



# THE CAPITOL CONNECTION

## INSIDE THIS ISSUE

<i>Legislative Review</i>	2
<i>Judicial Appointments</i>	5
<i>Ripped from the Headlines</i>	6
<i>Budget Update</i>	8

## LEGISLATIVE CALENDAR

Spring recess begins <i>April 10</i>
Legislature Reconvenes <i>April 21</i>

## CHIEF JUSTICE ADDRESSES THE LEGISLATURE



*Senate President pro Tem John Burton listens as Chief Justice Ronald M. George delivers the State of the Judiciary Address*

On Tuesday, March 25, Chief Justice Ronald M. George delivered the State of the Judiciary Address before a joint session of the Legislature. Touching on various issues facing the courts, the Chief Justice told the Legislature that “our overall goal is to keep California’s courts open not just physically, but also effectively — especially for those who are least able to help themselves and who must rely upon the courts.” Regarding the judiciary’s budget, the Chief Justice remarked “[the judicial branch] continues to look to our sister branches of government to ensure that the courts have the resources necessary to fulfill the obligations to the public imposed upon us under the federal and California constitutions.”

Following Chief Justice George’s State of the Judiciary Address, the Judicial Council hosted its annual Judicial-Legislative-Executive Forum. For nine years, the Forum has provided an excellent opportunity for members of the three branches to meet and discuss issues currently affecting the courts. Held this year in the State Capitol, over 175 people attended the event.

During the Forum, Constitutional officers, legislators, legislative staff and members and staff of the executive branch met with the Chief Justice and other members of the California Supreme Court, the Judicial Council, and staff of the Administrative Office of the Courts.

## COURT FACILITIES TOPS COUNCIL’S LEGISLATIVE PACKAGE

The Judicial Council is continuing its efforts to provide safe and sufficient trial court facilities. The council is sponsoring SB 655 (Escutia) which would place on the statewide ballot in 2004 a bond measure designed to finance the construction and renovation of trial court facilities. This measure follows last year’s SB 1732 (Escutia), the Trial Court Facilities Act of 2002, which provides for the transition of the responsibility for trial court facilities from the counties to the state.

Prospective jurors who ignore their summonses could be subject to monetary sanctions under another council-sponsored bill, AB 1180 (Harman). This bill would give judges the authority to impose monetary sanctions in lieu of initiating contempt proceedings following an order to show cause hearing. This bill passed the Assembly Judi-

ciary Committee on April 1.

Ensuring the effective supervision of Proposition 36 defendants is the goal of AB 1306 (Leno). This council-sponsored bill would give the sentencing judge in a Proposition 36 case the discretion to require the acceptance of jurisdiction by the county where a defendant resides. Currently, defendants may receive treatment in their county of residence, but remain under the judicial oversight of the county of conviction. This proposal will ensure that the court will be better able to perform its duty under Prop. 36 to supervise defendants and improve the likelihood that defendants will be successful in their substance abuse treatment programs.

*(Continued on page 2)*

## COUNCIL SPONSORED LEGISLATION

(Continued from page 1)

The council is also developing sponsored legislation that would grant presiding judges authority to suspend court operations in response to a public emergency, and also give the Chief Justice authority to declare the days when operations are suspended as court holidays for the purpose of calculating the time frames imposed by statutes of limitations.

The council is once again sponsoring legislation that will provide for the conversion of certain eligible subordinate judicial officer (SJO) positions once those positions become vacant. A measure seeking a similar result was sponsored by the council last year, but it failed to move beyond the Senate Judiciary Committee after passing the

Assembly.

This year's bill has been refined to address the concerns raised in the Legislature last year. Under the new bill, the Legislature will retain its authority in creating new judgeships by approving the list of specific eligible SJO positions. The conversion process is flexible in that it allows the conversion of any eligible, vacant SJO position.

The council is also sponsoring bills to improve the collection of delinquent court-ordered fines, and to make technical changes to legislation enacted in 2002, including the court facilities bill and a measure that provides for the employment of court interpreters by the trial courts.

## LEGISLATIVE REVIEW

The next deadline in the legislative process is May 2, the last day for policy committees to hear and report fiscal bills to the fiscal committees of the house in which the bills were introduced. May 9 is the last day for policy committees to hear and report non-fiscal bills to the floor. Committees have been holding hearings to meet these deadlines. Meanwhile, the Judicial Council, through its Policy Coordination and Liaison Committee, has been taking positions on a number of bills. Here is an update on bills of interest to the courts and the council's position, if applicable.

### COURT ADMINISTRATION

#### **AB 782 (Kehoe), as introduced. Trial court employees: employment relations**

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.

**Status:** Assembly Judiciary Committee

#### **SB 254 (Dunn), as introduced. Trial courts: court attendants**

Restricts the use of court attendants to taking charge of a jury.

**Status:** Senate Judiciary Committee

**JC Position:** Oppose unless amended

### CIVIL

#### **AB 102 (Pacheco), as introduced. Unfair competition law**

Places a number of restrictions on a private party wishing to bring an action under the Unfair competition law, including a requirement that the plaintiff suffer a distinct and palpable injury.

**Status:** Assembly Judiciary Committee

#### **AB 599 (Dutton), as introduced. Unfair competition: private enforcement**

Requires that the business practices targeted by lawsuits brought

under the Unfair Competition Law be both unlawful and unfair and that the plaintiff have a good faith belief that each named defendant had engaged in the alleged misconduct. AB 599 would also require the approval of the court prior to dismissal or compromise of an action.

**Status:** Assembly Judiciary Committee

#### **AB 754 (Bogh), as introduced. Unfair competition**

Requires that the alleged misconduct of businesses be a practice rather than an act and would define a "practice" as a pattern of conduct.

**Status:** Assembly Judiciary Committee

#### **SB 122 (Escutia), as introduced. Unfair competition: private enforcement actions**

Requires a plaintiff suing under the UCL to notify the district attorney of the action and to file proof of service of the notification with the court.

**Status:** Senate Judiciary Committee

#### **SB 889 (Johnson), as introduced. Unfair competition**

Prohibits the filing of actions against businesses having fewer than 50 employees unless the person bringing the action has sustained a distinct and palpable harm as result of the unfair act or practice that is the subject of the action.

**Status:** Senate Judiciary Committee

### CRIMINAL LAW

#### **AB 20 (Lieber), as introduced. Victims of crime: developmentally disabled victims**

States the Legislature's intent to guarantee that the rights of developmentally disabled victims of crime are vigorously protected and that developmentally disabled individuals who are called upon to testify in a court of law are given all of the rights afforded to minor children in the same situation.

**Status:** Assembly Public Safety Committee

(Continued on page 3)

# LEGISLATIVE REVIEW

(Continued from page 2)

**AB 74 (Mountjoy), as amended February 19, 2003. Police vehicle pursuit: punishment.**

Makes it a felony rather than a misdemeanor to intentionally evade, willfully flee, or otherwise attempt to evade a pursuing peace officer's vehicle if the peace officer vehicle is operated by a peace officer, distinctly marked, operating a siren, and operating flashing lights.

**Status:** Failed passage in Assembly Public Safety Committee

**AB 101 (LaSuer), as amended February 18, 2003. Restitution.**

Reorganizes and rewrites restitution provisions by deleting various disparate provisions and enacting a more comprehensive provision concerning restitution.

**Status:** Assembly Floor

**AB 135 (Reyes), as amended March 3, 2003. Homicide victims**

Makes it a felony to steal, take, or move the body of any person who has been the victim of a homicide into another country, state, or county, or into another part of the same county with the intent to conceal the body from law enforcement, or to prevent or obstruct the investigation or prosecution of any crime related to the homicide

**Status:** Assembly Appropriations Committee

**AB 155 (Kehoe), as amended March 5, 2003. Criminal procedure: good cause continuance.**

Provides that good cause for a continuance in a homicide or forcible sex crime case includes, but is not limited to, the temporary unavailability of requested forensic DNA analysis results and reports, when the DNA evidence at issue is pending analysis at a laboratory at the time a motion for continuance is made.

**Status:** Assembly Floor

**JC Position:** Oppose

**AB 865 (Matthews), as introduced. Criminal procedure: jury instructions**

Requires the court to instruct the jury, after the jury has been sworn and before the people's opening address, that the integrity of a trial requires that jurors conduct themselves as required by the court's instructions, and that accordingly, if any juror refuses to deliberate, or expresses an intention to disregard the law or to decide the case based on penalty, punishment, or any other improper basis, the other jurors shall immediately advise the court of that fact.

**Status:** Assembly Public Safety Committee

**JC Position:** No position

**AB 1273 (Nakanishi), as introduced. Criminal procedure: continuances**

Specifies that, for purposes of finding of good cause to continue any criminal hearing, the good cause requirement shall not apply to a prosecution or defense motion to continue a felony trial to a date not more than 60 days from the date of the defendant's arraignment on the information, or to a date not more than 10 days after a trial date set more than 60 days after that arraignment, as permitted with a defendant's consent or a prior finding of good cause. States that this exception to the requirement of a finding of good cause is intended to codify existing case law.

**Status:** Assembly Public Safety Committee

**SB 3 (Burton), as amended January 9, 2003. Death penalty: mental retardation**

In response to the U.S. Supreme Court's decision banning execution of a mentally retarded defendant (*Atkins v. Virginia*, 536 U.S. 304), establishes a process requiring a court to order a trial, prior to the adjudication of guilt, to determine whether a defendant is mentally retarded. Places the burden on the prosecution to prove beyond a reasonable doubt that the defendant is not mentally retarded.

**Status:** Senate Appropriations Committee

**SB 58 (Johnson), as amended March 20, 2003. Police reports: confidentiality**

Requires the court to seal a police report, arrest report, or investigative report, and any item attached to it, submitted to the court by a prosecutor in support of a criminal complaint, indictment, or information, or by a prosecutor or law enforcement officer in support of a search warrant or an arrest warrant. Permits these records to be inspected, upon request, after the clerk of the court redacts all personal identifying information.

**Status:** Senate Public Safety Committee

**SB 222 (Margett), as introduced. Juveniles: detention**

Requires that persons who are detained in or committed to county juvenile facilities and who attain 18 years of age prior to or during the period of detention or confinement be advised of their ability to petition the court for continued detention in a juvenile facility when he or she attains 18 years of age. Provides that persons who are detained in juvenile facilities and who have attained 18 years of age may come into or remain in contact with minors.

**Status:** Senate Public Safety Committee

**SB 599 (Perata), as amended March 28, 2003. Drug diversion: sealed records.**

Expresses the Legislature's intent to permit in appropriate circumstances the sealing of records of persons who successfully complete a diversion program and have had the controlled substance offenses dismissed.

**Status:** Not yet referred to committee

**SB 631 (McPherson), as amended March 26, 2003. Juvenile court records: restitution**

Requires a petition to seal juvenile records to include a statement disclosing any outstanding restitution obligation relating to the unlawful act that caused the records to be created. Requires a court, before granting a petition to seal juvenile records under this authority, to find that the statement indicates that there is no outstanding restitution obligation directly relating to, or arising from, the unlawful act that caused the records to be created. Provides that a closed civil case or satisfied restitution obligation relating to, or arising from, an unlawful act does not bar the court from sealing the records of a case.

**Status:** Senate Public Safety Committee

**SB 638 (Burton), as introduced. Criminal procedure: verdict form**

Provides that the general verdict upon a plea of not guilty is "guilty," "not guilty," or "not proven." Provides that a defendant

(Continued on page 4)

# LEGISLATIVE REVIEW

(Continued from page 3)

shall not be tried again for any offense for which a general verdict of "not proven" is rendered and that a general verdict of "not proven" shall have the same effect as an acquittal for purposes of double jeopardy, and would provide for the rendition of a verdict of "not guilty" or "not proven" where the jurors do not unanimously agree.

**Status:** Senate Public Safety Committee

## **SB 718 (Dunn), as introduced. Criminal procedure**

Requires a motion by a defendant in a criminal case to return property or suppress evidence to precisely identify the law enforcement or other governmental conduct that is challenged by the motion. Limits the evidentiary hearing concerning a motion alleging unlawful search or seizure to the law enforcement or other governmental conduct that has been precisely identified in the defendant's motion.

**Status:** Senate Public Safety Committee

**JC Position:** Support if amended

## **SB 877 (Hollingsworth), as introduced. Criminal procedure: discovery**

Permits the court, at any time, for good cause, to deny, restrict, or defer discovery or inspection of evidence, or to grant other appropriate relief. Provides that there is no obligation to comply with a discovery request for reproduction of contraband, as long as the prosecution makes the evidence reasonably available to the defense.

**Status:** Failed passage in Senate Public Safety Committee

**JC Position:** Oppose unless amended

## **JUDICIAL SERVICE**

### **AB 67 (Negrete McLeod), as introduced. Judges retirement**

Among other things, makes changes to judges' retirement. Allows members of Judges Retirement System II (JRS II) who have withdrawn accumulated contributions from this system to redeposit those contributions. Permits active and retired members of JRS and JRS II to purchase up to four years of service credit for active military service. Allows a surviving spouse of a judge who dies in office to receive payments to which he or she may be entitled under the Extended Service Incentive Program. Also, provides that a judge who is retired for disability may not receive a retirement allowance while he or she engages in work involving duties substantially similar to those that the judge was unable to perform due to their disability.

**Status:** Assembly Appropriations Committee

## **DOMESTIC VIOLENCE**

**AB 29 (Reyes), as amended March 24, 2003. Protective orders: copies to other parents.**

When petitioning the court for a protective order, requires any person who has custody of a minor, and who claims in the petition abuse or history of abuse against the minor or any other minor in the household to serve a copy of the order by mail, to 1) the other parent of the minor, unless the respondent; and 2) if the respondent has any minor child unrelated to the petitioner, the other parent of that minor. The petitioner must file proof of service within seven days after the hearing of this order.

**Status:** Assembly Judiciary Committee

## **FAMILY LAW**

### **AB 111 (Corbett), as amended February 27, 2003. Child custody: emotional abuse.**

In child custody proceedings, requires the court to consider unjustifiable mental suffering inflicted upon a child when determining the best interest of the child. Also revises the definition of unjustifiable mental suffering in the child abuse statutes in the Penal Code.

**Status:** Assembly Public Safety Committee

### **AB 1108 (Bermudez), as introduced. Child custody: drug testing**

Authorizes the court in a child custody proceeding to order a parent to undergo testing for "the illegal use of controlled substances or alcohol" if the court has determined, by a preponderance of evidence, that there is "the illegal use of controlled substances or alcohol."

**Status:** Assembly Judiciary Committee

### **SB 265 (Kuehl), as introduced. Child custody: domestic violence**

Changes the operation of the rebuttable presumption against custody to a person who has perpetrated domestic violence. Requires the court to consider specified factors to determine which party is the "dominant aggressor."

**Status:** Senate Judiciary Committee

## **JUVENILE**

### **SB 59 (Escutia), as amended March 18, 2003. Dependent children: appeals**

The bill's intent is to provide for expedited appellate review of disputed placement orders in juvenile dependency cases. The bill would establish a writ process for appellate review.

**Status:** Senate Appropriations Committee

**JC Position:** No position

## Status Chart of Pending Legislation

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

# JUDICIAL APPOINTMENTS

Following is a list of judicial appointments since November 2002. For prior appointments, please see the November 2002 edition of *The Capitol Connection*.

Court	Judge	Previous Position
Court of Appeal, Second Appellate District	Dennis M. Perluss, Presiding Justice	Associate Justice, Court of Appeal, Second Appellate District
Court of Appeal, Fourth Appellate District	Jeffrey King, Associate Justice	Judge, San Bernardino County Superior Court
	Cynthia G. Aaron, Associate Justice	U.S. Magistrate Judge, Southern District of California
	Raymond J. Ikola, Associate Justice	Judge, Orange County Superior Court
Court of Appeal, Sixth Appellate District	Conrad L. Rushing, Presiding Justice	Associate Justice, Court of Appeal, Sixth Appellate District
Alameda County Superior Court	Lawrence John Appel	Private Practice
Contra Costa County Superior Court	Jill C. Fannin	Mediator and Arbitrator
Los Angeles County Superior Court	Robert A. Schnider	Commissioner
	David Sotelo	Commissioner
	James R. Dabney	Deputy District Attorney
	Craig D. Karlan	Deputy District Attorney
	Kevin C. Brazile	Assistant County Counsel
	Michael P. Vicencia	Private Practice
	Robin Miller Sloan	Deputy Attorney General
	Lisa Mangay Chung	Deputy District Attorney
	Donna Fields Goldstein	Private Practice
	Nancy L. Newman	Private Practice
Orange County Superior Court	Thomas M. Goethals	Private Practice
Sacramento County Superior Court	Shelleyanne W.L. Chang	Chief Deputy Legal Affairs Secretary, Governor's Office
	Michael P. Kenny	Executive Officer, California Air Resources Board
	John P. Winn	Chief Counsel, Board of Prison Terms
San Diego County Superior Court	Kerry Wells	Deputy District Attorney
	Lisa A. Foster	Private Practice
	Stephanie Sontag	Private Practice
	Aaron H. Katz	Private Practice
San Francisco County Superior Court	Mary C. Morgan	Mediator and Arbitrator
San Mateo County Superior Court	Joseph C. Scott	Private Practice
Santa Clara County Superior Court	Patricia M. Lucas	Private Practice
Ventura County Superior Court	William Q. Liebmann	Commissioner

## RIPPED FROM THE HEADLINES

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

### **"Initiative In Works To Ease Budget Vote"** *Sacramento Bee* (March 13, 2003)

Leading unions and advocacy groups have taken the first step toward qualifying a ballot initiative that would reduce from two-thirds to 55 percent the voting threshold California lawmakers need to pass a state budget or raise taxes.

Applied to the current makeup of the Legislature, the measure targeted for the March 2004 presidential primary would allow Democrats to pass budgets and raise taxes at will -- without Republican support.

The measure also would suspend lawmakers' pay and living expenses for each day they are late approving a budget, and require a budget reserve in years in which state revenues exceed current service levels.

According to proponents, California, Rhode Island and Arkansas are the only states that require a vote of two-thirds or more of the legislature to pass a budget. A two-thirds vote also is needed for tax increases.

### **"State Bar Guns for Trevor Trio"** *The Recorder* (March 14, 2003)

Completing the largest investigation in its history, the State Bar on Thursday moved to disbar three attorneys who are at the center of a political debate over whether to reform California's unfair competition law.

Investigators will ask a judge to suspend the three attorneys April 7, when the case is scheduled for an initial State Bar Court hearing. The lawyers face several charges, including moral turpitude, fraud, malicious prosecution and bringing action with intent to harm.

Bar investigator John Noonan said the attorneys lied in settlement letters and used "coercive" techniques to get defendants -- many of them minority entrepreneurs -- to settle.

The Bar's action is the latest development in the reform push taking shape in Sacramento. Although big business-backed tort reformers have previously tried to change the unfair competition law, this year they've pointed to the practices of Trevor lawyers as exhibit No. 1 in their case against 17200.

But the tort reformers' use of the Trevor cases could backfire.

Two weeks ago, Attorney General Bill Lockyer thrust himself into the debate when he filed a 17200 suit against Trevor. Plaintiffs attorneys opposed to reform point out that if the State Bar and the AG can deal with 17200 abusers, why have a legislative fix at all?

### **"Creating Special Places for Kids in Courthouses"** *Los Angeles Times* (March 14, 2003)

The halls outside Los Angeles Family Court were once flooded with children, lining the marble walls and floors like Third World refugees: restless, unhappy, hungry and wishing they were someplace else.

Now, kids have a comfortable, safe and entertaining alternative -- a supervised waiting room that opened earlier this month in the Los

Angeles County Courthouse on Hill Street downtown.

It's a free service for parents who need to bring along their children while resolving issues in Family Court, which heard 107,000 cases last year.

"You can't ignore the fact that people need to bring their children with them, and we have to accommodate them," said Family Law Supervising Judge Aviva K. Bobb.

Over the last four years, the second floor of the courthouse on Hill Street has evolved into a one-stop family law shop.

Litigants can file cases, visit the family law information center, get free legal assistance, attend a domestic violence clinic, or get counseling and assistance on child support, spousal support or health insurance issues in family law matters.

A \$2 increase in civil and family law filing fees sustains the child-care facility.

Courts in the state's 58 counties have been encouraged to provide such facilities in older courthouses, and each courthouse built after 1986 is required to provide them. Statewide, there are 40 such waiting rooms operating in 14 counties, according to the Judicial Council of California.

### **"Bill Would Reform Juvenile Parole"** *Daily Journal* (March 14, 2003)

A bill that would enact reforms to the juvenile parole process in California cleared a Senate committee on Thursday and is on a fast track to be passed by the Legislature and signed into law by Gov. Gray Davis.

Among its changes, SB459 would increase the role of the courts in juvenile cases because, according to the bill's author, more intelligent oversight is needed.

"We have found that the [Youthful Offender Parole Board] acted, in my opinion, in a stupid manner," Senate President Pro Tem John Burton, D-San Francisco, told the Senate Public Safety Committee, which passed his bill 5-0.

Burton's current bill continues the powerful senator's efforts to change the way the state's juvenile parole board does business.

Last year, a bill introduced by Burton proposed eliminating the Youthful Offender Parole Board altogether and shifting its functions to juvenile court judges and probation officers. Davis vetoed that bill, SB1793.

Because Burton included half the parole board's funding for this fiscal year in the vetoed bill, the board has been operating without money since January.

Burton's current bill is a compromise measure negotiated with the governor's office.

Burton's bill would include requiring the youth authority to provide judges with recommended treatment plans for the wards and specific time frames in which those programs would be completed.

### **"Davis Vetoes Inmate Early-Release Bill"** *Sacramento Bee* (March 19, 2003) (Continued on page 7)

# RIPPED FROM THE HEADLINES

(Continued from page 6)

Gov. Gray Davis has rejected legislation closing the state budget gap by \$70 million next year through the early release of thousands of prisoners.

The governor announced his veto Tuesday just before enacting billions of dollars in hard-won budget cuts agreed to by the same Democratic leaders who sought the early-release measure.

"While I appreciate the Legislature's earnest efforts to reduce expenditures, I cannot support this measure," Davis wrote in a brief letter informing lawmakers of his veto of SB 15X.

Davis did not detail his concerns in the veto message, but he has long said he does not favor early release of prisoners. Additionally, the governor faced pressure from Republicans and some Democrats who feared the bill would trigger the early release of violent as well as nonviolent offenders.

**"Davis Cuts, Shifts Funds"** *Los Angeles Times* (March 19, 2003)

Gray Davis signed into law on Tuesday a \$3.3-billion package of program reductions and fund shifts that will affect several government services over the next four months, hitting education hardest.

The bill package represents the first significant patch that lawmakers have been able to make in a budget hole estimated to be as large as \$35 billion through spring 2004. Davis called the cuts a down payment on balancing the budget, and stressed that many more difficult reductions will have to be made in coming months.

The cuts he signed Tuesday include a \$2.3-billion reduction in education spending. Lawmakers targeted education first because it accounts for nearly half the state budget, and if funding is not reduced before summer, they will be forced to raise education spending substantially next year.

Republicans said that the reductions are far too little, and that lawmakers are way behind where they should be in bringing California into the black.

Democrats, however, say the actions set the stage for several more billion dollars in reductions next year, by changing funding formulas and suspending certain programs indefinitely.

The governor had called on legislators to produce nearly double the amount of current-year reductions that were in the bills that landed on his desk last week. But many Democrats said the cuts proposed by the governor were simply too hard on the poor. They also refused to make more cuts while Republicans continue to oppose any tax increases.

**"A High Price For Delay On Budget"** *Los Angeles Times* (March 20, 2003)

The political gridlock that has kept the California Legislature from reaching agreement with Gov. Gray Davis on budget actions is exacting a heavy cost, according to an internal government report: \$1.3 billion so far, and the price tag is growing.

Since January, when Davis offered his plan to plug a budget gap of up to \$35 billion over the next 16 months, the nonpartisan legislative analyst's office has found that some savings opportunities have come and gone, and that options are continuing to narrow.

"This just means the reductions that will have to be made in the

Vice Chairman John Campbell (R-Irvine), said Wednesday. He had requested the report. "The potential for a negotiated settlement between Republicans and Democrats will be more difficult every day we delay."

**"Davis Shaking Up State's Judgeships - Gays, Women, Other Minorities Tapped For Bench"** *San Francisco Chronicle* (March 21, 2003)

After four years in office, Gov. Gray Davis has begun to reshape the state's judiciary, appointing a greater percentage of women and minorities than any other governor in California.

"It reflects a very definite effort to broaden the base to more closely reflect California's population," said Chief Justice Ronald George. He called the governor's appointments excellent.

Davis generally has received strong reviews as he attempts to put his imprint on the judiciary, often a governor's most lasting legacy.

But as he begins his second term in office, he faces two formidable challenges in shaping the third branch of government -- a limited pool of minority lawyers to choose from and his own apparent reluctance to soften his law-and-order image.

Burt Pines, Davis' judicial appointments secretary, defended the governor's slim number of criminal defense lawyers.

"The test for us is whether they have a commitment for public safety," he said. "We're not interested in appointing people to the bench that have an agenda or are on the far left or the far right."

So far, most of Davis' appointments have been Democrats and, on the civil side, they come from a variety of backgrounds -- personal injury lawyers, solo practitioners, legal aid lawyers, insurance defense attorneys and even a law professor.

"One doesn't need political connections to get this appointment," Pines said.

**"High Court Hands Legal Aid Groups A Big Victory"** *American Lawyer Media* (March 27, 2003)

The Supreme Court on Wednesday rescued IOLTA programs from a vigorous constitutional attack, ruling 5-4 that states may pool clients' escrow funds in bank accounts and give the interest to legal aid programs.

The ruling was a major victory for legal aid organizations in all 50 states, which depend heavily on Interest on Lawyers' Trust Accounts. Last year, IOLTA programs, usually administered by state courts, generated more than \$200 million for such programs, making them second only to the Legal Services Corp. as a funding source.

"We're pleased that this critical funding source will remain intact, said Texas Supreme Court Justice Harriet O'Neill in a statement. "IOLTA funding allows the poorest Texans access to basic legal services, services that are desperately needed to protect women and children from domestic violence and to provide legal assistance to the elderly who have nowhere else to turn."

In California, legal aid organizations got \$8.3 million through IOLTA last year, according to State Bar spokesman *San Francisco Chronicle* (page 8)



Judicial Council of California  
Administrative Office of the Courts  
Office of Governmental Affairs

770 "L" Street, Suite 700  
Sacramento, CA 95814  
Telephone 916-323-3121  
Fax 916-323-4347  
TDD 800-735-2929

**Editorial Board**

Martin Riley, Editor-in-Chief  
Kourtney Burdick  
June Clark  
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**Story Manager**

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**Contributors**

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Yvette Trevino  
916-323-3121,  
yvette.trevino@jud.ca.gov

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## BUDGET UPDATE

On March 18, the Governor signed a midyear budget reduction bill that will result in additional reductions in the state budget totaling \$3.2 billion. As anticipated, the reductions in the judicial branch included \$8.5 million for the judiciary and \$36 million for the trial courts.

In other budget news, the Senate Budget Committee met on March 25 and 26 to hear the budget proposal put forward by the Republican caucus. Numerous departments testified to the impact an additional 10 percent reduction would mean to services provided in areas such as education, health, social services, and natural resources. The judicial branch participated in the hearing with William C. Vickrey, Administrative Director of the Courts, describing the impacts that will likely fall hardest on the civil and family law departments. The committee took no actions.

On April 2, the Assembly Budget Subcommittee 4 heard testimony regarding the Governor's proposed judicial branch budget but no action was taken.

## RIPPED FROM THE HEADLINES

*(Continued from page 7)*

Bernacki. This year, due to a reduction in interest rates, the amount dropped to \$7.5 million.

Bernacki called the Supreme Court ruling "a great victory for IOLTA."

"The court has vindicated our view that lawyers and their clients lose nothing as a result of IOLTA," he said. "The decision means people in need will continue to receive help when they have nowhere else to turn."

**"Judge Hurls Trevor Group Suit, Fines Lawyers" *Daily Journal* (April 1, 2003)**

A judge Friday threw out a lawsuit brought by Trevor Law Group against thousands of Southland automotive-repair shops, and ordered the Beverly Hills firm, which is under investigation by the State Bar, to pay \$500,000 in attorney fees and costs to their opponents.

Los Angeles Superior Court Judge Carl West ruled that the firm's unfair competition action against the shops was merely a rehash of minor violations, such as failing to keep written records or to provide written estimates, posted on the Bureau of Automotive Repair's Web site.

"We're very, very pleased that Judge West has dismissed the actions," Encino attorney Jonathan Gabriel, who represents 55 defendants, said. "We appreciate the fact that he made a conservative ruling that could not be subject to attack on appeal."

Trevor Law Group has come under scrutiny by legislators, the attorney general, the Los Angeles district attorney's office and the State Bar for filing thousands of lawsuits under Business & Professions Code Section 17200, the unfair-competition law, against mostly small immigrant-owned businesses, including nail salons and restaurants.

Critics say the firm practices legal extortion by filing the suits over minor regulatory violations, then pressuring hapless business owners to hand over cash settlements.

## News from the AOC

In addition to *The Capitol Connection*, the Administrative Office of the Courts publishes several newsletters reporting on various aspects of court business. Visit these online on the California Courts Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov). To subscribe to these newsletters, contact [PUBINFO@jud.ca.gov](mailto:PUBINFO@jud.ca.gov).

**CFCC Update:** Reports on developments in juvenile and family law, including innovative programs, case law summaries from the AOC's Center for Families, Children and the Courts; grants and resources, and updates on legislation and rules and forms. Published three times a year. See [www.courtinfo.ca.gov/programs/cfcc/resources/publications/newsletter.htm](http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/newsletter.htm).

**Court News:** Award-winning bimonthly newsmagazine for court leaders reporting on developments in court administration statewide. Indexed from 2000 at [www.courtinfo.ca.gov/courtnews](http://www.courtinfo.ca.gov/courtnews).