

JUDICIAL COUNCIL OF CALIFORNIA
Minutes of the Business Meeting—December 12–13, 2013
Ronald M. George State Office Complex
William C. Vickrey Judicial Council Conference Center
Malcolm M. Lucas Board Room
San Francisco, California

THURSDAY, DECEMBER 12, 2013—OPEN MEETING (RULE 10.6 (A))—
EDUCATIONAL AND BUSINESS MEETING AGENDA
(ITEMS 1–3)

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Marvin R. Baxter, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, James R. Brandlin, David De Alba, Emilie H. Elias, Sherrill A. Ellsworth, Teri L. Jackson, Mary Ann O’Malley, David Rosenberg, David M. Rubin, and Dean T. Stout; State Senator Noreen Evans; Mr. Mark G. Bonino, Mr. James P. Fox, and Mr. Mark P. Robinson, Jr.; **advisory members present:** Judges Robert A. Glusman, James E. Herman, Morris D. Jacobson, Brian L. McCabe, Kenneth K. So, Charles D. Wachob, and Brian Walsh; Commissioner Sue Alexander; Supreme Court Clerk Frank A. McGuire, Court Executive Officers Mary Beth Todd and David H. Yamasaki; **secretary to the council:** Steven Jahr, Administrative Director of the Courts.

Members absent: Assembly Member Richard Bloom and Ms. Angela J. Davis.

Others present: Mr. Benjamin Palmer, Chief Counsel, California Senate Judiciary Committee, Ms. Beth Jay, Principal Attorney to the Chief Justice of California; **members of the public:** Mr. Erik Fanasno, Mr. Michael Fischer, and Mr. Max Neiman; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Mr. Paul Jones, *Daily Journal*.

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 2:20 p.m., in the Malcolm M. Lucas Board Room of the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Chief Justice’s Remarks

The Chief Justice addressed the significance of the December Judicial Council meetings and the importance of them. She explained that the December meetings demonstrate the volume of judicial branch issues, both large and small, that are regularly addressed by the Judicial Council. Apart from being the last meeting of the calendar year and midway through the current fiscal year, the December meeting is also the one during which the council reviews and approves the council’s legislative agenda for the coming calendar year. The council also takes the opportunity to recognize and honor excellence and accomplishments among its peers, colleagues, and partners through its Distinguished Service Awards. Planning for the council’s future judicial

branch advocacy; looking back on the public service contributions of individuals in, and for, our justice system; and deliberating and acting as the council will during this December meeting ensures the ongoing strength of the judicial branch as an independent, co-equal branch of the California state government.

The Chief Justice quoted from the original 1926 ballot measure that created the Judicial Council: "... it will be the duty of the council to propose a remedy, and if this cannot be done without an amendment to the laws, the council will recommend to the Legislature any change in the law which it deems necessary." She explained that this legislative advocacy role has evolved and has been enhanced over time. During the first year of the 2013–2014 Legislative Session, the Legislature and the Governor enacted numerous bills that affected the courts and were of general interest to the legal community. The Chief Justice reported that the Office of Governmental Affairs of the Administrative Office of the Courts (AOC), in collaboration with the California Court Association, provided a *Summary of Court-Related Legislation* in November. Itemizing the measures of greatest interest by subject matter, that summary contained information on 93 Assembly Bills and 56 Senate Bills. Included were 18 subject-matter areas covering various subjects, from administration and domestic violence to probate and traffic. This summary sheds some light on the volume of work to be reviewed, often under tight timelines, by the council's Policy Coordination and Liaison Committee and the AOC's Office of Governmental Affairs.

The Chief Justice expressed that great work should always be recognized. She reported that later in the day, the Judicial Council would formally present the Judicial Council Distinguished Service Awards for 2013 to six individuals who exemplify the strengths of leadership that have improved the administration of justice statewide. She was pleased to acknowledge the four past Distinguished Service Awards honorees that currently sit on the Judicial Council—Senator Noreen Evans, from 2011; Mr. James P. Fox, from 2009; Judge James E. Herman, from 2003; and Judge Steven Jahr, from 1997—and their continued commitment to improving the administration of justice statewide. The Chief Justice also acknowledged the past honorees among the AOC staff: Ms. Jody Patel, Mr. Curtis L. Child, and Ms. Diane Nunn.

The Chief Justice reported that, along with the Distinguished Service Awards, the Judicial Council would also present another award that has become an important tradition and valued partnership for the judicial branch: the Aranda Access to Justice Award. This award, named in honor of the late Judge Benjamin Aranda III, enables the council to cosponsor— with the California Judges Association and the State Bar, in association with the California Commission on Access to Justice—an award that honors those who improve access to justice for all Californians, a key goal of the council and a fundamental aspect of Access 3D, the Chief Justice's framework for increased access to the courts emphasizing physical, remote, and equal access. The Chief Justice noted that one of the presenters during this council meeting was a past honoree of the Aranda Award: Justice Laurie D. Zelon, chair of the Elkins Family Law Implementation Task Force.

The Chief Justice concluded by taking the opportunity to personally and publicly thank the Judicial Council members for accepting the responsibility and additional workload of what she realizes is similar to a second job, to review, deliberate, concentrate, and take action on important issues relating to the statewide administration of justice. She also thanked the over 400 volunteers from the appellate and trial courts, State Bar, and justice system partners who contribute on an ongoing basis to all of the council's internal and advisory committees, task forces, working groups, and commissions.

Approval of Minutes

The Judicial Council approved the minutes of the October 24–25, 2013, Judicial Council meeting.

Chief Justice's Report

Chief Justice Tani G. Cantil-Sakauye presented her report summarizing her engagements and ongoing outreach activities since the October council meeting. She began by reporting on the outreach activities of the justices of the Supreme Court. The Chief Justice and Supreme Court justices continued the Supreme Court's outreach efforts with members of the local bar associations and organizations, "riding the circuit" between San Francisco, Sacramento, and Los Angeles. The Chief Justice reported that the Supreme Court was particularly pleased to return to the Stanley Mosk Library and Courts Building in Sacramento on November 5 and 6 for oral argument, the first time since 2009. Coincidentally, the son of Supreme Court Justice Stanley Mosk, Justice Richard Mosk of the Court of Appeal, Second Appellate District, was assigned as temporary justice for one of the cases. She indicated that the Supreme Court's return to the Stanley Mosk Building provided the court with another opportunity to partner with the California Channel to broadcast oral arguments live and to stream them online. Mr. Frank A. Maguire, his staff, and the Supreme Court clerk's office have plans to expand the use of technology, including its HD cameras, to provide increased access to oral arguments next year.

While in Sacramento, the Supreme Court attended two receptions: one hosted by the Federalist Society and the other by the Women Lawyers of Sacramento honoring the Supreme Court's return to the city. Additionally, in San Francisco, the Chief Justice, Supreme Court justices, and Mr. McGuire attended the Lawyers' Club of San Francisco's 66th Annual Supreme Court Luncheon. While in Los Angeles for oral argument, they attended the Annual Chancery Club Supreme Court and Court of Appeal Luncheon and the Italian American Lawyers Association Annual Supreme Court Night dinner. The Chief Justice reported that the bar associations, attorneys, and lawyers continue to be very supportive of the advocacy efforts to achieve a reinvestment in our judicial branch and very supportive of their trial courts.

The Chief Justice continues to focus attention on the area of public interest law by meeting with students, faculty, and lawyers at Stanford Law School, where she attended its Levin Center's Fall Public Service Awards Dinner. She also attended the Public Interest Law Foundation (PILF) Gala Auction and Award Ceremony at the University of San Francisco School of Law, during which she was awarded this year's PILF Award for Public Interest Excellence. The Chief Justice reported that she accepted the award on behalf of the work of the Judicial Council.

The Chief Justice, along with Judge Stephen H. Baker and Judge Steven Jahr, attended the National Center for State Courts annual ceremony in Washington, D.C., honoring the recipient of the William H. Rehnquist Award for Judicial Excellence. The Chief Justice reported that, while in Washington, she participated in a meeting of the Board of Directors of the Conference of Chief Justices, on which she serves as a member. She added that Judge Jahr, Mr. Curtis L. Child, AOC Chief Operating Officer, and she also took the opportunity to meet with Associate Attorney General Tony West of the United States Department of Justice to discuss their shared interest in language access and, specifically, issues of language access in California.

The Chief Justice reported that she held meetings with leaders in the judiciary's sister branches of government, including Governor Edmund G. Brown, Jr., and the new California Solicitor General, Ed DuMont, who returned to the West Coast after spending a considerable amount of time in Washington, D.C. She added that she joined with Assembly Member Jimmy Gomez in his district to discuss court needs and accomplishments.

The Chief Justice mentioned that she was pleased that the Governor recently made 18 appointments to the superior courts. Additionally, she had the pleasure of swearing in 10 judges in the Superior Court of Los Angeles County from the Governor's last round of appointments.

The Chief Justice addressed approximately 250 appellate judges, lawyers, and staff attorneys from throughout the United States at the Appellate Judges Education Institute in San Diego. She also addressed approximately 400 judges and lawyers in San Francisco who are members of the Northern California chapter of the Association of Business Trial Lawyers. The Chief Justice expressed that she had the great pleasure of sharing the podium with United States Supreme Court Justice Sandra Day O'Connor at the event. In Anaheim, the Chief Justice attended the annual Beyond the Bench Conference. In conjunction with the conference, the Chief Justice, along with State Superintendent of Public Instruction Tom Torlakson, convened the *Keeping Kids in School and Out of Court Summit*, the first summit ever of its kind in California. Attorney General Kamala Harris, Secretary of the California Health and Human Services Agency Diana Dooley, Senate President pro Tempore Darrell Steinberg, and Assembly Member Roger Dickinson were among those who attended. The Chief Justice wrote an op-ed on the topic for the *Orange County Register*.

The Chief Justice concluded by reporting that she conducted her annual meet-the-press opportunity with 12 journalists who regularly cover the judicial branch, the courts, and legal issues. The discussion included a wide range of topics, from the state budget to the death penalty.

Administrative Director's Report

Judge Steven Jahr, Administrative Director of the Courts, provided in the materials for this council meeting his written report outlining the activities of the AOC to further the Judicial Council's goals and priorities for the judicial branch. The report focuses on action since the council's October meeting and is exclusive of issues on the business agenda for this council meeting.

Judge Jahr supplemented his written report by briefly adding to the Chief's comments regarding the Beyond the Bench conference held in Anaheim. He expressed that the success of the conference is a tribute to the broad vision of the branch to ensure procedural justice and improve outcomes for the most vulnerable individuals and groups in our society. Judge Jahr added that the conference is also a tribute to the staff of the Center for Families, Children & the Courts, which is led by Ms. Diane Nunn and Ms. Charlene Depner, for their outstanding commitment to developing and broadening the scope of the Beyond the Bench conference over the last two decades to make it the largest multidisciplinary conference of its kind in the country.

Judge Jahr concluded by recognizing two individuals retiring from the AOC in December and presenting them with resolutions of commendation of behalf of the Judicial Council and the AOC: Ms. Nancy Spero, who was leading her last council meeting as head of the AOC's Judicial Council Support Services office, and Ms. Mary Roberts, the AOC's Chief Counsel.

Judicial Council Committee Presentations

Policy Coordination and Liaison Committee (PCLC)

Judge Kenneth K. So, Chair, reported that the committee had met twice since the October council meeting to continue its discussion on Judicial Council–sponsored legislation. Specifically, at its November 14 meeting, the committee recommended Judicial Council sponsorship of six legislative proposals. Judge So also reported that, in addition to those recommended proposals, the Judicial Council's 2013 legislative summary, which the council adopted at its October meeting, was included as Items B through H on the consent agenda for this December meeting, and the legislative priorities recommended for 2014 were contained in Item T on the discussion agenda. Additionally, the committee met on December 10 to discuss a proposal that would allow the courts to have the discretion to provide interpreters in civil cases. Judge So indicated that this proposal will be before the council at the beginning of the next year.

Executive and Planning Committee (E&P)

Justice Douglas P. Miller, Chair, explained that the primary role of E&P is to set the agenda for each council meeting as well as to oversee certain tasks that are delegated to the committee by the council. He reported that, since the October council meeting, the committee had held a number of meetings that have resulted in the consent and discussion agendas for this December meeting. Justice Miller reported that the committee also met jointly on October 24 with the Rules and Projects Committee and the Judicial Council Technology Committee to review and approve proposals for new and amended rules of court for various new and continuing advisory committees—specifically, the Court Facilities Advisory Committee, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch, Trial Court Budget Advisory Committee, Access and Fairness Advisory Committee, and Court Executives Advisory Committee. He announced that the proposals were available on the California Courts website for public comment until December 20.

Justice Miller continued his report by explaining that he has been working along with the chairs of the other four internal committees to develop a draft rule of court addressing the issue of open meetings concerning advisory committees that report to the council. He reported that he and the chairs have held many meetings, including one that took place earlier during the day, to discuss how to balance the need for transparency with ethical concerns raised by justices, judges, and attorneys who volunteer to serve on over 35 advisory groups of the judicial branch, including Judicial Council advisory committees, task forces, and working groups. Justice Miller noted that the comments they have received on a preliminary draft of the rule have been helpful in formulating the next draft of the rule, which will be circulated for comment for a six-week period. He announced that the chairs' goal is to have a proposed rule ready for circulation on December 20.

Additionally, Justice Miller briefly reported on the Essential Services Review initiated by the AOC Executive Team to comply with Judicial Council directives resulting from the recommendations in the final report from Strategic Evaluation Committee appointed by the Chief Justice in March 2011 to review the Administrative Office of the Courts. He noted that the Essential Services Review began in June of this year and is anticipated to continue well into 2014. The review will be a fairly complex and lengthy multiphase project, with the first phase focusing on identifying all of the services provided by the AOC, including its services to the courts, all judicial branch entities, the sister branches of our state government, the federal government, local and national justice partners, community organizations, and, most importantly, the public. Justice Miller explained that the project will encompass a review of the workload and the associated resources that are being used to complete each of the services to determine whether resources are at the appropriate level and where additional resources may be needed. This project may result in further restructuring of the AOC and additional guidance from the council to prioritize the AOC's services and activities. Ultimately, this analysis will inform the process of managing and balancing existing resources within the organization to effectively meet the council's goals for the judicial branch.

Justice Miller concluded his report by thanking Ms. Nancy Spero, on behalf of the E&P members, for her years of service in light of her approaching retirement.

Rules and Projects Committee (RUPRO)

Justice Harry E. Hull, Jr., Chair, reported that the committee had met four times since the October council meeting. The committee met by conference call on November 12 to review two proposals, one that was circulated for comment and the other that proposed technical changes. Justice Hull reported that the committee recommended council approval of these items, Items A3 and A4 on the consent agenda for this December council meeting. Additionally, on November 25, the committee met by telephone to review four proposals, three of which the committee recommended for council approval—Items A2, A5, and A6—as consent items on the agenda for this meeting. Justice Hull reported that the committee declined approval of the third proposal, recommending that the council revise restraining order forms, because the forms had not yet been circulated for comment. The proposed revisions reflect recent changes in the law that

provide that a restrained person has the option of storing a prohibited firearm with a California-licensed gun dealer. Justice Hull reported that the committee directed the Civil and Small Claims Advisory Committee to work with the Family and Juvenile Law Advisory Committee to prepare a notice to the courts suggesting that they take steps after January 1, 2014, to inform the parties in restraining order proceedings of the recent changes in the law during the interim period before the revised forms are adopted.

Justice Hull reported that the committee met on December 11 to consider eleven rules and forms proposals to circulate for public comment during the winter cycle and one proposal making technical amendments. He noted that most of these proposals to be circulated are required to comply with or implement recent legislation. Two of the proposals address Judicial Council Directive #79, which asked the committee to evaluate relaxation of mandatory education requirements to allow the Administrative Director of the Courts and court executive officers greater discretion and flexibility in utilizing their workforces during times of budget constraints. Justice Hull reported that all the winter cycle proposals are expected to come before the council at its April business meeting following public circulation and further review by the advisory committees and RUPRO.

Justice Hull concluded by reporting that the committee met jointly with E&P and Judge Herman, as chair of the Judicial Council Technology Committee, on December 11 to consider the 2014 annual agendas of 11 advisory committees overseen by the three internal committees. He announced that the three internal committees will meet again in March to consider the annual agendas of the remaining advisory groups.

Judicial Council Technology Committee

Judge James E. Herman, Chair, reported that the committee had met six times since the October council meeting. He indicated that the main purpose of the meetings was to review a prioritization tool that has been created in draft form by the Technology Planning Task Force. The purpose of this prioritization tool is to prioritize projects aligning with the proposed draft strategic plan and provide a transparent and consistent model for evaluating projects by considering factors that include overall return on investment, business risk, and alignment with strategic goals. He explained that it will eventually provide the committee with a concrete and objective process for use in project selection to create a more transparent process. As reported at the October council meeting, the committee is pilot testing the evaluation matrix being developed by the task force by using it to select courts' case management systems to be considered for the budget change proposals (BCPs) that will be submitted to the Department of Finance in February. Judge Herman reported that these requests will be submitted to the council for review and approval at its January business meeting.

Judge Herman reported that all 58 courts were surveyed about their interest in a BCP approach for replacement of case management systems: 32 courts indicated some interest in participating, with 14 courts submitting proposals to the committee. He noted that the Prioritization Subgroup of the Technology Planning Task Force participated in all of the conference calls to answer any

questions related to their creation of the draft project prioritization scorecard. Judge Herman reported that the committee met on November 8 to review the information that was submitted by the 14 courts that completed the project prioritization scorecard and decided by a vote that the Superior Courts of Calaveras, Glenn, Lassen, Los Angeles, Monterey, and San Diego Counties would be invited to submit additional information and to make presentations at a future committee meeting. The committee's goal was to have representative courts from across the state in terms of size and geographic location.

Judge Herman reported that the six courts selected made their presentations to the committee at its November 25 meeting. The following day, the committee reviewed, discussed, and approved the presentations of the six courts to participate in the pilot BCP process for case management system replacement. Judge Herman noted that the elapsed time from the dissemination of the initial interest survey to the final decision by the committee was 43 business days. Additionally, during that same meeting, the committee approved the request from the Superior Court of Lake County for AOC support to deploy the proceedings interface with Sustain Justice Edition.

Judge Herman reported that the committee met earlier in the day and received updates on the budget change proposals for case management system replacement and the Appellate Document Management System. The committee also reviewed and approved the annual agenda of the Court Technology Advisory Committee, with certain modifications to the projects and with the additional proviso that, as of July 1, after the council has reviewed the recommendations from the Technology Planning Task Force regarding judicial branch governance, the governance structure relative to the committee as well as its projects may, at that time, change. Judge Herman indicated that any changes will be presented to E&P and RUPRO for approval. He concluded his report by thanking the committee for its hard work, Mr. Mark Dusman and his staff for their support, and Ms. Jessica Craven, lead staff of the committee, for keeping the committee organized and on track.

Item 1 Legislative Resolution: Recognition of Beth Jay, Principal Attorney to the Chief Justice of California

Hon. Noreen Evans, California State Senator and member of the Judicial Council, presented a California State Senate resolution, on behalf of Senate President pro Tempore Darrell Steinberg and the California Legislature, to Ms. Beth Jay, principal attorney to the Chief Justice. The resolution was presented in recognition of Ms. Jay's distinguished career and in appreciation for her dedication and contributions to the people of the State of California and to the administration of justice.

No council action

Item 2 Judicial Council Report to the Legislature: Implementation of Open Meetings Rule

The chairs of the Judicial Council internal committees recommended that the Judicial Council approve the *Report on Implementation of an Open Meetings Rule* and direct the Office of Governmental Affairs to submit it to the Joint Legislative Budget Committee by January 1, 2014. Supplemental report language from the fiscal year (FY) 2013–2014 Budget Package directs the Judicial Council to report to the Joint Legislative Budget Committee on implementation of an open meetings rule by January 1, 2014, and annually thereafter regarding any amendments adopted in the intervening fiscal year.

Council action

The Judicial Council approved the *Report on Implementation of an Open Meetings Rule* and directed the Office of Governmental Affairs to submit it to the Joint Legislative Budget Committee by January 1, 2014.

Item 3 Judicial Council Distinguished Service Awards for 2013

The Judicial Council honored the winners of the annual Distinguished Service Awards for significant and positive contributions to court administration in California. The council approved the winners at its August 22, 2013, meeting. The Ronald M. George Award for Judicial Excellence honors members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice statewide. The William C. Vickrey Leadership in Judicial Administration Award honors individuals in judicial administration for significant statewide contributions to and leadership in their profession. The Bernard E. Witkin Amicus Curiae Award honors individuals other than members of the judiciary for their outstanding contributions to the courts of California. The Richard D. Huffman Justice for Children and Families Award honors an individual for significant contributions to advancing justice for children and families in California. The Stanley Mosk Defender of Justice Award honors individuals from federal, state, and local government for significant contributions to advancing equal access to fair and consistent justice in California. The award recipients are listed below.

2013 Ronald M. George Award for Judicial Excellence

Hon. Laurie M. Earl, Presiding Judge of the Superior Court of California, County of Sacramento

2013 William C. Vickrey Leadership Award in Judicial Administration

Ms. Kim Turner, Court Executive Officer of the Superior Court of California, County of Marin

2013 Bernard E. Witkin Amicus Curiae Award

Hon. David Rothman, Judge of the Superior Court of California (Ret.), County of Los Angeles

2013 Richard D. Huffman Justice for Children and Families Award

Hon. Becky L. Dugan, Judge of the Superior Court of California, County of Riverside

Hon. Laurence D. Kay, Presiding Justice of the Court of Appeal (Ret.)

2013 Stanley Mosk Defender of Justice Award

Hon. Leon E. Panetta, former United States Secretary of Defense

2013 Benjamin Aranda III Access to Justice Award

Hon. James R. Lambden, Associate Justice of the Court of Appeal (Ret.)

No council action

FRIDAY, DECEMBER 13, 2013—BUSINESS MEETING

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Marvin R. Baxter, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, James R. Brandlin, David De Alba, Emilie H. Elias, Sherrill A. Ellsworth, Teri L. Jackson, Mary Ann O'Malley, David Rosenberg, David M. Rubin, and Dean T. Stout; Mr. Mark G. Bonino, Mr. James P. Fox, and Mr. Mark P. Robinson, Jr.; **advisory members present:** Judges Robert A. Glusman, James E. Herman, Morris D. Jacobson, Brian L. McCabe, Kenneth K. So, Charles D. Wachob, and Brian C. Walsh; Commissioner Sue Alexander; Supreme Court Clerk Frank A. McGuire; Court Executive Officers Mary Beth Todd and David H. Yamasaki; **secretary to the council:** Steven Jahr, Administrative Director of the Courts.

Members absent: State Senator Noreen Evans; Assembly Member Richard Bloom; Ms. Angela J. Davis.

Others present: Associate Justice Laurie D. Zelon, Court of Appeal, Second Appellate District, Division Seven; Judge Lorna A. Alksne, Superior Court of San Diego County; Mr. Robert Oyung, Chief Technology Officer, Superior Court of Santa Clara County; **members of the public:** Ms. Marylou Aran Guran; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Mr. Paul Jones, *Daily Journal*.

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 8:30 a.m., in the Malcolm M. Lucas Board Room of the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Judicial Council Members' Liaison Reports

The following Judicial Council members reported on their liaison visits with their assigned courts:

- Judge Sherrill A. Ellsworth, on the Superior Court of Orange County; and
- Judge Brian C. Walsh, on the Superior Court of Stanislaus County.

Public Comment

Ms. Marylou Aran Guran, California Federation of Interpreters, commented on agenda Item T.

Written Comments Received

Written comments were received from California Assembly member Ed Chau, Ms. Patricia Castorena, Ms. Emma Dewald, Ms. Margo George, Mr. Carlos Villarreal, and Mr. Max Zarzana.

CONSENT AGENDA (ITEMS A1–A6 THROUGH S)

ITEMS A1–A6 RULES AND FORMS

Appellate

Item A1 Appellate Procedure: Number of Copies of Filed Documents

The Appellate Advisory Committee recommended amending the California Rules of Court to (1) reduce the number of copies of some documents that must be filed in the Supreme Court and Courts of Appeal when an electronic copy is filed; (2) specifically permit reviewing courts to adopt local rules providing for submission of electronic copies in lieu of some or all of the paper copies of filed documents; and (3) make other changes. These changes were proposed to provide cost savings and efficiencies for litigants and reviewing courts.

Council action

The Judicial Council, effective January 1, 2014:

1. Amended rule 8.44 of the California Rules of Court to:
 - Allow the submission of one electronic copy and eight paper copies instead of:
 - Thirteen paper copies of petitions for review, answers, replies, briefs on the merits, amicus curiae briefs, answers to amicus curiae briefs, petitions for rehearing, and answers to petitions for rehearing; and
 - Ten paper copies of petitions for writs within the court’s original jurisdiction, oppositions or other responses to such petitions, and replies to such petitions filed in the Supreme Court; and
 - Specifically provide that the Supreme Court or Courts of Appeal may, by local rule, allow for the submission of an electronic copy of a filed document either in addition to the paper copies required or in place of one or more of these copies, and
2. Amended rules 8.44 and 8.212 to provide that the electronic copy of briefs in civil appeals to the Courts of Appeal that currently must be served on the Supreme Court must instead be submitted to the Courts of Appeal.

Item A2 Unlawful Detainer: Answer to Complaint

The Civil and Small Claims Advisory Committee recommended that the Judicial Council revise *Answer—Unlawful Detainer* (form UD-105) to allow a party to assert, as an affirmative defense, that the landlord terminated or failed to renew a tenancy based on acts against a tenant or a tenant's household member that constitute human trafficking. The revisions to form UD-105 would satisfy a legislative mandate in recent amendments to Code of Civil Procedure section 1161.3 and would incorporate amended statutory text that goes into effect January 1, 2014.

Council action

The Judicial Council, effective January 2, 2014, revised form UD-105 to incorporate new affirmative defenses as required by Code of Civil Procedure section 1161.3.

Civil Jury Instructions

Item A3 Civil Jury Instructions (CACI): New, Revised, Restored, Renumbered, and Revoked Instructions and Verdict Forms

The Advisory Committee on Civil Jury Instructions recommended approving for publication the civil jury instructions prepared by the committee. On Judicial Council approval, the instructions would be published in the official 2014 edition of the *Judicial Council of California Civil Jury Instructions*.

Council action

The Judicial Council, effective December 13, 2013, approved for publication under rules 2.1050 and 10.58 of the California Rules of Court the civil jury instructions prepared by the committee. On Judicial Council approval, the instructions will be published in the official 2014 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

Family and Juvenile Law

Item A4 Protective Orders: Update Emergency Protective Order Form

The Family and Juvenile Law Advisory Committee recommended revising *Emergency Protective Order* (form EPO-001), a mandatory form used by law enforcement officers throughout the state, to implement Assembly Bills 539 and 238.

Council action

The Judicial Council, effective January 1, 2014, revised *Emergency Protective Order* (form EPO-001) to implement changes in the law regarding emergency protective orders under recently enacted legislation.

Item A5 Juvenile Law: Technical Change to Joinder Rule

The AOC recommended amending rule 5.575, which addresses notice requirements for a joinder hearing, to conform to amendments circulated for comment during the spring 2013 invitation-to-comment cycle and recommended by the Family and Juvenile Law Advisory Committee for adoption. Language that the committee had recommended deleting from the existing rule inadvertently remained in the amendments adopted by the Judicial Council at its October 25, 2013, meeting.

Council action

The Judicial Council amended rule 5.575 of the California Rules of Court, effective January 1, 2014, to delete surplus language inadvertently retained following circulation for comment in spring 2013.

Traffic

Item A6 Uniform Bail and Penalty Schedules: 2014 Edition

The Traffic Advisory Committee recommended revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2014. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions would bring the schedules into conformance with recent legislation.

Council action

The Judicial Council, effective January 1, 2014, adopted the revised Uniform Bail and Penalty Schedules: 2014 Edition.

Item B Judicial Council–Sponsored Legislation: Conservatorship Investigator Report for Gravely Disabled Persons

The Policy Coordination and Liaison Committee (PCLC) and the Mental Health Issues Implementation Task Force (MHIITF) recommended that the Judicial Council sponsor legislation to add a new subdivision to Welfare and Institutions Code section 5354. The new subdivision would require that if a criminal court with jurisdiction orders an evaluation of the defendant's mental condition under section 5200, and that evaluation leads to a conservatorship investigation, the officer conducting the investigation must submit a copy of the report to the defendant or defendant's attorney, who may authorize its release to the criminal court. It would also make the conservatorship report otherwise confidential. This legislation would increase the options available to courts when handling criminal cases involving potentially mentally ill

offenders and improve coordination between the conservatorship court and the criminal court when they have concurrent jurisdiction over a mentally ill individual.

Council action

The Judicial Council approved sponsoring legislation to add a new subdivision to section 5354 of the Welfare and Institutions Code to:

1. Require that when a conservatorship investigation results from a criminal court ordering an evaluation of a defendant's mental condition under section 5200, the officer conducting the investigation must submit a copy of the report to the defendant or defendant's attorney, who may authorize its distribution to the criminal court, prosecution, or probation; and
2. Establish limits on the distribution and access to the conservatorship report in instances where it is released to the criminal court and justice partners.

Item C Judicial Council–Sponsored Legislation: Dismissals in the Interest of Justice

The PCLC and the Criminal Law Advisory Committee (CLAC) recommended that the Judicial Council sponsor legislation to amend Penal Code section 1385(a) to permit trial courts to state the reasons for a dismissal in the furtherance of justice either on the record or in an order entered on the minutes. Current law requires that trial courts state the reasons for a dismissal only in an order entered on the minutes. The proposal would relieve trial courts of an unnecessary mandate and eliminate extraneous proceedings resulting from automatic reversals for failure to state the reasons in the minutes.

Council action

The Judicial Council approved sponsoring legislation to amend Penal Code section 1385(a) to require that the reasons for dismissal be stated either on the record or in an order entered on the minutes.

Item D Judicial Council–Sponsored Legislation: Intercounty Transfers

The PCLC and CLAC recommended that the Judicial Council sponsor legislation amending Penal Code section 1203.9 to modify intercounty transfer procedures. The proposal would modify those procedures to require transferring courts to determine the amount of any victim restitution before transfer unless the court is unable to determine the amount within a reasonable time and to prohibit transfers of misdemeanor cases unless (1) they involve certain sex crimes, firearms, violence, or multiple driving-under-the-influence offenses; and (2) the court determines that the continued supervision of the probationer in the county of residence is in the best interests of the public or any victim.

Council action

The Judicial Council approved sponsoring legislation to amend Penal Code section 1203.9, effective January 1, 2015, to:

- Add subdivision (a)(3) to:
 - Require transferring courts to determine the amount of any victim restitution before transfer unless the court finds that the determination may not be made within a reasonable time from the date of the motion for transfer;
 - Clarify that if a case is transferred without a prior determination of any victim restitution amount, the transferring court must retain jurisdiction to determine the amount as soon as practicable; and
 - Clarify that, in all other aspects, the receiving court receives full jurisdiction over the matter upon transfer; and
- Add subdivision (e) to prohibit transfers of misdemeanor cases unless:
 - They involve certain sex crimes, use of a firearm, violence, or three or more driving violations involving the use of alcohol or drugs; and
 - The court “determines that the continuing supervision of the probationer in the county of residence is in the best interests of the public or any victim.”

Item E Judicial Council–Sponsored Legislation: Misdemeanor Juror Contempt

The PCLC and CLAC recommended that the Judicial Council sponsor legislation to amend Penal Code section 166 to delete a category of juror misconduct that constitutes misdemeanor contempt of court: the willful disobedience by a juror of a court admonishment against any communication or research about a pending trial, including electronic or wireless communications. The proposal was developed at the request of numerous criminal judges who expressed concerns that the provision inadvertently impairs the ability of courts to investigate whether juror misconduct occurred, increasing the risk of mistrial and reversal on appeal.

Council action

The Judicial Council approved sponsoring legislation to delete subdivision (a)(6) from Penal Code section 166, which renders the following category of juror misconduct a misdemeanor contempt of court: “Willful disobedience by a juror of a court admonishment related to the prohibition on any form of communication or research about the case, including all forms of electronic or wireless communication or research.”

Item F Judicial Council–Sponsored Legislation: Outpatient Status for Mentally Disordered and Developmentally Disabled Offenders

The PCLC and MHIITF recommended that the Judicial Council sponsor legislation to amend Penal Code sections 1601 to 1603 pertaining to outpatient status for mentally disordered and developmentally disabled offenders. The amendment to section 1601 would allow the court, when appropriate, to conditionally release a defendant found incompetent to stand trial to a placement in the community, rather than in a custodial or inpatient setting, to receive mental

health treatment until competency is restored. Under the amended section, conditional release would be appropriate if the court finds that the alternative placement would provide more appropriate treatment for the defendant and that the placement would not pose a danger to the health and safety of others. The amendments to sections 1602 and 1603 would require the court to consider all listed criteria before placing an offender who is subject to section 1601 on outpatient status instead of requiring the court to find that all of the listed criteria have been met.

Council action

The Judicial Council approved sponsoring legislation to amend Penal Code sections 1601(a), 1602(a) and (b), and 1603(a) pertaining to outpatient status for mentally disordered and developmentally disabled offenders who have been found incompetent to stand trial as follows:

- Amend section 1601(a) to allow the court, when appropriate, to conditionally release a defendant found incompetent to stand trial to the community, rather than to a custodial or inpatient setting if the court finds that an alternative placement would provide more appropriate treatment for the defendant and that the placement would not pose a danger to the health and safety of others.
- Amend sections 1602(a) and 1603(a) to require the court to consider all listed criteria before placing an offender who is subject to section 1601(a) or (b) on outpatient status, instead of requiring the court to find that all of the listed criteria have been met before placement on outpatient status. Renumber subsection 1602(a)(3) as 1602(b), and modify that subsection to clarify that, before determining whether to place a person on outpatient status, notice must be provided to the prosecutor and defense counsel and a court hearing held at which the court may specifically order outpatient status.

Item G Judicial Council–Sponsored Legislation: Tribal Access to Confidential Juvenile Court Files

As a result of comments from tribal court judges and advocates, the PCLC, the California Tribal Court/State Court Forum, and the Family and Juvenile Law Advisory Committee recommended that the Judicial Council sponsor legislation to amend section 827 of the Welfare and Institutions Code to address the issue of tribal access to confidential juvenile court files involving tribal children. The legislation was proposed to ensure that tribal access to juvenile court files involving tribal children is consistent with the mandates of existing federal and state law. Both federal and state law mandate notice to tribes of all juvenile dependency and some juvenile delinquency matters involving tribal children and provide tribes with the right to participate in these proceedings. However, Welfare and Institutions Code section 827, which governs access to confidential juvenile court files, does not mention tribes.

Council action

The Judicial Council approved sponsoring legislation amending Welfare and Institutions Code section 827(a)(1)(A), (E), (F), (H), (K), (L), (M), (N), and (P)(5) and adding § 827(a)(1)(Q) to reference tribal entities and officials analogous to those currently addressed by those sections. These amendments will apply when a tribe has identified a child as a member of or eligible for membership in the tribe, within the meaning of the *Indian Child Welfare Act*.

Item H Judicial Council: 2013 Legislative Policy Summary

The PCLC recommended that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2013 legislative year. Adoption of this updated summary of positions taken on court-related legislation would assist the council in making decisions about future legislation, consistent with strategic plan goals.

Council action

The Judicial Council adopted the updated Legislative Policy Summary reflecting actions through the 2013 legislative year (see Attachment 1 to these minutes).

Item I Access to Visitation: Program Funding Allocation Methodology for Fiscal Year 2014–2015

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve a methodology for one-year continuation, Access to Visitation grant funding allocations for FY 2014–2015 (i.e., April 1, 2014, through March 31, 2015). The recommended process would fund current programs that were previously approved by the Judicial Council for FY 2013–2014. Courts would complete a simplified request-for-application process, and the proposed allocations for each court would be submitted to the Judicial Council for approval in early 2014. This approach would allow the Access to Visitation Funding Working Group to prepare recommendations regarding a new funding solicitation and allocation methodology for fiscal year 2015–2016.

Council action

The Judicial Council, effective December 12, 2013:

1. Approved one-year continuation funding for FY 2014–2015 for those Access to Visitation Grant programs currently funded under the allocation methodology approved for FY 2013–2014.
2. Extended the time for the Access to Visitation Funding Working Group tasked with proposing new funding methodology options for FY 2015–2016 for one year.

3. Directed the Family and Juvenile Law Advisory Committee to circulate the funding methodology recommended by the Access to Visitation Funding Working Group to the courts for comment and make recommendations regarding funding methodology for approval at the April 2014 Judicial Council meeting.

Item J Equal Access Fund: Distribution of Funds for Partnership Grants

As stated in its report on the *Equal Access Fund: Distribution of Fourteenth Year Equal Access Fund Partnership Grants*, the State Bar Legal Services Trust Fund Commission requested that the Judicial Council approve the distribution of \$1,518,000 in partnership grants for 2014 according to the statutory formula in the state Budget Act and approve the commission’s findings that the proposed budget for each individual grant complies with statutory and other guidelines.

Council action

The Judicial Council approved the distribution of \$1,518,000 in Equal Access Fund Partnership Grants for distribution to the following legal services agencies for programs conducted jointly with courts to provide legal assistance to self-represented litigants:

1. **Asian Pacific Islander Legal Outreach:**
Northern San Mateo County Restraining Order Clinic\$50,000
2. **Bay Area Legal Aid:**
Housing Law Clinic (Contra Costa).....\$60,000
3. **Bet Tzedek Legal Services:**
Building Community & Expanding Access to Legal Services in
Los Angeles County\$100,000
4. **Central California Legal Services, Inc.:**
Elder Abuse Access to Justice Partnership—Fresno and Tulare Counties\$75,000
5. **Community Legal Services in East Palo Alto:**
San Mateo County Unlawful Detainer Mandatory Settlement Conference\$50,000
6. **East Bay Community Law Center:**
Civil Justice Self Help Project (Alameda)\$65,000
7. **Elder Law and Advocacy:**
Imperial County Bilingual Conservatorship/Guardianship Clinic\$45,000
8. **Family Violence Law Center:**
Alameda County Domestic Violence Self-Representation Assistance\$23,000

9. **Greater Bakersfield Legal Assistance, Inc.:**
Kern County Orders Project\$50,000
10. **Inland Empire Latino Lawyers Association:**
Small Claims Advocacy & Awareness Project (Riverside/San Bernardino)\$25,000
11. **Justice and Diversity Center:**
Family Law Assisted Self-Help (FLASH) Project (San Francisco).....\$50,000
12. **Legal Aid Foundation of Los Angeles:**
Long Beach Self-Help Legal Access Center\$80,000
13. **Legal Aid of Marin:**
Unlawful Detainer/MSC Calendar Assistance\$45,000
14. **Legal Aid Society of Napa Valley:**
Small Claims Assistance Project.....\$25,000
15. **Legal Aid Society of Orange County:**
Limited Conservatorship Clinic\$25,000
Unlawful Detainer Clinic\$50,000
16. **Legal Aid Society of San Diego, Inc.:**
Civil Harassment & Elder Abuse Restraining Order Program at the HOJ\$60,000
San Diego County Conservatorship Assistance Project.....\$55,000
17. **Legal Assistance for Seniors:**
Partnership to Assist Guardianship Litigants (Alameda)\$30,000
18. **Legal Services of Northern California:**
Civil Harassment and Small Claims Mediation Project (Butte).....\$30,000
Mother Lode Pro Per Project (Amador, Calaveras, El Dorado, Placer).....\$58,000
Consumer Assistance Clinic (Yolo).....\$57,000
19. **Neighborhood Legal Services of Los Angeles County:**
Chatsworth Consumer Debt Relief.....\$40,000
Pasadena Unlawful Detainer Assistance Project.....\$60,000
20. **Pro Bono Project Silicon Valley:**
Family Court Settlement Project (Santa Clara).....\$40,000
21. **Public Counsel:**
Pro Per Guardianship Clinic (Los Angeles).....\$60,000

22. Public Law Center:	
Orange County Expanded Domestic Violence Assistance Project	\$50,000
Orange County Spanish Language Self-Help Dissolution Workshops.....	\$60,000
23. San Diego Volunteer Lawyer Project:	
North County Civil Harassment/Unlawful Detainer Self-Help Clinic.....	\$50,000
24. Watsonville Law Center:	
Language Access to Court Project (Santa Cruz)	\$50,000
Total	\$1,518,000

Item K Judicial Branch Administration: Audit Report for Judicial Council Acceptance

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and the AOC recommended that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Monterey*. This acceptance would be consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

Council action

The Judicial Council, effective December 13, 2013, accepted the “pending” audit report, dated December 2012, entitled *Audit of the Superior Court of California, County of Monterey*. The acceptance results in the audit report progressing from “pending” status to “final” status and the publication of the final report on the California Courts public website.

Item L Judicial Branch Administration: Judicial Branch Contracting Manual

The A&E Committee recommended that the Judicial Council adopt proposed revisions to the *Judicial Branch Contracting Manual*. The California Judicial Branch Contract Law directs the Judicial Council to adopt and publish a manual incorporating procurement and contracting policies and procedures that must be followed by judicial branch entities. The council adopted the initial manual on August 26, 2011, and adopted revisions to the manual on three subsequent occasions. The proposed revisions addressed issues identified in an audit report issued by the California State Auditor, promoted compliance with applicable law, and made other corrections and improvements, including those suggested by members of the *Judicial Branch Contracting Manual Working Group* and other judicial branch personnel. In addition, the A&E Committee recommended that the council approve a proposed change in reporting practices as recommended by the California State Auditor.

Council action

The Judicial Council took the following actions, effective January 1, 2014:

1. Adopted revisions incorporating a small business preference in the Judicial Branch Contracting Manual (JBCM);
2. Adopted other corrections and improvements to the JBCM; and
3. Approved the proposed change in reporting practices recommended by the California State Auditor.

Item M Judicial Branch Administration: Reduced Annual Membership Dues for the National Center for State Courts

State court judicial councils and administrative offices pay membership dues annually for the support of and participation in activities of the National Center for State Courts (NCSC). The NCSC is a nonprofit organization charged with improving judicial administration in state courts through efforts directed by the Conference of Chief Justices, the Conference of State Court Administrators, and other associations of judicial leaders. In October 2012, given the level of cumulative budget reductions for the Judicial Council/AOC, the AOC recommended, and the council approved, a reduction in the annual payment to the NCSC for the 2013 calendar year. The 2014 assessment approved by the NCSC board for the Judicial Council of California/AOC is \$594,335. This amount is based on an established formula applied to all member states. In light of the fact that no new funding was received for the Judicial Council/AOC in the current fiscal year, the AOC recommended a reduced dues payment of \$267,451 for 2014, a reduction of 55 percent.

Council action

The Judicial Council approved a reduced dues payment of \$267,451 for 2014, a reduction of 55 percent for the support of and participation in activities of the National Center for State Courts. Judge Baker recused himself because he is a member of the NCSC board.

Item N Judicial Branch Report to the Legislature: Receipts and Expenditures From Local Courthouse Construction Funds

The Judicial Branch Capital Program Office of the AOC recommended approving *Receipts and Expenditures From Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for submission to the budget and fiscal committees of the California Legislature. The report provided information for the reporting period of July 1, 2012, through June 30, 2013, on receipts and expenditures from local courthouse construction funds, as reported by each county. The annual submission of this report is required under Government Code section 70403(d).

Council action

The Judicial Council, effective December 13, 2013:

1. Approved the annual report for the period of July 1, 2012, to June 30, 2013, including updates to previously reported fiscal years, on receipts and expenditures from local courthouse construction funds, as reported by each county.
2. Directed the AOC to submit the report to the budget and fiscal committees of the California Legislature.

Item O Judicial Council Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant

The AOC recommended that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* and direct staff to transmit it to the Legislature. Doing so would fulfill the requirements of Penal Code section 1170.45, which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to defendants' race and ethnicity. Since 2001, the AOC's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the State of California Department of Justice. Consistent with those of previous years, the 2013 report found that when controlling for prior record and type of offense, the data show no consistent patterns in the severity of sentences that are principally related to the defendants' race/ethnicity.

Council action

The Judicial Council approved the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* and directed staff to transmit it to the Legislature.

Item P Judicial Council Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice

Government Code section 77001.5 requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration. AOC staff recommended that the Judicial Council approve the transmittal of the report *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice: Report to the Legislature Under Government Code 77001.5* to the Legislature.

Council action

The Judicial Council approved the report *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice: Report to the*

Legislature Under Government Code 77001.5 for transmittal to the Legislature under Government Code Section 77001.5.

**Item Q Judicial Council Report to the Legislature: Standards of Timely Disposition
Published in the 2013 Court Statistics Report**

The AOC recommended that the Judicial Council direct that staff transmit the *2013 Court Statistics Report* to the Legislature and the Governor. Doing so would fulfill the requirements of Government Code section 68604, which requires the Judicial Council to report annually regarding the standards of timely disposition adopted under section 68603. The *2013 Court Statistics Report* contains case-processing and time-to-disposition statistics that meet the requirements of Government Code section 68604.

Council action

The Judicial Council directed that AOC staff transmit the *2013 Court Statistics Report* to the Legislature and the Governor.

**Item R Judicial Council Report to the Legislature: Statewide Collection of Court-
Ordered Debt**

The Enhanced Collections Unit of the AOC Fiscal Services Office recommended approving the fiscal year 2012–2013 annual *Report to the Legislature on the Statewide Collection of Court-Ordered Debt*, as required by Penal Code section 1463.010.

Council action

The Judicial Council approved the annual *Report to the Legislature on the Statewide Collection of Court-Ordered Debt*, as required by Penal Code section 1463.010.

Item S Judicial Council Report to the Legislature: Status of the Phoenix Program, 2013

The Administrative Office of the Courts recommended that the Judicial Council approve the *Status of the Phoenix Program, 2013*, as required by Government Code section 68511.8(a), to be sent to the chairs of the Joint Legislative Budget Committee, Senate Committee on Budget and Fiscal Review, and Assembly Committee on Budget.

Council action

The Judicial Council approved the *Status of the Phoenix Program, 2013* and directed the AOC to submit the report to the Legislature.

DISCUSSION AGENDA (ITEMS T–Z)

Item T **Judicial Council: 2014 Legislative Priorities**

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and sets its legislative priorities for the upcoming legislative year. For 2014, PCLC recommended for consideration the following as Judicial Council legislative priorities:

(1) advocate for a robust reinvestment in our justice system to avoid further reductions and to preserve access to justice for all Californians, including a method to provide stable and reliable funding, including growth funding; (2) advocate to secure new judgeships and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; and (3) advocate for legislation that will expand access to interpreters in civil cases. These legislative priorities embody the Chief Justice’s Access 3D framework for increased access to the courts.

Council action

The Judicial Council approved for consideration the following as legislative priorities for the council for 2014:

1. Advocate budget stability for the judicial branch, including advocating for sufficient fund balances allowing courts to manage cash flow challenges, a method for stable and reliable growth funding for courts to address annual cost increases in baseline operations, and sufficient additional resources to allow courts to improve physical access to the courts by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, and to restore programs and services that were reduced or eliminated in the past few years. This advocacy includes continued sponsorship of the remaining proposals for trial court operational efficiencies, cost savings, and new revenue measures approved for sponsorship in 2012 and 2013.
2. Advocate in the following areas related to judgeships and subordinate judicial officers (SJOs):
 - a. Secure funding for the second set of 50 new judgeships, which was approved in 2007 but has yet to be funded (Assem. Bill 159 [Jones]; Stats. 2007, ch. 722);
 - b. Sponsor legislation to create a third set of 50 new judgeships to be allocated consistent with the council’s most recent Judicial Needs Assessment; and
 - c. Advocate, as is done each year, for legislative ratification of the Judicial Council’s authority to convert 16 SJO positions in eligible courts to judgeships, and sponsor legislation for legislative ratification of the council’s authority to convert up to 10 additional SJO positions to judgeships.

3. Sponsor legislation to increase access, fairness, and diversity, as well as the quality of justice and service to the public, by allowing courts to provide interpreters in civil cases for litigants who face challenges accessing the courts due to language barriers and the lack of interpreter services.

Item U Status Report from the Technology Planning Task Force

The Technology Planning Task Force, which reports to the Judicial Council Technology Committee, provided a status report on its work to date. This task force is charged with defining judicial branch technology governance; developing a strategic plan for technology at the Supreme Court, Court of Appeal, and trial court levels; and developing recommendations for funding judicial branch technology. The update included the new prioritization model for technology projects. A more extensive update will be provided at the January 2014 meeting.

No council action

Item V Judicial Workload Assessment: Updated Workload Data and Allocation of New Judgeships

The SB 56 Working Group recommended that the Judicial Council consider the three options presented for allocating the next 50 judgeships to the trial courts. The chairs of E&P and PCLC requested that the SB 56 Working Group provide the Judicial Council with information on how the most recent judicial needs assessment, prepared in 2012, would change the allocation of judgeships compared to what was approved by the Judicial Council in 2007. The judgeships in question are commonly referred to as the “second 50” judgeships that were authorized, but not funded, through Assembly Bill 159 (Stats. 2007, ch. 722). A discussion of the impact of using the most recent judicial needs assessment on upcoming facilities projects in the affected courts was included in the presentation because the needs assessment and priority ranking list are also used for facilities planning.

Council action

The Judicial Council adopted the allocation list for the second 50 new judgeships based on the most recent judicial needs assessment approved by the Judicial Council and approved that additional judgeships approved and funded in the future be based on the then most recent judicial needs assessment approved by the council. (The allocation list included in the report to the council was based on an updated ranking list using the 2012 Judicial Needs Assessment and appears as Attachment 2 to these minutes.) The Judicial Council will need to seek legislation to amend Government Code section 69614.2 to reflect this change.

Item W Judicial Branch Administration: Report and Recommendation to Improve the Governance, Structure, and Organization of a Judicial Council Advisory Group—the SB 56 Working Group

The chairs of the council’s E&P, PCLC, Rules and Projects, and Technology Committees recommended establishing the Judicial Branch Resource Needs Assessment Advisory Committee, a standing Judicial Council advisory committee, to succeed the Senate Bill (SB) 56 Working Group previously established by the Administrative Director of the Courts. This recommendation would continue the improvements to the governance, structure, and organization of the council’s advisory groups commenced by the council in April 2013.

Council action

The Judicial Council approved the establishment of the Judicial Branch Resource Needs Assessment Advisory Committee, a formal standing Judicial Council advisory committee, to succeed the SB 56 Working Group, with E&P providing oversight and guidance and with RUPRO overseeing the development of a rule of court.

Item X Family Law: Final Report of the Elkins Family Law Implementation Task Force

This report to the Judicial Council was the final report of the Elkins Family Law Implementation Task Force. It presented the recommendations from the Elkins Family Law Task Force report that have been put into place, that remain to be done, and that require ongoing education, technical assistance, research, and evaluation. As directed by E&P and PCLC, the Implementation Task Force reviewed the remaining work and recommended that the council direct the Family and Juvenile Law Advisory Committee and the Access and Fairness Advisory Committee to be responsible for the remaining tasks of the Elkins Family Law Implementation Task Force. Both committees agreed with the recommendation.

Council action

The Judicial Council received and accepted the task force’s final report and, effective December 13, 2013:

1. Directed that the Family and Juvenile Law Advisory Committee take responsibility for the following remaining tasks:
 - a. Develop educational opportunities, information sharing, and technical assistance regarding family law case management; calendar management and receipt of live testimony at hearings; improved trial scheduling procedures; and court processes and procedures related to domestic violence.
 - b. Continue technical assistance and education on the use of the new family law rules of court; revised and simplified forms, such as the *Request for Order* (form FL-300); and other simplification efforts, such as standardizing the processing of default and uncontested judgments.

- c. Provide ongoing education and technical assistance to courts on practices and procedures related to child custody; children’s meaningful participation in family law cases; research and revision of mediation strategies; handling of cases in which there have been allegations of sexual abuse; and the appropriate roles of minor’s counsel and other use of experts such as custody evaluators, special masters, and parent coordinators.
 - d. Investigate whether the provisions of standard 5.30 of the California Standards of Judicial Administration can be implemented without the need for a rule of court, and if necessary, pursue adoption of standard 5.30 as a California rule of court.
 - e. Coordinate with the Presiding Judges Advisory Committee and the Access and Fairness Advisory Committee on educational and other efforts to promote the allocation of additional resources to, and the enhancement of the perceived importance of, family law assignments.
 - f. Continue the support of empirical research to assess the workload requirements for family law and the efficacy of family court operations.
 - g. Continue to pursue legislative funding for a Family Law Innovation Project.
2. Directed that the Access and Fairness Advisory Committee take responsibility for the following remaining tasks:
- a. Promote increasing representation in family law through collaboration with the State Bar on limited scope and pro bono resources, and provide support and expertise to the programs instituted under the Sargent Shriver Civil Counsel Act (Assem. Bill 590 [Feuer]; Stats. 2009, ch. 457).
 - b. Seek funding for the expansion of court self-help centers; provide education and technical assistance to court self-help centers in legal substance and procedure, useful technology, and efficient business practices; and perform the review of the *Guidelines for the Operation of Self-Help Centers in California Trial Courts* that is mandated to occur every three years under California Rules of Court, rule 10.960.
 - c. Seek to increase the availability of interpreters in family law both in the courtroom and in other core services, such as business office operations, self-help centers, and family court services.
 - d. Develop educational opportunities, information sharing, and technical assistance on the management of cases involving self-represented litigants, including the promotion of comprehensive settlement assistance for self-represented litigants in both motion and trial matters.
 - e. Continue empirical research necessary to assess demographics in the self-help centers, conduct needs assessments and workload demands, and assess the efficacy of court self-help strategies.
 - f. Coordinate with the Presiding Judges Advisory Committee and the Family and Juvenile Law Advisory Committee on educational and other efforts to promote the allocation of additional resources to, and the enhancement of the perceived importance of, family law assignments.

Item Y AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects

The AOC’s Chief Administrative Officer and director of the Fiscal Services Offices presented this informational report on efforts relating to the various common aspects of Judicial Council Directives 7–13, 21, 40, 91, and 145, which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

No council action

Item Z Judicial Branch Administration: California State Auditor Report, Armed Persons with Mental Illness

In October 2013, the California state auditor released a report, *Armed Persons with Mental Illness: Insufficient Outreach From the Department of Justice and Poor Reporting From Superior Courts Limit the Identification of Armed Persons With Mental Illness*, that details trial courts’ compliance with a reporting requirement related to the identification of armed persons with mental illness. This informational item provided an overview of the state auditor’s report, including the recent passage of legislation on this topic, and AOC efforts to reach out to trial courts regarding this and other firearms-related reporting requirements.

No council action

In Memoriam

The Chief Justice closed the public session of the meeting with a brief remembrance of the following judicial colleagues recently deceased and honoring their service to their courts and the cause of justice:

- Judge Nancy M. Brown (Ret.), Superior Court of Los Angeles County
- Judge William M. Gallagher (Ret.), Superior Court of Sacramento County
- Judge Robert N. Zarick (Ret.), Superior Court of Sacramento County

The Chief Justice, as requested by Mr. McGuire, also remembered and honored the following judicial colleagues recently deceased:

- Justice M. O. Sabraw (Ret.), Court of Appeal, First Appellate District
- Justice John G. Gabbert (Ret.), Court of Appeal, Fourth Appellate District

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 Judicial Council: Implementation of Judicial Council Directives on AOC Restructuring

The chair of E&P presented this informational report on the implementation of the Judicial Council AOC Restructuring Directives, as approved by the Judicial Council on August 31, 2012. The AOC Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each council meeting on every directive. This informational report provided an update on the progress of implementation efforts.

INFO 2 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 23)

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This report is the 23rd to date listing the latest court notices received by the council under this statutory requirement; since the previous report, three superior courts—Siskiyou, Ventura, and Yolo Counties—have issued new notices.

INFO 3 Court Records: Trial Court Records Manual

This report presented the revised *Trial Court Records Manual*, which was prepared by the Court Executives Advisory Committee. The manual is an important resource, containing references to statutes, rules, industry standards, and best practices relating to records management. The revised manual includes updates and amendments to the retention and destruction periods for court records. It implements Assembly Bill 1352 and becomes effective January 1, 2014.

INFO 4 Court Facilities: Lease-Revenue Bond Issuances, Fall 2012–Spring 2013

As authorized and directed by the Judicial Council, the Administrative Director of the Courts presented this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2012 and spring 2013 for the financing of court facilities projects.

INFO 5 Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 4 of Fiscal Year 2012–2013

The Judicial Council's Trial Court Facility Modifications Advisory Committee (TCFMAC) has completed its facility modification funding for the fourth quarter of fiscal year 2012–2013. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council

on July 27, 2012, the TCFMAC submitted its *Trial Court Facility Modification Quarterly Activity Report: Quarter 4, Fiscal Year 2012–2013* as information for the council.

INFO 6 Trial Courts: Quarterly Investment Report for Third Quarter of 2013

This *Trial Court Quarterly Investment Report* provides the financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program. The report was submitted under the *Resolutions Regarding Investment Activities for the Trial Courts*, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2013, through September 30, 2013.

INFO 7 Trial Courts: State Auditor Review of Bank Accounts

In October 2013, the California State Auditor released a report, *Accounts Outside the State's Centralized Treasury System: Processes Exist to Safeguard Money, but Controls for These Accounts Need Strengthening*. The State Auditor discussed the bank accounts of the trial courts under California Penal Code section 1463.1 and California Government Code section 77009 that facilitate court operations and hold money in trust. No issues were identified regarding the trial courts having these accounts.

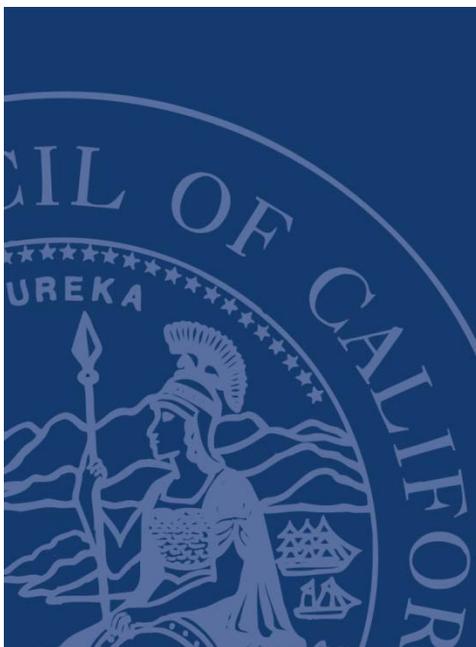
Respectfully submitted,



Steven Jahr
Administrative Director of the Courts and
Secretary to the Judicial Council

Attachments

1. 2013 Legislative Policy Summary
2. Comparison of Judgeships Allocated Using 2007 and 2012 Data
3. Written comment from California Assembly member Ed Chau
4. Written comment from Ms. Patricia Castorena
5. Written comment from Ms. Emma Dewald
6. Written comment from Ms. Margo George
7. Written comment from Mr. Carlos Villarreal
8. Written comment from Mr. Max Zarzana
9. Judicial Council Roll Call/Voting Sheets: Consent Agenda and Item V



2013 Legislative Policy Summary

HISTORICAL SUMMARY OF
LEGISLATIVE ACTIVITY



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
OFFICE OF GOVERNMENTAL AFFAIRS

HISTORICAL SUMMARY OF LEGISLATIVE ACTION

DECEMBER 2013

The Administrative Office of the Courts' Office of Governmental Affairs monitors legislative activity and represents the Judicial Council before the Legislature, the Governor's Office, and executive branch agencies and departments. The following summarizes council action on court-related legislative proposals. The summary is organized by policy area and includes how the actions further the objectives of the six goals of *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*. The table that follows each policy area shows actions taken on legislation that illustrate the policy. The table does not include every bill on which a council position was taken.

This document is updated annually. The electronic version of this document contains hyperlinks for viewing the text of the bills.

GENERAL PRINCIPLES

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

LEGISLATIVE ACTIVITY

I. COURT OPERATIONS

A. COURT STRUCTURE

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 515	Dickinson	2013	Oppose, but direct staff to continue discussions with the author to explore possible alternatives that are more workable for the courts.	Mandates the creation of new California Environmental Quality Act (CEQA) compliance court divisions of the superior court in specified counties and vests these divisions with original jurisdiction over actions or proceedings brought under CEQA and joined matters related to land use and environmental laws. Requires a CEQA compliance division judge to issue a preliminary decision in each of these cases before the opportunity for oral argument is granted. Requires the Judicial Council to adopt rules for establishing, among other things, protocols to govern the administration and efficient operation of the divisions, so that those judges assigned to the divisions will be able to hear and quickly resolve those actions or proceedings.	II	
AB 756	Melendez	2013	Oppose; appellate courts are not designed for this process, and it's an inefficient use of judicial resources.	Expands the recently enacted expedited judicial review procedures in AB 900 (Stats. 2011, ch. 354) to public works projects, as defined.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 123	Corbett	2013	Oppose; courts need the flexibility to manage their own calendars. Bill is not necessary due to existing CEQA calendar preference and special judge training requirements.	Requires the Judicial Council to direct the creation of an environmental and land use division “within two or more superior courts within each of the appellate districts of the state” (i.e., a minimum of 12 new divisions) to process all civil proceedings brought under the California Environmental Quality Act or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality. Specifies that such an action may be filed at a superior court within the county in which the underlying claim arises, but requires the proceeding to be transferred to the nearest superior court within the same appellate district that has established an environmental and land use division under the bill’s provisions. Creates new funding scheme utilizing specified fees for environmental license plates to supplement funding for the operation of the new environmental and land use divisions.	II	
SB 848	Emmerson	2011	Oppose	Reorganizes the Court of Appeal into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties.	III	
AB 1925	Salas	2010	No position	Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military.	N/A	Outside Judicial Council purview

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 851	Steinberg	2007	Oppose unless amended. Neutral if amended	Authorizes superior courts to establish and implement mental health courts, which may operate a pre-guilty plea program or a deferred entry of judgment program. Authorizes the California Department of Corrections and Rehabilitation to contract with a superior court and county to use mental health courts as a program for parolees with serious mental illnesses who either violate the terms of parole or receive new terms, as an alternative to custody. As proposed to be amended, a parolee's participation in the mental health court program would be voluntary, and the parolee would be required to sign a waiver indicating agreement that participation in the program is in lieu of parole revocation proceedings. Parolees would remain under legal custody of the Department of Corrections and Rehabilitation.	II	Inappropriately creates shared jurisdiction over parolees.
ACA 35	DeVore	2006	Oppose	Provides that the Supreme Court has original jurisdiction, and no other state court has jurisdiction, in any civil action challenging the facial validity of any statewide initiative measure or referendum placed on the ballot by signature petition of the voters and approved by the voters at a statewide election. Requires the Supreme Court to issue its decision within 90 days of the filing of the action, and establishes a 90-day statute of limitations for civil actions challenging the facial validity of this type of initiative measure or referendum.	II	
AB 1453	Daucher	2005	Oppose	Creates new water courts to adjudicate cases involving the production of groundwater.	II	Interferes with court administration.
SCA 16	Runner, George	2005	Oppose	Provides that Los Angeles County shall be divided into judicial districts established by three special masters appointed by the Supreme Court within 30 days after the effective date of the measure. Provides that each district must be geographically compact and contiguous to the extent practicable, and consist of no more than 36 superior court judges. The districts must also comply with the federal Voting Rights Act.	I, III, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2472/ SB 1424	Wolk/ Burton	2004 2004	Oppose unless amended; neutral if amended.	Creates the California Tax Court, which would replace the State Board Equalization (BOE) as the forum that would hear and determine certain tax appeals. Provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the appellate division of a California superior court. The bills provide further that, within 90 days of the date a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal.	II	Amendments sought to eliminate use of terms "court" and "judge" and to allow review by extraordinary writ only.

B. COURT FUNDING

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

1. Budget

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 619	Garcia	2013	Sponsor	Revises the formula for assessing interest and penalties for delinquent payments to the State Court Facilities Construction Fund. Makes this provision consistent with statute governing interest and penalties for late payments to the Trial Court Trust Fund. Authorizes the Controller to permit a county, city and county, or court to pay the interest or penalty amounts under a payment schedule if the interest or penalty amount causes a hardship to that entity.	III	This bill contains one of the 6 efficiency proposals approved for Judicial Council sponsorship in April 2013. See SB 539.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 655	Quirk-Silva	2013	Oppose; places pressure on the trial courts to create a special fund that needlessly treats a particular class of employees differently.	Allows trial courts to establish a Reporters' Salary Fund, which shall be a revolving fund, to be used solely to contribute to the salaries and benefits of official court reporters.	II	
SB 539	Margett	2007	Support	Establishes a tiered interest and penalty structure for late and underpayments to the Trial Court Trust Fund that reduce the retroactive penalty to the amount that the revenue would have earned had it been receiving the Local Agency Investment Fund (LAIF) rate so long as the court or county remits the revenue within 30 to 45 days, as specified, from the time the error is discovered; establishes that the higher penalty rate applies only from the date 30 days after the date of the issuance by the Controller of the final audit report concerning the failure to pay; and requires the entity found in error to make the payment directly to the state.	III	
SB 93	Florez	2005	Neutral	Allows Tulare County to pay any interest and penalties owed to the Trial Court Trust Fund and the Trial Court Improvement Fund over a period of 10 years.	III	
AB 750	Mullin	2005	Oppose	Authorizes San Mateo County to reduce the amount it is required to remit to the state for funding court operations by 10 percent for 3 years beginning on July 1, 2005.	IV	
SB 324	Florez	2003	Oppose unless amended.	Forgives non-remittance of revenues by Tulare County to the Trial Court Trust Fund.	III	Amendment sought to add an appropriation to reimburse the Trial Court Improvement Fund.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 1343	Torlakson	2002	Neutral	Forgives retroactive repayment of MOE amounts to the Trial Court Trust Fund.	IV	
SB 1396	Dunn	2002	Support	Clarifies allowable and unallowable costs for court security.	IV	
SB 1153	Johannessen	2001	Oppose	Provides that costs related to court security in counties with a population of less than 103,000 shall be paid by the state.	IV	
AB 2459	Wiggins	2000	No position	Requires the council to adopt rules to provide for public access to budget allocation and expenditure information.	II, IV	

2. *Fees, fines, penalties*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 648	Jones-Sawyer	2013	Sponsor	Specifies that: the \$30 court reporter fee is for proceedings lasting one hour or less; the moving party is responsible for the fee; the court may collect the fee at a time specified by the court, but not later than the conclusion of each day's court session; the fee is refundable only if the court fails to provide a court reporter at the scheduled hearing; the fee will be charged once per case for all proceedings conducted within the same hour; the fee shall be waived for parties that have been granted a fee waiver; and the funds shall be deposited in the Trial Court Trust Fund and then returned to the court in which the funds were collected.	II, III	
AB 1293	Bloom	2013	Sponsor	Adds a probate fee of \$40 for the filing of a request for special notice in decedents' estate, guardianship, conservatorship, or trust proceedings to help courts cover the costs incurred and to ensure proper service of notice and other documents to all persons who have requested special notice. Sunsets on January 1, 2019.	I, IV	
SB 221	Simitian	2011	Support	Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays, until January 1, 2015, operation of jurisdictional increase for bodily injury claims resulting from vehicle accidents.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1826	Beall	2008	Sponsor	Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the same as the first-paper filing fee in unlimited civil actions.	III	
AB 367	De León	2007	Sponsor	Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations.	III	
AB 1248	Evans	2007	Sponsor	Makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, increases the cap on habeas investigations costs paid by the Supreme Court, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions.	III, IV	
AB 145	Committee on Budget	2005	Sponsor	Establishes statewide uniform first-paper and first-response paper fees at three graduated levels: the filing fee for limited civil cases where the demand is less than or equal to \$10,000 is \$180; the filing fee for limited civil cases where the demand is greater than \$10,000 but less than \$25,000 is \$300; and the filing fee for unlimited civil cases is \$320.	II, III, IV	
SB 246	Escutia	2004	Sponsor	Allows courts, in addition to counties, to refer delinquent fines to the Franchise Tax Board.	II, III	
AB 934	Reyes	2003	Oppose	Adds a \$25 filing fee for deposit in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 940	Escutia	2003	Sponsor	Requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs.	II, III	
AB 1819	Pacheco, Robert	2002	Support	Removes the \$100 minimum requirement to identify and collect delinquent fines and forfeitures with or without a warrant and provides that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program.	II, III	
AB 2690	Cardoza	2002	Oppose	Requires each court to submit to the Bureau of State Audits an annual financial statement showing outstanding delinquent fines.	II, III	

C. COURT FACILITIES

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 314	Gorell	2012	Oppose	Requires that contracts pertaining to the acquisition and construction of court facilities be subject to the provisions of the Public Contract Code.	II	
AB 2442	Williams	2012	Oppose unless amended to exempt judicial branch property.	Establishes the California Hope Public Trust and authorizes it to control state-owned real property the Trust determines it should control, including court facilities.	IV	
SBX2 12	Steinberg	2009	Sponsor	Provides for the continuous appropriation of revenue created by SB 1407 (Stats 2008, ch. 311) to support courthouse construction projects. Creates an expedited authority process for trial court construction projects.	I, II, III, VI	
SB 1407	Perata	2008	Sponsor	Authorizes a \$5 billion program for the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil first-paper filing fees and criminal and traffic fees and penalties to generate the revenue to fund future revenue bonds.	I, III, VI	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 10	Dunn	2006	Co-sponsor	Revises the Trial Court Facilities Act of 2002 to allow buildings with a seismic level V rating to transfer to the state so long as counties remain liable for earthquake-related damage, replacement, injury, and loss to the same extent that they would have been liable if the responsibility for court facilities had not transferred to the state.	I, III	
SB 1375	Lowenthal	2006	Support if amended	Requires the state to become a party to any public-private partnership agreement entered into by a county that involves a capital lease for construction of replacement court facilities and to become the lessee.	II, III	Amendment sought to remove requirement that the state participate in negotiations with counties and private developers regarding the construction of a new court facility.
AB 262	Berg	2005	Oppose	Prohibits the Judicial Council from requiring that a structure proposed for transfer from a county to the state for court occupancy meet a building code stricter than the standard adopted for the county buildings in the county proposing the transfer.	II, III	
AB 1435	Evans	2005	Support	Adds expenditures on "court facilities" to the list of allowable uses of local courthouse construction funds.	III	
SB 395	Escutia	2005	Sponsor	States the intent of the Legislature to enact the California Court Facilities Bond Act of 2006 to acquire, construct, and finance court facilities.	I, III, VI	
AB 688	Nakanishi	2003	Oppose	Requires the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities pursuant to SB 1732 (Escutia), Stats. 2002, ch. 1082.	II	April 28, 2003 amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds. Council opposition withdrawn.
SB 655	Escutia	2003	Sponsor	Authorizes the issuance of bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund.	I, III, VI	
SB 1732	Escutia	2002	Cosponsor	Establishes a process for the transfer of responsibility for court facilities from the counties to the state.	I, II, III, VI	

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D. COURT MANAGEMENT

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1699	Hernandez	2010	Oppose unless amended	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.	II, III	Inappropriately treats judicial branch employees differently than other public employees.
AB 1749	Lowenthal	2010	Support	Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the judicial branch.	II	Promotes accountability and transparency.
SB 752	Wiggins	2009	Support	Requires that counties in joint Public Employees' Retirement System (PERS) contract with a court, prior to issuing a pension obligation bond (POB) (1) identify court employees as of January 1, 2001 (2) require PERS to complete an actuarial analysis, and (3) reach agreement with the court on the financial and legal impact of the POB on the court's employer contribution rate.	II	
AB 276	Solorio	2007	Oppose	Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill would remove the right to bargain with employee organizations over the use of temporary or limited-term employees.	II, III	
AB 553	Hernandez	2007	Oppose	Eliminates or delays the courts' ability to seek injunctive relief when court employees or when county employees strike and essential court employees will not cross a picket line. Removes a court's ability to seek injunctive relief in superior court for the return of a limited number of employees instead. Requires all injunctive relief to be sought through Public Employment Relations Board.	II, IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 582	Evans	2007	Oppose unless amended and funded	Increases the fee for the original and copies of court reporter transcripts for three consecutive years by a specified amount and then annually by the Consumer Price Index.	I, IV	As amended May 23, 2007, council position changed to take no position on amount of transcript rate increase, if funded; support the uniform transcript standards; and oppose unless amended to address increased costs on low income litigants.
AB 1797	Bermudez	2006	Oppose	Prohibits use of limited-term employees for work that is an integral part of the long-term, regular work of the trial court.	II	
SB 733	Aanestad	2005	Oppose unless amended	Requires the assets and liabilities of the Superior Court of Butte County and the County of Butte to be kept in separate accounts within the Public Employees' Retirement System fund.	II, III	Amendment sought to delete the requirement that assets and liabilities be split and instead require the Judicial Council to report to the Legislature by January 1, 2006, on how to fairly resolve the issues raised in Butte and Solano Counties.
AB 782	Kehoe	2003	Oppose unless amended	Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations.	II, III	
SB 371	Escutia	2002	Support	Establishes the Trial Court Interpreter Employment and Labor Relations Act, providing for the employment and compensation of certified and registered trial court interpreters.	II, III	
SB 2011	Burton	2002	Support	Establishes the Workers' Compensation Fund. Allows the courts to be uninsured for workers' compensation in the same way the state, as an employer, is uninsured.	II, III	
AB 1571	Shelley	2001	Oppose	Eliminates the statutory "at pleasure" status of the Supreme Court and Court of Appeal employees.	II, III	
SB 2140	Burton	2000	Support	Establishes the trial court as the employer of court employees.	III	

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

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1008	Torres	2013	Oppose; hampers the ability of the trial courts to manage staffing and duties in the courtroom.	Eliminates the ability of a judge to perform the duties of a clerk during a session of a superior court or within a judge's chambers as is currently permitted under section 167 of the Code of Civil Procedure.	II	
AB 1131	Skinner	2013	Support the provision relating to court reporting, if amended to require reporting within three court days of an individual being adjudged by a court to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender.	Among other things, requires that courts notify the Department of Justice (DOJ) in an electronic format, in a manner prescribed by the DOJ, about individuals who have been adjudged by a court to be a danger to others as a result of mental disorder or mental illness, or who have been adjudicated to be a mentally disordered sex offender within two court days of the finding.	IV	Allows for more efficient reporting to the Department of Justice.
AB 1352	Levine	2013	Sponsor	Updates and revises court record retention provisions to allow courts to efficiently and effectively manage court records and reduce unnecessary storage costs.	II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 973	Campos	2011	Support if amended; neutral if not amended.	Requires trial courts, prior to adopting a baseline budget plan for the fiscal year, to accept public input by holding a public hearing where testimony may be presented and by receiving written comments. Requires that, during the current 60-day notice period regarding notice of courtroom closures, or closure or reduction in the hours of clerks' offices, the public be given an opportunity to submit written comments on the court's plan.	II	Support contingent on amendments to provide flexibility to the trial courts on how the opportunity for public comment is provided, rather than mandating a public hearing.
SB 326	Yee	2011	Oppose	Requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court.	IV	Unworkable burden on courts.
SB 858	Gaines	2011	Oppose	Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors.	II	Codifies a one-sided governance structure that ignores the critical role of the court in probation activities.
AB 1697	Hall	2010	Oppose	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.	II	Inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council.
AB 1926	Evans	2010	Sponsor	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 established by the Judicial Council.	VI	Promotes efficient management of court records.
AB 273	Anderson	2009	Oppose	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."	II	

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AB 1338	Anderson	2009	Oppose unless funded	Authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. Also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program.	III	Unnecessary. Interferes with court management.
AB 2357	Duvall	2008	Oppose unless amended	Requires the Judicial Council to develop and implement policies and procedures for the protection of personal information maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. Requires the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States.	III, IV	Sought amendment to direct the Judicial Council to take a comprehensive look at protecting personal information and to develop policies and procedures that are in the best interests of the public.
AB 112	Wolk	2007	Oppose	Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012.	III	
AB 117	Beall	2007	Oppose	Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of \$2 for every \$10 or fraction thereof, upon each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85 percent shall be used in traffic safety programs approved by the county board of supervisors, and 15 percent shall be deposited in the county's courthouse construction fund.	III	
SB 57	Alarcon	2005	Oppose	Authorizes a county board of supervisors to levy a \$2 penalty assessment for every \$10 in base fine, for seat belt, speed limit, DUI, and domestic violence offenses.	III	Imposed undue burden on court case-management systems.

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SB 324	Florez	2004	Oppose unless amended to include an appropriation to the Trial Court Improvement Fund.	Validates the incorrect distribution of fines, forfeitures, and penalties made by the County of Tulare to the State Treasurer for deposit in the Trial Court Improvement Fund in the 1996–1997 to 1999–2000 fiscal years.	II, IV	
SB 1801	Flores	2004	Oppose	Prohibits any state or local agency or court that accepts a credit card or debit card as a payment from imposing any processing fee or charge for the use of that card that is not also imposed upon persons who pay by cash or check.	II, III	
AB 3036	Corbett	2002	Oppose unless funded	Increases the accountability of guardians by assisting courts in overseeing guardianship cases and helps ensure proper care and treatment for wards.	II, III	
AB 1421	Thomson	2001	Oppose unless funded	Authorizes a new, involuntary outpatient treatment scheme for certain mentally ill persons. Sets forth new court duties for implementing this program.	III	

E. COURT HOURS

The council seeks to maintain adequate access to the courts.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 996	Anderson	2009	Oppose	Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week.	II, III	
AB 1641	Keene	2003	Sponsor	Improves procedures authorizing the Chief Justice to issue orders during an emergency.	I, II, IV	

II. THE JUDICIARY

A. JUDGESHIPS

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

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

B. JUDICIAL SERVICE

To ensure the branch's ability to attract and retain highly qualified judges, the council supports appropriate increases to judicial salaries, and an adequate, fully funded judicial retirement plan. The council also seeks ways to improve the administration of justice in areas related to judicial retention, including (1) benefits, wellness subsidies, professional development allowances, personal leave, and supplemental life, disability, or liability insurance; (2) health-care benefits, including services and programs; (3) compensation and retirement; (4) "quality of judicial life" resources and programs; (5) mentorship programs; and (6) special needs of and programs for new and retired judges.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2299	Feuer	2012	Support	Authorizes the board of supervisors of a county to establish a program whereby the names of certain public safety officials, including judges and subordinate judicial officers, may be redacted upon request from any property record of principal residence that is disclosed to the public.	II	Promotes safety and security of judges and their families.
SB 503	Vargas	2011	Cosponsor	Allows JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 1425/ AB 1987	Simitian/ Ma	2010	Oppose unless amended to allow exclusion of judges and SJOs from separation requirement.	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 may return to service.	II, III	Fails to address the unique circumstances of the judicial branch. By failing to exclude judges from the double dipping provision, interferes with the assigned judges program’s ability to retain newly retired judges, and the ability to hire retired commissioners while a court awaits a judicial appointment to a converted commissioner position.
AB 32	Lieu	2009	Support	Enhances Internet privacy protections for judicial officers.	II, III	
AB 545	Walters	2008	Support	Amends the Judges’ Retirement System II (JRS II) statute to allow a judge who is on leave from the bench because of active duty service in the military to elect to purchase retirement service credit by repaying his or her missed contributions to JRS II.	II, III	
SB 1187	Ackerman	2006	Sponsor	Permits a judge in the Judges’ Retirement System II who leaves judicial office after five or more years of service and is not eligible to retire to elect to receive the amount in his or her retirement account as an annuity.	II, III	
SB 1364	Battin	2006	Support	Protects privacy of judicial officers.	II, III	
AB 1035	Spitzer	2005	Support	Prohibits any state or local agency from hosting or providing service to an Internet website that posts a public safety official’s home address or telephone number.	II, III	
AB 1595	Evans	2005	Support	Prohibits selling or trading for value on the Internet the home address or telephone number of any elected or appointed official has made a written demand to not disclose his or her home address or telephone number.	II, III	
SB 506	Poohigian	2005	Support	Extends existing voter registration confidentiality programs to include a public safety official.	II, III	
SB 528	Ackerman and Dunn	2005	Cosponsor	Declares the Legislature’s intent to evaluate the impact of trial court unification on the judges’ retirement systems and the resulting increase in the judges’ age at the start of their judicial service.	II, III	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2905	Spitzer	2004	Support	Requires that an employing governmental entity reimburse moving and relocation expenses if it is necessary to move because a judge or court commissioner has received a credible threat that a life-threatening action may be taken against him or her or his or her immediate family as a result of his or her employment.	II, III	Improve quality of judicial service.
AB 2688	Alquist	2002	Support	Establishes a burial benefit in the amount of \$7,500, subject to cost-of-living increases, for all active and retired judges.	III	

C. SELECTION AND ELECTION OF JUDGES

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 362	Lowenthal	2011	Support	Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest. 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 requirements for a judge of a court of record.	I, II	
ACA 1	Nation	2001	Oppose	Eliminates elections to fill judicial vacancies, providing instead that the Governor shall fill vacancies. Provides that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected.	II, III	

D. COMMISSIONERS, REFEREES, AND HEARING OFFICERS

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1403	Committee on Judiciary	2013	Sponsor	Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in FY 2013–2014 where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.	I, II, IV	
SB 405	Corbett	2011	Sponsor	Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in FY 2011–2012 where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.	I, II, IV	
AB 2763	Committee on Judiciary	2010	Support	Permits the conversion of up to 10 additional subordinate judicial officer (SJO) positions to judgeships each year. Allows the additional conversions if the conversion would result in a judge being assigned to a family law or juvenile law calendar previously assigned to an SJO.	I, II, IV	Allows the council to expedite the conversion of eligible SJO positions.
AB 159	Jones	2007	Sponsor	Authorizes the conversion of 162 subordinate judicial officer positions to judgeships upon vacancy.	I, II, IV	

III. PROCEDURAL LAW

A. CIVIL PROCEDURE

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1167	Dickinson	2013	Support	Clarifies the procedures for levying officers to follow in their efforts to enforce judgments where the underlying writ of execution was issued by the court in an electronic form. Among other things, details the specific information that must be included in a judgment creditor's instructions to the levying officer in such cases. Makes clear that the levying officer may generally proceed in the same manner as if in possession of a paper version of the original writ.	III, IV	
AB 1875	Gatto	2012	No position	Specifies that, unless otherwise ordered by the court, a deposition in a civil case would generally be limited to one day of 7 hours of total testimony. Provides that the court shall allow additional time if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination. Exempts specified individuals and cases.	II, III	
AB 2106	Wagner	2012	Support	Clarifies the time for bringing a motion for a new trial and a motion to set aside and vacate a judgment.	IV	
SB 1214	Cannella	2012	Oppose	Expands the types of projects that would be eligible for expedited judicial review by requiring all CEQA challenges to projects located in a "distressed county" (except for high speed rail projects) be filed directly with the Court of Appeal with geographic jurisdiction over the project.	I, III	Interferes with court administration and access to justice.
AB 1403	Committee on Judiciary	2011	No position	Makes various changes to the statute governing voir dire in civil trials. Among other things, provides that a brief opening statement should be allowed for each party prior to the commencement of the oral questioning phase of the voir dire process; prohibits a blanket policy of time limits for voir dire; provides that in cases where a questionnaire is utilized, the parties should be given reasonable time to evaluate the responses before oral questioning commences; and authorizes the court to provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 5	Evans	2009	Sponsor	Amends the Civil Discovery Act to expressly authorize the discovery of electronically stored information, and authorizes the “copying, testing or sampling” of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.	III, IV	Improves administration of justice.
AB 839	Emmerson	2009	Support	Requires Medi-Cal service providers with a complaint or grievance concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program to follow specified Department of Health Care Services complaint procedures. In lieu of allowing providers to seek “appropriate judicial remedies” to appeal the department’s decision, instead specifies that the provider who has complied with these procedures may, within the time period prescribed in existing law, file a petition for a writ of mandate pursuant to Section 1085 of the Code of Civil Procedure in the superior court.	III, IV	Improves administration of justice.
SB 259	Benoit	2009	Oppose	Provides that, if a court voids any results of a homeowners’ association election for one or more Common Interest Development (CID) board members, the court shall not invalidate a decision of the board that was reached after the board was seated pursuant to that election unless the court finds that the action of the board was contrary to law or the governing documents.	II	Interferes with court discretion.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 225	Beall	2008	Support	Re-enacts the elder abuse protective orders statute, and expands its scope to allow the court, in its discretion, on a showing of good cause, to extend the protection to include the petitioner's named family or household members, as well as the petitioner's conservator. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued pursuant to the bill's provisions.	III, IV	Enhances court's ability to provide protection to elder abuse victims, and improves access to justice.
AB 2193	Tran	2008	Support	Enacts the Interstate and International Depositions and Discovery Act. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding, and provides that a request for relief in this regard would be filed in the superior court in the county in which the discovery is sought, with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate court of appeal.	IV	Improves administration of justice and enhances court administration.
AB 2379	Evans	2008	Oppose	Provides that an appeal from an order granting or denying a motion to seal or unseal a court record may be made by filing an extraordinary writ petition or notice of appeal. If a party seeks an appeal, requires that the record relating to the matter and the opening brief be filed within 30 days of notice of entry of the trial court's order. Requires the clerk of the reviewing court to set the appeal for a hearing on the first available court date.	II	Interferes with appellate court calendaring authority.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 1608	Corbett, Harman, Steinberg, Runner, and Calderon	2008	Neutral	Requires a court, in civil actions involving construction-related accessibility claims, to issue an order, upon request, that grants a 90-day stay of the action and schedules a mandatory early evaluation conference (EEC) if the defendant has satisfied certain requirements relating to inspection of the site at issue by a certified access specialist. Provides that the court must schedule an EEC between 21 and 50 days after issuance of the stay order, and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined	IV	Encourages early resolution of these cases.
AB 500	Lieu	2007	Support	Specifies generally that a party may appear by telephone in all general civil cases at case management conferences, and other specified conferences, hearings and proceedings. Provides that a court may require a party to appear in person at such hearings, conferences, or proceedings if the court determines, on a hearing-by-hearing basis, that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.	I, IV	Improves access to the courts and conserves resources.
AB 1264	Eng	2007	Neutral	Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties.	IV	Improves administration of justice.
AB 2303	Committee on Judiciary	2006	Sponsor (of specified provisions)	Clarifies the procedures governing a change of name; makes service times for elder abuse protective orders consistent with other protective orders; authorizes courts to receive notice to appear citations for non-parking Vehicle Code violations electronically if the court has the ability to receive the information and reproduce it in a printed form; and extends the sunset date on existing statutory authority for courts to impose modest monetary sanctions upon jurors who fail to respond to a jury summons.	IV	Improves administration of justice and enhances court administration.
SB 1116	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	IV	Improves the court's ability to provide oversight of these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 1550	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	IV	Improves the court's oversight of these cases.
AB 355	Tran	2005	Oppose	Authorizes the court in any action involving joint and several liability to "instruct the jury on the effect of finding any party, including, but not limited to, the State of California, partially liable."	II, III	Would create confusion; interferes with judicial function.
AB 496	Aghazarian	2005	Support if amended	Requires the clerk to maintain the original summons in the court file.	III	Improves court administration and conserves resources.
AB 1322	Evans	2005	Co-sponsor	Modifies grounds for disqualification to require more than casual discussions regarding prospective employment with providers of alternative dispute resolution services.	II, IV	Avoids unnecessary disqualifications of judges.
AB 1742	Committee on Judiciary	2005	Sponsor	Deletes the sunset on Code of Civil Procedure section 128.7, thereby continuing the courts' ability to impose sanctions for the filing of frivolous lawsuits. Clarifies and streamlines small claims court procedures, extends the sunset of the security fee, and requires that acceptance of an offer to compromise a lawsuit must be in writing.	III, IV	Improves administration of justice and enhances court administration.
SB 575	Torlakson	2005	Oppose unless amended	Establishes calendar preference for actions to enforce provisions of the Anti-NIMBY law.	II, III	Interferes with court administration.
AB 3078	Committee on Judiciary	2004	Sponsor	Makes several non-controversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court, and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for non-payment.	III, IV	Improves administration of justice and enhances court administration.
SB 1249	Morrow	2004	Oppose	Provides that the word "hearing," when applied to any demurrer, motion, or order to show cause, signifies oral argument by moving and opposing parties on a record amenable to written transcription which shall be had unless affirmatively waived by the parties.	II, IV	Unnecessary; interferes with judicial function.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2321	Hertzberg	2002	Sponsor	Clarifies the process for tort claims filed against judicial branch entities.	III	Eliminates confusion and streamlines the handling of cases.
AB 3027	Committee on Judiciary	2002	Sponsor	Makes various improvements to civil procedure.	III	Improves administration of justice and enhances court administration.

1. *Alternative dispute resolution*

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

2. *Disqualification Motions (170.6)*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1894	Monning	2010	Support	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.	II, IV	Clarifies timeline for bringing motions, which should help avoid confusion.

3. *Miscellaneous*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2073	Silva	2012	Support	Authorizes the Superior Court of Orange County, until July 1, 2014, to adopt a local rule of court that would establish a pilot project mandating parties to civil actions identified by the court to electronically file and serve documents. Requires the Judicial Council to adopt uniform rules that would permit trial courts throughout the state to mandate electronic filing and service of documents in civil cases.	III	
AB 2274	Lara	2012	Support	Extends the vexatious litigant statute to pro per parties who had legal representation at the time of filing their lawsuits.	I	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 731	Committee on Judiciary	2012	Sponsor	Clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate to another justice or judge of the same court the authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action; and provides procedures for an application to vacate a pre-filing order and remove a litigant's name from the Judicial Council's list of vexatious litigants.	III	
AB 2119	Tran	2010	Support	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.	IV	
AB 2284	Evans	2010	Support	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	I, III, IV	
SB 1274	Committee on Judiciary	2010	Sponsor	Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. Authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	III, IV	

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

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 221	Simitian	2011	Support	Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000.	I	Enhances access to the courts.
AB 712	Evans	2009	Support	Specifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief when a statute expressly authorizes a small claims court to award that relief. Expressly provides that this legislation does not expand and is not encouraging the expansion of the jurisdiction of the small claims court.	I, IV	Improves administration of justice.
AB 1873	Lieu	2008	Sponsor	Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of \$10 from either party who makes more than one <i>pre-service</i> request to postpone a small claims trial. Provides that this fee would only be assessed after a party has already been granted one prior postponement.	III, IV	Improves administration of justice and enhances court administration.
AB 2846	Feuer	2008	Support	Provides that if a dispute exists between the owner of a separate interest and a homeowners' association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of the small claims court, the owner of the separate interest may pay under protest the disputed amount and all other amounts levied, including certain fees, costs, and other specified amounts, and commence an action in small claims court.	I, IV	Improves access to the courts.
SB 1432	Margett	2008	Support	Increases the jurisdiction of the small claims court from \$4,000 to \$6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services.	I, IV	Improves access to the courts.
AB 2455	Nakanishi	2006	Support	Provides that the small claims court has jurisdiction in an action brought by a natural person against the Registrar of the Contractors State License Board as the defendant guarantor holding a contractor's cash deposit if the amount of the demand does not exceed \$7,500.	I, IV	Enhances access to the courts.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1459/ SB 422	Canciamilla/ Simitian	2005	Oppose unless amended; support if amended.	Increases the jurisdiction in small claims court from \$5,000 to \$7,500 for actions brought by <i>natural persons</i> .	I, III, IV	Enhances access to the courts by raising jurisdictional amount to \$7,500, opposition to proposal to expand jurisdiction to \$10,000 because too much complexity for small claims.

5. *Summary adjudication/summary judgment*

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 384	Evans	2011	Support	Authorizes a motion for summary adjudication of a legal issue or claim of damages, other than punitive damages, that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty. It does this upon stipulation of the parties whose claims or defenses are put at issue by the motion, and a prior determination by the court, that the motion will further the interests of judicial economy by reducing the time required for trial or increasing the ability of the parties to settle. Clarifies the law governing fees in complex civil cases.	III, IV	
AB 2961	Wayne	2002	Oppose	Authorizes a motion for summary adjudication of a legal issue or claim of damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, if brought upon stipulation of the parties whose claims or defenses are put at issue by the motion.	II	Interferes with court's management of litigation.

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1126	Eng	2007	Support	Provides that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings.	II, IV	Improves administration of justice.
AB 664	Jones	2005	Support	Allows the court to list legal service providers not funded by the federal Legal Services Corporation on unlawful detainer notices.	I, IV	Ensures best information on legal service providers for UD defendants.
SB 345	Kuehl	2003	Oppose unless amended	Denies access to unlawful detainer records until 60 days following the date final judgment has been entered in favor of the landlord after a trial or summary judgment motion.	III	Administrative record keeping requirements unduly burdensome on the courts.

B. CRIMINAL PROCEDURE

1. *Criminal and capital case processing* – The council seeks to expedite the resolution of criminal cases at the trial and appellate level. The council seeks to maintain the courts' ability to efficiently and effectively manage the procedures and administration of the court system while improving the delivery of justice to the public, and to protect the exercise of the judicial discretion in criminal cases.

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 492	Quirk	2013	Support	Requires transferring courts to make the determination of the probationer's county of residence for Proposition 36 probation cases.	I	
AB 568	Muratsuchi	2013	Support	For purposes of introducing hearsay statements at a preliminary hearing, provides that allowances for testimony of law enforcement officers extend to nontraditional law enforcement officers.	I	Codifies existing case law.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 723	Quirk	2013	Oppose	Allows a person on postrelease community supervision (PRCS) who has a revocation petition filed against him or her to file an application for bail or release on his or her own recognizance with the superior court. Provides that it is within the sole discretion of the court to admit a person to bail pending revocation of PRCS. States that a bail application will be governed by the procedures set forth in existing provisions of law governing bail. Specifies that a court is not prohibited from making any order authorized by existing provisions of law governing bail.	I	Greatly increases the number of bail hearings by permitting bail hearings for individuals on PCRS subject to a revocation petition.
AB 805	Jones-Sawyer	2013	Support	Provides that in setting, reducing, or denying bail, a judge may consider "factors such as" a report prepared by investigative staff.	I	
AB 807	Ammiano	2013	Oppose	Among other things, requires, when law enforcement has adopted procedures for conducting photo and live lineups with eye witnesses, that courts give jury instructions about those procedures that are substantially similar to instructions set forth in the bill.	II	Interferes with judicial discretion by requiring courts to give jury instructions that are substantially similar to those set forth in the bill.
AB 1004	Gray	2013	Sponsor	Streamlines the process for obtaining arrest warrants by permitting them to be submitted by computer servers, and by allowing magistrates to sign arrest warrants digitally or electronically.	IV	This bill contains one of the 17 efficiency proposals approved for Judicial Council sponsorship in December 2012.
AB 1118	Hagman	2013	Oppose	Among other things, requires the Judicial Council to prepare, adopt, and annually revise a statewide bail schedule for all bailable offenses, except Vehicle Code infractions, and to appoint a group of judges who represent counties varying in size from throughout the state to develop and approve the statewide bail schedule.	IV	Requires Judicial Council to adopt a model statewide bail schedule with no ostensible purpose.
SB 366	Wright	2013	Oppose	Implements broad changes to the laws that govern how civil assessments are imposed and processed.	II	Would significantly increase the workload of courts that are already understaffed.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 378	Block	2013	Support	Provides that an electronically digitized copy of an official record of conviction that has been certified in accordance with specified requirements is admissible to prove the commission, attempted commission, or solicitation of a criminal offense, prior conviction, service of a prison term, or other act, condition, or event recorded by the record.	IV	This bill contains one of the 6 efficiency proposals approved for Judicial Council sponsorship in April 2013.
SB 419	Block	2013	Support	Extends the authority for “flash incarceration” to include persons subject to probation and mandatory supervision.	I	
SB 513	Hancock	2013	Support	Provides that two years after a person has successfully completed a prefile diversion program, he or she may petition the court for an order sealing the arrest records and related court files and records. Provides that a court is only required to have a hearing on the petition if the prosecution so requests.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 530	Wright	2013	Oppose	Among other things, eliminates the requirement that a defendant present satisfactory evidence of five years' residence in this state prior to the filing of the petition for a certificate of rehabilitation and a pardon from a conviction of either a felony or misdemeanor violation of a sex offense, the accusatory pleading of which has been dismissed. Permits an individual convicted outside the state of an offense that would be a felony or a misdemeanor sex offense if the conviction had occurred in the state, to file a petition for a certificate of rehabilitation if the petitioner: (a) has not been incarcerated since the dismissal of the accusatory pleading; (b) is not on probation for the commission of any other felony; and (c) presents clear and convincing evidence that he or she has been a resident of the United States, its territories, or a military base for the five consecutive years prior to filing the petition. Requires such petitioners, at least 90 days prior to the date set for a hearing, to give notice of the filing of the petition to the district attorney in each county, or the equivalent jurisdiction, where a felony or misdemeanor offense occurred, and each county where the petitioner has resided for the previous five years.	I	Provisions relating to certificates of rehabilitation, because these raise interstate jurisdictional issues.
SB 569	Lieu	2013	Oppose	Requires a court to provide the jury with an instruction to be developed by the Judicial Council that advises the jury to view the statements made in that custodial interrogation with caution.	II	Interferes with judicial discretion to draft jury instructions.
SB 717	DeSaulnier	2013	Support	Authorizes the issuance of a search warrant to allow law enforcement officers to take a sample of blood or other bodily fluid that may be used as evidence in misdemeanor driving under the influence cases when a person refuses to submit to or complete a blood test as requested by the officer.	IV	Enacted in response to the U.S. Supreme Court ruling in <i>Missouri v. McNally</i> that a search warrant is generally required to conduct a blood test of an individual suspected of driving under the influence.
SB 794	Evans	2013	Support	Reduces the number of peremptory challenges available in all misdemeanor trials from 10 to 5, and reduces the number of "non-joint" peremptory challenges in multiple defendant cases from 4 to 2.	IV	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1913	Skinner	2012	Oppose	Authorizes persons on postrelease community supervision (PRCS) to apply for bail during the pendency of court revocation proceedings. Specifies that admittance to bail pending revocation of PRCS is within the sole discretion of the court. Provides that a bail application pursuant to the bill's provisions shall be governed by existing statutory procedures for the setting of bail.	I	Creates inconsistent processes for courts based on the type of supervision.
SB 210	Hancock	2012	Oppose	Requires that a judge determine whether a defendant charged with a felony, the sentence for which may be served in county jail, is eligible for release on his or her own recognizance. Sets forth a nonexclusive list of factors a court may, but is not required to, consider in granting OR release.	I, II	Effectively requires courts to consider a host of factors in all cases, and sets up grounds for review if courts fail to do so.
SB 1124	Cannella	2012	Oppose	Requires, rather than allows, the court, following every conviction resulting in commitment to state prison or county jail, to order the defendant to file a statement setting forth his or her assets, liabilities, and income, and requires the court to conduct a hearing and make a determination of the ability of the defendant to pay all or a portion of the reasonable costs of incarceration.	IV	
AB 109	Committee on Budget	2011	No position	Enacts broad changes to the criminal justice system by realigning postrelease supervision of inmates from the state to the county and redefining felony to be punishable, with specified exceptions, in county jail instead of state prison.	IV	The Judicial Council took no position on the policy as outside the council's purview, but due to the magnitude of the realignment and impacts on the courts, the council directed staff to submit a letter to the Governor and Legislature on behalf of the Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the judicial branch and the critical need to provide adequate resources.
AB 1284	Hagman	2011	Oppose	Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing.	I, II	

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 447	Nestande	2010	Oppose	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.	II, III	Imposes enormous unnecessary workload; existing law and practices are effective.
AB 2056	Miller	2010	Oppose	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.	II	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.
AB 2505	Strickland	2010	Support	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.	III	
SB 1449	Leno	2010	Support	Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana.	III, IV	Increases court efficiency.
SCA 27	Harman	2010	Support	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.	IV	
AB 250	Miller	2009	Support	Requires a criminal defendant's withdrawal of a waiver of his or her speedy trial time limits to be done in open court.	III, IV	Improves court efficiency by ensuring all parties have notice of change in case status.
SB 431	Benoit	2009	Support	Improves probation transfer procedures.	III, IV	
SB 678	Leno and Benoit	2009	Support in concept	Creates the California Community Corrections Performance Incentive Act to provide sustainable funding for improved, evidence-based probation supervision practices and capacities to improve public safety outcomes among adult felons who are on probation.	IV	Furtheres Judicial Council goals to improve sentencing practices and outcomes.

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AB 2166	Tran	2008	Support	Clarifies appellate jurisdiction in bail forfeiture proceedings by allocating these cases between the Courts of Appeal and the superior court appellate divisions the same way they were allocated before unification of the municipal and superior courts. Bases jurisdiction of a bail forfeiture appeal on the underlying criminal charge and the stage of the proceeding at which bail was forfeited.	III, IV	
SB 1257	Morrow	2006	Oppose	Revises and regulates the capital appeals process.	II	
SB 330	Cedillo	2005	Support	Requires a criminal action to be dismissed if a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after the date of the reinstatement of criminal proceedings pursuant to the provisions of law governing the mental competency of defendants.	III	Allows for more efficient case management.
AB 2011	Firebaugh	2004	Oppose	When determining whether to allow a defendant who has pleaded guilty or no contest to be admitted to or to remain out on bail, requires a court to consider the same factors that must be considered after a verdict has been rendered against a defendant.	II	Unnecessary; will result in lengthy hearings.
AB 2173	Parra	2004	Oppose unless amended	Provides that the court must require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of judgment that the person has signed and dated the statement, or attach the statement to the abstract.	III	Will significantly lengthen court proceedings. Neutral if amended to provide defendant with information more efficiently.
SB 58	Johnson	2004	Support in concept	Directs courts and district attorneys to establish means of protecting confidentiality of information in police reports.	IV	Protects local control; clarifies authority to establish procedures.
SB 977	Johnson	2004	Oppose	Prohibits the live or delayed broadcasting of any criminal action until a verdict is rendered.	II, IV	Unnecessary; interferes with judicial function.
AB 1306	Leno	2003	Sponsor	Provides that if a person is sentenced under Proposition 36, probation jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.	III, IV	

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AB 1435	Koretz	2003	No position	Authorizes a court in a criminal case to order a party who has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction.	N/A	Unnecessary; judges currently have this authority.
AB 1653	Mullin	2003	Oppose	Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal.	II	Unnecessary; interferes with judicial function.
SB 761	McPherson	2003	Oppose unless amended	Prohibits accepting an undertaking of bail if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid.	II, III	April 30, 2003 amendments eliminate requirement that the court determine solvency of bail agency. Opposition withdrawn.
AB 2159	Cardoza	2002	Oppose unless amended	Requires courts, after arraignment, upon conviction, and when a judgment has been pronounced, to determine if a defendant has custody of any child under the age of 18 years, and inquire as to the proper care of that child if the defendant is in custody or remanded to custody.	II, III	Inefficient; ineffective; significantly lengthens court proceedings.
AB 2211	Horton	2002	Oppose	Provides that a representative of the community affected by a crime may submit a Community Impact Statement.	II, III	Unnecessary; results in lengthy hearings.
AB 2563	Vargas	2002	Oppose	Requires the agency discharging a person who posts bail on charges of domestic violence to serve that person with a protective order, without court involvement but enforceable as a court order.	II	Interferes with judicial functions.
AB 241	Dickerson	2001	Oppose	Prohibits the court from striking prior convictions in DUI cases.	II	Interferes with judicial functions.
AB 299	Pacheco, Rod	2001	Support	Grants a court exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses.	II	Streamlines court procedures.

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 560	Ammiano	2013	Oppose unless amended; support if amended.	Requires, instead of authorizes, courts to impose a split sentence with a minimum of six months of mandatory supervision in every felony case resulting in a county jail term. Authorizes the court, when a defendant is sentenced to county jail, to, upon its own motion or upon the recommendation of the sheriff, recall the sentence and resentence the defendant, provided the new sentence is no greater than the initial sentence (paralleling the process in current law relating to state prison sentences).	I, II	Interferes with judicial discretion in sentencing by requiring split sentences.
AB 604	Ammiano	2013	Oppose the provision requiring courts to give specified jury instructions. No position on the remaining provisions.	Among other things, requires, when law enforcement has adopted procedures for conducting photo and live lineups with eye witnesses, that courts give jury instructions about those procedures that are substantially similar to instructions set forth in the bill.	II	Interferes with judicial discretion to deliver jury instructions appropriate to the facts and circumstances of each individual case. Gutted and amended September 6, 2013, to impose state regulation and enforcement of medical cannabis.
AB 651	Bradford	2013	Oppose	Authorizes courts, in their discretion and in the interest of justice, to grant dismissals (commonly referred to as “expungements”) for eligible petitioners who were convicted of a felony and sentenced to jail upon a petition for a change of plea or setting aside of a verdict.	II	Interferes with court’s discretion to provide incentives to individuals convicted of crimes to opt for probation or split sentences.
AB 765	Ammiano	2013	Oppose	Provides that, effective January 1, 2014, the court may not impose an upper term sentence based on aggravating facts unless those facts were first presented to the fact-finder and the fact-finder found the facts to be true.	II	Diminishes court’s discretion by preventing courts from imposing upper term in the absence of certain findings.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 260	Hancock	2013	Oppose	Requires a sentencing court, upon motion by an inmate, after 60 days' notice to the prosecution, to hold a hearing to review the sentence of a person who meets specified criteria. Allows the judge to suspend or stay all or a portion of the sentence, reduce the sentence to any sentence that could lawfully have been ordered at the time of the original judgment, or both reduce and suspend or stay all or a portion of the sentence. Authorizes the court to consider specified evidence relating to the person's rehabilitation and the circumstances at the time of the offense, in conjunction with any other evidence the court considers relevant, in making this determination. Requires the court to state on the record the criteria relied on in reaching its decision and to provide a statement of reasons for reliance on those criteria. Permits each person granted review whose sentence is not suspended, stayed, or reduced, to file a new petition for review three or more years after the prior hearing. Requires the court to grant a review hearing if the petition demonstrates, by a preponderance of the evidence, a change in the evidence the court considered in denying the person's prior petition.	IV	Increases burden on courts because petitions will be routinely filed every three years by virtually all eligible individuals, even those whose cases lack merit.
SB 569	Lieu	2013	Oppose	Requires, among other things, that a custodial interrogation of a minor 16 years or older who is suspected of committing an offense for which he or she may be tried as an adult be electronically recorded in its entirety. Requires the Judicial Council to develop a jury instruction on the electronic recording that is "substantially similar" to jury instruction language set forth in the bill. Requires a court to provide the jury with an instruction to be developed by the Judicial Council that advises the jury to view the statements made in that custodial interrogation with caution.	II	Interferes with judicial discretion to draft and deliver jury instructions.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 520	Ammiano	2011	Oppose	Provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the fact-finder and the fact-finder found the facts to be true.	II, IV	
AB 1264	Hagman	2011	Oppose	Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor, and infraction offenses except Vehicle Code infractions.	I, II	
AB 908	Berryhill, Tom	2009	Oppose	Requires the court, if probation is granted, to order the payment of the reasonable costs of any probation supervision or conditional sentence as a condition of probation.	II, III	Introduces inappropriate issues into judge's sentencing decision.
SB 59	Huff	2009	Oppose	Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	II	
AB 2609	Davis	2008	Oppose unless amended	Requires, when appropriate and feasible, that a court order a defendant convicted of vandalism to clean up, repair, and replace the damaged property or keep the damaged property or another property in the community free of graffiti for up to one year.	II	Sought amendment to give the court sufficient flexibility to ensure that the required sanction will be imposed when appropriate and feasible.
AB 1660	La Malfa	2007	Oppose	Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding.	II	Inappropriately interferes with court's authority.
AB 1551	Runner, Sharon	2005	Oppose unless amended	Among other things, prohibits a court from striking an allegation, admission, or finding of a prior conviction under Penal Code section 1385 for defendants who are convicted of certain sex offenses.	II	Sought amendment to strike the provision eliminating the court's authority under Penal Code section 1385 to dismiss an action in the furtherance of justice.
AB 623	Lieber	2003	No position	Requires the judge in a toxics case to consider whether the defendant has expressed remorse for the acts and whether the defendant has made an appropriate public apology that reflects that nature of the violation and the number of potential victims.	N/A	Outside purview.

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SB 1497	Polanco	2002	Oppose	Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices.	II	Impossible to implement.

C. TRAFFIC LAW

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 366	Wright	2013	Oppose	Implements broad changes to the laws that govern how civil assessments are imposed and processed.	II	Significantly increases the workload of courts that are already understaffed.
AB 2499	Portantino	2010	Support	Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles (DMV). 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.	III, IV	Relieves judicial branch of inappropriate regulatory role. Provides DMV better ability to enforce driver safety program.
AB 758	Plescia	2007	Support	Requires the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all driving instruction programs offered to traffic violators may be consolidated under the authority of the department.	III, IV	
AB 1464	Benoit	2007	Sponsor	Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense.	III, IV	
AB 1932	Benoit	2006	Support	Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles and declares the intent of the Legislature to have the Department of Motor Vehicles uniformly regulate all traffic violator schools.	II	Appropriately places regulatory function with the executive branch.

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SB 1697	Torlakson	2004	Support	Consolidates administration of all sanctions related to the driving privilege imposed as a result of a driving-under-the influence conviction with the Department of Motor Vehicles.	IV	Increases efficiency; provides better service to the public.

D. JURY SYSTEM

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 301	Wagner	2013	Oppose	Requires the clerk of the superior court to include, in statements reporting individuals convicted of a felony to the chief elections official in its respective county, the name, address, and date of birth of each person who has, since the clerk's last statement, declared in response to a jury summons from the superior court, that he or she is not qualified to serve as a juror because he or she is not a citizen of the United States. Requires the elections official to cancel the affidavit of registration of each person so listed by the clerk.	IV	Places new burdens on courts relating to voters—a matter not within the purview of courts.
SB 794	Evans	2013	Support	Reduces the number of peremptory challenges available in all misdemeanor trials from 10 to 5, and reduces the number of “non-joint” peremptory challenges in multiple defendant cases from 4 to 2.	IV	
AB 141	Fuentes	2011	Support	Requires the court, when admonishing the jury against conversing about a trial, to clearly explain that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Provides that violation of this admonishment constitutes criminal and civil contempt of court.	I	

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SB 319	Harman	2009	Sponsor	Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must elapse before a compliance action may be initiated.	III, IV	
AB 1769	Galgiani	2008	Oppose	Exempts all peace officers from jury duty in civil and criminal matters.	IV	Fundamentally opposed to categorically exempting individuals from jury duty.
AB 1828	Huff	2008	Oppose	Excuses from jury service, upon request, a prospective juror who has served as a precinct officer or precinct board member on a statewide or local election during the previous 12 months.	IV	
AB 1557	Feuer	2007	Support	Reduces peremptory challenges to six per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.	IV	
SB 171	Alquist	2006	Oppose	Requires that any custodial interrogation of an individual relating to a felony offense be electronically recorded, and codifies a jury instruction to be used verbatim if a court finds that a defendant was subjected to an unlawful custodial interrogation.	I, IV	
SB 1281	Romero	2006	Support	Prohibits a state agency from entering into a contract for the acquisition of goods or services with a contractor who does not have and adhere to a written policy providing his or her employees with not less than five days of regular pay for actual jury service.	IV	
AB 1180	Harman	2003	Sponsor	Clarifies that when a person is summoned but fails to appear for jury service, the court may impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing.	III, IV	Strengthen courts' ability to enforce orders.
AB 2925	Migden	2002	Support	Eliminates reimbursement for the first day of travel to the court for jury duty; increases reimbursement rate for second and subsequent days from 15 cents to 34 cents per mile, one way.	IV	Part of larger effort to improve jury system.

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E. INTERPRETERS

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1127	Chau	2013	Neutral, but directed staff to communicate to administration regarding concerns.	Allocates \$6 million from the Trial Court Trust Fund for a pilot program publicly funding interpreters in civil cases in three counties.	I, IV	
AB 618	Furutani	2011	Oppose	Requires the court to provide separate interpreters for defendants and witnesses, and for codefendants in specified proceedings.	I	Strains court's ability to provide interpreters.
AB 663	Jones	2009	Sponsor interpreter-related provisions; no position on legal aid provision.	Requires the Judicial Council to establish a working group to develop best practices to expand the use of interpreters and a pilot project to test the workability of the developed best practices.	I, III, IV	
AB 2227	Chu	2006	Support	Requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. Requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system.	I, IV	
AB 2302	Committee on Judiciary	2006	Support if funded	Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Specifies the priority for use of funding and interpreters provided for civil matters.	I, IV	
SB 927	Escutia	2001	Oppose unless funded	Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence.	I, IV	

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IV. SUBSTANTIVE LAW

A. JUVENILE DELINQUENCY

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1006	Yamada	2013	Support	Requires the Judicial Council to develop a form petition and instructional materials to be used by persons with juvenile offenses seeking to seal their juvenile records. Requires probation and the courts to ensure that juvenile offenders are provided with the petition and informational materials.	I, IV	
AB 1709	Mitchell	2012	Oppose	Provides that any minor whose case is being adjudicated in juvenile court for an offense that could be used as a future felony conviction under the “three strikes” law must be provided an opportunity for a jury trial.	IV	Imposes unreasonable burdens on juvenile courts.
AB 2212	Fuentes	2010	Support	Sets forth procedures for adjudicating the competency of a juvenile in a delinquency matter.	I	Clarifies procedures for competency proceeding in juvenile delinquency matters.
AB 1547	Beall	2007	Support	Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority.	II, IV	
AB 2496	Steinberg	2002	Oppose unless amended	Requires that the minor, the minor’s counsel, and a probation officer personally appear before the court during each periodic review of the minor’s detention.	II, III	Will significantly increase length of proceedings; neutral if amended to achieve goals in more efficient way.

B. JUVENILE DEPENDENCY

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 73	Feuer	2011	Support	States the intent of the Legislature to enact legislation providing that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest.	I	Promotes public trust in juvenile court.
AB 743	Portantino	2010	Support	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.	IV	Assists court in keeping siblings together.
AB 1852	Portantino	2010	Support	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.	IV	Improves ability of court to find permanency for dependent children.
SB 962	Liu	2010	Support	Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available.	I	Reduces need to continue dependency proceedings for an incarcerated parent's absence.
AB 12	Beall	2009	Cosponsor	Implements federal foster care reform legislation to provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21.	IV	
AB 131	Evans	2009	Sponsor	Authorizes the Judicial Council to implement a cost recovery program to collect reimbursement from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys.	I, IV	Promotes fairness outcomes in dependency proceedings.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 938	Committee on Judiciary	2009	Sponsor	Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents, and the means by which the relative might participate in the care of the child.	IV	Engages relatives in dependency court to promote best interest of child.
AB 1405	Maze	2008	Support	Provides that information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings.	II, IV	Ensures court obtains necessary information.
AB 3051	Jones	2008	Support	Requires the court to determine whether a child age 10 or older who is not present was given an opportunity to attend the hearing. Provides that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend.	I, IV	Ensures that children can participate in proceedings.
AB 2130	DeVore	2006	Oppose	Requires the court to consider the religious, cultural, moral, and ethnic values of a child or of his or her birth parents, before placing a dependent child for adoption.	I, II	Inappropriately limits judicial discretion.
AB 2480	Evans	2006	Support if funded	Requires the appointment of appellate counsel to represent a dependent child if the child is an appellant, or if the Court of Appeal determines that the child would benefit from the appointment of separate counsel.	IV	
SB 1667	Kuehl	2006	Support	Requires that the social worker provide foster parents with a caregiver information form and information on how to submit it to the court. Provides rights for caregivers to receive notice of post-permanency planning hearings.	IV	Ensures that court receives all relevant information regarding dependent children.
AB 519	Leno	2005	Sponsor	Allows the juvenile court to issue ex parte protective orders for parents and caretakers even without regard to the child's need for a protective order.	IV	Allows the juvenile court to protect families in an efficient individualized manner.
AB 129	Pacheco	2004	Sponsor	Authorizes counties to implement dual status (dependency and delinquency) protocol for children in juvenile court.	IV	Ensures adequate oversight for dual need children.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 524	Haynes	2003	Oppose	Requires that a child who has been removed from his or her parents' custody be returned within five working days in certain circumstances.	III	March 26, 2003 amendments eliminated provisions related to criminal proceedings. Council opposition withdrawn.
SB 59	Escutia	2003	No position, but will seek amendments.	Provides expedited appellate review of disputed placement orders in juvenile dependency cases.	N/A	June 11, 2003 amendments conformed the writ process to the one established in Welfare and Institutions Code section 366.26(1).
AB 2336	Negrete-McLeod	2002	Support	Requires that orders for the temporary removal of a prisoner to attend a hearing pertaining to parental rights must be issued at least 12 days before it is to be executed.	I, IV	Ensures access to proceedings for affected parties.
AB 2160	Schiff	2000	Sponsor	Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel.	I, IV	Improves ability of court to fulfill role in dependency cases.

C. FAMILY LAW

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1337	Alejo	2012	Support	Specifies who shall be served with notice of a parentage proceeding when one parent is deceased and there is no current or pending custody or guardianship matter before the court.	I	Clarifies procedures in these cases.
AB 2365	Davis	2012	Support	Adds to the matters a court shall consider in determining the best interest of a child in a custody proceeding either parent's habitual or continual abuse of prescribed controlled substances. Eliminates the sunset date on the authority of the family court to order drug testing in custody matters.	II	Provides court with tools to make custody decisions in the best interest of children.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 2393	Davis	2012	Support	Increases the net disposable income adjustment for low-income child support obligors from \$1,000 to \$1,500, and directs the Judicial Council to calculate an annual adjustment to that amount each March 1 based upon the change in the California Consumer Price Index.	IV	Will result in more enforceable child support orders.
AB 939	Committee on Judiciary	2010	Support	Makes numerous changes to provisions in the Family Code consistent with the recommendations of the Elkins Family Law Task Force.	I, IV	
AB 1050	Ma	2010	Support	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.	IV	Ensures courts can appropriately consider input of child.
AB 2475	Beall	2010	Oppose	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.	II	Interferes with ability of court to obtain expert information.
AB 612	Beall	2009	Oppose	Prohibits the consideration of a "nonscientific theory" in a child custody matter, as defined, and disallows the admission into evidence of any child custody evaluation report which includes a nonscientific theory.	II, IV	Creates inconsistent and unworkable evidentiary standard.
AB 1822	Beall	2008	Oppose	Requires the court, in any proceeding to establish or modify spousal support, to deny spousal support to a party convicted of a sexual offense against a minor.	II	Inappropriately limits judicial discretion.
SB 1255	Harman	2008	Support	Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances.	II, IV	Ensures that court has relevant information in custody cases.
SB 1015	Murray	2006	Oppose	Requires the court to redact specified financial information from family law files.	II	Lessens public trust in court and imposes unnecessary administrative burdens.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 1482	Romero	2006	Oppose	Provides that a custodial parent has a presumptive right to change the residence of his or her child subject to the power of the court to restrain a change of residence. Requires the non-custodial parent to make a prima facie showing of harm to the child that would result from the relocation, necessitating a change in custody, but would disallow consideration of the normal incident of moving.	II	
AB 1307	Dymally	2005	Oppose	Creates a rebuttable presumption that equal custody share is in the best interest of child.	II	Unduly limits court's ability to make custody orders on a case-by-case basis.
SB 544	Battin	2005	Oppose	Prohibits parents convicted of certain offenses from having unsupervised contact with their children.	II	Overly restricts court's ability to make custody orders in the best interest of child.
AB 2148	Diaz	2004	Oppose	Restricts the court from holding custody or visitation proceedings until after it has ruled on an application for attorney's fees.	II	Limits ability of court to act in best interest of children.
AB 2228	Garcia	2004	Support	Requires information sharing in cases pertaining to custody of children.	III, IV	Ensures well informed court regarding child custody.
SB 730	Burton	2004	Oppose	Establishes presumptive right for a custodial parent to relocate with a child.	II	Unduly limits discretion of court to act in best interest.
SB 1616	Knight	2004	Oppose	Requires the court to state its reasons for making any spousal support order on the record and in writing.	II	Unnecessary and resource intensive.
SB 734	Ortiz	2003	Oppose	Restricts courts discretion to grant visitation.	II	Unduly restricts individual discretion.
SB 174	Kuehl	2002	No position	Requires the Judicial Council to select four non-confidential mediation courts to implement a model with initial confidential mediation, with the allowance for subsequent recommending mediation if performed by a different mediator. Implementation contingent on funding.	N/A	
SB 1406	Kuehl	2002	Oppose unless amended	Requires that all child custody mediation be confidential, and prohibits the mediator from communicating with the court on any matter.	II, III, IV	Interferes with administration of family cases.
SB 1791	Rainey	2000	Oppose	Shifts responsibility for hearing Title IV-D related child support actions to DSS administrative law judges.	I, II, IV	Inappropriately shifts judicial function to non-judicial officers.

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D. DOMESTIC VIOLENCE

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1596	Hayashi	2010	Sponsor	Contains numerous technical changes to create more consistency in protective order statutes.	IV	Promotes consistent administration of law in protective order matters.
AB 104	Cohn	2005	Oppose	Requires a hearing on a motion to modify or dismiss a DVPA order to be held by the judicial officer that issued the order, if available.	II, III	Undue interference with court calendaring process.
AB 106	Cohn	2005	Oppose	Requires every trial court to establish a one-time amnesty program for fines and fees imposed for spousal abuse convictions or as a condition of probation for domestic violence offenses.	II, III	Contrary to the Judicial Council's enhanced collections strategy.
SB 1627	Kuehl	2002	Support	Clarifies procedures for entry of service of process for DVPA orders into DVROS by requiring the court to either enter the information into DVROS directly, or transmit proof of service to law enforcement for entry within one business day.	III, IV	Makes court orders more likely to be enforced.
SB 1780	Escutia	2002	Oppose unless funded	Requires the court to provide interpreters for specified parties in family law proceedings involving allegations of domestic violence at court expense.	I, IV	

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E. CONSERVATORSHIP AND PROBATE LAW

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

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1893	Wagner	2012	Support	Clarifies the procedural rules that apply to probate proceedings.	IV	Improves court administration of probate cases.
AB 458	Atkins	2011	Sponsor	Prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed. Specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation.	I, III	
AB 2271	Silva	2010	Support	Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders.	II, IV	
SB 1041	Harman	2010	Support	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.	II, IV	
AB 1163	Tran	2009	Support	Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a non-probate transfer.	I, IV	Improves administration of justice.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1340	Jones	2008	Support	Requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account balance as of, rather than through, the closing date of the first court accounting. Requires notice be given 5 court days prior to a hearing on the appointment of a temporary guardian or temporary conservator. Prohibits a court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary.	IV	Improves court's oversight of these cases.
AB 1880	Tran	2008	Oppose	Requires a guardian or conservator to post a separate recovery bond for the benefit of the ward or conservatee and any person interested in the guardianship or conservatorship estate who may bring a surcharge action against the guardian or conservator for breach of duty.	III, IV	Multiple bonds are more difficult to administer, and they would impair the court's ability to provide proper oversight.
AB 2014	Tran	2008	Support	Requires a guardian or conservator to use ordinary care and diligence to determine whether the ward or conservatee owns real property in a foreign jurisdiction and to preserve and protect that property.	IV	Improves court's oversight of these cases.
AB 2247	Spitzer	2008	Oppose unless amended; neutral if amended.	Requires a guardian or conservator to file an investment plan with a court not more than six months after the issuance of letters of guardianship or conservatorship. Revises and expands the list of obligations and securities in which a guardian or conservator may invest funds of the estate without court authorization.	IV	Interferes with the ability of the court to protect conservatees' assets.
SB 1264	Harman	2008	Support	Beginning January 1, 2010, revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments. Limits the enforceability of no contest clauses to direct contests brought without reasonable cause, transfers of property, or creditor claims as specified. Defines direct contest and probable cause for these purposes. Eliminates provisions regarding the authority of a beneficiary to apply to a court for a determination regarding a no contest clause.	I, IV	Improves access to the courts and enhances court administration.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1727	Committee on Judiciary	2007	Support	Enhances a court investigator's access to confidential medical information. Prohibits a conservatorship of the person or of the estate from being granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions.	II, IV	Improves court's ability to provide oversight of these cases.
SB 340	Ackerman	2007	Cosponsor	Broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators.	II, IV	Improves the court's ability to provide oversight in guardianship and conservatorship cases.
AB 1363	Jones	2006	Support if funded	Makes a number of reforms to the probate conservatorship system, including enhanced court reviews of conservatorships primarily through increasing the frequency and scope of court investigations.	II, IV	Improves court's ability to provide oversight of these cases.
SB 1116	Scott	2006	Support	Increases court oversight of moves of conservatees and the sale of their homes.	II, IV	Improves the court's ability to provide oversight of these cases.
SB 1550	Figueroa	2006	Support	Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries.	II, IV	Improves the courts oversight in these cases.
SB 1716	Bowen	2006	Support if funded	Authorizes the court to take action in response to ex parte communications regarding a guardian's or conservator's performance of his or her fiduciary duties.	II, IV	Improves the court's oversight of these cases.
AB 541	Harman	2005	Support	Allows the court to test prospective guardians for drugs or alcohol and exempts guardians of the person only from having to register with the Statewide Registry.	II, IV	Enhances court's discretion and improves court's ability to oversee these cases.
AB 1155	Liu	2004	Support	Requires the Judicial Council to adopt a rule of court that specifies the qualification and educational requirements of private professional conservators and private professional guardians.	II, IV	Improves court's ability to oversee these cases.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 1851	Harman	2004	Support	Revises and recasts the law concerning the court's responsibility to approve compromises of claims of minors, and settlements or actions or disposition of judgments in favor of minors or "incompetent persons." Permits the court to establish a special needs trust for a disabled minor that will continue under court supervision after the minor reaches age 18.	IV	Improves the court's ability to administer these cases.
AB 1883	Harman	2004	Support	Prevents routine waivers but allows court discretion in waiving bond requirement where it is warranted.	II, IV	Enhances court's discretion.
AB 1784	Harman	2002	Support	Implements the recommendations of the California Law Revision Commission for clarification of Probate Code provisions regarding the construction of trusts and other instruments.	III, IV	Promotes clarity and consistency in the handling of these cases.

V. MISCELLANEOUS

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 868	Ammiano	2013	No position	Mandates that existing required training standards for judicial officers who hear family law matters, Court Appointed Special Advocates, and attorneys for children in dependency cases be modified to include training on cultural competency and sensitivity with regard to gay, lesbian, bisexual, and transgender youth.	II, V	Directed staff to articulate the concern of the Judicial Council on the precedent that is being established by enacting statutory training requirements for judges, and to highlight the importance of recognizing judicial independence and oversight over training.
AB 1208	Calderon	2011	Oppose	Significantly lessens the role of the Judicial Council in determining the allocation of funds to trial courts and allocating funds in a manner to support implementation of statewide policies and initiatives. Reduces the council's role in ensuring the stability of trial court operations and providing management or oversight of trial court budgets.	I, II, III, IV	
SB 1417	Cox	2010	Support	Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers.	III, IV	Provides clear court process.
AB 2301	Committee on Judiciary	2006	Support	Provides the State Bar with the authority to collect voluntary financial support from its membership to support organizations that provide free legal services to those of limited means.	I, IV	

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SCA 3	Lowenthal	2006	No position	Shifts redistricting responsibility from the Legislature to an 11-member Independent Redistricting Commission to reapportion legislative and congressional districts. Provides that the California Supreme Court has original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the Commission. Requires the Judicial Council to appoint a panel of 10 retired justices of the state Courts of Appeal, and for that panel to establish a pool of 50 candidates for the Independent Redistricting Commission.	N/A	
SB 1246	Burton	2004	No position	Requires the Supreme Court and the State Bar to develop standards and rules of professional conduct governing the propriety of an attorney appearing before a court where that individual previously served as a judicial officer.	N/A	Outside purview.

A. ACCESS TO JUSTICE

BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
SB 597	Lara	2013	Support if amended and funded	Requires the Judicial Council to select up to five courts to participate in a pilot project to provide interpreter services to limited English proficient (LEP) parties in civil matters.	I	Interpreter pilot project
AB 590	Feuer	2009	Support	Creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases, beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees.	I, IV	Improves access to justice for unrepresented litigants.

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BILL	AUTHOR	YEAR	POSITION	BILL SUMMARY	GOAL	NOTES
AB 663	Jones	2009	Sponsor	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 \$15 per appearance to support the cost of the civil interpreter pilot project. Limits the use of the term "legal aid."	I	Pilot project
AB 2448	Feuer	2008	Sponsor	Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases.	I, III, IV	
AB 3050	Jones	2008	Sponsor	Requires the Judicial Council to establish a working group to identify and develop best practices to expand the use of interpreters in civil proceedings. Requires the Judicial Council to implement a pilot project to provide interpreters in civil proceedings, in up to five courts, to implement the best practices identified by the working group. Requires that the Judicial Council enter into one or more master agreements to provide uniform fees for telephonic appearances in civil cases and provides that funding from this source will support the interpreter pilot project.	I	Interpreter pilot project
AB 171	Beall	2007	Support	Establishes the Assumption Program for Loans for Law in the Public Interest, to provide up to \$11,000 in loan assumption benefits over a four-year period to public interest attorneys.	I	
AB 1723	Committee on Judiciary	2007	Support	Requires banks that hold interest on lawyer trust accounts (IOLTA) to allow those accounts to participate in higher-paying investment products, or receive an interest rate that is comparable to the rates paid by those investment products (referred to as IOLTA comparability).	I	

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I – Access, Fairness, and Diversity

Goal II – Independence and Accountability

Goal III – Modernization of Management and Administration

Goal IV – Quality of Justice and Service to the Public

Goal V – Education for Branchwide Professional Excellence

Goal VI – Branchwide Infrastructure for Service Excellence

Table 2: Comparison of Judgeships Allocated Using 2007 and Current Data

County	Total judgeships received if AB 159 authorized judgeships allocated	Total judgeships received if allocation schedule updated with 2012 Needs Assessment	Difference
Butte	1	0	-1
Contra Costa*	1	0	-1
Del Norte	1	0	-1
Fresno	4	2	-2
Humboldt	0	1	+1
Imperial	0	1	+1
Kern	3	3	0
Kings	1	1	0
Los Angeles	1	2	+1
Madera	1	0	-1
Merced	2	2	0
Monterey	1	0	-1
Orange	1	2	+1
Placer	2	2	0
Riverside	7	9	+2
Sacramento	6	3	-3
San Bernardino	7	9	+2
San Joaquin	3	3	0
Shasta	1	1	0
Solano	1	1	0
Sonoma	1	1	0
Stanislaus	2	3	+1
Sutter	0	1	+1
Tulare	2	1	-1
Ventura	0	2	+2
Yolo	1	0	-1
Total	50	50	

*Contra Costa was grandfathered in to receive one of the AB 159 judgeships for facilities planning purposes.

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0049
(916) 319-2049
FAX (916) 319-2149

DISTRICT OFFICE
1255 CORPORATE CENTER DR., SUITE 306
MONTEREY PARK, CA 91754
(323) 264-4949
FAX (323) 264-4916

E-MAIL
Assemblymember.Chou@assembly.ca.gov

Assembly California Legislature



ED CHAU
ASSEMBLYMEMBER, FORTY-NINTH DISTRICT

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CHAIR: HOUSING AND COMMUNITY
DEVELOPMENT
BANKING AND FINANCE
JUDICIARY
LABOR AND EMPLOYMENT

SELECT COMMITTEE
CHAIR: PRIVACY

November 26, 2013

Honorable Tani G. Cantil-Sakauye
Chair, Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Court Interpreter Services - Public Comment for December 12-13 Council Meeting

Dear Chief Justice and Council Members:

I am writing to express my strong support for the expansion of in-person interpreter services to cover all civil matters for Limited English Proficient (LEP) parties who are otherwise denied full and meaningful access to our judicial system.

California is the most populous state in the nation with over 38 million people, and is home to one of the world's most diverse populations. There is also an increasing diversity among the languages spoken by LEP communities. Currently, nearly seven million Californians cannot access the courts without significant language assistance. I commend your vision of improving access to justice for Californians by adopting the Access 3-D initiative, and for recognizing that equal language access is an essential concern to the State of California.

It was recently brought to my attention that interpreters in Los Angeles and the Bay Area have been working without a contract, have not received a pay adjustment of any kind in more than six years, and do not have wage steps that other employees enjoy. As a result, 15 Northern CA counties have authorized a strike.

Investing in the certified interpreter workforce is absolutely fundamental to ensuring full and equal access to justice for all Californians. It is essential that LEP court users, judges, attorneys and court staff have access to competent language services by certified interpreters throughout the court process. LEP individuals who can neither communicate nor understand what is happening in court struggle to protect their children, homes and safety. When courts fail to provide interpreters the integrity of our judicial system is threatened.



Page 2 – Court Interpreter Services

The need for in-person interpreter services to cover all civil matters has been a well-recognized problem and a longstanding issue that must be addressed. For these reasons, I introduced Assembly Bill 1127 earlier this year to ensure that all Californians have equal access to the courts without regard to language proficiency by providing LEP parties with court interpreters in civil proceedings.

I support the expansion of interpreter services and I believe that supporting the interpreter workforce is essential to such an expansion. Hence, I support the interpreters in their demands for fair pay, benefits and working conditions. I urge you to do whatever is necessary to support this workforce of certified interpreters in order to expand in-person interpreter services for civil proceedings and equal access to our courts.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Chau', with a long, sweeping underline.

ED CHAU

Assemblymember, 49th District

cc: Honorable C. Don Clay, Presiding Judge, Superior Court of Alameda
Honorable Brian Walsh, Presiding Judge, Superior Court of Santa Clara

EC:ec



December 3, 2013

Hon. Brian Walsh, Presiding Judge
Superior Court of Santa Clara
191 North First Street
San Jose, CA 95113

**Re: Court Interpreter Services/Negotiations
(Public Comment: Dec. 12-13 Judicial Council Meeting)**

Dear Judge Walsh:

On behalf of the Santa Clara County La Raza Lawyers Association (LRLA), I am writing to express our organization's strong support for the expansion of in-person interpreter services to cover all civil matters in which Limited English Proficient (LEP) parties are otherwise denied due process and full and meaningful access to the court system.

The purpose and mission of LRLA is to provide a forum for communication among attorneys interested in promoting the professional advancement of the Hispanic/Latino community, to provide a mechanism for concerted action in support of the cultural values, economic interests and social dignity of the Hispanic/Latino community, to enhance the technical skills of Hispanic/Latino attorneys through sponsorship and promotion of continuing legal education programs, and to promote the visibility, impact and election and appointment of political candidates, judicial candidates and public officials who advance and promote the interests of the Hispanic/Latino community.

Our experience has shown that justice cannot be served unless LEP court users, judges, attorneys and court staff have direct access to competent language services by certified interpreters throughout the court process. Proposals to provide interpreters remotely by video raise significant concerns about adverse impacts on access and due process on the most vulnerable of populations, the Latino/a community. Unfortunately, our community suffers from a low socio-economic background and a disproportionate representation in the criminal and civil areas. Without qualified on-site interpreters, our community will be unduly impacted.

The Judicial Council, the State Bar Commission on Access to Justice, and legal aid organizations have long recognized the unmet need for language access in civil matters and the need to expand interpreter services. The Council has also established equal access to justice and language access

as priority goals.

It is critically important that courts use competent, certified or registered, in-person interpreters to provide this sensitive and highly skilled service. We strongly support the interpreters in their demands for fair pay, benefits and working conditions. Recognizing the value of these services is necessary to ensure that quality interpreter services are available for court users with limited proficiency in English.

The Santa Clara County La Raza Lawyers Association urges the Council and local courts to take immediate steps, as recommended by the Department of Justice in its ongoing investigation, to comply with the requirements of Title VI of the Civil Rights Act and ensure full and meaningful access to services for all court users, regardless of their national origin.

Very truly yours,



Patricia D. Castorena, Esq.

President

SCC La Raza Lawyers Association

cc: Hon. Tani G. Cantil-Sakauye, Chief Justice
judicialcouncil@jud.ca.gov
Judicial Council of California Chair
455 Golden Gate Avenue, San Francisco, CA 94102-3688

bcc: California Federation of Interpreters (cfi@mediaworkers.org)

From: [Emma Dewald](#)
To: [Chouteau, René A.](#); [Judicial Council](#)
Subject: Language Access: Public Comments for December 2013 Council Meeting
Date: Friday, November 22, 2013 1:20:07 PM

November 22, 2013

Hon. Rene Auguste Chouteau, Presiding Judge Superior Court of Sonoma County
Hall of Justice
600 Administration Drive, Courtroom 15
Santa Rosa, CA 95403

Re: Language Access: Public Comments for December 2013 Council Meeting

Dear Judge Chouteau,

I am writing to share how important the provision of in-person interpreter services is to my practice. Without the skilled work of our certified interpreters, my clients with limited English-language skills would be denied due process and full and meaningful access to the court system.

I work as a Deputy Public Defender at the Sonoma County Public Defender's office and frequently represent clients with limited English-language skills. The in-person certified interpreters that I have the privilege to work with ensure that those clients can understand and meaningfully participate in the justice system. Proposals to provide interpreters remotely by video raise significant concerns about adverse impacts on access and due process. The value of the services provided by our talented and hard-working interpreters cannot be overstated. Every day I am grateful to work with such gifted individuals.

I urge the courts and the Judicial Council to ensure full and meaningful access to services for all court users regardless of their national origin.

Yours,
Emma Dewald
Deputy Public Defender
Emma.Dewald@gmail.com

cc: Hon. Tani G. Cantil-Sakauye, Chief Justice Chair
Judicial Council of California



CPDA

California Public Defenders Association
 10324 Placer Lane
 Sacramento, CA 95827
 Phone: (916) 362-1690 x 8
 Fax: (916) 362-3346
 e-mail: cpda@cpda.org

A Statewide Association of Public Defenders and Criminal Defense Counsel

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 Gary Mandinach, 2005, Barry Melton, 2006
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 Leslie McMillan, 2008, Bart Sheela, 2009
 Jose Varela, 2010, Margo George, 2011
 Juliana Humphrey, 2012

December 4, 2013

Hon. Tani G. Cantil-Sakauye, Chief Justice
 Judicial Council of California Chair
 455 Golden Gate Avenue
 San Francisco, CA 94102-3688

Dear Chief Justice and Council Members:

The California Public Defenders Association (CPDA), a statewide organization of public defenders, private defense counsel, and investigators urges the California Judicial Council to secure due process and meaningful access to our court system for our Non-English or Limited English speaking Californians by providing for in-person interpreter services for all civil matters. We encourage the council and local courts to take immediate steps, as recommended by the Department of Justice in its ongoing investigation, to comply with the requirements of Title VI and ensure full and meaningful access to services for all court users regardless of their national origin.

Our experience in the criminal courts has shown that justice cannot be served unless court users, judges, attorneys and court staff have direct access to competent language services by certified interpreters throughout the court process. Proposals to provide interpreters remotely by video raise significant concerns about adverse impacts on access and due process.

The Judicial Council, the State Bar Commission on Access to Justice, and legal aid organizations have long recognized the unmet need for language access in civil matters and the need to expand interpreter services. The council has also established equal access to justice and language access as priority goals.

It is critically important that the courts use competent, in-person interpreters who are certified or registered to provide this sensitive and highly skilled service. In order to provide such services it incumbent upon the court to provide the interpreters with fair pay, benefits and working conditions.

Sincerely,

Margo George

CPDA Legislative Committee Chair

National Lawyers Guild

San Francisco Bay Area Chapter

Attachment 7



RECEIVED

NOV 22 2013

CHAMBERS OF THE
CHIEF JUSTICE

November 22, 2013

Hon. Tani G. Cantil-Sakauye, Chief Justice
Judicial Council of California Chair
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re.: Public comment on court interpreter services, for the Dec. 12-13 Judicial Council meeting

Dear Chief Justice and Council Members:

We are writing to express our strong support for the expansion of in-person interpreter services to cover all civil matters in which Limited English Proficient (LEP) parties are otherwise denied due process and full and meaningful access to the court system.

The National Lawyers Guild San Francisco Bay Area Chapter (NLGSF) has hundreds of members throughout Northern California. We are a human rights bar association, in existence for over 75 years. We recognize the critical work that court interpreters do within our justice system and are concerned about proposals to provide interpreters remotely by video.

As our National Immigration Project has already found in immigration courts, Video Remote Interpreting has undermined due process rights: It doesn't allow for adequate confidential communications between defendants and their legal representatives; it interferes with the presentation of evidence; and it is often riddled with technological problems that disrupt the proceedings. That is not a system that we should be contemplating expanding.

As long time supporters of labor rights, particularly regarding legal workers, we also support the interpreters in their demands for fair pay, benefits and working conditions. Recognizing the value of these services is necessary to ensure that quality interpreter services are available for court users with limited proficiency in English.

The NLGSF urges the Council and local courts to take immediate steps to comply with the requirements of Title VI of the Civil Rights Act and ensure full and meaningful access to services for all court users, regardless of their national origin.

Sincerely,

Carlos Villarreal
Executive Director

cc: Judicial Council of California, Hon. Cynthia Ming-mei Lee, Hon. C. Don Clay, Hon. Diane M. Price, Hon. Barry P. Goode, Hon. Brian Walsh, Hon. James R. Ritchie, Hon. John Salazar, Hon. Richard J. Henderson, Hon. Rene Auguste Chouteau, Hon. Marla O. Anderson, Hon. Robert D. Foiles

SANTA CLARA COUNTY
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CHAMBERS OF THE
CHIEF JUSTICE

November 20, 2013

To: Hon. Tani G. Cantil-Sakauye, Chief Justice
judicialcouncil@jud.ca.gov
Judicial Council of California Chair
455 Golden Gate Avenue, San Francisco, CA 94102-3688

Re: Court Interpreter Services/Negotiations (Public Comment: Dec. 12-13 Judicial Council Meeting)

Dear Chief Justice Cantil-Sakauye:

I am writing on behalf of the Santa Clara County Government Attorneys Association to encourage the courts to reach a fair agreement with CFI. As an organization of roughly 300 lawyers who appear in court regularly, GAA is acutely aware of the essential role interpreters play in the criminal justice system. Without such well-trained interpreters, people who are not proficient in English may be denied their right to access our excellent system of justice, whether they be victims, defendants or witnesses.

It is critically important that courts use competent, certified or registered, in-person interpreters to provide this sensitive and highly skilled service. We strongly encourage the courts to come to a fair agreement with the interpreters.

Sincerely



Max Zarzana,
President, GAA

cc: Hon. Brian Walsh, Presiding Judge
Superior Court of Santa Clara
191 N. First St.
San Jose, CA 95113

JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Friday, December 13, 2013 Meeting

Agenda Item # / Subject: CONSENT Roll Call _____ Voice Vote X

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE
1.	Hon. Tani G. Cantil-Sakauye, Chair					
2.	Hon. Judith Ashmann-Gerst					
3.	Hon. Stephen H. Baker				X	
4.	Hon. Marvin R. Baxter					
5.	Hon. Richard Bloom <i>absent</i>	N/A	N/A	N/A	N/A	N/A
6.	Mr. Mark G. Bonino					
7.	Hon. James R. Brandlin					
8.	Ms. Angela J. Davis					
9.	Hon. David De Alba					
10.	Hon. Emilie H. Elias					
11.	Hon. Sherrill A. Ellsworth					
12.	Hon. Noreen Evans <i>absent</i>	N/A	N/A	N/A	N/A	N/A
13.	Hon. James P. Fox					
14.	Hon. Harry E. Hull, Jr.					
15.	Hon. Teri L. Jackson					
16.	Hon. Douglas P. Miller					
17.	Hon. Mary Ann O'Malley					
18.	Mr. Mark P. Robinson, Jr.					
19.	Hon. David Rosenberg					
20.	Hon. David M. Rubin					
21.	Hon. Dean T. Stout					

NON-VOTING MEMBERS		PRESENT
1.	Hon. Sue Alexander	
2.	Hon. Robert A. Glusman	
3.	Hon. James E. Herman	
4.	Hon. Morris D. Jacobson	
5.	Hon. Brian L. McCabe	
6.	Mr. Frank A. McGuire	
7.	Hon. Kenneth K. So	
8.	Ms. Mary Beth Todd	
9.	Hon. Charles D. Wachob	
10.	Hon. Brian C. Walsh	
11.	Mr. David H. Yamasaki	

Totals: Present _____ Absent _____ Yes X No _____ Abstain X Recuse _____

ALL BUT BAKER, J.


 Hon. Steven Jahr
 Secretary to the Judicial Council
12/15/13

** For a roll call vote, the Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain"). A member's recusal is indicated in the right column. After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. Changes of votes are permitted at this time, before the result is announced. In roll call voting, a record of how each member voted, as well as the result of the vote, will be entered in full in the minutes.

*** For a voice vote, the Secretary indicates votes as he or she heard them.

JUDICIAL COUNCIL ROLL CALL / VOTING SHEET

Friday, December 13, 2013 Meeting

SUBST. MATN = ALT #3

Agenda Item # / Subject: ITEM "V"

Roll Call _____

Voice Vote _____

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE
1.	Hon. Tani G. Cantil-Sakauye, Chair					
2.	Hon. Judith Ashmann-Gerst			✓		
3.	Hon. Stephen H. Baker			✓		
4.	Hon. Marvin R. Baxter			✓		
5.	Hon. Richard Bloom <i>absent</i>	N/A	N/A	N/A	N/A	N/A
6.	Mr. Mark G. Bonino			✓		
7.	Hon. James R. Brandlin			✓		
8.	Ms. Angela J. Davis			✓		
9.	Hon. David De Alba		✓			
10.	Hon. Emilie H. Elias			✓		
11.	Hon. Sherrill A. Ellsworth			✓		
12.	Hon. Noreen Evans <i>absent</i>	N/A	N/A	N/A	N/A	N/A
13.	Hon. James P. Fox			✓		
14.	Hon. Harry E. Hull, Jr.			✓		
15.	Hon. Teri L. Jackson			✓		
16.	Hon. Douglas P. Miller			✓		
17.	Hon. Mary Ann O'Malley			✓		
18.	Mr. Mark P. Robinson, Jr.			✓		
19.	Hon. David Rosenberg		✓			
20.	Hon. David M. Rubin			✓		
21.	Hon. Dean T. Stout			✓		

NON-VOTING MEMBERS		PRESENT
1.	Hon. Sue Alexander	
2.	Hon. Robert A. Glusman	
3.	Hon. James E. Herman	
4.	Hon. Morris D. Jacobson	
5.	Hon. Brian L. McCabe	
6.	Mr. Frank A. McGuire	
7.	Hon. Kenneth K. So	
8.	Ms. Mary Beth Todd	
9.	Hon. Charles D. Wachob	
10.	Hon. Brian C. Walsh	
11.	Mr. David H. Yamasaki	

Totals: Present _____ Absent _____ Yes 2 No 15 Abstain _____ Recuse _____


 Hon. Steven Jahr
 Secretary to the Judicial Council
 12/13/13

** For a roll call vote, the Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain"). A member's recusal is indicated in the right column. After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. Changes of votes are permitted at this time, before the result is announced. In roll call voting, a record of how each member voted, as well as the result of the vote, will be entered in full in the minutes.

*** For a voice vote, the Secretary indicates votes as he or she heard them.

JUDICIAL COUNCIL ROLL CALL / VOTING SHEET

Friday, December 13, 2013 Meeting

ALT # 1 AS AMENDED

Agenda Item # / Subject: ITEM "V" Roll Call _____ Voice Vote _____

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE
1.	Hon. Tani G. Cantil-Sakauye, Chair					
2.	Hon. Judith Ashmann-Gerst		✓			
3.	Hon. Stephen H. Baker		✓			
4.	Hon. Marvin R. Baxter		✓			
5.	Hon. Richard Bloom <i>absent</i>	N/A	N/A	N/A	N/A	N/A
6.	Mr. Mark G. Bonino		✓			
7.	Hon. James R. Brandlin		✓			
8.	Ms. Angela J. Davis		—————			
9.	Hon. David De Alba		✓			
10.	Hon. Emilie H. Elias		✓			
11.	Hon. Sherrill A. Ellsworth		✓			
12.	Hon. Noreen Evans <i>absent</i>	N/A	N/A	N/A	N/A	N/A
13.	Hon. James P. Fox		✓			
14.	Hon. Harry E. Hull, Jr.		✓			
15.	Hon. Teri L. Jackson		✓			
16.	Hon. Douglas P. Miller		✓			
17.	Hon. Mary Ann O'Malley		✓			
18.	Mr. Mark P. Robinson, Jr.		✓			
19.	Hon. David Rosenberg		✓			
20.	Hon. David M. Rubin		✓			
21.	Hon. Dean T. Stout		✓			

NON-VOTING MEMBERS		PRESENT
1.	Hon. Sue Alexander	
2.	Hon. Robert A. Glusman	
3.	Hon. James E. Herman	
4.	Hon. Morris D. Jacobson	
5.	Hon. Brian L. McCabe	
6.	Mr. Frank A. McGuire	
7.	Hon. Kenneth K. So	
8.	Ms. Mary Beth Todd	
9.	Hon. Charles D. Wachob	
10.	Hon. Brian C. Walsh	
11.	Mr. David H. Yamasaki	

UNANIMOUSLY

Totals: Present _____ Absent _____ Yes ✓ No _____ Abstain _____ Recuse _____



Hon. Steven Jahr
Secretary to the Judicial Council

12/13/13

** For a roll call vote, the Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain"). A member's recusal is indicated in the right column. After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. Changes of votes are permitted at this time, before the result is announced. In roll call voting, a record of how each member voted, as well as the result of the vote, will be entered in full in the minutes.

*** For a voice vote, the Secretary indicates votes as he or she heard them.