



THE CAPITOL CONNECTION

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LEGISLATIVE
CALENDAR:

<i>Summer Recess Begins</i> July 20
<i>Legislature Reconvenes</i> August 20
<i>Last Day of Session</i> September 14
<i>Last Day for Governor to Sign or Veto</i> October 14

EXCLUSIVE: INTERVIEW WITH BRUCE MCPHERSON



Senator Bruce McPherson (R-Santa Cruz) was first elected to the California Legislature in 1993. Senator McPherson was named chairman of the Senate Public Safety Committee in November, 2000. He recently spoke with the

Capitol Connection about his role.

Capitol Connection: Thank you for taking time for this interview and sharing your thoughts with us.

McPherson: This is one of the strange things about this business that I'm in now -- being on the other side of the desk and answering questions. Having been in the newspaper business for 26 years and being editor and a writer for ten years, I'm more used to asking the questions. The table is turned, literally, but I'm delighted to have the chance to speak with you.

CC: What is it like being one of the few Republican chairs of a committee in a Democratically controlled Legislature?

McPherson: Things didn't change operationally very much because the staff of the committee is the same. And, obviously, nothing

has changed in the way I've voted, since I've always approached that important responsibility focused on voting my conscience and in line with the needs of my district and the best interest of all Californians. I assume [Senate President pro tempore] John Burton assigned me to chair this position in the first place because he thought I'd take a balanced approach, as I always have.

Certainly, I thought about whether to accept the chairmanship -- but not for very long -- because I really wanted to accept the challenge of having a leadership role in addressing the often controversial and vitally important public safety issues in our state.

CC: Do your fellow Republicans have different expectations of you since taking this assignment?

McPherson: No. They know this is my 8th year in the Legislature and I'm not going to change after seven. They know my stance on some of the more controversial issues, which really are relatively few. I always work to be open and honest on issues where I might split with my caucus. I'm not here to put on a show or be confrontational. That's not my style of thinking. I think one of the best things I did upon

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LEGISLATURE MEETS ON BUDGET

The Governor's revised budget has been heard in both houses of the Legislature and is working its way back to the Governor's desk. The California Constitution requires the Legislature to pass the budget by June 15 and the Governor to sign the budget by June 30 but these deadlines are not always complied with.

The judicial branch's budget was, in very large part, approved by both houses without any changes. One change of note involves the Equal Access Fund. The Governor's revised budget in May included the elimination of a pro-

posed increase of \$5 million to the Fund which provides attorneys for non-represented indigent litigants. Both the Senate and Assembly acted to restore this amount.

Both houses decided to defer action on additional funding of appellate court facilities projects in Fresno and Santa Ana until next year.

Because the Senate and the Assembly act independently, there are numerous differences between the two

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LEGISLATURE MEETS ON BUDGET

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versions of the budget. To address these differences, a conference committee consisting of two Democrats and one Republican from each house meets and takes action to adopt one version over the other, or a compromised version, of each budget item where there is disagreement. This year's conference committee is chaired by Assemblymember Tony Cardenas (D) and includes Assemblymembers Migden (D) and Runner (R), and Senators Peace (D), O'Connell (D), and Ackerman (R). The committee has met periodically since June 4.

The only significant judicial branch item pending in the conference committee is funding in for a dedicated truancy court

in Los Angeles. This item was not in the Governor's budget, but was proposed to be added to the budget by members of a Senate budget subcommittee. This

proposed funding is tied to AB 1536, which would establish the legal and operating authority for the proposed truancy court.

Unlike the budget subcommittee hearings conducted separately by each house, the various state entities affected by the conference committee's decisions do not testify at that committee's session. Rather, the committee considers information, including compromise proposals, provided by State

Department of Finance and the Legislative Analyst's

From the archives...



Sacramento's three-story granite-and-marble county center was "built to last forever" but was abandoned in 1965 for a more modern facility and demolished in 1970.

LEGISLATIVE REVIEW

As the Legislature prepares for its July 20th summer recess, the deadline for bills to be passed out of their house of origin has passed. During the legislative session, The Capitol Connection regularly profiles a selection of bills that affect the judiciary.

CIVIL AND SMALL CLAIMS

AB 36 (Steinberg) – Confidentiality of settlement agreements

Provides that, in an action based upon bodily injury or wrongful death allegedly caused by a defective product or environmental hazard, specified information contained in settlement agreements and confidentiality agreements not filed with the court, and specified information acquired through discovery, may not be kept confidential pursuant to an agreement of the parties or by court order, if that information would be beneficial in protecting the public from a defective product or environmental hazard. Permits this information to be kept confidential for a period of time pursuant to a court order based upon specified findings.

Status: Senate Rules Committee

SB 110 (Ackerman) – Small claims court

Authorizes the filing or maintenance of a claim in small claims court by an assignee of a claim under \$825 provided the assignee reduces the claim by 10 percent and pays a special filing fee. Allows defendants to transfer such cases to the superior court. Provides that an action brought in small claims court by an individual acting in his or her individual capacity would have an automatic calendar preference. Limits the number of claims to five per day or a lesser number to be determined by the Judicial Council or by local rule of court. Allows local courts to completely opt-out of the program.

JC Position: Neutral

Status: Assembly Judiciary Committee

CRIMINAL LAW

AB 1304 (Rod Pacheco) – Criminal procedure: motions to suppress: appeal

Specifies that if a defendant in a misdemeanor case appeals denial of his or her suppression motion, the trial court has discretion to grant a stay of the trial pending disposition of the appeal.

Status: Senate Public Safety Committee – Hearing set 6/26/01

SB 83 (Burton) – Forensic testing: post-conviction

Specifies that if a hearing is held on a motion for DNA testing and the person was convicted by entry of a plea of guilty or nolo contendere, then the judge who accepted the plea will generally decide the motion. Requires the court to appoint counsel to prepare the person's motion for DNA testing and to represent the person in related proceedings if the person is indigent and requests the assistance of counsel.

Status: Assembly Public Safety Committee

SB 177 (Haynes) – Property seizures

Provides that, for property seizures where there are not specific procedures for having the property returned, the property shall be returned within a maximum of 30 days from the date the case concludes. Provides that the individual or entity from whom the evidence is seized shall be advised of their right to request a hearing to determine whether or not the property is contraband that is subject to forfeiture.

(Continued from page 2)

JC Position: Oppose unless amended

Status: In Assembly – Awaiting committee assignment

(Continued on page 3)

LEGISLATIVE REVIEW

(Continued from page 2)

SB 791 (McPherson) – Marijuana: penalties

Reclassifies as an infraction the possession of 28.5 grams or less of marijuana, punishable by a fine not to exceed \$100.

JC Position: Support

Status: Assembly Public Safety Committee

DOMESTIC VIOLENCE

AB 160 (Bates) – Domestic violence: protective orders

Specifies that the criminal restraining order or protective order has precedence over any civil court order.

JC Position: Oppose unless amended; Neutral if amended.

Status: Senate Rules Committee

SB 66 (Kuehl) – Domestic violence: protective orders

Requires the court, when considering issuance of a protective order, to cause a search of specified records and data bases to determine if the proposed subject of the order has any specified prior criminal convictions or outstanding warrants, is on parole or probation, or is or was the subject of other protective or restraining orders.

JC Position: Oppose unless amended and funded.

Status: Assembly Judiciary Committee

SB 1221 (Romero) – Spousal support: domestic violence

Provides that in any proceeding for dissolution of marriage brought within 2 years before or after a criminal conviction for an act of domestic violence perpetrated by one spouse against the other spouse, there shall be a rebuttable presumption affecting the burden of proof that any award of temporary or permanent spousal support to the abusive

spouse otherwise awardable pursuant to the standards of the provisions governing the award of spousal support should be reduced by at least 20%. Authorizes the court to consider a convicted spouse's history as a victim of domestic violence as a condition for rebutting the presumption.

JC Position: Oppose unless amended.

Status: Assembly Judiciary Committee – Hearing date 6/12/01

FAMILY LAW

SB 78 (Kuehl) – Premarital agreements

Sets forth specified findings that the court is required to make in order to find that a premarital agreement was executed voluntarily.

Status: Assembly Judiciary Committee – Hearing date 6/12/01

JUDGES

AB 1099 (Havice) – JRS II prior service credit

Permits a judge to elect to make contributions and receive service credit for the time in which the judge served as a court commissioner.

Status: Senate Public Employment and Retirement Committee

ACA 1 (Nation) – Judicial elections

Eliminates elections to fill vacancies, providing instead that the Governor shall fill judicial vacancies. Provides that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected.

JC Position: Oppose

Status: Assembly Judiciary Committee

JURIES

SB 303 (Torlakson) – Jury service exemption: peace officer

Adds the San Francisco Bay Area Rapid Transit District police to the list of peace officers exempt from both civil and criminal jury duty.

JC Position: Oppose

Status: Assembly Judiciary Committee – Set for June 19, 2001

TRAFFIC

AB 546 (Cohn) – Traffic violation school

Requires the Department of Motor Vehicles on or before January 1, 2003, to adopt regulations for the licensing of home study traffic violator schools.

Authorizes any home study traffic violator school approved by a court pursuant to specified existing law as of January 1, 2002, to continue to operate for a period of 12 months following the effective date of those regulations.

Status: Senate Committee on Transportation

SB 255 (Speier) – Vehicles: children unattended: fine

Among other things, it makes it an infraction, punishable by a fine of \$100, for the parent, legal guardian, or other person responsible for a child who is 6 years or younger to leave that child in-

side a vehicle, without being subject to the supervision of a person who is 12 years or older, and where there are conditions that present a significant risk to the child's health and safety or when the vehicles' engine is running or the vehicle's keys are in the ignition, or both. Specifically authorizes the court to reduce or waive the fine if the defendant is economically disadvantaged.

Status: In Assembly – Awaiting committee assignment

SB 1157 (Knight) – Traffic violator schools

Among other things, allows a court to order any person convicted of a traffic violation to complete a course of traffic safety instruction at either a licensed traffic violator school or a home study.

Status: Senate Appropriations Committee

TRIAL COURT FUNDING

AB 145 (Pacheco) – Credit cards

Authorizes credit card payments for the deposit of bail for any offense not declared to be a felony or for any court-ordered fee or fine.



The William R. Ridgeway Family Relations Courthouse is the newest addition to the Sacramento Superior Court. This facility is dedicated to handling Dissolutions, Probate matters, and Juvenile Dependency cases.

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LEGISLATIVE REVIEW

(Continued from page 3)

JC Position: Sponsored

Status: Senate Local Government Committee – Hearing date 6/20/01

AB 223 (Frommer) – Evidence: discovery

Authorizes the clerk of the court to issue a commission authorizing the deposition in another state or place. The commission would be issued to any party in any action pending in its venue without a noticed motion or court order. Requires the Judicial Council to develop and approve official form interrogatories and requests for admission for use in any other civil action in a state court as the Judicial Council deems appropriate.

JC Position: Sponsored

Status: Senate Judiciary Committee – Hearing date 6/26/01

AB 1700 (Assembly Judiciary Committee) – Courts

Judicial Council sponsored bill amends portions of the Civil

Code, Code of Civil Procedures, government Code, Penal Code, and Welfare and Institutions Code to make changes to the organizational and financial arrangements between the Judicial Council, trial courts, counties and other state agencies.

JC Position: Sponsored

Status: Senate Judiciary Committee

SB 805 (McPherson) – Court reporters: depositions

Excludes from recordings of a deposition available to parties any nonstenographic technology used by a deposition officer as well as any data recorded by means of nonstenographic technology. Limits the use of nonstenographic recordings of testing to the assistance of the deposition officer in creating a deposition transcript and would require the destruction of the recording upon completion of the deposition transcript unless ordered otherwise by the court.

Status: Assembly Judiciary Committee

From the archives...



Los Angeles' first building to be built as a courthouse was considered at the time to be one of the West's finest examples of Romanesque architecture. Damage sustained in the 1933 earthquake made the building unsafe, and it was demolished in 1936.

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>.

RIPPED FROM THE HEADLINES...

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

“Bar Wins in Battle Over Smoking Ban” *The Los Angeles Times* (June 2, 2001)

A judge this week ruled in favor of an Orange County tavern that is fighting California’s ban on smoking in bars, marking the latest of several defeats for local prosecutors attempting to enforce the 3-year-old law.

The latest case marks the second time that an Orange County judge has found the law unconstitutional. Several other bars accused of violating the smoking ban have been acquitted.

Other judges have consistently upheld the constitutionality of the law. But attorneys and legal experts said the wide range of rulings makes it important for a higher court to clarify the issue.

Karl Manheim, a constitutional law expert and Loyola Law School professor, said it is not unusual for trial court judges to disagree on the constitutionality of state laws. However, he said he doubted the law would be overturned on appeal.

“Oftentimes, the lower-court judges seem to think they’re more powerful and knowledgeable than the Legislature,” Manheim said. “The higher up you go in the appellate system, the more reserved the judges get.”

“More Judges Answering Call for Jury Duty” *The Los Angeles Times* (June 3, 2001)

With three times as many prospective jurors being called, Los Angeles courts are granting fewer exemptions from service. Not even judges can escape anymore. James A. Bascue, presiding judge of Los Angeles County Superior Court, in January ended what were once common exemptions for judges.

Under state law, judges are not exempt from jury duty. But they, like other professionals, had been granted “hardship” exemptions.

While the pros and cons are debated in judges’ lunchrooms around the county, one of the most vocal critics is the top federal trial judge in Southern California. Chief U.S. District Judge Terry J. Hatter does not want his federal judges spending pre-

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RIPPED FROM THE HEADLINES...

(Continued from page 4)

cious court time on jury duty. But others say judges should not be treated differently than other citizens forced to take days off from work to wait in cramped courthouses to be called as jurors.

"There is nothing about being a judge that is so unique among other professions to excuse a judge from jury duty," said California Chief Justice Ronald M. George, who in 1997 sat with other jurors on the marble floor of the Beverly Hills courthouse waiting for the jury assembly room to open.

"Lawmakers Cut, Kill Scores of Fiscal Bills" *The Sacramento Bee* (June 10, 2001)

Billions of dollars in dreams and empty promises lay dead in the Legislature after Friday's deadline for deciding which fiscal bills will survive for a floor vote.

Cuts were deep and sometimes painful as appropriations committees whittled more than \$40 billion in legislative requests to about 5 percent of that amount -- roughly \$2 billion.

The survivors will continue through the Legislature in hopes of being signed into law. For the others? Wait till next year.

"Counties Seek Guidance in Implementing Proposition 215" *Daily Journal* (June 11, 2001)

Since the 1996 passage of Proposition 215, the medical marijuana initiative, district attorneys have been trying to figure out which smokers to prosecute and which to leave alone.

A bill passed last week by the Senate could provide the guidance prosecutors have sought. SB 187, by Sen. John Vasconcellos, D-Santa Clara, would help set quantity limits and allow medical users to obtain registration cards from the state.

"Bar Members in Favor of More MCLE" *The Recorder* (June 12, 2001)

State Bar leaders think it's a great idea to make California attorneys take more legal education classes, but they aren't so thrilled about asking the Legislature to abolish the rules that currently exempt certain groups of lawyers.

After all, legislators are among the exempt, and they haven't been especially chummy with the State Bar for years.

"It's just not worth it," State Bar president Palmer Madden said Saturday during a Board of Governors meeting in San Francisco. "Why spit in the face of the Legislature? I just think it's going to fall on deaf ears."

"Online Traffic Schools Take the Easy Street" *Los Angeles Times* (June 12, 2001)

The burgeoning industry of Internet traffic schools caters to the thousands of drivers who want to clear their driving records of citations without sitting through an entire day of tedium in a classroom traffic school.

Lawmakers in Sacramento are considering two bills to impose

new statewide standards to weed out bogus traffic schools. Both bills would put home-study and online traffic schools under the jurisdiction of the Department of Motor Vehicles, which already oversees traffic schools held in classroom settings. The home-study schools are currently regulated by individual courthouses throughout the state.

Critics say the courts don't have the time, inclination or ability to regulate the home-study operations. The toughest critics of such enterprises are—you guessed it—the classroom-based traffic schools that are losing business to their online counterparts.

"State Bid to Curb Youth Violence Criticized" *Los Angeles Times* (June 13, 2001)

California's effort to prevent its young from becoming criminals or crime victims is haphazard and underfunded and often fails to help those most in need, a state oversight panel concludes in a report released Tuesday.

Despite a steady decline in juvenile crime, the report calls youth violence a crisis and says prevention programs must no longer be viewed as a luxury by lawmakers and taxpayers.

"Governor Seeks Budget Reserve of \$3 Billion" *Los Angeles Times* (June 14, 2001)

Gov. Gray Davis is seeking to raise the state's budget reserve to around \$3 billion—roughly triple the amount he considered prudent less than a month ago.

Building a larger reserve, however, will force Davis and lawmakers to scale back spending on a vast array of programs and services or perhaps make deep cuts to a smaller number of them to balance the state's 2001-02 budget.

"State Leaders Struggle to Improve the System" *The Sacramento Bee* (June 13, 2001)

When Gov. Gray Davis interviewed Rita Saenz for the job of director of the state's Department of Social Services, he handed her a list of names.

"These are my friends," she remembers him saying. "They're very concerned about foster care. I promised them that the new director would do something about it."

Two years later, Saenz's agency and the Legislature are plotting sweeping reforms, each body independently trying to improve the plight of children who end up in foster care.

<http://www.sacbee.com/news/projects/>

"State gets Frugal as its Money Dries Up" *Associated Press* (June 15, 2001)

Shrinking revenues and spiraling power costs are forcing lawmakers in California to do something they haven't had to in years: say no.

California lawmakers negotiating a \$102 billion budget are abandoning the spending-spree climate of the last half-decade and likely will reject millions in new spending requests for state agen-

"Eye of the Beholder" Headlines...

"Circuit OKs Stun Belts for Use in L.A. Courts" *The Recorder* (May 31, 2001)

"50,000-volt penalty for talking is ruled illegal. L.A. judge's use of stun belt in court rejected" *San Francisco Chronicle* (May 31, 2001)

"Ruling Limits Use of Stun Belts in Court" *The Los Angeles Times* (May 31, 2001)

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RIPPED FROM THE HEADLINES...

(Continued from page 5)
cies and programs.

“Flood of Drug Diversion Cases Feared” *Los Angeles Times*
(June 18, 2001)

Despite months of preparation, the state’s largest local criminal justice system could be overwhelmed by a new law transforming California’s approach to drug users.

Just weeks before the July 1 launch of Proposition 36, Los Angeles County judges, attorneys and other officials say the county could find itself without enough courtrooms, treatment centers or counselors to handle an estimated 20,000 or more defendants a year who will be eligible for drug treatment rather than prison.

“Budget-Cutting Talks Targeting Popular Projects” *Los Angeles Times* (June 20, 2001)

The length of the California middle school year will remain the

same, a desire to bolster a tax credit for poor seniors has been abandoned, and an elaborate plan to overhaul the state’s foster care system is being dramatically scaled back.

These are among the casualties of budget negotiations now taking place between Gov. Gray Davis and lawmakers as they undertake the politically unpleasant task of scaling back spending to add more than \$1 billion to the state’s reserve.

Reports of dwindling revenues and warnings of a deficit in future years have prompted Davis to try to fill California’s emergency account with as much as \$3 billion. Contributing to Davis’ decision is a combination of softening state revenues and the repeal of federal estate taxes, which is expected to cost California \$500 million over the next two fiscal years.

But the decision to establish a more substantial budget reserve is a costly, difficult one, as it has forced Davis and lawmakers to drop many of the pet projects that they had championed earlier in the year.

Courts today...



LA’s Central District County Courthouse houses the Civil and Small Claims Courts.

WORDS WITH SENATOR BRUCE MCPHERSON

(Continued from page 1)

being first elected to the Assembly was to make it clear to the caucus members, that I was not going to give up on the public education system, that I was very sensitive on the environment and public safety issues, and there are some social programs, that I’m going to be supportive of.

I can’t talk to all my colleagues – whether Republican or Democrat -- on all 3,000 bills that come before us every year, but I never blindside them.

CC: I understand you’re working with Senator Burton to fund a non-profit entity similar to the Innocence Project to provide counsel or representation to inmates seeking DNA testing to prove their innocence.

McPherson: DNA testing is something we didn’t have twenty years ago, not even five years ago to the extent we have now. I see this as a win-win situation. Not only to help convict a person who is guilty, but also to free a person who was incarcerated incorrectly. I think that this holds the potential to provide public safety and fairness in our judicial system. We now have the expertise and the science to make it work., and SB 1026 would provide the money to help our system catch up with the technology we now have at our disposal.

CC: In what ways does your journalistic background give you a different perspective toward lawmaking?

McPherson: Because of that background, things didn’t really surprise me so much when I came here. I used to make three or

four visits a year up to the Capitol to look at various pieces of legislation, and gained a pretty in-depth sense of the process. As an editor, I was familiar with and actively following the issues of the day – and those looming on the horizon – which prepared me well for life in the Capitol. Writing editorials, in some ways, is like casting a vote, because you are putting your opinions and beliefs out there for all to see. Obviously, the same responsibility to voters is not at hand, and you can’t be ousted from an editorial position by citizens at the voting booth.

CC: You’ve mentioned in the past how different it is to vote on legislation compared with editorializing about it.

McPherson: You’re making the decision that is going to impact 34 million people when you cast your vote here – pretty heady territory as far as I’m concerned. As I’ve said, when you’re writing editorials, you can suggest what people should do or think about a particular subject, but that’s it. It’s altogether more challenging and compelling when your opinions are put into action through a vote that could cost hundreds of thousands if not millions of dollars. With regard to legislation, we have the ability in many ways to say “The buck stops here.” Or it keeps going...one way or the other.

CC: What do you consider some of your biggest legislative triumphs?

McPherson: Certainly in the field of education...class size reduction, accountability, statewide standards, the increase in

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WORDS WITH SENATOR BRUCE MCPHERSON

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teachers pay. These are issues I have had a chance to champion as a co-author of a number of bills and leader in our caucus. In addition, I've fought for key environmental protection issues -- prohibiting offshore oil drilling and providing for more beach access. I've also been a strong supporter of various health care issues such as access to the Healthy Families program. I think that it's really important to immunize children when they're young in terms not only of those kids' health, but in terms of savings millions of dollars in the future. My concentration on education and environmental issues, in particular, has gained me my strongest recognition and those are areas I will continue to focus. Where I stick with my caucus the most is being prudent on the budget matters. I'm really concerned about the budget this year. It appears we're going to be really short on revenues -- and in even worse shape come this time in 2002 if we don't make the right adjustments and reductions in proposed increases today.

CC: What surprises you about your experience in the Legislature?

McPherson: Not much really. I come from a politically active and community involved family. My father ran for the Assembly in 1932 and lost by 400 votes. My great uncle Harold was the Assemblyman in 1915-1916 for the district. My dad was very cautious, but through his politics and community-service instilled in me a belief in elected office as an extension of public service in a political way. When I was elected, my father told me, "Now you're going up there with the big boys and girls and it could get tough on you." But I knew that I was prepared -- I'd spent a lifetime in training.

Something that did surprise me is the amount of time it takes a bill to get through the process. It is amazing. We have 2,500 to 3,000 bills a year, and I didn't realize the time it took and just how many minute points that you have to get through. One committee member can make a difference when you're debating a bill. If they don't want it, you have to amend it to get it out of the committee. It might be a very small element of a big bill, but it's a big element if it is key to getting a member vote to get it out of committee. You learn not to get married to your bills.

CC: You have recently positioned yourself as a possible candidate for Lieutenant Governor. How will you make this decision? What would you want to accomplish as Lieutenant Governor?

McPherson: Yes, I'm seriously considering running for Lieutenant Governor and will likely form an exploratory committee soon. I want to continue in public service, and I have looked at a couple different offices, and have heard from many people regarding a run for a statewide position. I'm drawn to the Lieu-

tenant Governor role because of the ability to influence some of the key issues I've championed -- education and the environment primarily, but also economic development. As a Regent of the University of California, as well as a trustee on the CSU Board of Trustees, I would have a prominent role in support of higher education. And as a member of the State Lands Commission, which oversees the federal lands on any coastal or other waterways, lakes, streams, etc, I would be able to continue to impact the environmental issues so close to my heart. And the Lt. Governor is also the chair of the Economic Development Commission -- another role I would tackle with great focus and passion.

I also have some other ideas that I would pursue from a bully-pulpit type position, especially in helping urge policymakers to focus on important issues like water, K-12 education, and public safety. I will certainly broaden the interests and, hopefully, the influence of the Lt. Governor's Office.

CC: Santa Cruz is synonymous with surf, sand, and sun. What are some of your favorite things to do back home in your district?

McPherson: I've always been interested in the water and sports like surfing and water skiing. I've been termed by some as the "Surfing Senator," although my prowess carving the waves is a bit rusty. My love for the water is natural, and that's why I'm so

interested in protecting the coastland and the waters whether they be the streams or Monterey Bay itself. Golf is also a passion that goes unfulfilled far too often, especially since my putter got ran over the other day. In my younger days I participated in football and baseball -- which I follow closely, especially the San Francisco Giants. There's a Democrat vs. Republican baseball game coming up over at Raley Field next month. We'll be there.

CC: You have expressed an interest in addressing court facility needs in your district.

McPherson: Yes, I hear a lot about capital commitments that are needed for infrastructure whether it be courts, transportation, education, or water. I have the temporary courthouses in my district, and the judges from the four counties that I represent have all said there is a tremendous need for new facilities. I will continue to support the need for addressing the court facility needs in California, especially those targeted to improve public safety.

CC: Thank you again for taking this time to speak with our readers.



"DNA testing is something we didn't have twenty years ago... I see this as a win-win situation. Not only to help convict a person who is guilty, but also to free a person who was incarcerated incorrectly."

-Senator Bruce McPherson (R-Santa Cruz)



GOVERNOR FILLS VACANCIES

Governor Gray Davis, with the help of his Judicial Appointments Secretary, Burt Pines, has elevated or appointed over 100 judges since taking office in November 1998. Following are the judges and justices (in alphabetical order) who have been appointed to the bench, or elevated, since August 2000. (See the August 25, 2000 *Capitol Connection* for appointments made prior to August 2000.)

Judge	Court	Previous Position
Hon. Donald R. Alvarez	San Bernardino Superior	Private Practice
Hon. William P. Barry	Los Angeles Superior	Private Practice
Hon. Jeffrey Bruce Barton	San Diego Superior	Private Practice
Hon. Cynthia Ann Bashant	San Diego Superior	Assistant U.S. Attorney
Hon. Steven A. Brick	Alameda Superior	Private Practice
Hon. Desiree Bruce-Lyle	San Diego Superior	Administrative Law Judge, San Diego
Hon. Frederick H. Bysshe	Ventura Superior	Private Practice
Hon. Tari L. Cody	Ventura Superior	Private Practice
Hon. Dennis A. Cornell	Fifth District Court of Appeal	Judge, Merced Superior Court
Hon. Steven R. Denton	San Diego Superior	Private Practice
Hon. Jennifer R. Detjen	Madera Superior	Senior Deputy District Attorney, Fresno
Hon. David L. DeVore	Alpine Superior	Private Practice
Hon. Emilie Harris Elias	Los Angeles Superior	Commissioner, Los Angeles Superior Court
Hon. Beth Freeman	San Mateo Superior	Deputy County Counsel, San Mateo
Hon. Fred J. Fujioka	Los Angeles Superior	Private Practice
Hon. Stephanie George	Orange Superior	Deputy District Attorney, Los Angeles
Hon. Harvey Giss	Los Angeles Superior	Deputy District Attorney, Los Angeles
Hon. Dan Christie Grimmer	Alameda Superior	Commissioner, Alameda Superior Court
Hon. Raymond A. Guadagni	Napa Superior	Commissioner, Napa Superior Court
Hon. Charles F. Haines	San Francisco Superior	Deputy District Attorney, San Francisco
Hon. Margaret Sabina Henry	Los Angeles Superior	Private Practice
Hon. Esteban Hernandez	San Diego Superior	Supervising Deputy Attorney General
Hon. Helios J. Hernandez	Riverside Superior	Prosecutor, Riverside District Attorney
Hon. Judy Holzer Hersher	Sacramento Superior	Private Practice
Hon. Douglas G. Hilton	San Luis Obispo Superior	Private Practice
Hon. Joseph H. Huber	Santa Clara Superior	Private Practice
Hon. Dale Ikeda	Fresno Superior	Private Practice
Hon. Joan Kathleen Irion	San Diego Superior	Private Practice
Hon. Carol Isackson	San Diego Superior	Private Practice



GOVERNOR FILLS VACANCIES

Hon. Harold E. Kahn	San Francisco Superior	Private Practice
Hon. Jonathan E Karesh	San Mateo Superior	Deputy District Attorney, San Mateo
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Stanley Mosk, State's Senior Justice, Dies

Associate Justice Stanley Mosk, California's longest-serving Supreme Court Justice, died June 19th at his home in San Francisco. He was 88.

In a career spanning more than six decades of public service, including 37 years on the bench of the California Supreme Court, Justice Mosk penned many landmark opinions that have affected the lives of generations of Californians.

Mosk's court opinions established sweeping changes in the law, ranging from new guarantees for criminal defendants to enhanced governmental protection of the environment to widened ability to sue for personal injury.

Chief Justice George observed that Justice Mosk has also "reached results that time and again have been echoed by the United States Supreme Court." Just this month, he was featured in *Sports Illustrated* magazine praising the United States Supreme Court's decision to reject the PGA Tour's appeal to bar disabled golfer Casey Martin from riding in a cart during PGA tournaments. As California Attorney General from 1958 to 1963, Justice Mosk played a pivotal role in forcing

the PGA to eliminate its "Caucasian only" clause, enabling African-American Charlie Sifford to play in Tour events. Commenting on the Su-



Justice Stanley Mosk

preme Court's decision, Justice Mosk likened the PGA's stance on carts to "the same form of bigotry that caused the Caucasian-only clause." He wrote, "Had it not been for Charlie Sifford, we might never have heard of Tiger Woods. Who knows? Maybe Casey

Martin has opened the door for golf's next superstar."

Gov. Gray Davis, in Washington to testify on the state's energy crisis, called Mosk's death a "sad day for all Californians." "Justice Mosk devoted his entire career to public service. We are all the beneficiaries of his extraordinary wisdom and foresight."

Justice Mosk's service to the court and to the public will remain an inspiration for all public servants.

The Supreme Court will hold a memorial later this year.

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- Legislative Review
- News from Sacramento
- ACA 1 Briefing
- Report on Thumbprint Pilot Project