

The Capitol Connection

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SPECIAL EDITION

The 1999-2000 legislative session came to an end last night. Hundreds of bills were acted on by the Senate and Assembly in the last few days. The following key court-related bills passed during that time and are now enrolled to the Governor. The Governor has until September 30 to sign or veto bills. A complete summary of all legislation of interest to the courts will be published at the end of September. Full text of all bills can be found on the California Courts website at: www.courtinfo.ca.gov/courtadmin/cr-legis.htm

SB 1857 (Burton) – New Judgeships **JUDICIAL COUNCIL-SPONSORED**

Creates 20 new trial court judgeships and 12 new appellate judgeships. One superior court judgeship is created in each of the following counties: Alameda, Butte, Contra Costa, Fresno, Kern, Los Angeles, Orange, Riverside, San Diego, San Francisco, San Joaquin, San Luis Obispo, Sonoma, Ventura, Yolo; two in Sacramento county; and three in San Bernardino county. Creates 12 new appellate judgeships as follows: one each in the First, Third, Fifth and Sixth District Courts of Appeal; and four in the Second (in a newly created division) and Fourth Districts (one each in Divs. One and Two; two in Div. Three).

SB 2140 (Burton) – Trial Court Employees **JUDICIAL COUNCIL-SPONSORED**

Co-sponsored by the Judicial Council, labor organizations, and the California State Association of Counties, SB 2140 adopts the unanimous recommendations of the Task Force on Trial Court Employees for establishing a uniform employment status scheme for court personnel. Addresses a range of issues, including: labor relations; employment protection system; selection and advancement issues; retirement; and deferred compensation.

SB 1533 (Costa) – Trial Court Funding Clean-up

JUDICIAL COUNCIL-SPONSORED

Makes necessary technical changes to bring existing statutes into conformity with Trial Court Funding Act of 1997. Also requires the Judicial Council to provide for representation, defense, and indemnification of judges and court officers and employees, and to adopt rules of court requiring the Administrative Office of the Courts to manage claims and actions involving the trial courts and their officers and employees.

AB 2912 (Assembly Judiciary Committee) – Alternative Dispute Resolution: Changes to Court's Reference Authority

JUDICIAL COUNCIL-SPONSORED

Revises the court's authority to appoint referees for discovery and other disputes. Implements the recommendations of the Judicial Council's Task Force on Quality of Justice, Subcommittee on ADR.

AB 2911 (Assembly Judiciary Committee) – Judges' Retirement: JRS II reciprocity and supplemental savings

JUDICIAL COUNCIL-SPONSORED

Allows all judges to participate in the supplemental savings program offered to other state employees. Also permits JRS II members to retire concurrently from JRS II and other county or state retirement systems.

SB 2160 (Schiff) – Representation of Dependent Children

JUDICIAL COUNCIL-SPONSORED

Creates a presumption that counsel should be appointed to represent a child in a juvenile dependency proceeding unless the court makes findings on the record that the child would not benefit from the appointment of counsel. Requires the court to ensure that each child receives adequate representation by adhering to caseload standards adopted by the Judicial Council.

AB 1669 (Assembly Judiciary Committee) – Civil Omnibus

JUDICIAL COUNCIL-SPONSORED

Civil omnibus bill makes numerous technical, clarifying, and non-controversial changes. Changes of interest to the courts address the following issues: oaths and affirmations; discovery timeframes; 1999 Mediation Pilot Program; and complex litigation.

AB 1955 (Migden) – Judges Retirement: Extended Service Incentive Program

Implements concepts included in the recommendations of the Task Force on the Quality of Justice, Subcommittee on Quality of Judicial Service (Mallano Report). Creates an Extended Service Incentive Program to encourage judges who have reached the maximum retirement benefit level to remain in public service. Requires the judge to serve at least three years past the time the judge is first eligible to retire. Judges would receive a lump-sum payment for their additional years of service, for a maximum of ten additional years.

AB 2459 (Wiggins) – Sunshine on trial court budgets – Rule of Court

Requires that the Judicial Council adopt rules to provide for reasonable public access to budget information. The bill also requires that the Judicial Council adopt rules that trial courts provide upon written request, in a timely manner, information relating to the administration of the courts, including financial information and other information that affects the wages, hours, and working conditions of trial court employees.

SB 1342 (Burton) – Post-conviction DNA Testing

Creates a procedure for the post-conviction testing of DNA evidence for defendants who did not have that technology available at the time of trial and where identity was a significant issue that resulted in his or her conviction.

Deficiency Bill Did Not Pass

The deficiency bill for the Budget Act of 1999 did not pass. This bill contains augmentations to cover unforeseen shortfalls in the fiscal year 1999-2000 budget for various state programs. Most of the funding is for executive branch agencies, departments, and programs. A small portion of the bill included appropriations for trial court NSIs and appellate court rent. Further information about the implications of this bill not passing will be sent shortly.

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