

The California Constitution mandates that the Judicial Council make recommendations to the governor and legislature. On this day, they set legislative priorities for 2012, including continued opposition to Assembly Bill 1208. The first version surfaced in the last session.

Curtis Child, Director, AOC Office of Governmental Affairs “It’s quite a sweeping measure. It was introduced without giving the Chief and the Council, particularly the Chief, an opportunity to look at and evaluate and improve the performance of the branch.”

Noreen Evans, California State Senator “If it gets out of the Assembly it then comes into the Senate and lands in my committee and I’ve been very clear I don’t support the goals of this bill.”

Curtis Child, Director, AOC Office of Governmental Affairs “It’s an inappropriate intrusion into the fundamental governance of the judicial branch.”

Assembly Bill 1208 would remove from the Council its responsibility and authority to allocate funds to the trial courts. Among other provisions, the bill would permit as few as two courts to veto any statewide initiative.

And individual courts would have the ability to transfer funds from an allocated purpose to a different use. For example, funds the Council allocates for dependency counsel could be used in other ways.

Curtis Child, Director, AOC Office of Governmental Affairs “So despite what might be a Council decision in allocating those funds to dependency, the trial court would be free to move those funds to any and all of their trial court funds.”

Miriam Krinsky, said she’s especially worried about the potential results of reallocations.

Miriam Krinsky, Judicial Council “The provisions that really make vulnerable some of what’s so critical for those in the state who least have access to the court system, namely children, those who are so dependent on some of our equal access self help programs, and I think that that piece of the current version of the bill that takes those issues out of the judicial council’s purview and puts them at the mercy of the legislature. I find that incredibly troubling.”

Judge DeAlba objected to a letter that the Alliance of California Judges circulated, alleging that 6 courts support AB 1208, including the Sacramento court.

Hon. David DeAlba, Judicial Council “As a member of the bench of the Sacramento Court I would just like it known that there was never any formal proposal placed before the Sacramento bench, and certainly no recorded vote or motion offered to support this legislation.

And in fact, to the contrary, approximately a third of our bench earlier this year notified the author of this legislation that that was so.”

Judge Rosenberg spoke as chair of the Trial Court Presiding Judges Advisory Committee. He said they acknowledge: there are issues. But they prefer a different approach.

Hon. David Rosenberg, Judicial Council “The majority of trial judges and PJs want to give the new Chief Justice and the judicial council the opportunity to deal with issues. And so the opposition by his council as to 1208 seems appropriate.”

Justice Doug Miller referred to a recent survey of judges:

Hon. Doug Miller, Judicial Council “I think it was over 80% of those who responded to the survey felt that the issues dealing with the judicial branch needed to be dealt with by the judicial branch. And I believe that we have been doing that since January 1st.”

Hon. Harry Hull, Judicial Council “Any fair minded person who is watching and listening can tell that the Chief Justice and this council sees this as a new day. We’re trying to identify the things that need to be changed and make those changes. And I think that we’ve made good progress within the course of 11 months, I expect that progress to continue.”

Hon. Doug Miller, Judicial Council “Were there concerns as Judge Rosenberg indicated? Yes. Have we heard those? Yes. And are we making changes within the Judicial Branch? Yes, and that’s the way it should be done.”

“If there is no further discussion I believe the motion’s been made and seconded three times. All in favor of recommendation #2, say aye, opposed, abstain, recommendation is approved.”

The Judicial Council is again on record opposing the passage of Assembly Bill 1208.

I’m Leanne Kozak reporting from San Francisco for California Courts News.