



# The Capitol Connection

ADMINISTRATIVE OFFICE OF THE COURTS • OFFICE OF GOVERNMENTAL AFFAIRS

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## Legislative Calendar

December 1  
2009-2010 Session commences

January 1, 2009  
Statutes take effect

January 5, 2009  
Legislature reconvenes



## 2008 ELECTION RETURNS INSIDE

### GOVERNOR SIGNS MAJOR COURTHOUSE CONSTRUCTION LEGISLATION; JUDICIAL COUNCIL APPROVES PROJECTS

On September 26, 2008, Governor Arnold Schwarzenegger signed Senate Bill 1407 ([Perata]; Stats. 2008, ch. 311), which creates the largest courthouse construction program in California history by providing funding from increased civil and criminal fees, penalties, and assessments to support up to \$5 billion in lease revenue bonds.

Cautious optimism quickly turned to jubilation on September 26 as Chief Justice Ronald M. George and judicial branch leaders attending the annual meetings of the State Bar of California and the California Judges Association learned that the Governor had signed the measure. Chief Justice George hurriedly modified his State of the Judiciary speech to the State Bar's Conference of Delegates to announce the good news.

SB 1407 authorizes increases in fees and fines to generate revenue to renovate and replace antiquated, dilapidated and dangerous courthouses throughout the state. Recent estimates show that 90 percent of courthouses need improvements to protect the safety and security of the public, employees, litigants, jurors, and families who regularly use and work in California courts.

Quickly acting to move forward with SB 1407, on October 24 the Judicial Council approved a list of 41 courthouses slated for construction and renovation. The 41 projects are located in 34 counties across the state and have been designated as "immediate" or "critical" need projects. Together with 15 other projects now underway that have been authorized by the

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## Summary of 2008 Senate and Assembly Election Results: By Party and Number of Attorneys (as of 11/13/08)

STATE SENATE: Pre-election		Post-election	
25	Democratic Seats	25	Democratic Seats (pending SD 19)
15	Republican Seats	14	Republican Seats (pending SD 19)
8	Attorneys	6	Attorneys (pending SD 19)

STATE ASSEMBLY: Pre-election		Post-election	
48	Democratic Seats	50	Democratic Seats (pending AD 10)
32	Republican Seats	29	Republican Seats (pending AD 10)
15	Attorneys	14	Attorneys (pending AD 10)

## JUDICIAL COUNCIL TO CONSIDER SPONSORED LEGISLATION FOR 2009

In December 2008, the Judicial Council will consider proposals for sponsored legislation for the 2009-2010 Legislative Session. Typically, the Office of Governmental Affairs (OGA) works with members and staff of the council's advisory committees, as well as members of the justice community, to develop and analyze proposals for judicial branch legislative priorities. The proposals under consideration may come from a number of sources and may include legislation previously submitted to the Legislature or vetoed by the Governor.

### How Judicial Branch Priorities are Developed

Each October, draft proposals, advisory committee recommendations, and analyses prepared by OGA are presented by OGA staff to the council's Policy Coordination and Liaison Committee (PCLC) for its consideration. After considering the proposal, the PCLC may vote to (1) forward it to the full council, recommending it for Judicial Council sponsorship, (2) return it to the advisory committee for further work, or (3) take other action, such as modifying or rejecting the proposal.

Once approved by the PCLC, OGA staff presents proposals, along with the PCLC recommendation and the OGA analyses, to the full council for action at the December council meeting. The council may approve sponsorship of the proposal or reject it. Rejected proposals are returned to the submitting advisory committee or staff for further review or development.

### Highlights of 2009 Legislative Priorities

This year, the Judicial Council will act on the following ongoing legislative priorities for the judicial branch:

JRS II Reform: Amending the Judges' Retirement System II (JRS II) is critical to the ability of California to recruit and retain the best attorneys for service as jurists in California. The Judicial Council will continue to seek a modest reform of JRS II to allow judges to retire with a defined-benefit pension at age 63 with at least 10 years of service. This reform will ensure that the most qualified and experienced attorneys from all backgrounds will consider judicial service.

New Judgeships: California continues to suffer from a severe shortage of trial court judgeships. While the new judgeships created in recent years will provide critically needed relief, the Judicial Council remains committed to securing legislative authorization for a third installment of 50 new judgeships. SB 1150 (Corbett, 2008) would have authorized the new judgeships, however, that bill was held in the Senate Appropriations Committee.

Blue Ribbon Commission on Children in Foster Care: Chief Justice Ronald M. George appointed the California Blue Ribbon Commission on Children in Foster Care in March 2006. The commission's charge was to develop recommendations to improve outcomes related to safety, permanency, well-being,

and fairness for children and families.

The commission issued final recommendations to the Judicial Council on August 15, 2008. The council will consider sponsoring legislative proposals to implement key reforms recommended by the commission. The recommendations are comprehensive and intended to ensure that the courts and their child welfare partners can fulfill their statutory mission to protect the best interests of children under the jurisdiction of the juvenile dependency court.

### Summary of 2008 Council-sponsored Legislation

Following is a summary of final actions on 2008 Judicial Council-sponsored legislation:

#### COURT FACILITIES

##### AB 1491 (Jones) – Court facilities.

Extends the statutory deadline for the transfer of court facilities from counties to the state until December 31, 2009. To expedite facility transfers and ensure a joint continuing dedication to the transfer process, the bill imposes a tiered payment structure for facilities that transfer after certain dates, but before the final deadline. **Status:** This bill was signed into law on April 23 (Stats. 2008, ch. 9), and as an urgency measure, took effect on that date. *For more information, contact Donna Hershkowitz at [donna.hershkowitz@jud.ca.gov](mailto:donna.hershkowitz@jud.ca.gov) or (916) 323-3121.*

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## LEGISLATIVE REVIEW

The following is a final update on selected bills of interest to the courts at the end of the second year of the 2007-2008 Legislative Session.

### CIVIL & SMALL CLAIMS AB 2846 (Feuer), Common interest developments: assessments.

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 limit of 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.

**Status:** Signed into law (Stats. 2008, ch. 502). Effective January 1, 2009.

**JC Position:** Support.

### COURT REPORTING AB 2884 (Portantino), Court reporters: rough draft transcript.

Treats "real time" transcripts (referred to in the legislation as "the instant visual display of testimony") in the same manner as rough draft transcripts by providing that real time transcripts cannot be used, cited, or transcribed as the official certified transcript, and cannot be

used or cited to rebut or contradict the official certified transcript.

**Status:** Amended to instead address an unrelated subject; Died on Senate Inactive File.

**JC Position:** Support; no position as amended August 19, 2008.

### CRIMINAL LAW & PROCEDURE SB 1342 (Cogdill), Sentencing.

Eliminates the sunset date on provisions enacted last year in response to *Cunningham v. State of California* (2007), 127 S. Ct. 856, authorizing the choice of the appropriate sentencing term to rest "within the sound discretion of the court." Also authorizes the choice of sentence enhancements consisting of a triad of terms to rest within the sound discretion of the court.

**Status:** Died in Senate Public Safety Committee.

**JC Position:** No position.

### SB 1701 (Romero), Sentencing.

Extends until January 1, 2011, the sunset on provisions enacted last year in response to *Cunningham v. State of California* (2007) 127 S. Ct. 856, authorizing the choice of the appropriate sentencing term to rest "within the sound discretion of the court."

**Status:** Signed into law (Stats. 2008, ch. 416). Effective January 1, 2009.

**JC Position:** No position.

### FAMILY LAW

#### AB 2304 (Plescia), Name changes.

Provides that the current legal name of a petitioner seeking a confidential name change because he or she is participating in the Secretary of State's Safe at Home program shall be kept confidential and not published in any calendars, indexes, or register of actions by any means or in any public forum, including a hardcopy or an electronic copy, or any other type of public media or display. Also authorizes a petitioner to request that the records be sealed and would require the Judicial Council to develop, on or before January 1, 2010, rules of court and forms for that purpose.

**Status:** Signed into law (Stats. 2008, ch. 586). Effective January 1, 2009.

**JC Position:** No position.

#### AB 2736 (Cook and Beall), Indian children: parental rights: tribal customary adoptions.

Provides an additional exception to the termination of parental rights for parents of Indian children who have been adjudicated as dependents of the court to allow the parents, Indian custodian, extended family member, or tribe to place the Indian child for customary adoption, as defined. Provides

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## BENCH-BAR COALITION MEETING FEATURES LAWYER-LEGISLATOR PANEL; WARWICK INSTALLED AS SOUTHERN REGION COCHAIR

A roundtable panel with current and former legislators was the highlight of the September 26 Bench-Bar Coalition (BBC) meeting held in Monterey during the Annual Meeting of the State Bar of California. Ninety bench, bar, and legal services leaders gathered for the yearly meeting that also features recognition for outstanding contributions to the judicial branch and the installation of new executive committee members.



Asm John Laird (D-Santa Cruz), took time from his busy district schedule to greet visiting coalition members. (Photo courtesy of Howard Watkins Photo Archive Project (HWPAP))

the Assembly Budget Committee; and the leadership of the Superior Court of Monterey County: Presiding Judge Russell Scott, Assistant Presiding Judge Adrienne Grover, Court Executive Officer Connie Mazzei, and Assistant Court Executive Officer Rosalinda Chavez.

### Special Recognition

Six bench, bar, and legal services leaders were recognized for outstanding contributions in support of the judicial branch. Honorees included:

- Outstanding Bar Leaders: M. Carmen Ramirez, Past Vice President, State Bar of California, Ventura, and Demetrius Shelton, Past Vice President, State Bar Board of Governors, Oakland
- Outstanding Legal Services Leader: Chris Schneider, Executive Director, Central California Legal Services, Fresno
- Outstanding Bench Leader: Associate Justice Douglas Miller, Fourth Appellate District, Riverside
- Outgoing California Judges Association President Judge Ira Kaufman, Superior Court of Plumas County

Chief Justice Ronald M. George delivered welcoming remarks, and outgoing BBC co-chair Joel Miliband introduced special guests in attendance, including outgoing California State Assembly Member John Laird (D-Santa Cruz), who represents portions of Monterey County and chairs

- Outgoing State Bar of California President Jeffrey Bleich, San Francisco

Assembly Member John Benoit (R-Palm Desert) was also recognized for his leadership among his peers in the Legislature, and in particular for his role in advancing the call for new judgeships. Asm. Benoit thanked BBC leadership and members for the recognition, expressing his continued support for efforts to secure the needed judgeships and provide much needed relief to Inland Empire counties, which have experienced tremendous growth in recent years. Senate President pro Tempore Don Perata (D-Oakland), who was unable to attend, was also recognized for his authorship of SB 1407 (Stats. 2008, ch. 311), which established a framework for \$5 billion in bond funding for courthouse construction and renovation. (See "Governor Signs Major Courthouse Construction Legislation" in this issue.)



Chief Justice George presents Asm. John Benoit with a plaque from the BBC in recognition of Benoit's leadership efforts on new trial court judges. (Photo courtesy of HWPAP)

### Installation of Incoming BBC Executive Committee Members



Tom Warwick is new BBC Southern Region Cochair.

Thomas Warwick of San Diego was installed as the new Southern Region cochair, replacing Joel Miliband who was recognized for his service as cochair for the 2007-08 Legislative Session. Carmen Ramirez and Danni Murphy of Orange County, outgoing members of the State Bar Board of Governors, were installed as the two Southern Region at-large members, replacing Warwick and Miriam Krinsky of Los Angeles.

Krinsky and Anthony Capozzi of Fresno were recognized

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## Selected Ballot Initiatives (as of 11/13/08)

Initiative	Subject/Description	Yes	No
Initiative Constitutional Amendment <b>Proposition 4</b>  <b>FAILED</b>	<b><u>Waiting Period and Parental Notification Before Termination of Minor's Pregnancy.</u></b> Changes California Constitution to prohibit abortion for unemancipated minor until 48 hours after physician notifies minor's parent or legal guardian. Permits notification to certain adult relatives if doctor reports parent to law enforcement or Child Protective Services. Provides notification exceptions for medical emergency or parental waiver. Permits courts to waive notice based on clear and convincing evidence of minor's maturity or best interests. Mandates reporting requirements, including reports from physicians regarding abortions on minors. Authorizes damages against physicians for violation. Requires minor's consent to abortion, with exceptions.	47.7%	52.3%
Initiative Statute <b>Proposition 5</b>  <b>FAILED</b>	<b><u>Nonviolent Drug Offenses, Sentencing, Parole and Rehabilitation.</u></b> Allocates \$460 million annually to improve and expand treatment programs for persons convicted of drug and other offenses. Limits court authority to incarcerate offenders who commit certain drug crimes, break drug treatment rules or violate parole. Substantially shortens parole for certain drug offenses; increases parole for serious and violent felonies. Divides Department of Corrections and Rehabilitation authority between two Secretaries, one with six-year fixed term and one serving at pleasure of Governor. Provides five-year fixed terms for deputy secretaries. Creates 19-member board to direct parole and rehabilitation policy.	40%	60%
Initiative Statute <b>Proposition 6</b>  <b>FAILED</b>	<b><u>Police and Law Enforcement Funding, Criminal Penalties and Laws.</u></b> Requires minimum of \$965 million each year to be allocated from state General Fund for police, sheriffs, district attorneys, adult probation, jails and juvenile probation facilities. Some of this funding will increase in following years according to California Consumer Price Index. Makes approximately 30 revisions to California criminal law, many of which cover gang-related offenses. Revisions create multiple new crimes and additional penalties, some with the potential for new life sentences. Increases penalties for violating a gang-related injunction and for felons carrying guns under certain conditions.	30.5%	69.5%
Initiative Constitutional Amendment <b>Proposition 8</b> <b>PASSED</b>	<b><u>Eliminates Right of Same-Sex Couples to Marry.</u></b> Changes the California Constitution to eliminate the right of same-sex couples to marry in California. Provides that only marriage between a man and a woman is valid or recognized in California.	52.2%	47.8%
Initiative Constitutional Amendment and Statute <b>Proposition 9</b>  <b>PASSED</b>	<b><u>Criminal Justice System, Victims' Rights, Parole.</u></b> Requires notification to victim and opportunity for input during phases of criminal justice process, including bail, pleas, sentencing and parole. Establishes victim safety as consideration in determining bail or release on parole. Increases the number of people permitted to attend and testify on behalf of victims at parole hearings. Reduces the number of parole hearings to which prisoners are entitled. Requires that victims receive written notification of their constitutional rights. Establishes timelines and procedures concerning parole revocation hearings.	53.4%	46.6%
Initiative Constitutional Amendment and Statute <b>Proposition 11</b>  <b>PASSED</b>	<b><u>Redistricting, Initiative Constitutional Amendment and Statute.</u></b> Changes authority for establishing Assembly, Senate, and Board of Equalization district boundaries from elected representatives to 14 member commission. Requires government auditors to select 60 registered voters from applicant pool. Permits legislative leaders to reduce pool, then the auditors pick eight commission members by lottery, and those commissioners pick six additional members for 14 total. Requires commission of five Democrats, five Republicans and four of neither party. Commission shall hire lawyers and consultants as needed. For approval, district boundaries need votes from three Democratic commissioners, three Republican commissioners and three commissioners from neither party.	50.8%	49.2%



## California State Legislature

### SUMMARY OF LEGISLATIVE SEATS: End of 2007-08 Session

Status	Assembly	Senate
Termed out; leaving office	17	8
Lost Primary bid for (re)election; leaving office	2	1
Not up for election in 2008; term limit not exceeded	1	19
Not up for election; seeking other office	0	1
Seeking re-election to same legislative seat	52	9
Seeking election to different legislative seat	8	1
Seeking election or elected to U.S. Congress	0	1
<b>TOTAL</b>	<b>80</b>	<b>40</b>

### TERMED OUT AND NOT RUNNING FOR LEGISLATIVE OR OTHER ELECTIVE STATE OFFICE IN NOVEMBER 2008

Legislator	District
Sen. Dick Ackerman (R-Tustin)*	Senate District 33
Sen. Jim Battin (R-Palm Desert)	Senate District 37
Sen. Sheila Kuehl (D-Santa Monica)*	Senate District 23
Sen. Mike Machado (D-Linden)	Senate District 05
Sen. Bob Margett (R-Glendora)	Senate District 29
Sen. Don Perata (D-Oakland)	Senate District 09
Sen. Jack Scott (D-Pasadena)	Senate District 21
Sen. Edward Vincent (D-Los Angeles)	Senate District 25
Asm. Patty Berg (D-Eureka)	Assembly District 01
Asm. Bonnie Garcia (R-Cathedral City)	Assembly District 80
Asm. Shirley Horton (R-San Diego)	Assembly District 78
Asm. Guy Houston (R-San Ramon)	Assembly District 15
Asm. Betty Karnette (D-Long Beach)	Assembly District 54
Asm. Rick Keene (R-Chico)*	Assembly District 03
Asm. Doug La Malfa (R-Biggs)	Assembly District 02
Asm. John Laird (D-Santa Cruz)	Assembly District 27
Asm. Sally Lieber (D-Mountain View)	Assembly District 22
Asm. Bill Maze (R-Visalia)	Assembly District 34
Asm. Gene Mullin (D-South San Francisco)	Assembly District 19
Asm. Alan Nakanishi (R-Lodi)	Assembly District 10
Asm. Speaker Emeritus Fabian Núñez (D-Los Angeles)	Assembly District 46
Asm. Nicole Parra (D-Hanford)	Assembly District 30
Asm. George Plescia (R-San Diego)	Assembly District 75
Asm. Sharon Runner (R-Lancaster)	Assembly District 36
Asm. Todd Spitzer (R-Orange)*	Assembly District 71

\* Attorneys



## California State Legislature

### LEGISLATORS RUNNING FOR OTHER LEGISLATIVE OR CONGRESSIONAL OFFICES

LEGISLATOR	OFFICE HELD	TERM LIMIT?	RUNNING FOR	INCUMBENT
Sen. Tom McClintock (R-Thousand Oaks)	SD-19	Yes	CD-04	Vacancy (Retirement of Rep. John Doolittle)
Sen. Tom Torlakson (D-Antioch)	SD-07	Yes	AD-11	Mark DeSaulnier (Running for SD-07)
Asm. Greg Aghazarian (R-Stockton)*	AD-26	Yes	SD-05	Sen. Mike Machado (termed out)
Asm. John Benoit (D-Palm Desert)	AD-64	Yes	SD-37	Sen. Jim Battin (termed out)
Asm. Mark DeSaulnier (D-Martinez)	AD-11	2012	SD-07	Sen. Tom Torlakson (termed out; running for AD-11)
Asm. Loni Hancock (D-Berkeley)	AD-14	Yes	SD-09	Sen. Don Perata (termed out)
Asm. Bob Huff (R-Diamond Bar)	AD-60	2010	SD-29	Sen. Bob Margett (termed out)
Asm. Mark Leno (D-San Francisco)	AD-13	Yes	SD-03	Sen. Carol Migden (defeated in primary)
Asm. Mimi Walters (R-Laguna Niguel)	AD-73	2010	SD-33	Sen. Dick Ackerman (termed out)
Asm. Lois Wolk (D-Davis)	AD-08	Yes	SD-05	Sen. Mike Machado (termed out)

### FORMER STATE LEGISLATORS SEEKING TO RETURN TO LEGISLATIVE OFFICE

FORMER LEGISLATOR	FORMER OFFICE	OFFICE SOUGHT (INCUMBENT)
Wesley Chesbro (D-Santa Rosa)	Senate 1998-2006	AD-01 (Berg)
Hannah Beth Jackson (D-Santa Barbara)*	Assembly 1998-2004	SD-19 (McClintock)
Carol Liu (D-Pasadena)	Assembly 2000-2006	SD-21 (Scott)
Jim Nielson (R-Grass Valley)	Senate 1978-1990	AD-02 (La Malfa)
Fran Pavley (D-Santa Monica)	Assembly 2001-2006	SD-23 (Kuehl)
Tony Strickland (R-Camarillo)	Assembly 1998-2004	SD-19 (McClintock)
Roderick Wright (D-Santa Monica)	Assembly 1996-2006	SD-25 (Vincent)

\* Attorneys

## California State Senate Elections (as of 11/13/08)

District	Counties Represented	Candidates	Notes	Term Limit
1	ALPINE, AMADOR, CALA VERAS, EL DORADO, LASSEN, MODOC, MONO, Nevada, Placer, PLUMAS, Sacramento, SIERRA	D – Anselmo Chavez (37.6%) <b>R – DAVE COX (62.4%)</b>	Incumbent.	2012
3	MARIN, San Francisco, Sonoma	<b>D – MARK LENO (80.6%)</b> R – Sashi McEntee (19.4%)	Seat previously held by Carole Migden.	2016
5	Sacramento, San Joaquin, Solano, YOLO	<b>D – LOIS WOLK (64.4%)</b> R – Greg Aghazarian (35.6%)	Seat previously held by Mike Machado.	2016
7	Contra Costa	<b>D – MARK DESAULNIER (66.3%)</b> R – Christian Amsberry (33.7%)	Seat previously held by Tom Torlakson.	2016
9	Alameda, Contra Costa	<b>D – LONI HANCOCK (77.2%)</b> R – Claudia Bermudez (15.2%) P&F – Marsha Feinland (7.6%)	Seat previously held by Don Perata.	2016
11	San Mateo, Santa Clara, Santa Cruz	<b>D – JOE SIMITIAN (74.9%)</b> R – Blair Austin Nathan (25.1%)	Incumbent. Simitian is an Attorney.	2012
13	Santa Clara	<b>D – ELAINE ALQUIST (71.0%)</b> R – Shane Patrick Connolly (22.6%) L – John Webster (6.4%)	Incumbent.	2012
15	Monterey, SAN LUIS OBISPO, Santa Barbara, Santa Clara, Santa Cruz	<b>R – ABEL MALDONADO (63.0%)</b> I – Jim Fitzgerald (37.0%)	Incumbent.	2012
17	Los Angeles, San Bernardino, Ventura	D – Bruce David McFarland (44.6%) <b>R – GEORGE RUNNER (55.4%)</b>	Incumbent.	2012

**D – Democrat, R – Republican, G – Green, L – Libertarian, P&F – Peace and Freedom**



## Senate (cont.)

District	Counties Represented	Candidates	Notes	Term Limit
19	Los Angeles, Santa Barbara, Ventura	D – Hannah-Beth Jackson (49.7%) R – Tony Strickland (50.3%)	Race is too close to call. Seat previously held by Tom McClintock. Jackson is an attorney.	2016
21	Los Angeles	D – <b>CAROL LIU (66.8%)</b> R – Teddy Choi (25.6%) L – Steve Myers (7.6%)	Seat previously held by Jack Scott.	2016
23	Los Angeles, Ventura	D – <b>FRAN PAVLEY (67.3%)</b> R – Rick Montaine (27.5%) L – Colin Goldman (5.2%)	Seat previously held by Sheila Kuehl.	2016
25	Los Angeles	D – <b>RODERICK “ROD” WRIGHT (71.4%)</b> R – Lydia Gutierrez (28.6%)	Seat previously held by Ed Vincent.	2016
27	Los Angeles	D – <b>ALAN LOWENTHAL (66.8%)</b> R – Allen Wood (33.2%)	Incumbent.	2012
29	Los Angeles, Orange, San Bernardino	D – Joseph Lyons (38.6%) R – <b>ROBERT “BOB” HUFF (54.9%)</b> L – Jill Stone (6.5%)	Seat previously held by Bob Margett.	2016
31	Riverside, San Bernardino	D – Ameenah Fuller (40.3%) R – <b>BOB DUTTON (59.7%)</b>	Incumbent.	2012
33	Orange	D – Gary Pritchard (41.5%) R – <b>MIMI WALTERS (58.5%)</b>	Seat previously held by Dick Ackerman.	2016
35	Orange	D – Ginny Mayer (41.1%) R – <b>TOM HARMAN (58.9%)</b>	Incumbent.	2012
37	Riverside	D – Arthur Bravo Guerrero (46.1%) R – <b>JOHN BENOIT (53.9%)</b>	Seat previously held by Jim Battin.	2016
39	San Diego	D – <b>CHRISTINE KEHOE (65.2%)</b> R – Jeff Perwin (31.3%) L – Jesse Thomas (3.5%)	Incumbent.	2012

D – Democrat, R – Republican, G – Green, L – Libertarian, P&F – Peace and Freedom

## California State Assembly Elections (as of 11/13/08)

District	Counties Represented	Candidates	Notes	Term Limit
1	DEL NORTE, HUMBOLDT, LAKE, MENDOCINO, Sonoma, TRINITY	D - WESLEY CHESBRO (70.5%) R - Jim Pell (29.5%)	Seat previously held by Patty Berg.	2014
2	Butte, COLUSA, GLENN, MODOC, SHASTA, SISKIYOU, SUTTER, TEHAMA, Yolo	D - Paul Singh (34.8%) R - JIM NIELSEN (65.2%)	Seat previously held by Doug La Malfa.	2014
3	Butte, LASSEN, NEVADA, Placer, PLUMAS, SIERRA, YUBA	D - Michael "Mickey" Harrington (44.2%) R - DAN LOGUE (55.8%)	Seat previously held by Rick Keene.	2014
4	ALPINE, El Dorado, Placer, Sacramento	R - TED GAINES (100%)	Incumbent.	2012
5	Placer, Sacramento	D - Dan Leahy (38.3%) R - ROGER NIELLO (54.3%) P&F - Karen Martinez (7.4%)	Incumbent.	2010
6	MARIN, Sonoma	D - JARED HUFFMAN (69.7%) R - Paul Lavery (23.9%) L - Timothy Hannan (6.4%)	Incumbent. Huffman is an attorney.	2012
7	NAPA, Solano, Sonoma	D - NOREEN EVANS (72.2%) R - Doris Gentry (27.8%)	Incumbent. Evans is an attorney.	2010
8	Solano, Yolo	D - MARIKO YAMADA (66.4%) R - Manuel Cosme (33.6%)	Seat previously held by Lois Volk.	2014
9	Sacramento	D - DAVE JONES (72.9%) R - Mali Currington (21.2%) P&F - Gerald Allen Frink (5.9%)	Incumbent. Jones is an attorney.	2010
10	AMADOR, El Dorado, Sacramento, San Joaquin	D - Alyson Huber (46.4%) R - Jack Sieglock (46.8%) L - Janice Bonser (6.8%)	Race is too close to call. Seat previously held by Alan Nakanishi.	2014

D – Democrat, R – Republican, G – Green, L – Libertarian, P&F – Peace and Freedom

## Assembly (cont.)

District	Counties Represented	Candidates	Notes	Term Limit
11	Contra Costa	<b>D - TOM TORLAKSON (73.5%)</b> R - Elizabeth Hansen (26.5%)	Seat previously held by Mark DeSaulnier.	2014
12	San Francisco, San Mateo	<b>D - FIONA MA (83.3%)</b> R - Conchita Applegate (16.7%)	Incumbent.	2012
13	San Francisco	<b>D - TOM AMMIANO (83.4%)</b> R - Harmeet Dhillon (16.6%)	Seat previously held by Mark Leno.	2014
14	Alameda, Contra Costa	<b>D - NANCY SKINNER (100%)</b>	Seat previously held by Loni Hancock.	2014
15	Alameda, Contra Costa, Sacramento, San Joaquin	<b>D - JOAN BUCHANAN (52.8%)</b> R - Abram Wilson (47.2%)	Seat previously held by Guy Houston.	2014
16	Alameda	<b>D - SANDRE SWANSON (87.5%)</b> R - James "Jim" Faison (12.5%)	Incumbent.	2012
17	MERCED, San Joaquin, Stanislaus	<b>D - CATHLEEN GALGIANI (65.4%)</b> R - Jack Mobley (34.6%)	Incumbent.	2012
18	Alameda	<b>D - MARY HAYASHI (77.0%)</b> R - Lou Filipovich (23.0%)	Incumbent.	2012
19	San Mateo	<b>D - JERRY HILL (73.0%)</b> R - Catherine Brinkman (23.1%) L - Brian Perry (3.9%)	Seat previously held by Gene Mullin.	2014
20	Alameda, Santa Clara	<b>D - ALBERTO TORRICO (71.4%)</b> R - Jeffrey Wald (28.6%)	Incumbent. Torrico is an attorney.	2010
21	San Mateo, Santa Clara	<b>D - IRA RUSKIN (70.8%)</b> R - Annalisa Marie Temple (29.2%)	Incumbent.	2010
22	Santa Clara	<b>D - PAUL FONG (76.1%)</b> R - Brent Oya (23.9%)	Seat previously held by Sally Lieber.	2014
23	Santa Clara	<b>D - JOE COTO (76.5%)</b> R - Mark Patrosso (23.5%)	Incumbent.	2010
24	Santa Clara	<b>D - JIM BEALL, JR. (66.2%)</b> R - Doug Mc Nea (33.8%)	Incumbent.	2012

**D – Democrat, R – Republican, G – Green, L – Libertarian, P&F – Peace and Freedom**

## Assembly (cont.)

District	Counties Represented	Candidates	Notes	Term Limit
25	CALAVERAS, Madera, MARIPOSA, MONO, Stanislaus, TUOLOMNE	D - Taylor White (40.0%) R - <b>TOM BERRYHILL (60.0%)</b>	Incumbent.	2012
26	San Joaquin, Stanislaus	D - John Eisenhower (48.3%) R - <b>BILL BERRYHILL (51.7%)</b>	Seat previously held by Greg Aghazarian. Berryhill's brother, Tom, represents the 25th Assembly District. Their late father, Clare Berryhill, also served in the Legislature.	2014
27	Monterey, Santa Clara, Santa Cruz	D - <b>BILL MONNING (66.2%)</b> R - Robert Murray (25.0%) L - Mark Hinkle (8.8%)	Seat previously held by John Laird. Monning is an attorney.	2014
28	Monterey, SAN BENITO, Santa Clara, Santa Cruz	D - <b>ANNA CABALLERO (100%)</b>	Incumbent. Caballero is an attorney.	2012
29	Fresno, Madera, Tulare	D - Humberto Avila (33.2%) R - <b>MIKE VILLINES (66.8%)</b>	Incumbent. Villines is the Assembly Republican Floor Leader.	2010
30	Fresno, Kern, KINGS, Tulare	D - Fran Florez (48.2%) R - <b>DANNY GILMORE (51.8%)</b>	Seat previously held by Nicole Parra.	2014
31	Fresno, Tulare	D - <b>JUAN ARAMBULA (69.2%)</b> R - Clifford Archer (30.8%)	Incumbent. Arambula is an attorney.	2010
32	Kern, San Bernardino	D - Virginia Martinez (30.8%) R - <b>JEAN FULLER (69.2%)</b>	Incumbent.	2012
33	SAN LUIS OBISPO, Santa Barbara	D - Robert Evan Cuthbert (35.8%) R - <b>SAM BLAKESLEE (64.2%)</b>	Incumbent.	2010
34	INYO, Kern, San Bernardino, Tulare	D - Desmond Farrelly (36.6%) R - <b>CONNIE CONWAY (63.4%)</b>	Seat previously held by Bill Maze.	2014
35	Santa Barbara, Ventura	D - <b>PEDRO NAVA (66.7%)</b> R - Gregory Gandrud (33.3%)	Incumbent. Nava is an attorney.	2010
36	Los Angeles, San Bernardino	D - Linda Jones (47.5%) R - <b>STEVE KNIGHT (52.5%)</b>	Seat previously held by Sharon Runner. Knight is son of the late state Senator William J. "Pete" Knight.	2014

D – Democrat, R – Republican, G – Green, L – Libertarian, P&F – Peace and Freedom

## Assembly (cont.)

District	Counties Represented	Candidates	Notes	Term Limit
37	Los Angeles, Ventura	D - Ferial Masry (48.4%) R - AUDRA STRICKLAND (51.6%)	Incumbent.	2010
38	Los Angeles, Ventura	D - Carole Lutness (45.0%) R - CAMERON SMYTH (55.0%)	Incumbent.	2012
39	Los Angeles	D - FELIPE FUENTES (73.7%) R - Grady Martine (18.3%) G - John Paul (Jack) Lindblad (8.0%)	Incumbent.	2012
40	Los Angeles	D - BOB BLUMENFIELD (58.4%) R - Armineh Chelebian (27.1%) L - Pamela Brown (14.5%)	Seat previously held by Lloyd Levine.	2014
41	Los Angeles, Ventura	D - JULIA BROWNLEY (66.3%) R - Mark Bernsley (33.7%)	Incumbent.	2012
42	Los Angeles	D - MIKE FEUER (76.2%) R - Steven Mark Sion (23.8%)	Incumbent. Feuer is an attorney and is the chair of the Assembly Judiciary Committee.	2012
43	Los Angeles	D - PAUL KREKORIAN (67.7%) R - Jane Barnett (32.3%)	Incumbent. Krekorian is an attorney.	2012
44	Los Angeles	D - ANTHONY PORTANTINO (63.6%) R - Brian Fuller (30.8%) L - Thomas Logan (5.6%)	Incumbent.	2012
45	Los Angeles	D - KEVIN DE LEON (82.3%) R - Phillip Alexander (17.7%)	Incumbent	2012
46	Los Angeles	D - JOHN PEREZ (84.9%) R - Manuel "Manny" Aldana, Jr. (15.1%)	Seat previously held by Speaker Emeritus Fabian Núñez.	2014
47	Los Angeles	D - KAREN BASS (85.0%) R - Lady Cage-Barile (15.0%)	Incumbent. Bass is the Assembly Speaker.	2010
48	Los Angeles	D - MIKE DAVIS (87.4%) P&F - Lucilla Esguerra (12.6%)	Incumbent.	2012
49	Los Angeles	D - MIKE ENG (67.1%) R - Esthela Torres Siegrist (32.9%)	Incumbent. Eng is an attorney.	2012
50	Los Angeles	D - HECTOR DE LA TORRE (100%)	Incumbent.	2010

**D – Democrat, R – Republican, G – Green, L – Libertarian, P&F – Peace and Freedom**

## Assembly (cont.)

District	Counties Represented	Candidates	Notes	Term Limit
51	Los Angeles	D – <b>CURREN PRICE, JR.</b> (76.4%) R – Reece Pollack (19.3%) L – Carl “Marty” Swinney (4.3%)	Incumbent.	2012
52	Los Angeles	D – <b>ISADORE HALL</b> (86.3%) R – Gwen Patrick (13.7%)	Seat previously held by Mervyn Dymally.	2014
53	Los Angeles	D – <b>TED LIEU</b> (67.3%) R – Thomas Vidal (32.7%)	Incumbent. Lieu is an attorney.	2010
54	Los Angeles	D – <b>BONNIE LOWENTHAL</b> (56.7%) R – Gabriella Holt (37.6%) L – John Kling (5.7%)	Seat previously held by Betty Karnette.	2014
55	Los Angeles	D – <b>WARREN FURUTANI</b> (71.4%) R – Edwin Williams (28.6%)	Incumbent.	2014
56	Los Angeles, Orange	D – <b>TONY MENDOZA</b> (64.7%) R – Roger Garrett (35.3%)	Incumbent.	2012
57	Los Angeles	D – <b>ED HERNANDEZ</b> (66.3%) R – Victor Saldana (33.7%)	Incumbent.	2012
58	Los Angeles	D – <b>CHARLES CALDERON</b> (70.2%) R – Carlos Getino (29.8%)	Incumbent. Calderon is an attorney.	2012
59	Los Angeles, San Bernardino	D – Donald Williamson (40.7%) R – <b>ANTHONY ADAMS</b> (51.3%) L – Maureen Keedy (8.0%)	Incumbent.	2012
60	Los Angeles, Orange, San Bernardino	D – Diane Singer (43.7%) R – <b>CURT HAGMAN</b> (56.3%)	Seat previously held by Robert “Bob” Huff.	2014
61	Los Angeles, San Bernardino	D – <b>NORMA TORRES</b> (60.0%) R – Wendy Maier (33.6%) L – Michael Mendez (6.4%)	Seat previously held by Nell Soto.	2014
62	San Bernardino	D – <b>WILMER AMINA CARTER</b> (100%)	Incumbent.	2012
63	Riverside, San Bernardino	D – Mark David Westwood (45.0%) R – <b>BILL EMMERSON</b> (55.0%)	Incumbent.	2010
64	Riverside	R – <b>BRIAN NESTANDE</b> (100%)	Seat previously held by John Benoit.	2014
65	Riverside, San Bernardino	D – Carl Wood (46.4%) R – <b>PAUL COOK</b> (53.6%)	Incumbent.	2012

## Assembly (cont.)

District	Counties Represented	Candidates	Notes	Term Limit
66	Riverside, San Diego	D - Grey Kenneth Frandsen (41.6%) R - KEVIN JEFFRIES (58.4%)	Incumbent.	2012
67	Orange	D - Steve Blount (37.3%) R - JIM SILVA (62.7%)	Incumbent.	2012
68	Orange	D - Ken Arnold (45.3%) R - VAN TRAN (54.7%)	Incumbent. Tran is an attorney.	2010
69	Orange	D - JOSE SOLORIO (69.7%) R - Cam Mangels (30.3%)	Incumbent.	2012
70	Orange	D - Michael George Glover (41.8%) R - CHUCK DEVORE (58.2%)	Incumbent.	2010
71	Orange, Riverside	R - JEFF MILLER (100%)	Seat previously held by Todd Spitzer.	2014
72	Orange	D - John Macmurray (44.2%) R - MICHAEL "MIKE" DUVALL (55.8%)	Incumbent.	2012
73	Orange, San Diego	D - Judy Jones (40.6%) R - DIANE HARKEY (53.4%) L - Andrew "Andy" Favor (6.0%)	Seat previously held by Mimi Walters.	2014
74	San Diego	D - Brett Deforest Maxfield (40.3%) R - MARTIN GARRICK (50.9%) L - Paul King (8.8%)	Incumbent.	2012
75	San Diego	D - Darren Kasai (41.6%) R - NATHAN FLETCHER (52.3%) L - John Murphy (6.1%)	Seat previously held by George Plescia.	2014
76	San Diego	D - LORI SALDANA (64.2%) R - Ralph Denney (31.3%) L - Daniel Baehr (4.5%)	Incumbent.	2010
77	San Diego	D - Raymond Lutz (38.6%) R - JOEL ANDERSON (55.9%) L - Richard Belitz (5.5%)	Incumbent.	2012
78	San Diego	D - MARTY BLOCK (55.0%) R - John McCann (45.0%)	Seat previously held by Shirley Horton. Block is an attorney.	2014
79	San Diego	D - MARY SALAS (68.9%) R - Derrick Roach (31.1%)	Incumbent.	2012
80	IMPERIAL, Riverside	D - MANUEL PEREZ (52.9%) R - Gary Jeandron (47.1%)	Seat previously held by Bonnie Garcia.	2014

## GOVERNOR SIGNS COURTHOUSE CONSTRUCTION LEGISLATION

(Continued from page 1)

Legislature, trial courts in 48 of California's 58 counties will be provided new or renovated courthouses over the next several years. As the Governor announced upon signing SB 1407, "This bill not only delivers on the promise to finance desperately needed construction projects, but it will also help create thousands of jobs for California workers."

Once the bill takes effect on January 1, 2009, an estimated \$280 million in annual revenue will be generated from increased fees, penalties, and assessments to pay for pre-construction and construction costs and debt service for the 41 projects. Included in that amount is approximately \$40 million annually for security improvements, life safety and code compliance, and courthouse repairs for which the state is responsible.

Before the monies can be spent, the council must seek authorization to spend the funds from the Legislature. Curtis Child, director of the council's Office of Governmental Affairs, says that obtaining the

appropriation will be the council's top priority.

"We will immediately pursue the necessary expenditure authority when the Legislature reconvenes," said Child. "Ideally, that authorization will be in place when the revenue streams are generated. Any delays will be costly, so we will do everything we can to quickly secure the appropriation and move these projects forward."

A list of the 41 projects can be found on the California Courts Web site at

<http://www.courtinfo.ca.gov/programs/occm/documents/sb1407projectlist.pdf>.

Information on courthouse projects previously selected is available at

<http://www.courtinfo.ca.gov/programs/occm/projects.htm>

For more information about SB 1407, please contact Curt Child ([curtis.child@jud.ca.gov](mailto:curtis.child@jud.ca.gov)) or Henry Sepulveda ([henry.sepulveda@jud.ca.gov](mailto:henry.sepulveda@jud.ca.gov)) in the Office of Governmental Affairs at 916-323-3121. ■

## JUDICIAL COUNCIL-SPONSORED LEGISLATION

(Continued from page 2)

### **AB 3052 (Jones) – Court facilities.**

Standardizes the process for evaluating the potential benefit of utilizing Performance Based Infrastructure (PBI) as an alternative delivery method for courthouse construction. The bill requires the development of performance expectations and benchmarks for evaluating a proposed PBI project prior to submittal to the Department of Finance and the Legislature. **Status:** Citing the delay in enacting the FY 2008-2009 budget, this bill was vetoed by the Governor. *For more*

*information, contact Janus Norman at [janus.norman@jud.ca.gov](mailto:janus.norman@jud.ca.gov) or call (916) 323-3121.*

### **SB 1407 (Perata) – Court facilities: financing.**

Sets forth legislative intent to authorize the issuance of \$5 billion in lease-revenue bonds to fund a major capital outlay program for court projects. Increases civil and criminal fees, assessments, and traffic-related penalties to generate revenue to support construction and improvements to courthouses across the state identified by the Judicial Council as "Immediate and Critical Needs" projects.

**Status:** This bill was signed into law on September 26 (Stats. 2008, ch. 311), and will take effect on January 1, 2009. *For more information, contact Curtis Child at [curtis.child@jud.ca.gov](mailto:curtis.child@jud.ca.gov) or Henry Sepulveda at [henry.sepulveda@jud.ca.gov](mailto:henry.sepulveda@jud.ca.gov) or call (916) 323-3121.*

### **COURT INTERPRETERS**

### **AB 3050 (Judiciary Committee) – Civil Interpreting.**

Requires the Judicial Council to establish a working group to develop best practices for increasing the usage of court interpreters in

(Continued on page 17)



## JUDICIAL COUNCIL-SPONSORED LEGISLATION

(Continued from page 16)

civil proceedings. The bill also authorizes up to five courts to participate in a pilot project to create models for the statewide expansion of interpretation in civil proceedings by implementing best practices identified by the working group. AB 3050 also requires the council to enter into master agreements with one or more vendors to standardize the administration and cost of telephonic court appearances in civil cases, and provides that funding from the agreements would support the civil interpreting pilot project. **Status:** AB 3050 was vetoed by the Governor. For more information, contact Janus Norman at [janus.norman@jud.ca.gov](mailto:janus.norman@jud.ca.gov) or call (916) 323-3121.

### COURT FUNDING/OPERATIONS

#### **AB 1876 (de León) – Superior court security.**

Co-sponsored by the Judicial Council and the California State Sheriffs' Association, AB 1876 requires a standardized MOU for contracting of security services between the court and the sheriff, and requires quarterly reporting of security services and expenditures to the court and the Administrative Office of the Courts. **Status:** This bill died on the Senate Inactive File. For more information, contact Donna Hershkowitz at [donna.hershkowitz@jud.ca.gov](mailto:donna.hershkowitz@jud.ca.gov) or call (916) 323-3121.

#### **AB 1949 (Evans) – Court operations.**

Makes several technical and clarifying changes to improve court operations. The bill updates the trial preference statute to remove obsolete references, and provides additional time for the processing of local court rules. AB 1949 also clarifies the definition of a subordinate judicial officer and the law governing relocation costs for court commissioners. The measure clarifies the law pertaining to the payment of civil jury fees and jury deposits by governmental entities. AB 1949 also shifts the revenues from the night/weekend session assessment from the county treasury to the State Court Facilities Trust Fund in an amount proportional to the counties' shift of court facilities to state responsibility. **Status:** This bill was signed into law on August 1 (Stats. 2008, ch. 218) and will take effect on January 1, 2009. For more information, contact Daniel Pone at [daniel.pone@jud.ca.gov](mailto:daniel.pone@jud.ca.gov) or call (916) 323-3121.

### JUDICIAL OFFICERS

#### **SB 1150 (Corbett) – Courts: judgeships.**

Establishes the authority for the third set of the 50 new judgeships, upon appropriation in fiscal year 2009-2010. **Status:** As a result of budget actions that delayed the second set of 50 judgeships to fiscal year 2009-10, concerns about committing dollars for future budgets, and the fact that legislative action does not need to occur in this legislative session in order to au-

thorize and fund this third set of judgeships for 2009-2010, action was delayed during this legislative session. For more information, contact Donna Hershkowitz at [donna.hershkowitz@jud.ca.gov](mailto:donna.hershkowitz@jud.ca.gov) or call (916) 323-3121.

### CIVIL & SMALL CLAIMS

#### **AB 926 (Evans) – Civil discovery: electronic discovery.**

Among other things, adds definitions of "electronic" and "electronically stored information" to the Civil Discovery Act. Amends the 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 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. **Status:** Citing the delay in enacting the 2008-2009 state budget, this bill was vetoed by Governor Arnold Schwarzenegger. For more information, contact Daniel Pone at [daniel.pone@jud.ca.gov](mailto:daniel.pone@jud.ca.gov) or call (916)

(Continued on page 18)

## JUDICIAL COUNCIL-SPONSORED LEGISLATION

(Continued from page 17)  
323-3121.

### **AB 1873 (Lieu) – Small claims court and court operations.**

Clarifies the law governing post-judgment and postponement fees in small claims court. Clarifies that an American Sign Language interpreter may be included on the Judicial Council's Court Interpreter Advisory Panel, and clarifies the ability of courts to be reimbursed for the costs associated with providing minor's counsel in dependency cases. **Status:** Citing concerns that the postponement fee increase contained in the bill would limit access to small claims court for some litigants, the Governor vetoed this bill. *For more information, contact Daniel Pone at [daniel.pone@jud.ca.gov](mailto:daniel.pone@jud.ca.gov) or (916) 323-3121.*

### **FEES, FINES, AND PENALTIES**

#### **AB 1826 (Beall) – Seized property: fees.**

Clarifies that the filing fee for filing an action seeking return of seized property in connection with controlled

substance offenses is the first paper filing fee for unlimited civil cases. **Status:** This bill was signed into law on August 1 (Stats. 2008, ch. 214) and takes effect January 1, 2009. *For more information, contact Henry Sepulveda at [henry.sepulveda@jud.ca.gov](mailto:henry.sepulveda@jud.ca.gov) or (916) 323-3121.*

### **MISCELLANEOUS**

#### **AB 2448 (Feuer) – Courts: access to justice.**

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. Requires that waived fees be added to most judgments in favor of a fee waiver recipient. Places a lien on settlement proceeds of \$10,000 or more if the party receiving the settlement obtained a fee waiver. Adds specified public benefit programs to the existing list that entitles a party to an automatic fee waiver. **Status:** This bill was signed into law on September 27 (Stats. 2008, ch. 462) and will take effect on January 1, 2009. *For more information, contact Tracy Kenny at [tracy.kenny@jud.ca.gov](mailto:tracy.kenny@jud.ca.gov) or (916) 323-3121. ■*

MARK YOUR CALENDAR!

**Save the Date**

### Juvenile Court Issues

## BEYOND THE BENCH XIX

COMMUNICATING AND COLLABORATING  
Statewide Conference

December 11-12, 2008

San Francisco Marriott

Register at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

## LEGISLATIVE REVIEW

(Continued from page 3)

that once the tribe elects customary adoption and the court makes its finding not to terminate parental rights, the tribe has 120 days to file a customary adoption order that will set forth the legal rights and responsibilities of the birth and adoptive parents. Requires the court to set an adoption hearing and enter the customary adoption order filed by the tribe, unless the court finds, by clear and convincing evidence, that entry would be detrimental to the child. Adds a sunset date of January 1, 2012, and requires a report by the Judicial Council.

**Status:** Died on Senate Inactive File.

**JC Position:** Neutral, as amended May 6, 2008.

### JUDGES

#### AB 1725 (Lieu), Evaluation of judicial appointments.

Requires the State Bar, upon the Governor's appointment of a judge to a trial court, to make public whether that person was rated "qualified" or "not qualified" by the Commission on Judicial Nominees Evaluation.

**Status:** Vetoed by the Governor.

**JC Position:** No position.

#### AB 2095 (Davis), Courts: judicial appointments.

Requires the Governor to post on his Web site the names of all persons who have been provided judicial application materials to assist in the Governor's decision

whether to submit an application to the Commission on Judicial Nominees Evaluation or whether to appoint an applicant. Intended to make public the names of the members of the Governor's local committees, the bill expressly does not apply to employees of the Governor.

**Status:** Vetoed by the Governor.

**JC Position:** No position.

### JUVENILE DEPENDENCY

#### AB 2117 (Evans), Foster youth: psychotropic medication.

Expands the authority of the court to approve dispensing of psychotropic medications to children who have been detained but not found to be dependent children. Requires that the physician requesting the medication have examined the child and requires that the court make a finding that the child and the child's caregiver have been informed of the expected results of the medication, significant side effects, and any other recommended treatments, and that the child has been informed of the right to request a hearing. Requires that a child be present at a hearing unless the child waives that right after consulting with counsel, or the court finds good cause for the child's absence.

**Status:** Died on Senate Appropriations Committee Suspense File.

**JC Position:** No position.

### MISCELLANEOUS

#### AB 2544 (Mullin), Model civic education staff development program.

Requires the Superintendent of Public Instruction to develop a plan and make recommendations to the Legislature and the Governor on the development of a model civic education staff development program that provides formal instruction in government, history, law, and democracy for the purpose of increasing civic knowledge, and incorporating and discussing current local, national, and international issues and events in the classroom.

**Status:** Died on Senate Appropriations Committee Suspense File

**JC Position:** Support.

### PROBATE

#### AB 171 (Beall), Graduated probate filing fee.

Codifies the decision of the Court of Appeal in *Burkey v. State of California* (2008) 161 Cal.App.4<sup>th</sup> 465, by eliminating the graduated first paper filing fee in probate matters with estates over \$250,000, and instead setting the fee for all estates, regardless of size, at the same amount.

**Status:** Signed into law (Stats. 2008, ch. 310). Effective January 1, 2009.

**JC Position:** Support.

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## LEGISLATIVE REVIEW

*(Continued from page 19)*

**Note:** The provisions in AB 171 were chaptered out by SB 1407 (Stats. 2008, ch. 311), however, all the changes in AB 171 were included in SB 1407 and are effective January 1, 2009.

### **AB 1340 (Jones), Guardians and conservators: accountings.**

Among other things, provides that the time for giving notice of the hearing on a petition for a temporary conservatorship is five court days, rather than five days. Makes two minor changes to the provisions of the Omnibus Conservatorship and Guardianship Reform Act of 2006 related to accountings: (1) clarifies that, for the first accounting, nonprofessional guardians and conservators are only required to provide bank account statements as of the date preceding the appointment and account statements as of the closing date of the accounting period, and (2) clarifies that courts may, by local rule, require the return of supporting documents submitted to the court with the accountings, including original bank statements and escrow statements, to the depositing guardian or conservator when the accounting becomes final. Provides that, if a person other than the conservatee files a petition for termination of the conservatorship, or instruction to the conservator, that is

unmeritorious or intended to harass or annoy the conservator, and the person has previously filed pleadings in the conservatorship proceedings that were unmeritorious or intended to harass or annoy the conservator, the petition shall be grounds for the court to determine that the person is a vexatious litigant. Prohibits a superior court from permitting a person without a valid professional fiduciary's license to continue to carry out the duties of a professional fiduciary, unless that person is excluded or exempt from professional fiduciary licensing requirements.

**Status:** Signed into law (Stats. 2008, ch. 293). Effective January 1, 2009.

**JC position:** Support.

### **SB 800 (Corbett), Conservators and guardians: care plans.**

Requires a conservator or guardian to submit to the court within 90 days of appointment a plan for the care, custody, control, and, if applicable, the education of the ward or conservatee. As part of this plan, the bill would require an assessment of the strengths of the conservatee's or ward's family, an assessment of appropriate residential placement, and a schedule of visits between the ward or conservatee and the conservator or guardian, as well as visits between the ward or conservatee and his or her family.

Requires the Judicial Council to develop an implementing form.

**Status:** Died on Assembly Appropriations Committee Suspense File.

**JC position:** Support if funded.

### **TRAFFIC**

#### **SB 1388 (Torlakson), Vehicles: DUI: ignition interlock.**

Requires Department of Motor Vehicles (DMV) rather than the courts, upon notice of conviction, to inform a person convicted of driving on a DUI-related suspended license of ignition interlock requirements. Requires DMV to advise the court if a person has failed to show proof within 30 days of DMV notifying the person he or she is required to install an interlock device.

**Status:** Signed into law (Stats. 2008, ch. 404). Effective January 1, 2009.

**JC Position:** No position. ■

## BBC FOCUSES ON LAWYER-LEGISLATORS

(Continued from page 4)

for their terms as past BBC cochairs, which facilitated the group's transition into the current executive committee format.

### Legislative Roundtable

The meeting featured a legislative roundtable on the theme "The Lawyer-Legislator's Role in Shaping Tomorrow's Judiciary." Asm. Dave Jones, outgoing chair of the Assembly Judiciary Committee, moderated the panel, which in-



Assembly Judiciary Committee Chair Dave Jones (*standing, left*) served as moderator for the BBC's legislative roundtable panel on "The Lawyer-Legislator's Role in Shaping the Judiciary." Outgoing State Bar President Jeffrey Bleich listens intently to the panel of three current and former lawyer-legislators: Incoming Assembly Judiciary Chair Mike Feuer (third from left); former Assemblymember and Los Angeles Superior Court Judge Terry Friedman; and former Assemblymember Howard Wayne. (Photo courtesy of HWPAP)

cluded Asm. Mike Feuer, incoming committee chair, and former lawyer-legislators Judge Terry Friedman, Superior of Los Angeles County, and Hon. Howard Wayne.

The panelists responded to a range of questions from the audience, including:

- strategies or efforts local bar associations could consider to build a pipeline into the Legislature and recruit and/or encourage lawyers to run for office
- the lawyer-legislator's role in increasing awareness of judicial branch issues among their colleagues and caucuses, and cultivating relationships with the bench and bar
- information or resources that would help a lawyer-legislator to explain the needs of the judicial branch to non-lawyer legislators in meetings or caucuses, and
- themes and strategies that cut most effectively across party lines in forging support for the judicial branch legislative priorities and budget.

The BBC will incorporate the panel's responses into the organization's goals and objectives for 2009.

### Update from the Judicial Council

Ronald Overholt, Chief Deputy Director of the Courts, and Daniel Pone, Senior Attorney in the Administrative Office of the Courts' Office of Governmental Affairs, updated participants on the judicial branch's legislative and budget accomplishments. Plans for potential 2009 judicial branch legislative priorities were also discussed in preparation for the 2009-2010 Legislative Session.

For more information about the Bench-Bar Coalition, contact Dia Poole in the Office of Governmental Affairs at (916) 323-3121 or [dia.poole@jud.ca.gov](mailto:dia.poole@jud.ca.gov).<sup>■</sup>



The BBC's Executive Committee (BBC/EC) members and legislative roundtable panelists pose with 2008 outstanding bench, bar, and legal services honorees (seated, l-r): State Bar Director of Legal Services Outreach Mary Lavery Flynn; Outgoing BBC Past Chair Anthony Capozzi; Outstanding Bar Leader Carmen Ramirez; Outgoing BBC Cochair Joel Miliband; Outstanding Bar Leader Demetrius Shelton; Outstanding Legal Services Leader Christopher Schneider; and (standing, l-r): BBC Cochair Ruthe Ashley; BBC/EC Incoming Southern Region At-large Member Danni Murphy; BBC/EC Northern/Central Region At-large Member and San Joaquin County Presiding Judge William Murray, Jr., Former Assemblymember and Los Angeles County Superior Court Judge Terry Friedman, Incoming BBC Cochair Tom Warwick, Incoming Assembly Judiciary Committee Chair Mike Feuer, State Bar President Holly Fujie, AOC Chief Deputy Director Ron Overholt, Former Assemblymember Howard Wayne, BBC/EC Outgoing At-large member Miriam Krinsky, BBC/EC Northern/Central Region At-large Member Windie Scott, and BBC Liaison Dia Poole. (Photo courtesy of HWPAP)



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Looking for a past issue of *The Capitol Connection*? Find it online at [www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm](http://www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm).

## OGA CO-HOSTS REGIONAL WORKSHOPS

### *2008 New Laws Workshop held in November*

The 2008 New Laws Workshops for court staff are scheduled for San Francisco (November 13), Sacramento (November 18) and Los Angeles (November 19). These popular one-day sessions, co-sponsored by AOC and the Coalition of Trial Court Clerk Associations, are specifically designed as a working forum for court managers, supervisors, and court staff to receive a thorough briefing on newly enacted statutes that directly affect trial court operations. Over 300 court staff attended the 2006 and 2007 workshops.



Each year, New Laws Workshops attract scores of court employees seeking to learn about legislation that impacts the administration and operation of California courts. (Photo courtesy of Sandy Silva)

The 2008 workshops offer sessions on the new court facilities legislation (SB 1407), changes in court fees, fines, assessments and penalties, new crimes, and the new fee-waiver statutes. Breakout sessions include discussion of new legislation in the areas of family, juvenile, probate, civil, criminal and traffic laws.

The San Francisco workshop will be held at the AOC's Milton Marks Conference Center. The Sacramento sessions will be held at a new location: the conference center at the Northern/Central Regional Office near the Sacramento International Airport. The Los Angeles workshops will also be offered at a new location: the Ayres Hotel in Hawthorne. The new venues for the Sacramento and Los Angeles sessions were selected to allow for a greater number of court staff to attend. Workshop materials will also be placed on Serranus after the sessions for access by court and AOC staff.

For more information, contact Katie Asher in the Office of Governmental Affairs at [katie.asher@jud.ca.gov](mailto:katie.asher@jud.ca.gov) or 916-323-3121. ■

## *News from the AOC*

In addition to *The Capitol Connection*, the Administrative Office of the Courts publishes several publications reporting on various aspects of court business. Visit these online on the California Courts Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

*California Courts Review* is a quarterly magazine by, for, and about the state judicial branch. See the current edition at <http://www.courtinfo.ca.gov/reference/ccr.htm>

