

ACTIVITY REPORTING AND PROPOSAL FORM

JUDICIAL COUNCIL DIRECTIVES AOC RESTRUCTURING

| | |
|---|---|
| DATE | 10/1/2012 |
| PREPARED BY | Curt Child |
| OFFICE NAME | <u>Office of Governmental Affairs</u> |
| JUDICIAL COUNCIL DIRECTIVE NUMBER | 61 |
| JUDICIAL COUNCIL DIRECTIVE | E&P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by the Policy Coordination and Liaison Committee. |
| SEC RECOMMENDATION | Consistent with recommendations in this report calling for a review of AOC's rule-making process, legislative proposals generated through this division should be limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees. |
| RESPONSE (check applicable boxes) | |
| <input checked="" type="checkbox"/> This directive has been completed and implemented: | |
| <p>A memorandum was distributed to all Office of Governmental Affairs (OGA) staff on October 1, 2012 to advise staff of the recommendation adopted by the Judicial Council regarding legislative advocacy on behalf of the branch and to repeat the need to ensure that the recommendation is part of OGA advocacy practice.</p> <p>The corresponding SEC report recommendation for this recommendation (No. 7-6) called for ensuring that legislative proposals generated by the Center for Families, Children and the Courts are limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees. E&P's recommendation looks more broadly toward ensuring that any legislative proposals generated by the AOC on behalf of the Judicial Council follow the process established by PCLC. That process is set forward in the PCLC Resource materials provided to PCLC as part of their orientation and to the new Judicial Council members as part of theirs. The orientation materials for this upcoming year and Legislative Policy Guidelines were attached to the memorandum distributed to all OGA staff. Also, early in the calendar year Justice Baxter provides a memorandum to the Advisory Committee chairs and staff advising them of the timelines and process for developing Judicial Council-sponsored legislation. Also attached to the memorandum was the memo that was sent out by Justice Baxter on February 2, 2012, and a reminder with timelines went out a few weeks ago.</p> <p>Staff were directed, as they work with their assigned Advisory Committees on legislative proposals, whether they be timely developed proposals or on proposals with more urgent need, to continue to remind the Advisory Committees of the PCLC process and the need to track the process to the greatest extent possible to ensure that legislative proposals are fully developed so that PCLC can make comprehensive and informed recommendations for Judicial Council-sponsored legislation. OGA staff were also directed to remind Advisory Committee staff of the process and continue working with them to coordinate all aspects of the proposal. This will ensure that legislative proposals are fully vetted.</p> <p>Additionally, OGA staff was reminded that when exigent circumstances or legislative positions are</p> | |

being formulated as part of the budget process which requires Judicial Council support they need to continue to bring those proposals to Justice Baxter and PCLC for decisions.


 E&P Recomm
 09282012.pdf
 Adobe Acrobat Document
 4.11 MB

This directive is forwarded to the Judicial Council with options for consideration:

 File Attachment

Other:

 File Attachment

TIMELINE AND RESOURCES FOR IMPLEMENTATION

| | |
|---|---------------------------------|
| IMPLEMENTATION DATE OR PROJECTED IMPLEMENTATION DATE | Immediately and ongoing. |
| RESOURCES REQUIRED FOR IMPLEMENTATION | No additional resources needed. |

ADDITIONAL IMPLEMENTATION INFORMATION (complete only applicable sections)

| | |
|--|--|
| <input checked="" type="checkbox"/> PROCEDURES/ POLICIES UPDATED OR DEVELOPED | <p>This recommendation called for ensuring that legislative proposals generated by the AOC follow the process established by PCLC. OGA advocates were reminded of existing procedures established by PCLC and therefore additional procedures were not developed.</p> <p> File Attachment</p> |
| <input type="checkbox"/> TRAINING UPDATED OR DEVELOPED | <p>No additional training was developed.</p> <p> File Attachment</p> |
| <input type="checkbox"/> SAVINGS | <p>No savings identified.</p> <p> File Attachment</p> |
| <input type="checkbox"/> COST | <p>No costs identified</p> |

| | |
|---|--|
| | <input type="button" value="File Attachment"/> |
| <input type="checkbox"/> EFFICIENCIES | <p>No new efficiencies identified.</p> <input type="button" value="File Attachment"/> |
| <input checked="" type="checkbox"/> SERVICE LEVEL IMPACT | <p>This recommendation will ensure that PCLC processes are followed in developing legislative proposals and will therefore provide consistency in application of processing proposals. This will assist all branch stakeholders in understanding that legislative proposals are approved by the JC.</p> <input type="button" value="File Attachment"/> |
| <input checked="" type="checkbox"/> OTHER | <p>Implementation of this recommendation serves to remind OGA and AOC staff of the need for legislative proposals to follow existing PCLC processes to ensure that they are fully vetted by PCLC before action by PCLC and the JC.</p> <input type="button" value="File Attachment"/> |
| ADMINISTRATIVE DIRECTOR OF THE COURTS (ADOC) REVIEW AND APPROVAL | |
| ADOC REVIEW | Administrative Director of the Courts Review Date: <input type="text" value="10/5/2012"/> |
| EXECUTIVE AND PLANNING (E&P) COMMITTEE REVIEW | |
| E&P REVIEW | Executive and Planning Review Date: <input type="text" value="10/19/2012"/> |



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

MEMORANDUM

| | |
|---|--|
| Date | Action Requested |
| September 28, 2012 | Please Review |
| To | Deadline |
| Office of Governmental Affairs Staff | None |
| From | Contact |
| Curtis Child  Director, Office of Governmental Affairs | Curtis L. Child Office of Governmental Affairs 916-323-3121 phone 916-323-4347 fax curtis.child@jud.ca.gov |
| Subject | |
| Executive and Planning Committee Recommendations | |

As you are aware, on August 27, 2012, the Judicial Council adopted recommendations proposed by the Executive and Planning Committee (E&P) after considering the recommendations contained in the May 2012 Strategic Evaluation Committee (SEC) report. The specific recommendations that were adopted are outlined in Attachment 1 to the August 27, 2012, E&P report to the Judicial Council and track, for the most part, the SEC recommendations.

There are four recommendations adopted by the Judicial Council that relate to the Office of Governmental Affairs (OGA): No. 23 (identify legislative requirements that impose unnecessary reporting and other mandates on the courts and the AOC and seek revision or repeal of the requirements); No. 61 (direct that legislative proposals follow the process established by the Policy Coordination and Liaison Committee (PCLC)); No. 143 (direct that OGA should represent the interests of the judicial branch on the clear direction from PCLC and ensure that PCLC is fully apprised of the views of the courts before determining legislative positions); and, No. 144 (OGA should draw upon other attorney resources in the AOC to assist OGA with legislative

September 28, 2012

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demand)¹. Of these four recommendations three are existing OGA requirements that OGA should ensure are part of their ongoing responsibilities. The fourth, No. 23-relief from statutory mandating requirements, will require additional analysis and a report and Judicial Council action to complete.

The purpose of this memo is to note the recommendations adopted by the Judicial Council regarding legislative advocacy on behalf of the branch and to repeat the need to ensure they are part of OGA advocacy practice. Continued adherence to these recommendations will make certain that OGA advocacy on behalf of the branch will be consistent with Judicial Council direction as informed by branch stakeholders. It is my intent to report to the Judicial Council for its October 26, 2012, meeting that the three recommendations noted above have been implemented, are ongoing, and will be monitored by the Administrative Director of the Courts.

Recommendation 61: E&P recommends to the Judicial Council that any legislative proposals generated by the AOC must follow the process established by PCLC.

The corresponding SEC report recommendation for this recommendation (No. 7-6) called for ensuring that legislative proposals generated by the Center for Families, Children and the Courts are limited to those required by court decisions and statutory mandates and approved by the Judicial Council Advisory Committees. E&P's recommendation looks more broadly toward ensuring that any legislative proposals generated by the AOC on behalf of the Judicial Council follow the process established by PCLC. That process is set forward in the PCLC Resource materials provided to PCLC as part of their orientation and to the new Judicial Council members as part of theirs. The orientation materials for this upcoming year and Legislative Policy Guidelines are attached. Also, early in the calendar year Justice Baxter provided a memorandum to the Advisory Committee chairs and staff advising them of the timelines and process for developing Judicial Council-sponsored legislation. The memo that went out on February 2, 2012, is also attached and a reminder to the committee chairs with timelines went out a few weeks ago.

As you work with your Advisory Committees on legislative proposals, whether they be timely developed proposals or on proposals with more urgent need, please continue to remind the Advisory Committees of the PCLC process and the need to track the process to the greatest extent possible to ensure that legislative proposals are fully developed so that PCLC can make comprehensive and informed recommendations for Judicial Council-sponsored legislation. Importantly, please remind Advisory Committee staff of the process and continue working with

¹ A fifth recommendation, No. 142—AOC organizational staffing changes including the reporting line of responsibility for OGA, was adopted by the Judicial Council at its August 31, 2012, meeting. That action established a revised organization structure for the AOC which placed OGA as a direct report to the Administrative Director of the Courts.

them to coordinate all aspects of the proposal. This will ensure that legislative proposals are fully vetted prior to submission to PCLC.

Additionally, when exigent circumstances or legislative positions are being formulated as part of the budget process which requires Judicial Council support we need to continue to bring those proposals to Justice Baxter and PCLC for decisions.

Recommendation 143: E&P recommends that the Judicial Council direct the Administrative Director of the Courts that OGA should represent the interests of the judicial branch on the clear direction of its PCLC and take steps to ensure that the PCLC is apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislative positions or proposals.

While the SEC report and recommendation on this issue (No. 7-81) is not specific on the problem that needs to be addressed, the report does serve as an important reminder that the fiscal and policy impacts of legislation on both the trial and appellate courts need to continue to be an important issue for PCLC in making their decisions. Historically, OGA has sought court participation on policy and impacts through multiple sources. Legislative proposals that impact the trial courts have been vetted through the relevant subject matter Advisory Committees and/or Trial Courts Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Legislative Working Group and with the TCPJAC leadership. On fiscal issues the Operational and Budget Impact Working Group of CEAC has designated experts in large, medium, small, urban, and rural courts on the fiscal impact of legislation. OGA staff working on fiscal analyses has also, working directly with Finance Division staff, sought fiscal impacts from judges and staff in individual courts. In the appellate courts we directly work with the Administrative Presiding Justices Advisory Committee and the California Appellate Court Clerk's Association (CACCA) on both legislative and fiscal issues to inform PCLC.

The SEC report noted that some courts perceive that OGA does not effectively represent their interests in Sacramento on certain issues. While there is no detail that would better inform us on implementing this recommendation it is important that OGA cast its input net as broadly as possible in seeking both trial and appellate court impacts, including the fiscal impacts of proposed legislation. The SEC report does note, importantly, that it may not be feasible to represent the *individual* interests of particular courts because those interests vary from court to court. The report correctly notes that the varied interests of the courts should be considered in establishing a legislative agenda.

Thus, in implementing this recommendation OGA advocates should ensure that they seek both the formal and informal participation of the trial and appellate courts on the impact legislative and budget proposals have on their courts through the existing committee structure. All PCLC reports should continue to include in them the efforts made to obtain the courts' impact analysis

and clearly state that impact on the courts. Advocates should continue the practice of inviting advisory committee representatives to participate in PCLC meetings when deemed appropriate by the Chair.

Finally, although there are no findings in the SEC report regarding the participation of other branch stakeholders on legislation and budgetary issues, advocates should continue to assist the appropriate Advisory Committees to ensure that other stakeholder impacts and interests are appropriately considered and presented to PCLC in their reports.

Recommendation 144: E&P recommends that the Judicial Council direct the Administrative Director of the Courts that attorney resources in the AOC be utilized to best leverage and draw on subject matter expertise, which may assist OGA as legislative demand may require.

The SEC Report notes in its recommendation that it is unclear how overall attorney resources are prioritized in the AOC and that OGA would benefit from the use of leveraged resources. It has long been OGA practice to utilize attorneys and others with subject matter experts on budgetary and policy issues; with such prominent examples as SB 1407, the Public Contracts Code, public records legislation, fee and fine increases, traffic, civil practice, etc. I have reported that all advocates routinely and frequently utilize other AOC staff including OGC counsel and will continue to do so in the future. I have also discussed this recommendation with Mary Roberts and she, of course, will continue to assure that her attorneys will be available to assist OGA, resources permitting. Please continue to call upon OGC and other subject matter experts within the AOC as you do your advocacy work.

Conclusion

While it may understandably feel like these recommendations are self-evident it is important to remind ourselves of the importance of the underlying substance behind these recommendations in making sure that our work effectively represents the judicial branch in the legislative and executive branches of government. It is fortunate that we can note that the above recommendations have been completed while we provide assurances that we will be diligent in meeting the goals in the E&P recommendations. Thank you all for the professional and diligent manner in which you advocate on behalf of the judicial branch.

Bobino, Luz

From: Casillas, Yvette
Sent: Thursday, February 02, 2012 10:53 AM
To: AOC JC Adv. Comm and TF Coordinators; AOC JC Policy Coord. Committee; AOC Directors - All; AOC Comm Comm
Subject: Memo from Justice Baxter to Advisory Committees: re: developing proposals for sponsored legislation
Attachments: JC-sponsored_legislation_calendar.doc; Baxteradviscommreminder020212.doc

Colleagues:

Please see attached memo from Justice Baxter regarding the development of legislative proposals for possible Judicial Council sponsorship in 2013, together with the timeline for this year.

If you have any questions, please feel free to contact Dan Pone, daniel.pone@jud.ca.gov, or Donna Hershkowitz, donna.hershkowitz@jud.ca.gov or by phone at 916-323-3121.

Thank you.

Yvette Casillas
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MEMORANDUM

| | |
|---|--|
| Date | Action Requested |
| February 2, 2012 | Please review |
| To | Deadline |
| Advisory Committee Chairs and Staff | N/A |
| From | Contact |
| Hon. Marvin R. Baxter, Chair Policy Coordination and Liaison Committee | Donna S. Hershkowitz, Assistant Director Office of Governmental Affairs 916-323-3121 phone donna.hershkowitz@jud.ca.gov |
| Subject | |
| Deadlines for Judicial Council-Sponsored Legislation | |

As Chair of the Judicial Council's Policy Coordination and Liaison Committee, I am writing to advise you of the timelines and process for developing potential proposals for Judicial Council-sponsored legislation. Each year, the council sponsors bills that seek to improve the administration of justice in California and assist, where needed, in accomplishing branchwide goals and objectives. Judicial Council advisory committees are ideally positioned to identify and develop proposals for statutory change given committee members' extensive expertise in the committee's subject area.

In order to meet the deadlines for developing, refining, circulating, and revising proposals for possible Judicial Council sponsorship in 2013, your committee should be developing proposals in January - March of this year. The timeline for the development of sponsored legislation is attached for your reference. Please contact your advisory committee staff, or Donna Hershkowitz in the Office of Governmental Affairs at 916-323-3121, if you have any questions. Thank you.

Calendar for Judicial Council–Sponsored Legislation

| | Advisory committee staff due date |
|---|--|
| <p>Proposal development Advisory committee, in consultation with OGA staff, develops proposals for Judicial Council–sponsored legislation.</p> | January–March 2012 |
| <p>Proposals to OGA Staff Advisory committee staff forwards draft Invitations to Comment to OGA staff for review before submission to PCLC.</p> <p>OGA staff, in consultation with advisory committee staff, finalizes Invitations for Comment and submits them to PCLC.</p> | <p>March 19, 2012</p> <p>April 5, 2012</p> |
| <p>PCLC meeting to review Invitations to Comment PCLC determines if proposals may be circulated for public comment.</p> | April 12, 2012 |
| <p>Comment period Advisory committee staff, in consultation with OGA staff, circulates draft Judicial Council–sponsored legislation proposals to interested and affected parties.</p> | April 17–June 15, 2012 |
| <p>Staff consultation Advisory committee staff consults with OGA staff regarding responses to comments and further development of proposals for Judicial Council–sponsored legislation.</p> | June–August 2012 |
| <p>Final Proposals for council-sponsorship sent to PCLC</p> | October 12, 2012 |
| <p>PCLC meeting to review proposals for possible council-sponsorship</p> | October 25, 2012 |
| <p>Judicial Council meeting Judicial Council takes action on proposals for Judicial Council–sponsored legislation for upcoming legislative year.</p> | December 14, 2012 |

Judicial Council-sponsored Legislation Schedule: August - December 2012

| | Due Dates |
|--|------------------------|
| Leg proposals from Advisory Committees due to OGA (in JC report format) | Friday, September 7 |
| OGA returns proposals with suggested edits to Advisory Committee staff | Friday, September 14 |
| Advisory Committee staff return proposals to OGA | Friday, September 28 |
| OGA sends materials to Policy Coordination & Liaison Committee (PCLC) | Thursday, October 11 |
| PCLC meeting (In Person) | Thursday, October 25 |
| OGA sends draft proposals to editing and to E&P with Secretariat Briefing Sheet (SBS) | Tuesday, November 6 |
| Editors return edited proposals to OGA; OGA confers with Advisory Committee staff for final approval | Tuesday, November 20 |
| OGA sends final proposals to Secretariat & JC binder (in PDF format also) | Wednesday, November 28 |
| ASU mails JC binders | Wednesday, December 5 |
| JC meeting | Friday, December 14 |



Policy Coordination and Liaison Committee

2012 RESOURCE MATERIALS



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

**Judicial Council of California
Administrative Office of the Courts
Office of Governmental Affairs**

**Policy Coordination and Liaison Committee
Resource Materials**

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Policy Coordination and Liaison Committee

The role of the Policy Coordination and Liaison Committee (PCLC) is to represent the council before the legislative and executive branches of government, build consensus with entities and individuals outside the branch and coordinate an annual plan for communication and interaction with other agencies and entities.

The charge and duties of the committee, set forth in California Rules of Court, rule 10.12, including the following:

- 1) Review and make recommendations on all proposals for Judicial Council–sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies, the courts, and the Administrative Office of the Courts;
- 2) Review pending legislation and formulate the council’s policy position, if any, after evaluating input from council advisory bodies, the courts, and the Administrative Office of the Courts;
- 3) Advocate positions of the council before the Legislature and other bodies or agencies and act as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council’s legislative positions and agendas;
- 4) Build consensus on issues of importance to the judicial branch consistent with the council’s strategic plan with entities and individuals outside of the branch; and
- 5) Oversee the development, coordination, and maintenance of communication and relations with other branches and levels of government, components of the justice system, the bar, the media, and the public.

Typical Judicial Council–sponsored Legislation Calendar

| Month | Judicial Council |
|---------------------|---|
| Jan – March | <ul style="list-style-type: none"> • Advisory committees, in consultation with Office of Governmental Affairs (OGA) staff, develop proposals for council–sponsored legislation. |
| April – May | <ul style="list-style-type: none"> • Advisory committee, in consultation with OGA staff, circulates draft proposals for council–sponsored legislation to interested and affected parties. |
| June | <ul style="list-style-type: none"> • Deadline for public comment on proposed council–sponsored legislation. |
| June – August | <ul style="list-style-type: none"> • Advisory committee consults with OGA staff regarding responses to comments and further development of proposals for council–sponsored legislation. |
| September – October | <ul style="list-style-type: none"> • Deadline for advisory committee and OGA staff to jointly submit finalized draft proposals for council–sponsored legislation to the Policy Coordination and Liaison Committee. |
| October | <ul style="list-style-type: none"> • PCLC makes recommendations for council action on council–sponsored legislative proposals for upcoming legislative year. |
| December | <ul style="list-style-type: none"> • Judicial Council acts on PCLC recommendations for council–sponsored legislation for upcoming legislative year. |

Guidelines for Development of Judicial Council–sponsored Legislation

This summary describes the typical process the Judicial Council follows when developing and approving proposals for sponsored legislation. It also describes how OGA advocates for enactment of these proposals in the Legislature.

I. Judicial Council Process

A. Sources of Legislative Proposals

Because it often takes several months to fully develop a legislative proposal, the process should begin early in the year. (*See the Judicial Council–sponsored Legislation Calendar.*) Judicial Council advisory committees are well situated to identify and develop proposals for statutory change. Committee members have extensive expertise in the committee’s subject area and often have ideas for improving statutory law. In addition, advisory committees may receive requests for council sponsorship of legislative proposals from outside sources.

Suggestions for how an advisory committee may wish to identify proposals for council–sponsored legislation follow:

- The advisory committee chair may devote a portion of one or more meetings each year to identifying legislative proposals for the following year’s legislative session.
- The advisory committee may establish a working group or task force composed of committee members responsible for reviewing the relevant codes, or specific subjects or issues within those codes, to identify potential legislation.
- Advisory committees may receive legislative proposals from outside sources. When a person or organization submits a legislative proposal to the Judicial Council, staff from the Administrative Office of the Courts forwards the proposal to the appropriate advisory committee and OGA staff for consideration.

B. Advisory Committee Process for Developing Proposals

This section describes the steps an advisory committee takes to develop and review legislative proposals for substantive merit. It also lists criteria that an advisory committee should consider in determining whether a legislative proposal appears suitable for council sponsorship.

1. Assess Viability of Proposal – For each legislative proposal, the advisory committee takes the following actions:

- The advisory committee, in consultation with OGA staff, determines a time frame for consideration of the proposal, keeping in mind the

September/October deadline for submission of legislative proposals to the PCLC.

- If the advisory committee rejects a proposal submitted by an outside source, committee staff will notify the proponent of that action.
- If the advisory committee accepts or modifies a proposal from an outside source, or decides to recommend sponsorship of an internally generated proposal, the committee proceeds to the next steps.

2. Coordination with Office of Governmental Affairs Staff – Advisory committee staff will work with OGA staff to coordinate work on all aspects of the proposals.

3. Review and Analyze – Advisory committees review proposals for substantive merit before transmitting them to the PCLC. A typical analysis of a proposal should include:

- A description of the problem to be addressed, including its scope.
- A description of how the problem affects the judicial branch.
- A description of the proposed solution.
- A discussion of any alternative solutions, including an analysis of why the recommended solution is preferable.
- A discussion of any minority viewpoints.
- A description of any foreseeable problems with the proposed solution.
- Draft language for the proposed legislation.
- A determination whether the Judicial Council and/or the Legislature should give the proposal urgent consideration and the reasons for this.

A worksheet that advisory committees use for laying out this analysis and other important considerations can be found on page 15.

4. Evaluate Sponsorship Criteria – Once an advisory committee determines that a particular proposal has merit, the committee should consider certain criteria in assessing whether Judicial Council sponsorship is appropriate and desirable. Limited resources, competing priorities, and political realities impose practical limitations on the council's ability to sponsor every worthwhile legislative proposal presented. The advisory committee and OGA staff should jointly consider each of the following questions:

- Is the proposal within the Judicial Council's jurisdiction?

Council-sponsored measures should involve only those issues that are central to the council's mission and goals as stated in the Judicial Council's Strategic Plan.

- Should the proposal be addressed through the Judicial Council's rulemaking authority rather than by a change in statute?

The council prefers to implement changes through rules of court whenever appropriate.

- Is the Judicial Council the best sponsor?

The advisory committee and OGA staff may determine that a proposal more closely serves the mission or objectives of another organization such as the State Bar. A Judicial Council-sponsored proposal should address issues fundamental to the administration of justice and broadly serve the needs of the courts statewide.

- What political factors are associated with the proposal?

OGA staff are responsible for providing advice about the political factors associated with a proposal.

5. Circulate for Comment – If an advisory committee wishes to circulate a proposal for comment, the committee staff consults with OGA staff. If it is determined that the proposal may be appropriate for circulation, the committee submits the proposal to PCLC for consideration. If PCLC agrees with the advisory committee's recommendation, the proposal may be circulated for public comment. After the comment deadline, committee staff and OGA staff jointly review the comments. Advisory committee staff then summarize and present the comments to the committee. Following consideration of the comments, the advisory committee may modify the proposal based on the comments, recommend adoption of the proposal as originally presented, or recommend non-adoption based on the comments received.

6. Advisory Committee Action – Upon completion of the review procedures and consideration of the evaluation criteria above, the advisory committee may adopt one of the following actions:

- Approve the proposal as submitted.
- Approve the proposal with modifications.

- Reject the proposal. The advisory committee should inform the source of the proposal of this decision.

If the advisory committee approves the proposal, the committee forwards the proposal to PCLC for consideration. Final proposals must be submitted to the PCLC using the template for memos to Judicial Council internal committees by the September/October deadline in order to be considered for Judicial Council sponsorship during the following legislative year. All advisory committee proposals submitted to the PCLC are referred to OGA, which may prepare a separate analysis and recommendation for the PCLC.

C. Policy Coordination and Liaison Committee Action

In October, the PCLC reviews the proposal, the advisory committee recommendation, and any analysis and recommendation prepared by OGA staff. After considering the proposal, the PCLC may recommend it for Judicial Council sponsorship and forward it to the Judicial Council, send it back to the advisory committee for further consideration, or take other action as necessary. If the PCLC modifies or rejects the proposal, OGA staff returns the proposal to the submitting advisory committee. The advisory committee may either accept the PCLC action or request that the full council review the PCLC recommendation.

D. Judicial Council Action

The legislative proposal is presented by the PCLC to the Judicial Council in December for consideration. The Judicial Council reviews the proposal, along with the PCLC recommendation contained in a report prepared by OGA staff. Once the council approves a proposal, it becomes “sponsored” legislation. If the Judicial Council does not approve the proposal for sponsorship, or takes some other action on the proposal, OGA staff will communicate the action to the submitting advisory committee.

E. Delegation of authority to PCLC to sponsor legislative proposals on behalf of the council

The Judicial Council delegated to the PCLC the authority to take positions to sponsor proposals on behalf of the council when time is of the essence. This situation most often will arise in the context of the budget and related “trailer bill language.” Acting under this delegation, PCLC notifies the chairs of the Executive and Planning Committee and the Rules and Projects Committee of any PCLC meetings at which such actions will be considered so that they may participate if available. PCLC is also required to notify all other Judicial Council members, if feasible, of the intended action. After acting under this delegation, PCLC is required to notify the Judicial Council of all actions taken.

II. Advocacy Process

A. Legislative Author

Staff at the Office of Governmental Affairs seek a legislator to introduce the council-sponsored proposal. Ideally, an appropriate author for the bill would be one who:

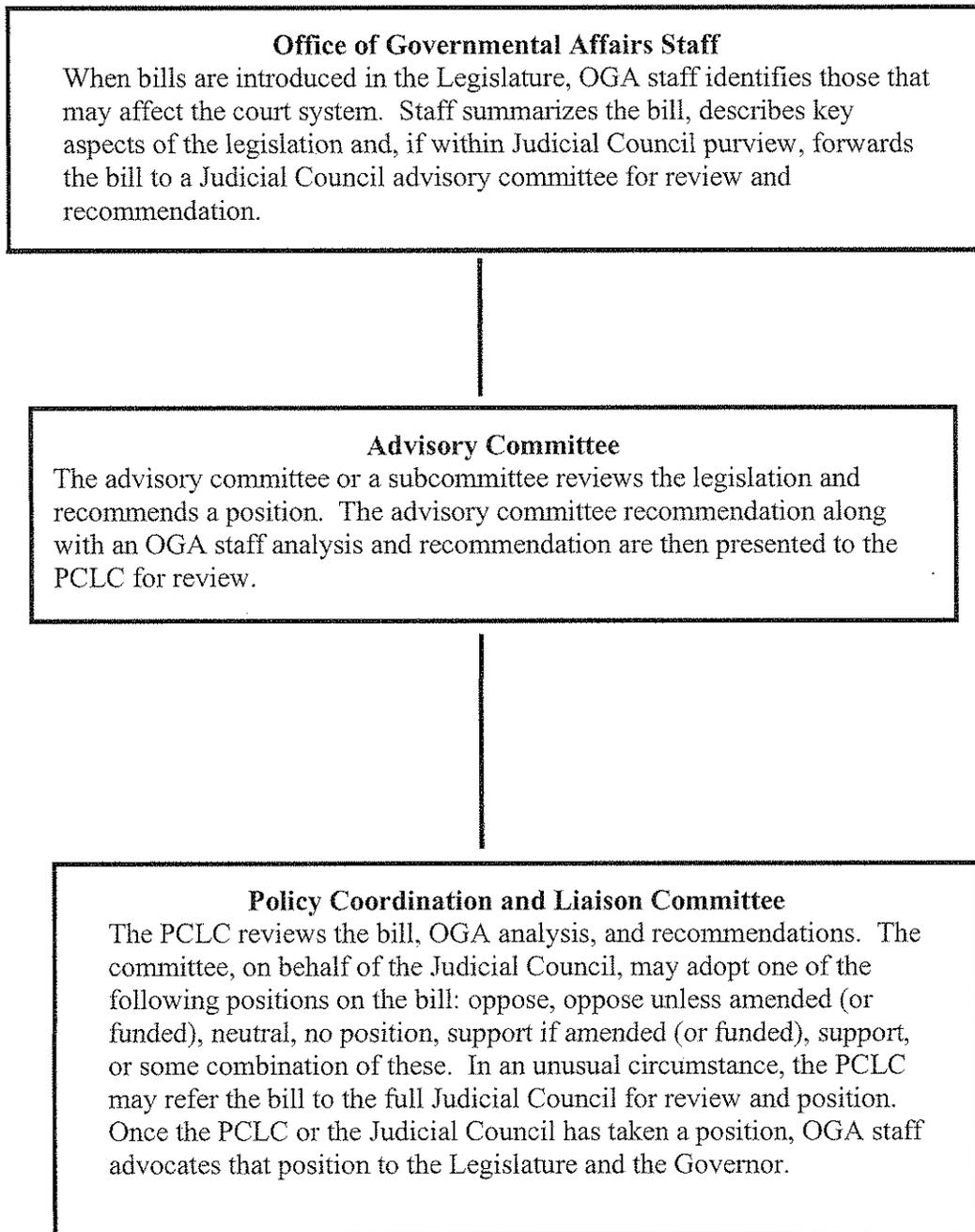
- Has substantial experience with the subject of the bill; often the author is the chair or a member of the policy committee with subject-matter jurisdiction over the bill.
- Understands Judicial Council needs and objectives.
- Has experience with the legislative process.
- Is an effective negotiator with members of both parties.

B. Office of Governmental Affairs Responsibilities

OGA staff members are the primary advocates for Judicial Council-sponsored legislation. Responsibilities include, among other things:

- Preparing background material for the bill, including an analysis for the author. This material includes a description of the problem the bill seeks to address, an explanation of how the bill corrects that problem, the likely supporters and opponents of the bill, questions the bill raises that may need further research, and any other information that explains the issue.
- Communicating information about the bill to every legislative committee that hears the bill. This means working extensively with committee staff and legislators who are members of those committees. In moving through the legislative process, a bill will be heard by a policy committee (such as the Judiciary Committee), and, if appropriate, by a fiscal committee before being debated and voted upon by the full membership on the floor of each house.
- Coordinating with other supporters to build a broad coalition in support of the bill.
- Coordinating the content and timing of correspondence between all supporters, and the Legislature.
- Negotiating with the proposal's opponents to determine whether amendments can eliminate opposition and still achieve the council's objectives.
- Meeting with the Governor and/or his or her staff to advocate that the bill be signed into law.

Formulating a Judicial Council Position on Pending Legislation



Formulating a Position on Pending Legislation

The Judicial Council, acting through the Policy Coordination and Liaison Committee (PCLC), strives to improve the administration of justice by representing the interests of the courts to the Legislature, the executive branch, other entities involved in the legislative process, other entities interested in the judiciary, and the general public.

Following are procedures the Office of Governmental Affairs uses in developing recommendations for and carrying out the PCLC and council directives.

Positions on Legislation

OGA staff review all introduced and amended legislation to determine whether a bill is of interest to the judicial branch. For each bill of interest, OGA staff indicates whether the council is likely to take, or may want to take a position. Appropriate to the subject area, one or more council advisory committees (or subcommittees) review each bill on which the council may want to take a position. The advisory committees either recommend a position or recommend that the council take no position.

OGA staff present bills on which an advisory committee recommends a position to the PCLC for determination of a council position. Staff may also choose to bring a bill before the PCLC on which an advisory committee has recommended no position. The staff present each bill to the PCLC with an analysis that includes a summary of the bill, a recommended position from an advisory committee and, if different, the OGA staff recommendation, the rationale for the recommendation, positions the council has taken on related bills, fiscal and workload impact, and other relevant information.

The council has established several positions the PCLC may take on a bill. These positions do not indicate the relative strength of the council's support or opposition, but the aims of OGA staff's lobbying efforts. The positions are:

1. Oppose. Position taken on a bill that conflicts with established council policies, and for which obvious changes would not resolve the conflict.
2. Oppose unless amended (or unless funded). Position taken on a bill that the council will oppose unless identified amendments are taken to address those provisions that conflict with council policy, or unless funding issues are resolved.
3. Oppose unless amended; support if amended. Position taken on a bill that the council will oppose unless identified amendments are taken. If amendments are taken, the council will support.
4. Neutral. Position taken on a bill the substance of which does not implicate council policy, but on which technical corrections would improve the measure.
5. No position. Position taken on a bill that addresses substantive issues on which the council takes no position, though the measure may affect the courts.

6. Support in concept. Position taken on a bill that, in concept, furthers council policy, but that is not yet drafted in sufficient detail for the council to support.
7. Support if amended (or if funded). Position taken on a bill that, with specified amendments or funding, would further the council's policies. Absent the amendments or necessary funding the council position is neutral.
8. Support. Position taken on a bill that furthers council policy.

PCLC may also combine several of the above positions.

The PCLC Meeting Schedule and Agenda

The PCLC meets regularly during the legislative session, usually by conference call. Beginning in late February or early March, the committee sets a schedule of meetings for a set time every three weeks. If a meeting is not needed, OGA staff notify PCLC members by e-mail. Late in the legislative session, and during budget negotiations, it is sometimes necessary to schedule several meetings on short notice to discuss or resolve late-breaking issues.

OGA staff prepare a written analysis of each bill for the PCLC. OGA staff place bills that do not appear to require discussion or deliberation on the PCLC's consent calendar. The consent calendar saves the committee time by eliminating the need to rearticulate clearly established council policies and positions. However, any committee member may remove an item from the consent calendar to discuss the bill's merits or recommended action.

Bills that are on the discussion agenda include those that appear to require discussion, and those bills on which the OGA staff recommendation differs from the recommendation of an advisory committee. In the latter instance, OGA staff will request that a representative of the advisory committee participate in the PCLC conference call. The guest presents the advisory committee's views, and takes questions from PCLC members. The PCLC may then excuse the guest and deliberate further and then vote on the position.

Legislative Advocacy

Once the PCLC adopts a position on a bill, that position and associated policies become the cornerstone of OGA's advocacy efforts. The information is presented in subsequent negotiating sessions, discussions with interested parties, and meetings with legislators. A letter setting forth the position and policies is sent to the bill's author, to legislative committee members, and other interested parties.

Generally, the PCLC's initial guidance and position suffices to direct OGA staff's advocacy throughout the legislative process. Sometimes, as a bill progresses or is amended, OGA staff require further direction from the PCLC because of a particular bill's significance or complexity, the sensitivity of an issue or the direction taken by the amendments. The PCLC may be asked to reconsider the matter at a subsequent meeting. If legislative events demand an immediate response, the staff may seek direction from a member or subcommittee the PCLC designates on that issue.

Coordination with other groups

The Judicial Council advances its position on legislation most successfully when it allies itself with other entities such as county government representatives, law enforcement, attorneys, and consumer advocates. OGA staff work to develop coalitions on issues of common interest. These coalitions often last for years, effectively supporting and opposing a variety of bills. For example, the council's efforts regarding trial court facilities legislation involved close coordination with the California State Association of Counties. Other groups with which the council has long-standing working coalitions include the Consumer Attorneys of California, the California Defense Counsel, the California Judges Association (CJA), the State Bar of California, and others. These and other working relationships have evolved during many years of cooperative effort.

On most court-related issues, OGA staff maintain close contact with representatives and staff of CJA and the State Bar. Additionally, OGA staff confer regularly with the California Court Association Legislation Committee (CCALC) to discuss or request analytical information about pending legislation with members of the court community. The CCALC members are court employees who provide vital input related to the operational impact of proposed legislation.

Legislative fiscal analysis

During its legislative screening process, OGA staff identify bills that require a fiscal analysis. In the years since the state assumed responsibility for trial court funding, the AOC, through joint efforts of OGA and the Finance Division, has developed a process to ensure that both timely and accurate fiscal analyses are submitted to the Legislature. When reviewing a bill for court-related policy issues, OGA legislative advocates also identify any provisions that may have costs associated with them. The OGA legislative advocate consults with fiscal staff in OGA and the Finance Division who are responsible for the development of fiscal analyses. Fiscal staff confirm the cost issues and, if necessary, work with the advocate to determine an appropriate approach and methodology, identify available resources, and clarify any technical issues affecting the analysis.

There are a variety of resources available to assist in the development of fiscal and workload analyses. Staff of the AOC's Office of Court Research assist in data collection and analysis. OGA staff also work closely with other AOC staff in specific program areas such as civil, criminal, family, and juvenile law; jury service; traffic programs; and the court interpreter program. These staff can provide direct information and referrals to local court staff to assist in the development of fiscal analyses.

Additionally, a process was recently developed to obtain greater input from court staff identified by court executive officers as subject matter experts. The Operational and Budget Impact Working Group of the Court Executives Advisory Committee identified staff in their courts and other courts whom OGA can consult to get input from court designated experts in large, medium, small, urban, and rural courts on the fiscal impact of legislation.

Judicial Council Legislative Policy Guidelines

The Judicial Council Legislative Policy Guidelines provide a historical summary of legislative action. The Guidelines are intended to ensure that council members, advisory committee members, and AOC staff have a common understanding of council policy on issues presented in proposed legislation and are guided by that council policy and practice. The document sets forth concise council policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six Judicial Council Strategic Plan goals.

Proposal for Judicial Council–Sponsored Legislation

Advisory Committee: _____

Date: _____

Contact Person: _____

OGA Liaison: _____

1. Problem to be addressed.
2. How does this problem affect the judicial branch?
3. Proposed solution.
4. Alternative solutions. Why is the recommended solution preferable?
5. Minority viewpoints.
6. Any foreseeable problems with the proposed solution?
7. Should the Judicial Council give this proposal urgent consideration?
If so, why?
8. Is the proposal within the Judicial Council's jurisdiction?
9. Should the proposal be carried out by amending the California Rules of Court instead of statute?
10. Why is the Judicial Council the best sponsor?
11. What political factors are associated with the proposal?

Please attach draft language.

The Office of Governmental Affairs

The mission of the Office of Governmental Affairs is to promote and maintain effective relations with the legislative and executive branches and to present the Judicial Council's recommendations on legislative matters pursuant to constitutional mandate.

(Cal. Const., art. VI, § 6). OGA staff are responsible for the following subject matters:

| Subject Matter | Contact |
|--|---------------------------------|
| General Advocacy | OGA Director, Donna Hershkowitz |
| Access to Justice/Self-represented Litigants | Tracy Kenny |
| Appellate Law | Tracy Kenny, Daniel Pone, TBD |
| Bench-Bar Coalition | Dia Poole |
| Budget | OGA Director, Andi Liebenbaum |
| Civil Procedure | Daniel Pone |
| Communications Liaison | Dia Poole |
| Court Facilities | TBD |
| Court Interpreters | Tracy Kenny |
| Court Reporters | Donna Hershkowitz |
| Court Security | Donna Hershkowitz |
| Criminal Procedure | TBD |
| Day on the Bench | Dia Poole |
| Employment Issues (trial court labor, court staff retirement) | Donna Hershkowitz |
| Family Law | Tracy Kenny |
| Fiscal Impact of Legislation | Andi Liebenbaum |
| Judgeships and Subordinate Judicial Officers | Donna Hershkowitz |
| Judicial Administration Fellowship Program | Dia Poole |
| Judicial Conduct | TBD |
| Judicial Education | Tracy Kenny |
| Judicial Elections | TBD |
| Judicial Service | Tracy Kenny, Donna Hershkowitz |
| Jury Issues | TBD |
| Juvenile Delinquency | Tracy Kenny |
| Juvenile Dependency | Tracy Kenny |
| Probate and Mental Health | Daniel Pone |
| Redistricting/Judicial Redistricting | TBD |
| State Bar/Practice of Law | Daniel Pone |
| Traffic Law | TBD |

Staff Biographies

Donna Hershkowitz has been the Assistant Director of the Office of Governmental Affairs since joining the AOC in January 2006. She is currently serving as Acting Director of OGA. Prior to joining the AOC, Ms. Hershkowitz most recently served as principal consultant with the Senate Office of Research. Prior to that, she worked for the state Department of Child Support Services, first as senior staff counsel, then deputy director. She also worked for four years as principal consultant to the Assembly Judiciary Committee. Ms. Hershkowitz has a bachelor's degree from Duke University and a juris doctorate from UCLA School of Law.

Katie Asher is an administrative coordinator with the Office of Governmental Affairs. Prior to joining the AOC, Ms. Asher worked for Electronic Data Systems (EDS). While employed with EDS, she worked as a public affairs coordinator for the Office of Governmental Affairs, as an administrative coordinator for Global Marketing Operations, and as a regional coordinator for the Americas Communications division. Ms. Asher has a bachelor's degree in communications from UC Davis.

Luz Bobino is an executive secretary to the director of the Office of Governmental Affairs. She began working at OGA in 2000. Prior to working for OGA, Ms. Bobino was an application support analyst for the Sutter Health Information Technology Center.

Larissa Brothers is a secretary with the Office of Governmental Affairs. Prior to joining the AOC, Ms. Brothers worked in an administrative capacity for Telpro Products, Inc. and Dish Network. For several years, Ms. Brothers ran a home-based confectionery business while pursuing a degree in paralegal studies.

Yvette Casillas is an administrative coordinator with the Office of Governmental Affairs and has been employed by the AOC since 1997. She is responsible for coordinating bill tracking and screening criminal and traffic legislation, as well as supporting the work of three advocates and the PCLC. Ms. Casillas relocated to Sacramento in 1995 from Southern California and attended Sacramento City College, majoring in administration of justice.

Tracy Kenny is an attorney with the Office of Governmental Affairs and has been employed by the AOC since 2001. Prior to joining the AOC, she worked as a fiscal and policy analyst at the Legislative Analyst's Office. Ms. Kenny is responsible for advocacy on family law, domestic violence, court interpreters, access to justice, juvenile dependency and delinquency issues, and judicial retirement. She has a bachelor's degree in history, a master's degree in public policy, and a juris doctorate from the University of California at Berkeley.

Monica LeBlond has been the supervising administrative coordinator in the Office of Governmental Affairs since January 2002. Prior to joining the AOC, she worked as an administrative and quality manager for an environmental consulting firm in Sacramento. Ms. LeBlond has a bachelor of music degree from the State University of New York.

Andi Liebenbaum joined the Office of Governmental Affairs in April 2012 as a senior governmental affairs analyst. She previously served as a senior consultant for Assembly

Member Jared Huffman in the California Legislature. Ms. Liebenbaum served as the president of the Los Angeles League of Conservation Voters, an environmental political action committee, for over a decade, and provided youth, workforce development and environmental policy training for the US Department of State in Central and South America. Ms. Liebenbaum, who is bilingual in English and Spanish, has two bachelors' degrees from Boston University and a juris doctorate from Loyola Law School Los Angeles.

Kate Nitta is a 2012-13 Judicial Administration Fellow at the Office of Governmental Affairs. The Judicial Administration Fellowship program is a graduate professional program administered by the Center for California Studies at California State University, Sacramento, and co-sponsored by the Judicial Council. Ms. Nitta graduated in May 2012 from Golden Gate University School of Law and sat for the July 2012 California Bar Exam. While in law school, she earned specialization certificates in Environmental Law and Public Interest Law. Prior to attending law school, Ms. Nitta worked as a legal secretary for a Sacramento real estate law firm. Ms. Nitta has a bachelor's degree in English from the University of California at Davis.

Daniel Pone is a senior attorney with the Office of Governmental Affairs and has been employed by the AOC since 2001. Prior to joining the AOC, he worked for four years as a principal consultant for the California Assembly Judiciary Committee, working in areas of civil rights, constitutional law, general civil law, contracts, probate, mental health, consumer protection, and privacy. Prior to working in the Assembly, Mr. Pone worked for more than 11 years as a senior attorney for Protection & Advocacy, Inc., specializing in mental health law. Mr. Pone has a bachelor's degree in psychology from the University of Oklahoma and a juris doctorate from University of California at Davis.

Dia Poole joined the Office of Governmental Affairs in January 2004 as a senior governmental affairs analyst. She previously held a four-year appointment as the public affairs director for the California Department of Fair Employment and Housing. Prior to her appointment at DFEH, Ms. Poole served as a policy consultant in several legislative and committee assignments with the California Legislature. Ms. Poole graduated from California State University, San Bernardino and worked for the County of San Bernardino for 13 years before accepting a California State Assembly fellowship and relocating to Sacramento in 1994.

Outreach Activities

The Office of Governmental Affairs seeks to promote effective communications within California's judicial branch and with the legislative and executive branches of government. To enhance these efforts, OGA has established outreach programs that inform the Governor, members of the Legislature, and the legal community about the judicial branch and issues of mutual concern.

State of the Judiciary Address and the Judicial-Legislative-Executive Forum

The Chief Justice of California typically delivers an annual State of the Judiciary address early in the calendar year to a joint session of the Legislature. The address focuses on significant issues and challenges facing the judiciary in the upcoming year. Following the address, a Judicial-Legislative-Executive Forum is conducted, providing an opportunity for members of the Legislature, the executive branch, appellate and trial courts, and the Bench-Bar Coalition to discuss issues and meet informally with the Chief Justice and other judicial branch leaders.

Liaison Program

Working with other groups toward achieving common goals has been a long-standing component of the Office of Governmental Affairs' advocacy work. The liaison program is the office's ongoing effort to maintain contact and work cooperatively with groups involved with the judicial branch, including the California Judges Association, the California State Association of Counties, the California District Attorneys Association, the California Public Defenders Association, the State Bar, civil plaintiffs and defense bars, and others. Where our positions on issues concur, we form alliances to enhance our advocacy efforts. When our positions on issues differ, we negotiate to reach agreements whenever possible. In support of this ongoing liaison effort, the Chief Justice hosts annual meetings with the leadership of several external organizations to discuss issues of mutual concern.

Statewide Bench-Bar Coalition

The Administrative Office of the Courts and the State Bar of California coordinate the statewide Bench-Bar Coalition (BBC). The BBC enhances communication and coordinates the activities of the judicial community with the State Bar; local, minority, and specialty bars; and legal services organizations regarding issues of common interest, particularly in the legislative arena.

Day on the Bench Program

The Day on the Bench program is an event in which a legislator spends a day (or portion of a day) in court with a judge in the legislator's district. This program, cosponsored with the California Judges Association, is designed to give legislators an understanding of the volume, complexity, variety, and difficulty of a trial court judge's daily duties and responsibilities.

California Court Association Legislation Committee

The California Court Association Legislation Committee is composed of professional court staff from various courts throughout the state, including court managers, supervisors, and technical staff. Throughout the legislative session, OGA staff confers with CCALC to exchange information on pending legislation and help inform Judicial Council positions. In November of each year, CCALC and OGA staff jointly conduct the New Laws Workshops to provide court staff throughout the state with information regarding newly-enacted legislation that makes changes to court operations and procedures.

Publications and Information Services

To facilitate communication, staff distributes the following information on current legislative developments.

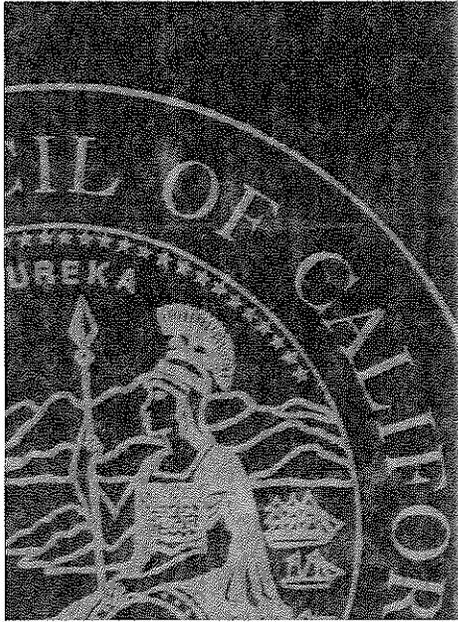
Each year, the Office of Governmental Affairs publishes a comprehensive summary of enacted legislation that affects the courts or is of general interest to the legal community. The Legislative Summary includes brief descriptions of the measures, organized by subject. Current and prior-year summaries can be downloaded from the California Courts Website, Court-related Legislation page: <http://www.courts.ca.gov/4121.htm>

Legislative Status Chart – The Office of Governmental Affairs prepares a chart that provides an easy reference to all council actions on pending legislation, including Judicial Council-Sponsored legislation.

Table of Bills Affecting Appellate Courts – The Office of Governmental Affairs prepares a chart of legislative bills that affect the appellate courts or that respond to California appellate court decisions.

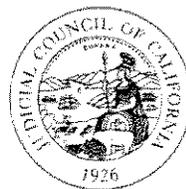
To view bills being tracked by the Office of Governmental Affairs visit the California Courts website at <http://www.courts.ca.gov/4121.htm>

A copy of any legislative measure may be obtained from the Bill Room in the State Capitol building by calling (916) 445-2323. Bills and legislative analyses can also be accessed on the Internet at www.leginfo.ca.gov/bilinfo.html free of charge.



2011 Legislative Policy Guidelines

HISTORICAL SUMMARY OF
LEGISLATIVE ACTIVITY



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
OFFICE OF GOVERNMENTAL AFFAIRS
HISTORICAL SUMMARY OF LEGISLATIVE ACTION

OCTOBER 2011

The Administrative Office of the Courts' Office of Governmental Affairs monitors legislative activity and represents the Judicial Council before the Legislature, the Governor's Office, and executive branch agencies and departments. The following summary of council action sets forth concise policy guidelines regarding court-related legislative proposals. The policy guidelines are organized by topic and further the objectives of the six goals of *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012*. The table that follows each policy guideline shows actions taken on legislation that illustrate the policy. The table does not include every bill on which a council position was taken.

This document is updated annually. The electronic version of this document contains hyperlinks for viewing the text of the bills.

GENERAL PRINCIPLES

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally takes no position on bills involving substantive law. However, it may take a position on an apparent issue of substantive law if issues of procedure and substance are so inextricably intertwined that they directly affect court administration or judicial discretion or negatively affect existing judicial services by imposing unrealistic burdens on the system.

LEGISLATIVE ACTIVITY

I. COURT OPERATIONS

A. COURT STRUCTURE

The council supports a structure of general jurisdiction to improve court efficiency and flexibility in the use of judicial resources. For specialty calendars (e.g., drug courts, dependency violence courts, etc.) established in the trial courts, the council supports evaluation and development of best practices.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|-----------|------|--|---|------|--|
| <u>SB 848</u> | Emmerson | 2011 | Oppose | Reorganizes the Court of Appeal into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties. | III | |
| <u>AB 1925</u> | Salas | 2010 | No position | Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military. | N/A | Outside Judicial Council purview |
| <u>SB 851</u> | Steinberg | 2007 | Oppose unless amended. Neutral if amended | Authorizes superior courts to establish and implement mental health courts, which may operate a pre-guilty plea program or a deferred entry of judgment program. Authorizes the California Department of Corrections and Rehabilitation to contract with a superior court and county to use mental health courts as a program for parolees with serious mental illnesses who either violate the terms of parole or receive new terms, as an alternative to custody. As proposed to be amended, a parolee's participation in the mental health court program would be voluntary, and the parolee would be required to sign a waiver indicating agreement that participation in the program is in lieu of parole revocation proceedings. Parolees would remain under legal custody of the Department of Corrections and Rehabilitation. | II | Inappropriately creates shared jurisdiction over parolees. |
| <u>ACA 35</u> | DeVore | 2006 | Oppose | Provides that the Supreme Court has original jurisdiction, and no other state court has jurisdiction, in any civil action challenging the facial validity of any statewide initiative measure or referendum placed on | II | |

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I - Access, Fairness, and Diversity

Goal II - Independence and Accountability

Goal III - Modernization of Management and Administration

Goal IV - Quality of Justice and Service to the Public

Goal V - Education for Branchwide Professional Excellence

Goal VI - Branchwide Infrastructure for Service Excellence

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|-----------------------------------|-----------------|--------------|---|--|------------|---|
| | | | | the ballot by signature petition of the voters and approved by the voters at a statewide election. Requires the Supreme Court to issue its decision within 90 days of the filing of the action, and establishes a 90-day statute of limitations for civil actions challenging the facial validity of this type of initiative measure or referendum. | | |
| <u>AB 1453</u> | Daucher | 2005 | Oppose | Creates new Water Courts to adjudicate cases involving the production of groundwater. | II | Interferes with court administration. |
| <u>SCA 16</u> | Runner | 2005 | Oppose | Provides that Los Angeles County shall be divided into judicial districts established by three special masters appointed by the Supreme Court within 30 days after the effective date of the measure. Provides that each district must be geographically compact and contiguous to the extent practicable, and consist of no more than 36 superior court judges. The districts must also comply with the federal Voting Rights Act. | I, III, IV | |
| <u>AB 2472/</u> <u>SB 1424</u> | Wolk/ Burton | 2004 2004 | Oppose unless amended; neutral if amended | Creates the California Tax Court, which would replace the State Board Equalization (BOE) as the forum that would hear and determine certain tax appeals. Provides that a taxpayer's option to file an appeal with the California Tax Court would be in lieu of filing an appeal in the California Superior Court. The bills provide further that, within 90 days of the date a determination by the California Tax Court becomes final, a taxpayer or the applicable state agency may appeal the determination of the California Tax Court to the Court of Appeal. | II | Amendments sought to eliminate use of terms court and judge and to allow review by extraordinary writ only. |

B. COURT FUNDING

The council supports funding of the courts at a level that will ensure an adequate and stable source of necessary resources. The council generally opposes funding the courts by fees or fines, but departs from this general position in certain circumstances.

L. Budget

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|-------|--------|------|----------|--|------|-------|
| SB 93 | Florez | 2005 | Neutral | Allows Tulare County to pay any interest and | III | |

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I -- Access, Fairness, and Diversity
 Goal II -- Independence and Accountability
 Goal III -- Modernization of Management and Administration

Goal IV -- Quality of Justice and Service to the Public
 Goal V -- Education for Branchwide Professional Excellence
 Goal VI -- Branchwide Infrastructure for Service Excellence

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|-------------|------|-----------------------|---|--------|---|
| | | | | penalties owed to the Trial Court Trust Fund and the Trial Court Improvement Fund over a period of 10 years. | | |
| <u>AB 750</u> | Mullin | 2005 | Oppose | Authorizes San Mateo County to reduce the amount it is required to remit to the state for funding court operations by 10 percent for 3 years beginning on July, 1 2005. | IV | |
| <u>SB 324</u> | Florez | 2003 | Oppose unless amended | Forgives non-remittance of revenues by Tulare County to the Trial Court Trust Fund. | III | Amendment sought to add an appropriation to reimburse the Trial Court Improvement Fund. |
| <u>SB 1343</u> | Tortakson | 2002 | Neutral | Forgives retroactive repayment of MOE amounts to the Trial Court Trust Fund. | IV | |
| <u>SB 1396</u> | Dunn | 2002 | Support | Clarifies allowable and unallowable costs for court security. | IV | |
| <u>SB 1153</u> | Johannessen | 2001 | Oppose | Provides that costs related to court security in counties with a population of less than 103,000 shall be paid by the state. | IV | |
| <u>AB 2459</u> | Wiggins | 2000 | No position | Requires the council to adopt rules to provide for public access to budget allocation and expenditure information. | II, IV | |

2. *Fees, fines, penalties*

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|----------|------|----------|--|------|-------|
| <u>SB 221</u> | Simitian | 2011 | Support | Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays, until January 1, 2015, operation of jurisdictional increase for bodily injury claims resulting from vehicle accidents. | I | |
| <u>AB 1826</u> | Beall | 2008 | Sponsor | Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled substance offenses is the same as the first paper filing fee in unlimited civil actions. | III | |
| <u>AB 367</u> | De León | 2007 | Sponsor | Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise | III | |

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

- Goal I – Access, Fairness, and Diversity
- Goal II – Independence and Accountability
- Goal III – Modernization of Management and Administration
- Goal IV – Quality of Justice and Service to the Public
- Goal V – Education for Branchwide Professional Excellence
- Goal VI – Branchwide Infrastructure for Service Excellence

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------|---------------------|------|----------|--|-------------|-------|
| AB 1248 | Evans | 2007 | Sponsor | Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations. Makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, increases the cap on habeas investigations costs paid by the Supreme Court, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and changes the date when the Judicial Council must adjust the amount a parent or guardian may be liable for minors' actions. | III, IV | |
| AB 145 | Committee on Budget | 2005 | Sponsor | Establishes statewide uniform first-paper and first-response paper fees at three graduated levels: the filing fee for limited civil cases where the demand is less than or equal to \$10,000 is \$180; the filing fee for limited civil cases where the demand is greater than \$10,000 but less than \$25,000 is \$300; and the filing fee for unlimited civil cases is \$320. | II, III, IV | |
| SB 246 | Escutia | 2004 | Sponsor | Allows courts, in addition to counties, to refer delinquent fines to the Franchise Tax Board. | II, III | |
| AB 934 | Reyes | 2003 | Oppose | Adds a \$25 filing fee for deposit in the Child Abduction Prevention Fund established in the office of the district attorney in Fresno County. | II | |
| SB 940 | Escutia | 2003 | Sponsor | Requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs. | II, III | |
| AB 1819 | Robert Pacheco | 2002 | Support | Removes the \$100 minimum requirement to identify and collect delinquent fines and forfeitures with or without a warrant and provides that any county or court may establish a minimum base fine or forfeiture amount for inclusion in the program. | II, III | |
| AB 2690 | Cardoza | 2002 | Oppose | Requires each court to submit to the Bureau of State Audits an annual financial statement showing | II, III | |

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I – Access, Fairness, and Diversity

Goal IV – Quality of Justice and Service to the Public

Goal II – Independence and Accountability

Goal V – Education for Branchwide Professional Excellence

Goal III – Modernization of Management and Administration

Goal VI – Branchwide Infrastructure for Service Excellence

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|------|--------|------|----------|-------------------------------|------|-------|
| | | | | outstanding delinquent fines. | | |

C. COURT FACILITIES

The council seeks ways to fund necessary courthouse construction projects on a statewide basis.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|-----------|------|--------------------|--|----------------|---|
| <u>SBX2 12</u> | Steinberg | 2009 | Sponsor | Provides for the continuous appropriation of revenue created by SB 1407 (Stats 2008, ch. 311) to support courthouse construction projects. Creates an expedited authority process for trial court construction projects. | I, II, III, VI | |
| <u>SB 1407</u> | Perata | 2008 | Sponsor | Authorizes a \$5 billion program for the construction, rehabilitation, renovation, and replacement of court facilities. Increases civil first paper filing fees and criminal and traffic fees and penalties to generate the revenue to fund future revenue bonds. | I, III, VI | |
| <u>SB 10</u> | Dunn | 2006 | Co-sponsor | Revises the Trial Court Facilities Act of 2002 to allow buildings with a seismic level V rating to transfer to the state so long as counties remain liable for earthquake-related damage, replacement, injury, and loss to the same extent that they would have been liable if the responsibility for court facilities had not transferred to the state. | I, III | |
| <u>SB 1375</u> | Lowenthal | 2006 | Support if amended | Requires the state to become a party to any public-private partnership agreement entered into by a county that involves a capital lease for construction of replacement court facilities and to become the lessee. | II, III | Amendment sought to remove requirement that the state participate in negotiations with counties and private developers regarding the construction of a new court facility |
| <u>AB 262</u> | Berg | 2005 | Oppose | Prohibits the Judicial Council from requiring that a structure proposed for transfer from a county to the state for court occupancy meet a building code stricter than the standard adopted for the county buildings in the county proposing the transfer. | II, III | |
| <u>AB 1435</u> | Evans | 2005 | Support | Adds expenditures on "court facilities" to the list of allowable uses of local courthouse construction funds. | III | |

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I – Access, Fairness, and Diversity
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Goal IV – Quality of Justice and Service to the Public
 Goal V – Education for Branchwide Professional Excellence
 Goal VI – Branchwide Infrastructure for Service Excellence

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|-----------|------|-----------|---|----------------|---|
| <u>SB 395</u> | Escutia | 2005 | Sponsor | States the intent of the Legislature to enact the California Court Facilities Bond Act of 2006 to acquire, construct, and finance court facilities. | I, III, VI | |
| <u>AB 688</u> | Nakanishi | 2003 | Oppose | Requires the Amador County courthouse and hospital transfer to the state on January 1, 2004, and relieves Amador County of its responsibility to provide court facilities pursuant to SB 1732 (Escutia), Stats. 2002, ch. 1082. | II | April 28, 2003 amendments provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors bearing on the priority of each proposed project, including a proposal for matching funds. Council opposition withdrawn. |
| <u>SB 655</u> | Escutia | 2003 | Sponsor | Authorizes the issuance of bonds, the proceeds of which would be deposited in the State Court Facilities Construction Fund. | I, III, VI | |
| <u>SB 1732</u> | Escutia | 2002 | Cosponsor | Establishes a process for the transfer of responsibility for court facilities from the counties to the state. | I, II, III, VI | |

D. COURT MANAGEMENT

1. *Personnel issues* – The council seeks to maintain the ability of the judicial branch to manage relationships between courts and court employees and independent contractors such as court reporters and court interpreters.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|-------------------|------|-----------------------|---|---------|---|
| <u>AB 1699</u> | Hernandez | 2010 | Oppose unless amended | Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for employee compensation and benefits, so that state employees will be fully paid in the absence of a state budget. The contents of this bill are identical to the provisions of AB 790. | II, III | Inappropriately treats judicial branch employees differently than other public employees. |
| <u>AB 1749</u> | Lowenthal, Bonnie | 2010 | Support | Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the judicial branch. | II | Promotes accountability and transparency. |
| <u>SB 752</u> | Wiggins | 2009 | Support | Requires that counties in joint PERS contract with a court, prior to issuing a pension obligation bond (POB) (1) identify court employees as of January 1, 2001 (2) require PERS to complete an actuarial analysis, and (3) reach agreement with the court on | II | |

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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 Goal VI – Branchwide Infrastructure for Service Excellence

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------|-----------|------|----------------------------------|---|---------|---|
| AB 276 | Solorio | 2007 | Oppose | the financial and legal impact of the POB on the court's employer contribution rate. Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill would remove the right to bargain with employee organizations over the use of temporary or limited term employees. Eliminates or delays the courts' ability to seek injunctive relief when court employees or when county employees strike and essential court employees will not cross a picket line. Removes a court's ability to seek injunctive relief in superior court for the return of a limited number of employees instead. Requires all injunctive relief to be sought through Public Employment Relations Board. | II, III | |
| AB 553 | Hernandez | 2007 | Oppose | Increases the fee for the original and copies of court reporter transcripts for 3 consecutive years by a specified amount and then annually by the Consumer Price Index. | I, IV | As amended May 23, 2007 council position changed to take no position on amount of transcript rate increase, if funded, support the uniform transcript standards, and oppose unless amended to address increased costs on low income litigants. |
| AB 582 | Evans | 2007 | Oppose unless amended and funded | Prohibits use of limited-term for work that is an integral part of the long-term, regular work of the trial court. | II | |
| AB 1797 | Bermudez | 2006 | Oppose | Requires the assets and liabilities of the Superior Court of Butte County and the County of Butte to be kept in separate accounts within the Public Employees Retirement System fund. | II, III | Amendment sought to delete the requirement that assets and liabilities be split and instead require the Judicial Council to report to the Legislature by January 1, 2006 on how to fairly resolve the issues raised in Butte and Solano counties. |
| SB 733 | Aanestad | 2005 | Oppose unless amended | Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations. | II, III | |
| AB 782 | Keheo | 2003 | Oppose unless amended | | | |

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

Goal I - Access, Fairness, and Diversity

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|---------|------|----------|---|---------|-------|
| <u>SB 371</u> | Escutia | 2002 | Support | Establishes the Trial Court Interpreter Employment and Labor Relations Act, providing for the employment and compensation of certified and registered trial court interpreters. | II, III | |
| <u>SB 2011</u> | Burton | 2002 | Support | Establishes the Workers' Compensation Fund. Allows the courts to be uninsured for workers' compensation in the same way the state, as an employer, is uninsured. | II, III | |
| <u>AB 1571</u> | Shelley | 2001 | Oppose | Eliminates the statutory "at pleasure" status of the Supreme Court and Court of Appeal employees. | II, III | |
| <u>SB 2140</u> | Burton | 2000 | Support | Establishes the trial court as the employer of court employees. | III | |

2. *Management and administration* – The council closely examines the fiscal and resource implications of any legislative proposal that places additional responsibilities on court administration. When appropriate, the council informs the Legislature of the need for additional resources to carry out new legislatively imposed responsibilities, or seeks to improve the efficiency of the new procedure.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------------|--------|------|---|--|------|--|
| <u>AB 973</u> | Campos | 2011 | Support if amended; neutral if not amended. | Requires trial courts, prior to adopting a baseline budget plan for the fiscal year, to accept public input by holding a public hearing where testimony may be presented and by receiving written comments. Requires that, during the current 60-day notice period regarding notice of courtroom closures, or closure or reduction in the hours of clerks' offices, the public be given an opportunity to submit written comments on the court's plan. | II | Support contingent on amendments to provide flexibility to the trial courts on how the opportunity for public comment is provided, rather than mandating a public hearing. |
| <u>SB 326</u> | Yee | 2011 | Oppose | Requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court. | IV | Unworkable burden on courts. |
| <u>SB 858</u> | Gaines | 2011 | Oppose | Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors. | II | Codifies a one-sided governance structure that ignores the critical role of the court in probation activities. |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|----------|------|-----------------------|--|---------|--|
| <u>AB 1697</u> | Hall | 2010 | Oppose | Takes the authority to allocate funding for court security away from the Judicial Council. Directs that the allocation to each sheriff be determined by the Judicial Council's Working Group on Court Security; makes all persons who provide court security services employees of and under the direction of the county sheriff. | II | Inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council. |
| <u>AB 1926</u> | Evans | 2010 | Sponsor | Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines established by the Judicial Council. | VI | Promotes efficient management of court records. |
| <u>AB 273</u> | Anderson | 2009 | Oppose | Requires the superior courts to submit all unpaid court-ordered debt to the Franchise Tax Board, regardless of the amount, if the debt is at least 90 days delinquent. Allows the Franchise Tax Board to include in the total amount owed by the debtor that is subject to collection, the "actual and reasonable cost of collection." | II | |
| <u>AB 1338</u> | Anderson | 2009 | Oppose unless funded | Authorizes the presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, to establish and conduct an arraignment court program. Also authorizes the presiding judge of the superior court to establish extended hours for the operation of an arraignment court program. | III | Unnecessary. Interferes with court management. |
| <u>AB 2357</u> | Duvall | 2008 | Oppose unless amended | Requires the Judicial Council to develop and implement policies and procedures for the protection of personal information maintained by a superior court and processed or stored by private service providers, consistent with the best interests of the public. Requires the council, as part of the process of developing these policies and procedures, to consider, among other things, the effect and advisability of prohibiting the outsourcing of data entry services outside the United States. | III, IV | Sought amendment to direct the Judicial Council to take a comprehensive look at protecting personal information and to develop policies and procedures that are in the best interests of the public. |
| <u>AB 112</u> | Wolk | 2007 | Oppose | Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012. | III | |

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|---------|------|---|--|---------|--|
| <u>AB 117</u> | Beall | 2007 | Oppose | Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of \$2 for every \$10 or fraction thereof, upon each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85 percent shall be used in traffic safety programs approved by the county board of supervisors, and 15 percent shall be deposited in the county's courthouse construction fund. | III | |
| <u>SB 57</u> | Alarcon | 2005 | Oppose | Authorizes a county board of supervisors to levy a \$2 penalty assessment for every \$10 in base fine, for seat belt, speed limit, DUI and domestic violence offenses. | III | Imposed undue burden on court case-management systems. |
| <u>SB 324</u> | Florez | 2004 | Oppose unless amended to include an appropriation to the Trial Court Improvement Fund | Validates the incorrect distribution of fines, forfeitures, and penalties made by the County of Tulare to the State Treasurer for deposit in the Trial Court Improvement Fund in the 1996-97 to 1999-2000 fiscal years. | II, IV | |
| <u>SB 1801</u> | Flores | 2004 | Oppose | Prohibits any state or local agency or court that accepts a credit card or debit card as a payment from imposing any processing fee or charge for the use of that card that is not also imposed upon persons who pay by cash or check. | II, III | |
| <u>AB 3036</u> | Corbett | 2002 | Oppose unless funded | Increases the accountability of guardians by assisting courts in overseeing guardianship cases and helps ensure proper care and treatment for wards. | II, III | |
| <u>AB 1421</u> | Thomson | 2001 | Oppose unless funded | Authorizes a new involuntary outpatient treatment scheme for certain mentally ill persons. Sets forth new court duties for implementing this program. | III | |

E. COURT HOURS

The council seeks to maintain adequate access to the courts.

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|----------|------|----------|--|-----------|-------|
| <u>AB 996</u> | Anderson | 2009 | Oppose | Authorizes the courts to operate on a continuous and ongoing basis, 24 hours per day, seven days per week. | II, III | |
| <u>AB 1641</u> | Keene | 2003 | Sponsor | Improves procedures authorizing the Chief Justice to issue orders during an emergency. | I, II, IV | |

II. THE JUDICIARY

A. JUDGESHIPS

The council is committed to ensuring adequate judicial resources in the courts. The council advocates creation of additional trial and appellate court judgeships in order of most severe need, and pursuant to an orderly statewide review.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|----------------------|------|----------|--|----------------|-------|
| <u>AB 159</u> | Jones | 2007 | Sponsor | Authorizes the creation of the second set of 50 judgeships, to be allocated pursuant to the council's allocated methodology. | I, II, III, IV | |
| <u>SB 56</u> | Dunn | 2005 | Sponsor | Authorizes 50 additional judges based upon the uniform criteria and allocation approved by the Judicial Council pursuant to the Judicial Needs Study. Requires the Judicial Council to report to the Legislature biannually on the continuing need for new judgeships and their allocation based on the same uniform criteria. | I, II, III, IV | |
| <u>SB 1857</u> | Burton and Hertzberg | 2000 | Support | Authorizes 20 new trial court judgeships and 12 appellate justice positions | I, II, III, IV | |

B. JUDICIAL SERVICE

To ensure the branch's ability to attract and retain highly qualified judges, the council supports appropriate increases to judicial salaries, and an adequate, fully funded judicial retirement plan. The council also seeks ways to improve the administration of justice in areas related to judicial retention, including (1) benefits, wellness subsidies, professional development allowances, personal leave, and supplemental life, disability, or liability insurance; (2) health-care benefits, including services and programs; (3) compensation and retirement; (4) "quality of judicial life" resources and programs; (5) mentorship programs; and (6) special needs of and programs for new and retired judges.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|------|--------|------|----------|--|------|-------|
| | | | | JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES | | |
| | | | | Goal IV - Quality of Justice and Service to the Public | | |
| | | | | Goal V - Education for Branchwide Professional Excellence | | |
| | | | | Goal VI - Branchwide Infrastructure for Service Excellence | | |

Goal I - Access, Fairness, and Diversity

Goal II - Independence and Accountability

Goal III - Modernization of Management and Administration

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|-----------------------------|-------------------|------|---|---|---------|--|
| <u>SB 503</u> | Vargas | 2011 | Cosponsor | Allows JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years. | I | |
| <u>SB 1425/ AB 1987</u> | Simitian/ Ma | 2010 | Oppose unless amended to allow exclusion of judges and SJOs from separation requirement | Prohibits the practice of "pension spiking" by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals' pension benefits. Prohibits "double dipping" by requiring at least six months separation before any employee may return to service. | II, III | Fails to address the unique circumstances of the judicial branch. By failing to exclude judges from the double dipping provision, it interferes with the assigned judges program's ability to retain newly retired judges, and the ability to hire retired commissioners while a court awaits a judicial appointment to a converted commissioner position. |
| <u>AB 32</u> | Lieu | 2009 | Support | Enhances Internet privacy protections for judicial officers. | II, III | |
| <u>AB 545</u> | Walters | 2008 | Support | Amends the Judges' Retirement System II (JRS II) statute to allow a judge who is on leave from the bench because of active duty service in the military to elect to purchase retirement service credit by repaying his or her missed contributions to JRS II. | II, III | |
| <u>SB 1187</u> | Ackerman | 2006 | Sponsor | Permits a judge in the Judges' Retirement System II who leaves judicial office after five or more years of service and is not eligible to retire to elect to receive the amount in his or her retirement account as an annuity. | II, III | |
| <u>SB 1364</u> | Battin | 2006 | Support | Protects privacy of judicial officers. | II, III | |
| <u>AB 1035</u> | Spitzer | 2005 | Support | Prohibits any state or local agency from hosting or providing service to an Internet web site that posts a public safety official's home address or telephone number. | II, III | |
| <u>AB 1595</u> | Evans | 2005 | Support | Prohibits selling or trading for value on the Internet the home address or telephone number of any elected or appointed official has made a written demand to not disclose his or her home address or telephone number. | II, III | |
| <u>SB 506</u> | Poochigian | 2005 | Support | Extends existing voter registration confidentiality programs to include a public safety official. | II, III | |
| <u>SB 528</u> | Ackerman and Dunn | 2005 | Co-sponsor | Declares the Legislature's intent to evaluate the impact of trial court unification on the judges' | II, III | |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------|---------|------|----------|--|---------|--------------------------------------|
| AB 2905 | Spitzer | 2004 | Support | retirement systems and the resulting increase in the judges' age at the start of their judicial service. Requires that an employing governmental entity reimburse moving and relocation expenses if it is necessary to move because a judge or court commissioner has received a credible threat that a life threatening action may be taken against him or her or his or her immediate family as a result of his or her employment | II, III | Improve quality of judicial service. |
| AB 2688 | Alquist | 2002 | Support | Establishes a burial benefit in the amount of \$7,500, subject to cost-of-living increases, for all active and retired judges. | III | |

C. SELECTION AND ELECTION OF JUDGES

The council seeks to avoid politicizing the election process, and supports a process that is fair and clear to candidates and informative to voters.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|--------|-----------|------|----------|--|---------|-------|
| AB 362 | Lowenthal | 2011 | Support | Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record. | I, II | |
| ACA 1 | Nation | 2001 | Oppose | Eliminates elections to fill judicial vacancies, providing instead that the governor shall fill vacancies. Provides that all judges appear on the ballot uncontested, with the question presented whether the candidate shall be elected. | II, III | |

D. COMMISSIONERS, REFEREES, AND TEMPORARY JUDGES

The council supports clarification of the status, powers, and duties of commissioners, referees, and hearing officers.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|--|--------|------|----------|--------------|------|-------|
| JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES Goal I – Access, Fairness, and Diversity Goal II – Independence and Accountability Goal III – Modernization of Management and Administration Goal IV – Quality of Justice and Service to the Public Goal V – Education for Branchwide Professional Excellence Goal VI – Branchwide Infrastructure for Service Excellence | | | | | | |

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|------------------------|------|----------|--|-----------|--|
| <u>SB 405</u> | Corbett | 2011 | Sponsor | Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in FY 2011-2012 where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer. | I, II, IV | |
| <u>AB 2763</u> | Committee on Judiciary | 2010 | Support | Permits the conversion of up to 10 additional subordinate judicial officer (SJO) positions to judgeships each year. Allows the additional conversions if the conversion would result in a judge being assigned to a family law or juvenile law calendar previously assigned to an SJO. | I, II, IV | Allows the council to expedite the conversion of eligible SJO positions. |
| <u>AB 159</u> | Jones | 2007 | Sponsor | Authorizes the conversion of 162 subordinate Judicial Officer positions to judgeships upon vacancy. | I, II, IV | |

III. PROCEDURAL LAW

A. CIVIL PROCEDURE

The council supports measures that reduce delay and make court operations more efficient. The council seeks to protect the exercise of judicial discretion in matters of civil litigation. The council generally supports judicial arbitration and other alternative dispute resolution (ADR) programs and procedures that are likely to assist in the equitable disposition of cases, but advocates for limits on the use of court-ordered discovery references to exceptional circumstances.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|-------------|--------|------|----------|---|---------|-------------------------------------|
| <u>AB 5</u> | Evans | 2009 | Sponsor | Amends the Civil Discovery Act to expressly authorize the discovery of electronically stored information, and authorizes the "copying, testing or sampling" of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to | III, IV | Improves administration of justice. |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|----------|------|----------|---|---------|--|
| <u>AB 839</u> | Emmerson | 2009 | Support | <p>the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.</p> <p>Requires Medi-Cal service providers with a complaint or grievance concerning the processing or payment of money that the provider alleges is payable under the Medi-Cal program to follow specified Department of Health Care Services complaint procedures. In lieu of allowing providers to seek "appropriate judicial remedies" to appeal the department's decision, instead specifies that the provider who has complied with these procedures may, within the time period prescribed in existing law, file a petition for a writ of mandate pursuant to Section 1085 of the Code of Civil Procedure in the superior court.</p> | III, IV | Improves administration of justice. |
| <u>SB 259</u> | Benoit | 2009 | Oppose | <p>Provides that, if a court voids any results of a homeowners' association election for one or more Common Interest Development (CID) board members, the court shall not invalidate a decision of the board that was reached after the board was seated pursuant to that election unless the court finds that the action of the board was contrary to law or the governing documents.</p> | II | Interferes with court discretion. |
| <u>AB 225</u> | Beall | 2008 | Support | <p>Re-enacts the elder abuse protective orders statute, and expands its scope to allow the court, in its discretion, on a showing of good cause, to extend the protection to include the petitioner's named family or household members, as well as the petitioner's conservator. Provides that a petitioner shall not be required to pay a fee for law enforcement to serve a protective order issued pursuant to the bill's provisions.</p> | III, IV | Enhances court's ability to provide protection to elder abuse victims, and improves access to justice. |
| <u>AB 2193</u> | Tran | 2008 | Support | <p>Enacts the Interstate and International Depositions and Discovery Act. Creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-</p> | IV | Improves administration of justice and enhances court administration. |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|---|------|----------|--|-------|--|
| <u>AB 2379</u> | Evans | 2008 | Oppose | state proceeding, and provides that a request for relief in this regard would be filed in the superior court in the county in which the discovery is sought, with payment of specified fees. Permits a party to appeal court orders in connection with a dispute by extraordinary writ to the appropriate court of appeal. Provides that an appeal from an order granting or denying a motion to seal or unseal a court record may be made by filing an extraordinary writ petition or notice of appeal. If a party seeks an appeal, requires that the record relating to the matter and the opening brief be filed within 30 days of notice of entry of the trial court's order. Requires the clerk of the reviewing court to set the appeal for a hearing on the first available court date. | II | Interferes with appellate court calendaring authority. |
| SB 1608 | Corbett, Harman, Steinberg, Runner and Calderon | 2008 | Neutral | Requires a court, in civil actions involving construction-related accessibility claims, to issue an order, upon request, that grants a 90-day stay of the action and schedules a mandatory early evaluation conference (EEC) if the defendant has satisfied certain requirements relating to inspection of the site at issue by a certified access specialist. Provides that the court must schedule an EEC between 21 and 50 days after issuance of the stay order, and requires that EECs be conducted by a superior court judge or commissioner, or a court early evaluation conference officer, as defined. | IV | Encourages early resolution of these cases. |
| <u>AB 500</u> | Lieu | 2007 | Support | Specifies generally that a party may appear by telephone in all general civil cases at case management conferences, and other specified conferences, hearings and proceedings. Provides that a court may require a party to appear in person at such hearings, conferences, or proceedings if the court determines, on a hearing-by-hearing basis, that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case. | I, IV | Improves access to the courts and conserves resources. |
| <u>AB 1264</u> | Eng | 2007 | Neutral | Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the | IV | Improves administration of justice. |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------|------------------------|------|-----------------------------------|--|---------|---|
| AB 2303 | Committee on Judiciary | 2006 | Sponsor (of specified provisions) | conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties. Clarifies the procedures governing a change of name; makes service times for elder abuse protective orders consistent with other protective orders; authorizes courts to receive notice to appear citations for non-parking Vehicle Code violations electronically if the court has the ability to receive the information and reproduce it in a printed form; and extends the sunset date on existing statutory authority for courts to impose modest monetary sanctions upon jurors who fail to respond to a jury summons. | IV | Improves administration of justice and enhances court administration. |
| SB 1116 | Scott | 2006 | Support | Increases court oversight of moves of conservatees and the sale of their homes. | IV | Improves the court's ability to provide oversight of these cases. |
| SB 1550 | Figueroa | 2006 | Support | Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries. | IV | Improves the court's oversight of these cases. |
| AB 355 | Tran | 2005 | Oppose | Authorizes the court in any action involving joint and several liability to "instruct the jury on the effect of finding any party, including, but not limited to, the State of California, partially liable." | II, III | Would create confusion; interferes with judicial function. |
| AB 496 | Aghazarian | 2005 | Support if amended | Requires the clerk to maintain the original summons in the court file. | III | Improves court administration and conserves resources. |
| AB 1322 | Evans | 2005 | Co-sponsor | Modifies grounds for disqualification to require more than casual discussions regarding prospective employment with providers of alternative dispute resolution services. | II, IV | Avoids unnecessary disqualifications of judges. |
| AB 1742 | Committee on Judiciary | 2005 | Sponsor | Deletes the sunset on CCP section 128.7, thereby continuing the courts' ability to impose sanctions for the filing of frivolous lawsuits. Clarifies and streamlines small claims court procedures, extends the sunset of the security fee, and requires that acceptance of an offer to compromise a lawsuit must be in writing. | III, IV | Improves administration of justice and enhances court administration. |
| SB 575 | Torlakson | 2005 | Oppose unless amended | Establishes calendar preference for actions to enforce provisions of the Anti-NIMBY law. | II, III | Interferes with court administration. |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|------------------------|------|----------|--|---------|---|
| <u>AB 3078</u> | Committee on Judiciary | 2004 | Sponsor | Makes several non-controversial changes to the statute governing the times for service and filing of motion papers, as well as clarifying the cutoff date for discovery in civil cases. Also clarifies standing of emancipated minors in small claims court, and clarifies to whom a clerk must provide notice when a check for filing fees has been returned for non-payment. | III, IV | Improves administration of justice and enhances court administration. |
| <u>SB 1249</u> | Morrow | 2004 | Oppose | Provides that the word "hearing," when applied to any demurrer, motion, or order to show cause, signifies oral argument by moving and opposing parties on a record amenable to written transcription which shall be had unless affirmatively waived by the parties. | II, IV | Unnecessary; interferes with judicial function. |
| <u>AB 2321</u> | Hertzberg | 2002 | Sponsor | Clarifies the process for tort claims filed against judicial branch entities. | III | Eliminates confusion and streamlines the handling of cases. |
| <u>AB 3027</u> | Committee on Judiciary | 2002 | Sponsor | Makes various improvements to civil procedure. | III | Improves administration of justice and enhances court administration. |

1. *Alternative dispute resolution*

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------------|--------|------|----------|---|---------|--|
| <u>AB 202</u> | Harman | 2005 | Support | Provides that filing a petition to compel arbitration pursuant to Code of Civil Procedure section 1281.2 is the exclusive means by which a party to an arbitration agreement may seek to compel arbitration of a controversy alleged to be subject to that arbitration agreement. | III, IV | Would conserve judicial resources by eliminating unnecessary side litigation over issue. |

2. *Disqualification Motions (170.6)*

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|---------|------|----------|--|--------|---|
| <u>AB 1894</u> | Monning | 2010 | Support | Extends, for civil cases only, the time period for moving to disqualify a judge from 10 to 15 days and requires the moving party to notify all other parties within 5 days of making the motion. | II, IV | Clarifies timeline for bringing motions, which should help avoid confusion. |

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2. Miscellaneous

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------|------------------------|------|----------|---|------------|-------|
| AB 2119 | Tran | 2010 | Support | Provides that when any law governing civil procedure requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the date of the hearing. | IV | |
| AB 2284 | Evans | 2010 | Support | Establishes the Expedited Jury Trials Act. Among other things, defines expedited jury trial as a binding jury trial before a reduced jury panel and judicial officer. Requires the Judicial Council, by January 1, 2011, to adopt implementing rules and forms. Makes the Act operative until January 1, 2016 | I, III, IV | |
| SB 1274 | Committee on Judiciary | 2010 | Sponsor | Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. Authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically. | III, IV | |

4. Small claims – The council advocates a small claims court system that provides a speedy, fair, and inexpensive alternative for resolving conflicts of low monetary value. The council supports adequate funding for small claims human resources in all counties.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------|--------|------|----------|---|---------|---|
| AB 712 | Evans | 2009 | Support | Specifies that a small claims court has jurisdiction over an action for an injunction or other equitable relief when a statute expressly authorizes a small claims court to award that relief. Expressly provides that this legislation does not expand and is not encouraging the expansion of the jurisdiction of the small claims court. | I, IV | Improves administration of justice. |
| AB 1873 | Lieu | 2008 | Sponsor | Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Authorizes a court to charge and collect a nonrefundable postponement fee of \$10 from either | III, IV | Improves administration of justice and enhances court administration. |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|--------------------|-------------|------|---|---|------------|---|
| AB 2846 | Feuer | 2008 | Support | party who makes more than one <i>pre-service</i> request to postpone a small claims trial. Provides that this fee would only be assessed after a party has already been granted one prior postponement. Provides that if a dispute exists between the owner of a separate interest and a homeowners' association regarding any disputed charge or sum levied by the association, and the amount in dispute does not exceed the jurisdictional limits of the small claims court, the owner of the separate interest may pay under protest the disputed amount and all other amounts levied, including certain fees, costs, and other specified amounts, and commence an action in small claims court. | I, IV | Improves access to the courts. |
| SB 1432 | Margett | 2008 | Support | Increases the jurisdiction of the small claims court from \$4,000 to \$6,500 for any action brought by a natural person against a defendant guarantor that charges a fee for its guarantor or surety services. | I, IV | Improves access to the courts. |
| AB 2455 | Nakanishi | 2006 | Support | Provides that the small claims court has jurisdiction in an action brought by a natural person against the Registrar of the Contractors State License Board as the defendant guarantor holding a contractor's cash deposit if the amount of the demand does not exceed \$7,500. | I, IV | Enhances access to the courts. |
| AB 1459/ SB 422 | Canciamilla | 2005 | Oppose unless amended, support if amended | Increases the jurisdiction in small claims court from \$5,000 to \$7,500 for actions brought by <i>natural persons</i> . | I, III, IV | Enhances access to the courts by raising jurisdictional amount to \$7500, opposition to proposal to expand jurisdiction to \$10,000 because too much complexity for small claims. |

5. Summary adjudication/summary judgment

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|--------|--------|------|----------|--|---------|-------|
| SB 384 | Evans | 2011 | Support | Authorizes a motion for summary adjudication of a legal issue or claim of damages, other than punitive damages, that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty. It does this upon stipulation of the parties whose | III, IV | |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|--------|------|----------|---|------|---|
| | | | | claims or defenses are put at issue by the motion, and a prior determination by the court, that the motion will further the interests of judicial economy by reducing the time required for trial or increasing the ability of the parties to settle. Clarifies the law governing fees in complex civil cases. | | |
| <u>AB 2961</u> | Wayne | 2002 | Oppose | Authorizes a motion for summary adjudication of a legal issue or claim of damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty, if brought upon stipulation of the parties whose claims or defenses are put at issue by the motion. | II | Interferes with court's management of litigation. |

6. Unlawful detainer – The council supports efforts to reduce delays and abuses in unlawful detainer actions, and seeks to ensure that processes are not overly burdensome to the courts.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|--------|------|-----------------------|--|--------|---|
| <u>AB 1126</u> | Eng | 2007 | Support | Provides that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings. | II, IV | Improves administration of justice. |
| <u>AB 664</u> | Jones | 2005 | Support | Allows the court to list legal service providers not funded by the federal Legal Services Corporation on unlawful detainer notices. | I, IV | Ensures best information on legal service providers for UD defendants. |
| <u>SB 345</u> | Kuchi | 2003 | Oppose unless amended | Denies access to unlawful detainer records until 60 days following the date final judgment has been entered in favor of the landlord after a trial or summary judgment motion. | III | Administrative record keeping requirements unduly burdensome on the courts. |

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B. CRIMINAL PROCEDURE

1. *Criminal and capital case processing* – The council seeks to expedite the resolution of criminal cases at the trial and appellate level. The council seeks to maintain the courts' ability to efficiently and effectively manage the procedures and administration of the court system while improving the delivery of justice to the public, and to protect the exercise of the judicial discretion in criminal cases.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------|---------------------|------|-------------|--|---------|--|
| AB 109 | Committee on Budget | 2011 | No position | Enacts broad changes to the criminal justice system by realigning postrelease supervision of inmates from the state to the county and redefining felony to be punishable, with specified exceptions, in county jail instead of state prison. | IV | The Judicial Council took no position on the policy as outside the council's purview, but due to the magnitude of the realignment and impacts on the courts, the council directed staff to submit a letter to the Governor and Legislature on behalf of the Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the judicial branch and the critical need to provide adequate resources. |
| AB 1284 | Hagman | 2011 | Oppose | Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing. | I, II | |
| AB 447 | Nestande | 2010 | Oppose | Makes mandatory on the court and defendant several provisions permissive under current law relating to the court's determination of a defendant's ability to pay for counsel. | II, III | Imposes enormous unnecessary workload; existing law and practices are effective. |
| AB 2056 | Miller | 2010 | Oppose | Adds cases involving assault with the intent to commit rape to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case. | II | Inappropriately interferes with the court's function to have the court determine whether there is good cause for a continuance on a case-by-case basis. |
| AB 2505 | Strickland | 2010 | Support | Allows an oath by an affiant seeking a search warrant to be made using a telephone and computer server, in addition to a fax machine or email, and allows the affiant's signature to be in the form of an electronic signature. | III | |

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|----------------|-----------------|------|--------------------|---|---------|---|
| <u>SB 1449</u> | Leno | 2010 | Support | Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana. | III, IV | Increases court efficiency. |
| <u>SCA 27</u> | Harman | 2010 | Support | Authorizes the Supreme Court to transfer a case to a court of appeal when a judgment of death has been pronounced and requires the Supreme Court to review the resulting decision of the court of appeal affirming or reversing that judgment. | IV | |
| <u>AB 250</u> | Miller | 2009 | Support | Requires a criminal defendant's withdrawal of a waiver of his or her speedy trial time limits to be done in open court. | III, IV | Improves court efficiency by ensuring all parties have notice of change in case status. |
| <u>SB 431</u> | Benoit | 2009 | Support | Improves probation transfer procedures. | III, IV | |
| <u>SB 678</u> | Leno and Benoit | 2009 | Support in concept | Creates the California Community Corrections Performance Incentive Act to provide sustainable funding for improved, evidence-based probation supervision practices and capacities to improve public safety outcomes among adult felons who are on probation. | IV | Further Judicial Council goals to improve sentencing practices and outcomes. |
| <u>AB 2166</u> | Tran | 2008 | Support | Clarifies appellate jurisdiction in bail forfeiture proceedings by allocating these cases between the Courts of Appeal and the superior court appellate divisions the same way they were allocated before unification of the municipal and superior courts. Bases jurisdiction of a bail forfeiture appeal on the underlying criminal charge and the stage of the proceeding at which bail was forfeited. | III, IV | |
| <u>SB 1257</u> | Morrow | 2006 | Oppose | Revises and regulates the capital appeals process. | II | |
| <u>SB 330</u> | Cedillo | 2005 | Support | Requires a criminal action to be dismissed if a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after the date of the reinstatement of criminal proceedings pursuant to the provisions of law governing the mental competency of defendants. | III | Allows for more efficient case management. |
| <u>AB 2011</u> | Firebaugh | 2004 | Oppose | When determining whether to allow a defendant who has pleaded guilty or no contest to be admitted to or remain out on bail, requires a court to consider the same factors that must be considered after a verdict has been rendered against a defendant. | II | Unnecessary, will result in lengthy hearings. |

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|----------------|-----------|------|-----------------------|---|---------|---|
| <u>AB 2173</u> | Parra | 2004 | Oppose unless amended | Provides that the court must require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of judgment that the person has signed and dated the statement, or attach the statement to the abstract. | III | Will significantly lengthen court proceedings. Neutral if amended to provide defendant with information more efficiently. |
| <u>SB 58</u> | Johnson | 2004 | Support in concept | Directs courts and district attorneys to establish means of protecting confidentiality of information in police reports. | IV | Protects local control; clarifies authority to establish procedures. |
| <u>SB 977</u> | Johnson | 2004 | Oppose | Prohibits the live or delayed broadcasting of any criminal action until a verdict is rendered. | II, IV | Unnecessary; interferes with judicial function. |
| <u>AB 1306</u> | Leno | 2003 | Sponsor | Provides that if a person is sentenced pursuant Proposition 36, probation jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge. | III, IV | |
| <u>AB 1435</u> | Koretz | 2003 | No position | Authorizes a court in a criminal case to order a party who has violated discovery disclosure requirements or any lawful court order to pay a monetary sanction. | N/A | Unnecessary; judges currently have this authority. |
| <u>AB 1653</u> | Mullin | 2003 | Oppose | Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him or her to the court authorized to hear an appeal of the judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal. | II | Unnecessary; interferes with judicial function. |
| <u>SB 761</u> | McPherson | 2003 | Oppose unless amended | Prohibits accepting an undertaking of bail if any summary judgment entered against an undertaking issued by the bail agent or agency remains unpaid. | II, III | April 30, 2003 amendments eliminate requirement that the court determine solvency of bail agency. Opposition withdrawn. |
| <u>AB 2159</u> | Cardoza | 2002 | Oppose unless amended | Requires courts, after arraignment, upon conviction, and when a judgment has been pronounced, to determine if a defendant has custody of any child under the age of 18 years, and inquire as to the proper care of that child if the defendant is in custody or remanded to custody. | II, III | Inefficient; ineffective; significantly lengthens court proceedings. |
| <u>AB 2211</u> | Horton | 2002 | Oppose | Provides that a representative of the community affected by a crime may submit a Community Impact Statement. | II, III | Unnecessary; results in lengthy hearings. |

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|----------------|-------------|------|----------|---|------|-------------------------------------|
| <u>AB 2563</u> | Vargas | 2002 | Oppose | Requires the agency discharging a person who posts bail on charges of domestic violence to serve that person with a protective order, without court involvement but enforceable as a court order. | II | Interferes with judicial functions. |
| <u>AB 241</u> | Dickerson | 2001 | Oppose | Prohibits the court from striking prior convictions in DUI cases. | II | Interferes with judicial functions. |
| <u>AB 299</u> | Rod Pacheco | 2001 | Support | Grants a court exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses. | II | Streamlines court procedures. |

2. *Sentencing and other judicial decisionmaking* – The council seeks to preserve judicial discretion and the independence of the judicial function in sentencing matters. The council does not take positions on the length or severity of sentences for crimes, but supports efforts to simplify the criminal sentencing structure.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|---------------|------|----------|--|---------|---|
| <u>AB 520</u> | Amiano | 2011 | Oppose | Provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the fact-finder and the fact-finder found the facts to be true. | II, IV | |
| <u>AB 1264</u> | Hagman | 2011 | Oppose | Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor, and infraction offenses except Vehicle Code infractions. | I, II | |
| <u>AB 908</u> | Berryhill, T. | 2009 | Oppose | Requires the court, if probation is granted, to order the payment of the reasonable costs of any probation supervision or conditional sentence as a condition of probation. | II, III | Introduces inappropriate issues into judge's sentencing decision. |
| <u>SB 59</u> | Huff | 2009 | Oppose | Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case. | II | |
| <u>AB 2609</u> | Davis | 2008 | Oppose | Requires, when appropriate and feasible, that a court | II | Sought amendment to give the court sufficient |

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|----------------|----------|------|-----------------------|---|------|--|
| | | | unless amended | order a defendant convicted of vandalism to clean up, repair, and replace the damaged property or keep the damaged property or another property in the community free of graffiti for up to one year. | | flexibility to ensure that the required sanction will be imposed when appropriate and feasible. |
| <u>AB 1660</u> | La Malfa | 2007 | Oppose | Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding. | II | Inappropriately interferes with court's authority. |
| <u>AB 1551</u> | Runner | 2005 | Oppose unless amended | Among other things, prohibits a court from striking an allegation, admission, or finding of a prior conviction pursuant to Penal Code section 1385 for defendants who are convicted of certain sex offenses. | II | Sought amendment to strike the provision eliminating the court's authority under Penal Code section 1385 to dismiss an action in the furtherance of justice. |
| <u>AB 623</u> | Lieber | 2003 | No position | Requires the judge in a toxics case to consider whether the defendant has expressed remorse for the acts and whether the defendant has made an appropriate public apology that reflects that nature of the violation and the number of potential victims. | N/A | Outside purview. |
| <u>SB 1497</u> | Polanco | 2002 | Oppose | Sets up a one-time review of the custody status of life prisoners who have been in prison beyond a date specified in certain regulatory matrices. | II | Impossible to implement. |

C. TRAFFIC LAW

The council advocates use of simplified procedures in minor traffic cases to guarantee expedited disposition. The council supports development of statewide uniform rules, procedures, and forms to provide efficient handling of traffic cases.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|------------|------|----------|--|---------|--|
| <u>AB 2499</u> | Portantino | 2010 | Support | Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles. Requires courts to transmit to DMV abstracts of judgment for convictions of traffic violations rather than the court dismissing the case upon completion of the IVS program. | III, IV | Relieves judicial branch of inappropriate regulatory role. Provides DMV better ability to enforce driver safety program. |
| <u>AB 758</u> | Plescia | 2007 | Support | Requires the Department of Motor Vehicles, on or before July 1, 2008, to submit a report to the Legislature containing a comprehensive plan with specified components by which the licensing of all driving instruction programs offered to traffic violators may be consolidated under the authority of | III, IV | |

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|---------|-----------|------|----------|--|---------|---|
| AB 1464 | Benoit | 2007 | Sponsor | the department. Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense. | III, IV | |
| AB 1932 | Benoit | 2006 | Support | Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles and declares the intent of the Legislature to have the Department of Motor Vehicles uniformly regulate all traffic violator schools. | II | Appropriately places regulatory function with the Executive Branch. |
| SB 1697 | Torlakson | 2004 | Support | Consolidates administration of all sanctions related to the driving privilege imposed as a result of a driving-under-the influence conviction with the Department of Motor Vehicles. | IV | Increases efficiency; provides better service to the public. |

D. JURY SYSTEM

The council supports efforts to ensure adequate numbers of jurors, achieve full use of jurors once they are summoned, ensure fair representation of the community served by the court, and provide adequate compensation of jurors. The council seeks to maintain plain-English jury instructions that accurately convey the law using language that is understandable to jurors.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|--------|---------|------|----------|--|---------|-------|
| AB 141 | Fuentes | 2011 | Support | Requires the court, when admonishing the jury against conversing about a trial, to clearly explain that the prohibition applies to all forms of communication, including electronic and wireless devices. Provides that violation of this admonishment constitutes criminal and civil contempt of court. | I | |
| SB 319 | Harman | 2009 | Sponsor | Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must | III, IV | |

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|----------------|----------|------|----------|--|---------|--|
| | | | | elapse before a compliance action may be initiated. | | |
| <u>AB 1769</u> | Galgiani | 2008 | Oppose | Exempts all peace officers from jury duty in civil and criminal matters. | IV | Fundamentally opposed to categorically exempting individuals from jury duty. |
| <u>AB 1828</u> | Huff | 2008 | Oppose | Excuses from jury service, upon request, a prospective juror who has served as a precinct officer or precinct board member on a statewide or local election during the previous 12 months. | IV | |
| <u>AB 1557</u> | Feuer | 2007 | Support | Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less. | IV | |
| <u>SB 171</u> | Alquist | 2006 | Oppose | Requires that any custodial interrogation of an individual relating to a felony offense be electronically recorded, and codifies a jury instruction to be used verbatim if a court finds that a defendant was subjected to an unlawful custodial interrogation. | I, IV | |
| <u>SB 1281</u> | Romero | 2006 | Support | Prohibits a state agency from entering into a contract for the acquisition of goods or services with a contractor who does not have and adhere to a written policy providing his or her employees with not less than five days of regular pay for actual jury service. | IV | |
| <u>AB 1180</u> | Harman | 2003 | Sponsor | Clarifies that when a person is summoned but fails to appear for jury service the court may impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing. | III, IV | Strengthen courts' ability to enforce orders. |
| <u>AB 2925</u> | Migden | 2002 | Support | Eliminates reimbursement for the first day of travel to the court for jury duty; increases reimbursement rate for second and subsequent days from 15 cents to 34 cents per mile, one way. | IV | Part of larger effort to improve jury system. |

E. INTERPRETERS

To ensure access to justice, the council seeks to attract quality interpreters and meet the courts' caseload demands. The council supports increased compensation and standardized payment practices and procedure for court interpreters.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|------|--------|------|----------|--|------|-------|
| | | | | JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES | | |
| | | | | Goal I - Access, Fairness, and Diversity | | |
| | | | | Goal II - Independence and Accountability | | |
| | | | | Goal III - Modernization of Management and Administration | | |
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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|------------------------|------|--|--|------------|--|
| <u>AB 618</u> | Furutani | 2011 | Oppose | Requires the court to provide separate interpreters for defendants and witnesses, and for codefendants in specified proceedings. | I | Strains court's ability to provide interpreters. |
| <u>AB 663</u> | Jones | 2009 | Sponsor interpreter related provisions; no position on legal aid provision | Requires the Judicial Council to establish a working group to develop best practices to expand the use of interpreters and a pilot project to test the workability of the developed best practices. | I, III, IV | |
| <u>AB 2227</u> | Chu | 2006 | Support | Requires the Judicial Council to establish the Blue Ribbon Panel on Language Access in the Courts. Requires the panel to report to the Legislature and the Judicial Council on the existing interpreter certification system. | I, IV | |
| <u>AB 2302</u> | Committee on Judiciary | 2006 | Support if funded | Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Specifies the priority for use of funding and interpreters provided for civil matters. | I, IV | |
| <u>SB 927</u> | Escutia | 2001 | Oppose unless funded | Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence. | I, IV | |

IV. SUBSTANTIVE LAW

A. JUVENILE DELINQUENCY

The council supports legislation to ensure that judges have sufficient discretion and placement and treatment options to fulfill their obligations to promote the rehabilitation and reintegration of juvenile offenders, the safety of the community, and accountability to victims.

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|-----------|------|-----------------------|--|---------|---|
| <u>AB 2212</u> | Fuentes | 2010 | Support | Sets forth procedures for adjudicating the competency of a juvenile in a delinquency matter. | I | Clarifies procedures for competency proceeding in juvenile delinquency matters. |
| <u>AB 1547</u> | Beall | 2007 | Support | Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority. | II, IV | |
| <u>AB 2496</u> | Steinberg | 2002 | Oppose unless amended | Requires that the minor, the minor's counsel, and a probation officer personally appear before the court during each periodic review of the minor's detention. | II, III | Will significantly increase length of proceedings; neutral if amended to achieve goals in more efficient way. |

B. JUVENILE DEPENDENCY

The council supports timely and expeditious determinations in dependency matters, as well as measures to enhance the available placement options for dependent children. The council supports efforts to clarify the procedures for declaring a child a dependent of the court. The council also supports maintaining judicial discretion to terminate dependency.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|------------|------|----------|---|------|--|
| <u>AB 73</u> | Feuer | 2011 | Support | States the intent of the Legislature to enact legislation providing that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest. | I | Promotes public trust in juvenile court. |
| <u>AB 743</u> | Portantino | 2010 | Support | Modifies the standard for sibling visitation to require that if siblings are not placed together the social worker must explain why placement together would be contrary to the safety or well-being of any sibling. Requires a social worker considering a change of placement that will result in sibling separation to notify the attorney for the child being moved as well as the attorney for any affected sibling. | IV | Assists court in keeping siblings together. |
| <u>AB 1852</u> | Portantino | 2010 | Support | Requires the county welfare department to document in the reports it provides to the court at the disposition hearing its efforts to locate and contact relative and non-relative extended family members of a dependent child to establish permanent familial connections between the child | IV | Improves ability of court to find permanency for dependent children. |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|------------------------|------|------------|--|--------|---|
| | | | | and his or her family. | | |
| <u>SB 962</u> | Liu | 2010 | Support | Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available | I | Reduces need to continue dependency proceedings for an incarcerated parent's absence. |
| <u>AB 12</u> | Beall | 2009 | Co-Sponsor | Implements federal foster care reform legislation to provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21. | IV | |
| <u>AB 131</u> | Evans | 2009 | Sponsor | Authorizes the Judicial Council to implement a cost recovery program to collect reimbursement from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys. | I, IV | Promotes fairness outcomes in dependency proceedings. |
| <u>AB 938</u> | Committee on Judiciary | 2009 | Sponsor | Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents, and the means by which the relative might participate in the care of the child. | IV | Engages relatives in dependency court to promote best interests of child. |
| <u>AB 1405</u> | Maze | 2008 | Support | Provides that information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings. | II, IV | Ensures court obtains necessary information. |
| <u>AB 3051</u> | Jones | 2008 | Support | Requires the court to determine whether a child age 10 or older who is not present was given an opportunity to attend the hearing. Provides that the court may make any orders reasonably necessary to ensure that the child has an opportunity to attend. | I, IV | Ensures that children can participate in proceedings. |
| <u>AB 2130</u> | DeVore | 2006 | Oppose | Requires the court to consider the religious, cultural, moral, and ethnic values of a child or of his or her birth parents, before placing a dependent child for adoption. | I, II | Inappropriately limits judicial discretion. |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|-------------------|------|----------------------------------|---|-------|--|
| <u>AB 2480</u> | Evans | 2006 | Support if funded | Requires the appointment of appellate counsel to represent a dependent child if the child is an appellant, or if the court of appeal determines that the child would benefit from the appointment of separate counsel. | IV | |
| <u>SB 1667</u> | Kuehl | 2006 | Support | Requires that the social worker provide foster parents with a caregiver information form and information on how to submit it to the court. Provides rights for caregivers to receive notice of post-permanency planning hearings. | IV | Ensures that court receives all relevant information regarding dependent children. |
| <u>AB 519</u> | Leno | 2005 | Sponsor | Allows the juvenile court to issue ex parte protective orders for parents and caretakers even without regard to the child's need for a protective order. | IV | Allows the juvenile court to protect families in an efficient individualized manner. |
| <u>AB 129</u> | Pacheco | 2004 | Sponsor | Authorizes counties to implement dual status (dependency and delinquency) protocol for children in juvenile court. | IV | Ensures adequate oversight for dual need children. |
| <u>AB 524</u> | Haynes | 2003 | Oppose | Requires that a child who has been removed from his or her parents' custody be returned within five working days in certain circumstances. | III | March 26, 2003 amendments eliminated provisions related to criminal proceedings. Council opposition withdrawn. |
| <u>SB 59</u> | Escutia | 2003 | No position, but seek amendments | Provides expedited appellate review of disputed placement orders in juvenile dependency cases. | N/A | June 11, 2003 amendments conform the writ process to the one established in Welfare and Institutions Code section 366.26(1). |
| <u>AB 2336</u> | Negrete McLeod | 2002 | Support | Requires that orders for the temporary removal of a prisoner to attend a hearing pertaining to parental rights must be issued at least 12 days before it is to be executed. | I, IV | Ensures access to proceedings for affected parties. |
| <u>AB 2160</u> | Schiff | 2000 | Sponsor | Creates a presumption that children in dependency proceedings would benefit from the appointment of counsel. | I, IV | Improves ability of court to fulfill role in dependency cases. |

C. FAMILY LAW

The council supports legislation consistent with its goal of increasing access to the courts. The council supports efforts to provide adequate assistance to pro per litigants in family law cases, as well as litigants who face language barriers. The council seeks to maintain judicial discretion to make family law decisions based on the best interest of the child. The council also seeks to clarify the process the court should follow and the factors the court can appropriately consider in family law cases.

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|------------------------|------|----------|---|--------|---|
| <u>AB 939</u> | Committee on Judiciary | 2010 | Support | Makes numerous changes to provisions in the Family Code consistent with the recommendations of the Elkins Family Law Task Force. | I, IV | |
| <u>AB 1050</u> | Ma | 2010 | Support | Creates a presumption that a child is of sufficient maturity to provide input to the court on a child custody or visitation issue at age 14 and requires the court to permit the child to address the court unless the court finds that testimony is not in the child's best interests and states its reasons on the record. | IV | Ensures courts can appropriately consider input of child. |
| <u>AB 2475</u> | Beall | 2010 | Oppose | Provides that the doctrine of judicial or quasi-judicial immunity shall not apply to any private third party engaged by the court for his or her expertise in family law matters in an advisory capacity. | II | Interferes with ability of court to obtain expert information. |
| <u>AB 612</u> | Beall | 2009 | Oppose | Prohibits the consideration of a "nonscientific theory" in a child custody matter, as defined, and disallows the admission into evidence of any child custody evaluation report which includes a nonscientific theory. | II, IV | Creates inconsistent and unworkable evidentiary standard. |
| <u>AB 1822</u> | Beall | 2008 | Oppose | Requires the court, in any proceeding to establish or modify spousal support, to deny spousal support to a party convicted of a sexual offense against a minor. | II | Inappropriately limits judicial discretion. |
| <u>SB 1255</u> | Harman | 2008 | Support | Extends until January 1, 2013, the authority of the family court to order a person seeking custody or visitation of a child to undergo testing for drug or alcohol abuse in specified circumstances. | II, IV | Ensures that court has relevant information in custody cases. |
| <u>SB 1015</u> | Murray | 2006 | Oppose | Requires the court to redact specified financial information from family law files. | II | Lessens public trust in court and imposes unnecessary administrative burdens. |
| <u>SB 1482</u> | Romero | 2006 | Oppose | Provides that a custodial parent has a presumptive right to change the residence of his or her child subject to the power of the court to restrain a change of residence. Requires the non-custodial parent to make a prima facie showing of harm to the child that would result from the relocation, necessitating a change in custody, but would disallow consideration of the normal incident of moving. | II | |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|---------|------|-----------------------|---|-------------|--|
| <u>AB 1307</u> | Dymally | 2005 | Oppose | Creates a rebuttable presumption that equal custody share is in the best interest of child. | II | Unduly limits court's ability to make custody orders on a case-by-case basis. |
| <u>SB 544</u> | Battin | 2005 | Oppose | Prohibits parents convicted of certain offenses from having unsupervised contact with their children. | II | Overly restricts court's ability to make custody orders in the best interest of child. |
| <u>AB 2148</u> | Diaz | 2004 | Oppose | Restricts the court from holding custody or visitation proceedings until after it has ruled on an application for attorney's fees. | II | Limits ability of court to act in best interest of children. |
| <u>AB 2228</u> | Garcia | 2004 | Support | Requires information sharing in cases pertaining to custody of children. | III, IV | Ensures well-informed court regarding child custody. |
| <u>SB 730</u> | Burton | 2004 | Oppose | Establishes presumptive right for a custodial parent to relocate with a child. | II | Unduly limits discretion of court to act in best interest. |
| <u>SB 1616</u> | Knight | 2004 | Oppose | Requires the court to state its reasons for making any spousal support order on the record and in writing. | II | Unnecessary and resource intensive. |
| <u>SB 734</u> | Ortiz | 2003 | Oppose | Restricts courts discretion to grant visitation. | II | Unduly restricts individual discretion. |
| <u>SB 174</u> | Kuehl | 2002 | No position | Requires the Judicial Council to select four non-confidential mediation courts to implement a model with initial confidential mediation, with the allowance for subsequent recommending mediation if performed by a different mediator. Implementation contingent on funding. | N/A | |
| <u>SB 1406</u> | Kuehl | 2002 | Oppose unless amended | Requires that all child custody mediation be confidential, and prohibits the mediator from communicating with the court on any matter. | II, III, IV | Interferes with administration of family cases. |
| <u>SB 1791</u> | Rainey | 2000 | Oppose | Shifts responsibility for hearing Title IV-D related child support actions to DSS administrative law judges. | I, II, IV | Inappropriately shifts judicial function to non-judicial officers |

D. DOMESTIC VIOLENCE

The council supports efforts to improve court procedures in domestic violence cases and the way courts review allegations of domestic violence in family law proceedings. The council also supports measures that seek to simplify the process for obtaining a restraining order, and the process for making it enforceable.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|---------|------|----------|--|------|--|
| <u>AB 1596</u> | Hayashi | 2010 | Sponsor | Contains numerous technical changes to create more consistency in protective order statutes. | IV | Promotes consistent administration of law in protective order matters. |

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|----------------|---------|------|----------------------|--|---------|---|
| <u>AB 104</u> | Cohn | 2005 | Oppose | Requires a hearing on a motion to modify or dismiss a DVPA order to be held by the judicial officer that issued the order, if available. | II, III | Undue interference with court calendaring process. |
| <u>AB 106</u> | Cohn | 2005 | Oppose | Requires every trial court to establish a one time amnesty program for fines and fees imposed for spousal abuse convictions or as a condition of probation for domestic violence offenses. | II, III | Contrary to the Judicial Council's enhanced collections strategy. |
| <u>SB 1627</u> | Kuehl | 2002 | Support | Clarifies procedures for entry of service of process for DVPA orders into DVROS by requiring the court to either enter the information into DVROS directly, or transmit proof of service to law enforcement for entry within one business day. | III, IV | Makes court orders more likely to be enforced. |
| <u>SB 1780</u> | Escutia | 2002 | Oppose unless funded | Requires the court to provide interpreters for specified parties in family law proceedings involving allegations of domestic violence at court expense. | I, IV | |

E. CONSERVATORSHIP AND PROBATE LAW

The council supports clarification of conservators' duties and formulation of guidelines about conservatorships.

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|--------|------|----------|---|--------|-------|
| <u>AB 458</u> | Atkins | 2011 | Sponsor | Prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed. Specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation. | I, III | |
| <u>AB 2271</u> | Silva | 2010 | Support | Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders. | II, IV | |
| <u>SB 1041</u> | Harman | 2010 | Support | Among other things, provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her | II, IV | |

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|----------------|---------|------|---|--|---------|---|
| <u>AB 1163</u> | Tran | 2009 | Support | <p>revocable trust, is not made inadmissible by the hearsay rule because the declarant is unavailable as a witness.</p> <p>Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a non-probate transfer.</p> | I, IV | Improves administration of justice. |
| <u>AB 1340</u> | Jones | 2008 | Support | Requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account balance as of, rather than through, the closing date of the first court accounting. Requires notice be given 5 court days prior to a hearing on the appointment of a temporary guardian or temporary conservator. Prohibits a court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary. | IV | Improves court's oversight of these cases. |
| <u>AB 1880</u> | Tran | 2008 | Oppose | Requires a guardian or conservator to post a separate recovery bond for the benefit of the ward or conservatee and any person interested in the guardianship or conservatorship estate who may bring a surcharge action against the guardian or conservator for breach of duty. | III, IV | Multiple bonds are more difficult to administer, and they would impair the court's ability to provide proper oversight. |
| <u>AB 2014</u> | Tran | 2008 | Support | Requires a guardian or conservator to use ordinary care and diligence to determine whether the ward or conservatee owns real property in a foreign jurisdiction and to preserve and protect that property. | IV | Improves court's oversight of these cases. |
| <u>AB 2247</u> | Spitzer | 2008 | Oppose unless amended, neutral if amended | Requires a guardian or conservator to file an investment plan with a court not more than six months after the issuance of letters of guardianship or conservatorship. Revises and expands the list of obligations and securities in which a guardian or conservator may invest funds of the estate without court authorization. | IV | Interferes with the ability of the court to protect conservatees' assets. |

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|----------------|------------------------|------|-------------------|--|--------|--|
| <u>SB 1264</u> | Harman | 2008 | Support | Beginning January 1, 2010, revises, recasts, and clarifies the law governing no contest clauses in wills and trust instruments. Limits the enforceability of no contest clauses to direct contests brought without reasonable cause, transfers of property, or creditor claims as specified. Defines direct contest and probable cause for these purposes. Eliminates provisions regarding the authority of a beneficiary to apply to a court for a determination regarding a no contest clause. | I, IV | Improves access to the courts and enhances court administration. |
| <u>AB 1727</u> | Committee on Judiciary | 2007 | Support | Enhances a court investigator's access to confidential medical information. Prohibits a conservatorship of the person or of the estate from being granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. Creates new requirements on courts when guardianships and conservatorships are transferred from other jurisdictions. | II, IV | Improves court's ability to provide oversight of these cases. |
| <u>SB 340</u> | Ackerman | 2007 | Co-sponsor | Broadens list of agencies entitled to receive criminal history reports to include probate court conservatorship and guardianship investigators. | II, IV | Improves the court's ability to provide oversight in guardianship and conservatorship cases. |
| <u>AB 1363</u> | Jones | 2006 | Support if funded | Makes a number of reforms to the probate conservatorship system, including enhanced court reviews of conservatorships primarily through increasing the frequency and scope of court investigations. | II, IV | Improves court's ability to provide oversight of these cases. |
| <u>SB 1116</u> | Scott | 2006 | Support | Increases court oversight of moves of conservatees and the sale of their homes. | II, IV | Improves the court's ability to provide oversight of these cases. |
| <u>SB 1550</u> | Figueroa | 2006 | Support | Enacts the Professional Fiduciaries Act, which establishes in the Department of Consumer Affairs a new licensure scheme governing professional conservators, guardians, and other fiduciaries. | II, IV | Improves the courts oversight in these cases. |
| <u>SB 1716</u> | Bowen | 2006 | Support if funded | Authorizes the court to take action in response to ex parte communications regarding a guardian's or conservator's performance of his or her fiduciary duties. | II, IV | Improves the court's oversight of these cases. |
| <u>AB 541</u> | Harman | 2005 | Support | Allows the court to test prospective guardians for drugs or alcohol and exempts guardians of the person | II, IV | Enhances court's discretion and improves court's ability to oversee these cases. |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|--------|------|----------|--|---------|--|
| | | | | only from having to register with the Statewide Registry. | | |
| <u>AB 1152</u> | Liu | 2004 | Support | Requires the Judicial Council to adopt a rule of court that specifies the qualification and educational requirements of private professional conservators and private professional guardians. | II, IV | Improves court's ability to oversee these cases. |
| <u>AB 1851</u> | Harman | 2004 | Support | Revises and recasts the law concerning the court's responsibility to approve compromises of claims of minors, and settlements or actions or disposition of judgments in favor of minors or "incompetent persons." Permits the court to establish a special needs trust for a disabled minor that will continue under court supervision after the minor reaches age 18. | IV | Improves the court's ability to administer these cases. |
| <u>AB 1883</u> | Harman | 2004 | Support | Prevents routine waivers but allows court discretion in waiving bond requirement where it is warranted. | II, IV | Enhances court's discretion. |
| <u>AB 1784</u> | Harman | 2002 | Support | Implements the recommendations of the California Law Revision Commission for clarification of Probate Code provisions regarding the construction of trusts and other instruments. | III, IV | Promotes clarity and consistency in the handling of these cases. |

V. MISCELLANEOUS

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|----------------|------------------------------|------|----------|--|----------------|-------------------------------|
| <u>AB 1208</u> | Calderon | 2011 | Oppose | Significantly lessens the role of the Judicial Council in determining the allocation of funds to trial courts and allocating funds in a manner to support implementation of statewide policies and initiatives. Reduces the council's role in ensuring the stability of trial court operations and providing management or oversight of trial court budgets. | I, II, III, IV | |
| <u>SB 1417</u> | Cox | 2010 | Support | Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers. | III, IV | Provides clear court process. |
| <u>AB 2301</u> | Assembly Judiciary Committee | 2006 | Support | Provides the State Bar with the authority to collect voluntary financial support from its membership to support organizations that provide free legal services to those of limited means. | I, IV | |

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| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------|-----------|------|-------------|---|------|------------------|
| SCA 3 | Lowenthal | 2006 | No position | Shifts redistricting responsibility from the Legislature to an 11-member Independent Redistricting Commission to reapportion legislative and congressional districts. Provides that the California Supreme Court has original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the Commission. Requires the Judicial Council to appoint a panel of ten retired justices of the state courts of appeal, and for that panel to establish a pool of 50 candidates for the Independent Redistricting Commission. | N/A | |
| SB 1246 | Burton | 2004 | No position | Requires the Supreme Court and the State Bar to develop standards and rules of professional conduct governing the propriety of an attorney appearing before a court where that individual previously served as a judicial officer. | N/A | Outside purview. |

A. ACCESS TO JUSTICE

| BILL | AUTHOR | YEAR | POSITION | BILL SUMMARY | GOAL | NOTES |
|---------|--------|------|----------|---|------------|---|
| AB 590 | Feuer | 2009 | Support | Creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases, beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees. | I, IV | Improves access to justice for unrepresented litigants. |
| AB 2448 | Feuer | 2008 | Sponsor | Revises and redrafts the existing statute governing court fee waivers to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases. | I, III, IV | |
| AB 171 | Beall | 2007 | Support | Establishes the Assumption Program for Loans for Law in the Public Interest, to provide up to \$1,000 in loan assumption benefits over a four-year period to public interest attorneys. | I | |

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|---------|------------------------|------|----------|---|------|-------|
| AB 1723 | Committee on Judiciary | 2007 | Support | Requires banks that hold interest on lawyer trust accounts (IOLTA) to allow those accounts to participate in higher-paying investment products, or receive an interest rate that is comparable to the rates paid by those investment products (referred to as IOLTA comparability). | 1 | |

JUDICIAL COUNCIL OF CALIFORNIA - GUIDING PRINCIPLES

- Goal I – Access, Fairness, and Diversity
- Goal II – Independence and Accountability
- Goal III – Modernization of Management and Administration
- Goal IV – Quality of Justice and Service to the Public
- Goal V – Education for Branchwide Professional Excellence
- Goal VI – Branchwide Infrastructure for Service Excellence