



Bench-Bar Coalition

Day in Sacramento

and the State of the Judiciary

Tuesday, March 19, 2024

California State Capitol, Sacramento



JUDICIAL COUNCIL
OF CALIFORNIA

GOVERNMENTAL AFFAIRS

BENCH-BAR COALITION DAY IN SACRAMENTO LEGISLATIVE VISITS

**Tuesday, March 19, 2024
California State Capitol First Floor, Room 127
1315 10th Street, Sacramento 95814**

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**Bench-Bar Coalition (BBC) Day in Sacramento & State of Judiciary Address
 Tuesday, March 19, 2024
 State Capitol, Sacramento, California**

ITINERARY

10:00—10:30 a.m. California State Capitol First Floor, Room 127	BBC Day in Sacramento Check In Welcome/Introductions/Agenda Review Briefing: <ul style="list-style-type: none"> • Sponsored Legislation and Judicial Council Update
11:00 a.m.—3:00 p.m. Legislative Offices 1021 O Street	Scheduled appointments with legislators.
Local Restaurants	Lunch (on your own)
3:30 p.m. California State Capitol First Floor, Room 127	Those attendees with SOJ passes will be escorted for seating in the Assembly chambers gallery. All other attendees will view the address via closed-circuit television in Room 127. Government Affairs will staff Room 127 for the duration of the speech. Briefcases, coats, etc., may be placed here during the address.
4:00 p.m. Assembly Chambers, State Capitol	Chief Justice Patricia Guerrero delivers State of the Judiciary address to joint session of the Legislature.
4:30 p.m. (<i>or upon conclusion of address</i>)	All guests from the Chamber, Gallery, and overflow viewing room adjourn.
4:45 p.m.	Room 127 in the Capitol closes. Please reclaim all personal items.
4:30—6:30 p.m. Stanley Mosk Library & Courts Building, 914 Capitol Mall	Meet and Greet with Chief Justice Patricia Guerrero and judicial branch leaders.

Sacramento Restaurants

February 2024

Listed below are some Sacramento restaurants within walking distance of the capitol.

Restaurant	Address	Phone Number	Cuisine
Brasserie Du Monde brasserie dumonde.com	1201 K Street #100	(916) 329-8033	French
Cafeteria 15L cafeteria15l.com	1116 15th Street (near L Street)	(916) 492-1960	American
Crest Café crestcafeonline.com	1017 K Street (Next to the Crest Theatre)	(916) 444-2722	Mediterranean
Ella Dining Room and Bar elladiningroomandbar.com	1131 K Street	(916) 443-3772	Californian
Frank Fat's frankfats.com	806 L Street	(916) 442-7092	Chinese
House Kitchen & Bar housekitchenandbar.com	555 Capitol Mall #155	(916) 498-9924	American
Il Fornaio ilfornaio.com/sacramento	400 Capitol Mall	(916) 446-4100	Italian
La Bou Bakery www.labou.com	1122 11th Street	(916) 930-0171	American
Thirtyfour Mexican Cantina IG: @thirtyfourmexicancantina	1331 O Street	(916) 706-1705	Mexican
Statehouse Café & Restaurant stathouserestaurant.com	Basement, Capitol Building	(916) 704-5541	American



Background on the Bench-Bar Coalition

The statewide Bench-Bar Coalition (BBC) was formed in 1993 under the leadership of the California Association of Local Bars (CALB), the State Bar of California, and the Judicial Council to enhance communication and coordinate activities with the state, local, and specialty bar associations on issues of common interest to the judicial branch—particularly in the legislative arena. Securing adequate, dependable, and stable funding for the trial courts has been a primary focus for the BBC. BBC membership is open to members of the bench and bar including judges and the presidents, past-presidents, presidents-elect, executive directors, or other person(s) designated by the president, of state, local, minority, or specialty bar associations; legal services organizations; or statewide organizations dedicated to improving the justice system.

The BBC is currently cochaired by Judge Audra Ibarra of the Superior Court of Santa Clara and Ms. Jennifer Kim, Attorney, Los Angeles. Judge Ibarra represents the Northern/Central California region and Ms. Kim represents the Southern California region. Members of the BBC's Executive Committee support the cochairs in carrying out leadership responsibilities on quarterly conference calls, meetings, working groups, and related coalition activities.

In addition to its quarterly conference calls, the Bench-Bar Coalition holds meetings in conjunction with the State Bar of California and the judicial branch. The statewide BBC also participates with a Day in Sacramento, in which groups of judges and bar leaders meet with their legislators to discuss issues of mutual interest, with emphasis on the judicial branch budget. Judicial Council members and leaders of special commissions and task forces also are invited to participate in this event, which is held annually in conjunction with the State of the Judiciary address by the Chief Justice of California.

The BBC has been successful in the development of strong working relationships and increased communication between the judiciary and members of the bar, as well as enhanced advocacy efforts with the legislative and executive branches. Subject areas of joint interest include the judicial branch budget and the need for stable, adequate funding; access to justice; court technology; new judgeships; and courthouse construction.

For more information about the BBC, please contact Cory Jasperson, the Judicial Council's liaison to the BBC, at (916) 323-3121 phone, or email to cory.jasperson@jud.ca.gov.



Judicial Council of California

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PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

SHELLEY CURRAN
Administrative Director

2024 Legislative Priorities

The Judicial Council has adopted the following Judicial Branch legislative priorities for 2024:

1. Advocate for the following:
 - a. Continued funding for the judicial branch to include stable and reliable funding for courts to address annual cost increases in baseline operations and plan for the future; and
 - b. Sufficient resources to improve physical access to the courts by keeping courts open, expand access by increasing the ability of court users to conduct branch business online, strengthen programs and services that have been restored over the past few years, and continue to implement innovations in programs and services;
2. Continue to seek funding for judgeships and judicial officers in counties with the greatest need;
3. Continue to promote the availability of verbatim records of court proceedings by working collaboratively to address court reporter shortages and exploring innovations in technology;
4. Seek legislative authorization, if needed and authorized by the Judicial Council in 2024, for the disposition of unused courthouses in fair market value transactions, with the proceeds to be directed to the State Court Facilities Construction Fund or any other Judicial Council facilities fund authorized by the Legislature; and
5. Continue to sponsor or support legislation to improve judicial branch operational efficiencies, including cost-savings and cost-recovery measures as well as the ability to conduct proceedings, in whole or in part, using remote technology in order to expand safe and reliable access to justice.



Judicial Council of California

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M E M O R A N D U M

Date

January 10, 2024

Action Requested

For Your Information

To

Judicial Officers, Court Administrators, and
Employees of the Judicial Branch

Deadline

N/A

From

Shelley Curran
Administrative Director
Judicial Council

Contact

Zlatko Theodorovic
Director, Budget Services
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zlatko.theodorovic@jud.ca.gov

Subject

2024–25 Judicial Branch Budget

The Governor released his 2024–25 State Budget proposal today. This memo provides a high-level summary of the proposed budget for the judicial branch of government.

As widely anticipated, the Governor’s proposed budget for the next fiscal year beginning July 1, 2024, projects significant declines in General Fund revenues and a statewide budget shortfall of \$37.9 billion across the 2023–24 and 2024–25 fiscal years. To address the forecasted shortfall, funding reductions are proposed throughout state government through a combination of solutions including (1) state reserves drawdowns, (2) spending reductions, and (3) revenues and internal borrowing.

For the judicial branch, there is a one-time transfer of \$80 million from the Trial Court Trust Fund, the return of \$20 million in unspent General Fund monies for the firearms relinquishment program, and a deferral of funding decisions to future budgets for several capital outlay projects. Importantly, there are no proposed reductions to baseline court budgets in the 2024–25 fiscal year or in the current 2023–24 fiscal year.

The Governor’s budget provides \$5.2 billion in total operating and facility funds for the judicial branch for fiscal year 2024–25. Despite the challenging fiscal environment, the budget includes a net total of \$311.4 million in funding and reflects the priorities of Chief Justice Guerrero and the Judicial Council to maintain critical programs and services provided by the branch to advance access to justice for court users and the public.

The proposed budget continues to protect core operations of the judicial branch by:

- (1) Increasing the trial court fund balance cap to ensure trial courts have adequate reserve funding to support operational needs;
- (2) Maintaining backfill funding for declining fines, fees, and penalty revenues that support trial court operations;
- (3) Providing resources for self-represented litigants; and
- (4) Supporting courthouse construction and facility operations and maintenance, including backfill for the State Court Facilities Construction Fund to support essential trial court facilities projects and ensure solvency of the fund.

The breakdown of the proposed 2024–25 Governor’s Budget for all judicial branch entities is detailed in the following chart.

Judicial Branch Funding for Fiscal Year 2024–25

Judicial Branch Entity	Total Funding (\$ in millions)
Supreme Court	\$56.1 m
Courts of Appeal	\$290.0 m
Trial Courts	\$4,032.7 m
Judicial Council	\$310.6 m
Judicial Branch Facility Program	\$636.9 m
Habeas Corpus Resource Center	\$20.1 m
Subtotal, Operational Budget	\$5,346.4 m
Offset from Local Property Tax Revenue	-\$247.6 m
Adjusted Operational Budget	\$5,098.8 m
Less Nonstate Funds ¹	-\$189.4 m
Adjusted Operational Budget, State Funds	\$4,909.4 m
Court Construction Projects²	<u>\$89.5 m</u>
Total Funding (Sum of Adjusted Operational Budget and Court Construction Projects) ³	\$5,188.3 m

Some totals will not be exact due to rounding.

¹ Includes federal funds and reimbursements.

² Includes additional funding for current projects.

³ Includes General Fund; special, bond, federal, and non-governmental cost funds; and reimbursements.

New Operational Changes

Increase Trial Court Fund Balance Cap: The proposed budget includes trailer bill language to increase the trial court fund balance cap from 3 percent to 5 percent or \$100,000, whichever is greater, to ensure that trial courts have adequate reserve funding to support operational needs and address emergency expenditures.

Ongoing Funding for Self-Help Centers: \$19.1 million ongoing General Fund for the trial courts to provide self-help services to unrepresented litigants and to achieve court efficiencies. This funding was previously approved on a limited-term basis and set to expire in June 2024.

Statutory Statewide External Audit Program–Trial Courts: \$1.3 million Trial Court Trust Fund in fiscal year 2024–25, increasing to \$1.5 million in fiscal year 2028–29 and ongoing for the State Controller’s Office to complete required audits of trial court revenues, expenditures, and fund balances on a four-year cycle.

Facilities Changes

State Court Facilities Construction Fund Backfill: \$80 million General Fund backfill to address the structural deficit in the State Court Facilities Construction Fund, maintain existing service levels for trial court facilities projects, and ensure an adequate fund balance.

Court Construction: \$89.5 million Public Buildings Construction Fund for the Design-build phase of a new courthouse for the Court of Appeal, Sixth Appellate District in Santa Clara County, which is a previously-approved project.

Facility Operations and Maintenance: \$3.6 million General Fund for the operation and maintenance of the new Modesto Courthouse for the Superior Court of Stanislaus County, projected to open in 2025.

Other Funding Modifications

Trial Court Trust Fund Revenue Backfill: \$83.1 million General Fund backfill for the Trial Court Trust Fund to address the continued decline in civil fee and criminal fine and penalty revenues expected in 2024–25.

Community Assistance, Recovery, and Empowerment (CARE) Act Support: \$106.9 million General Fund in fiscal year 2024–25 and \$133 million ongoing for CARE Act implementation and program support, including legal representation.

Trial Court Employee Costs: \$15.8 million ongoing General Fund for increased trial court employee health benefits and retirement costs.

State-Level Judiciary Employee and Judicial Officers Costs: \$19.0 million to adjust retirement, salary, and benefit costs for employees of the Supreme Court (\$1.5 million), Courts of Appeal (\$7.2 million), Judicial Council (\$8.4 million), and Habeas Corpus Resource Center (\$632,000), and for compensation of superior court judges (\$1.3 million).

Rent Costs: \$31,000 General Fund reduction/adjustment to account for lowered rent costs in buildings occupied by the Supreme Court, Courts of Appeal, Judicial Council, and Habeas Corpus Resource Center.

Budget Solutions

Trial Court Trust Fund: \$75 million of Trial Court Trust Fund reserves will be transferred to the General Fund. These one-time reserves have accumulated over multiple years primarily due to high judicial officer vacancies.

Trial Court State-Level Emergency Reserve: Reduction of the trial court state-level emergency reserve in the Trial Court Trust Fund from \$10 million to \$5 million.

Firearm Relinquishment Program: The Budget Act of 2022 provided \$40 million one-time General Fund to support court-ordered firearm relinquishment pilot programs. The \$40 million, which is available for expenditure for three fiscal years, will be reduced by \$20 million.

Deferral of Capital Outlay Projects: Given the state's fiscal challenges, the budget does not include any new or additional funding for the following projects:

- Fresno–New Fresno Courthouse;
- San Luis Obispo–New San Luis Obispo Courthouse;
- San Joaquin–New Tracy Courthouse;
- Kern–New East County Courthouse; and
- Placer–Tahoe Courthouse Renovation.

Funding for these projects and others included in the judicial branch's Five-Year Capital Outlay Plan will be considered in future budget cycles.

Next Steps on Judicial Branch Budget

The proposed budget sets the stage for the next phase of the state's budget development cycle for fiscal year 2024–25, which begins on July 1, 2024. This will include further discussions with the Administration, legislative hearings, a May Revision to the Governor's Budget, and an intensive period of legislative activity to pass a balanced budget by the June 15 constitutional deadline.

The proposed 2024–25 Governor's Budget may be reviewed in its entirety at: <https://ebudget.ca.gov/>.



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

October 27, 2014

Action Requested

For Your Information Only

To

Cory Jaspersen, Director
Laura Speed, Assistant Director
Governmental Affairs

Deadline

N/A

From

Deborah C. Brown, Chief Counsel
Mark Jacobson, Senior Attorney *MJ*
Legal Services

Contact

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Subject

Ethical Principles Applicable to Judges
Engaged in Legislative Activities

You have asked Legal Services to provide an information sheet setting forth the ethical principles that pertain to judicial officers who participate in legislative activities that can be distributed to judicial officers who engage in Bench-Bar Coalition legislative outreach activities. To assist judicial officers, this memorandum provides the following information: (1) the applicable canons from the California Code of Judicial Ethics; (2) an analysis of a recent formal opinion from the Supreme Court's Committee on Judicial Ethics Opinions; and (3) relevant excerpts from David M. Rothman's *California Judicial Conduct Handbook*.

Relevant Canons¹**Governmental Activities**

The canon most directly on point for judges who wish to participate in legislative activity is canon 4C(1), which prohibits a judge from appearing at a public hearing or consulting with an

¹ The full text of the canons discussed in this section is set forth in the attached appendix.

executive or legislative body or a public official except on matters concerning the law, the legal system, and the administration of justice. In deciding whether to engage in such activities, a judge must also consider whether that conduct would violate any other provision of the Code of Judicial Ethics. For example, the activity must uphold the integrity, impartiality, and independence of the judiciary (canons 1 and 2A), and it must not cause the judge to be disqualified (canon 4A(4)).

Political Activity

Canon 5 provides that judges may not be involved in political activity that is inconsistent with the independence, integrity, or impartiality of the judiciary or that creates the appearance of political bias or impropriety. Canon 5D states that a judge is not permitted to engage in political activity unless it is related to the law, the legal system, or the administration of justice.

Extrajudicial Activities, Appearance of Impropriety, Lending the Prestige of Office

There are several other canons that should be considered when a judge is involved in legislative activity. Canon 4A states that a judge must conduct any extrajudicial activity so that such activity does not (1) interfere with judicial duties, (2) cast doubt on the judge's impartiality, or (3) lead to frequent disqualification. Canon 2 provides that a judge must not engage in conduct that creates the appearance of impropriety. Canon 2A prohibits a judge from making any statement that commits the judge with respect to cases, controversies, or issues that are likely to come before the courts. Finally, canon 2B(2) states that a judge must not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge or others.

CJEO Formal Opinion No. 2014-006

The Supreme Court's Committee on Judicial Ethics Opinions issued a formal opinion on October 2, 2014, entitled "Judicial Comment at Public Hearings and Consultation with Public Officials and Other Branches of Government."² The opinion addressed the circumstances under which a judge may appear at a public hearing or officially consult with executive or legislative bodies on "matters concerning the law, the legal system, or the administration of justice." (See canon 4C(1), Appendix, p. 1.) The committee concluded that canon 4C(1) allows comment and consultation concerning the court system or matters of judicial administration. The canon permits a judge to appear before or consult with representatives of the other two branches of government "when the subject of the appearance or consultation is one with respect to which the judge's experience and perspective *as a judge* gives him or her unique qualifications to assist the other branches of the government in fulfilling their responsibilities to the public." (CJEO Formal Opn. 2014-006, p. 2, emphasis in original.)

² The full opinion can be found on the CJEO website at http://www.judicialethicsopinions.ca.gov/sites/default/files/CJEO_Formal_Opinion_2014-006.pdf.

The committee stated that based on the reference in canon 4C(1) to matters concerning the administration of justice, judges may testify or advocate at public hearings only on behalf of the legal system, i.e., focusing on court users, the courts, or the administration of justice. (CJEO Formal Opn. 2014-006, *supra*, at p. 7.) There are situations in which a judge may comment about substantive legal issues where the purpose is to benefit the law and legal system itself rather than any particular cause or group and when the comment or consultation is made from a judicial perspective. (*Ibid.*) Thus, any comments from a *legal* knowledge/experience perspective should be provided by attorneys, not judges. (*Ibid.*) Where a judge has both judicial and attorney experience to draw from (or only attorney experience) in a particular area of law, the judge's comments or consultation should be presented from a purely judicial perspective. (*Ibid.*)

The committee noted that even if the exception in canon 4C(1) applies, the judge must ensure that the appearance or consultation does not violate any other canons, such as those set forth in the appendix to this memorandum.

The opinion provides the following illustrative examples:

- A judge may comment or consult about the judicial branch's budget, or a bond measure for court construction, or a bill proposing to replace court reporters with electronic recording.
- Regarding a proposed constitutional amendment to replace the death penalty with life without parole, a judge may comment on the dysfunction of the present system from a judicial perspective, but advocacy for or against the death penalty as a policy matter would violate canon 4C(1).
- A judge who was an environmental attorney may express his or her views in support of a new CEQA settlement process, but only from the viewpoint of a judge who is, for example, seeking to unburden the court's docket by resolving CEQA cases earlier in the judicial process.
- A judge who was a prosecutor but has no judicial experience in criminal law may express support for proposed legislation to reduce the number of peremptory challenges in misdemeanor cases, but those views should be expressed in terms of how the law would affect the legal system or the administration of justice by improving juror satisfaction, enhancing jury diversity, and saving court costs, while still providing the full panoply of due process.
- A judge may not appear at a public hearing of a legislative committee to advocate for longer sentences for certain drug offenders because, even though such comments are

about a matter “concerning the law,” advocacy for longer sentences for only a particular type of offender could undermine public confidence in the impartiality of the judiciary, thus violating canons 1 (upholding the integrity and independence of the judiciary), 2A (promoting public confidence in the integrity and impartiality of the judiciary), 3B(9) (commenting publicly on pending cases), and 4A(1) (casting doubt on the judge’s capacity to act impartially). The judge could, however, discuss the impact of such sentences on the courts or the adjudicatory process.

- Based on the judge’s expertise, a judge may advocate for improvements in the administration of justice that would seek to reduce recidivism by providing information about collaborative court programs the judge had presided over or administered that employ alternative sentencing or probation periods for drug offenders.
- A judge may advocate for statewide use of alternative programs based on the judge’s experience, but must not comment on the outcome of cases involving particular offenders and must not imply that the judge will be ruling in a particular way in a class of cases.
- Judicial advocacy for specific legislation on proposed death penalty or collective bargaining measures could violate the prohibition in canon 2A against making statements that commit a judge with respect to cases, controversies, or issues that are likely to come before the court or that are inconsistent with the impartial performance of duties. But a judge may appear before a public body to explain, from a judicial perspective, the effects of proposed laws on the judicial process or judicial administration.

Rothman, *California Judicial Conduct Handbook*

In the *California Judicial Conduct Handbook* (3d ed. 2007), Judge Rothman addresses judicial involvement in executive and legislative matters:

[§11.03] Appearances at Public Hearings and Participation in Executive or Legislative Matters

Ethics rules on the subject. A judge . . . must . . . draw the distinction between inappropriate involvement with the legislative and executive branch in what could be called “political” matters as opposed to appropriate involvement in matters that concern the law, legal system, and administration of justice. Thus, for example, a judge may endorse legislation that would provide the court with facilities and services, because such matters deal with the administration of justice.

* * *

Recognition of the separation of powers—urging moderation in advocacy by judges. Judges have frequently been active in advocating positions before the legislative and executive branches on a variety of subjects. The Code of Judicial Ethics does not prohibit this activity so long as the activity is limited to issues related to the law, the legal system, and administration of justice. The boundary, however, of this limitation is often stretched.

I am not alone in the belief that judges should greatly limit advocacy of issues before the legislative and executive branches to only the clearest and most urgent of circumstances. Where judges frequently engage in such advocacy, they may be perceived as encroaching on legislative and executive prerogatives. When judges do so they should not be surprised if the legislative and executive branches feel comfortable in doing the same in the judicial arena.

Examples abound of an increasing comfort on the part of the legislature in tinkering with the judicial branch. This may be the result of a basic lack of understanding and appreciation of basic concepts of our form of government. Separation of powers and preservation of the independence of the judiciary require judges to ration their advocacy.

Special position of juvenile and family court judges. The special demands of juvenile and family court assignments frequently involve judges in proactive efforts to improve the law. The above caution is less urgent for these judges because they are expected to regularly make recommendations concerning civil procedure and the development of programs to help children.

Examples of issues concerning appropriate advocacy. Is it proper for a judge to be involved in writing a statute that increases or reduces child support, or deals with the length of sentences in juvenile or criminal cases? Judges regularly advocate for additional judicial officers, but would it be improper for them to advocate for additional police officers?

Judges do not agree on the answers to these questions. Some believe that such activity is part of the judicial function and is permissible. Others, however, believe that the test is whether such advocacy could “cast reasonable doubt on the judge’s capacity to act impartially.”

It would be proper for a judge to endorse a bond measure that increases county revenues, which would increase funding for judicial-related activities as well as increasing revenues for non-legal system county projects, provided the

endorsement was carefully phrased to focus on judicial needs, while avoiding endorsement of nonjudicial issues. Because of the Trial Court Funding Act, local judicial-related funding advocacy would be very limited, if any, at the local level.

A judge may write a letter to the legislature regarding a bill proposing to replace court reporters with electronic recording as this plainly concerns the administration of justice. A judge, however, who was formerly a member of the legislature, should not be further involved in legislation or consult with legislators or others except on legislation and other matters concerning the law, the legal system or the administration of justice.

(Rothman, *California Judicial Conduct Handbook*, 3d ed. [California Judges Association, 2007] pp. 569–571.)

Judge Rothman also discusses judicial support of or opposition to ballot measures in the context of inappropriate political activity:

[§11.24] Supporting or Opposing Ballot Measures

Measures not related to improvement of the law, legal system or administration of justice. Although one might argue that anything on the ballot relates to the improvement of the law, such is not the case. For example, it would be improper for a judge to draft, promote, or be listed publicly as supporting a school bond ballot proposal as such a proposal would not fit the limited purpose related to improvement of the legal system. A judge may not sign a ballot statement, essentially a public endorsement, for an ordinance advocating criminal penalties for violation of a law/ordinance.

* * *

Appropriate ballot measures for comment by judges. Appropriate judicial activity related to ballot measures would include public support of a tax override measure or other ballot proposition that would provide revenue for court operations or jail construction, since the objects of the funding pertain to the administration of justice. A court and its judges may also take a public position on a ballot proposition that affects judicial funding and the administration of justice. A judge may support or oppose a ballot measure dealing with the unification of the court.

A judge may speak and take a public stance against a ballot measure that would take away the power to appoint and retain the chief probation officer from the courts and place it in the hands of the board of supervisors.

A judge may act in support of political goals that directly relate to improvement of the judicial system such as jail construction or renovation of a juvenile detention facility.

A judge may participate in a newspaper ad concerning a ballot measure that concerns the law, legal system or administration of justice.

(Rothman, *supra*, at pp. 578–579.)

Disqualification and Disclosure

Judges who are involved in legislative activity should be aware of the disqualification and disclosure implications if it appears that the judge cannot be impartial in ruling on a matter concerning the issue with which the judge was involved. Code of Civil Procedure section 170.1(a)(6)(A)(iii) provides that a judge is disqualified if “[a] person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial.” A judge is *not* disqualified, however, if the judge “[h]as as a lawyer or public official participated in the drafting of laws or in the effort to pass or defeat laws, the meaning, effect or application of which is in issue in the proceeding unless the judge believes that his or her prior involvement was so well known as to raise a reasonable doubt in the public mind as to his or her capacity to be impartial.” (Code Civ. Proc., § 170.2(c).)

Judge Rothman addresses this issue:

[A] judge’s expression of opinions outside of the context of judicial decision may raise disclosure and disqualification issues.

* * *

Drafting or advocating concerning laws. Although there can be an argument that the use of the term “public official” is not intended to encompass a judge, subdivision (c) of section 170.2 above appears to allow a judge (i.e., a “public official”) to participate in the drafting of or advocacy concerning laws that the judge may later have to interpret. Judges have been involved on many occasions in such activities although, as noted in the concluding language of subdivision (c), such involvement has the potential of requiring disqualification.

Cory Jasperson
Laura Speed
October 27, 2014
Page 8

(Rothman, *California Judicial Conduct Handbook*, 3d ed. [California Judges Association, 2007] pp. 368–369.)

Judges should also be aware of canon 4A(4), which states that a judge must conduct all of the judge's extrajudicial activities so that they do not lead to frequent disqualification of the judge.

Contact Information for Questions

If judicial officers have questions about whether their own conduct would violate any provision of the Code of Judicial Ethics, they may contact the Supreme Court's Committee on Judicial Ethics Opinions at judicial.ethics@jud.ca.gov or 855-854-5366, or the California Judges Association's Judicial Ethics Hotline at 866-432-1252. For more general information about ethical constraints discussed in this memorandum, they may contact Senior Attorney Mark Jacobson at 415-865-7898 or mark.jacobson@jud.ca.gov.

DCB/MJ/ms
Attachment
cc: Jody Patel, Chief of Staff

Appendix

Canon 2

A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

Canon 2A

A. Promoting Public Confidence

A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A judge shall not make statements, whether public or nonpublic, that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts or that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

Canon 2B(2) states:

A judge shall not lend the prestige of judicial office or use the judicial title in any manner, including any oral or written communication, to advance the pecuniary or personal interests of the judge or others.

Canon 4A

A. Extrajudicial Activities in General

A judge shall conduct all of the judge's extrajudicial activities so that they do not

- (1) cast reasonable doubt on the judge's capacity to act impartially;
- (2) demean the judicial office;
- (3) interfere with the proper performance of judicial duties; or
- (4) lead to frequent disqualification of the judge.

Canon 4C(1)

A judge shall not appear at a public hearing or officially consult with an executive or legislative body or public official except on matters concerning the law, the legal system, or the administration of justice or in matters involving the judge's private economic or personal interests.

Advisory Committee Commentary to Canon 4C(1) (added January 1, 2013)

When deciding whether to appear at a public hearing or whether to consult with an executive or legislative body or public official on matters concerning the law, the legal system, or the

administration of justice, a judge should consider whether that conduct would violate any other provisions of this code. For a list of factors to consider, see the explanation of “law, the legal system, or the administration of justice” in the Terminology section. See also Canon 2B regarding the obligation to avoid improper influence.

Canon 5

A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.

Judges and candidates for judicial office are entitled to entertain their personal views on political questions. They are not required to surrender their rights or opinions as citizens. They shall, however, not engage in political activity that may create the appearance of political bias or impropriety. Judicial independence, impartiality, and integrity shall dictate the conduct of judges and candidates for judicial office.

Canon 5D

A judge or candidate for judicial office may engage in activity in relation to measures concerning the improvement of the law, the legal system, or the administration of justice, only if the conduct is consistent with this code.

Advisory Committee Commentary to Canon 5D (added January 1, 2013)

When deciding whether to engage in activity relating to measures concerning the law, the legal system, or the administration of justice, such as commenting publicly on ballot measures, a judge must consider whether the conduct would violate any other provisions of this code. See explanation of “law, the legal system, or the administration of justice” in the terminology section.

Explanation of “law, the legal system, or the administration of justice” from the Terminology section (added January 1, 2013)

When a judge engages in an activity that relates to the law, the legal system, or the administration of justice, the judge should also consider factors such as whether the activity upholds the integrity, impartiality, and independence of the judiciary (Canons 1 and 2A), whether it impairs public confidence in the judiciary (Canon 2), whether the judge is allowing the activity to take precedence over judicial duties (Canon 3A), and whether engaging in the activity would cause the judge to be disqualified (Canon 4A(4)).

**ASSEMBLY MEMBERS
2023 - 2024
Legislative Session**

Last Name	First Name	House	Suite	Phone	District	Counties Represented	Party
Addis	Dawn	A	5350	916 319 2030	30	Monterey, San Luis Obispo, Santa Cruz	D
Aguiar-Curry	Cecilia	A	8210	916 319 2004	4	Colusa, Lake, Napa, Solano, Sonoma, Yolo	D
Alanis	Juan	A	4640	916 319 2022	22	Merced, Stanislaus	D
Alvarez	David	A	5320	916 319 2080	80	San Diego	D
Arambula	Joaquin	A	6130	916 319 2031	31	Fresno	D
Bains	Jasmeet Kaur	A	5730	916 319 2035	35	Kern	D
Bauer-Kahan	Rebecca	A	5210	916 319 2016	16	Alameda, Contra Costa	D
Bennett	Steven	A	4710	916 319 2038	38	Ventura	D
Berman	Marc	A	8130	916 319 2023	23	San Mateo, Santa Clara	D
Boerner Horvath	Tasha	A	4150	916 319 2076	77	San Diego	D
Bonta	Mia	A	390 LAO	916 319 2018	18	Alameda	D
Bryan	Isaac	A	5630	916 319 2055	55	Los Angeles	D
Calderon	Lisa	A	4650	916 319 2056	56	Los Angeles	D
Carrillo	Juan	A	4320	916 319 2039	39	Los Angeles, San Bernardino	D
Carrillo	Wendy	A	5620	916 319 2052	52	Los Angeles	D
Cervantes	Sabrina	A	4240	916 319 2058	58	Riverside	D
Chen	Phillip	A	4620	916 319 2059	59	Orange, San Bernardino	R
Connolly	Damon	A	5240	916 319 2012	12	Marin, Sonoma	D

**ASSEMBLY MEMBERS
2023 - 2024
Legislative Session**

Last Name	First Name	House	Suite	Phone	District	Counties Represented	Party
Dahle	Megan	A	5710	916 319 2001	1	Butte, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou	R
Davies	Laurie	A	4720	916 319 2074	74	Orange, San Diego	R
Dixon	Diane	A	5330	916 319 2072	72	Orange	R
Essayli	Bill	A	4520	916 319 2063	63	Riverside	R
Flora	Heath	A	4730	916 319 2009	9	Amador, Calaveras, Sacramento, San Joaquin, Stanislaus	R
Fong	Mike	A	5230	916 319 2049	49	Los Angeles	D
Fong	Vince	A	4630	916 319 2032	32	Kern	R
Friedman	Laura	A	5150	916 319 2044	44	Los Angeles	D
Gabriel	Jesse	A	8230	916 319 2046	46	Los Angeles, Ventura	D
Gallagher	James	A	4740	916 319 2003	3	Butte, Colusa, Glenn, Sutter, Tehama, Yuba	R
Garcia	Eduardo	A	8120	916 319 2036	36	Imperial, Riverside	D
Gipson	Mike	A	6210	916 319 2065	65	Los Angeles	D
Grayson	Timothy	A	5510	916 319 2015	15	Contra Costa, Solano	D
Haney	Matt	A	5740	916 319 2017	17	San Francisco	D
Hart	Gregg	A	6230	916 319 2037	37	Santa Barbara, San Luis Obispo	D
Holden	Chris	A	5650	916 319 2041	41	Los Angeles, San Bernardino	D
Hoover	Josh	A	4540	916 319 2007	7	Sacramento	R

**ASSEMBLY MEMBERS
2023 - 2024
Legislative Session**

Last Name	First Name	House	Suite	Phone	District	Counties Represented	Party
Irwin	Jacqui	A	6220	916 319 2042	42	Los Angeles, Ventura	D
Jackson	Cory	A	6120	916-319-2060	60	Riverside	D
Jones-Sawyer	Reginald	A	6320	916 319 2057	57	Los Angeles	D
Kalra	Ash	A	4610	916 319 2025	25	Santa Clara	D
Lackey	Tom	A	5340	916 319 2034	34	Kern, Los Angeles, San Bernardino	R
Lee	Alex	A	6330	916 319 2024	24	Alameda, Santa Clara	D
Low	Evan	A	6110	916 319 2026	26	Santa Clara	D
Lowenthal	Josh	A	5130	916 319 2069	69	Los Angeles	D
Maienschein	Brian	A	5640	916 319 2076	76	San Diego	R
Mathis	Devon	A	5530	916 319 2033	33	Inyo, Kern, Tulare	R
McCarty	Kevin	A	5610	916 319 2006	6	Sacramento, Yolo	D
McKinnor	Tina	A	5520	916 319 2061	61	Los Angeles	D
Muratsuchi	Al	A	5310	916 319 2066	66	Los Angeles	D
Nguyen	Stephanie	A	5720	916 319 2010	10	Sacramento	D
Ortega	Liz	A	5120	916 319 2020	20	Alameda	D
Pacheco	Blanca	A	6240	916 319 2064	64	Los Angeles	D
Papan	Diane	A	4220	916 319 2021	21	San Mateo	D
Patterson	Jim	A	4310	916 319 2008	8	Fresno, Tulare	R

**ASSEMBLY MEMBERS
2023 - 2024
Legislative Session**

Last Name	First Name	House	Suite	Phone	District	Counties Represented	Party
Patterson	Joe	A	4530	916 319 2005	5	El Dorado, Placer	R
Pellerin	Gail	A	6310	916 319 2028	28	Santa Clara, Santa Cruz	D
Petrie-Norris	Cottie	A	4230	916 319 2073	73	Orange	D
Quirk-Silva	Sharon	A	4210	916 319 2067	67	Orange	D
Ramos	James	A	8310	916 319 2045	45	San Bernardino	D
Rendon	Anthony	A	367 Capitol	916 319 2062	62	Los Angeles	D
Reyes	Eloise	A	4510	916 319 2050	50	San Bernardino	D
Rivas	Luz	A	4250	916 319 2043	43	Los Angeles	D
Rivas	Robert	A	8330	916 319 2029	29	Monterey, San Benito, Santa Clara, Santa Cruz	D
Rodriguez	Freddie	A	5140	916 319 2053	53	Los Angeles, San Bernardino	D
Rubio	Blanca	A	5250	916 319 2048	48	Los Angeles	D
Sanchez	Kate	A	4340	916 319 2071	71	Orange, Riverside	R
Santiago	Miguel	A	6150	916 319 2054	54	Los Angeles	D
Schiavo	Pilar	A	4140	916 319 2040	40	Los Angeles	D
Soria	Esmeralda	A	4110	916 319 2027	27	Fresno, Madera, Merced	D
Ta	Tri	A	5540	916 319 2070	70	Orange	R
Ting	Philip	A	5220	916 319 2019	19	San Francisco, San Mateo	D
Valencia	Avelino	A	4120	916 319 2068	68	Orange	D

**ASSEMBLY MEMBERS
2023 - 2024
Legislative Session**

Last Name	First Name	House	Suite	Phone	District	Counties Represented	Party
Villapudua	Carlos	A	6340	916 319 2013	13	San Joaquin	D
Waldron	Marie	A	6140	916 319 2075	75	Riverside, San Diego	R
Wallis	Greg	A	4330	916 319 2047	47	Riverside, San Bernardino	R
Ward	Christopher	A	6350	916 319 2078	78	San Diego	D
Weber	Akilah	A	4130	916 319 2079	79	San Diego	D
Wicks	Buffy	A	8140	916 319 2014	14	Alameda, Contra Costa	D
Wilson	Lori	A	5150	916-319-2111	11	Contra Costa, Sacramento, Solano	D
Wood	Jim	A	8320	916 319 2002	2	Del Norte, Humboldt, Mendocino, Sonoma, Trinity	D
Zbur	Rick Chavez	A	4250	916 319 2051	51	Los Angeles	D

**SENATORS
2023 - 2024
Legislative Session**

Last Name	First Name	House	Room	Phone	District	Counties Represented	Party
Allen	Ben	S	6610	916 651 4024	24	Los Angeles	D
Alvarado-Gil	Marie	S	7240	916 651 4004	4	Alpine, Amador, Calaveras, El Dorado, Inyo, Madera, Mariposa, Merced, Mono, Nevada, Placer, Stanislaus, Tuolumne	D
Archuleta	Bob	S	6620	916 651 4030	30	Los Angeles, Orange	D
Ashby	Angelique	S	7320	916 651 4008	8	Sacramento	D
Atkins	Toni	S	8518	916 651 4039	39	San Diego	D
Becker	Josh	S	7250	916 651 4013	13	San Mateo, Santa Clara	D
Blakespear	Catherine	S	7340	916 651 4038	38	Orange, San Diego	D
Bradford	Steven	S	7210	916 651 4035	35	Los Angeles	D
Caballero	Anna	S	7620	916 651 4014	14	Fresno, Madera, Monterey, San Benito, Stanislaus	D
Cortese	Dave	S	6630	916 651 4015	15	Santa Clara	D
Dahle	Brian	S	7230	916 651 4001	1	Alpine, El Dorado, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou	R
Dodd	Bill	S	7610	916 651 4003	3	Contra Costa, Napa, Sacramento, Solano, Sonoma, Yolo	D
Durazo	Maria Elena	S	7530	916 651 4026	26	Los Angeles	D

**SENATORS
2023 - 2024
Legislative Session**

Last Name	First Name	House	Room	Phone	District	Counties Represented	Party
Eggman	Susan	S	8530	916 651 4005	5	Sacramento, San Joaquin, Stanislaus	D
Glazer	Steven	S	7520	916 651 4007	7	Alameda, Contra Costa	D
Gonzalez	Lena	S	7720	916 651 4033	33	Los Angeles	D
Grove	Shannon	S	7150	916 651 4012	12	Kern, San Bernardino, Tulare	R
Hurtado	Melissa	S	7310	916 651 4016	16	Fresno, Kern, Kings, Tulare	D
Jones	Brian	S	7640	916 651 4040	40	San Diego	R
Laird	John	S	8720	916 651 4017	17	Monterey, San Luis Obispo, Santa Clara, Santa Cruz	D
Limon	Monique	S	6510	916 651 4019	19	Santa Barbara, Ventura	D
McGuire	Mike	S	8610	916 651 4002	2	Del Norte, Humboldt, Lake, Marin, Mendocino, Sonoma, Trinity	D
Menjivar	Caroline	S	6720	916 651 4020	20	Los Angeles	D
Min	Dave	S	6710	916 651 4037	37	Orange	D
Newman	Josh	S	6520	916 651 4029	29	Los Angeles, Orange, San Bernardino	D
Nguyen	Janet	S	7130	916 651 4036	36	Los Angeles, Orange	R
Niello	Roger	S	7110	916 651 4006	6	Placer, Sacramento	R
Ochoa Bogh	Rosilicie	S	7220	916 651 4023	23	Riverside, San Bernardino	R

**SENATORS
2023 - 2024
Legislative Session**

Last Name	First Name	House	Room	Phone	District	Counties Represented	Party
Padilla	Stephen	S	6640	916 651 4018	18	Imperial, Riverside, San Bernardino, San Diego	D
Portantino	Anthony	S	7630	916 651 4025	25	Los Angeles, San Bernardino	D
Roth	Richard	S	7510	916 651 4031	31	Riverside	D
Rubio	Susan	S	8710	916 651 4022	22	Los Angeles	D
Seyarto	Kelly	S	7120	916 651 4032	32	Orange, Riverside, San Bernardino, San Diego	R
Skinner	Nancy	S	8630	916 651 4009	9	Alameda, Contra Costa	D
Smallwood-Cuevas	Lola	S	6730	916 651 4028	28	Los Angeles	D
Stern	Henry	S	7710	916 651 4027	27	Los Angeles, Ventura	D
Umberg	Thomas	S	6530	916 651 4034	34	Los Angeles, Orange	D
Wahab	Aisha	S	7730	916 651 4010	10	Alameda, Santa Clara	D
Wiener	Scott	S	8620	916 651 4011	11	San Francisco, San Mateo	D
Wilk	Scott	S	7140	916 651 4021	21	Los Angeles, San Bernardino	R

2024 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 11-1-22

DEADLINES

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **Floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)).
Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 19** Presidents' Day.

- Mar. 21** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 29** Cesar Chavez Day observed.

- Apr. 1** Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 26** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

- May 3** Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 10** Last day for **policy committees** to meet prior to May 28 (J.R. 61(b)(7)).
- May 17** Last day for **fiscal committees** to hear and report to the **Floor** bills introduced in their house (J.R. 61 (b)(8)).
Last day for **fiscal committees** to meet prior to May 28 (J.R. 61 (b)(9)).
- May 20-24** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).
- May 24** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 27** Memorial Day.
- May 28** Committee meetings may resume (J.R. 61(b)(12)).

JANUARY							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
Wk. 3	14	15	16	17	18	19	20
Wk. 4	21	22	23	24	25	26	27
Wk. 1	28	29	30	31			

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 1					1	2	3
Wk. 2	4	5	6	7	8	9	10
Wk. 3	11	12	13	14	15	16	17
Wk. 4	18	19	20	21	22	23	24
Wk. 1	25	26	27	28	29		

MARCH							
	S	M	T	W	TH	F	S
Wk. 1						1	2
Wk. 2	3	4	5	6	7	8	9
Wk. 3	10	11	12	13	14	15	16
Wk. 4	17	18	19	20	21	22	23
Spring Recess	24	25	26	27	28	29	30
Wk. 1	31						

APRIL							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
Wk. 3	14	15	16	17	18	19	20
Wk. 4	21	22	23	24	25	26	27
Wk. 1	28	29	30				

MAY							
	S	M	T	W	TH	F	S
Wk. 1				1	2	3	4
Wk. 2	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
No Hrgs.	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30	31	

*Holiday schedule subject to final approval by Rules Committee.

2024 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 11-1-22

JUNE							
	S	M	T	W	TH	F	S
Wk. 4							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29
Wk. 1	30						

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).

June 27 Last day for a legislative measure to qualify for the Nov. 5 General Election ballot (Elections Code Sec. 9040).

JULY							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Summer Recess	7	8	9	10	11	12	13
Summer Recess	14	15	16	17	18	19	20
Summer Recess	21	22	23	24	25	26	27
Summer Recess	28	29	30	31			

July 3 Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess					1	2	3
Wk. 2	4	5	6	7	8	9	10
Wk. 3	11	12	13	14	15	16	17
No Hrgs.	18	19	20	21	22	23	24
No Hrgs.	25	26	27	28	29	30	31

Aug. 5 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 16 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).

Aug. 19 – 31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(15)).

Aug. 23 Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(17)).

Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2024

- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Oct. 2 Bills enacted on or before this date take effect January 1, 2025. (Art. IV, Sec. 8(c)).
- Nov. 5 General Election.
- Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 2 2025-26 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2025

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to final approval by Rules Committee.



CALIFORNIA JUDICIAL BRANCH BUDGET PRIORITIES FOR 2024–25

The Chief Justice, the Judicial Council, and the courts support the Governor’s budget proposal for the judicial branch. As Chief Justice Guerrero stated at the release of the January Budget:

“Along with the rest of state government, the judicial branch must be part of the solution to close our anticipated statewide budget deficit. This proposal includes returning unspent judicial branch funds and deferring funding for several construction projects while still protecting essential funding for our critical programs and services.”

We look forward to working on this budget proposal with the Governor and the Legislature in the next few months as the budget becomes finalized.

PRIORITIES ADDRESSED IN THE GOVERNOR’S BUDGET PROPOSAL		
The proposed budget continues to protect core operations for the judicial branch to ensure access to justice is maintained for all Californians.		
1. Remote Proceedings	Trailer Bill Language	<ul style="list-style-type: none"> To eliminate the Jan. 1, 2026, sunset date for civil remote proceedings and the Jan. 1, 2025, sunset date for criminal remote proceedings.
2. Fund Balance Cap Increase	Trailer Bill Language	<ul style="list-style-type: none"> To increase the trial court fund balance cap from 3 percent to 5 percent or \$100,000, whichever is greater, to ensure that courts have adequate reserve funding to support operational needs and address emergency expenditures.
3. Community Assistance, Recovery, & Empowerment (CARE) Act Support	\$106.9M	<ul style="list-style-type: none"> Funding for ongoing CARE Act implementation costs. To address judicial branch costs to conduct additional hearings, expand self-help centers, support program administration, and update case management systems. Support for legal representation.
4. Revenue Backfill	\$163.1M	<ul style="list-style-type: none"> \$83.1M backfill to the Trial Court Trust Fund to address the continued decline in civil fee and criminal fine and penalty revenues expected in 2023–24. \$80M backfill to the State Court Facilities Construction Fund to maintain existing service levels.
5. Self-Help Funding	\$19.1M	<ul style="list-style-type: none"> Ongoing funding for trial courts to provide self-help services to unrepresented litigants.
6. Trial Court Employee Costs	\$15.8M	<ul style="list-style-type: none"> For trial court employee health benefit and retirement costs.
7. State-Level Judiciary Employee & Judicial Officer Costs	\$19M	<ul style="list-style-type: none"> To reflect adjustments to retirement, salary, and benefit costs previously approved in the 2023 Budget Act.
8. Courthouse Construction, Maintenance & Operations	\$93.1M	<ul style="list-style-type: none"> \$89.5M for the previously-approved new Sixth District Court of Appeal Courthouse in Santa Clara County. \$3.6M for increased trial court facilities operations and maintenance costs for newly constructed courthouses.



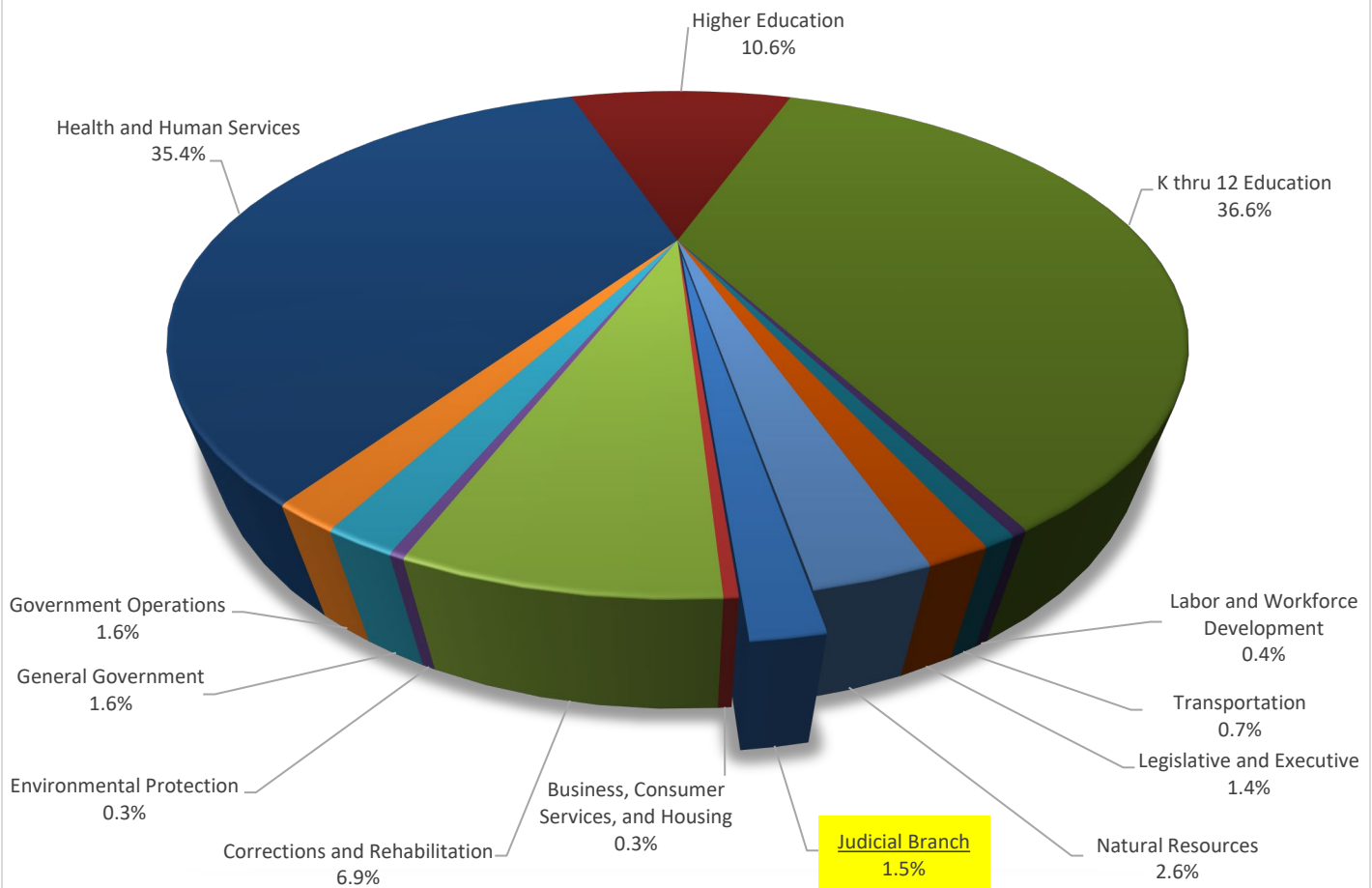
CALIFORNIA JUDICIAL BRANCH BUDGET PRIORITIES FOR 2024–25

BUDGET SOLUTIONS PROPOSED IN THE GOVERNOR’S BUDGET

The proposed budget continues to protect core operations for the judicial branch to ensure access to justice is maintained for all Californians.

1. Trial Court Trust Fund	(\$75M)	<ul style="list-style-type: none"> Transfer \$75M of unrestricted fund balance from the Trial Court Trust Fund to the General Fund.
2. Trial Court State-Level Emergency Reserve	(\$5M)	<ul style="list-style-type: none"> Reduce the trial court state-level emergency reserve in the Trial Court Trust Fund from \$10M to \$5M.
3. Firearms Relinquishment Program	(\$20M)	<ul style="list-style-type: none"> The Budget Act of 2022 provided \$40M one-time General Fund to support court-ordered firearm relinquishment pilot programs. The \$40M, which is available for expenditure for three fiscal years, will be reduced by \$20M.
4. Deferral of Capital Outlay Projects		<ul style="list-style-type: none"> Given the state’s fiscal challenges, the budget does not include any new or additional funding for superior court construction. Funding for additional projects included in the judicial branch’s Five-Year Capital Outlay Plan will be considered in future budget cycles.

Judicial Branch as Percentage of State General Fund



Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024



Background

The California Supreme Court, in a 2018 opinion, stated that “the absence of a verbatim record of trial court proceedings will often have a devastating effect” on a litigant’s ability to have an appeal decided on the merits.¹ The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required² and electronic recording is not authorized.³ Parties may arrange for the services of a court reporter in other case types.⁴ However, a declining number of court reporters threatens access to justice for court users, especially Californians who can’t afford to pay for their own court reporter.

Number of Court-Employed Reporters Falls Short of Need

According to the fiscal year (FY) 2022–23 Schedule 7A, courts employ approximately 1,200 FTE (full-time equivalent) court reporters. To meet minimum requirements,⁵ it is estimated that California courts may need up to an additional 650 full-time court reporters.⁶ In addition to court reporters employed by the courts, courts also contract with pro tempore⁷ reporters to help meet the need.

California trial courts reported in recent surveys that between January 1 and September 30, 2023:

- 43 of the 58 courts actively recruited for court reporters;
- 69.3 (FTE) court reporters were hired, 16.5 (FTE) of whom came from other courts (23.8% of all hires); and
- 84.1 (FTE) court reporters have left employment at the courts, for a net loss of 14.8 (FTE) reporters.⁸

Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

Declining availability of California-licensed court reporters

There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023.⁹ However, according to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%.¹⁰ Potential indicators that the decline will continue include:

- *Challenging pathway to licensure:* Thirty-five new licenses were issued statewide in 2021–22.^{11,12} Of the 271 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Nov. 2022, Mar. 2023, and July 2023), 31.7% passed. The November 2022 exam was the first to include voice writing; a total of 17 individuals have since passed the skills exam as voice writers.¹³

¹ *Jameson v. Desta* (2018) 5 Cal.5th 594, 622.

² Felony and juvenile cases.

³ Electronic recording is not authorized except in limited civil, misdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, § 69957(a)).

⁴ Courts must also provide an official court reporter in civil cases when a party with a fee waiver requests one, and the proceeding cannot otherwise be electronically recorded.

⁵ Covering all case types where a court reporter is required or electronic recording is not authorized.

⁶ “Need” is calculated by applying the Resource Assessment Study estimate of court reporter need of 1.25 times the assessed judicial need for each included case type, www.courts.ca.gov/29305.htm.

⁷ Refers to an individual who is retained by the court on an intermittent or contractual basis.

⁸ Court Reporter Recruitment, Retention, and Attrition dashboard, www.courts.ca.gov/76328.htm.

⁹ Court Reporters Board: December 13, 2023, Board Meeting Packet, www.courtreportersboard.ca.gov/about-us/20231213_packet.pdf.

¹⁰ Department of Consumer Affairs data portal, www.dca.ca.gov/data/annual_license_stats.shtml.

¹¹ *Ibid.*

¹² Only eight court reporting programs recognized by the state remain open (down from 17 schools in 2010), www.courtreportersboard.ca.gov/applicants/school_info.shtml. However, students may also qualify for California’s Certified Shorthand Reporter exam by obtaining national certification demonstrating proficiency in machine shorthand reporting or voice writing.

¹³ Court Reporters Board, School Examination Statistics, www.courtreportersboard.ca.gov/applicants/examstats.shtml.

Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024



- *Court reporters likely nearing retirement:* The National Court Reporters Association reported the average age of its court reporter members to be approximately 55 as of December 31, 2022.¹⁴ In California, approximately 44.9% of all active licenses were issued at least 30 years ago.¹⁵

Compensation

Court reporters in California courts are paid, on average, 51% more than other nonmanager court positions. At the same time, the declining number of court reporters in California has created a tight and competitive labor market, exacerbating compensation pressures. According to the FY 2022–23 Schedule 7A, court-employed reporters' median total salary plus benefits is estimated to be \$183,940.¹⁶ This is significantly lower than the cost to hire a court reporter through a private company: \$2,580/day for a deposition and \$3,300/day for a trial, on average.¹⁷ Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30%.¹⁸ In FY 2022–23, California courts spent \$22.6 million on transcripts.¹⁹

Current Recruitment and Retention Efforts

Trial courts are implementing a variety of incentives to recruit and retain court reporters. Between July 1 and September 30, 2023, approximately 82.9% of trial courts that are actively recruiting utilized at least one incentive to recruit and retain court reporters. These incentives included signing bonuses (63.4% of actively recruiting courts offered signing bonuses), retention and longevity bonuses (39.0%), increased salary ranges (41.5%), finder's fees (39.0%), student loan or tuition reimbursement incentives (29.3%), and more.²⁰ For example, the Los Angeles court is offering a \$50,000 signing bonus and \$25,000 finder's fee for court employees who refer a court reporter, Riverside offered up to \$32,500 in retention payments over three years, and Contra Costa provides a \$50,000 tuition reimbursement fund for existing court employees to use toward pursuing court reporter certification.

Importance of the Verbatim Record

Between July 1 and September 30, 2023, of 343,200 family, probate, and unlimited civil hearings in California, an estimated 133,000 hearings had no verbatim record (38.8% of reported hearings), and an additional estimated 81,900 hearings (23.9%) had no court-provided reporter and it is unknown whether a verbatim record was captured by a private court reporter.²¹ The lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits.²² For example, victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection.²³ California appellate courts have also ordered new criminal proceedings where a reporter's notes were destroyed or lost, there were substantial issues on appeal, and there was no adequate substitute for the notes.²⁴

¹⁴ National Court Reporters Association, www.ncra.org/home/about-ncra/NCRA-Statistics.

¹⁵ Department of Consumer Affairs, Licensee List (as of Nov. 2023), www.dca.ca.gov/consumers/public_info/index.shtml.

¹⁶ Median value of estimated salary and benefit costs statewide by the filled court reporter FTEs.

¹⁷ Data provided by a survey of 49 private consumer attorneys. It is unknown how much of the court reporter rate charged by companies is provided to the reporter in the form of compensation and how much is kept by the company.

¹⁸ [Sen. Bill 170 \(Stats. 2021, ch. 240\)](#).

¹⁹ 2022–23 Schedule 7A total court statewide transcript expenditures, excluding Electronic Recording.

²⁰ Court Reporter Recruitment, Retention, and Attrition dashboard, www.courts.ca.gov/76328.htm.

²¹ Courts were asked to provide the number of hearings without a verbatim record and the number of total hearings for each of these case types or in the aggregate. Where a court provided the number of hearings without a verbatim record for a case type but not the corresponding total hearings (or vice versa), that case type data was removed from the data set.

²² *Jameson, supra*, 5 Cal.5th at 608, fn. 1.

²³ *In re Armstrong* (1981) 126 Cal.App.3d 565; *March v. Municipal Court* (1972) 7 Cal.3d 422.

²⁴ *People v. Jones* (1981) 125 Cal.App.3d 298; *People v. Apalatequi* (1978) 82 Cal.App.3d 970; see Pen. Code, § 1181(9).

Judicial Council of California 2024–25 Governor’s Budget

Remote Hearings for Civil and Criminal Proceedings

Budget Request Summary

The Judicial Council of California requests statutory changes to lift the sunset dates on authority for courts to conduct civil and criminal court proceedings through the use of remote technology. Currently, authority for criminal remote proceedings expires on January 1, 2025, and authority for civil remote proceedings expires on January 1, 2026. This proposal will require trailer bill language for implementation and does not result in any General Fund cost.

Background

Budget trailer bills in 2022 and 2023 provided the authority for courts to conduct remote proceedings in specified civil and criminal proceedings at the option of court users. From March 2022 through August 2023, approximately 2.2 million civil remote and an estimated 1.5 million criminal remote proceedings¹ were conducted in courts across California.² Each business day, approximately 10,000 remote hearings take place, saving court users at least 2.5 million trips to courthouses annually. In user experience surveys completed by more than 111,000 respondents from March 2022 through January 2024, over 95% of remote hearings participants reported a positive experience with the remote technology.³

The Judicial Council has seen the many benefits of giving people the option to participate remotely in civil and criminal proceedings. The remote option helps preserve access to justice for many Californians and vulnerable court users. It reduces time and expense for court users when they would otherwise lose time from school or work and would incur travel, childcare, and parking costs for routine hearings and appearances. It also increases the efficiency of court services by continuing to allow courts the flexibility to require in-person court proceedings when it is more appropriate.

Participants in collaborative justice court programs and diversion programs—which meet on a more frequent basis—especially benefit from the ability to appear remotely. Participants are not in custody, and remote appearances allow them to participate in court proceedings while not interrupting programming, schooling, or work obligations. Remote proceedings are also helpful to the many justice partners (behavioral health experts, probation, etc.) that help participants successfully graduate.

¹ Assumes a relationship of 0.7 criminal proceedings for every 1.0 civil proceeding.

² *Report on Remote Civil Proceedings* (2022), www.courts.ca.gov/documents/lr-2022-report-on-remote-civil-proceedings-as-required-under-code-of-civil-procedure-section-367.8.pdf; *Report on the Use of Remote Technology in Civil Actions by the Trial Courts* (2023), www.courts.ca.gov/documents/lr-2023-tc-remote-technology-civil-actions-civ367.8.pdf.

³ Survey data is collected from respondents at courts utilizing the Zoom platform for remote proceedings (54 of 58 courts, not including Los Angeles, use the Zoom platform). For more information, please see footnote 2.