

# The Capitol Connection

A publication of the Judicial Council of California's Office of Governmental Affairs  
770 L Street, Suite 700 ♦ Sacramento CA 95814 ♦ 916-323-3121

Volume 2, Issue 1

January 28, 2000

## 2000-2001 Budget Released

Governor Gray Davis released his proposed 2000-2001 budget on January 10. The proposed budget includes an increase of \$13.5 million for the Supreme Court, Courts of Appeal, and Administrative Office of the Courts primarily to address staffing and workload issues, and over \$100 million in new trial court funding. The new funding for trial courts addresses workload growth, increased pay for judges, jurors, and interpreters, and provides funding for locally-negotiated salary increases. Chief Justice Ronald M. George expressed his support of the allocations to the courts in the Governor's budget: "These proposals will assist us in providing fair and accessible justice to the people of California. The proposed budget will help us achieve our goal of providing salaries sufficient to maintain excellence on the bench. The provisions addressing judicial, jury, and court interpreter compensation, and providing for additional judgeships, will enable the state's justice system to continue to improve service to the public."

The release of Governor Davis's budget on Jan. 10 is the first step in the annual process to enact a budget for the State of California. The budget proposal reflects the Governor's priorities, and sets in motion negotiations in the Legislature, where the budget undergoes revisions before it is signed by the Governor and enacted into law. Outlined below are the basic steps involved in the budget process, beginning with the release of the Governor's proposed budget.

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## Enhancing Bench-Bar Communications

In 1993, under the leadership of the California Association of Local Bars (CALB), a statewide Bench-Bar Coalition (BBC) was formed to enhance communication and to coordinate the activities of the judicial community with the state, local, and specialty bars on issues of common interest – particularly in the legislative arena. Securing adequate, dependable, and stable funding for the trial courts has been a primary focus for the BBC. BBC members include judges and state, local, and specialty bar leaders. CALB includes members of local bar associations.

The BBC is co-chaired by J. Anthony "Tony" Vittal, president of CALB and past-president of the Beverly Hills Bar Association and Mark I. Schickman, vice-president of CALB. Vittal leads regular conference-call meetings of the coalition to share information.

Others who routinely participate in the conference calls and activities are the president of the California Judges Association (currently Judge David J. Danielsen), a Judicial Council representative (currently Justice Carol A. Corrigan of the Court of Appeal, First Appellate District), the California State Bar president and executive officer (currently Andy Guilford and Jeff Gersick, respectively), and William C. Vickrey, the Administrative Director of the Courts.

In addition to regularly scheduled conference calls, the BBC meets twice a year in conjunction with CALB meetings. The statewide Bench-Bar Coalition also participates in a "Day in Sacramento" at least once a year. During the Day in Sacramento, small groups of judges and bar leaders meet with legislators to discuss issues of mutual interest. Judicial Council members are also invited to participate in this event. Approximately 45 to 50 individuals attend the Day in Sacramento activities, which are coordinated by the Office of Governmental Affairs.

Among the benefits derived from the coalition has been the development of strong working relationships and better communication between the judiciary and members of the bar. Subject areas of joint interest about which information has been shared by the judiciary include trial court funding, trial court

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unification, jury system improvement, child support enforcement reform, alternative dispute resolution, court technology, new judgeships, and judges' compensation. The bar has kept the coalition informed about the Commission on Equal Access to Justice and the State Bar member fee legislation. ❖

## Judicial Council and Senate Committee Hold Hearing on Right to Dependency Counsel

On December 8, 1999, the Judicial Council's Center for Children and the Courts and the Senate Select Committee on Juvenile Justice co-sponsored an informational hearing in Burbank entitled "The Right of Abused or Neglected Children to Legal Representation in Dependency Court." Senator Adam Schiff (D-Burbank) chaired the hearing. Judge Leonard P. Edwards of the Santa Clara County Superior Court and Michael Nash, Presiding Judge of the Los Angeles County Children's Court and co-chair of the Judicial Council's Family and Juvenile Law Advisory Committee, represented the council.

Five panels of experts in juvenile law made presentations at the hearing. The first panel provided an overview of the issue of appointment of independent representation for children in juvenile dependency cases. Jenny Walter, attorney with the Judicial Council's Center for Children and the Courts, traced the history of the issue of appointment of counsel for dependent children.

Judge Terry Friedman of the Los Angeles County Children's Court and Judge Arnold D. Rosenfield of Sonoma County Superior Court provided judicial perspectives on the issue. Both strongly supported independent legal representation for all children in dependency cases.

Other panels presented the perspectives of attorneys, Court Appointed Special Advocates (CASAs), and young people who had been dependent children of the courts. Nearly all of the presentations to the committee supported the idea that children should have the right to independent legal representation. Discussion centered on the role of the attorney, models for service delivery, and the costs of providing independent representation.

The hearing concluded with Senator Schiff, Judge Nash, and Judge Edwards emphasizing the need for the Legislature and the Judicial Council to continue exploring this critical issue of representation for abused and neglected children. ❖

## Chief Justice's Liaison Meetings

Chief Justice Ronald M. George and the Judicial Council's Office of Governmental Affairs have begun hosting their annual fall/winter liaison meetings with legal and court-related organizations. The liaison program is an integral part of the Office of Governmental Affairs' ongoing effort to maintain contact and work cooperatively with groups involved in the judicial and legislative systems.

The liaison meetings enhance communication and cooperation between the Judicial Council and its partners in the justice community. Information and ideas are exchanged on issues involving judicial procedures, court-related legislation, needs and problem areas in the courts, and future trends in the judicial branch.

Each year, Chief Justice Ronald M. George, Administrative Director of the Courts William C. Vickrey, members of the Judicial Council's Policy Coordination and Liaison Committee, and Office of Governmental Affairs and other AOC staff meet in the Chief Justice's chambers with a variety of court-related groups. Thus far, meetings have been held with the Attorney General and his staff, members of the California District Attorneys Association, the State Bar, the Criminal Defense Bar, and the California State Association of Counties. Meetings scheduled in February include the California Defense Counsel and the Consumer Attorneys of California.

The liaison meetings have had a very positive effect on our ability to work collaboratively with these groups in the legislative arena and will continue to be held annually. ❖

***See next month's issue of  
The Capitol Connection for  
information about the  
Chief Justice's upcoming  
State of the Judiciary address.***

### Step 1: Budget Bill Introduced

Once the Governor's budget proposal is released, it moves to the Legislature, where it is introduced in the Senate and the Assembly as identical bills. At that point, the Legislative Analyst's Office, which provides non-partisan fiscal and policy advice to the Legislature, prepares an extensive analysis of the Budget Bill. This analysis becomes the starting point for discussions in the Senate and Assembly.

### Step 2: Budget Hearings

Budget subcommittees in both houses begin hearings in the spring to review the proposals subject by subject. The subcommittees hear testimony on each item, and challenge, negotiate, and compromise before ultimately voting to recommend to the full Budget Committee to augment, reduce, or approve the request "as budgeted." After completion of the hearings, each subcommittee sends its report to the full Budget Committee.

### Step 3: May Revise

In mid-May, the Governor releases a revised budget proposal based on updated revenue projections.

### Step 4: Floor Votes

Starting in May, the budget committees of both houses consider the subcommittees' reports and after further review send their revised budget bill to the floor. Each house debates and votes on its version of the budget.

### Step 5: Conference Committee / Final Approval

After both houses have approved a budget, the differences between the Assembly and Senate versions must then be resolved by a joint conference committee made up of three members from each house. The Senate and Assembly each must vote on this final version of the budget before June 15. This version usually is very different from the Governor's initial proposal. A two-thirds vote in each house is required to send the budget bill to the Governor's desk.

### Step 6: Governor's Action

The Governor has until July 1, the start of the fiscal year, to sign or reduce the Budget Bill. The Governor has the discretion to "veto" individual budget items, known as the "line item veto." The bill becomes law as soon as it is signed by the Governor. ❖

## Lee Morhar Joins The Office Of Governmental Affairs

The Office of Governmental Affairs welcomes senior attorney Lee Morhar to its staff. Morhar, filling the position held until recently by Nini Redway, is responsible for advocacy in the areas of civil and family law.

Drawing upon nearly 20 years of legal experience in the public and private sector, Morhar began his career with the AOC in 1997. He made his mark working in the Council and Legal Services Division on the implementation of Assembly Bill 1058 (Speier), which established the child support commissioner and family law facilitator programs.

Prior to joining the AOC, Morhar was senior staff counsel at the California Department of Social Services for nearly five years. In this capacity, he provided legal support to the department's Office of Child Support. He also served as staff counsel to the Governor's Child Support Court Task Force and worked on legislation to implement the task force's recommendations and welfare reform.

Before his state service, Morhar was in private practice, specializing in civil matters. He was deputy district attorney and chief deputy district attorney in the Napa County District Attorney's Family Support Division. Morhar was also staff attorney and directing attorney for Napa County Legal Aid.

Morhar received his law degree from Hastings College of the Law in 1980. ❖

## CALIFORNIA STATE BUDGET TIMELINE

### January 10

- ✓ Governor releases budget proposal

### January – February

- ✓ Introduced in the Assembly and Senate as identical budget bills

### March – May

- ✓ Subcommittee Hearings

### May – June

- ✓ Each house votes on its version of the budget bill
- ✓ Differences are resolved by the Joint Conference Committee
- ✓ Governor releases "May revise"
  - ✓ Final version is voted on by both houses

June 15 – July 1

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# PROFILE

Bob Hertzberg

Speaker-Elect

California State Assembly

The California State Assembly has not only entered a new century and a new session, beginning in April, it will also be led by a new Speaker – Bob Hertzberg. Mr. Hertzberg was elected Speaker on January 24, 2000 by a voice vote, the first time in roughly 50 years that the Assembly has elected a leader unanimously. He will assume the role of Speaker on April 13, 2000.

Elected to his San Fernando Valley seat in 1996, Assemblymember Hertzberg was the first freshman named to chair the Committee on Public Safety, which considers hundreds of crime and law enforcement bills each session. Assembly Speaker Antonio Villaraigosa tapped Mr. Hertzberg in 1998 to serve on his leadership team as chair of the Assembly Rules Committee, a post that oversees the Assembly's day-to-day operations and assigns all legislation to the appropriate policy committee.

Mr. Hertzberg is a Magna Cum Laude graduate of the University of Redlands and Hastings College of Law. After specializing in constitutional law and briefing cases before the U.S. Supreme Court, he worked as a corporate and business attorney. He co-authored a book on real estate law and has been involved in residential and commercial development and mortgage brokerage.

*The Capitol Connection* caught up with Mr. Hertzberg to discuss the issues just days after his historic election as Speaker.

**CC:**

What are your aspirations, expectations and plans for your upcoming speakership?

**HERTZBERG:**

I am deeply humbled and honored to be chosen to lead this wonderful institution. It's an enormous challenge, and an enormous opportunity. As I told the members just after they elected me, I plan to use every bit of creativity and energy I can muster on behalf of the State Assembly.

As far as my plans are concerned, I will outline them more specifically when I am formally sworn in April 13. In the meantime, I will be working very hard to collaborate with the other members of the Assembly to develop a formal agenda. It's important to remember that legislative leadership – as opposed to executive leadership – is from the bottom up, not from the top

down. Each member of our house is a CEO in her or his own right.

I have outlined several personal priorities, which include addressing infrastructure and transportation issues, mental health, and better utilizing our community colleges – I like to call them the classrooms for the new economy.

**CC:**

You have cited the importance of revamping California's juvenile justice system. As former chair of the Public Safety Committee, what progress have you seen in this area and what further progress is needed?

**HERTZBERG:**

My focus in this area has been to advocate for early intervention and better coordination of services. While I chaired the Public Safety Committee, I authored legislation to encourage quick disposition of cases against non-violent, first time juvenile offenders. These minor offenses were taking months to come to court – and in the meantime, the youths involved would often get into far more serious trouble. We have seen those delays dramatically reduced in the counties that have embraced this concept. I believe that there is still more work to be done in this area to integrate social services with the juvenile justice system.

**CC:**

In the past, legislative leadership and the governor have participated in the budget process in various ways, e.g. the "Big 5" is more or less involved. What is your preference and expectation for conducting the budget process this year?

**HERTZBERG:**

My preference – and I believe it is the preference of most members – is to reach a consensus on the state budget through the established legislative process, with each house producing a budget and resolving any differences within the conference committee. We were able to pass last year's budget on time in large part because the work of the committees was so thorough, and the need for the "Big 5" was reduced. I believe that when we respect the legislative process, we produce a product that is debated more thoughtfully and which improves public confidence in the institution.

**CC:**

What structural and procedural changes to the legislative process do you see as helpful or necessary for you to achieve your goals as Speaker?

**HERTZBERG:**

There is a clear need for the legislative branch to increase its oversight of government. We must make sure that the laws we put on the books are achieving their intended results.

In addition, I plan to expand our liaison efforts with the federal government. A state as large and complex as California interacts with the federal government in thousands of ways. It is up to us to take a proactive approach, clearly articulating our needs to our representatives in Washington, D.C.

Finally, we should look internally as well, to be sure our own processes are sound and well-suited for this new century. For example, we should consider examining the number of committees and subcommittees to be sure that we are operating effectively. We should also take steps to use technology to allow citizens to have greater access and input to the legislative process.

**CC:**

You became "speaker-designate" three months before assuming the office. What implications do you see in that unprecedented process?

**HERTZBERG:**

I am very pleased that the members of the Assembly – on an unprecedented bipartisan basis – have endorsed the orderly leadership transition process that began Jan. 24. We have been very thoughtful about our objective to carry out the transition as seamlessly as possible. The timetable we have established allows for the change in leadership to take place without disrupting the work of the house. It also allows us to accomplish the transition before the state budget and key policy issues are finalized for the year.

**CC:**

What impact will term limits have on the speakership generally and on your speakership specifically?

**HERTZBERG:**

Term limits have had an enormous impact on the State Legislature. Our job, in my view, is not to criticize them, but to do our best to make our institution work in spite of them. When voters enacted term limits ten years ago, they did not impose limits on their expectations for government, or on the size and scope of the challenges facing California.

We have worked very hard to retool a number of our efforts for a term-limited environment. One area where we have made enormous strides is in training new members and staff. By creating a comprehensive, bipartisan training program, both members and legislative staff can 'hit the ground running' and come to their jobs with a better understanding about the procedures of the house.

I should add that there has been an upside to term limits as well. I believe that members are coming to the Assembly with a greater sense of urgency – they know that they have only a limited time to accomplish their goals. In addition, new members are coming to the Assembly with a broad range of life experience – from college professors to city council members to

psychologists. This wide range of backgrounds enriches our debates.

**CC:**

How involved will you be as speaker in judicial issues legislation?

**HERTZBERG:**

First and foremost, I consider myself a lawyer. I was raised as the son of a Constitutional lawyer, and I spent years working with him and in a wide variety of other legal arenas as well. I have a keen interest in judicial issues, and I will be working collaboratively with other members who share those interests. One particular area of concern for me is being sensitive during the legislative process to Constitutional issues raised by proposed legislation. While our judicial system is of course the ultimate arbiter of these questions, it is up to us as lawmakers to exercise our best judgment as the laws are being written. Nothing frustrates and confuses the public more than to see the Legislature enact statutes addressing a pressing problem, only to have those statutes quickly rendered inoperative because of a Constitutional defect. ❖

**THE CAPITOL CONNECTION**  
JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS  
OFFICE OF GOVERNMENTAL AFFAIRS  
770 L Street, Suite 700, Sacramento, CA 95814  
Phone (916) 323-3121 - Fax (916) 323-4347  
[WWW.COURTINFO.CA.GOV](http://WWW.COURTINFO.CA.GOV)

The Capitol Connection is a publication of the Judicial Council's Office of Governmental Affairs and is designed to inform judges and court personnel of current events in and around the California Legislature.

Editorial Board:  
Ray LeBov  
Kate Howard  
June Clark  
Whitnie Henderson  
Todd Spitzer

Contributors:  
Lee Morhar  
Sanna Singer  
Todd Spitzer  
Terrie Wilfong