



THE CAPITOL CONNECTION

INSIDE THIS ISSUE:

Ripped from the Headlines	4
Judicial Administration Fellows	7
ADR Update	8

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LEGISLATIVE CALENDAR:

General Election
November 5

Legislature Convenes
December 2

FACILITIES BILL HIGHLIGHTS SUCCESSFUL YEAR FOR JUDICIAL COUNCIL

Once again this year, all Judicial Council-sponsored legislation that reached the Governor's desk was signed into law by Governor Davis. These measures will improve the administration of justice and help ensure the public's access to a safe and secure court system. "I thank Governor Davis and the Legislature for approving all the new initiatives advanced by the judicial branch," said Chief Justice Ronald M. George. With the enactment of eight bills this year, the council saw all 19 of its bills that went to the Governor get signed in the 2001-02 legislative session.

The bills included landmark legislation providing a mechanism for the transfer of responsibility for California's trial court facilities from the counties to the state. **SB 1732** was authored by **Senator Martha**

Escutia (D-Norwalk) and co-sponsored with the California State Association of Counties. SB 1732 will help complete the transition from county-supported trial courts to a state-operated system that began when the state assumed responsibility for funding the trial courts in 1998.

SB 1732 establishes a process for the state and the counties to negotiate the transfer of responsibility on a structure-by-structure basis over a three-year period and provides a method for calculating the counties' continued support of those buildings for which the state takes responsibility. In his signing message, Governor Davis stated: "Now the court system can be managed and operated under the oversight of the Judicial Council, which can provide consistent policies and procedures to ensure the uniformity of how

(Continued on page 7)

DID THAT BILL PASS?

Many bills of interest to the courts were introduced in the 2001-02 legislative session. Some of these were enacted with few amendments, others quietly faded away, and still others were drastically amended on the way to enactment. Here is the final outcome on selected bills of interest to the courts.

Court Interpreters

SB 371 (Escutia) establishes the Trial Court Interpreters Employment and Labor Relations Act, setting forth the procedures governing the employment of certified and registered court interpreters. This bill was sponsored by two court interpreter organizations and opposed by a third, which wanted to maintain its members' status as independent contractors. In late August, agreement was reached between the Judicial Council and the author and sponsors and the bill was amended to address the administrative issues raised by the council, which resulted in the

council supporting the bill. The bill as signed by the Governor provides for a new employment status for court interpreters, with bargaining to be conducted in each of four geographic regions. SB 371 additionally provides flexibility in the use of interpreters by allowing the use of some independent contractor interpreters under specified circumstances.

Child Custody Mediation

In the family law area, SB 1406 would have required all child custody mediation sessions to be confidential, thereby changing the current practice in 33 courts of allowing mediators to make recommendations to the court on custody, visitation, and other issues involved in child custody disputes. Because of the significant workload implications that would have resulted, the Judicial Council opposed the bill as introduced, and worked with the author

(Continued on page 2)

LEGISLATIVE REVIEW

(Continued from page 1)

to craft a bill that would address the concerns of the affected courts. The product of those discussions was SB 174, which provides for four or more medium- to large-size volunteer courts selected by the council to implement a child custody mediation process that allows parties to have an initial confidential mediation session, and, if necessary, a subsequent recommending session with another mediator. Implementation of SB 174 was contingent on a Budget Act appropriation; however, no additional funds were appropriated in the budget.

DNA: Paternity

As introduced, AB 2240 (Wright) would have afforded men previously adjudged to be fathers who could subsequently show with DNA evidence that they were not the biological fathers of a child the ability to set aside that prior judgment in most cases. The bill's proponents sought to provide a remedy for men ordered to pay child support for children scientifically proven to not be theirs, while opponents were concerned with the emotional and financial impact on the children. Although the bill was significantly amended to limit its scope, including restricting its application to paternity judgments entered in default, it was vetoed. The Governor's veto message focused not on the major policy issues in contention but rather indicated that he was vetoing the bill because it would have required that service in paternity actions be by personal delivery. According to the Governor, this requirement would have delayed the process of establishing child support orders, provided an incentive for fathers to evade service, and jeopardized federal funding by harming California's ability to meet federally required performance measures.

Public Records and Open Meetings

Proposed constitutional amendment SCA 7 would have established the public's right to access government records and attend public agency meetings as a constitutional right, to be tempered only by the competing constitutional right to privacy. Its author, Senator John Burton (D-San Francisco) moved it successfully through the Senate. But opponents, including cities, counties, and school districts were able to halt its progress in the Assembly. The measure's sponsors, the California Newspaper Publishers Association and the California First Amendment Coalition, then pursued AB 822 (Shelley), a renewed effort to enhance access to records by allowing the public to appeal any refusals to provide information to the Attorney General. As happened to similar bills in the past, AB 822 was vetoed.

Jury Service Exemption

A jury service exemption for parole, probation, and cor-

rectional officers (AB 1970, Matthews) made it out of the Assembly, but failed to clear the Senate Public Safety Committee. The Judicial Council opposed this bill as it has consistently opposed categorical occupational exemptions from jury service. Categorical exemptions make it more difficult to select representative juries, and unfairly increase the burden of jury service on other segments of the population.

Parole Review

SB 1497 (Polanco) would have provided that courts perform a one-time review of the custody status of state prison inmates serving indeterminate sentences whose time served exceeds the time suggested in regulatory matrices. The review would have been conducted by three-judge panels of trial court judges. It was opposed by district attorneys, crime victims, and the Judicial Council. The measure passed the Senate, but was held in the Assembly Appropriations Committee because of its expected costs.

Youthful Offender Parole Board

A radical change to the way juvenile offenders are dealt with was proposed by SB 1793 (Burton). As introduced, this bill would have eliminated the Youthful Offender Parole Board (YOPB) and placed much of its former responsibilities with the juvenile court. As it was enrolled to the Governor, the bill stopped short of eliminating the YOPB, but shifted to the juvenile court responsibility for setting the parole consideration date. The Governor vetoed the bill, citing his concerns that the bill would result in less-than-fully informed decisions by the court and inconsistent parole consideration for wards committing similar offenses.

Mental Health: Involuntary Treatment

After years of contentious attempts, the Legislature finally gave local mental health departments a way to ensure that their most vulnerable clients receive treatment. AB 1421 (Thomson) authorizes local officials to petition the court for an order requiring certain mental health clients to participate in out-patient treatment. Proponents have brought up similar proposals before they failed passage due to Senate leadership opposition. This year, however, significant due process protections were included in the bill. Senate President pro tem John Burton (D-San Francisco), while voting against the bill, praised all of the parties involved for their work over the years in addressing this controversial issue. The bill passed and was signed by the Governor. However, since the bill requires participating counties to offer a broad range of services to clients who are subject to the court orders

(Continued on page 3)

DID THAT BILL PASS?

(Continued from page 2)

without impacting services to other clients and since the bill did not include any funding for new services, the extent to which counties will actually pursue the new commitments is not known.

Execution of Mentally Retarded Defendants

In response to the recent U.S. Supreme Court ruling that it is unconstitutional to execute the mentally retarded, AB 557 (Aroner) was amended late in the session to attempt to "establish a method by which the courts in California can determine whether or not a defendant is mentally retarded." In *Atkins v. Virginia*, the court found that executing the mentally retarded violated the Eighth Amendment protection against cruel and unusual punishment, but left it up to the states to establish criteria and procedures to enforce this restriction. Proponents held that AB 557 simply followed the Supreme Court's instructions. Opponents argued that the bill went too far, and would essentially eliminate capital punishment in California. AB 557 passed the Senate, but failed to garner the necessary votes in the Assembly.

Summary Judgment

In signing SB 688 (Burton), Governor Davis said the bill would help victims of the 9/11 attacks and their families by extending the time in which lawsuits may be filed for personal injury and wrongful death actions from one year to two years. With this bill enacted, 9/11 victims and family members have more time to decide whether to file lawsuits. However, the bill has been assailed by business as a gift to trial lawyers, especially because it increases the number of days that a party must notify the other of its intention to request summary judgment from 28 to 75 days. One criticism, denied by the plaintiffs bar, was that the trial lawyers agreed to SB 800 (Burton), which limited their ability to sue the building industry over construction defects, in exchange for the summary judgment provisions of SB 688.

Of course, there were other bills that were of interest to the courts. Now that the session is over and the period for the Governor to sign or veto has ended, here is the final status of some of these bills:

CIVIL AND SMALL CLAIMS

AB 3036 (Corbett) – Guardianship of minors: annual status reports

Among other things, requires the court, *to the extent resources are available*, to implement procedures to ensure that every guardian annually completes and returns a confidential status report. Requires the clerk of the court to mail a notice of the required filing one month before it is due. Requires the court to attempt to obtain the information required in the report from the guardian or from other sources if the status report is not completed and returned or if further information is needed.

Also requires the court to order the guardian to make himself or herself available to the investigator, or to show cause why the guardian should not be removed, if the court is unable to obtain the information required in the report. Requires the Judicial Council to develop a standard status report form, and report to the Legislature no later than December 31, 2004, regarding the costs and benefits of utilizing the annual status reports.

JC Position: Neutral

Status: Signed by Governor

CRIMINAL LAW

AB 444 (Committee on Budget) – Budget trailer bill

Directs continued Judicial Council collaboration with the Department of Alcohol and Drug Programs to develop and evaluate modified drug court program.

Status: Signed by Governor

AB 2211 (Horton) – Criminal procedure: sentencing: Community Impact Statement

Requires the Judicial Council to study the potential effects, implementation issues, and alternatives to a policy requiring the courts to consider community impact statements prior to judgment and sentencing of misdemeanor crimes. Requires the council to report to the Legislature by December 31, 2004.

JC Position: Neutral

Status: Signed by Governor with appropriation deleted

AB 2899 (Migden) – Homeless courts

Establishes a 4-year "Homeless Court Pilot Project" in three superior courts selected by the Judicial Council on a competitive basis.

JC Position: Support

Status: Vetoed

SB 1391 (Burton) - Habeas corpus

Creates a process in which the habeas attorney in a death penalty or life imprisonment case can have access to discovery materials in the possession of the prosecution or law enforcement at the time of trial when the trial attorney's file is unobtainable. Creates a process by which a convicted person who is no longer in custody or on probation or parole can move to have the judgment vacated when there has been fraud or fraudulent testimony by a government official.

Status: Signed by Governor

FAMILY LAW

AB 2030 (Goldberg) – Protective orders: service of process

Provides that there shall be no fee for service of process in proceedings under the Domestic Violence Prevention Act and other specified proceedings. Allows the sheriff to submit billings to the court for reimbursement of the cost of serving process in these proceedings

JC Position: Oppose unless funded

Status: Signed by Governor

TRIAL COURT FUNDING AND ADMINISTRATION

AB 3000 (Committee on Budget) – Budget Trailer Bill

Requires a 10 percent surcharge on all civil filing fees. Requires a 20 percent surcharge on all criminal fines. Provides for a new distribution of criminal fines.

Status: Signed by Governor

RIPPED FROM THE HEADLINES

“Ripped From the Headlines” highlights news stories of interest including headlines and lead paragraphs, without editorial comment from *The Capitol Connection*.

“Backpedaling in Suit Against State Judiciary” *Daily Journal* (September 9, 2002)

In a major development in the bitter fight against California’s tough, new ethical standards for arbitrators, a top federal securities regulator now says the disclosure requirements should be reviewed for possible adoption and declared that arbitrators should immediately be appointed to handle disputes.

In a reversal, Securities and Exchange Commission Chairman Harvey L. Pitt issued a directive Thursday that arbitrators should be provided without delay. In July, Pitt said securities arbitrations should be exempt from the state’s new standards.

Pitt’s action came only two days after the National Association of Securities Dealers, which oversees securities arbitration cases nationwide, sent letters to brokerages and investors, saying investors involved in disputes had to go outside California to have their cases heard.

Most significantly, the SEC, which has supervisory jurisdiction to ensure fair and ethical business practices, indicated California’s new ethical rules may be acceptable in arbitration cases after all.

“Davis Gives Blessing to Separate Conference of Delegates” *The Recorder* (September 11, 2002)

Just in time for the State Bar’s annual meeting, Gov. Gray Davis this week signed a bill allowing the Conference of Delegates to transform into a nonprofit political group.

The move is the last step in a long effort to divorce the Bar and the conference – which has been the target of critics for its positions on political issues. In 1997, Gov. Pete Wilson listed the conference’s activities among his reasons for vetoing the Bar’s annual fee bill.

By stepping out from under the Bar’s umbrella, the conference will be free to propose legislation and conduct other political activities.

“Support Penalty Growing” *San Diego Union Tribune* (September 15, 2002)

Five years after the plug was pulled, losses in the most expensive computer fiasco in the history of state government have reached a half-billion dollars and are continuing to grow.

The state lost a lawsuit and was preparing last week to make an additional payment of \$46.4 million to Lockheed Martin, the contractor for a system intended to locate “deadbeat dads” who owe child-support payments.

The court-ordered payment pushes the total cost to \$157 million for the State Automated Child Support System, abandoned in 1997 after a trial in several counties resulted in a controversy about whether it worked.

The failure to create a tracking system required by a 1988 federal law has forced the state to pay growing annual federal penalties, which total \$372 million so far.

Now congressional legislation sought by California to waive a \$180 million federal penalty this year faces opposition from the influential California congressman who chairs the House Ways and Means Committee.

“Force OK’d to Test DNA of Inmates – Officials hope new data will solve crimes” *San Francisco Chronicle* (September 18, 2002)

A new law signed by Gov. Gray Davis on Tuesday allows prison officials to use “reasonable force” to take DNA samples from convicted murderers, rapists and child abusers who have flouted state requirements that they provide them. The samples – blood and saliva – would be analyzed and entered into the state’s criminal DNA databank, where they could be matched to evidence from unsolved crimes.

“I guarantee you when we have those samples, a host of crimes will be solved,” Davis said, noting that this year alone 71 crimes had been solved through linking felons in the databank to evidence from long-unsolved cases.

“California’s Income-Tax Projections Ignore History – The bad budget news just keeps getting worse for California.” *Sacramento Bee* (September 19, 2002)

The August revenue numbers are in, and they’ve fallen short of projections by 5 percent. Since May, when Gov. Gray Davis last revised his economic assumptions, the state’s tax collections have come in \$922 million below what the administration predicted the treasury would receive.

What this means is that the budget that lawmakers and the governor approved earlier this month is even more fanciful than most analysts already believed. It’s almost certain now that by spring, the state will be facing a shortfall of at least \$20 billion, and probably more.

“Davis Readies Plan to Make 20% Cuts – Budget becomes election-year bind” *San Francisco Chronicle* (September 21, 2002)

With another multibillion-dollar deficit on the horizon, the Davis administration is quietly preparing a plan to make across-the-board cuts of another 20 percent from next year’s state budget.

Anita Gore, spokeswoman for the Department of Finance, said it’s too early to talk details. “No one at this point knows if a 20 percent cut is going to happen or not going to happen,” she said. “It will help us set priorities and look at what is out there in terms of options.”

“Defining Defects” *The Recorder* (September 23, 2002)

Plaintiffs will still be able to sue the building industry over toxic mold and shoddy home construction – but within the new statutory limits and not without allowing builders to fix the problems first.

Gov. Gray Davis signed legislation Friday that sets up new rules on construction defect litigation, defining for the first time the very concept of “construction defect” under state law. The bill also includes a pretrial procedure that gives

(Continued on page 5)

RIPPED FROM THE HEADLINES

(Continued from page 4)

builders a chance to make repairs before a suit can be filed – a concession long sought by the building industry. But plaintiffs lawyers won on a few issues too: They were able, for example, to block industry efforts to protect subcontractors from suits.

But the legislation is not without its critics. The lobbying group for defense counsel says the law is part of a political horse trade. The group contends that in exchange for a concession on construction defects, plaintiffs lawyers won an extension of the statute of limitations on civil suits and a new time advantage on summary judgment motions. Legislation to that effect was signed by Davis last week.

Robert Cartwright Jr., president of the Consumer Attorneys of California, denies there was a deal.

"Supreme Court Will Consider Three-Strikes – State Cases Raise 'Cruel and Unusual Punishment' Issue" *Daily Journal* (September 26, 2002)

California's tough three-strikes law – passed by both the Legislature and the voters in 1994 – is about to have its first test before the U.S. Supreme Court.

In two cases to be argued back-to-back Nov. 5, the justices will consider whether the life sentences mandated by the 1994 law are unconstitutional "cruel and unusual punishment" when the third strike is for such petty crimes as shoplifting videotapes or golf clubs.

"Bill Strips Gun Makers' Immunity From Suits" *Oroville Mercury-Register* (September 27, 2002)

Beginning next year, gun manufacturers in California will no longer have special immunity from certain product liability lawsuits, under legislation signed Wednesday by Gov. Gray Davis.

"No industry should be allowed to hide from its harmful conduct. And, except for gun manufacturers, no industry (currently) is," Davis told reporters.

The new law, which goes into effect on Jan. 1, 2003, repeals a 1983 statute that protects gun makers from lawsuits brought by victims of gun violence, for a manufacture's marketing and distribution practices, among other things.

"Bond Sales Should Repay State in Weeks" *Los Angeles Times* (September 28, 2002)

The billions of dollars drained from California coffers by the electricity crisis should be replaced by early November under a schedule state Treasurer Phil Angelides announced Friday.

Angelides hopes to sell \$11.95 billion in bonds over the next six weeks. The cash raised will be used to repay the state's general fund, with interest, for the purchase of electricity in 2001 when three private utilities were too short of cash to do it themselves.

The bond sale comes more than a year after Angelides' original target date. But the delay may prove a blessing. Interest rates for municipal debt are now unusually low, and stock market turmoil makes such bonds a more stable, attractive investment to some.

"In California, Politicians Choose—and Voters Lose" *Los Angeles Times* (September 29, 2002)

What if the World Series had been played during spring training, the commissioner of baseball having picked the competing teams? Baseball fans would be outraged. Yet something similar has happened to California elections. In the vast majority of legislative and congressional districts, we have no general election contests this fall because the races were decided in the spring primaries. The political stadium is dark.

According to the California Target Book, which analyzes congressional and legislative races in the state, there are nine hotly competitive elections this fall out of 153 districts. There are another nine potential contests if the challenger can raise sufficient funds. Put another way, in only 18 of California's 153 districts – 12% of the state—will voters have a choice on who represents them in the Legislature and Congress.

Gerrymandered districts especially restrict voter choice. Redistricting, which occurred in 2001, is a process whereby the politicians choose the voters. The fall elections will be the first using the new political maps, and they were drawn with great care to segregate voters so that almost every seat is safe for the incumbent party. We have a "bipartisan apartheid" in legislative and congressional districts: Democrats are in Democratic districts, Republicans are in Republican ones.

"Pioneering Law Allowed Filing of Priest Abuse Cases. The 1994 state statute extends time limits for serious molestation cases." *Los Angeles Times* (September 30, 2002)

In opening criminal cases against four former and retired Roman Catholic priests last week, Southern California prosecutors are relying on a 1994 California law that has become a national model for overcoming legal time limits on decades-old child molestation cases.

Without the law, which was upheld by a sharply divided state Supreme Court in 1999, the cases against the priests almost certainly would not have proceeded, prosecutors said.

After the California law was enacted, 40 other states passed extended time limits to bring charges in cases of sexual abuse of children. Some of those states now say they did not go far enough and are seeking even tougher laws to help them prosecute more clergy abuse cases.

"Davis Smacks Down Bill to Revise Anti-SLAPP Motions" *The Recorder* (October 2, 2002)

Gov. Gray Davis tossed a raspberry in with the peaches he handed the plaintiffs bar this legislative session, announcing Tuesday he vetoed legislation that would have revised the state's anti-SLAPP statute.

The governor killed SB 789, which was carried by Sen. Sheila Kuehl, D-Santa Monica, and sponsored by Consumer Attorneys of California and the California Anti-SLAPP Project.

The measure would have made California's law prohibiting strategic lawsuits against public participation unavailable to

(Continued on page 6)

RIPPED FROM THE HEADLINES

(Continued from page 5)

certain categories of defendants – particularly those engaged in the sale or lease of goods or services with respect to specified commercial activity.

"I am concerned ... that this legislation unduly interferes with the court's discretion," Davis said in his veto message. "The First Amendment right to free speech should be carefully guarded and the court may be in the best position to ensure this

right is protected by examining these claims on a case-by-case basis."

But SB 789's demise disappointed plaintiffs lawyers, who predict more big businesses will try to use the state's anti-SLAPP law against the "little guys" it was designed to protect.

JUDICIAL ADMINISTRATION FELLOWS

October welcomes ten new Judicial Administration Fellows to the California court system. Like their predecessors, the new fellows are an enthusiastic group eager to work within the nation's largest justice system.

The Judicial Council of California and the Center for California Studies of California State University (CSU) at Sacramento created the Judicial Administration Fellowship program to develop professionals and leaders by educating them in the growing complexities of the court system. Fellows are assigned to trial courts and prestigious judicial offices throughout the state, including the Supreme Court of California, the Center for Families, Children and the Courts, Los Angeles Superior Court, the Second District Court of Appeal, Yolo Superior Court, and the Judicial Council's Office of Governmental Affairs. Fellows must also take a graduate seminar in Public Administration and Public Policy from CSU Sacramento.

Fellows provide professional staff support to the trial courts and Judicial Council. They perform policy analysis, legal research, legislative advocacy, and community outreach that relate to the effective and responsive administration of the law.

Last year's class of 2001-2002 demonstrated their creativity and skills in successfully fulfilling a variety of assignments including: rewriting adoption forms in plain language; writing and publishing court public information articles; staffing the mobile homeless court; analyzing legislation; initiating, writing, and receiving grants; providing outreach services to immigrants; preparing judicial oral histories; providing jury education; and interpreting for Spanish-speaking court clientele.

Fellows from previous years have gone on to pursue a wide variety of career and educational paths. Mohammed Wardak, class of 2000-2001, was placed in the Second District Court of Appeal in Los Angeles and currently

works on state education matters as a Budget Analyst with the California Department of Finance. "During the fellowship, I was aware of the fact that my actions affected the court and thereby the administration of justice," Wardak says, "Now, I am in a position where my analysis and recommendations have the potential for influencing the lives of millions of students, parents, and teachers. My experience in the fellowship prepared me to confidently assert my beliefs."

Taryn Ravazzini, class of 1997-1998, worked at the Judicial Council's Office of Governmental Affairs in Sacramento. Following her fellowship Ravazzini worked for Senator Barbara Boxer in Washington, DC. Eventually she returned to Sacramento where she now works as a lobbyist for the Association of California Water Agencies. "The fellowship encourages educating one's self through the opportunities provided, in addition to making one's own opportunities," Ravazzini says. "I would not be where I am today without that understanding and the skills that result from it. These skills have been an integral part of my professional progress."

This year's class offers a broad spectrum of both educational backgrounds and career goals. Sawali Patel, a law school graduate hoping to enter the public policy field, is a current fellow working at the Administrative Office of the Courts' Center for Families, Children and the Courts (CFCC) in San Francisco. "Currently, I am doing legal research and analysis regarding the role of guardians ad litem and supervised visitation," Patel says, "I have only been working for the CFCC for a few weeks and already I feel like I have been exposed to some dynamic legal and policy work."

For a list of the current Judicial Administration Fellows please see the back page.

JUDICIAL COUNCIL-SPONSORED LEGISLATION

(Continued from page 1)

courts operate on a statewide basis. This significant change in court governance is the result of the vision, hard work, and very able leadership of Chief Justice Ronald George."

Another bill sponsored by the Judicial Council that became law is **AB 2879 (Strom-Martin)**. The council, working as co-sponsors with the California Judges Association, sought passage of this bill to improve the retirement benefits of judicial officers. This legislation permits judges to select a designated beneficiary rather than limiting the selection to a surviving spouse. This bill allows a judge's estate or beneficiary to receive the balance of any remaining accumulated retirement contributions that were not yet dispersed at the time of death. This measure also conforms the compensation of a retired judge assigned to serve on an appellate court to that of a retired judge assigned to serve on a trial court.

Clarity and uniformity were the goals behind **SB 1396 (Dunn)**, a bill co-sponsored by the council and the California Sheriffs Association. This bill clarifies the types of court security costs that are properly borne by the courts and requires each trial court to prepare and implement a court security plan.

Court operations will be made more efficient by another Judicial Council-sponsored bill, **AB 3028 (Assembly Judiciary Committee)**. Among other things, this bill will allow courts to hold session in other counties with the consent of the parties involved, authorize the council to pay directly costs incurred by the trial courts, and provide the same two percent pay differential to presiding judges in small courts as is currently offered to judges in larger courts.

Other Judicial Council-sponsored bills signed by the Governor include:

AB 3027 (Committee on Judiciary) – Civil procedure

Requires parties seeking a jury trial to post advance deposit of jury fees at the same time. Provides that if more than one party demands a jury, the amount to be paid daily by each party making such a demand shall be determined by stipu-

lation of the parties or by order of the court. Clarifies that the existing requirement for the posting of jury fees and mileage for the "second day's session" refers to the second day of any use of jurors, regardless of whether the jury has been sworn or is still in the voir dire stage. Confirms the service of opposition and reply papers in summary judgment proceedings to existing requirements in other motions to ensure timely service. Clarifies that independent contractors providing advice to small claims litigants have same immunity from liability that is provided to county or court employees and volunteers performing this same function. Extends deadlines for service of a claim and order on a defendant in small claims court. Clarifies procedures for requesting a postponement of small claims court hearings. Deletes obsolete provisions regarding the transfer of cases between a municipal and superior court. Requires notice

and an opportunity to be heard for parties facing penalties for failure to comply with local court rules. Makes technical corrections to the oath statute. Updates the clergy-penitent privilege statutes with gender-neutral language.

AB 2321 (Hertzberg) – Tort Claims Act

Clarifies the procedure for presenting claims against the trial courts, Courts of Appeal, the Supreme Court, the Judicial Council, and the Administrative Office of the Courts.

SB 2011 (Burton) - Workers compensation

Defines the superior courts as the state for the purposes of workers' compensation coverage. Establishes the Judicial Branch Workers' Compensation Fund. Also includes union-sponsored provisions related to the Trial Court Employee Protection and Governance Act.

AB 1698 (Committee on Judiciary) – Legal Document Assistant registration program

Repeals the sunset date for the Legal Document Assistant registration program and amends the program to enhance disclosure requirements and restrict advertising.



Governor Gray Davis approved eight pieces of Judicial Council-sponsored legislation that will make significant improvements in state court operations.



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Current Judicial Administration Fellows

The following is a brief introduction to the 20021-2003 Judicial Administration Fellows.

Christina Andronache received a B.A. in Economics and International Relations from Stanford University and is placed with the Superior Court of California, County of San Francisco.

Kimberley Gainey received a B.A. in Philosophy and Psychology from CSU Long Beach and is placed at the Superior Court of California, County of Sacramento.

Dominic Hwang received a B.A. in English Literature from UC Irvine and is placed at the Superior Court of California, County of Yolo.

Adam Magid received a B.A. in Economics and Political Science from Stanford University and is placed at the Superior Court of California, County of Orange.

James Maynard received a B.A. in History from UC Berkeley and is placed with the Superior Court of California, County of Alameda, Planning, Research, Court Services and Public Information Bureau.

Megan Nelson received a B.A. in Government and Economics from Claremont McKenna College and is placed at the Superior Court of California, County of Los Angeles, Planning and Research Unit.

Sawali Patel received a B.A. in Sociology from UC Berkeley and a J.D. from Vanderbilt Law School. She is placed at the Administrative Office of the Courts in San Francisco, Center for Families, Children and the Courts.

Sylvia Papadakos-Morafka received a B.A. in Interdisciplinary Studies from CSU Dominguez hills and a J.D. from Whittier Law School. She is placed at the Supreme Court of California, Office of the Clerk, San Francisco.

Paula Sanchez received a B.A. in International Relations from Mills College and is placed at the California Court of Appeal, Second Appellate District, Los Angeles.

Francis Shehadeh received a B.A. in History from UC Berkeley and is placed at the Judicial Council's Office of Governmental Affairs in Sacramento.

UPDATE ON ADR REFORM

The package of bills by members of the Assembly Judiciary Committee which, according to their authors, were designed to ensure fairness in private arbitrations enjoyed mixed success. While all six bills made it to the Governor's desk, one was vetoed, and another was signed but will not become effective.

Among the bills signed were AB 2574 (Harman), which will prohibit providers from maintaining significant financial relationships with the parties whose consumer arbitration cases they administer; AB 2656 (Corbett), which will require arbitration providers to collect and make available to the public basic data regarding their involvement in, and the outcome of, mandatory consumer arbitrations; AB 2504 (Jackson), which requires that judges be disqualified if they have either discussed potential employment as a dispute resolution neutral with one of the parties in the past two years, or discussed such employment and the case before them involves neutral service; and AB 2915 (Wayne) which eliminates "loser pays" provisions in mandatory consumer arbitrations.

The vetoed bill, AB 3029 (Steinberg), sought to give consumers the right to choose an arbitration provider other than the one specified in a contract after a dispute arises. AB 3030 (Corbett) specified that private arbitration companies that administer a consumer arbitration in violation of specified provisions of law would be subject to disgorgement of any administrative fee obtained as a result of that violation. The bill also would have prohibited an arbitrator or private arbitration company involved in a consumer arbitration from conducting or administering further arbitration of the dispute if a court vacates the award. However, AB 3030 included a provision that it would become operative only if AB 3029 was also enacted. Though AB 3030 was signed, it will not take effect since AB 3029 was vetoed.