



The Capitol Connection

ADMINISTRATIVE OFFICE OF THE COURTS • OFFICE OF GOVERNMENTAL AFFAIRS

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Legislative Calendar

May 11
Last day for policy committees to hear non-fiscal bills

May 25
Last day for policy committees to meet prior to June 11

CHIEF JUSTICE LAUNCHES COUNCIL'S 2007-2008 LEGISLATIVE AGENDA

Chief Justice Ronald M. George delivered his annual State of the Judiciary address to a joint session of the Legislature on Monday, February 26, at 5:00 p.m.

In many ways, the Chief Justice's address signaled the formal launch of the Judicial Council's legislative program for the year.

Among the topics Chief Justice George addressed: the critical need for more judges and subordinate judicial officer (SJO) conversions, judges' retirement system reform, and facilitating the transfer of court facilities to the state. Access to justice issues, such as the need for additional self-help centers and court interpreters and court-appointed counsel in certain civil cases, were also included in the 25-minute speech.



Chief Justice Ronald M. George shares a laugh with Senate Republican Leader Dick Ackerman (R- Irvine) prior to giving the 13th Annual State of the Judiciary Address on Monday, February 26, 2007.

Following the address, the conversation continued at the Judicial-Legislative-Executive Forum in the State Capitol

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BBC DISCUSSES PRIORITIES WITH STATE LAWMAKERS

More than 150 court leaders and justice system partners converged on the State Capitol for two days of activities designed to focus attention on judicial branch legislative priorities for the 2007-2008 Legislative Session.

The Bench-Bar Coalition (BBC) held its first "Day in Sacramento" of the year in conjunction with the Chief Justice's annual State of the Judiciary Address to a joint session of the Legislature and the Judicial-Legislative-Executive Forum, held in the Rotunda under the Capitol's dome. The two-day format allowed BBC members to reiterate themes from the Chief's remarks on Monday, February 26 during visits with legislators and key staff the following day.

The BBC, comprised of judges, legal services providers, and state, local, minority and specialty bar leaders, was formed in 1993 to promote communication between the bench and

bar on issues of mutual interest - particularly in the legislative arena.

The coalition is currently co-chaired by Anthony P. Capozzi of Capozzi Law Offices in Fresno, past president of the State Bar of California, and Joel S. Miliband, of Rus, Miliband & Smith in Irvine, former vice president of the State Bar and past president of the Orange County Bar Association. Members of the Judicial Council, the State Bar Board of Governors, and the California Judges' Association Executive Board also participated in the Capitol activities.

A record number of court and bar leaders expressed an interest in attending the event - so many that registration had to be capped and arrangements made for overflow viewing of the Address on closed-circuit television. Nearly 100 coal-

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UPDATE ON JUDICIAL COUNCIL-SPONSORED LEGISLATION

JUDICIAL OFFICERS

The Judicial Council is sponsoring legislation that would create 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Assembly Bill 159 has been introduced by Assembly Member Dave Jones to also authorize the conversion of 162 eligible subordinate judicial officer positions, upon vacancy, to judgeships. The legislation goes on to create an unspecified number of appellate judicial positions. This bill will be heard by the Assembly Appropriations Committee.

COURT FACILITIES

The Judicial Council is sponsoring legislation to extend the June 30, 2007, deadline for the transfer of court facilities from the counties to the state. Senate Bill 145 has been introduced by Senator Ellen M. Corbett to extend the deadline to December 31, 2008, and as a placeholder for potential process improvements to facilitate the transfer of additional courthouses. *For more information contact Eraina Ortega at eraina.ortega@jud.ca.gov or (916) 323-3121.*

COURT FUNDING/OPERATIONS

Two legislative measures of 2005 resulted in potential fine and forfeiture Maintenance of Effort (MOE) buyouts by the state from individual counties. AB 139 (Stats. 2005, ch. 74) provided, where applicable, for buyouts of certain revenues often referred to as "undesignated fees", while AB 145 (Stats. 2005, ch. 75) provided for buyouts of the county

portion of certain fees designated by the Trial Court Funding Act (Stats. 1997, ch. 850 (AB 233)). The "buyouts" have been effectuated in the 2005-2006 and 2006-2007 fiscal years by notice and agreement between courts and counties.

The Judicial Council and the California State Association of Counties (CSAC) are co-sponsoring AB 227 to add a new section to the Government Code that codifies the adjusted county fine and forfeiture MOE amounts that have been paid as a result of the buyouts agreed to pursuant to previous legislation. This change will prevent any future disagreement or misunderstanding about the amounts owed and is the final step in the disposition of fees and fines that have long been disputed between courts and counties.

Beginning with legislation to establish the Collaborative Court-County Working Group on Enhanced Collections (SB 940, Escutia) and continuing with legislation to enact recommendations from that working group (SB 246, Escutia), the Judicial Council has been leading an effort to improve the enforcement of court orders and to increase respect for the rule of law.

The Judicial Council is the sponsor of AB 367, a bill that contains the final recommendations of the working group and builds on the previous efforts by making minor changes to the Franchise Tax Board's collection program and establishing a new task force to review and recommend changes that will improve the assessment and enforcement of criminal fines and penalties. In addition, at the request of

Assembly Member Dave Jones, AB 367 has been amended to require the Judicial Council to develop performance measures and benchmarks to review the effectiveness of collection programs.

The Uniform Civil Fees (UCF) and Standard Fee Schedule Act of 2005 took effect on January 1, 2006. The new fee structure streamlined and simplified the civil fees collected by the courts by rolling the previously varied surcharges and add-on fees into one filing fee. As the courts have implemented the UCF, several technical errors have been identified as well as other issues that need clarification in the Act. AB 1248 makes technical and clarifying amendments to the UCF and clarifies when certain fees that were not part of the UCF should be charged.

In addition, AB 1248 makes a technical change to the court records statute, changes the frequency of a report that the Judicial Council submits to the Legislature, removes the cap on habeas investigation costs paid by the Supreme Court, allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, allows the courts to charge the current "night court assessment" for court sessions held on weekends, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and requires the Judicial Council to establish a travel policy for the judicial branch. *For more information contact Eraina Ortega at eraina.ortega@jud.ca.gov or (916) 323-3121.*

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LEGISLATIVE REVIEW

The following is an update of the first year of the 2007-2008 legislative session on selected bills of interest to the courts.

CIVIL & SMALL CLAIMS

AB 1126 (Eng), as amended on March 27, 2007. Civil discovery: unlawful detainer; subpoenas.

Provides, among other things, 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. Allows a plaintiff in those summary proceedings to propound interrogatories, make a demand for inspection, and make requests for admission without leave of court at any time that is five days after service of the summons on, or appearance by, the relevant party, whichever occurs first. Makes related changes to the procedures governing discovery in those summary proceedings.

Status: Assembly Appropriations Committee.

JC position: Support.

AB 1264 (Eng), as amended April 11, 2007. Courts: delay reduction: status conferences.

Among other things, 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, and removes the cap on habeas investigations costs paid by the Supreme Court. Allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, allows the courts to charge the current "night court assessment" for court sessions held on weekends, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and requires the Judicial Council to establish a travel policy for the judicial branch.

Status: Assembly Floor.

JC position: None.

COURT FACILITIES

AB 163 (Mendoza), as amended March 28, 2007. State buildings: bicycle facilities.

This bill would enact the Green and Healthy Workplace Bicycle Facilities Act of 2007, which would require the department, in consultation with the State Architect and other state agencies, to adopt regulations establishing standards for bicycle facilities, including parking areas, showers, and lockers in state-owned and state-leased buildings. The bill would require each state agency to develop programs to promote and encourage bicycle commuting and use of bicycles for work-related trips, as well as to manage its bicycle facilities. It would also require, on and after July 1, 2010, a capital plan for, or renovation of, state buildings to comply with the adopted regulations.

Status: Assembly Business and Professions Committee.

JC position: Oppose.

AB 276 (Solorio), as amended March 15, 2007. Trial courts: limited-term employees.

(Spot bill; no substantive impact on trial courts.)

Status: Assembly Public Employees, Retirement & Social Security Committee.

JC position: No position.

AB 863 (Davis), as introduced. Los Angeles County Superior Court employees.

Requires the Los Angeles Superior Court to pay each employee in specified bargaining units two months "back pay" in the amount the employee would have received if the employee's reclassification raise that occurred on October 1, 2005, had been made retroactive to August 1, 2005.

Status: Assembly Appropriations Committee.

JC position: No position.

AB 1340 (Jones), as introduced. Safe and Secure Court Facilities Bond Act of 2008.

Authorizes a ballot measure for the issuance of \$2 billion in bonds for the acquisition, design, construction, or renovation of court facilities.

Status: Assembly Judiciary Committee.

JC position: Support.

AB 1726 (Judiciary Committee), as introduced. Evidence: court interpreters.

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. Requires

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DAY IN SACRAMENTO

(Continued from page 1)

tion members met to prioritize and formulate implementation strategies for their objectives for 2007-2008:

- Increase awareness of judicial branch issues
- Identify future legislative leadership on judicial branch issues
- Host court visits for legislators and key staff
- Cultivate relationships with legislative staff
- Expand statewide participation in the BBC

BBC members were later joined by invited guests for a briefing before adjourning for the State of the Judiciary Address, during which Chief Justice Ronald M. George reported on the state of California's courts and outlined the judicial branch's legislative priorities (see "Chief Justice George Delivers State of the Judiciary" on page 1 in this issue). In preparation for the next day's legislative visits, nearly 70 BBC members met over dinner in regional groups to further develop strategies.

Tuesday morning, Administrative Director of the Courts William C. Vickrey, Chief Deputy Director Ronald G. Overholt, and Office of Governmental Affairs Director Kathleen Howard briefed the group on Judicial Council-sponsored legislative proposals, providing uniform messages on key branch priorities:

- the need to create additional new judgeships,
- to adequately fund and streamline efforts to improve court facilities,
- to increase access to California courts, and
- to reform a judicial retirement system that impacts the courts' ability to attract and retain new judges.

Eighteen teams then fanned out across the State Capitol for scheduled appointments - armed with background materials on key legislation, schedules of assigned visits, and biographies on the legislators and key staff.

Team composition was specifically formulated so that each would be meeting with legislators who represent the communities in which the bench or bar leaders reside or practice.

At the conclusion of each appointment, legislative offices received a booklet outlining the Council's legislative agenda and background materials on each of the proposals.

As with previous advocacy day events, BBC members provided feedback on their meetings with legislators and staff. The comments provide OGA staff with valuable insights on where legislators stand on the issues:

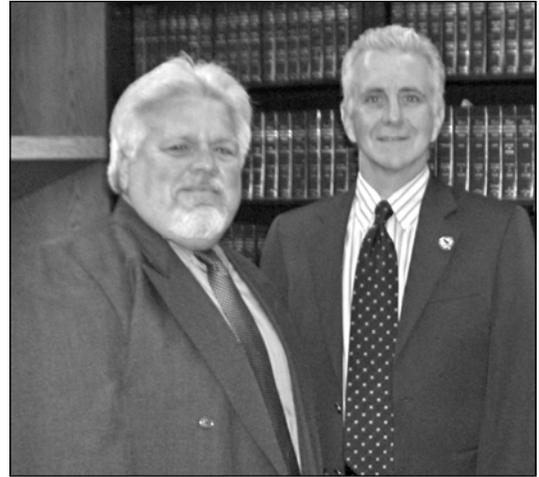
- *"The Member was responsive to the need for interpreters in selected civil cases."*
- *"The Member is very supportive of the courts, stating that she was upset about public attacks on judges who were simply doing their jobs."*
- *"The Member is a practicing lawyer and very supportive of the branch."*
- *"The Member grasped the significance of our facilities crises as well as the need to amend JRS II to widen the pool of judicial applicants."*

In their program evaluations, attendees also reported that the overall event was well organized and worth the commitment of time and resources to travel to Sacramento:

- *Most beneficial aspects of the day: "The opportunity to tell our legislators about the practical effects of the lack of judicial resources."*
- *"My team was a perfect balance of people from different parts of the legal community."*
- *"The ideas gleaned from the strategic planning break-out sessions were particularly interesting. I gained some new ideas I can bring to our court for implementation."*

As a result of the interest generated from the BBC contacts, the Office of Governmental Affairs will follow-up with legislative offices who requested additional information and those desiring to participate in the "Day on the Bench" program, where legislators and/or staff spend part of a day at a court located in his or her district.

The next BBC quarterly conference call is scheduled for **Monday, April 23, 2007, 4:00 - 5:00 p.m.** For more information about the BBC or the Day in Sacramento, please contact Dia Poole, the AOC's liaison to the BBC, at (916) 323-3121 phone, (916) 323-4347 fax, or email to dia.poole@jud.ca.gov. ■



LEFT: Tracy Kenny, OGA Advocate, meets with Assembly Member Mike Feuer. ABOVE: Henry Sepulveda, OGA Fiscal Analyst, meets with Assembly Member Paul Krekorian.

ADVOCATES MEET WITH NEW LEGISLATORS

Legislative advocates in the Office of Governmental Affairs (OGA) met during January and February with freshmen legislators during a series of “meet and greet” appointments. The appointments, held at the beginning of each new legislative session, provide an opportunity for OGA directors and staff to introduce themselves and brief legislators and key staff on judicial branch priorities for the upcoming year.

“With so many new legislators, it’s important that we get to know them and offer to serve as a resource on judiciary matters,” said OGA Director Kate Howard. “And it’s equally important that we begin familiarizing

them with our Judicial Council-sponsored legislative package before their schedules are filled with committee hearings and floor sessions.”

During the meetings, OGA staff gave legislators a brief overview of the structure of the judicial branch, including the relationship between the Council, the Administrative Office of the Courts, and the trial, appellate, and Supreme courts. Each Member also receives informational materials about the branch, current legislative priorities, and information about opportunities to participate in orientation and outreach programs such as “Day on the Bench” local court visits. ■

LEGISLATIVE REVIEW

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that unless a party has notified the court that he or she has made arrangements for a private interpreter, the court shall provide the interpreter. Specifies a priority order for when an interpreter will be provided if there are insufficient interpreters or funding available. Limits funding provided for this purpose to \$10 million.

Status: Assembly Judiciary Committee.

JC position: Support in concept contingent on funding and workability.

SB 431 (Aanestad & Wiggins), as introduced. Public employees’ retirement: Butte and Solano counties.

Requires the assets and liabilities of the Superior Courts of Butte and Solano Counties and the Counties of Butte and Solano to be separated based on a computation determined by an actuary retroactive to June 30, 2002. Following the separation of assets and liabilities, requires the courts to participate in a risk pool created by the California Public Employees’ Retirement System.

Status: Senate Public Employment & Retirement Committee.

JC position: Oppose unless amended.

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SENTENCING REFORM TACKLES OVERCROWDING

State lawmakers respond to threat to place prison system under federal control

Since December 2006 when a federal judge threatened to place California's prison system under federal control due to overcrowding, the topics of prison and sentencing reform have been on the front burner.

There have been three separate sentencing reform proposals introduced in order to provide a remedy to California's sentencing structure.

Adding to the sense of urgency, the U.S. Supreme Court held unconstitutional certain aspects of California's determinate sentencing law.

In a December press conference, Governor Arnold Schwarzenegger unveiled his sentencing reform plan, which includes the appointment of a 17-member sentencing reform commission.

The commission will serve an advisory role and will provide feedback to the Legislature and governor and make recommendations on current sentencing rules. The commission will also analyze and report on bills that affect sentencing.

Around the same time, Senator Gloria Romero (D-Los Angeles) introduced SB 110, which would create a commission with the power to develop statewide sentencing policies. In a press conference on January 18, 2007, joined by President pro-tem Don Perata (D-Oakland), Romero stated that "The sentencing commission should have real teeth, and independence, and command accountability." As amended on March 14, 2007, Senator Romero's proposal would create a 16-member commission that would develop a

new sentencing system for California. The sentences imposed by the commission would be the law unless rejected by a statute passed by a two-thirds vote of the Legislature.

Yet another plan addressing the need for sentencing reform in the state is AB 160 (Lieber, D-Mountain View). Lieber's bill would establish a sentencing commission that would devise sentencing guidelines, and report to the Legislature every two years on revisions or modifications made to the guidelines. The guidelines would become law unless the Legislature "provided otherwise."

Lieber's proposal also seeks to create a Judicial Advisory Committee, consisting of judges appointed by the Judicial Council, which would provide assistance to the sentencing commission.

A large blow was dealt to California's sentencing structure on January 22, 2007, when a U.S. Supreme Court ruling declared California's triad sentencing structure unconstitutional, (*Cunningham v. California*, 549 U. S. ___ (2007)). In this case, the constitutionality of California's sentencing structure was challenged on the basis that it allows a judge to tack years onto the maximum sentence based upon factors that are not determined beyond a reasonable doubt by a jury.

California's current sentencing system provides a three-tiered sentencing structure that consists of a lower, middle, and an upper term. Current law mandates that the courts impose the middle term, unless there are

factors that will mitigate or aggravate the crime, as determined by the judge.

The swift response in the Legislature to the U.S. Supreme Court's ruling was the introduction of SB 40 (Romero), urgency legislation intended to put California's sentencing structure in compliance with the Court's ruling.

Senator Romero has stated that the legislation is designed to act as a temporary remedy to the sentencing issue until further research can be done to determine what future steps should be made. SB 40 eliminates the mandate that the courts impose the middle term, and allows the courts to impose a sentence within the range specified in the Penal Code.

When the proposal was recently heard in the Assembly Public Safety committee, there was testimony that urged the committee to consider alternatives to fixing California's unconstitutional sentencing structure.

One alternative discussed was bifurcated jury trials, in which a jury must first find the defendant guilty or not guilty, then make a finding on whether there exist factors in the case that call for an elevated or reduced sentence.

Members of the committee also expressed their concerns about how the legislation, by giving a judge full discretion over the amount of time, within the range, to sentence a defendant, may cause sentences to

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LEGISLATIVE REVIEW

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CRIMINAL LAW & PROCEDURE

AB 1424 (Davis), as amended March 29, 2007. Elder abuse: continuances.

Among other things, adds cases involving elder or dependent abuse to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings under Penal Code section 1050. Amended to delete provisions that were basis of Council opposition.

Status: Assembly Appropriations Committee.

JC position: Opposition withdrawn.

AB 1582 (Calderon, C.), as introduced. Crimes: marijuana: possession: penalty.

Reclassifies from a misdemeanor to an infraction a first offense for possession of not more than 28.5 grams of marijuana, and would make it an alternate infraction/misdemeanor for a second or subsequent offense.

Status: Assembly Public Safety Committee.

JC position: Support.

AB 1660 (La Malfa), as amended March 29, 2007. Victims' rights: presence during criminal proceedings.

Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding.

Status: Assembly Public Safety Committee.

JC position: Oppose.

SB 340 (Ackerman), as amended April 9, 2007. Access to Criminal History Information by Court.

Expands the list of agencies entitled to receive criminal history reports by adding an agency performing conservatorship investigations related to a proposed conservator under the Lanterman-Petris-Short (LPS) Act. In addition to the above, broadens list of agencies entitled to receive criminal history reports to include probate court investigators.

Status: Senate Appropriations Committee.

JC position: Support & Co-sponsor.

FEES, FINES, AND PENALTIES

SB 396 (Ridley-Thomas), as amended April 9, 2007. Dispute Resolution.

Increases the portion of the filing fee that is distributed to dispute resolution programs from an amount not to exceed \$8 to an amount not to exceed \$12. Also requires the Judicial Council to establish the Commission on Civil Fees in the Courts.

Status: Senate Appropriations Committee.

JC position: Support & Co-sponsor.

SB 539 (Margett), as amended April 9, 2007. Trial Court Trust Fund.

This bill would amend Government Code Section 68085 (j), which would require the entity found in error to make the payment directly to the state (currently the county is required to pay the state and seek reimbursement from the court, if the court is at fault). Requires probation to

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CHIEF JUSTICE

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Rotunda. For legislators and members of the Schwarzenegger Administration, the forum is a valuable opportunity to greet leaders from the judicial branch, bar associations, and legal services providers for face-to-face conversations.

Just prior to the Chief Justice delivering his address, Bench-Bar Coalition (BBC) members held a strategic planning session at the State Capitol on Monday, February 26, to

discuss outreach strategies for strengthening relationships and conveying key messages on legislative priorities.

Those strategies were tested as outreach efforts continued on Tuesday, February 27, when the BBC held its first "Day in Sacramento" for 2007. Bench and bar leaders from throughout the state called on legislators.

The State of the Judiciary Address and BBC Day in Sacramento are only

some of the efforts underway to inform new legislators about judicial branch issues.

To learn more, read about the Office of Governmental Affairs "Meet and Greets" in this issue (see article, "Advocates Meet with New Legislators," on page 5), or contact Dia Poole in the Office of Governmental Affairs at 916-323-3121. ■

SENTENCING REFORM

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creep higher or lower than the previously mandated midterms.

It was then suggested that language be added to the bill that would provide for data on the trend in sentencing following implementation of the

bill. SB 40 passed the Assembly Public safety committee with a 5-2 vote.

The bill was subsequently amended to require that require the Department of Corrections and Rehabilitation to post on its website the number of felons admitted to state prison with at least one upper term sentence, and to require the Judicial

Council to report on implementation issues by January 1, 2008.

SB 40 passed the Senate on a 36-1 vote, and the Assembly on a vote of 63-5. On March 28, the Senate concurred in the Assembly's amendments and sent the bill to the Governor where it was signed into law on March 30, 2007. ■

LEGISLATIVE REVIEW

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deliver the services described above at least six months before a hearing to terminate jurisdiction which will be occurring when the ward is approaching 18 years of age.

Status: Senate Appropriations Committee.

JC position: Neutral.

JURIES

AB 1557 (Feuer), as introduced. Jury selection: peremptory challenges.

Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.

Status: Assembly Judiciary Committee.

JC position: Support.

JUVENILE DELINQUENCY

AB 1547 (Beall), as amended April 11, 2007. Juvenile court: termination of jurisdiction.

Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority. These services include providing information on siblings; securing a birth certificate, social security card, and DMV identification card as appropriate; and assisting the ward in obtaining Medi-Cal or other health insurance, transitional housing or other housing assistance, and employment or higher education. These services are currently required to be provided to all dependent children approaching majority (Welfare and Institutions Code section 391). Further requires the Judicial Council to develop and implement standards and forms as necessary to implement the bill (also analogous to the dependency provisions). Further requires probation to

deliver the services described above at least six months before a hearing to terminate jurisdiction which will be occurring when the ward is approaching 18 years of age.

Status: Assembly Judiciary Committee.

JC position: Support.

JUVENILE DEPENDENCY

AB 369 (Solorio), as amended March 29, 2007. Child abuse reporting.

Authorizes CASA organizations in California to submit fingerprint information on prospective CASA volunteers to the California Department of Justice (DOJ) to determine whether there is relevant information pertaining to that individual in the Child Abuse Central Index (CACI), in addition to the criminal history information that is currently provided regarding each prospective volunteer.

Status: Assembly Appropriations Committee.

JC position: Support.

PROBATE

AB 1727 (Committee on Judiciary), as introduced. Conservators and Guardians.

Sections 1-8 of the bill contain a number of technical and conforming amendments to the Omnibus Conservatorship and Guardianship Reform Act of 2006.9 of the bill revise the law governing the invalidation of donative transfers to care custodians by disallowing transfers only in cases where the instrument creating or modifying the donative transfer is dated after the date that the person receiving the transfer became the care custodian for that transferor.

Status: Assembly Judiciary Committee.

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Bench-Bar Coalition's 'Day in Sacramento'



ABOVE: Assembly Member Kevin Jefferies (center) met with BBC members from the San Diego area: Thomas Warwick, San Diego County Bar Association; Rebecca Nieman, Legal Aid Society of San Diego; Howard Wayne, San Diego County Bar; Michael Roddy, San Diego Co. Superior Court; and Judge Yvonne Campos, San Diego Co. Superior Court.

LEFT: Assembly Member Sandré Swanson (center) met with BBC members from the San Francisco area: James Penrod, State Bar Board of Governors; Judge Barbara Miller, Alameda Co. Superior Court; Demetrius Shelton, California Association of Black Lawyers; Helen Peters, Contra Costa Co. Bar Association; Brenna Silberstein, Law Foundation of Silicon Valley; and Richard Frankel, State Bar Board of Governors.

BELOW: Assembly Member Alan Nakanishi (center) met with BBC members from Central/Northern California: Judge Robert Oliver, Fresno Co. Superior Court; Asst. Presiding Judge William Murray, Jr., San Joaquin Co. Superior Court; Associate Justice Brad Hill, Fifth Appellate District, Court of Appeal; Judge Brian McCabe, Merced Co. Superior Court; and Chris Schneider, Central California Legal Services.



RIGHT: Senator Mark Ridley-Thomas (second from right) met with members from the Los Angeles area: Judge Jim Herman, Santa Barbara Co. Superior Court; Judge Fred Bysshe, Ventura Co. Superior Court; Eve Hill, Disability Rights Legal Center; Judge Burt Pines, Los Angeles Co. Superior Court; Marguerite Downing, State Bar Board of Governors; and Judge Michael Vicencia, Los Angeles Co. Superior Court.



ABOVE: Assembly Member Gene Mullin (center) met with BBC members from the Bay/Coastal area: Alex Calvo, Santa Cruz Co. Superior Court; Judge Jamie Jacobs-May, Santa Clara Co. Superior Court; Rozenia Cummings, Calif. Association of Black Lawyers; and Presiding Judge Heather Morse, Santa Cruz Co. Superior Court.



LEGISLATIVE REVIEW

(Continued from page 8)

JC position: Support sections 1-8; no position on section 9 as it is a policy issue outside the council's purview.

SB 800 (Corbett), as amended March 29, 2007. Conservators and guardians: care plans.

Requires a conservator or guardian to submit to the court within 45 days of appointment a plan for the care, custody, control, and, if applicable, the education of the ward or conservatee. As part of this plan, the bill would require an assessment of the strengths of the conservatee's or ward's family, an assessment of appropriate residential placement, and a schedule of visits between the ward or conservatee and the conservator or guardian, as well as visits between the ward or conservatee and his or her family. Amended to delete provisions pertaining to guardianships and change timeline for submission of care plan from 45 to 90 days after appointment. Amendment also requires the Judicial Council to develop and adopt an implementing form.

Status: Senate Appropriations Committee.

JC position: Support in concept.

TRAFFIC

AB 112 (Wolk), as amended March 28, 2007. Highways: Safety Enhancement Double Fine Zones.

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. Amended to include urgency clause.

Status: Assembly Appropriations Committee.

JC position: Oppose.

AB 117 (Beall), as amended March 22, 2007. Traffic offenses: additional assessment: traffic safety.

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. Amended to narrow bill to authorize only Santa Clara County to elect to impose the \$2 assessment.

Status: Assembly Public Safety Committee.

JC position: Oppose.

AB 758 (Plescia), as amended April 11, 2007. Vehicles: traffic violator schools: regulation.

Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles (DMV). In addition to above, also requires DMV to license home study traffic schools and to adopt rules and regulations to implement the licensing program.

Status: Assembly Appropriations Committee.

JC position: Support.

AB 1258 (Caballero), as introduced. Highways: Safety Enhancement Double Fine Zones.

Designates a segment of State Highway Route 101 and a segment of County Road 16 in Monterey County as Safety Enhancement-Double Fine Zones.

Status: Assembly Transportation Committee.

JC position: Oppose. ■

COUNCIL-SPONSORED LEGISLATION

(Continued from page 2)

CIVIL & SMALL CLAIMS

The Judicial Council is sponsoring legislation to amend three discovery statutes to clarify the time for production of documents. Assembly Bill 926 has been introduced by Assembly Member Noreen Evans to also provide that parties may agree to extend the time for inspection. AB 926

is being heard in the Assembly Judiciary Committee. For more information contact Dan Pone at daniel.pone@jud.ca.gov or (916) 323-3121.

MISCELLANEOUS

The Judicial Council's sponsored bill to revise and redraft the court fee waiver statute was approved by the

Assembly Judiciary Committee at its April 24th hearing. AB 467, by Assembly Member Mike Feuer, as amended April 18, 2007, would provide indigent litigants with an opportunity to access the courts in a timely and appropriate manner, and to provide for recovery of those fees in those cases in which there is a judgment in favor of the litigant who ob-

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COUNCIL-SPONSORED LEGISLATION

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tained the fee waiver; he or she receives a substantial settlement; or other changed circumstances allow the fees to be paid. AB 467 sets forth clear procedures and timeframes for acting on fee waiver applications. It specifies that a clerk cannot deny a fee waiver application on his or her own authority but may be delegated the authority to grant one. In addition, at the trial court level, it affords all applicants an opportunity to be heard by a judicial officer if an application has been denied, and requires the court to set a hearing if there is an evidentiary conflict.

AB 467 would also enact new procedures for collecting fees in cases where an initial fee waiver has been granted and subsequent events indicate that recovery of the waived fees is appropriate. These procedures would (1) require the court to add any waived fees to a judgment if the judgment is in favor of a party who received an initial fee waiver; (2) place an automatic lien on any settlement or other recovery of \$10,000 or more if the party collecting the recovery received a fee waiver; and (3) require the court in family law matters to consider whether a party to a family law case who did not receive a fee waiver has the ability to pay the other party's fees, and/or to review at the time of judgment whether changed circumstances allow a party whose fees were initially waived to pay all or part of the waived fees. It would also allow the court to reconsider a fee waiver based upon changed circumstances in any case at disposition, or every six months when the court has a specific reason to reconsider the waiver. AB 467 will next move to the Assembly Appropriations Committee for consideration of its possible fiscal impacts. Because the bill does not significantly change the financial eligibility criteria for fee waivers it is not expected to have a fiscal impact on the courts. *For more information, contact Tracy Kenny at tracy.kenny@jud.ca.gov or (916) 323-3121.*

TRAFFIC

AB 1464 (Benoit), as introduced. Vehicles: Preclusion of vehicle registration and issuance of arrest warrant. Under current law, courts are unable to dispose of a significant portion of traffic cases resulting from a vehicle owner's failure to appear in court in response to an unsigned owner-responsibility Notice to Appear citation. Certain

violations of the Vehicle Code are the responsibility of a vehicle owner rather than (or in addition to) the vehicle's driver.

Typical examples occur at truck scales, where citations may be issued because the vehicle is not properly equipped or is out of compliance with size provisions. Courts are currently prohibited from imposing the sanction of either a hold on registration or an arrest warrant against the owner for failing to appear in response to an unsigned Notice to Appear citation until the district attorney has filed a complaint. If the district attorney fails to take action, the court is unable to enforce its orders and dispose of the case.

The Judicial Council is sponsoring AB 1464 (Benoit, R – Palm Desert) to allow the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense.

To ensure due process rights are protected, this bill requires notice to the owner/violator, and allows 21 days for response if the owner/violator was not present when the citation is issued, rather than the usual 10 days, to avoid unnecessary default judgments.

The Judicial Council believes that it is inappropriate to allow court orders to remain unenforced, especially when no new information is provided by the district attorney's complaint, which includes the same information that is on the citation.

AB 1464 gives the court an alternative method to attempt to enforce the order to appear and dispose of the case in the absence of a formal complaint, by allowing it to take the narrow action of notifying DMV to place a registration hold on the vehicle involved in the offense.

This bill is scheduled to be heard in the Assembly Appropriations Committee. *For more information on AB 1464, contact June Clark at june.clark@jud.ca.gov or (916) 323-3121.* ■



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Archives

Looking for a past issue of *The Capitol Connection*? Find it online at www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm.

OGA INTRODUCES THREE EMPLOYEES



Odiri Pinnock

Odiri Pinnock began working for the Office of Governmental Affairs as an Administrative Coordinator in April of 2006. Prior to joining the Office of Governmental Affairs, she worked as an Executive Assistant/Project Coordinator for the California State Conference of the NAACP. Ms. Pinnock is a graduate from California State University of Sacramento, where she obtained her B.A. in Business Administration with an emphasis in Marketing.

Charles Ludd, Jr.

Charles Ludd, Jr. is a Judicial Administration Fellow in the Capitol Fellows Program. He is a recent graduate of UC Riverside where he earned his B.A. in Economics. Mr. Ludd is originally from Los Angeles, California. Among other things, he is currently helping to develop an online toolkit for the Bench-Bar Coalition.



Rupinder Nehil

Rupinder Nehil has been the receptionist of the Office of Governmental Affairs since joining the AOC in March 2006. Ms. Nehil's most recent employer before the Office of Governmental Affairs was the Public Health Institute where she was an administrative assistant. Prior to that, she worked as a production planner for Linear Technology in Milpitas and completed her Associate Degree in Liberal Arts from De Anza Community College in Cupertino. ■

News from the AOC

In addition to *The Capitol Connection*, the Administrative Office of the Courts publishes several publications reporting on various aspects of court business. Visit these online on the California Courts Web site at www.courtinfo.ca.gov

In an ongoing effort to provide information to the juvenile and family court community, The Center for Families, Children & the Courts publishes an annual academic journal that covers contemporary and important issues regarding children, families, and the interplay between these parties and the courts. See www.courtinfo.ca.gov/programs/cfcc/resources/publications/

