

The Capitol Connection

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Good News in Governor's Revised Budget

On Monday, May 15, the Governor released his revised budget based on updated revenue projections. Highlights of the judicial branch budget revisions for 2000-01 Fiscal Year include:

- An augmentation to increase judicial salaries by 8.5%, up from the 5% originally proposed in the January budget.
- \$750,000 to support a pilot project to audit ten trial courts focusing primarily on county/state transition expenditures; and
- \$34.4 million for technology to fund new case management systems (\$21 million), critical software licenses and the replacement of outdated equipment (\$7.4 million), and technology planning for the trial courts (\$6.0 million).

Other provisions include augmentations to:

- fund ongoing costs of negotiated salary increases finalized by the trial courts for trial court employees (\$37.5 million/budget year);
- fund a three-year mediation pilot project in the Los Angeles trial courts (\$506,000);
- fund increased costs for existing services that counties provide to the courts (\$8.6 million); and
- fund increased caseload and representation costs of juvenile dependency representation (\$5.7 million).

All of the items noted above were approved on May 18 and 19 in the Senate and Assembly budget subcommittee hearings on the Judicial Council's budget.

Bills, bills, and more bills...

As we move through the legislative session *The Capitol Connection* will regularly profile a selection of bills that affect the judiciary.

AB 1669 (Judiciary Committee) – Civil Procedure (Slated for inclusion in this omnibus bill.)

- Oaths, Affirmations, and Declarations. Modernizes a statute governing the administration of oaths and affirmations by repealing outdated references and adding provisions that are modeled on the Federal Rules of Evidence.
- Discovery: When Time for Completion Falls on a Weekend or Holiday. Clarifies the deadline for completing discovery or hearing motions concerning discovery when the nominal deadline falls on a weekend or holiday.
- 1999 Mediation Pilot Program: Statement of Nonagreement and Definition of General Civil Case. Clarifies the definition of a general civil case and the legislative intent of the mediation pilot program.
- Complex Litigation: Technical Amendments. Conforms statutory references in the Code of Civil Procedure to the appropriate council definition of "complex litigation."

JC Position: Sponsored

Status: Senate Judiciary Committee

AB 2911 (Judiciary Committee) – Judges Retirement

Allows judges to participate in the supplemental savings program offered to other state employees; extends the reciprocity provision to eligible JRS II judges, which allows a JRS II judge to have retirement benefits computed based on the judge's final salary if he or she retires concurrently from JRS and CalPERS.

JC Position: Sponsored

Status: Assembly Floor

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AB 2912 (Judiciary Committee) – Alternative Dispute Resolution: Changes to Court’s Reference Authority

Revises the court’s authority to make discovery and other referrals. **JC Position:** Sponsored
Status: In Senate

SB 1533 (Costa) – Trial Court Funding

Makes necessary technical changes to bring existing statutes into conformity with Trial Court Funding Act of 1997. **JC Position:** Sponsored
Status: Assembly Judiciary Committee

SB 2140 (Burton) – Court Employees

Spot bill for trial court employment system. Co-sponsored with labor organizations and the California State Association of Counties.

JC Position: Sponsored

Status: Senate Appropriations Committee

SB 2160 (Schiff) – Representation of Dependent Children

Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel. Requires the appointment of a court-appointed special advocate if counsel is not appointed.

JC Position: Sponsored

Status: Senate Floor

CRIMINAL LAW AND PROCEDURE

AB 1897 (Davis) – Identity theft: remedies

Grants a person who reasonably believes he or she is a victim of identity theft the right to file a police report to that effect. The victim could then use that report to petition the court for a judicial determination of innocence if another has used their personal identifying information to commit a crime. **JC Position:** Support if amended to provide that jurisdiction would be where the conviction occurred.

Status: Assembly Floor

DOMESTIC VIOLENCE

AB 2589 (Cardenas) – Domestic violence: interpreters

Requires the appointment of a certified court interpreter in any domestic violence-related court proceeding, including mediation. Includes both interpreters for the deaf and spoken language interpreters. Requires the interpreter services to be paid by the state. Requires court interpreters to receive ongoing training in domestic violence

issues. Also requires the appointment of a certified court interpreter for any consultation with child protective services, law enforcement, housing advocate, legal advocate, or therapist.

JC Position: Oppose unless amended and funded; support if amended and funded.

Status: Passed Assembly Appropriations Committee with no funding.

SB 1340 (Solis) – Domestic violence courts

Establishes a domestic violence task force responsible for drafting model guidelines for the operation of domestic violence courts. States the Legislature’s intent to fund these domestic violence courts in the amount of \$10 million.

JC Position: Support if amended.

Status: Passed Senate Appropriations Committee with no funding

FAMILY LAW

SB 2124 (Figueroa) – Child custody: mediation

Prohibits a mediator from making a recommendation to the court regarding child custody when the parties in mediation do not reach agreement. **JC Position:** No position, but seek amendments to address the need to plan for, fund, and acquire staff to modify existing court procedures and to add new functions in courts that now rely on mediator recommendations in contested child custody matters.

Status: In Assembly

JURIES

AB 2406 (Migden) – Jurors: attorney examination

Provides that after completion of an initial examination by the court of prospective jurors in criminal cases, each party shall have the right to examine any or all prospective jurors. Provides that the court may, in the exercise of its discretion, limit the oral and direct questioning by counsel, and may specify the maximum amount of time that each party may question an individual juror, or may specify an aggregate amount of time for each party, which can then be allocated among the prospective jurors by counsel. Requires the Judicial Council to develop guidelines establishing presumptive limits on time allotted for attorney voir dire. **JC Position:** Support if amended.

Status: Senate Public Safety Committee

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JUVENILE DEPENDENCY

AB 1987 (Steinberg) – Dependent children: siblings

Requires the juvenile court and social workers to give greater weight to considerations of placing dependent children who have siblings in the dependency system together with their siblings. Requires the juvenile court, when ordering that a child be removed from the custody of a parent and at subsequent hearings, to consider whether there are other siblings under the jurisdiction of the juvenile court. If there are siblings, the court must then consider the nature of the relationship between the siblings and the appropriateness of maintaining sibling relationships. **JC Position:** Support

Status: In Senate

AB 2315 (Mazzoni) – Children of incarcerated parents

Requires the court in some instances, to inquire of incarcerated parents at the time of sentencing if there is an appropriate arrangement for child care. If there is not, the court would be authorized to refer the matter for assessment, review, and appropriate disposition. Also requires the Secretary of the Health and Human Services Agency and the Secretary of the Adult and Youth Correctional Agency to convene the Advisory Committee on the Children of Incarcerated Parents. **JC Position:** Support if amended to eliminate all but the provisions convening the study group and the advisory committee.

Status: Assembly Floor

SB 1391 (Schiff) – Juvenile court hearings

Provides that hearings involving a child who has been or may be declared a dependent of the juvenile court be open to the public, unless the court finds on the record that admitting the public would seriously harm the child's best interest.

JC Position: Support

Status: Senate Floor

PROBATE AND MENTAL HEALTH

SB 1769 (Chesbro) – Mental health courts

Requires that in awarding grants relating to programs for mentally ill inmates, the Board of Corrections give preference to crime reduction grant proposals that establish or implement mental health courts. Defines mental health

courts as court programs that involve increased cooperation between the criminal justice and mental health systems and improve access for mentally ill offenders to necessary services and support. Mental health courts would provide a single point of contact where a defendant with a mental disability may receive court-ordered treatment and support services in connection with diversion from prosecution, a sentencing alternative, or a term of probation. **JC Position:** Support in concept.

Status: Senate Floor

MISCELLANEOUS

AB 2353 (Honda) – California Indian Tribal Justice Act of 2000

Requires the Judicial Council to establish the California Tribal Justice Support Services Unit (CTJSSU) to be administered by the Administrative Office of the Courts to provide technical training and assistance to tribes developing their justice systems. Additionally, the council would be required to appoint an advisory committee to the CTJSSU. **JC Position:** Support.

Status: Assembly Floor

AB 2404 (Papan) – Appellate opinions

Requires that all final opinions of the Supreme Court, Courts of Appeal and appellate divisions of the superior courts be made available for publication, in full, by private publishers. Privately published opinions under the bill would constitute precedent under the doctrine of stare decisis the same as officially published opinions. **JC Position:** Oppose.

Status: Failed passage in Assembly Judiciary Committee

See next month's issue of
The Capitol Connection
for information on submitting
ideas for the Judicial
Council's
2001-2002 sponsored
legislation program.

PROFILE

Judicial Council's Policy Coordination and Liaison Committee Members

The Policy Coordination and Liaison Committee acts as the Judicial Council's liaison with other governmental entities, the bar, the media, the judiciary, and the public. With the help of staff recommendations and input from the council advisory committees, the PCLC adopts positions on pending legislation on behalf of the council, and makes recommendations to the council on proposals for council-sponsored legislation. The diverse backgrounds, perspectives, and experiences of the PCLC members combine to form a committee rich in knowledge and insight into issues surrounding the administration of justice. *The Capitol Connection* presents the eight members of the PCLC.

Hon. Marvin R. Baxter, Chair

Justice Marvin Baxter has served as an associate justice of the Supreme Court since 1991 and has been chair of the Judicial Council's Policy Coordination and Liaison Committee since 1996. Before being elevated to the Supreme Court, Justice Baxter served for two years as a justice on the 5th District Court of Appeal in his hometown of Fresno, California. He was appointed to the court of appeal by former Governor George Deukmejian, for whom Baxter had served as Appointments Secretary, the Governor's principal advisor on all gubernatorial appointments made to the executive and judicial branches of government. In this capacity, Baxter assisted in the appointment of more than 700 judges. Justice Baxter feels that this experience helped prepare him for the unique challenges he faces as chair of the PCLC: "The Governor's senior staff met daily to discuss critical issues and to arrive at consensus recommendations for their resolution. The PCLC, armed with staff and advisory committee evaluations, performs a similar function." Previously, Justice Baxter worked for 14 years in private practice and served as deputy district attorney in Fresno. He also served on the Board of Directors for the Fresno

County Bar Association from 1977 through 1982, and as its president in 1981.

Hon. Paul Boland, Vice-Chair

Judge Boland has served as judge of the Los Angeles Superior Court since 1981, and has sat in civil, criminal, family, and juvenile law assignments. During his tenure on the bench, he served as the first supervising judge of the dependency court, supervising judge of the Eastlake Juvenile Delinquency Court, and presiding judge of the Juvenile Court. He also served as a Justice Pro Tem on the 2nd District Court of Appeal. In addition to his judicial responsibilities, Judge Boland was president of the California Judges Association from 1995 to 1996, and is currently a member of the California Commission on Access to Justice. Judge Boland is proud to act as vice-chair of the PCLC, the strength of which, he feels, lies in the diversity of its members: "In formulating their views, the committee draws upon an impressive diversity of judicial, legal, administrative, governmental, leadership, and business experiences. The wealth of knowledge that informs the committee perspective is truly extraordinary. This knowledge, guided by the thoughtful analyses prepared by Office of Governmental Affairs staff, enables the PCLC to make policy decisions in line with the clear set of principles and precedents set forth by the Judicial Council." Before joining the bench, Judge Boland worked as a staff attorney at the Western Center on Law and Poverty. He joined the UCLA faculty in 1970, where he co-founded the Clinical Legal Education Program, and for 11 years served as Associate Dean and Professor of Law.

Hon. Carol Corrigan

Justice Corrigan was appointed to the First District Court of Appeal in 1994, having previously served both as a superior court judge in Alameda County, and as an Oakland municipal court judge. Prior to her appointment to the bench in 1987, she worked in the Alameda District Attorney's Office for a total of twelve years. Justice Corrigan feels that her trial experience, both as an attorney and a judge, has helped prepare her for her role as a member of the PCLC: "My experience as a trial lawyer and trial judge have given me some insight into how legislation plays out in the courtroom. I hope that my 'courtroom

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perspective' is useful to the committee in terms of evaluating how different legislation or policies might actually work in the courts." Throughout her career, Justice Corrigan has been actively involved in the legal community. She is currently the chair of the Judicial Council Task Force on Jury Instruction. Previously, she served on the Commission on the Future of California's Courts (1991-1994), the Governing Board of the Center for Judicial Education and Research (1994-1997), the President's Commission on Organized Crime (1983-1986), and as consultant to the President's Task Force on Victims of Violent Crime (1982). Corrigan has also served as a member of the faculty at Boalt Hall School of Law, the National Institute for Trial Advocacy, Hastings College of the Law, and the University of San Francisco College of Law.

Hon. J. Richard Couzens

Judge Couzens has served as a superior court judge in Placer County for over twenty years. He previously served on the Auburn and Lincoln justice courts. Judge Couzens believes that as a judge he brings a "frontline" perspective to the committee. "My experience on the bench has been particularly helpful in preparing me for membership on the PCLC, because it allows me to comment in the context of the 'real world' of the judiciary. And as a judge from one of the smaller counties, I've been fortunate enough to adjudicate matters spanning a wide range of issues. I feel that my perspective as a 'generalist' in this sense enables me to contribute to the committee in a positive way." Judge Couzens was involved with the establishment of the peer court in Placer County, and helped develop an interdisciplinary system called SMART – Special Multi-discipline Assessment and Referral Team – to address juvenile justice problems. Before being appointed to the bench, Judge Couzens worked in private practice and also at the District Attorney's Office in Placer County. He is currently a member of the Juvenile Court Judges of California and the Cow Counties Association, and formerly served on Judicial Council's Advisory Committee on Delay Reduction in Criminal Cases.

Hon. David John Danielsen

In 1995, Judge Danielsen was appointed to the San Diego Superior Court, where he had previously served as a municipal court judge for

five years. Judge Danielsen has an extensive civil law background. Before his appointment to the bench, he spent thirteen years in private practice, specializing in civil trials and insurance-defense work. Judge Danielsen is currently president of the California Judges Association, of which he has been a member since 1990. Judge Danielsen feels that he plays a special role on the committee as the representative of the CJA, but he tempers that role with what makes sense for all parties involved in PCLC decision making. "Rather than having a statewide or government level perspective, the CJA represents individual, local court judges. As president of the CJA, I have a unique role on the PCLC representing an organization that acts as the voice of individual judges throughout the state. However, I feel that as a committee, it is most important that we work together to make the best policy decisions for everyone involved in spite of the fact that we each have different perspectives." Judge Danielsen is also a member of the American Board of Trial Advocates, the San Diego Judges Association, and the San Diego Bar Association, of which he was vice-president in 1988.

Hon. Leonard P. Edwards

Judge Edwards has served Santa Clara County since July of 1980 as both a municipal and superior court judge. Judge Edwards has extensive experience with family and juvenile law, having served as both the supervising judge of the family court division and presiding judge of the juvenile court. He was the presiding judge of the superior court in 1993. Judge Edwards was involved with a number of judicial policy-making organizations and committees before becoming a member of the PCLC. He feels that these experiences have helped prepare him for his involvement with the PCLC, of which he is very proud to be a member: "I've written widely on issues related to legislation, and served on local, state, and national policy making bodies. I'm especially delighted to work on this committee which, on behalf of the Judicial Council, makes important decisions about policy issues facing California's courts." Before being appointed to the bench, Judge Edwards worked in private practice for five years, specializing in juvenile and criminal law. Previous to that, he worked for the Santa Clara County Public

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Defender. Judge Edwards has been an active member of many legal organizations including the California Chapter of the Association of Family and Conciliation Courts, the National Council of Juvenile and Family Court Judges, and the Juvenile Court Judges of California, of which he was the founder and Chairperson from 1988 to 1995. He has also taught at the University of Santa Clara Law School, Stanford University Law School, the California Judicial College, and the University of Bergen in Norway. Judge Edwards was recently named Santa Clara County's first "Champion of Peace" in recognition of his efforts in the battle against domestic violence.

Mr. Sheldon H. Sloan

Mr. Sloan is a private attorney at Lewis, D'Amato, Brisbois, and Bisgard in Los Angeles. He served as president of the Los Angeles County Bar Association in 1996-1997. Mr. Sloan acts on the committee as the representative of the State Bar; however, he believes that the first priority of each of the PCLC members is the best interest of the judicial branch as a whole: "While it is true that I am an elected member of the State Bar, I believe that each member of the Judicial Council owes his or her allegiance to the State of California's justice system, first and foremost. As a State Bar member, I am concerned about what effect any action taken by the PCLC, on behalf of the Judicial Council, might have upon the bar. However, membership on the Judicial Council and the PCLC is a constitutional office, and regardless of the capacity in which each member is elected or appointed to that office, we have the same obligation do what is best for the Judicial Council and the administration of justice." From 1982 to 1990, Sloan served as Chair of U.S. Senator Pete Wilson's Judiciary Advisory Committee. He also continued on that committee two more years under Senator John Seymour (R-California). In the early 1970's, Sloan served as a Los Angeles municipal court judge for three years. A self-described "justice junkie," Sloan has had extensive involvement in bench and bar issues.

Mr. Frederick "Fritz" Ohlrich

Mr. Ohlrich was recently appointed Clerk/Administrator of the California Supreme Court after having served as Court Administrator for the Los Angeles Municipal Court for the past five years. Mr. Ohlrich has extensive court

administration experience. He served as the Assistant Court Administrator for the Los Angeles Municipal Court from 1983 to 1995, the Court Administrator for the Newhall Municipal Court from 1976 to 1983, and the Assistant Executive Officer for Ventura County Municipal Court from 1974 to 1976. Mr. Ohlrich feels that his professional background enables him to speak from the administrative perspective on issues coming before the PCLC: "My 26 years of court administration experience, first in the trial courts and now at the appellate level, gives me an opportunity to look at issues in an administrative context. My perspective helps me discern what kind of impact the administration of certain legislative policies might have on the courts." Mr. Ohlrich has been actively involved in numerous organizations devoted to improving the administration of justice both at that state and national level. He has served on the California Judicial Education and Research Governing Board, as faculty for the National Center for State Courts, and was president of the California Court Clerk's Association from 1984 to 1985.

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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.

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