341 (Curtis Child)	<p><u>AB 1341 (Lowenthal, Bonnie) – Property taxation: possessory interests: Long Beach Courthouse</u></p> <p>As amended August 2, 2010            Provides that no possessory interest arises in a non-governmental entity that delivers the new Long Beach Courthouse if certain criteria are satisfied. The courthouse shall be public property and exempt from tax that would attach if it a private entity were deemed as having a possessory interest in public property.</p>	Judicial Council	Signed into law (Stats. 2010, ch. 442)
AB 1596 (Tracy Kenny)	<p><u>AB 1596 (Hayashi) – Protective orders: emergency protective orders: enforcement priority: sexual assault</u></p> <p>As amended August 5, 2010            Contains numerous technical changes to create more consistency in protective order statutes.</p>	Judicial Council	Signed into law (Stats. 2010, ch. 572)

**Appendix**  
**Status of 2010 Judicial Council-sponsored Legislation**

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of October 5, 2010
AB 1926 (Tracy Kenny)	<u>AB 1926 (Evans) – Court records: preservation guidelines</u>  As amended April 6, 2010 Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines. Requires the Judicial Council to adopt rules to establish the guidelines or standards for the creation, maintenance, reproduction, and preservation of court records. The amended statutes would not apply to court reporters’ transcripts or electronic recordings made as the official record of oral proceedings.	Judicial Council	Signed into law (Stats. 2010, ch. 167)
AB 2767 (Daniel Pone)	<u>AB 2767 (Committee on Judiciary) – Civil omnibus bill</u>  As amended June 15, 2010 Among other things: (1) Clarifies the disposition of unclaimed victim restitution money held by the superior court; and (2) Adjusts, from April 1, 2010, to April 1, 2013, the date on which the Judicial Council is required to submit the first report to the Legislature regarding increased dollar amounts for homestead exemptions.	(1) Sponsor (2) Support	Signed into law (Stats. 2010, ch. 212)
SB 377 (Donna Hershkowitz)	<u>SB 377 (Corbett) – Courts: judgeships</u>  As introduced Authorizes 50 new judgeships, upon appropriation by the Legislature, to be allocated to the superior courts pursuant to the methodology adopted by the Judicial Council.	Judicial Council	Senate Appropriations Committee—Dead.
SB 1274 (Daniel Pone)	<u>SB 1274 (Committee on Judiciary) – Electronic service of process</u>  As amended March 23, 2010 Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. The bill also explicitly authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	Judicial Council	Signed into law (Stats. 2010, ch. 156)