



THE CAPITOL CONNECTION

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LEGISLATIVE
CALENDAR:

Special Session Convenes
October 9

Last Day for Governor to Sign or Veto Bills
October 14

LAWMAKER OFFERS SUPPORT FOR COURTS

Senator Bruce McPherson (R-Santa Cruz) addressed the recent Trial Court Presiding Judges/Court Executives Advisory Committee business meeting in San Jose and pledged his support on a number of key issues affecting trial courts. Senator McPherson is the chair of the Senate Public Safety Committee and has announced that he is running for Lieutenant Governor in next year's election.

Senator McPherson acknowledged that the maintenance and construction of court facilities is a major challenge facing the courts, and stated that he is looking forward to the final report of the Court Facilities Task Force and offered his assistance to resolve facilities issues. "I hope you will call on me to help you in the effort to address court facility issues that have for too long gone overlooked," he said.

The importance of competitive salaries for judicial officers was also addressed by Senator McPherson. "We must maintain competitive salaries if we are to ensure that California's exceptional judges don't vacate the system to the lures of greater financial benefits in the private sector," he said.

Increased efficiency of court operations is a way to save sorely needed funds, according to Senator McPherson. He authored SB 791, which would have aligned court procedures with the penalty in certain marijuana-possession cases. Under the existing statutory scheme, conviction of possession of not more than 28.5 grams of marijuana is punishable by a maximum fine of \$100. But because the offense is classified as a misdemeanor, a defendant has a right to appointed counsel and to a jury trial. SB 791, which the Judicial Council supported, would have reclassified these violations as infractions and saved court resources. However, the bill failed passage because too many lawmakers were concerned about being perceived as "soft" on drugs if they voted for the measure, according to Senator McPherson.

In another drug-related issue of importance to the courts, Senator McPherson stressed the need for patience in efforts to further the reforms of Proposition 36. "We have to see how the initial phase evolves and then amplify and replicate those programs that work and discard those that don't," he said.

RED LIGHT CAMERA USE IS CLARIFIED

This past year, several hundred motorists who received red-light citations at certain intersections in the city of San Diego challenged the use of red light cameras in appealing their convictions. San Diego has since shut down the cameras at all of the intersections

where they were in use.

The use of cameras at intersections to enforce traffic laws was first authorized by the Legislature as a 3-year

(Continued on page 2)

pilot project in 1995 and extended indefinitely in 1998. In San Diego, thousands of citations have been issued and much attention has been given to red light cameras.

Proponents of red light cameras argue that there are fewer injury crashes and fatalities at intersections since the installation of the cameras. More red light runners are being caught and proponents assert that the cameras are a deterrent to such behavior. Opponents claim that the cameras are unconstitutional and an invasion of their privacy. Additionally, some individuals are alleging that cities like San Diego are using the cameras to generate revenue and trap drivers by shortening yellow light times.

In San Diego, defendants claimed that the red light camera system is unconstitutional, that it is not operated by a governmental agency in cooperation with a law enforcement agency as required by statute, and that there has been outrageous governmental conduct. Unlike other cities, San Diego entered into a contract with a third party to operate the cameras. The contract provided that the company receive a specified amount from each violation.

Superior Court Judge Ronald Styn ruled that the program itself is not unconstitutional. He also ruled, however, that the evidence from San Diego's red light camera system is inadmissible because, as presently operated, it is untrustworthy and unreliable. As a result, the red light violations were dis-

missed.

San Diego officials are now considering changes to their system. According to lawyers familiar with the use of red light cameras, a lawful system would probably ensure sufficient government oversight, require a review of citations by law enforcement, address privacy concerns, and avoid contingency fee arrangements with a contractor.

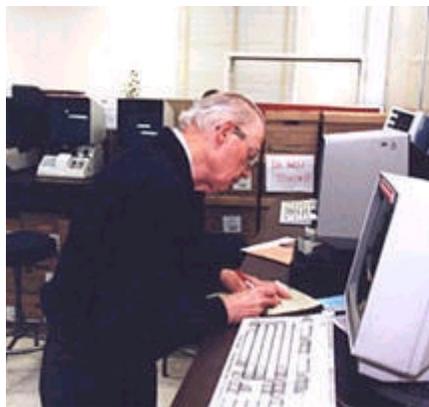
This year, Senator Steve Peace (D-San Diego) introduced SB 667, which originally would have eliminated the use of red light cameras at traffic control intersections. However, SB 667 was later amended to require

minimum yellow light change intervals be established in accordance with the Traffic Manual of the Department of Transportation. It also provides that any confidential information obtained by DMV for the administration or enforcement of red light violations be confidential and not used for any other purpose. SB 667 awaits action by the Governor.

A number of other cities in California use or are considering red light cameras, including Sacramento. Officials in these cities are closely monitoring the San Diego case to determine whether their systems need revision. Nationwide, there are 57

cities in 14 states that have installed traffic signal automated enforcement systems, and more states are considering using such systems.

A day in the life...



Courtesy Russ Curtis

Carleton Jencks, a researcher for a local agency, examines new probate listings for the Alameda Superior Court. The court receives an average of 15 probate filings a day.

ENERGY, REDISTRICTING HIGHLIGHT LAST DAYS OF SESSION

In the early hours of September 15th the California Legislature adjourned the first half of the 2001-02 session. Throughout the past year lawmakers tackled many tough issues including energy, redistricting, and several other significant and controversial topics.

The state's energy crisis consumed the largest portion of legislators' time. Since the issue began to unfold earlier this year, lawmakers have worked tenaciously to avoid blackouts. The most controversial remaining aspect of the energy issue revolves around a proposal

that would help Southern California Edison recover from the debt it incurred during the crisis. The Assembly version allows Edison to sell \$2.9 billion in bonds in exchange for a five-year option on the utility's power lines. The proposal is viewed by some as a "big business bail out." Governor Davis argues, however, that if Edison's credit-worthiness is not restored, it will be to the detriment of all Californians. Despite the fierce debate, the plan was not put up for a final vote in the Sen-

(Continued on page 3)

END OF SESSION

(Continued from page 2)

ate before the Legislature adjourned. Governor Davis has called a special session for October 9th in an attempt to reach final resolution of this issue.

Redistricting also consumed a significant portion of this year's legislative agenda. The U.S. and California Constitutions require that the Assembly, Senate, and Congressional boundaries be adjusted every ten years to account for changes in the population. When creating the plan, lawmakers work to balance constituent needs, political imperatives, and constitutional and statutory requirements.

In order to garner sufficient Republican votes to ensure passage by a referendum-proof two-thirds majority, Democrats in charge of the redistricting process crafted districts with party registration that would most likely result in little change in the current representation of party members. While the plans received widespread and bipartisan support, not everyone was pleased with the result.

For example, Assembly Member Fred Keeley (D-Boulder Creek) objected to the division of the Monterey Bay Area in the plan for new senate districts, arguing it makes it unlikely that a candidate from that geographically and politically distinct area would be elected. Some representatives of minority groups criticized the plans as drawing districts that do not appropriately reflect California's diverse population.

The redistricting bills, SB 802 and AB 632, were signed by the Governor on September 27th and one group, the Mexican American Legal Defense and Educational Fund, has announced that it will sue, alleging that the new districts violate the Voting Rights Act. Another group, the California Latino Redistricting Coalition, said they would petition the U.S. Department of Justice to challenge the new districts. California's last effort at redistricting in 1991 was resolved by the state Supreme Court after the Legislature was unable to override a gubernatorial veto.

In addition to energy and redistricting, the Legislature also took on several other significant issues. Before the session adjourned, the two houses were able to pass legislation on a variety of subjects including increased worker's compensation benefits, funding for low performing schools, and a \$2.6-billion park bond which, if approved by the

Governor, would be voted on in the March 2002 statewide election.

Despite the Legislature's intense focus on certain issues, several bills of interest to the courts also received attention in the last days of the session. See "Legislative Review" below for a compendium of those measures.

LEGISLATIVE REVIEW

A number of bills of interest to the courts were passed by Legislature in the final days of the 2001 session. The governor has until October 14th to sign or veto bills that were passed in the last days of the session. Here is a summary of several bills that have either recently been signed or are awaiting action by the governor.

COURTS

SB 1112 (Polanco) – Cesar Chavez holiday

Makes Cesar Chavez Day a court holiday.

JC Position: Sponsor

Status: Governor's desk

CRIMINAL LAW

AB 1304 (Rod Pacheco) – Criminal procedure: motions to suppress: appeal

Specifies that if a defendant in a misdemeanor case appeals denial of his or her suppression motion, the trial court has discretion to grant a stay of the trial pending disposition of the appeal.

Status: Signed by governor

SB 83 (Burton) – Forensic testing: post-conviction

Requires the court to appoint counsel to prepare the person's motion for DNA testing and to represent the person in related proceedings if the person is indigent and requests the assistance of counsel.

Status: Governor's desk

SB 223 (Burton) – Proposition 36: drug testing

Provides funds for drug testing in Proposition 36 cases. Provides that, where drug treatment has been ordered as a condition of probation, drug testing shall primarily be used as a treatment tool.

Status: Governor's desk

SB 485 (Senate Public Safety Committee) – Criminal procedure

Among other things, requires the court on its own motion or on the motion of the people to make a finding that photographs of minors are harmful matter as defined in Penal Code section 313, and to direct the preservation, handling and disposition of the material accordingly.

Status: Governor's desk

DOMESTIC VIOLENCE

From the archives...



Courtesy County of Santa Clara

This Santa Clara Courthouse has withstood substantial damage over the years, including a disastrous blaze in 1931 and the 1989 Loma Prieta earthquake.

LEGISLATIVE REVIEW

AB 160 (Bates) – Domestic violence: protective orders

Specifies that a criminal restraining order or protective order has precedence over any civil court order. Requires the Judicial Council to establish a protocol for the timely coordination of multiple orders involving the same person. Takes effect January 1, 2003.

JC Position: Support

Status: Governor's desk

SB 66 (Kuehl) – Domestic violence: protective orders

Requires courts that have sufficient resources, when considering issuance of a protective order, to cause a search of specified records and data bases to determine if the proposed subject of the order has any specified prior criminal convictions or outstanding warrants, is on parole or probation, or is or was the subject of other protective or restraining orders. Statewide implementation contingent upon funding.

JC Position: Neutral

Status: Governor's desk

SB 1221 (Romero) – Spousal support: domestic violence

Creates a rebuttable presumption that any award of spousal support to a spouse who has been convicted of a domestic violence-related crime should not be made. Authorizes the court to consider a convicted spouse's history as a victim of domestic violence as a condition for rebutting the presumption.

JC Position: Oppose unless amended.

Status: Signed by governor

FAMILY LAW

SB 78 (Kuehl) – Premarital agreements

Sets forth specified findings that the court is required to make in order to find that a premarital agreement was executed voluntarily.

Status: Signed by governor

AB 583 (Jackson) – Marital dissolution: financial disclosure

Revises the requirements for financial disclosure in marital dissolution. Requires the court to impose mandatory sanctions for violating disclosure requirements, and requires the court to set aside a judgment where the disclosure laws have been violated. Permits a mutual waiver of a final declaration of disclosure of assets.

Status: Governor's desk

JUDGES

AB 1099 (Havice) – Judges Retirement

Provides reciprocity for JRS II judges who have prior service in a state or county retirement system. Permits a judge to elect to make contributions and receive service credit for the time in which the judge served as a subordinate judicial officer. Permits judges to participate in the state's supplemental contribution program. Permits a judge to change a modified retirement allowance if the

judge's spouse pre-deceases the judge.

JC Position: Co-Sponsored

Status: Signed by governor

JUVENILE LAW

SB 940 (Senate Judiciary Committee) – Juvenile law

Makes numerous changes to juvenile law concerning the purpose of the juvenile law with respect to judicial community leadership; hearings in infraction cases based on a notice to appear; the termination of parental rights for wards who are in foster care; and access to juvenile police records.

Status: Governor's desk

TRAFFIC

SB 255 (Speier) – Vehicles: children unattended: fine

Among other things, makes it an infraction, punishable by a fine of \$100, for the parent, legal guardian, or other person responsible for a child who is 6 years or younger to leave that child inside a vehicle, without being subject to the supervision of a person who is 12 years or older, and where there are conditions that present a significant risk to the child's health and safety

or when the vehicles' engine is running or the vehicle's keys are in the ignition, or both. Specifically authorizes the court to reduce or waive the fine if the defendant is economically disadvantaged.

Status: Governor's desk

TRIAL COURT FUNDING

AB 223 (Frommer) – Evidence: discovery

Authorizes the clerk of the court to issue a commission authorizing the deposition in another state or place. The commission would be issued to any party in any action pending in its venue without a noticed motion or court order.

Requires the Judicial Council to develop and approve official form interrogatories and requests for admission for use in any other civil action in a state court as the Judicial Council deems appropriate.

Enables parties to use existing and future technology to conduct discovery. Makes numerous "clean-up" changes to statutes relating to trial court funding.

JC Position: Sponsored

Status: Governor's desk

AB 1700 (Assembly Judiciary Committee) – Courts

Among other provisions, amends portions of the Civil Code, Code of Civil Procedure, Government Code, Penal Code, and Welfare and Institutions Code to make changes to the organizational and financial arrangements between the Judicial Council, trial courts, counties and other state agencies.

JC Position: Sponsored

Status: Governor's desk

A day in the life...



Courtesy Jason Doiy

In a quiet moment before a court session, Rancho Cucamonga attorney Melissa Wise counsels her client in a case involving a minor.

Looking for Judicial Council positions on legislation? The Office of Governmental Affairs prepares a chart after each Policy Coordination and Liaison Committee (PCLC) meeting showing the status of legislation on which the PCLC has adopted a position. The chart provides details such as the source of the bill, and the bill's current status in the Legislature. The bills are listed in numerical order and indexed by subject. To get your own copy of the status chart visit us on the web at <http://www.courtinfo.ca.gov/courtadmin/aoc/oga.htm>.

JUDICIAL COUNCIL'S ARBITRATOR STANDARDS BILL SIGNED INTO LAW

Responding to concerns voiced by the Governor, key legislators, the media, consumer groups, and the legal community regarding a perceived lack of ethical and disclosure standards for private arbitrators, the Judicial Council co-sponsored SB 475, which directs the council to establish such standards.

On September 27th, the Governor signed SB 475,

whose other co-sponsors were the Governor's office, and the bill's author, Senate Judiciary Committee Chair Martha M. Escutia (D-Whittier). The next issue of *The Capitol Connection* will feature a detailed description of the legislation as well as a discussion regarding implementation.

RIPPED FROM THE HEADLINES...

"Ripped From the Headlines" highlights news stories of interest including headlines and a lead paragraph, without editorial comment from *The Capitol Connection*.

"Districts drawn to retain state's political balance." *Contra Costa Times* (September 1, 2001)

The guiding principles of this year's California redistricting plans for Assembly, state Senate and Congress: The once-a-decade mapmaking is about shoring up districts for each party. It has little to do with preserving communities of interest with common political and policy goals.

"The odd shapes are the byproduct of taking Republicans out of Democratic seats and Democrats out of Republican seats," said UC Berkeley political scientist Bruce Cain.

"States Easing Stringent Laws on Prison Time." *The New York Times* (September 2, 2001)

Reversing a 20-year trend toward ever-tougher criminal laws, a number of states this year have quietly rolled back some of their most stringent anti-crime measures, including those imposing mandatory minimum sentences and forbidding early parole.

The new laws, along with a voter initiative in California that provides for treatment rather than prison for many drug offenders, reflect a political climate that has changed markedly as crime has fallen, the cost of running prisons has exploded and the economy has slowed, state legislators and criminal justice experts say.

"Lawyers, Red Tape Stalled End to Illegal Jail Detentions." *Los Angeles Times* (September 3, 2001)

Despite repeated warnings that inmates were being illegally detained in Los Angeles County jails, the practice persisted for years because top elected officials deferred to lawyers and relied on mid-level staff to handle the problem.

The overlong detentions had two primary causes: the county's failure to install the computer system that connected with the one used by the courts, and the sheriff's department's decision in about 1996 to more rigorously screen departing inmates.

"Law cultivates confusion. How much medical pot is too much is under dispute." *San Diego Union* (September 4, 2001)

The [medical marijuana] law does not address the problem of how patients can legally obtain marijuana, nor how much they are entitled to have.

For now, medical marijuana claims have to be weighed on a case-by-case basis, said San Diego Police Lt. Carl Black.

"There are a lot of variables. For one person, 12 plants may be too many; for another, 15 plants may not be enough," said Black.

In an ideal world, Black added, a doctor would prescribe a certain amount of marijuana and a patient would have the order filled at a pharmacy, like any other medicine. "But that's never going to happen."

"Senate Approves Pro-Bono Bill." *Daily Journal* (September 5, 2001)

Law firms that work for the state would have to make a good-faith effort to provide 30 hours of pro bono services per lawyer under a bill that passed the state Senate on Tuesday.

The Assembly likely will agree to amendments to AB 913 by Assemblyman Darrell Steinberg, D-Sacramento, within the next two weeks. Although Gov. Gray Davis has not indicated whether he will sign it, he is not considered an opponent of the measure. The bill would take effect in January 2003.

"State Bar Head Blasts Fraud by Pseudolawyers." *Daily Jour-*

(Continued on page 6)

A day in the life...



Courtesy Jason Doiy

In Riverside, Courtroom Assistant Gabriella Condos prepares minute orders for the day while Deputy Vicky Witherow completes an activity log.

RIPPED FROM THE HEADLINES...

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nal (September 11, 2001)

In a few sentences addressed to the governor and the Legislature, new State Bar president Karen Nobumoto declared in her inaugural address that “people who hold themselves out as lawyers, but who have never gone to law school nor passed the bar, ought to be prosecuted.”

Further, she said, “because of their knowing intent to deceive the public, the charge should not be a misdemeanor, as it is today, but a felony.”

“Contempt Orders Revoked. One case involved photographs of files, the other of juveniles in court hallway.” *Daily Journal* (September 14, 2001)

In separate hearings Thursday that retired Alameda County Superior Court Judge James A. Hodge labeled a primer on a rule of court governing cameras in the courtroom “and the mischief it entails,” the jurist stuck down separate contempt orders against an East Bay newspaper and television station.

He referred to Rule 980 of the California Rules of Court, which governs media access to court proceedings. The rule requires news photographers to seek and receive a judge’s permission to record court proceedings.

“It’s clear to me that we need a new look at 980,” Hodge said. “There are ambiguities of concern in any First Amendment analysis.”

“No new contract for many workers.” *The Sacramento Bee* (September 15, 2001)
The majority of the state work force will clock in Monday without a new contract.

Four unions representing state workers, including the two largest, were unable to reach an agreement with the Davis administration on a new two-year pact.

With the Legislature scheduled to adjourn until January, state workers without a new contract can expect to work under the provisions of their old contract into the new year.

“Bills Passed on Mold, Defects. Other measures going to the governor after a busy few days include ones on whistleblowers and ethics standards.” *Daily Journal* (September 17, 2001)

As the state Legislature session closed last week, it passed a number of bills for the governor’s signature or veto over the next several weeks that could significantly affect the practice of civil litigation.

Among measures passed last week are those which would establish guidelines for a safe level of molds in buildings, revise the process for resolving disputes over construction defects before litigation, strengthen whistleblower protections for state workers, streamline actions for eminent domain and beef up ethics standards for private arbitrators.

“Unforeseen trend for Prop. 36: A flood of hard-core addicts needing treatment is likely to push costs higher than expected.” *The Sacramento Bee* (September 19, 2001)

Many of the drug offenders being sent to treatment instead of prison

under a new state law suffer from severe addictions and need more therapy than expected, a trend that could put a strain on budgets for drug programs and probation.

“Dan Walters: Gender war erupts as a new aspect of Capitol power struggle.” *The Sacramento Bee* (September 19, 2001)

The legislature this year experienced something it had never seen before: a full-blown gender feud that was both a symbol of how much progress women have made in the Capitol and how far they still must go before achieving true parity.

Their biggest setback came in the every-10-year process of drawing new legislative and congressional district boundaries, which is just about the most overtly political and self-serving exercise in human existence.

The opportunities to carve out new districts for individual politicians seeking to change career venues were few, and the

maps that emerged from the backroom cartography tended, or so it seemed to many women, to favor male politicians over females when their interests clashed.

“Prop. 65 Reforms To Reduce Lawsuits. The bill, almost sure to be signed, marks only the second time the 1986 law has been modified.”

Daily Journal (September 20, 2001)
Though state lawmakers in the waning hours of the legislative session approved the most significant changes to Proposition 65 in the law’s 15-year history, business interests have called for additional reforms of the hazardous chemical law – and they may get them.

From the archives...



Courtesy Memorial Museum

The Sutter County courthouse is the third courthouse built on this Yuba City site. The previous buildings were destroyed by fires.

Legislators gave overwhelming approval to the bill, which was intended to cut down on the number of increasingly controversial lawsuits that detractors contend are meant only to generate money from businesses without solving any real problem.

“Seized Weapons Show Need for Security Devices. Courthouse metal detectors have revealed thousands of potential threats since 1999. A state panel urges further steps.”

Los Angeles Times (September 21, 2001)

A state task force that studied the issue for three years released a report this year urging the state to improve security at courthouses. In response, the state’s new budget allocates \$22.5 million for surveillance equipment and extra security staffing.

“We’re very concerned about the increase in court violence in California’s court,” said Lynn Holton, spokeswoman for the California Judicial Council.

“Federal Judge Oks Ban on Lobbyist Donations.” *The Recorder* (September 21, 2001)

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RIPPED FROM THE HEADLINES...

(Continued from page 6)

State lobbyists do not have a constitutional right to funnel donations to lawmakers and candidates they lobby, a federal judge ruled late Wednesday

Upholding key provisions of California's new campaign finance reform law, U.S. District Judge Frank Damrell Jr. said banning such contributions doesn't violate a lobbyist's right to free speech or discriminate against lobbyists as a group.

"Veto power may stoke Edison heat. Lawmakers fear Davis will hold other bills hostage to ensure support for his utility bailout." *Orange County Register* (September 22, 2001)

Gov. Gray Davis is staking a good chunk of his political reputation on a Southern California Edison rescue plan that few in the Legislature appear willing to vote for – but he holds a heavy cudgel over the lawmakers: their 856 bills sitting on his desk.

"Political Odd Couple in Tiff Over Edison. Davis and Senate leader Burton, the state's two most powerful leaders, butt heads over the governor's insistence on helping the utility." *Los Angeles Times* (September 23, 2001)
You knew it would come to this. You knew their uneasy union was bound to crack.

One politician is pure volcanic emotion, the other a public portrait of cool control. One man is blunt and uncensored, prone to spouting expletives. The other picks his words cautiously, ever wary of political faux pas.

They are the oddest of odd couples, united by circumstances and party affiliation but little else. And this month the shaky détente between California's two most powerful leaders – Democrats Gov. Gray Davis and Senate leader John Burton – shattered in full view. As their relationship tatters, it threatens a host of initiatives, from the proposed rescue of Southern California Edison to a state park bond measure and any number of upcoming gubernatorial appointments. The break occurred in the final moments of the legislative session, past midnight, with only fellow lawmakers, media and a covey of lobbyists on hand. Tempers were frayed, bodies sleep-starved.

"Bill's New Life Angers Supporters." *Los Angeles Times* (September 24, 2001)

When a bill facing imminent death is kept alive for another year in the state Legislature, one would think its proponents would be overjoyed.

In case of SB 11, which would bar corporations from hiding public health and safety information through secret settlements, its consumer-rights advocates couldn't be more furious.

And the object of much of their ire is Assembly Speaker Bob Hertzberg (D- Sherman Oaks), who counts himself among the bill's staunchest supporters. The proposed legislation lacked enough support to pass in the Assembly, Hertzberg said. So rather than allow it to die, Hertzberg decided last week to hold it

until the next legislative session to give its advocates time to round up support.

Consumer advocates said they would rather see the bill voted down than languish.

"Then we would know which legislators to [hold accountable]."

"Financially strapped state braces for severe slashing of budget." *Oakland Tribune* (September 26, 2001)

Faced with myriad economic woes, Gov. Gray Davis is preparing to slash state spending by perhaps 10 percent next year and likely will veto many of the funding measures that lawmakers recently sent him.

Top administration officials ordered state agencies to draft three separate plans for paring their budgets by 3 percent, 5 percent, and 10 percent.

The governor will choose an option as he finalizes the 2002-03 spending plan to propose to lawmakers in January, said state finance department spokesman Sandy Harrison.

"March initiative could loosen up term-limits law. Foes call measure a sneak attack." *San Francisco Chronicle* (October 1, 2001)

Anchored by a \$550,000 loan from a committee financed by Senate leader John Burton, a politically odd coalition has spent \$1.5 million to place an initiative on the March ballot to soften legislative term limits.

Normally enemies, insurers and trial lawyers have contributed to qualify the measure, as have teachers, lenders,

prison guards, carpenters, liquor wholesalers, card clubs, cable television firms, Gallo Winery and one of the state's largest oil companies.

"We believe the current term limits are too short to allow the development of legislative expertise to run a state like California," said Jack Coffey, who heads Sacramento government relations for Chevron which kicked in \$25,000 to the signature-gathering drive. "We feel a more veteran Legislature will benefit all of California."

The groups are supporting a measure that would let legislators run for an additional four years past current term limits if enough voters within their districts sign a petition requesting that they stay on.

Supporters of term limits say the initiative is a sneak attack to undercut a positive reform. The only opponent of the initiative to surface is U.S. Term Limits, a Washington, D.C., group that claims the initiative is a deceptively packaged end-run around Proposition 140, approved by voters in 1990.

From the archives...



Courtesy San Joaquin Registrar of Voters and State Bar of California

Of all the substantial buildings erected in the late-19th-century in Stockton, the San Joaquin courthouse was the most impressive. The building was demolished in 1961 to make room for a new courthouse.



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UPCOMING: AUDIT OF UNDESIGNATED FEES

Planning is underway for an audit of court-related fees that were not addressed in the Trial Court Funding Act of 1997 (TCFA). The purpose of the audit is to help ensure that revenue from these fees is consistently and equitably distributed between local agencies and the courts.

While TCFA made numerous changes to statutory provisions regarding the amounts and dispositions of court-related fees and fines, a number of fees remain that are not designated for either state or local government. A Joint Court-County Working Group on Trial Court Funding has identified all of these fees and has determined the appropriate disposition of many of them. The disposition of others, however, has not been resolved.

The Legislature has approved a recommendation by the Legislative Analyst's Office that an audit determine the total amount of revenue generated by undesignated fees, the disposition of revenues collected by the trial courts and local governments, and the amount of revenues remitted to the state.

The audit will be conducted by the Bureau of State Audits (BSA). Currently, BSA is gathering background information on the history of the undesignated court fees issue. To focus the audit, ten counties/courts will be selected as the subjects. The audit is expected to begin later this year.

WELCOME NEW STAFF

The Judicial Council's Office of Governmental Affairs welcomes two new staff members:

Tracy Kenny is a Legislative Advocate, responsible for advocacy on family law, domestic violence, and juvenile dependency issues. Prior to joining the AOC, she worked as a fiscal and policy analyst at the Legislative Analyst's Office. Ms. Kenny has a bachelor's degree in history, master's degree in public policy, and a juris doctorate from the University of California, Berkeley.

Kourtney Krieger joined the Office of Governmental Affairs as part of the Director's Intern program. She is responsible for coordinating the annual "Day on the Bench" program, participating in projects ranging from strategic planning to legislative and policy research, as well as assisting the advocacy staff in reviewing and analyzing legislation. Ms. Krieger received her bachelor's degree in Managerial Economics from the University of California, Davis.

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