



## JUDICIAL COUNCIL OF CALIFORNIA

### GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368  
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

MARTIN HOSHINO  
*Administrative Director*

CORY T. JASPERSON  
*Director, Governmental Affairs*

May 7, 2018

Hon. Tom F. Daly  
Member of Assembly  
State Capitol, Room 3120  
Sacramento, California 95814

Subject: Assembly Bill 3047 (Daly), as introduced – Support

Dear Assembly Member Daly:

The Judicial Council supports AB 3047, which expressly waives pro hac vice fees when an applicant is an attorney representing a tribe in a child welfare matter under the Indian Child Welfare Act (ICWA) (25 U.S.C. Sec. 1901, et seq).

The council believes AB 3047 will ensure greater access to counsel for tribes, with the goal of improving ICWA outcomes.

California, like many states, permits attorneys licensed outside of California to appear in California courts, alongside a California attorney, on a case-specific basis after seeking approval from the court. In order to obtain approval to appear pro hac vice, an attorney must file an application with the court, serve notice of the appearance on all other parties, pay a \$50 fee to the State Bar of California, and a \$500 fee to the court. If the case lasts more than one year, the attorney must pay an additional \$500 renewal fee to the court. The application for an appearance pro hac vice is case specific. Thus, if an attorney handles multiple cases requiring appearance in California, the attorney would have to file a new application and pay the \$500 fee for every case. For tribal attorneys, who may have to appear in California on multiple cases, these fees can

Hon. Tom F. Daly

May 7, 2018

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quickly add up and become cost prohibitive, which ultimately limits the ability of tribes to participate in court proceedings about Native American children, as ICWA intends.

When tribes cannot be adequately represented in the trial court, appeals are more likely. It is estimated that ICWA cases accounted for approximately 30 percent of all juvenile dependency appeals in the second half of 2015. Removing the fee so that experienced tribal attorneys have a greater ability to appear as counsel in ICWA matters would likely lessen the rate of errors leading to appeals and possibly increase the number of Native American children who are placed with families or other tribal members.

For these reasons, the Judicial Council supports AB 3047.

Sincerely,

*Mailed on May 8, 2018*

Andi Liebenbaum

Attorney

AL/yc-s

cc: Ms. Delia Sharpe, Executive Director, California Tribal Families Coalition  
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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May 24, 2018

Hon. Nancy Skinner, Chair  
Senate Public Safety Committee  
State Capitol, Room 2059  
Sacramento, California 95814

Subject: Assembly Bill 2532 (Jones-Sawyer), as introduced – Support/Sponsor  
Hearing: Senate Public Safety Committee – June 12, 2018

Dear Senator Skinner:

The Judicial Council is pleased to sponsor and support AB 2532, which would require the court to permit a person to perform community service in lieu of the total fine upon making a specified showing of hardship to the court. This bill would also value the hourly rate for community service at double the minimum wage, based on the schedule for an employer who employs 25 or fewer employees, as specified. The bill would further authorize a court by local rule to increase the amount that is credited for each hour of community service performed.

Currently, each court determines its own hourly rate for defendants who perform community service, resulting in different rates throughout the state. This bill is needed to provide a uniform and equitable statewide minimum hourly rate for community service in lieu of payment of infraction fines. By doing so, it would promote access to justice.

For these reasons, the Judicial Council is pleased to sponsor and support AB 2532.

Hon. Nancy Skinner

May 24, 2018

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Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

*Mailed out on May 24, 2018*

Cory T. Jaspersen

Director, Governmental Affairs

CTJ/AL/yc-s

cc: Members, Senate Public Safety Committee  
Hon. Reginald B. Jones-Sawyer, Sr., Member of the Assembly  
Ms. Mary Kennedy, Chief Counsel, Senate Public Safety Committee  
Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy  
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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*Administrative Director*

CORY T. JASPERSON  
*Director, Governmental Affairs*

August 24, 2018

Hon. Edmund G. Brown, Jr.  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

Subject: Assembly Bill 3047 (Daly) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on AB 3047, which expressly waives pro hac vice fees when an applicant is an attorney representing a tribe in a child welfare matter under the Indian Child Welfare Act (ICWA) (25 U.S.C. Sec. 1901, et seq).

The council believes AB 3047 will ensure greater access to counsel for tribes, with the goal of improving ICWA outcomes.

California, like many states, permits attorneys licensed outside of California to appear in California courts, alongside a California attorney, on a case-specific basis after seeking approval from the court. In order to obtain approval to appear pro hac vice, an attorney must file an application with the court, serve notice of the appearance on all other parties, pay a \$50 fee to the State Bar of California, and a \$500 fee to the court. If the case lasts more than one year, the attorney must pay an additional \$500 renewal fee to the court. The application for an appearance pro hac vice is case specific. Thus, if an attorney handles multiple cases requiring appearance in California, the attorney would have to file a new application and pay the \$500 fee for every case. For tribal attorneys, who may have to appear in California on multiple cases, these fees can

Hon. Edmund G. Brown, Jr.

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For these reasons, the Judicial Council requests your signature on AB 3047.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

*Mailed on August 27, 2018*

Cory T. Jaspersen  
Director, Governmental Affairs

CTJ/AL/yc-s

cc: Hon. Tom F. Daly, Member of the Assembly  
Ms. Delia Sharpe, Executive Director, California Tribal Families Coalition  
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California