



THE CAPITOL CONNECTION

INSIDE THIS ISSUE:

<i>ACA 1 Working Group</i>	1
<i>Governor's Budget Revise</i>	1
<i>Grabbing the e-Gavel</i>	2
<i>Committee on Privacy</i>	3
<i>From the Headlines</i>	4
<i>New Legislators</i>	5
<i>The Ought to be a law</i>	6

LEGISLATIVE
CALENDAR:

- Summer Recess Begins*
July 20
- Legislature Reconvenes*
August 20
- Last Day of Session*
September 14
- Last Day for Governor to Sign or Veto*
October 14

ACA 1 WORKING GROUP FORMED

Chief Justice Ronald M. George appointed a working group to examine Assembly Member Joe Nation's (D-San Rafael) proposed constitutional amendment, which would eliminate contested elections to fill judicial office vacancies in superior courts and create retention elections for superior court judges. The constitutional amendment would provide that when there is a vacancy, either because a judge leaves office prior to the end of the term or because the judge chooses not to serve the succeeding term, the Governor will appoint someone to fill the vacancy. At the next general election, the appointee's name will appear on the ballot and the electorate will determine whether the judge should be retained.

Justice Roger W. Boren, Court of Appeal, Second Appellate District, chairs the working group. The working group's charge is to review the proposed constitutional amendment, identify the factors and concerns that gave rise to it, assess the responses to

those factors and concerns provided in ACA 1, and identify and evaluate alternative means of addressing them. The Judicial Council's working group on ACA 1 will publish its report in early June. The Assembly Judiciary Committee will have a hearing on ACA 1 on July 3rd.

(See Spotlight on Page 4)

Chief honored...



Court of Appeal Justice Richard D. Huffman (left) and Supreme Court Justice Marvin R. Baxter (right) present resolutions from the Judicial Council and the state Legislature to Chief Justice Ronald M. George (center) in honor of his fifth year in office.

GOVERNOR RELEASES REVISED BUDGET

Governor Davis released his revised budget for FY 2001-02 on May 14, 2001. The "May Revise" represents adjustments to the budget submitted to the Legislature in January based on updated revenue and spending projections. As expected, the realities of an unresolved energy crisis and a sluggish state economy have resulted in significant cuts throughout the spending plan. Funding for the judicial branch, as itemized in the Governor's Budget released in January, was left largely intact.

The release of the Governor's revised budget sets the stage for further hearings and negotiations in both houses of the Legislature. Any disagreements between the two houses on the budget will be referred to a conference committee to resolve.

The lone judicial branch reduction in the revised budget was the elimination of a proposed increase of \$5 mil-

(Continued on page 2)

GOVERNOR RELEASES REVISED BUDGET

(Continued from page 1)

lion to the Equal Access Fund to provide attorneys for non-represented indigent litigants. Base funding of \$10 million was retained.

In addition, the Trial Court Trust Fund was augmented by nearly \$9 million to address pay equity adjustments made necessary because of trial court unification (\$4 million) and to address negotiated salary increases for law enforcement personnel who provide security or the trial courts (\$4.9 million).



Governor Davis released his revised budget for FY 2001-02 on May 14, 2001.

While the revised budget did result in augmentations to some components of the judicial branch's budget, a number of branch proposals are not included in the Governor's spending plan. Questions that remain open involve issues related to staff and judicial compensation, new judgeships, court interpreters' daily rate of pay, and specific technology funding affecting infrastructure and asset management systems.

Augmentations in the revised budget include:

- \$1.5 million to establish a statewide financial system for the trial courts within the Judicial Council.
- \$1.5 million to create two regional offices of the Administrative Office of the Courts.
- \$1 million to the Judicial Council to provide ongoing facilities management assistance to the trial courts.
- \$178,000 to the Habeas Corpus Resource Center to address revised rent costs for the Center.

Good Connections

The 20 most-wired urban areas:

	City	Pts out of 40
1	San Jose, CA	33.3
2	San Francisco, CA	32.5
3	Austin, TX	29.1
4	Washington, DC	28.1
5	Orange County, CA	26.6
6	Las Vegas, NV	26.0
7	Oxnard-Ventura, CA	25.7
8	Raleigh-Durham, NC	24.9
9	Seattle, WA	24.6
10	Middlesex, NJ	24.4
11	New York, NY	24.3
12	Boston, MA	24.2
13	San Diego, CA	24.2
14	Oakland, CA	23.5
15	Atlanta, GA	22.9
16	Phoenix, AZ	22.9
17	Dallas, TX	22.9
18	Los Angeles, CA	22.3
19	Minneapolis, MN	22.3
20	Bergen-Passaic, NJ	21.8

Source: Yahoo!
Internet Life magazine

GRABBING THE e-GAVEL IN MICHIGAN

Michigan is trying to build a cyber-court. This new form of tribunal would feature specially trained judges interacting electronically with lawyers and witnesses. While judges, chosen by the state Supreme Court for three-year terms, would most likely sit in the courtroom, all relevant parties to a suit could participate online.

State Representative Marc Shulman, who introduced the legislation to establish the cybercourt, says that it would provide "an opportunity to take the branch of government that is most notoriously slow to change and bring it up to speed" of the 21st century. Shulman puts the cost of retrofitting an existing courtroom to han-

dle e-trials at about \$250,000, based on an experimental model at the College of William and Mary in Virginia.

The state sees the cybercourt, which was suggested by Governor John Engler in his State of the State address in January, as an incentive to lure high-tech companies to the state. Critics of the project argue that the cybercourt might give the impression of judicially favoring certain types of businesses, and some question how matters such as jurisdiction and handling of evidence will be sorted out.

If approved by the Legislature, the project could be implemented by next year.

Source: Governing Magazine

SENATE CREATES NEW COMMITTEE ON PRIVACY

In response to heightened concerns regarding the importance of privacy in the 21st century, State Senate President pro Tempore John Burton has created a new standing committee to help protect the privacy of Californians' personal information. The new Senate Committee on Privacy, the first legislative committee in the country dedicated to privacy issues, is chaired by long-time privacy advocate, Senator Steve Peace (D-El Cajon).

"Personal privacy is the civil rights issue of the new millennium. Protecting our identity in the information age is a daunting task, and the Legislature must take proactive steps to keep our private information out of the wrong hands. A standing committee dedicated to privacy protection demonstrates the Legislature's commitment to the protection of personal information," Peace stated upon his appointment.

"With the new privacy bills the Legislature adopted last year, it is safe to say Californians have some of the most effective laws in the nation protecting their personal information, but technological advances, the growing number of businesses that keep consumer records, aggressive marketing techniques, government collection and distribution of personal information, and criminal innovations have combined to leave many Californians feeling that their privacy may be more threatened than ever

before," Senator Peace commented. The Senate Privacy Committee will review all bills before the Legislature dealing with privacy, personal privacy protection, and other issues where the personal information of individuals may be compromised. According to Committee Chief Consultant Dana Mitchell, 30 bills have already been referred to the Privacy Committee, which

has secondary, concurrent jurisdiction with other Senate policy committees. Ms. Mitchell explained that the Privacy Committee will only schedule hearings on individual bills that raise issues or concerns that are inconsistent with existing policies established by the Senate through prior actions on privacy legislation.

The committee has held three informational hearings to date. In March, the Privacy Committee conducted a hearing entitled "Confidentiality of Medical Arbitration Agreements: Should Medical Records be Public?" In April, the committee examined practices of the San Diego Public Defender's Office involving the collection of information about local law enforcement officers for use in cases where such officers may testify in trial proceedings. And in May, the committee conducted a hearing on the subject of red light cameras.

For more information about the Senate Privacy Committee, contact their office at (916) 323-2068.

"Personal privacy is the civil rights issue of the new millennium."

-Senator Steve Peace (D-El Cajon)

From the archives...



Hailed as "the grandest and noblest edifice that has ever been planned and contemplated in this valley," Fresno's courthouse could barely keep up with the county's booming population.

The Capitol Connection is on the Web!

Looking for a past issue of the Capitol Connection? Find it online! The Capitol Connection is available on the Internet at www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm.



RIPPED FROM THE HEADLINES...

“Ripped from the Headlines” highlights recent news stories of interest including headlines and a lead paragraph, without Capitol Connection editorial comment.

“Committee approves bill exempting drug possession from Three Strikes” *Sacramento Bee* (April 25, 2001)

Citing the voter’s wishes in approving Prop. 36 last fall, the Public Safety Committee voted 4-2 for a bill that would exempt felony drug possession convictions from the popular Three Strikes law.

“Issue of red-light cameras heats up” *Sacramento Bee* (April 26, 2001)

The chairman of the state Senate’s Privacy Committee lashed out against red-light cameras Wednesday, likening the technology to the “classic Southern sheriff who sets up the speed trap.”

The cameras are used by police throughout the country to nab drivers who run red lights. www.capitolalert.com/news/old/capalert03_20010426.html

“New Rules Let Nursing Moms Delay Jury Duty” *Daily Journal* (April 30, 2001)

Here’s the lesson for the state’s court officials: Don’t mess with breast-feeding mothers.

After two young nursing mothers recounted tales of cold-hearted judges and jury commissioners forcing the, into jury service or threatening them with contempt citations, the Legislature passed a law last summer exempting breast-feeding moms from jury duty. Rules to implement that measure were formally adopted for the court system Friday by the state Judicial Council at a meeting in San Francisco.

“Whose Mind Is It Anyway?” *LA Times* (May 4, 2001)

Next week brings new debate in the California state Legislature over how to solve an old problem: What to do about adult members of our communities who suffer from debilitating psychiatric illnesses such as schizophrenia but who refuse to accept treatment until they deteriorate to the point of requiring involuntary hospitalization or commit a crime and get arrested.

Assemblywoman Helen Thomson (D-Davis) is sponsoring legislation, AB 1421, that would authorize court-mandated treatment in the community, a legal policy adopted in most other states. www.latimes.com/health/news/20010504/t000037497.html

“Convicts ignoring chance at DNA test” *Contra Costa Times* (May 7, 2001)

California’s prison inmates aren’t lining up for state-funded

DNA tests being offered under new legislation designed to help free wrongly convicted felons. Just 26 of the state’s 160,655 prisoners have sought testing to prove their innocence since the law took effect Jan. 1, according to the California Attorney General’s Office. To date, none of those requests for post-conviction DNA examinations have been approved — although many still await a judge’s ruling.

Spotlight on the ACA 1 Working Group

(see story on page 1)

Chair

Hon. Roger Boren, Second District Court of Appeal

Membership

Hon. Paul Boland, LA County Superior Court

Hon. Richard Couzens, Placer County Superior Court

Hon. Terry Friedman, LA County Superior Court

Hon. William Harrison, Solano County Superior Court

Hon. Judith McConnell, San Diego County Superior Court

Hon. Vernon Nakahara, Alameda County Superior Court

Hon. Joanne Parrilli, First District Court of Appeal

Hon. Rise Jones Pichon, Santa Clara County Superior Court

Hon. Teresa Sanchez-Gordon, LA County Superior Court

Hon. Brian Walsh, Santa Clara County Superior Court

For more information on ACA 1, contact June Clark, 916-323-3121, e-mail: june.clark@jud.ca.gov or Alex Ponce de Leon, 916-323-3121, e-mail: alex.ponce.de.leon@jud.ca.gov.

“Both Sides Welcome Wider Prop 21 Review” *Daily Journal* (May 7, 2001)

The California Supreme Court’s unusual, unsolicited move last week to expand its review of Proposition 21, the juvenile justice ballot initiative, has been well-received by attorneys on both sides of the issue.

In a brief order issued after their weekly closed-door conference, the justices indicated that rather than focus narrowly on the issue, as they had decided the week before, they will instead consider several constitutional questions surrounding the ballot measure enacted by voters in March 2000.

“Bill Would Limit Summary Judgments” *Daily Journal* (May 17, 2001)

Trial lawyers are making significant progress with a bill that would make it harder for defendants to get summary judgments and easier for plaintiffs to appeal them.

On Tuesday, the Senate Judiciary Committee approved, by a 5-2 vote, a measure by chairwoman Sen. Martha Escutia, D-Whittier, that was cast along political party lines, with Democrats supporting it.

The plaintiffs bar group Consumer Attorneys of California contend SB 476 would restore the summary judgment law to the way it was before 1993 when the law was amended to more closely resemble the standards under the Federal Rules of Civil Procedure.

“State Worker Pay Hopes Fall with Economy” *The Sacramento Bee* (May 18, 2001)

In the not-so-distant past, the unions representing more than 150,000 state employees were optimistic about the prospect of pay raises this year.

That was before the energy crisis reared its head and steadfastly refused to go away. That was also before the bottom fell out of the stock market and consequently the state budget. In a revised

(Continued on page 5)

RIPPED FROM THE HEADLINES...

(Continued from page 4)

spending plan released this week, Gov. Gray Davis was forced to address a \$4.2 billion shortfall.

“Politicians try to stay plugged in: Fear that the power crisis will short-circuit their jobs pushes leaders to foster an active image” *The Sacramento Bee* (May 18, 2001)

Rising unemployment is one of the many dire predictions spawned by the state's worsening energy crisis.

Among those worried about losing their jobs: California politicians.

Fearing for their hides, state leaders are moving forcefully into the energy fray, hoping both to fend off irritated voters and emerge from their typically low-profile posts.

"We're seeing among a range of officeholders on the Democratic and Republican side that they want to be seen as being out front of this issue," said Mark Baldassare, a senior fellow at the Public Policy Institute of California. "As they go through this re-election year coming up, they don't want to be accused by people who are competing for office of not doing anything."

Since January, legislators have introduced at least 211 energy-related bills.

http://www.capitolalert.com/news/capalert03_20010518.html

“Battle Lines are Drawn as Redistricting Begins” *San Diego Union Tribune* (May 21, 2001)

Redistricting may seem an arcane exercise in cartography, but it inevitably turns into political hand-to-hand combat. The decen-

nial battle over redistricting typically involves legislators wrangling behind closed doors for months. Allies become enemies. The minority party wails that it is being done in by a greedy majority. Citizens groups complain their interests are being ignored. And, more often than not, everybody winds up in court.

This year, California legislative committees are at least beginning the work of reconfiguring districts amid uplifting talk of openness, compromise and conciliation. Academic observers of past redistricting wars dismiss such talk as unrealistic. www.signonsandiego.com/news/uniontrib/mon/news/news_1n21remap.html

“Bill Would Make Possession of Marijuana an Infraction” *Daily Journal* (May 22, 2001)

Possession of an ounce or less of marijuana would be reclassified from a misdemeanor to an infraction under a judicially supported bill now moving through the Legislature.

The measure, SB 791, would not lessen the penalty for such an offense. The maximum punishment would remain a \$100 fine without the possibility of jail time. But its advocates say it would save time and money for the courts by eliminating a defendant's right to a jury trial. It would also take away the right to counsel in such cases.

TWO NEW ASSEMBLY MEMBERS SWORN IN

In the last month two new members have been sworn in to the California Assembly. Elected in special elections, Republican Russ Bogh and Democrat Judy Chu were recently sworn in to fill vacant seats.

A little more than a year after losing the primary for the 65th Assembly District, Russ Bogh (R-Inland Empire) took the seat in a special election on April 3rd. Bogh, 31, a manager in his family's construction business, was sworn in as the district's new assemblyman soon after winning the special election.

The 65th Assembly District seat was vacated by Republican Jan Leja, who was elected November 7 but gave up the seat before she was sworn in. She stepped down as part of a deal with prosecutors and later pleaded guilty to two misdemeanor counts

of falsifying campaign documents.

Judy Chu (D-Los Angeles) was elected to the California Assembly on May 15th. Prior to her election to the Assembly Chu had won elections to the city council of Monterey Park in 1988, 1992 and 1997 with the highest number of votes. Judy Chu began her political career on the board of education of the Garvey School District in 1985.

Dr. Chu, who has a Ph.D. in clinical psychology, is a faculty member in the psychology department at East Los Angeles College.

The 49th Assembly District was vacated by Gloria Romero who won a seat to the state Senate in a special election in March.



Judy Chu



Russ Bogh



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THERE OUGHT TO BE A LAW!

Each year, the Judicial Council sponsors several bills that focus on enhancing the administration of justice and improving court administration in California. This year, the council's sponsored bills address a wide range of topics, including civil procedure, use of credit cards for fees and fines, juvenile traffic, judicial compensation, ethical standards for arbitrators, and more.

The process for developing sponsored legislation begins far in advance of any bill being introduced in the Legislature. Proposals for 2002 Judicial Council-sponsored legislation are now under consideration by several council advisory committees. Staff to the committees, in consultation with the Office of Governmental Affairs, prepare an analysis of each legislative proposal that details: 1. need for the bill; 2. specifics of the proposed change; 3. whether the change can be made by rule

rather than statute; 4. why the Judicial Council is the appropriate sponsor; 5. cost and workload effect; 6. likely support or opposition from other interested groups; and 7. political factors associated with the proposal

In the Fall, the council's Policy Coordination and Liaison Committee reviews the proposals for sponsored legislation and makes recommendations

to the full council, which takes action on sponsored legislation proposals late in the calendar year. If you have suggestions for sponsored legislation for 2002, please notify Office of Governmental Affairs staff quickly, so that the proposal can be timely forwarded to the appropriate advisory committee. Send your ideas to kathleen.howard@jud.ca.gov.

From the archives...



Del Norte County's Historic Courthouse. Local historians say that it was here in the 1930s and 1940s that the unsuccessful movement to create the State of Jefferson, with a local judge as its first governor, was organized.

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People interested in subscribing can contact Yvette Trevino, 916-323-3121, e-mail: yvette.trevino@jud.ca.gov.

Status Chart of Pending Legislation

Looking for Judicial Council positions on legislation? The Office of Governmental Affairs prepares 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 your own copy of the status chart visit us on the web at <http://www.courtinfo.ca.gov/courtadmin/aoc/oga.htm>.

In the next issue of *The Capitol Connection*...



- **EXCLUSIVE:** Interview with Senator Bruce McPherson
- News from Sacramento
- Update on Judicial Council Legislation
- Update on Judicial Appointments