

**JUDICIAL COUNCIL MEETING**  
**Minutes of the April 27, 2007, Meeting**  
**San Francisco, California**

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:45 a.m. on Friday, April 27, 2007, at the Administrative Office of the Courts (AOC) in San Francisco, California.

**Judicial Council members present:** Chief Justice Ronald M. George; Justices Marvin R. Baxter, Candace D. Cooper, Richard D. Huffman, and Eileen C. Moore; Judges Peter Paul Espinoza, Terry B. Friedman, Jamie A. Jacobs-May, Suzanne N. Kingsbury, Thomas M. Maddock, Charles W. McCoy, Jr., Dennis E. Murray, and James Michael Welch; Mr. Raymond G. Aragon, Mr. Anthony P. Capozzi, Ms. Barbara J. Parker, and Mr. William C. Vickrey; **advisory members:** Judges Scott L. Kays and Nancy Wieben Stock; Commissioner Ronald E. Albers; Ms. Deena Fawcett, Mr. Michael M. Roddy, and Ms. Sharol Strickland.

**Absent:** Senator Ellen M. Corbett; former Senator Joseph Dunn; Assembly Member Dave Jones; Judges Carolyn B. Kuhl and Barbara J. Miller; Mr. Thomas V. Girardi; and Ms. Tamara Lynn Beard.

**Others present included:** Executive Officers Mr. James B. Perry, and Mr. Michael D. Planet; Mr. Stan Bissey, Mr. Arturo Cásarez, Ms. Beth Jay, Ms. Esther Lane, Mr. Chuck Oraftik, and Mrs. Susan Vickrey; **staff:** Mr. Peter Allen, Ms. Berta Bejarano, Ms. Deirdre Benedict, Mr. Dennis Blanchard, Ms. Dianne Bolotte, Ms. Deborah Brown, Ms. Ayanna Cage, Ms. Sheila Calabro, Mr. Philip Carrizosa, Ms. Casie Casados, Ms. Roma Cheadle, Ms. Debbie Chong-Manguiat, Mr. Dexter Craig, Ms. Kim Davis, Mr. Douglas Denton, Mr. Kurt Duecker, Ms. Stefanie Elam, Mr. Robert Emerson, Ms. Sara Fisher, Mr. Bob Fleshman, Mr. Ernesto V. Fuentes, Ms. Susan Goins, Mr. Ruben Gomez, Mr. Bruce Greenlee, Ms. Christine M. Hansen, Ms. Hilary Hehman, Ms. Shaunese Henderson, Ms. Sydney Hollar, Ms. Lynn Holton, Ms. Kathleen T. Howard, Mr. Kenneth L. Kann, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Mr. John Larson, Mr. Robert Lowney, Mr. Chris Magnusson, Mr. Douglas C. Miller, Mr. Lee Morhar, Ms. Vicki Muzny, Mr. Stephen H. Nash, Ms. Angela Nicholson, Ms. Diane Nunn, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Ms. Kelly Popejoy, Ms. Pam Reynolds, Ms. Laura Rigdon, Ms. Mary M. Roberts, Ms. Rona Rothenberg, Ms. Marlene Smith, Ms. Nancy E. Spero, Ms. Karen M. Thorson, Ms. Daisy Yee, and Ms. Patricia M. Yerian; **media representative:** Ms. Amy Yarbrough, *San Francisco Daily Journal*.

**Public Comment Related to Trial Court Budget Issues**

Mr. Arturo Cásarez, Advocacy Director of the California Court Interpreters Association, addressed the council under rule 10.6(d) of the California Rules of Court. Mr. Cásarez requested an increase in the number of court interpreters, as well as an increase in the

hourly rate paid by the courts to \$355 for a full day and \$145 for a half-day. He was concerned that, due to the present wage rate, interpreters are leaving employment with the court system and potentially qualified interpreters are choosing not to work for the courts.

## **Approval of Minutes**

The minutes of the February 23, 2007, business meeting were approved.

## **Judicial Council Committee Presentations**

### *Executive and Planning Committee*

Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met three times by conference call since the February 23, 2007, Judicial Council meeting.

On March 1, 2007, the committee, acting on behalf of the Judicial Council, approved the following advisory committee work plans for which E&P is responsible: the Governing Committee of the Center for Judicial Education and Research (CJER), Collaborative Justice Courts Advisory Committee, Court Interpreters Advisory Panel, Court Technology Advisory Committee, Court Executives Advisory Committee and Conference of Court Executives, and Trial Court Presiding Judges Advisory Committee.

On March 13, 2007, the committee reviewed a revised form from CJER to be used in the tracking of judicial education. Rule 10.452 of the California Rules of Court requires that the hours be reported on forms provided by the Judicial Council, as distinguished from Judicial Council approved forms that would typically come to the council after going through the Rules and Projects Committee (RUPRO) process.

E&P approved the revised form with the addition of language that will reflect a judge's option to include education beyond that required by the rules of court. The committee requested that CJER submit a revised version of the form that incorporates the committee's changes to the committee for review. CJER will disseminate the forms to all presiding judges in advance of the online transmission of those forms.

On April 4, 2007, E&P met to review reports submitted for, and set the agenda for, the April 27, 2007, Judicial Council business meeting.

The committee considered the proposal from Sandy Bunch Vander Pol, president of the California Court Reporters Association, and correspondence from the Court Technology Advisory Committee (CTAC), requesting the addition of a court reporter member or liaison to CTAC. E&P did not agree with the proposal and did not recommend to the Chief Justice that there be any expansion of the CTAC.

Over the past two days, the Judicial Council engaged in discussion of governance theory and the council's policies and how it will reexamine its own governance policies and procedures. E&P will undertake the drafting of proposed language, with participation from all interested council members. Once E&P has drafted tentative policies, the committee will engage the council in further deliberation.

#### *Policy Coordination and Liaison Committee*

Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee met four times by conference call since the February 23, 2007, council meeting.

The committee has analyzed and taken positions on more than 20 items of legislation. In addition, 6 proposals were approved for circulation for public comment, and, with the concurrence of the chairs of E&P and RUPRO, 2 council-sponsored legislative items were approved.

These items addressed (1) a commission on civil fees, which was discussed at the last council meeting, and (2) installment payments for bail forfeiture in traffic matters. PCLC is presently ushering 8 other Judicial Council-sponsored bills through the Legislature, including bills regarding new judgeships, court facilities, civil fees, fee waivers, and miscellaneous court operations items.

PCLC advisory committee liaison meetings are also ongoing and reported to be very productive. Justice Baxter provided an example from 2006 when both consumer attorneys and civil defense attorneys raised a common issue focused on reducing or eliminating unnecessary court appearances and the delay associated with them. As a result, the two groups, along with the trial judges, have conferred in efforts to provide affordable access to justice to the public.

Finally, Justice Baxter reported that, since the last council meeting, the Chief Justice has delivered his State of the Judiciary address to a joint session of the Legislature followed by the 13th annual judicial-legislative-executive forum. The forum was well attended by representatives of each branch of government, as well as by Bench-Bar Coalition members. These events are an important component of the council's ongoing efforts to enhance working relationships among the three branches of government.

#### *Rules and Projects Committee*

Judge Suzanne N. Kingsbury, chair of RUPRO, reported that the committee has met three times by conference call since the February 23, 2007, council meeting.

On March 19 and March 23, RUPRO met to review rules and forms proposals submitted to the council's April 27 meeting. RUPRO recommended approval of all proposals (see items A1–A12).

On April 17, RUPRO met to review 36 proposals for circulation for public comment during the spring 2007 rules cycle. Following public circulation and further review by the advisory committees and RUPRO, these proposals will be submitted to the Judicial Council's October 2007 business meeting.

### **Judicial Council Court Visit Reports**

Judge Terry B. Friedman, team leader, and Ms. Sheila Calabro, Regional Administrative Director, AOC Southern Regional Office, reported on visits to the Superior Court of Orange County and the Court of Appeal, Fourth Appellate District, Division Three, with the participation of Ms. Camilla Kieliger, AOC Executive Office Programs Division.

### **Administrative Director's Report**

Mr. William C. Vickrey, Administrative Director of the Courts, submitted a written report of the activities in which he has been involved since the February 23, 2007, Judicial Council meeting and reported on the highlights of his activities. (A copy of Mr. Vickrey's report is attached to these minutes.)

Mr. Vickrey reported that an effort is under way to examine communication within the branch statewide and to begin development of a statewide comprehensive communication plan. To that end, a collaborative effort has begun among the AOC's regional administrators and CJER staff to organize three roundtable meetings statewide to discuss specific issues of mutual interest to presiding judges, court executive officers, and bar leaders statewide.

Mr. Vickrey; AOC Chief Deputy Director Mr. Ronald G. Overholt; the AOC's three regional directors, Ms. Sheila Calabro, Ms. Jody Patel, and Ms. Christine Patton; along with teams organized from their staff, have continued to visit courts on a regular basis. Recently the teams visited with judges and managers in the Superior Court of Orange County. They found the participants to be candid about the issues faced by the court and seeking constructive ways to improve access to justice.

Mr. Vickrey, Mr. Overholt, and the regional directors also met with judges of the Superior Court of Fresno County at their annual meeting and workshop. Soon Mr. Vickrey and Ms. Patton will meet with judges from the Superior Court of Santa Cruz County, and a joint meeting is scheduled with judges from the Superior Courts of Riverside and San Bernardino Counties to discuss issues of mutual concern.

Mr. Vickrey reported on the activities of the Bench-Bar Coalition, which was established in 1993 by the California Association of Local Bars, Judicial Council, State Bar, and California Judges Association to advocate for improvements in our justice system. The coalition serves to coordinate advocacy efforts in the Legislature and promote dialogue about judicial branch priorities.

Under the leadership of Judicial Council member Mr. Anthony P. Capozzi and Mr. Joel S. Miliband, an attorney from Orange County, the Bench-Bar Coalition brings together

lawyers, judges, staff, and community representatives who meet regularly by telephone to discuss branch priorities and local joint efforts between judges and the bar. Coalition members communicate with legislators, the press, and local government officials to advance judicial branch issues.

The coalition also visited with legislators in Sacramento. At the time of Chief Justice George's State of the Judiciary address, more than 125 representatives from the Bench-Bar Coalition had visited legislators in teams comprised of judges and lawyers, usually from the geographical area of the legislator whom they visit. The coalition will again visit the Legislature on May 23 to discuss priority issues based on budget hearings, the Governor's May budget revise, and the status of pending legislation.

Last year the efforts of the Bench-Bar Coalition had a significant impact in raising the visibility of the need for new judges in both the Democratic and Republican caucuses. Speaking with the combined voices of the leadership of the court system, the State Bar, lawyers practicing in the courts, and judges handling cases, the issue of the need for more judges was clear not only to the Judiciary Committee and the Budget Committee, but to all of the legislators.

In addition to Mr. Capozzi and Mr. Miliband's leadership as co-chairs, Judicial Council member Judge Peter Paul Espinoza serves on the coalition's Executive Committee. Several other Judicial Council members, namely Justice Eileen C. Moore; Judges Nancy Wieben Stock and Terry B. Friedman; Mr. Raymond G. Aragon, and Mr. Michael M. Roddy, also actively participate in the coalition.

Mr. Vickrey reported that a court security funding proposal, developed jointly by the California State Sheriffs' Association, the Court Security Working Group, and representatives of the Judicial Council, has been presented to the state Department of Finance and the Governor as a result of discussions with the Governor last year. Chief Justice George will follow up with the Governor urging adoption of the recommendations to ensure that the current shortfalls in funding for security are addressed and that the ability to meet minimal security levels in all courts of the state is made a reality. In this way, dedicated security funding, to the extent possible, is ensured.

Mr. Vickrey mentioned infrastructure issues, reporting that the case management system and the financial systems are on schedule for implementation in every court, although final deployment and implementation of those systems is not scheduled to be concluded until 2012.

Significant progress has also been made on facility issues. Mr. Overholt and Ms. Kim Davis, director of the AOC Office of Court Construction and Management, have been meeting with county and local court leaders statewide to bring together a final solution on the transition of court facilities.

Mr. Overholt reported that, as of last week, approximately 50 buildings have been transferred to state ownership and responsibility, compared to approximately 7 a year ago. The work that Ms. Davis and her team have done in terms of due diligence, arranging county facilities payments, and ensuring that Senate Bill 10 was implemented effective January 1 has paved the way for the transfers. It is expected that all of the Superior Court of San Diego County's court buildings will be transferred sometime this year. Transfers are also expected to occur this year in the Superior Courts of Alameda, San Bernardino, and Los Angeles Counties.

Mr. Vickrey reported that efforts are being made to improve working relationships among judicial officers, lawyers, and journalists who report on the courts and legal issues. A proposal by the president of the California Newspaper Publishers Association to bring together representatives from these groups has resulted in the formation of a statewide Bench-Bar-Media Committee. The committee will have its first organizational meeting on May 11, 2007.

Mr. Vickrey commented on several projects currently under way:

- Phase II of a data validation project has begun involving courts that recently made the transition to the California Case Management System. This is a continuation of phase I work that began with the Superior Court of San Mateo County. The system targets operational data that courts report to the AOC and is used by AOC staff to estimate the need for judges and court staff, allocate resources and funds, monitor and evaluate court programs, and measure court performance.
- A study is being undertaken in partnership with Hastings College of the Law to establish a baseline assessment of class action cases filed in California trial courts over the past five years; the study includes an evaluation of the impact of the Class Action Fairness Act on filing trends in California.
- Ms. Karen M. Thorson, director of the AOC Education Division/CJER, is collaborating with judicial educators in several western states and the Institute for Court Management of the National Center for State Courts to develop and deliver regional educational programs for court executive officers and key managers.
- A year ago, under the leadership of Mr. Kenneth L. Kann, director of the AOC Executive Office Programs Division, a partnership was begun with California State University at San Marcos to develop a program that educates teachers who are enrolled in an institute on civics education about how to provide education about the courts. The program was extremely successful last year and will take place again this summer, with the goal of expanding the program statewide in future years.

Mr. Capozzi reported that the Bench-Bar Coalition has grown dramatically in the past few years as a result of the participation of Mr. Vickrey and Mr. Overholt in the coalition's meetings and lobbying efforts in Sacramento and the contributions of Ms.

Kathleen T. Howard and Ms. Dia Poole from the AOC's Office of Governmental Affairs. There is significant interest from judges and lawyers in participating in the coalition. During the last visit to Sacramento, there were enough participants to divide into teams of five or six. Each team spoke with legislators from the team's local areas. Because the judges, lawyers, and legislators had common geographic roots and had worked together previously, they were able to have frank conversations.

In recent years there has been success in developing an active formal agenda of issues at the national level. Federal legislation related to funding state court interpreter programs, funding for court security, increasing funding for drug courts and domestic violence courts, and court security issues related to state courts is pending.

### **Chief Justice's Report**

Chief Justice Ronald M. George reported on the activities in which he has been involved since the February 23, 2007, Judicial Council meeting.

Chief Justice George reported that on the day of the State of the Judiciary address, February 26, 2007, he had two other meetings at the request of the individuals involved.

One meeting was with the Governor's new judicial appointments secretary, Ms. Sharon Majors-Lewis, to discuss the ways in which the judicial branch can assist the other two branches of government in efforts to broaden the pool of applicants and increase diversity on the bench.

The second meeting was at the request of Senate Majority Leader Gloria Romero, to discuss the impact on court administration of the U.S. Supreme Court decision in *Cunningham v. California*, and the work of the California Sentencing Commission established by Senate Bill 110. The Chief Justice reported that following the meeting he learned of his appointment as chair of the commission. Housed at the AOC, the commission is granted authority to enact new sentences for each crime, and tasked with overhauling California's sentencing laws. Its decisions can only be overturned by a two-thirds vote of the Legislature. Commission members serve without compensation.

The Chief Justice is authorized to appoint three members to the commission, including one sitting or retired appellate justice and two sitting or retired trial court judges. The Senate President Pro Tem and Assembly Speaker will each select three members and the Governor will select four members. The specific tasks to be performed by the commission are to be determined.

Chief Justice George reported that he participated in a number of meetings and interviews:

- On February 27, 2007, he addressed the Solano County Bench and Bar.
- He met with the California Appellate Project to discuss enhancements to services provided in the criminal appellate process for unrepresented persons.
- He spoke with new judges and subordinate judicial officers who participated in the New Judge Orientation program conducted by CJER.
- He participated in the *California Lawyer* Clay Awards, recognizing particular achievement in the legal profession. Mr. Peter Allen, a former editor of *California Lawyer* and now a manager in the AOC's Office of Communications, was a key figure in the development of this program.
- He spoke at the annual meeting of the American College of Trial Lawyers and was also the recipient of the Samuel E. Gates Litigation Award recognizing his significant contribution to the improvement of the litigation process.
- On March 20, 2007, he participated in approximately 10 meetings, organized by Ms. Kathleen T. Howard, with legislative leaders from policy and budget committees.
- He participated in a series of interviews with different publications and on public radio about issues facing the judicial branch.
- He also met with the Court Facilities Transitional Task Force, California State Association of Counties, and State Bar leadership.

Chief Justice George stressed the importance of the above liaison meetings. These meetings facilitate discussion of issues of common interest with justice system entities. These discussions frequently result in garnering support for judicial branch initiatives, such as recent progress made in pending legislation pertaining to voir dire and uniform rules of jury selection.

The Chief Justice reported that the Supreme Court of California has created a special panel of masters for use when requested by the Commission on Judicial Performance. A request for volunteers was circulated that resulted in a panel of a few dozen individuals who are available to serve for two or more years. An excellent orientation program has been prepared for them.

A day-long conference on homelessness was held at the Rand Institute in Santa Monica, which included substantial involvement in court-related services that might be provided to the homeless. Several council members from the Los Angeles area participated, including Judges Peter Paul Espinoza, Terry B. Friedman, and Charles W. McCoy, Jr. The conference focused on how to avoid the cycle of homelessness and how to bring



together the different segments of the Bar, the judiciary, and social services to deal with this continuing problem that affects not only the homeless but also the courts that hear their cases.

And, finally, on April 2 the Council of State Governments Justice Center announced that the Judicial Council of California has been selected to participate in a national project for assisting state judicial leaders in their efforts to improve responses to people with mental illnesses who find themselves in the criminal justice system. Only seven states were selected. The justice center provides practical, nonpartisan advice and strategies to increase public safety and strengthen communities. The recipients will receive technical assistance and some funding and will have the benefit of input from leading national experts. A two-day forum will take place in spring 2008. California was particularly congratulated by the selection team who stated that our state, in their words, clearly demonstrated the broad base of leadership necessary to make the plan successful.

## CONSENT AGENDA (ITEMS A1–A12, B–C)

### ITEM A RULES, FORMS, AND STANDARDS

#### *Civil and Small Claims*

#### **Item A1 Civil Law: Notice of Related Case (revise form CM-015) (Action Required)**

The Civil and Small Claims Advisory Committee recommended revision of the form used by civil litigants to give notice of related civil cases. The proposed revisions are designed to conform to recent changes in rule 3.300 of the California Rules of Court. The purpose of the revisions is to simplify the notice process to related litigants and the courts and to facilitate determination of the appropriate judicial action under the rule of court.

#### **Council action**

The Judicial Council, effective July 1, 2007, revised *Notice of Related Case* (form CM-015).

#### **Item A2 Civil Law: Requiring Use of Recycled Paper With (at Least) 30 Percent Postconsumer Fiber (amend Cal. Rules of Court, rule 1.6(22)) (Action Required)**

The Civil and Small Claims and Appellate Advisory Committees recommended the amendment of rule 1.6(22), defining “recycled” paper, to clarify and conform it to California statutory requirements. The rule previously defined “recycled paper” by reference to a repealed section of the Public Resources Code. The rule was amended to define “recycled paper” by reference to the current Public Contract Code definition, “recycled printing and writing paper.”

***Council action***

The Judicial Council, effective July 1, 2007, amended rule 1.6(22) to define “recycled” paper by referring to “recycled printing and writing paper” as defined by Public Contract Code section 12209.

**Item A3      Civil Law: Name Change Forms (revise forms NC-100, NC-120, NC-130, and NC-130G) (Action Required)**

The Civil and Small Claims Advisory Committee recommended that four mandatory Judicial Council forms used to petition the court for a name change be revised to reflect recent statutory changes that (1) provide that, if no written objection to a proposed name change is filed at least two court days before the hearing as defined in rule 1.10, the court may grant the petition without a hearing; and (2) expand the categories of persons in the domestic violence confidentiality program exempted from the requirement to publish an order to show cause why a petition for name change should not be granted.

***Council action***

The Judicial Council, effective July 1, 2007, revised the following council forms:

1. *Petition for Change of Name* (form NC-100);
2. *Order to Show Cause for Change of Name* (form NC-120);
3. *Decree Changing Name* (form NC-130); and
4. *Decree Changing Name of Minor (by Guardian)* (form NC-130G).

**Item A4      Collections Cases: Service and Case Management (adopt Cal. Rules of Court, rules 3.740 and 3.741; amend rules 3.110, 3.712, and 3.721; and revise *Civil Case Information Sheet* (form CM-010)) (Action Required)**

The Civil and Small Claims Advisory Committee recommended rules changes and a revised *Civil Case Cover Sheet* form to provide uniformity and increase the efficient handling of collections cases in superior court, consistent with the legal rights and obligations of the parties.

***Council action***

The Judicial Council, effective July 1, 2007:

1. Adopted rule 3.740 to define collections cases, exempting cases meeting the definition from (1) the 60-day time-for-service requirements of rule 3.110(b) and (2) active case management, unless a defendant files a responsive pleading;
2. Adopted rule 3.741 to require a court to vacate all hearing, case management conference, and trial dates if a plaintiff in a collections case files a notice of settlement;
3. Amended rules 3.110, 3.712, and 3.721 to provide exemptions from regular civil case management for collections cases meeting certain criteria; and

4. Revised the *Civil Case Cover Sheet* (form CM-010) to include an identifier for a rule 3.740 collections case, to distinguish rule 3.740 collections cases from other collections cases, and to provide related instructions.

### ***Family and Juvenile Law***

#### **Item A5      Juvenile Law: Procedure Regarding Appointments of Appellate Attorneys for Children in Juvenile Dependency Appeals (adopt Cal. Rules of Court, rule 5.661; amend rule 8.412; and approve form JV-810) (Action Required)**

The Family and Juvenile Law Advisory Committee recommended adoption of a new rule, amendment of an existing rule, and adoption of a new optional form to comply with the mandate contained in Assembly Bill 2480 ([Evans] Stats. 2006, ch. 385). AB 2480 provides for appointment of an attorney for the child in all dependency appeals in which the child is the appellant and for discretion to so appoint when the child is not the appellant. The statute requires the Judicial Council to adopt a rule, effective July 1, 2007, implementing the legislation and articulating the procedures by which trial counsel or a guardian ad litem may make recommendations in a juvenile dependency appeal. The committee recommended adoption of rule 5.661, amendment of rule 8.412, and approval of form JV-810.

#### ***Council action***

The Judicial Council, effective July 1, 2007, adopted rule 5.661, amended rule 8.412, and approved form JV-810 to provide guidance to a child's trial counsel or guardian ad litem in determining how counsel should participate in a juvenile dependency appeal.

### ***Jury***

#### **Item A6      Civil Jury Instructions: Approve Publication of Revisions (Cal Rules of Court, rule 2.1050) (Action Required)**

The Advisory Committee on Civil Jury Instructions recommended approval of the publication of revisions and additions to the council's *California Civil Jury Instructions (CACI)* that were first published in September 2003 and last revised in June 2006. This proposal included 9 new and 20 revised instructions on various subjects required by developments in the law since June 2006 and was designed to improve the clarity, accuracy, and breadth of the instructions.

#### ***Council action***

The Judicial Council, effective April 27, 2007, approved the revisions and additions to the *California Civil Jury Instructions* proposed by the Advisory Committee on Civil Jury Instructions. The revisions will be officially published in a new 2007 edition of *CACI* to comply with rule 2.1050 of the California Rules of Court.

*Miscellaneous*

**Item A7 Confidential CLETS Information (adopt form DV-260/CH-102/EA-102; revoke forms DV-260 and EA-102) (Action Required)**

AOC staff recommended that the Judicial Council adopt new combined *Confidential CLETS Information* (form DV-260/CH-102/EA-102) to provide information to the courts and law enforcement about protected and restrained persons in domestic violence, civil harassment, and elder and dependent adult abuse prevention proceedings. Two other *Confidential CLETS Information* forms designed for use in domestic violence and elder and dependent adult abuse prevention proceedings should be revoked.

***Council action***

The Judicial Council, effective July 1, 2007:

1. Adopted *Confidential CLETS Information* (form DV-260/CH-102/EA-102) ; and
2. Revoked *Confidential CLETS Information* (form DV-260), and *Confidential CLETS Information* (form EA-102), the subjects of which are now included in form DV-260/CH 102/EA-102.

**Item A8 Service of Process: Free Service of Orders (revoke form CH-101/DV-290; revise forms CH-100, CH-120, CH-140, CH-150, DV-100, and DV-520-INFO) (Action Required)**

AOC staff recommended that the Judicial Council form designed to request free service of certain protective orders, restraining orders, and injunctions in civil harassment and domestic violence prevention proceedings be revoked because the form no longer accurately reflects the law. AOC staff further recommended that six forms presently used in civil harassment and domestic violence prevention proceedings be revised to improve access to the courts by explaining how persons seeking orders may obtain free service of their orders by a sheriff or marshal under current law.

***Council action***

The Judicial Council, effective July 1, 2007:

1. Revoked *Request and Order for Free Service of Restraining Order* (form CH-101/DV-290);
2. Revised *Request for Orders to Stop Harassment* (form CH-100);
3. Revised *Notice of Hearing and Temporary Restraining Order* (form CH-120);
4. Revised *Restraining Order After Hearing to Stop Harassment* (form CH-140);
5. Revised *Can A Civil Harassment Restraining Order Help Me?* (form CH-150);
6. Revised *Request for Order* (form DV-100); and
7. Revised *Get Ready for Your Hearing (for Protected Person)* (form DV-520-INFO).

**Item A9      Miscellaneous Technical Changes to the California Rules of Court and Judicial Council Forms (amend Cal. Rules of Court, rules 3.851, 3.1700, 3.1800, 5.71, 5.560, 5.720, 8.304, and 8.308; repeal rule E; revise forms ADOPT-210, ADOPT-215, APP-004, APP-007, CR-100, CR-125/JV-525, CR-160, CR-161, CR-162, EA-145/WV-145, DV-110, DV-120, DV-130, DV-160, FL-192, FL-391, FL-393, FL-575, FL-692, JV-200, JV-505, and WG-005) (Action Required)**

AOC staff recommended technical and minor substantive refinements of miscellaneous rules and forms necessary to clarify, correct inadvertent omissions, typographical errors, improper formatting, and language inconsistencies.

***Council action***

The Judicial Council, effective July 1, 2007:

1. Amended rule 3.851(b) to correct a reference in the heading;
2. Amended rules 3.7100(a)(2) and 3.1800(a)(2) to correct references to form 982(a)(6), *Request for Entry of Default (Application to Enter Default)*, which has been renumbered as form CIV-100;
3. Amended rule 5.71(a) to correct a reference to rule 376, which has been renumbered as rule 3.1362;
4. Amended rule 5.560(b)(3) to correct an inadvertent reference from “section 330” to “section 301” of the Welfare and Institutions Code, as that statute has been renumbered;
5. Amended rule 5.720(c)(14) to correct a typographical error, changing the reference in that subdivision from (b)(11) to (c)(13) to read: “The notice must include the advisement required by (c)(13)”;
6. Amended rules 8.304 and 8.308 to clarify that a request for a certificate of probable cause must be filed at the same time as the notice of appeal;
7. Repealed rule E, as it was obsolete;
8. Revised form ADOPT-210, *Adoption Agreement*, to change the signature line on page 2 to read “Signature of legal parent (sign at hearing)” instead of “Signature of adopting parent (sign at hearing)”;
9. Revised form ADOPT-215, *Adoption Order*, to combine “Address” and “Street” in item one so it reads “Street Address”;
10. Revised forms APP-004, *Civil Case Information Statement*, and APP-007, *Request for Dismissal of Appeal (Civil Case)*, to move the field for a fax number to allow sufficient space for the e-mail address field on the fillable forms;
11. Revised form CR-100, *Fingerprint Form*, to clarify that fingerprinting is required after arraignment on information or indictment and to eliminate reference to a municipal court judge;
12. Revised form CR-125/JV-525, *Order to Attend Court or Provide Documents: Subpoena/Subpoena Duces Tecum*, to correct internal cross-references, clarify the address to which documents are to be sent, and adjust formatting;

13. Revised form CR-160, *Criminal Protective Order—Domestic Violence*, to reformat the document;
14. Revised form CR-161, *Criminal Protective Order—Other Than Domestic Violence*, to correct statutory order provisions, comply with CLETS requirements for coding, and indicate the entity responsible for maintenance of the CLETS database;
15. Revised form CR-162, *Order to Surrender Firearms in Domestic Violence Case*, to comply with CLETS requirements;
16. Revise form EA-145/WV-145, *Proof of Sale or Turning in of Firearms*, to eliminate the identifier EA-145 in the name of the form;
17. Revised forms DV-110, DV-120, and DV-130 to comply both with new legislative requirements regarding firearms (Senate Bill 585) and existing legislation regarding ammunition prohibitions;
18. Revised forms DV-160, FL-192, FL-391, FL-393, FL-575, and FL-692 to incorporate the new name and numbering system for fee waiver forms;
19. Revised form JV-200, *Custody Order—Juvenile—Final Judgment*, to correct a typographical error on page 3, the “Clerk’s Certificate of Mailing” section, to reference item 14 instead of item 4;
20. Revised form JV-505, *Statement Regarding Parentage*, to reformat the document to provide a space for the child’s name and renumber the items on the form; and
21. Revised form WG-005, *Employer’s Return (Wage Garnishment)*, to eliminate two references to item 7, which no longer exists, and substitute language referring to the end of the form.

**Item A10    Miscellaneous Technical Corrections to Small Claims and Fee Waiver Forms (revise forms SC-101, SC-104C, SC-120, SC-130, SC-150, and FW-001) (Action Required)**

The Civil and Small Claims Advisory Committee recommended technical changes to several small claims and fee waiver forms to comply with statutory language, correct information, and correct typographical errors.

***Council action***

The Judicial Council, effective July 1, 2007:

1. Revised *Attorney Fee Dispute (After Arbitration)* (form SC-101), to delete two references stating that the claimant can sue based on a disagreement less than or equal to \$7,500 “if you are a natural person,” and a footnote on page 2 that defines “natural person,” because the increased jurisdictional limit for a claim involving an attorney fee dispute was not included in Code of Civil Procedure section 116.220(a)(4) cleanup legislation (Sen. Bill 2618 [Berg]; Stats. 2006, ch. 167);
2. Revised *How to Serve a Business or Public Entity (Small Claims)* (form SC-104C), to add (a) under “Landlord,” the instruction that the property manager may be served; (b) next to “check that you have the exact names of the owner

- and business” an instruction to check with the County Tax Assessor’s Office, which is the entity that maintains fictitious business name statements in at least one county; and (c) to the list of people to be served under “Corporation, Association” “treasurer, controller, chief financial officer,” all corporate officers who have been added as designated agents for service of summons under a recent amendment to Code of Civil Procedure section 416.10(b);
3. Revised *Defendant’s Claim and ORDER to Go to Small Claims Court* (form SC-120), to correct the third bullet under “Instructions for the person suing” on page 1 to indicate that each plaintiff (not defendant) must be given a court-stamped copy of the claim, which consists of three (not five) pages, and to update the “Requests for Accommodations” notice;
  4. Revised *Notice of Entry of Judgment* (form SC-130), on page 2 (item 1d), to substitute a reference from the old form number for the *Civil Subpoena Duces Tecum* to the new form number “(form SUBP-002)”;
  5. Revised *Information for the Small Claims Plaintiff* (form SC-150), to amend the page 1 footnote on various guarantors’ monetary jurisdictional limits by excepting the Registrar of the Contractors State License Board, which is now subject to the \$5,000 or \$7,500 jurisdictional limits for natural persons under legislation that amended Code of Civil Procedure section 116.220(c)(1) (Assem. Bill 2455 [Nakanishi]; Stats. 2006, ch. 150); and
  6. Revised *Application for Waiver of Court Fees and Costs* (form FW-001), to correct several typographical errors, i.e., under items 3a and 3b: “employees” should read “employer’s” and under item 5 “area” should read “are a.”

### ***Probate***

#### **Item A11 Probate: Private Professional Guardian and Conservator Qualification and Continuing Education Reports (revise forms GC-005 and GC-006) (Action Required)**

The Probate and Mental Health Advisory Committee recommended revision of forms GC-005 and GC-006 used by private professional guardians and conservators to report their qualifications for appointment and completion of continuing education required by rules 7.1010 and 7.1060 of the rules of court. These rules, and the local court statement filing requirement on which they are based, will be replaced on July 1, 2008, by a comprehensive licensing system for most professional fiduciaries, including private professional guardians and conservators. The proposed form revisions were minor, but will ease the transition to the new regulatory scheme.

#### ***Council action***

The Judicial Council, effective July 1, 2007, revised forms GC-005 and GC-006 to correspond to amendments made to rules 7.1010 and 7.1060, effective January 1, 2007, and to ease transition to the new licensure regime for private professional guardians and conservators. These forms and rules will be replaced on July 1, 2008.

**Item A12 Probate: Instructions for Starting a Probate Guardianship of the Person and for Serving Documents at the Beginning of the Case (adopt forms GC-505 and GC-510) (Action Required)**

The Probate and Mental Health Advisory Committee recommended adoption of two new instructional forms for probate guardianships, prepared in the plain-language format. Form GC-505 would explain the steps necessary to start a guardianship, including guidance on which forms to prepare and file and dates of completion. Form GC-510 would provide instructions on who must be given notice of the hearing on the guardianship petition, how they must be given notice, how to arrange for service of notice, and how to prove that proper service has been made.

***Council action***

The Judicial Council, effective July 1, 2007, adopted *Forms You Need to Ask the Court to Appoint a Guardian of the Person* (form GC-505) and *What is “Proof of Service” in a Guardianship?* (form GC-510) to provide important information and instructions and significantly increase court access for unrepresented persons seeking appointment of a guardian of the person for a child.

**Item B Child Support Commissioner and Family Law Facilitator Program: Midyear Funding Reallocation for Fiscal Year 2006–2007 (Action Required)**

The Family and Juvenile Law Advisory Committee recommended that the council approve the reallocation of non-trial court funding to local courts for the child support commissioner and family law facilitator program. The funds for this program are provided by a cooperative agreement between the California Department of Child Support Services (DCSS) and the council. Two-thirds of these funds are federal funds, and the remaining one-third is state General Fund money (non-trial court funding)

***Council action***

The Judicial Council, effective April 27, 2007:

1. Approved the reallocation for funding of child support commissioners for fiscal year 2006–2007, subject to finalization of contract amendment between the AOC and DCSS; and
2. Approved the reallocation for funding of family law facilitators for fiscal year 2006–2007, subject to finalization of contract amendments between the AOC and DCSS.

**Item C Court Facilities: Site Acquisition Approval for Fresno County—Sisk Federal Courthouse Renovation (Action Required)**

AOC staff recommended that the Judicial Council take action to (1) direct AOC staff to proceed with the acquisition of the Fresno County—Sisk Federal Courthouse, and (2) authorize the Administrative Director of the Courts, or his designee, to approve and



execute an agreement for property acquisition and related escrow instructions for the acquisition of the Sisk Federal Courthouse. Judicial Council approval is a prerequisite to the review and approval process and is required by the State Public Works Board for the acquisition of property.

***Council action***

The Judicial Council:

1. Directed AOC staff to proceed with the acquisition of the Fresno County—Sisk Federal Courthouse; and
2. Authorized the Administrative Director of the Courts, or his designee, to approve and execute an agreement for property acquisition and related escrow instructions for the acquisition of the Sisk Federal Courthouse.

**DISCUSSION AGENDA (ITEMS D–F)**

**Item D      Ralph N. Kleps Awards for 2006–2007 (Action Required)**

Mr. Michael D. Planet, Vice-chair, Kleps Awards Committee, presented this item.

The Ralph N. Kleps Awards Committee recommended approval of the recipients of the 2006–2007 Ralph N. Kleps Awards to recognize and honor the innovative contributions made by individual courts in California in the administration of justice.

***Council action***

The Judicial Council approved the following courts and programs as winners of the 2006–2007 Ralph N. Kleps Awards:

***Category 1 (courts with 2 to 10 authorized judicial positions (AJPs))***

**Superior Court of California, County of Napa**

***Help Court and Community Referral System.*** A comprehensive, easy-to-use, public access database of community services that enables the court to expeditiously refer families and individuals to those services.

***Category 2 (courts with 11 to 39 AJPs)***

**Superior Court of California, County of Butte**

***Court Clerk Career Progression Opportunity Program (3C-P-O).*** A self-directed program that allows deputy court clerks to promote to the advanced-journey level through a structured certification process.

**Superior Court of California, County of Monterey**

***Court Case Information Web Application—Justice Partner Access Web Site (JPAW).*** A case management system providing criminal case information for county justice system partners, attorneys, and the public.

***Category 3 (courts with 40-plus AJPs)***

**Superior Court of California, County of Fresno**

***ACTION (After Criminal Traffic Infraction One-Stop Network) Center.*** A centralized location providing immediate, post sentencing assistance to offenders in interpreting court orders, obtaining necessary referrals, and setting up and making payments.

**Superior Court of California, County of Los Angeles**

***JusticeCorps.*** A collaborative effort by the court, local colleges, and legal aid organizations to recruit and train 100 students to perform a year of community service by assisting self-represented litigants through the legal process in unlawful detainer, family law, and small claims cases.

***Category 4 (appellate courts)***

**Court of Appeal, Second Appellate District**

***Judicial Extern Program.*** A comprehensive education program that benefits both the court and the externs by providing intensive background about trial and appellate court proceedings.

***Category 5 (collaborative projects)***

**Superior Courts of California, Counties of Butte and Glenn**

***Collaborative Information Services (IS) Project.*** An intercounty information services collaboration that allows a small court access to the technical resources and support of a large court.

**Superior Courts of California, Counties of Lassen, Modoc, Plumas, and Sierra**

***Four-Court Regional Appellate Division.*** An appellate division created from the merger of four courts that provides improved efficiency in processing and hearing limited jurisdiction cases, misdemeanor infractions, and traffic court appeals.

**Superior Courts of California, Counties of Santa Clara, Santa Cruz, San Benito, and Monterey**

***Regional Court and Library Partnership.*** A collaboration among the superior courts and public libraries in the four counties to help librarians better serve the public by training librarians in the use of courts' Web sites and other online legal resources and educating them about the availability of self-help programs and family law facilitators.

## **Item E      Trial Court Funding Priorities for Fiscal Year 2007–2008**

Mr. Stephen H. Nash, Director, AOC Finance Division, presented this item with the participation of Ms. Vicki Muzny, Finance Division.

AOC Staff and the Trial Court Budget Working Group recommended trial court funding priorities for FY 2007–2008. Once approved, AOC staff will gather information from the courts on their funding needs in identified areas. After the 2007 Budget Act is enacted and the amount of funding available for the trial courts based on the State Appropriations Limit (SAL) percentage rate adjustment is known, AOC staff and the council’s Trial Court Budget Working Group will develop recommendations for allocation of funds to be presented to the council at its August 2007 business meeting.

### ***Council action***

The Judicial Council:

1. Approved the following statewide funding priorities for trial courts as part of the overall statewide SAL funding adjustment for FY 2007–2008:
  - Staffing and operating costs for new and transferring facilities to be opened during the period July 1, 2007, through September 20, 2008;
  - Access to justice; and
  - Additional staffing resources for conservatorship requirements.
2. Directed staff to collect information from the trial courts to develop specific proposals and determine proposed allocation levels for these priority areas, to work with the Trial Court Budget Working Group once the final FY 2007–2008 SAL percentage rate is known, and to provide recommendations to the council on what can be accomplished in these priority areas, based on the projected funding to be available through the SAL adjustment.

### **Special Order of Business: Recognizing Mr. William C. Vickrey’s 15th Anniversary as Administrative Director of the Courts**

Chief Justice Ronald M. George and Mr. Ronald G. Overholt offered remarks recognizing April 27, 2007, as Mr. Vickrey’s 15th anniversary as Administrative Director of the Courts.

Chief Justice George praised Mr. Vickrey’s many accomplishments and his dedication and inspired leadership. Chief Justice George acknowledged that Mr. Vickrey’s expertise and advice are sought out, not only by California state court administrators, but also by national judicial leaders and organizations such as the National Center for State Courts. Mr. Overholt further acknowledged Mr. Vickrey’s openness to making improvements in the court system and his willingness to envision creative solutions to accomplish reforms despite concerns over limited funding or resources.

Chief Justice George presented Mr. Vickrey with a plaque commemorating Mr. Vickrey's 15 years of visionary leadership dedicated to enhancing equal access to justice for the people of California.

**Item F            Court Facilities Planning: Update to Trial Court Capital-Outlay Plan and Fiscal Year 2008–2009 Capital-Outlay Funding Requests**

Ms. Kim Davis, Director, Office of Court Construction and Management, and Ms. Kelly Quinn Popejoy, Office of Court Construction and Management, presented this item.

AOC staff recommend adoption of the updated Trial Court Capital-Outlay Plan, incorporating revisions based on (1) the passage of Senate Bill 10, resulting in updated project scores and revised project priority groups; (2) the reevaluation of two capital-outlay projects due to the construction of new courthouses to be completed in 2007; (3) the update to the project budgets to distinguish current need from future growth; and (4) the removal of six projects for various identified reasons. The updated plan will then be incorporated into the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2008–2009. AOC staff recommend that staff be directed to submit the five-year plan to the state Department of Finance, along with FY 2008–2009 funding requests for land acquisition for future expansion to the existing Court of Appeal, Fourth Appellate District, courthouse in Riverside, initial funding for four new trial court facilities, and initial funding for any new trial court project not included in the final fiscal year 2007–2008 budget.

***Council action***

The Judicial Council:

1. Adopted the updated Trial Court Capital-Outlay Plan based on collaboration with the counties on the evaluation of projects due to the enactment of SB 10, the reevaluation of two capital-outlay projects due to the construction of new courthouses to be completed in 2007, the removal of six projects for various reasons, and an update to project budgets to distinguish current needs from future growth;
2. Directed AOC staff to submit FY 2008–2009 funding requests to the Department of Finance for land acquisition for future expansion of the appellate courthouse for the Court of Appeal, Fourth Appellate District, in Riverside; initial funding for four new trial court projects; and resubmission of any new appellate and trial court capital-outlay project that is not funded in the final FY 2007–2008 budget; and
3. Directed AOC staff to present the updated Trial Court Capital-Outlay Plan and the FY 2008–2009 funding requests for appellate and trial courts in the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2008–2009 and then submit the plan to the Department of Finance.

**There have been no Circulating Orders since the last business meeting.**

**There have been no Judicial Council Appointment Orders since the last business meeting.**

**Annual Report of Special Funds Expenditures for Fiscal Year 2005–2006**  
(Mandated Legislative Report for Information Only)

**Education and Reporting Requirements Under Welfare and Institutions Code Section 304.7—Legislative Report Transmittal Letter**  
(Mandated Legislative Report for Information Only)

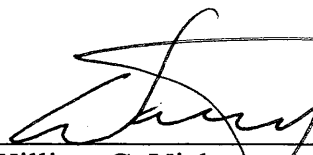
**Amendment of Appendix B to the California Rules of Court**

Civil Code section 1714.1(c) requires the Judicial Council to compute, adjust, and publish every two years the liability limit of a parent or guardian for the willful misconduct of a minor. The Judicial Council has authorized the Administrative Director of the Courts to make the adjustment.

(For Information Only)

There being no further public business, the meeting was adjourned at 11:53 a.m.

Respectfully submitted,



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William C. Vickrey  
Administrative Director of the Courts and  
Secretary of the Judicial Council



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

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**Date**

April 27, 2007

**Action Requested**

For Your Information Only

**To**

Members of the Judicial Council

**Deadline**

N/A

**From**

William C. Vickrey  
Administrative Director of the Courts

**Contact**

William C. Vickrey  
415-865-4235 phone  
415-865-4244 fax  
william.vickrey@jud.ca.gov

**Subject**

Report from the Administrative Director of  
the Courts

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The following information highlights some of the many activities that have taken place during the past two months to further the council's goals and agenda for the judicial branch. Please note that this memorandum follows a different format than previous Administrative Director's reports. The first four pages consist of a summary section, which is then followed by more detailed information. Page references to the more detailed information are provided in the summary section.

## SUMMARY

(Page numbers next to the segment headings reference more detailed information)

### Legislation

**Recent Action on Corrections Reform (Page 6)** The Legislature today approved and sent to the Governor AB 900 to address California's prison overcrowding crisis.

**State (page 6)** Current key council-sponsored legislative priorities include new judgeships, facilities, and JRS II (Judges' Retirement System).

**Bench-Bar Coalition (page 9)** The BBC is scheduled to meet with legislative leadership in Sacramento on Wednesday, May 23 to discuss key legislative and budget priorities for the judicial branch, including new judgeships, judicial budget issues (including SAL funding for legal services and for court facilities), and JRS II.

**National (page 10)** As a member of the National Center for State Courts Government Affairs Committee, we met this month focusing on federal legislation which addresses issues involving funding for state courts (e.g., interpreters, security), federalism, and the implications for the state courts resulting from fair trade agreements. A copy of the report is attached.

### Budget

**Current Status (page 10)** The initial round of budget hearings has been completed and additional hearings will be scheduled after the May Revise.

**Court Security Funding (page 11)** A pressing issue is resolving the ongoing funding shortage for court security. Representatives from all key stakeholder groups have met and proposed a plan that would not only address current shortfalls but also the long-term needs in providing adequate court security.

**Allocation of State Appropriation Limit (SAL) (Page 11)** Adjustment for the trial courts – While SAL funding is intended to provide the Judicial Branch stable funding that can be allocated based upon the needs and priorities of the courts, the Legislature may seek to direct how the SAL increase is allocated to courts.

### Infrastructure Initiatives

**Technology (page 12)** All of the enterprise infrastructure initiatives are proceeding apace. CCMS has been successfully installed in many courts, and these courts are already experiencing several benefits from this system. We continue to improve, enhance, and develop the business case model for CCMS, which will then be applied to the other technology initiatives.

**Facilities (page 14)** Court transfers are progressing very well. Currently, 49 facilities have been transferred or are part of executed transfer agreements. All five facilities of the Superior Court of Madera County will be transferred on May 1.

## **Judicial Council Activities**

### **Planning (page 15)**

*Judicial Council Strategic Plan* The current version of the Judicial Council's strategic plan is now available in a new professionally printed format and has been sent to judicial branch leaders.

*Branchwide Operational Planning* Advisory committees, task forces, and AOC divisions are engaged in drafting proposed objectives and outcomes for the council to consider.

*Trial Court Planning* Trial courts are engaged in submitting local strategic plans to the Trial Court Planning Web site.

### **Advisory Committee and Task Force Meetings (page 15)**

The following committees recently held meetings:

- *Court Executives Advisory Committee*
- *Trial Court Presiding Judges Advisory Committee's Executive Committee*
- *Governing Committee of the Center for Judicial Education and Research*
- *Trial Court Budget Working Group*
- *Domestic Violence Practice and Procedure Task Force*
- *Court Technology Advisory Committee*
- *State Judicia--Child Support Task Force to be considered*
- *Court Interpreters Advisory Panel*
- *Traffic Advisory Committee*

### **Local Court Site Visits (page 17)**

In March, nine Judicial Council members participated in two site visits to courts.

### **Kleps Awards (page 17)**

The Kleps Awards Committee has completed its site visits and assessments for the 2007 Kleps Awards.

### **California Selected for a National Criminal Justice Project (page 18)**

The Council of State Governments (CSG) Justice Center has awarded California, through a competitive submission by the Judicial Council, to participate in a national project regarding



services designed to assist state judicial leaders in improving services for people with mental illnesses in the criminal justice system.

### **Administrative Office of the Courts Updates**

#### **Two Leadership Transitions in the Finance Division (page 19)**

Two major transitions have occurred in the AOC Finance Division. Tina Hansen has requested an opportunity to transition to a new direction and has accepted a one-year position as an Executive Consultant, effective April 2, to work on several high-priority projects for the Judicial Council.

Stephen Nash, who has been Acting Director during Tina's leave, has been appointed to the position of Director of Finance, effective April 2.

#### **Communications and Media Outreach (page 20)**

The first organizational meeting of the Statewide Bench Bar Media Committee is to take place on May 11.

The first statewide meeting for California Public Information Officers is to take place on June 18.

#### **Sentencing Reform Update (page 20)**

The Criminal Law Advisory Committee has been working on revising the rules of court regarding felony sentencing to comply with recent legislation (SB 40) and the United States Supreme Court opinion in *Cunningham v. California*.

#### **Court Research (page 20)**

Several projects and initiatives have made significant progress in this area.

#### **Branchwide Professional Excellence/Education (page 22)**

The CJER Governing Committee has posted an updated version of *Guidelines for Implementation of Rules 10.451-10.471* on the Serranus Web site.

Forms are being developed for judges to record and report their participation in continuing education.

The Director of the Education Division/CJER is collaborating with the NCSC and three western states to develop multistate regional programs for CEOs and key court managers. Numerous educational events took place.

Numerous educational events took place during this time, including programs in judicial ethics, science and the law, civil and criminal law, juvenile and family law, as well as programs for court staff, assigned judges, and the annual ADA/Access Coordinators Conference. Nearly 50 new judges completed New Judge Orientation.

The AOC will hold its statewide teacher training institute at California State University San Marcos, bringing teacher-leaders from around the state to a two-day institute in August to review and develop law-related education programs and curricula.

Over the past two years, we have been developing partnerships with several institutions of higher learning. We now have promising relationships with the University of California, the California State University system, as well as with several community colleges.

## Legislation

### Recent Action on Corrections Reform

The Legislature today approved and sent to the Governor AB 900 (Solorio) to address California's prison overcrowding crisis. AB 900, as amended April 26, 2007, authorizes up to 40,000 new state prison beds, contingent upon significant program enhancements designed to reduce recidivism. In summary, the bill adds 53,000 beds (40,000 for state prisons, and 13,000 for county jails), to be constructed in two phases. The bill also authorizes the out-of-state transfer of 8,000 current prison inmates. Phase I construction will be funded by \$3.6 billion in lease-revenue bond financing for 24,000 state prison beds; Phase II construction will be funded with \$2.5 billion in lease-revenue bond financing for 16,000 state prison beds, contingent on CDCR having met specific benchmarks including having achieved a certain amount of construction progress, and demonstrating improvements in rehabilitation programs. The bill also requires local matches of 25% (approximately \$300 million) of \$1.2 billion in lease revenue bonds for local jails, and additional funding of \$350 million General Fund (\$300 million for infrastructure, \$50 million for rehabilitation). The bill is an urgency measure, and will take effect immediately upon signing.

### Judicial Council-Sponsored Bills<sup>1</sup>

This section summarizes the current legislation that is being supported and/or sponsored by the Judicial Council. The current key legislative priorities include new judgeships, facilities, funding for the probate conservatorship legislation (\$17 million), and JRS II (Judges' Retirement System).

**New judgeships** Assembly Bill 159 (Jones) would enact the next 50 of the council's proposal to add 150 new judges to the trial courts. This bill also addresses the critical shortfall of judicial resources in the trial courts. AB 159 has been placed on the Assembly Appropriations Committee's Suspense File with all legislation with a fiscal impact. The budget request related to new judgeships has not yet been acted on by the Legislature's budget committees.

**Facilities** Senate Bill 145 (Corbett) would extend the deadline to transfer court facilities to the state from June 30, 2007 to December 31, 2008. This extension is critical to implementing a true statewide trial court facilities program. Senator Corbett has also created a court-county working group to discuss potential improvements to the transfer process. SB 145 is the vehicle for any statutory changes agreed to by the working group. SB 145 has passed out of the Senate and is awaiting a hearing in the Assembly Judiciary Committee.

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<sup>1</sup> A copy of Judicial Council sponsored legislation is attached.

**JRS II** This proposal would modify the JRS II retirement formula to allow judges to receive a defined-benefit pension if they have served for at least 10 years and have reached age 63. This change is necessary for the judicial branch to attract and retain the highest caliber judges from ethnically and racially diverse backgrounds and a wide array of public- and private-sector legal practices. The legislation has been reviewed by the Senate Budget Subcommittee, and the Assembly Budget Subcommittee will review the proposal on May 2. The Legislature has not yet taken action on the proposal to date.

Following is the list of current/pending legislation:

**AB 159 (Jones) New judgeships**

As amended March 22, 2007

Creates 50 new superior court judgeships in fiscal year 2007–2008, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of 162 eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.

**Status:** Assembly Appropriations Committee

**SB 145 (Corbett) Court facilities transfer deadline**

As amended February 27, 2007

Extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007, to December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor.

**Status:** Assembly; awaiting referral

**AB 227 (Beall)**

Codifies changes to the maintenance of effort (MOE) payments made by counties to the state for trial court funding. Changes are consistent with negotiated buyouts related to undesignated fees and AB 233 fees buyouts.

**Status:** Assembly Floor; proposed consent

**AB 367 (De León) Court-ordered debts**

Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, traffic, and bicycle violations.

**AB 467 (Feuer) Fee waiver**

Revises and recasts provisions for court fee waivers for indigent litigants. Clarifies required application processing procedures. Requires recovery of fees in specified cases and provides procedures for reconsideration of fee waivers during the pendency of the case.

**Status:** Assembly Judiciary Committee

**AB 926 (Evans) Civil discovery**

Amends discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection.

**Status:** Assembly Judiciary Committee

**AB 1248 (Evans) Courts**

Among other things, makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, and removes the cap on habeas investigations costs paid by the Supreme Court.

**Status:** Assembly Appropriations Committee

**AB 1464 (Benoit) Vehicles: preclusion of vehicle registration and issuance of arrest warrant**

Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense.

**Status:** Assembly Public Safety Committee

Other bills of interest:

**AB 163 (Mendoza) Trial courts: limited-term employees**

As introduced, would have prohibited the Superior Court of Los Angeles County from employing any limited-term law clerk for more than 180 days. Provides that any limited-term law clerk employed for more than 180 calendar days become a regular employee.

**Status:** Judicial Council opposed the bill as introduced. Amended on March 28, 2007, to address another subject; no longer affects trial courts. Judicial Council opposed AB 163 as introduced.

**AB 276 (Solorio) Trial courts: limited-term employees**

As introduced, provided that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court.

**Status:** Amended on March 15, 2007, to delete substantive provisions. Judicial Council opposed AB 276 as introduced.

**AB 758 (Plescia) Vehicles: traffic violator schools: regulation**

Requires DMV to license home study traffic schools, and to adopt rules and regulations to implement the licensing program.

**Status:** Assembly Appropriations Committee. Judicial Council supports AB 758; it will relieve courts of an inappropriate regulatory responsibility.

**AB 1340 (Jones) Safe and Secure Court Facility Bond Act of 2008**

Authorizes a November 2008 ballot measure for the issuance of \$2 billion in bonds for the acquisition, design, construction, or renovation of court facilities.

**Status:** Assembly Judiciary Committee. The Assembly has indicated that it does not intend to move bond bills in 2007.

**AB 1557 (Feuer) Jury selection: peremptory challenges**

Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.

**Status:** Assembly Public Safety Committee. The Judicial Council supports AB 1557; it is sponsored by CJA.

**AB 1726 (Committee on Judiciary) Evidence: court interpreters**

Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Requires that unless a party has notified the court that he or she has made arrangements for a private interpreter, the court shall provide the interpreter. Specifies a priority order for when an interpreter will be provided if there are insufficient interpreters or funding available. Limits funding provided for this purpose to \$10 million.

**Status:** Assembly Judiciary Committee. The Judicial Council supports AB 1726 in concept, contingent on funding and workability. Negotiations are ongoing and the bill is anticipated to be significantly narrowed.

**SB 396 (Ridley-Thomas) – Dispute Resolution**

Requires the Judicial Council to establish a Commission on Civil Fees in the Courts.

**Status:** Senate Appropriations Committee. The Judicial Council is cosponsor of the bill.

**Bench-Bar Coalition**

The Bench-Bar Coalition (BBC) is scheduled to meet with key legislative leadership in Sacramento on Wednesday May 23. During that day representatives from the bench, bar, and legal services community will meet with legislators to discuss key legislative and budget priorities for the judicial branch. The three key focus areas include new judgeship bills, judicial budget issues (including SAL, funding for legal services, and funding for court facilities), and JRS II. This is a more focused event than previous visits to the Legislature in that we are meeting with specific fiscal and policy legislators, such as the chairs of key policy and fiscal committees including Judiciary, Public Safety, and Appropriations. Legislators from the Republican leadership will also participate.

The AOC is also progressing on its Day on the Bench (DOTB) program. This program enables legislators to visit a court in his or her district to see first hand what the issues

and concerns are in that court. DOTB is co-sponsored by the CJA, which works closely with the AOC in administering the program and arranging the visits.

*Background of the BBC.* The BBC, founded in 1993 under the leadership of the California Association of Local Bars (CALB), the State Bar of California, and the Judicial Council, enhances communication and coordinates the activities of the judicial community with the state, local, and specialty bars on issues of common interest—particularly in the legislative arena. Among the benefits derived from the coalition has been the development of strong working relationships and better communication between the judiciary and members of the bar, as well as enhanced advocacy efforts with the Legislature. The bar has kept the coalition informed about issues important to the Commission on Equal Access to Justice and the State Bar. BBC membership includes judges and the presidents, past presidents, presidents-elect, executive directors, or other person(s) designated by the president, of a state, local, minority or specialty bar association, legal services organization, or statewide organization dedicated to improving the justice system. The BBC is currently cochaired by Miriam Krinsky, executive director of the Children's Law Center of Los Angeles, and Anthony Capozzi of Capozzi Law Offices, Fresno, immediate past president of the State Bar of California.

#### **National**

The National Center for State Courts recently distributed its Monthly Government Affairs Committee Report which lists federal legislation that impacts federal and state court systems.<sup>2</sup> Legislation of note includes bills that deal with funding state court interpreter programs, funding for court security, increasing funding for drug courts, and assessing appropriations for programs and initiatives from the Department of Homeland Security (e.g., technology security and disaster recovery).

## **Judicial Branch Budget**

#### **Budget Update**

One round of budget hearings has been completed with many of the key items left open. The Assembly Budget Subcommittee No. 4 will meet on May 2 to discuss the JRS II legislative proposal; it is unlikely that they will take action. Additional hearings will be held after the Governor releases the May Revise on May 14.

As previously discussed in the Legislation section above, the key budget priorities for the Judicial Council include funding 50 new judgeships, JRS II revision, facility transfer funding (discussed in the following section under Facilities), and continuing SAL funding for the trial courts.

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<sup>2</sup> A copy of the report is attached for your review.

### **Court Security Funding**

Of particular concern is the ongoing and increasing court security deficits across the state and the difficulties associated with addressing and resolving these issues. The growth in court security costs is a constant challenge for the courts and the sheriffs statewide because the overall percentage increase in costs for providing security has historically been higher than the percentage increase in the SAL. One consequence of this outpacing of actual costs is that many courts are not fully funded for even the minimal level of service. The courts have very little, if any, control over these increases because many of the increased costs (e.g., sheriff salaries and benefits) are determined at the county level and the courts are not included in those discussions. To further complicate this situation, the courts have had difficulty in obtaining complete and accurate information regarding the nature and cost of these increases that are included in the MOU we have with the sheriffs.

This past year, the difficulty of ascertaining complete and accurate security costs delayed the finalization of security funding allocations for the courts. The Judicial Council approved an allocation of security funding at the October 2006 meeting, but many specific court allocations were not confirmed and finalized until January and February 2007. This delay diminished the ability of courts to implement actions necessary to absorb costs that exceeded their allocation, thus leading to the need for an allocation of one-time funding for ten courts in the current fiscal year so they could address the excess security costs.<sup>3</sup>

### **Actions We Are Taking to Address This Situation**

We have held several meetings with representatives from the sheriffs (including union representatives) and our court security working group to collaboratively develop an approach to not only correct these immediate shortfalls in security funding, but also to improve the long-term situation. Consequently, a joint proposal was developed that would fund the current shortfall, fund all courts at the minimum standard, make security a separate line item, limit state responsibility for salary increases to the CPI plus 3 percent, and finally, restore statutory language that would permit budget requests to address costs in excess of the SAL rate when the costs result from mandatory increases from local government or from new policies or programs. We then held several individual meetings with the Department of Finance and most recently one joint meeting with the sheriffs, our security committee, and with the Department of Finance to present this proposal.

Finally, we are streamlining the security cost survey process for FY 2007–2008 to make it easier to understand and comply with so that the data can be more easily compiled and verified, with the result being that the development of security funding allocations for fiscal year 2007 – 2008 should be more timely and efficient for the next fiscal year. We

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<sup>3</sup> Please see CO-07-02, which was distributed to the Judicial Council on January 30, 2007.



are scheduling several trainings this spring for sheriff and court personnel involved with preparing and submitting the cost data to ensure that AOC staff will have complete and accurate data for the purpose of allocation development.

The overall goal of this process is to enable all of the key stakeholders to be more accountable for security costs, more effectively engaged in the process by which these costs are funded, and more responsible for implementing appropriate cost controls. Ultimately this will have the benefit of strengthening the MOU we have with the sheriffs that defines how court security is to be provided.

## Infrastructure Initiatives

### Technology

#### **California Court Case Management Systems (CCMS)**

CCMS has three components, V2, which is criminal and traffic; V3, which is civil, probate, small claims, and mental health; and V4, which is family and juvenile law plus the integration of V2 and V3. The lead courts for CCMS continue the implementation of new case types and court locations of the CCMS-V3 product. In March 2007, the Ventura court implemented both the small claims and probate case types and San Diego added the Central Justice Center to the list of locations using the civil case type. Release 6 of CCMS-V3, which will add the functionality for mental health case types, will be available in July 2007. A cross-functional team of court representatives, AOC staff, and the CCMS vendor met April 4-5, 2007, in order to finalize the requirements for CCMS-V4. The development phase for CCMS-V4 will begin in July.

**CCMS Integrated Contract** A negotiation team that includes representatives from AOC IS, CCMS Regional Project Office, and CEOs from Orange and San Diego Counties is working on an agreement that will give a comprehensive price for the three major components of the CCMS project: CCMS-V4 development, a baseline deployment package for each county, and maintenance and support of all CCMS products. This is part of a larger effort to refine, enhance, and further develop the business case for the CCMS project that will stabilize the funding process for both the courts and the AOC. Ultimately, this business model will be applied to all judicial branch enterprise technology initiatives.

**V2 Status-** The CCMS-V2 criminal and traffic case types were deployed in Fresno last year. Shortly after the product was installed, Fresno began to experience performance issues. Currently, work continues to enhance the performance and add functionality to the application and ensure that the product is stable and ready to deploy to additional courts. Once the technical and stability issues have been resolved, four additional courts (San Luis Obispo, Sonoma, Solano, and Plumas) will re-engage preparations for deployments during 2007 or early 2008.

**Reactions and Observations to CCMS** Several courts have provided us with input and feedback on CCMS and its installation. While analyzing their current processes, they found that operations were heavily influenced by how information is captured and stored in their current case management systems. The courts also gained great insight into the best practices of other courts during the CCMS deployment and installation process and are consequently leveraging that insight to update their business processes to work as efficiently as possible with CCMS. This has resulted in increased efficiencies, and reduced data entry backlogs and processing queues. CCMS has also increased functionality in many of the courts by providing them with more sophisticated tools, such as Web-based forms, electronic access to court information, and enhanced reporting features.

#### **Phoenix Financial and Human Resources Systems**

In April 2007, Lassen, Mariposa, and Sierra courts became the 41st, 42nd, and 43rd California courts to go live on the Phoenix Financial accounting application. Thirteen more courts are scheduled to implement the financial system in FY 2007–2008. Project completion, and implementation of the remaining two courts, is scheduled for FY 2008–2009. Rollout of the human resources system remains on hold to allow time to adjust the deployment strategy based on lessons learned from the first six trial court implementations. The intention is to begin rollout of the next courts in early 2008 with projected completion in FY 2010–2011.

#### **Enhanced Collections**

Based on midyear collection reports, courts continue to increase compliance with the program components required by Penal Code section 1463.007, that allows them to recover their costs of collections. \$3.59 million has been granted to courts from the Comprehensive Collection Program Awards, and over \$1.25 million has been awarded so far to assist court collection programs.

#### **Supreme Court Court-Appointed Counsel System (SCACS)**

Completion of phase two of the Supreme Court-Appointed Counsel System in April enables Supreme Court staff to process all payment request types for court-appointed counsel for capital cases. The next phase, scheduled in FY 2007–2008 includes extensive management reporting and CAP/SF payment requests and quarterly reporting.

### **Appellate Court Case Management System (ACCMS)**

ACCMS was rolled out to two additional Courts of Appeal in early 2007 (the First and Third Divisions of the Fourth Appellate District join the First, Fifth, and Sixth Appellate Districts). ACCMS replaces the two case management systems previously used by the Courts of Appeal and the Supreme Court. The ACCMS rollout to the remaining Courts of Appeal (Division Two of the Fourth Appellate District and the Third and Second Appellate Districts) and the Supreme Court is scheduled to be completed in 2007.

### **Telecommunications Update**

The Ventura Court telecommunications update was completed, the second largest implementation to date. (Riverside is the largest implementation to date). Ventura has completely separated from the county network and has a new owned and operated Local Area Network and Wide Area Network. Coinciding with completion of the project was implementation of CCMS V3 and the Phoenix Financial System. The AOC Information Services Division worked with Ventura to bench-test the network requirements for this combined use of applications hosted in the California Courts Technology Center—the results of which will inform the next level of networking standards.

### **Web Services**

New information on the California Courts public Web site features mediation as an alternative dispute resolution option and coincides with the promotion of Mediation Week. The section consists of 4–5 new pages and a Judicial Council resolution, a link to audiocasts from Judicial Council meetings, a list of events, and links to local court mediation programs. <http://www.courtinfo.ca.gov/programs/adr/>

## **Facilities**

**Current Transfers** To date, 49 facilities have been transferred or are part of executed transfer agreements. This includes the complete transfer of facilities in the Superior Courts of Mariposa and Plumas Counties, as well as facilities located in 16 other superior courts. The five facilities of the Superior Court of Madera County will be transferred on May 1. We have met with both superior court representatives and county government representatives regarding the transfer of facilities in Alameda, Los Angeles, San Diego, and San Bernardino Counties and have reached a conceptual understanding with each county to transfer all the facilities.

**Funding to Acquire Properties** Seven projects have been recommended for approval by the Department of Finance for funding to acquire property for the Superior Courts of Calaveras, Lassen, Madera, Riverside, San Bernardino, San Joaquin, and Tulare Counties. For Los Angeles, the Department of Finance has also recommended for approval an equity buyout of the county's interest in the court's buildings.

**Alternate Funding Models** Pursuant to our efforts in exploring more effective and flexible funding and delivery models, we have engaged in discussions with several advisory firms to

understand their experience in structuring these transactions. We are now beginning to prepare a request for a proposal for these services. The initial subject for this approach would be the Los Angeles–Long Beach capital project.

**Status of Bond Measure** We have been informed that it is likely that the Legislature will not address or proceed with the proposed court facility bond measure this year. We will continue to advocate for the Legislature to address it this year, but if not, we are hopeful that the Legislature will take up this measure early next year.

## Judicial Council Activities

### Planning

*Justice in Focus: the Strategic Plan for California's Judicial Branch, 2006–2012*, is now available in a professionally printed format. This new version has been sent to all California justices, judges, executive officers, and other judicial branch leaders. The professional print version is also available online at:

[http://www.courtinfo.ca.gov/reference/documents/strategic\\_plan\\_2006-2012-full.pdf](http://www.courtinfo.ca.gov/reference/documents/strategic_plan_2006-2012-full.pdf).

**Branchwide Operational Planning** Judicial Council advisory committees, task forces, and AOC division planning teams are engaged in drafting proposed objectives and desired outcomes for possible inclusion in the branchwide operational plan for California's judicial branch, 2007–2010. Online and on-site operational plan training sessions have been conducted to assist these groups with this work. The due date for initial submissions was April 18, 2007. Stakeholder input will be used to create a draft one operational plan for the council's review and revision in June.

**Trial Court Planning** Trial courts are engaged in submitting local strategic plans on the Serranus Trial Court Planning Web site. The Web site will be open for this purpose through April 30, and will reopen for additional revisions and submissions on September 1, 2007.

### Committee Meetings and Task Force Meetings

**Court Executives Advisory Committee** In its March meeting, topics on the agenda included a review of: (1) draft Rules of Court for trial court Self-Help Center Management, (2) Traffic Advisory Committee Draft Legislative Proposals including proposed amendment to Vehicle Code Section 42006 to allow an assessment for court sessions for traffic cases on weekends, proposed amendment to Vehicle Code Section 11205 regarding court assistance program (CAP) fee, and proposal for Installment Payment of Bail Forfeiture and Traffic Violator School Fees for Traffic Infractions. All proposals were supported as stated by

CEAC, (3) update of cost calculation methods to be included in the Trial Court Capital Outlay plan, and (4) overview of model juror summons project.

**Trial Court Presiding Judges Advisory Committee's Executive Committee** In its March meeting, topics on the agenda included a review of (1) proposed amendments to rule 4.115 of the California Rules of Court for criminal trial calendaring and continuances for requests to change the trial date and continue criminal proceedings, (2) update of cost calculation methods to be included in the Trial Court Capital Outlay plan, and (3) draft rules of court for trial court Self-Help Center Management.

**Governing Committee of the Center for Judicial Education and Research (CJER)**

Per Judicial Council directive, the committee has created recommendations for new rules that would establish minimum continuing education requirements for Supreme Court and Court of Appeal justices, clerk/administrators, managers, supervisors, and other personnel; formalize minimum orientation and continuing education requirements for AOC executives, managers, supervisors, and other employees; and incorporate relevant key provisions regarding education from the Standards of Judicial Administration. The invitation to comment on the proposed rules of court extends through May 2. The CJER Governing Committee will review comments and finalize recommendations during a May 8 meeting in San Francisco. The committee plans to submit recommendations to the Judicial Council for the August 2007 meeting.

**Trial Court Budget Working Group** The budget working group met in March to discuss recommendations on statewide funding priorities for the trial courts. Input was received from the courts, justice system partners, employee bargaining units, as well as the public and considered during the group's deliberations. Recommendations will be presented to the council at its April business meeting.

**Domestic Violence Practice and Procedure Task Force** The task force conducted two public hearings to obtain comment on its draft guidelines and recommended practices in domestic violence cases issued in January 2007. The initial hearing was conducted in Los Angeles on March 14, 2007, and the second hearing was in San Francisco on March 21, 2007. Featured speakers included Presiding Judges David Ballati (San Francisco), J. Stephen Czuleger (Los Angeles), Nancy Weiben Stock (Orange), and Colleen Toy White (Ventura). Other participating judges were Judges Becky L. Dugan (Riverside), Mary Carolyn Morgan (San Francisco), and Philip H. Pennypacker (Santa Clara). Presenters included experts in the field of domestic violence, including attorneys, law enforcement officers, probation officers, organizational leaders, community-based advocates, and members of the public. The hearings yielded a rich array of opinions and suggestions for improving the draft proposals. Transcripts of the hearings and an audio tape of the proceedings are posted on the judicial branch Web site.

**Court Technology Advisory Committee** The Court Technology Advisory Committee and the Appellate Advisory Committee have partnered to develop rules of court to address electronic filing, service, and access at the appellate level. At the request of CTAC Chair Justice Ming W. Chin, Justice Joanne C. Parrilli of the First Appellate District and former chair of CTAC is chairing a workgroup formed of justices and clerks from all appellate districts and the Supreme Court to draft rules that will enter the rules cycle in 2008 and go into effect in 2009. Concurrently, AOC Information Services staff are assessing processes to adapt the Appellate Court Case Management System and other applications to enable electronic filing. A short-term project is under way to allow attorneys to submit electronically the courtesy copies of appellate briefs served on the Supreme Court.

**State Judicial-Child Support Task Force to Be Considered** Commissioner Margot Bean of the HHS's Office of Child Support Enforcement has asked California to form a State Judicial-Child Support Task Force modeled after the national model. Diane Nunn, Director of the AOC's Center for Families, Children & the Courts, has been in touch with California's Department of Child Support Services about scheduling an initial meeting to discuss this possibility. We invited representatives from the Office of Child Support Enforcement and Region IX to attend this meeting as well.

**Court Interpreters Advisory Panel** Met on April 12, 2007, by teleconference to discuss its contributions to the 2007-2010 Operational Plan.

**Traffic Advisory Committee Meeting** At its meeting on March 2, the Traffic Advisory Committee discussed three legislative proposals to improve administration and adjudication of traffic cases by amending the Vehicle Code. The committee voted to recommend Judicial Council sponsorship of proposals to amend the Vehicle Code to (1) allow courts to charge a fee for daytime weekend court sessions, (2) allow court clerks to accept installment payments of bail forfeiture or a traffic violator school fee for infraction violations, and (3) allow courts to collect a fee for processing and monitoring traffic violator school attendance without using a nonprofit court assistance program.

### **Court Site Visits**

On March 27-28, 2007, nine Judicial Council members visited the Superior Courts of Alameda and Contra Costa Counties as part of the council's site visit program. The purpose of the program is to reinforce the communication between the local courts and the council, and reflect a dedicated, interactive, and accessible Judicial Council. The site visit participants toured facilities and had an opportunity to discuss issues of local concerns with the bench. A full report will be made to the council at a later meeting.

### **Kleps Awards**

Members of the Kleps Awards Committee completed site visits and assessments for the applicant programs for the 2007 Kleps Awards. The committee's recommendations for awards are included in the council's meeting binder.

### **California Selected for a National Project**

On April 2, 2007 the Council of State Governments (CSG) Justice Center announced that the Judicial Council of California has been selected to participate in a national project, the Chief Justices' Criminal Justice and Mental Health Leadership Initiative, which is designed to assist state judicial leaders in their efforts to improve responses to people with mental illnesses in the criminal justice system.

The CSG Justice Center solicited applications from chief justices across the country interested in establishing a statewide task force on criminal justice/mental health issues. Twenty-three states submitted applications for the initiative, from which seven were selected. As part of the initiative, the task forces will receive technical assistance, access to leading national experts, and a small amount of funding support. The Justice Center will also convene a two-day national policy forum for the seven states in the spring. Ohio Supreme Court Justice Evelyn Stratton, cochair of the advisory board that reviewed the applications, congratulated leaders in California: "The application process was very competitive. The states selected had to demonstrate that they had engaged legislative and executive branch leaders, and that their task force had the potential to yield a viable, comprehensive plan. California clearly demonstrated the broad base of leadership necessary to make the plan successful, and we look forward to working with the state in the upcoming year."

California's Council on Mentally Ill Offenders has estimated that between 12 and 20 percent of incarcerated persons in California suffer from some degree of mental illness. At the national level, a U.S. Bureau of Justice Statistics report found that half of all prisoners have mental illness, defined by a history of mental illness, symptoms of mental illness, or both history and symptoms. This report was based on a 2004 census of all state jails and prisons. According to a 2006 report [same report as above?] by the bureau, nearly a quarter of both state prisoners and jail inmates who reported they had a mental health problem had served three or more prior sentences to incarceration. These statistics highlight the systemwide impacts of mentally ill offenders.

"Improving outcomes for people with mental illness involved in the criminal justice system requires extensive collaboration among leaders in the judiciary, the legislature, and the administrators of multiple state agencies," said Massachusetts Rep. Mike Festa and chair of the Justice Center Board of Directors. "We established this initiative because in many states, a state supreme court's chief justice is uniquely positioned to convene and lead a multi-branch discussion on this issue that leads to real, meaningful action."

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to improve public safety and strengthen communities. This project is coordinated through the Judges' Criminal Justice/Mental Health Leadership Initiative, managed by the Justice Center in partnership with the National GAINS Center.

## Administrative Office of the Courts/Other Initiatives

### Leadership Transitions in the Finance Division

There are two major leadership transitions in the Finance Division:

- After 7 years of tireless and creative leadership as our Director of Finance, Tina Hansen has requested an opportunity to transition to a new direction and has accepted a one-year appointment as Executive Consultant, effective April 2. In this new position, Tina will be working directly with the Executive Office on several high-priority projects for the Judicial Council.
- Stephen Nash, who has been ably serving as the Acting Director of Finance for the past 6 months during Tina's health-related absence, has been appointed to the position of Director of Finance, effective April 2.

When Tina Hansen joined the AOC in 2000, we were facing a terrible statewide financial crisis. Tina immediately took an active role in confronting these fiscal challenges by working closely with the executive branch to develop innovative and effective strategies to address our budget shortfalls. These efforts protected open access, investment in key programs and infrastructure initiatives and allowed courts to maintain public access to critical court services for all Californians. Since that time, Tina's leadership, tireless dedication and creative approaches have contributed to an impressive list of accomplishments, including (but not limited to) a new statewide budget development process, trial court financial policies and procedures, the establishment of a statewide enhanced collections process, a court accounting and reporting system, and the establishment of a centralized treasury. Thanks in a very large part to Tina Hansen's talents and strong leadership, the financial condition of the judicial branch is stable and strong, thereby enabling the courts to continue to provide essential court services for the benefit of all Californians. We will be forever grateful for Tina's many, many contributions to the branch and are very fortunate that we will continue to benefit from her talents in her new role as an Executive Consultant.

While serving as the Assistant Director for Budget Management in the Finance Division for the past 5 years, Stephen Nash has significantly contributed to enhancing and improving the judicial branch budgeting process and policy development and has worked successfully with Tina and others to advocate for legislation that would strengthen and stabilize the financial structure of the branch. In addition, Stephen is highly regarded in California state government for his extensive knowledge of state fiscal policies and procedures and brings with him a wealth of experience. He has previously served as the Deputy Director of Administrative Services for the California Youth Authority. Prior to that he worked on various state budget issues at the Department of Finance and before that, as a Tax Auditor with the Employment Development Department.



Stephen's proven talents and strong leadership skills assure that there will be a smooth transition to his new role as Director of Finance.

Please join us in congratulating both Stephen and Tina in their new roles.

## **Communication and Media Outreach**

**Planning the first organizational meeting of the statewide Bench/Bar/Media Committee on Friday, May 11.** To be appointed this spring by Chief Justice Ronald M. George, the committee will seek to improve working relationships among judicial officers, lawyers, and journalists who report on the courts and legal issues. A number of states have been successful in bringing together representatives of these three important groups to address areas of conflict and enhance their respective contributions to an open, independent, and impartial system of justice. Recently, the Chief Justice was approached by Ralph Alldredge, member of the board of directors of the California Newspaper Publishers Association, to propose such a committee. Although the official charge of the committee has not been established, we expect that the committee would study such issues as public and press access to court records, cameras and other electronic coverage of court proceedings, high-profile trials, and the significant role that educational programs may have in improving the mutual understanding among the bench, the bar, and journalists.

**Planning first statewide meeting for Public Information Officers in California courts on Friday, June 18.** The meeting will feature educational programs for court professionals who handle media relations and community outreach, featuring the state's full-time PIOs as faculty. The meeting will also give PIOs a chance to network and share resources.

## **Sentencing Reform**

**SB 40 and *Cunningham***- The Criminal Law Advisory Committee has been working on revising the rules of court regarding felony sentencing to comply with recent legislation (SB 40) and the United State Supreme Court in *Cunningham v. California*. A subcommittee, comprised of select committee members and other judges who are expert in the area of felony sentencing, have drafted revisions to the rules, which next are to be considered by the full committee. The members of the subcommittee are Justices Steven Z. Perren and Thomas E. Hollenhorst, Judges George J. Abdallah, Jr. (San Joaquin), Tricia Bigelow (Los Angeles), J. Richard Couzens (Placer, Ret.), Jack Ryan (Orange, Ret.), and Eddie Sturgeon (San Diego), Mr. David Coleman, Mr. James Fax, and Mr. Jay Kohorn.

## **OFFICE OF COURT RESEARCH**

**Data Validation** Kick-off meeting for initiation of Phase II of the Data Validation project with Superior Court of Placer County. Project will continue the work begun in Phase I and include courts that have recently made the transition to CCMS. This work targets operational data that courts report to the AOC and are used by AOC staff to estimate the need for judges

and court staff, allocate other resources and funds to the courts, monitor and evaluate court programs, and measure court performance.

**Class Action Filings Data Collection** Recruitment of law students to conduct a comprehensive case file review of class action cases. This partnership with Hastings College of the Law will establish a baseline assessment of class action cases filed in California trial courts over the past five years, including the impact of the Class Action Fairness Act on filing trends in California. In the first round of work on this project last year, Hastings law students completed case file reviews of almost 1,000 cases in 10 trial court jurisdictions, and OCR staff will begin analyzing the data when this second phase of case file review is completed.

**Conservatorship Case Processing** Fiscal analysis of workload in conservatorship case processing completed. Allocation will distribute \$17.4 million in funding for the trial courts for implementation of the Omnibus Conservatorship and Guardianship Act of 2006 using survey data collected for the Probate Conservatorship Task Force. This survey captured essential information on court workload and resources available to manage the workload related to conservatorship cases. Data was collected for all but one of the 58 superior courts. The information will be used next to modify the Resource Allocation Study model to make the allocation of SAL funding to the trial courts more equitable.

OCR staff completed and submitted a report to the U.S. Senate Special Committee on Aging in response to a request for proposals on innovative methods for improving the quality of life of the incapacitated elderly.

**Study of Batterer Intervention Systems in California** Gave presentation to California Association of Batterer Intervention Programs of findings and work to date on five-county evaluation of batterer intervention systems. This study has more than 1,400 enrolled study subjects, making it the largest known study of its type.

- **OCR Staff Participating in Providing Technical Assistance to the Courts for Caseflow Management** The Developing Effective Practices in Caseflow Management projects for criminal, family, and delinquency cases continued their efforts with the trial courts. The caseflow management project was established by the regional offices initially for criminal cases. The original project has been replicated for family and delinquency cases by the Center for Families, Children & the Courts. In the last two months, criminal caseflow technical assistance projects in the trial courts have been conducted in Glenn and San Diego Counties. In addition, representatives from the Superior courts of Fresno, Lake, Orange, San Luis Obispo, Santa Clara, Ventura, and Yolo Counties, the National Center for State Courts, CCMS staff from the Southern Regional Office, and AOC staff from OCR met for two days in March with Fred Miller, the project director, and John Greacen, the project consultant, to define the data elements required for a comprehensive series of criminal caseflow management reports. The Developing Effective Practices in Criminal Caseflow Management project is now being

conducted by the Executive Office Programs Division, where its activities can be better coordinated with projects conducted by OCR and Planning and Effective Programs.

### **Branchwide Professional Excellence/Education**

- The CJER Governing Committee has posted an updated version of *Guidelines for Implementation of Rules 10.451–10.471* on the Serranus Web site. The document includes definitions, frequently asked questions, as well as forms, templates, and resources for local court use.
- As required in rules 10.652 (e) and 10.462 (f) of California Rules of Court, forms are being developed for individual judges to record and report their participation in continuing education and for presiding judges to report aggregate participation of judges in continuing education. The forms will be available in both an automated and a hard-copy format. In the interim, the types of content/data that will be collected are posted on the Serranus web site as a resource for the local courts.
- Karen Thorson, Director of the AOC's Education Division/CJER, is collaborating with the judicial educators from Arizona and Utah, and with the Institute for Court Management of the National Center for State Courts, to develop and deliver annual, multistate, regional programs for court executive officers and key managers. The first collaborative event is planned for October 2008. This should provide a new and valuable resource for court administration leaders to further their own education while meeting with and learning about individuals in similar positions in other western states.
- The Education Division produced numerous educational events for the courts in February, March, and April:
  - New Judge Orientation (Feb 26–Mar 2) (Mar 5–9) (Mar 19–23) (April 23–27)
  - Qualifying Ethics for Judges (Mar 7, 14, 16, 23) (Apr 4, 12, 27)
  - Science and the Law Institute: *Neurobiology and the Courts* (Feb 28–Mar 2)
  - Court Staff Regional Training: *Jury Trial Procedures* (Mar 5)
  - Assigned Judges Program Orientation (Mar 5)
  - Civil Law Institute (Mar 7–9)
  - Core 40: Education for Court Supervisors (Mar 12–16)
  - Court Staff Regional Training: *DMV Abstract Training* (Mar 19)
  - Criminal Law Courses (Mar 20–22)
  - Traffic Adjudication Institute (Mar 21–23)
  - Orientation for CJP Special Masters (Mar 26–27)
  - Court Staff Regional Training: *DMV Abstract Training* (Mar 29)
  - Juvenile Law Institute (April 16–18)
  - Annual Training Coordinators Meeting (April 18)
  - Family Law Institute (April 18–20)
  - Annual Training Coordinators Business Meeting (April 18)
  - Annual ADA/Access Coordinators Conference (April 19)

- Appellate Justices Institute (April 25–27)
- **Teacher Training Institute** The AOC has contracted to hold a statewide teacher training institute for a second year, to be conducted at California State University San Marcos. This year's institute will be larger in scope, bringing teacher-leaders from around the state to a two-day institute in August to review and develop law-related education programs and curricula. The consultant held meetings and conference calls at the AOC in order to recruit teacher participants and instructors for the institute from the Bay Area. Individual judges and court staff will be included in the institute, as well as academics and leaders from the State Department of Education.
- **2007 Judicial Branch Information Technology Conference** A conference is being planned for June 2007. Invitations will be going out to executive officers, presiding judges, and information technology leaders in the superior courts and administrative presiding justices; clerk/administrators, and systems administrators for the Courts of Appeal and Supreme Court.
- **Adoptions and Save Families Act (ASFA) Title IV-E Compliance** CFCC together with the Superior Court of Siskiyou County will hold a Permanency Planning for Foster Care Youth: A County Collaborative Workshop on April 24, 2007, covering topics such as family finding; identifying, locating, and facilitating life-long connections; and concurrent planning.
- **Juvenile Delinquency Caseflow Workshops** Over the span of four weeks in late February and early March 2007, CFCC conducted three workshops aimed at helping the courts improve juvenile delinquency case processing. These caseflow management sessions were modeled on the successful criminal and family sessions held in 2005 and 2006 respectively. Twenty-eight courts (organized by court size: large, midsized, and small) sent teams to one of the three workshops held in Burbank, San Francisco, and Sacramento AOC offices. Over 170 representatives of the courts, district attorney's offices, defense counsel, and juvenile probation departments participated. Teams developed action plans to take to their individual jurisdictions for use in improving their delinquency case management. They also provided CFCC staff with a list of suggestions for assistance the AOC could provide them in the future as they tried to implement their plans and improve their delinquency systems.
- **Domestic Violence Education** Courses organized relating to domestic violence were conducted at the Criminal Law Courses program held in conjunction with the Traffic Adjudication Workshop on March 20, 2007, in Torrance, and featured at the Family Law Institute, the Juvenile Law Institute, and the Family Dispute Resolution Statewide Educational Institute held during Spring Education Week, April 16–20, 2007, in Burlingame. Approximately 375 participants attended these courses.

- **Indian Child Welfare Act** CFCC together with the Superior Court of Orange County held a Collaborative Meeting on the Indian Child Welfare Act on March 10, 2007.
- **Partnerships with Other Institutions** During the past few years the AOC and several local courts have been developing partnerships with colleges and universities to enhance access to academic education for both judges and court personnel. We have been working on making these partnerships available on a statewide basis. Several of these partnerships are now becoming a reality. One is a partnership with several community colleges for education for court personnel, another is a partnership with the University of California system regarding education for judges in areas such as science and the law. And one that will be available this fall is with the California State University at Sacramento is for developing leadership in court administration. In this program, students will have an opportunity to obtain either a masters in public policy administration with a concentration in judicial administration or a certificate in judicial administration. Specific court-related courses will be offered at the Northern/Central Regional Office on Fridays and Saturdays, rather than the traditional university schedule, to enable participation by working professionals. This program is one of the many ways the judicial branch is addressing succession planning for court administration leadership.

*Every Child, Every Hearing* –The booklet entitled *Every Child, Every Hearing* was published and distributed statewide. The booklet offers key questions (with accompanying citations) that must be asked and followed up on for every child in the dependency system. For children served by the juvenile court, consistent inquiry into these questions is necessary to help them transition to their home of origin or to another permanent plan when reunification is not possible.

*The Adjudication of Sex Crimes – Domestic Violence* A comprehensive benchbook by Judge J. Richard Couzens (Superior Court of Placer County, Ret.), and Judge Tricia Ann Bigelow (Superior Court of Los Angeles County), was distributed to every judicial officer and posted on Serranus. This groundbreaking volume, one of the few published on this topic nationally, will be updated biannually or as needed to reflect legislative changes.

#### **Self-Represented Litigants**

- Article published in *California Litigation Magazine*, The Magazine of the Litigation Section, State Bar of California, Vol. 20, No. 1 (2007) “Self-Represented Litigants in Family Law” coauthored by Judge Donna Hitchens.
- Three technical assistance visits completed on family law caseflow management to Fresno, San Diego and Sonoma courts.
- Meeting of court representatives convened to develop model plan for trial courts on serving persons with limited English proficiency.
- Meeting of legal services stakeholders hosted at the AOC on April 25 to address issues of statewide concern including proposed pilot project for civil representation, using law students, and coordinating between self-help centers and legal services agencies. Included

special meeting April 24 on using technology in providing legal services; meeting included presentation on model being developed with the AOC and the Superior Court of Los Angeles County on assisting litigants in workshops using document assembly programs.

#### **Collaborative Justice Courts**

- The Council of State Governments announced that the Judicial Council of California/Administrative Office of the Courts was one of seven states nationally to be chosen for a grant to establish a task force focused on interbranch collaboration regarding mentally ill court users.
- CFCC's Collaborative Justice Project provided assistance to a well-attended conference on homelessness and court-community collaboration. The conference was sponsored by the City of Santa Monica, the RAND Corporation, Public Counsel, and the California Endowment, with Chief Justice Ronald M. George providing opening remarks.
- The DUI Court in the Schools Project was invited to present at the plenary session for the statewide conference of the Office of Traffic Safety regarding the launch of this new, innovative DUI prevention project. The presentation was well received by the conference, which was attended by educators and representatives from law enforcement, substance abuse prevention programs, and traffic safety programs from around the state.

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2007 Legislation**  
**and Status of Bills**

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AB 926 (Evans) – Civil discovery.....	B
AB 1248 (Evans) – Courts.....	B
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**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2007 Legislation**  
**and Status of Bills**

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 112 (June Clark)	<p><u>AB 112 (Wolk) – Highways: Safety Enhancement Double Fine Zones</u></p> <p>As amended March 12, 2007</p> <p>Designates a segment of State Highway Route 12 in Solano and San Joaquin Counties as a Safety Enhancement-Double Fine Zone upon approval of specified county resolutions and until January 1, 2012.</p> <p><b>UPDATE: As amended March 28, 2007</b></p> <p><b>Same as above, but amended to include urgency clause.</b></p>	<p>Oppose; further complicates court fine structure.</p> <p>Moratorium until Judicial Council completes Fines Collection Task Force work.</p>	<p>Author</p>	<p>Assembly Appropriations Committee</p>
AB 117 (June Clark)	<p><u>AB 117 (Beall) – Traffic offenses: additional assessment: traffic safety</u></p> <p>As introduced</p> <p>Provides that, until January 1, 2010, a county may choose to levy an additional assessment for a highway traffic violation in the amount of \$2 for every \$10 or fraction thereof, upon each base fine, excluding other penalty assessments, fees, or additions. Requires that the collected assessment be deposited in a Traffic Safety Committee Network fund, and that the monies be allocated so that, after deducting administrative costs, 85 percent shall be used in traffic safety programs approved by the county board of supervisors, and 15 percent shall be deposited in the county's courthouse construction fund.</p> <p><b>UPDATE: As amended March 22, 2007</b></p> <p><b>Amendments narrow bill to authorize only Santa Clara County to elect to impose the \$2 assessment.</b></p>	<p>Oppose; further complicates court fine structure.</p> <p>Moratorium until Judicial Council completes Fines Collection Task Force work.</p>	<p>Author</p>	<p>Assembly Public Safety Committee</p>
AB 159 (Donna Hershkowitz)	<p><u>AB 159 (Jones) – Courts: judgeships</u></p> <p>As introduced</p> <p>Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of certain eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.</p> <p><b>UPDATE: As amended March 22, 2007</b></p> <p><b>Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of 162 eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.</b></p>	<p>Sponsor</p>	<p>Judicial Council</p>	<p>Assembly Appropriations Committee</p>



Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 163 (Eraina Ortega)	<p><u>AB 163 (Mendoza)</u> – Trial courts: limited-term employees</p> <p>As introduced Prohibits the Superior Court of Los Angeles County from employing any limited-term law clerk for more than 180 days. Provides that any limited-term law clerk employed for more than 180 calendar days becomes a regular employee. This bill is similar to AB 176 (Bermúdez) and AB 1797 (Bermúdez), which were passed by the Legislature in 2005 and 2006 and were vetoed by the Governor.</p> <p><b>UPDATE: As amended March 28, 2007</b> <i>Addresses another subject, no longer affects trial courts.</i></p>	<p>Oppose</p> <p>Update: <i>As amended March 28, 2007</i> <i>No position</i></p>	<p>American Federation of State, County, and Municipal Employees (AFSCME)</p>	<p>Assembly Business and Professions Committee</p>
AB 227 (Eraina Ortega)	<p><u>AB 227 (Beall)</u> – Trial court funding</p> <p>As introduced Codifies changes to the Maintenance of Effort (MOE) payments made by counties to the state for trial court funding. Changes are consistent with negotiated buyouts related to undesignated fees and AB 233 fees buyouts.</p> <p><b>UPDATE: As amended March 22, 2007</b> <i>Same as above and corrects the new MOE for Mendocino County.</i></p>	<p>Sponsor</p>	<p>Judicial Council</p>	<p>Assembly Consent Calendar</p>
AB 276 (Eraina Ortega)	<p><u>AB 276 (Solario)</u> – Trial courts: limited-term employees</p> <p>As introduced Provides that a limited-term employee is a regular trial court employee if the limited-term employee has completed 180 days of service, and if the assignment, position, or project of the limited-term employee is an integral part of the long-term, regular work of the trial court. This bill is similar to AB 176 (Bermúdez) and AB 1797 (Bermúdez), which were passed by the Legislature in 2005 and 2006 and were vetoed by the Governor.</p> <p><b>UPDATE: As amended March 15, 2007</b> <i>Spot bill; no substantive impact on trial courts.</i></p>	<p>Oppose</p> <p>Update: <i>As amended March 15, 2007</i> <i>No position</i></p>	<p>American Federation of State, County, and Municipal Employees (AFSCME)</p>	<p>Assembly Public Employees, Retirement &amp; Social Security Committee</p>

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 367 (Erama Ortega)	<p><u>AB 367 (De León) – Court-ordered debts</u></p> <p>As introduced Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations.</p> <p><b>UPDATE: As amended March 22, 2007</b> <i>Same as above and clarifies that it applies to traffic-related offenses.</i></p>	Sponsor	Judicial Council	Assembly Judiciary Committee
AB 369 (Tracy Kenny)	<p><u>AB 369 (Solario) – Child abuse reporting</u></p> <p>As introduced Authorizes CASA organizations in California to submit fingerprint information on prospective CASA volunteers to the California Department of Justice (DOJ) to determine whether there is relevant information pertaining to that individual in the Child Abuse Central Index (CACI), in addition to the criminal history information that is currently provided regarding each prospective volunteer.</p> <p><b>UPDATE: As amended March 29, 2007</b> <i>Same as above; technical amendments.</i></p>	Support	California Court Appointed Special Advocates (CASA) Association	Assembly Appropriations Committee
AB 467 (Tracy Kenny)	<p><u>AB 467 (Feuer) – Courts: access to justice</u></p> <p>As introduced States legislative findings regarding court fee waivers and access to justice. Provides that equal justice requires that all persons have access to the court without regard to economic means. Further provides that those who are able to pay court fees should do so, and courts should recover previously waived fees when appropriate.</p> <p><b>UPDATE: As amended April 10, 2007</b> <i>Revises and recasts provisions for court fee waivers for indigent litigants. Clarifies required application processing procedures. Requires recovery of fees in specified cases, and provides procedures for reconsideration of fee waivers during the pendency of the case.</i></p>	Sponsor	Judicial Council	Assembly Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 582 (Donna Hershkowitz)	<p><u>AB 582 (Evans) – Court transcription fees</u></p> <p>As amended April 10, 2007</p> <p>Increases the fee for the original and copies of court reporter transcripts for three consecutive years by a specified amount, and then increases the fee annually by the Consumer Price Index for All Urban Consumers (CPI). Expands the 50 percent additional charge for daily copy service to criminal transcripts. Requires the Administrative Office of the Courts to publish an updated transcript fee schedule based on the increases tied to the CPI.</p>	<p>Oppose unless amended to:</p> <ol style="list-style-type: none"> <li>1) adopt key recommendations of Reporting of Record Task Force re: uniform transcripts</li> <li>2) address impacts on low income litigants by:               <ol style="list-style-type: none"> <li>a) providing for electronic recording in critical case types if reporter unavailable</li> <li>b) expanding access to Transcript Reimbursement Fund</li> </ol> </li> <li>3) provide funding outside of SAL</li> </ol>	Service Employees International Union	Assembly Judiciary Committee
AB 758 (June Clark)	<p><u>AB 758 (Plescia) – Vehicles: traffic violator schools: regulation</u></p> <p>As proposed to be amended</p> <p>Provides for the licensing and regulation of home study-based traffic violator schools by the Department of Motor Vehicles (DMV).</p> <p><i>UPDATE: As amended April 11, 2007</i></p> <p><i>Requires DMV to license home study traffic schools, and to adopt rules and regulations to implement the licensing program.</i></p>	<p>Support; relieve courts of inappropriate regulatory responsibility.</p>	TrafficSchool.com Distance Learning Company, Inc.	Assembly Appropriations Committee
AB 863 (Erana Ortega)	<p><u>AB 863 (Davis) – Los Angeles County Superior Court Employees</u></p> <p>As introduced</p> <p>Requires the Los Angeles Superior Court to pay each employee in specified bargaining units two months "back pay" in the amount the employee would have received if the employee's reclassification raise that occurred on October 1, 2005, had been made retroactive to August 1, 2005.</p>	<p>No position</p>	American Federation of State, County and Municipal Employees (AFSCME)	Assembly Appropriations Committee
AB 926 (Daniel Pone)	<p><u>AB 926 (Evans) – Civil discovery</u></p> <p>As amended April 10, 2007</p> <p>Amends three discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection.</p>	<p>Sponsor</p>	Judicial Council	Assembly Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 1126 (Daniel Pone)	<p><u>AB 1126 (Eng) – Civil discovery, unlawful detainer, subpoenas</u></p> <p>As amended March 27, 2007</p> <p>Provides, among other things, that in unlawful detainer actions and other specified summary proceedings involving the possession of real property, a discovery motion may be made at any time upon giving five days notice. Requires the Judicial Council to adopt rules prescribing the time for the filing and service of opposition and reply papers relating to specified motions filed in connection with the above summary proceedings. Allows a plaintiff in those summary proceedings to propound interrogatories, make a demand for inspection, and make requests for admission without leave of court at any time that is five days after service of the summons on, or appearance by, the relevant party, whichever occurs first. Makes related changes to the procedures governing discovery in those summary proceedings.</p>	Support	California Law Revision Commission	Assembly Appropriations Committee
AB 1248 (Eraina Ortega)	<p><u>AB 1248 (Evans) – Courts</u></p> <p>As introduced</p> <p>Among other things, makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, and removes the cap on habeas investigations costs paid by the Supreme Court.</p> <p><i>UPDATE: As amended April 11, 2007</i></p> <p><i>Same as above and allows the courts to charge the current "night court assessment" for court sessions held on weekends, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, and requires the Judicial Council to establish a travel policy for the judicial branch.</i></p>	Sponsor	Judicial Council	Assembly Judiciary Committee
AB 1258 (June Clark)	<p><u>AB 1258 (Caballero) – Highways: Safety Enhancement-Double Fine Zones</u></p> <p>As introduced</p> <p>Designates a segment of State Highway Route 101 and a segment of County Road 16 in Monterey County as Safety Enhancement-Double Fine Zones.</p>	Oppose; further complicates court fine structure. Moratorium until Judicial Council completes Fines Collection Task Force work.	Author	Assembly Transportation Committee
AB 1264 (Daniel Pone)	<p><u>AB 1264 (Eng) – Courts: delay reduction, status conferences</u></p> <p>As amended April 11, 2007</p> <p>Among other things, restricts the court's ability to set various status conferences, other than the initial case management conference and the pre-trial status conference. Prohibits delay reduction rules from requiring the severance of unnamed defendants prior to the conclusion of the introduction of evidence at trial, except upon stipulation or motion of the parties.</p>	None while negotiations with sponsor continue. [Policy Coordination and Liaison Committee designee to assist OGA staff in negotiations with the author and sponsor.]	Consumer Attorneys of California	Assembly Floor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 1340 (Eraina Ortega)	<p><u>AB 1340 (Jones) – Safe and Secure Court Facility Bond Act of 2008</u></p> <p>As introduced Authorizes a ballot measure for the issuance of \$2 billion in bonds for the acquisition, design, construction, or renovation of court facilities.</p>	Support	Governor Arnold Schwarzenegger	Assembly Judiciary Committee
AB 1424 (June Clark)	<p><u>AB 1424 (Davis) – Elder abuse: continuances</u></p> <p>As introduced Among other things, adds cases involving elder or dependent abuse to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings under Penal Code section 1050.</p> <p><b>UPDATE: As amended March 29, 2007</b> <b>Deletes provisions that were basis of council opposition.</b></p>	<p>Oppose unless amended; inappropriately interferes with court's authority.</p> <p>Update: <i>As amended March 29, 2007</i> <i>Opposition withdrawn</i></p>	Los Angeles City Attorney Rocky Delgadillo	Assembly Appropriations Committee
AB 1464 (June Clark)	<p><u>AB 1464 (Benoit) – Vehicles: Preclusion of vehicle registration and issuance of arrest warrant</u></p> <p>As introduced Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense. To ensure due process rights are protected, requires notice to the owner/violator, and allows 21 days for response if the owner/violator was not present when the citation is issued, rather than the usual 10 days.</p>	Sponsor	Judicial Council	Assembly Public Safety Committee
AB 1547 (Tracy Kenny)	<p><u>AB 1547 (Beall) – Juvenile court: termination of jurisdiction</u></p> <p>As introduced Authorizes the juvenile court to order the probation department to provide a variety of services to a delinquent ward approaching the age of majority. These services include providing information on siblings; securing a birth certificate, social security card, and DMV identification card as appropriate; and assisting the ward in obtaining Medi-Cal or other health insurance, transitional housing or other housing assistance, and employment or higher education. These services are currently required to be provided to all dependent children approaching majority (Welfare and Institutions Code section 391). Further requires the Judicial Council to develop and implement standards and forms as necessary to implement the bill (also analogous to the dependency provisions).</p> <p><b>UPDATE: As amended April 11, 2007</b> <b>Requires probation to deliver the services described above at least six months before a hearing to terminate jurisdiction which will be occurring when the ward is approaching 18 years of age.</b></p>	Support	Author	Assembly Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
AB 1557 (June Clark)	<p><u>AB 1557 (Feuer) - Jury selection: peremptory challenges</u></p> <p>As introduced Reduces peremptory challenges to 6 per side in all misdemeanor cases, rather than only those misdemeanors resulting in imprisonment for 90 days or less.</p>	Support; improves jury system.	California Judges Association	Assembly Judiciary Committee
AB 1582 (June Clark)	<p><u>AB 1582 (Calderon, C.) - Crimes: marijuana: possession: penalty</u></p> <p>As introduced Reclassifies from a misdemeanor to an infraction a first offense for possession of not more than 28.5 grams of marijuana, and would make it an alternate infraction/misdemeanor for a second or subsequent offense.</p>	Support; more efficient use of jurors and courts' time.	Judge Quentin Kopp (Ret.)	Assembly Public Safety Committee
AB 1660 (June Clark)	<p><u>AB 1660 (La Malfa) - Victims' rights: presence during criminal proceedings</u></p> <p>As amended March 29, 2007 Deletes the court's authority to exclude a victim or a designated victim's representative from a criminal proceeding.</p>	Oppose	Doris Tate Crime Victims Bureau, Crime Victims United, and Force 100	Assembly Public Safety Committee
AB 1726 (Eraina Ortega)	<p><u>AB 1726 (Committee on Judiciary) - Evidence: court interpreters</u></p> <p>As introduced Requires that an interpreter be present whenever needed in any civil matter, including family law and probate, or in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration. Requires that unless a party has notified the court that he or she has made arrangements for a private interpreter, the court shall provide the interpreter. Specifies a priority order for when an interpreter will be provided if there are insufficient interpreters or funding available. Limits funding provided for this purpose to \$10 million.</p>	Support in concept contingent on funding and workability.	Assembly Member Dave Jones	Assembly Judiciary Committee
AB 1727 (Daniel Pone)	<p><u>AB 1727 (Committee on Judiciary) - Conservators and Guardians</u></p> <p>As introduced Sections 1-8 of the bill contain a number of technical and conforming amendments to the Omnibus Conservatorship and Guardianship Reform Act of 2006. Section 9 of the bill would revise the law governing the invalidation of donative transfers to care custodians by disallowing such transfers only in cases where the instrument creating or modifying the donative transfer is dated after the date that the person receiving the transfer became the care custodian for that transferor.</p>	Support sections 1-8; no position on section 9 as it presents a policy issue outside the council's purview.	Assembly Judiciary Committee	Assembly Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
SB 145 (Eraina Ortega)	<p><u>SB 145 (Corbett) – Court facilities</u></p> <p>As introduced Corrects an incorrect cross-reference.</p> <p><b>UPDATE: As amended February 27, 2007</b> <i>Extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007 to December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor.</i></p>	Sponsor	Judicial Council	In Assembly
SB 340 (Daniel Pone)	<p><u>SB 340 (Ackerman) – Access to Criminal History Information by Court Investigators</u></p> <p>As introduced Expands the list of agencies entitled to receive criminal history reports by adding an agency performing conservatorship investigations related to a proposed conservator under the Lanterman-Petris-Short (LPS) Act.</p> <p><b>UPDATE: As amended April 9, 2007</b> <i>In addition to the above, broadens list of agencies entitled to receive criminal history reports to include probate court investigators.</i></p>	Support and co-sponsor if amended to broaden the list of agencies entitled to receive criminal history reports from the Department of Justice to include court investigators in connection with investigations of proposed guardians and conservators under the Probate Code.  Update: <i>As amended April 9, 2007</i> <i>Support &amp; Co-sponsor</i>	California Judges Association	Senate Appropriations Committee
SB 396 (Eraina Ortega)	<p><u>SB 396 (Ridley-Thomas) – Dispute Resolution</u></p> <p>As introduced Increases the portion of the filing fee that is distributed to dispute resolution programs from an amount not to exceed \$8 to an amount not to exceed \$12.</p> <p><b>UPDATE: As amended April 9, 2007</b> <i>Requires the Judicial Council to establish the Commission on Civil Fees in the Courts.</i></p>	Oppose  Update: <i>As amended April 9, 2007</i> <i>Support &amp; Co-sponsor</i>	California Dispute Resolution Council  Judicial Council	Senate Appropriations Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 19, 2007
SB 431 (Eraina Ortega)	<p><u>SB 431 (Aanestad and Wiggins) – Public employees' retirement: Butte County and Solano County</u></p> <p>As introduced Requires the assets and liabilities of the Superior Courts of Butte and Solano Counties and the Counties of Butte and Solano to be separated based on a computation determined by an actuary retroactive to June 30, 2002. Following the separation of assets and liabilities, requires the courts to participate in a risk pool created by the California Public Employees' Retirement System.</p>	Oppose unless amended to clarify the authority of consenting courts and counties to enter separate contracts and to specify how to separate members' assets and liabilities.	Butte County and Solano County	Senate Public Employment and Retirement
SB 539 (Eraina Ortega)	<p><u>SB 539 (Margett) – Trial Court Trust Fund</u></p> <p>As proposed to be amended This bill would (1) establish a tiered penalty structure that reduces the retroactive penalty to the amount that the revenue would have earned had it been receiving interest in the State Treasury's pooled money investment rate (an amount closer to four to six percent) so long as the court or county remits the revenue within 30 to 45 days, as specified, from the time the error is discovered; and (2) require the entity found in error to make the payment directly to the state (currently the county is required to pay the state and seek reimbursement from the court, if the court is at fault).</p> <p>SB 539 will be amended to delete the new penalty structure (described as item 1, above) prior to the bill's hearing on April 10. Only the amendment to Government Code Section 68085 (f) on page 6 will remain in the bill. This is the section identified as (2), above.</p> <p><b>UPDATE: Amended April 9, 2007, consistent with above.</b></p>	Update: As amended April 9, 2007 Neutral	State Association of County Auditors	Senate Appropriations Committee
SB 800 (Daniel Pone)	<p><u>SB 800 (Corbett) – Conservators and guardians: care plans</u></p> <p>As introduced Requires a conservator or guardian to submit to the court within 45 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.</p> <p><b>UPDATE: As amended March 29, 2007</b> <b>Deletes provisions pertaining to guardianships. Changes timeline for submission of care plan from 45 to 90 days after appointment. Requires the Judicial Council to develop and adopt an implementing form.</b></p>	Support in concept	Author	Senate Appropriations Committee



**Appendix**  
Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of April 19, 2007
AB 159 (Donna Hershkowitz)	<p><u>AB 159 (Jones) – Courts: judgeships</u></p> <p>As introduced Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of certain eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.</p> <p><b>UPDATE: As amended March 22, 2007</b> <i>Creates 50 new superior court judgeships in fiscal year 2007-08, to be allocated pursuant to the model approved by the Judicial Council. Authorizes the conversion of 162 eligible subordinate judicial officer positions, upon vacancy, to judgeships. Creates an unspecified number of appellate judicial positions.</i></p>	Judicial Council	Assembly Appropriations Committee
AB 227 (Eraina Ortega)	<p><u>AB 227 (Beall) – Trial court funding</u></p> <p>As introduced Codifies changes to the Maintenance of Effort (MOE) payments made by counties to the state for trial court funding. Changes are consistent with negotiated buyouts related to undesignated fees and AB 233 fees buyouts.</p> <p><b>UPDATE: As amended March 22, 2007</b> <i>Same as above and corrects the new MOE for Mendocino County.</i></p>	Judicial Council	Assembly Floor
AB 367 (Eraina Ortega)	<p><u>AB 367 (De León) – Court-ordered debts</u></p> <p>As introduced Establishes a task force on criminal court-ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system. Reduces the minimum fine required by the Franchise Tax Board Court-Ordered Debt Collection Program from \$250 to \$100 and expands the program to include collections for registration, pedestrian, and bicycle violations.</p> <p><b>UPDATE: As amended March 22, 2007</b> <i>Same as above and clarifies that it applies to traffic-related offenses.</i></p>	Judicial Council	Assembly Judiciary Committee

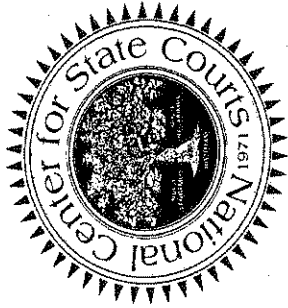
**Appendix**  
 Status of 2007 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of April 19, 2007
AB 467 (Tracy Kenny)	<p><u>AB 467 (Feuer) – Courts: access to justice</u></p> <p>As introduced                      States legislative findings regarding court fee waivers and access to justice. Provides that equal justice requires that all persons have access to the court without regard to economic means. Further provides that those who are able to pay court fees should do so, and courts should recover previously waived fees when appropriate.</p> <p><b>UPDATE: As amended April 10, 2007</b>  <i>Revises and recasts provisions for court fee waivers for indigent litigants. Clarifies required application processing procedures. Requires recovery of fees in specified cases, and provides procedures for reconsideration of fee waivers during the pendency of the case.</i></p>	Judicial Council	Assembly Judiciary Committee
AB 926 (Daniel Pone)	<p><u>AB 926 (Evans) – Civil discovery</u></p> <p>As amended April 10, 2007                      Amends three discovery statutes to clarify the time for production of documents. Provides that parties may agree to extend the time for inspection.</p>	Judicial Council	Assembly Judiciary Committee
AB 1248 (Eraina Ortega)	<p><u>AB 1248 (Evans) – Courts</u></p> <p>As introduced                      Among other things, makes technical and clarifying changes to the Uniform Civil Fees and Standard Fee Schedule Act of 2005, clarifies the fine for production of documents pursuant to demand for production, and removes the cap on habeas investigations costs paid by the Supreme Court.</p> <p><b>UPDATE: As amended April 11, 2007</b>  <i>Same as above and allows staff of the Administrative Office of the Courts to staff a non-profit organization created by the Judicial Council, allows the courts to charge the current "night court assessment" for court sessions held on weekends, allows the courts to collect bail forfeitures in installment payments without requiring the individual to make an appearance in court, and requires the Judicial Council to establish a travel policy for the judicial branch.</i></p>	Judicial Council	Assembly Appropriations Committee

**Appendix**  
**Status of 2007 Judicial Council-sponsored Legislation**

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of April 19, 2007
AB 1464 (June Clark)	<p><u>AB 1464 (Benoit) – Vehicles: preclusion of vehicle registration and issuance of arrest warrant</u></p> <p>As introduced</p> <p>Allows the court, after proper notice to the owner/violator, to report a failure to appear on an unsigned citation issued for an owner-responsibility offense to the Department of Motor Vehicles for a hold to be placed on the registration of the vehicle involved in the offense. To ensure due process rights are protected, requires notice to the owner/violator, and allows 21 days for response if the owner/violator was not present when the citation is issued, rather than the usual 10 days.</p>	Judicial Council	Assembly Public Safety Committee
SB 145 (Eraina Ortega)	<p><u>SB 145 (Corbett) – Court facilities</u></p> <p>As introduced</p> <p>Corrects an incorrect cross-reference.</p> <p><i>UPDATE: As amended February 27, 2007</i></p> <p><i>Extends the deadline for the transfer of court facilities from counties to the state from June 30, 2007 to December 31, 2008. This is an urgency bill, taking effect upon signature of the Governor.</i></p>	Judicial Council	In Assembly

# Monthly Government Affairs Committee Report



National Center for State Courts  
*Government Relations Office*  
April 19, 2007

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## **Part II: Issue, Position, Strategy/Tactics and Status**

*(Bold italics indicate an update since the last report.)*

**A. 2007 Priorities**

**1. Appropriations – Court Interpreters**

Legislation has been introduced to establish a federal funding stream for state court interpreter programs. (*Dimas*)

Position:	Strategies:	Status:
<p>Explore and inform the courts of legislative developments in this area.</p> <p>Push to increase cosponsors to this legislation.</p> <p>Advocate for passage of this legislation.</p>	<p>✓ Senator Herbert Kohl (D-WI) introduced S 1733 on 10/15/03. The bill was referred to the Senate Judiciary Committee, but saw no further action.</p> <p>✓ Representatives of the DOJ's Civil Rights Division met with the COSCA Board of Directors on 3/12/04 to discuss the federal requirement to provide language services to persons with limited English proficiency (LEP). This meeting was in follow-up to correspondence sent to all State Court Administrators in December 2003 regarding this requirement.</p> <p>✓ Senator Kohl introduced the court interpreter bill (S 2497) on 4/4/06 using the Court Improvement Program as the model for distributing the funds. He was able to attach S 2497 to an immigration reform bill (S 2611), which passed the Senate on 5/25/06. The House had previously passed a different version of immigration reform legislation. House and Senate conferees were not appointed prior to the adjournment of the 109<sup>th</sup> Congress.</p> <p>✓ Senator Kohl has reintroduced this bill (S 207). Additionally, he received assurances from the leadership that his bill will remain in the immigration reform legislation from last year, which will also be reintroduced.</p> <p>✓ Senator Ted Kennedy (D-MA) plans to reintroduce the Immigration Reform bill as the "base" bill as a starting point for the debate. This bill contains our court interpreter provision.</p> <p>✓ <i>HR 1645, the companion House Immigration Reform measure, was introduced by Representative Luis Guterrez (D-IL) on 3/22/07. It contains the Court Interpreter Assistance provision as it appeared in S 2611 during the last Congress.</i></p>	<p><b>Status:</b></p> <p>✓ Representatives Louie Gohmert (R-TX) and Anthony Weiner (D-NY) introduced The Secure Access to Justice and Court Protection Act of 2005 (HR 1751) on 4/21/05.</p>
<p><b>2. Appropriations – Court Security</b></p> <p>Legislation has been introduced that addresses</p>	<p><b>Strategies:</b></p> <p>Support language to increase state court access to federal funding</p>	<p><b>Status:</b></p> <p>✓</p>

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court security in both federal and state courts. The legislation includes new federal crimes for killing a judge or court employee and recording fictitious liens against federal judges and attorneys, increased penalties for certain crimes, and authorization for new grant programs. (*Farley and Dimas*)

streams

Advocate for amendments to authorize new grant programs to assist state courts address security needs and establish an incident reporting database.

Work with key Judiciary staff on subcommittee and committee.

Make selective contacts with key members of Congress.

HR 1751 passed the House by an overwhelming margin of 375-45 on 11/9/05. HR 1751 included several provisions important to state courts – (1) the Omnibus Crime Control and Safe Streets Act of 1968 would be amended to include state and local courts in the definition of state and local unit of government so that courts would be able to apply directly for Departments of Justice (DOJ) grants tied to this Act; (2) state and local governments applying for and distributing these DOJ grant funds would also be required to consider the needs of the judicial branch and consult with the chief judicial officer of the highest court of the state or local unit of government; (3) a new \$20M grant program would be authorized to assist state courts to conduct assessments and implement court security improvements deemed necessary based on the assessments; (4) a new \$20M grant program would be authorized to enable state courts to establish and maintain a threat assessment database; and (5) clarification would be added to insure that state and local courts are eligible to apply for grants associated with the Omnibus Crime Control and Safe Streets Act of 1968, the Edward Byrne grants, Armored Vests grants, and the Child Abuse and Prevention and Treatment Act (CAPTA).

✓ Senators Arlen Specter (R-PA), Patrick Leahy (D-VT), and John Cornyn (R-TX) introduced the Court Security Improvement Act of 2005 (S 1968) on 11/7/05. S 1968 primarily addressed the needs of federal courts, but did include language to make state courts eligible to apply directly for DOJ discretionary funds. The Senate stripped out the text of HR 1751, inserted the language of S 1968, and passed it on 12/6/06. House and Senate conferees were not appointed prior to the adjournment of the 109<sup>th</sup> Congress.

✓ On 1/24/07, House Judiciary Committee Chairman John Conyers, Jr. (D-MI) introduced HR 660, the Court Security Improvement Act of 2007. The bill closely follows the bill passed by the Senate in 109<sup>th</sup> Congress. HR 660 includes 1) a provision that would make state courts eligible to apply directly for Department of Justice funds and 2) would create a \$20M grant program to protect witnesses and victims. Senate Judiciary Committee Chairman Patrick Leahy (D-VT)

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		<p>introduced the companion bill, Court Security Improvement Act of 2007 (S 378), also on 1/24/07.</p> <ul style="list-style-type: none"><li>✓ The House Judiciary Committee scheduled a court security hearing on 2/8/07, but then postponed it. CCJ/COSCA was invited to provide oral testimony. No new date for the hearing has been scheduled.</li><li>✓ The Senate Judiciary Committee had a hearing on court security and judicial independence on 2/15/07. The only witness was Justice Kennedy. The focus of the hearing was more on judicial pay and cameras in the court than security issues.</li><li>✓ On 2/8/07, GRO staff met with Senate Judiciary Committee staff director, Bruce Cohen, and Counsel, Jeremy Paris, regarding the court security bill. They invited CCJ/COSCA to submit written testimony for record. They asked for a copy of our favored provisions, which were in Representative Gohmert's bill in the 109<sup>th</sup> Congress. Also, they shared suggestions on key members to approach on the Senate Judiciary Committee to broaden support for state court provisions in the bill. Mr. Paris indicated that the Senate would likely mark-up the court security bill shortly after the hearing.</li><li>✓ On 2/16/07, GRO staff asked CCJ and COSCA members with representation on the Senate Judiciary Committee to make a personal contact to their Senators to support inclusion of state court security provisions in S 378. Chief Justice Steele and Lee Suskin provided us with copies of the letters they submitted.</li><li>✓ S 378 was approved by the Senate Judiciary Committee on 3/1/07. Our 3 provisions were not included in this version. We have been making appointments with Senate Judiciary Committee members in an effort to get support to amend the bill to include our 3 favored provisions. On 3/12/07, we met with staff to Senator Cornyn.</li><li>✓ <i>Majority Leader Reid (D-NV) placed S 378 on the Senate Calendar under an expedited rule that would limit debate. It has been reported that Senator Tom Coburn (R-OK) has placed a "hold" on the measure because it calls for new</i></li></ul>
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		<p><i>spending without the appropriate offsets. A "hold" is an indication that the Senator intends to filibuster the bill to keep it from being voted upon. On 4/18/07, the Senate approved a motion to invoke cloture by a vote of 93-3. Cloture limits each Senator to 1 hour of debate and brings the measure to a floor vote after 30 hours of consideration.</i></p>
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**3. Appropriations – Drug Courts, Substance, Abuse, and Mental Health**  
 The Office of National Drug Control Policy (ONDCP) has become increasingly supportive of drug courts as a strategy to reduce drug use. ONDCP has encouraged drug courts and schools to enter into partnerships that allow students to see the repercussions of drug abuse by non-violent offenders may serve as a strong deterrent and promote demand reduction. Additionally, Congress has become increasingly concerned about methamphetamine abuse and is considering several bills. The Substance Abuse and Mental Health Services Administration (SAMHSA) administers a number of federal grant programs to support substance abuse and mental health services. State courts needs greater access to these federal funds. (*Farley*)

**Position:**

**Strategies:**  
 Advocate for increased funding for drug courts.  
 Develop new and enhance existing relationships with ONDCP and SAMHSA staff.  
 Develop a list of ONDCP and SAMHSA grants that would be of interest to state courts.  
 Encourage Congress and federal agencies to include language in grant guidelines to require consultation with state courts in the planning and distribution of funds.

**Status:**

- ✓ The 109<sup>th</sup> Congress approved reauthorization legislation for the Office of National Drug Control Policy (ONDCP). Sponsored by Representative Mark Souder (R-IN), HR 6344 reauthorized ONDCP and related programs through FY 2011. The programs include the High-Intensity Drug Trafficking Areas Program, the Counterdrug Technology Assessment Center, and the National Youth Anti-Drug Media Campaign. Funding for the high-intensity areas program was authorized at \$240M for FY 2007 with a \$10M annual increase through FY 2011. HR 6344 also established a National Methamphetamine Information Clearinghouse, which will maintain a national database on law enforcement, treatment and other issues related to the drug. President Bush signed the legislation on 12/29/06 making it PL 109-469.
- ✓ On the funding front, the federal Drug Court program received \$40 million (M) in the House approved CJS bill (HR 5672); perhaps reversing the cut it suffered last year when it received \$10M. In the Senate Appropriations Committee's version of HR 5672, they only awarded \$15M for the Drug Court program. Senate floor action on HR 5672 was not scheduled before the 109<sup>th</sup> Congress adjourned.
- ✓ Follow-up contacts were made to the SAMHSA participants in the National Problem-Solving Courts Summit hosted by the CCJ/COSCA Court Management Committee. GRO staff met with Cheri Nolan, Senior Advisor to the Administrator, on 10/18/06. Cheri has a background with the US Department of Justice and understands the important role of state courts. She indicated a willingness to work with GRO to increase state court access to SAMHSA funds.
- ✓ The President's FY 2008 budget calls for a reduction in funds available for mental health treatment and prevention. A SAMHSA budget briefing was held on 2/15/07.
- ✓ SAMHSA's FY 2008 budget proposal includes \$31.8M for drug courts within the Center for Substance Abuse

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		<p><i>Treatment (CSAT) criminal justice activities program.</i></p> <p>✓ <i>Senators Richard Durbin (D-IL) and Charles Grassley (R-IA) are drafting legislation that would establish incentives for states to implement an electronic log book that documents purchases of drugs that could be used to manufacture methamphetamine.</i></p>
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4. **Appropriations -- Homeland Security**  
 DHS programs have a major impact on courts because of the security requirements on public institutions, technology standards for information sharing, and funding for disaster planning and implementation. The effect on courts has not been recognized in either legislative language or administrative regulations. *(Dimas)*

Position:	Strategies:	Status:
	<p>Use state court contacts to approach members of the security-related Congressional committees.</p> <p>Educate the Department of Homeland Security officials on state court needs.</p> <p>Utilize the expertise of the CCJ/COSCA Security Preparedness Committee to promote the court agenda.</p>	<p>✓ GRO staff continue to make entreaties to the DHS, such as meeting with Director Tracey Trautman of the Office of State and Local Government Coordination and Preparedness (OSLGCP). She highlighted their recommendation that state DHS plans should to include a state court representative and indicated a willingness to issue a memo to encourage collaboration and consideration of state court needs.</p> <p>✓ GRO staff met with Kerry Kimirons of the House of Representatives Committee of Homeland Security on 5/9/06. Her direct boss is Representative Peter King (R-NY). We asked for greater access to DHS funding for state courts. As a follow-up to this meeting, we have shared with her examples of funding and court consultation language from DOJ programs such as VAWA and Juvenile Justice.</p> <p>✓ GRO staff met with staff to Senator Joe Biden (D-DE) regarding the possible establishment of emergency preparedness funding for the state courts on 12/5/06. We have followed up by sending them draft language patterned after the Court Improvement Program (CIP) for disbursement of funds to state courts.</p> <p>✓ We agreed on legislation with Senator Biden's staff on the creation of an emergency preparedness grant program for state courts. The bill is patterned after the CIP. Senator Biden is deciding on whether to introduce the legislation as a stand alone bill or as an amendment to another bill.</p> <p>✓ The emergency preparedness grant bill will be a part of an omnibus package containing other related provisions. Senator Biden will be the chief sponsor of this bill.</p> <p>✓ <i>Congressman Earl Permuter (D-CO) successfully added an amendment to the Homeland Security authorization bill (HR 1684) that would make state courts eligible for a variety of Department of Homeland Security (DHS) grants, including the Urban Area Security Initiative (UASI) program and State Homeland Security Grants. The next step for HR 1684 is floor consideration in the</i></p>

		<p><i>House of Representatives.</i></p> <p>✓ <i>It was announced on 4/18/07 that Anne P. Petera had been appointed as Assistant Secretary for Intergovernmental Programs. Ms. Petera previously worked in Virginia state government, including the VA Office of the Attorney General. The new Office of Intergovernmental Programs includes elements of the previous Office of State and Local Coordination. GRO staff will set up an appointment with Ms. Petera.</i></p>
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**5. Children and Families – Child Welfare Reform**  
 (a) The Keeping Families Together Act (S 382) has been introduced to assist families with children with serious emotionally disturbed children. Parents that cannot afford the needed mental health services for their children currently must voluntarily relinquish custody to the state child welfare agency in order to get services for their children. These cases are filed as dependency cases and must be processed and overseen by the courts as any other dependency case. (b) The Administration continues to promote optional block grants for federal child welfare funds. (c) The Kinship Caregivers Support Act (S 661) has been introduced to provide funding for subsidized guardianship. (Farley)

**6. Children and Families – Juvenile Justice and**

Position:	Strategies:	Status:
Open Courts CCJ 01-M-20 COSCA 01-M-II	Advocate CCJ/COSCA policy positions to Congress and the Children's Bureau.	✓ Representative Jim Ramstad (R-MN) reintroduced the Keeping Families Together Act of 2007 (HR 687) on 1/24/07. HR 687 would establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children. Senator Susan Collins (R-ME) introduced the companion bill (S 382) on the same date.
<u>Pew Commission</u> CCJ 04-A-15 CCJ 04-A-16 CCJ 05-M-30 COSCA 04-A-15 COSCA 04-A-16 COSCA 04-M-1	Solicit support of CCJ/COSCA policy positions from other associations and child welfare advocates.  Educate the Senate Finance Committee staff and House Ways and Means Human Resources Subcommittee staff and other targeted Congressional staff on the important role state courts and financial needs of state courts.	✓ The President's FY 2008 budget again offered state child welfare agencies the option of a flexible block grant instead of the current entitlement structure. Details of how the new block program would work have not been made available.
ICPC CCJ 05-M-31 COSCA 04-M-		✓ The Pew Partners are pushing 3 issues with a variety of Hill and media events. The campaign is entitled "Kids Are Waiting". The issues are (1) restructuring child welfare financing, (2) funding for subsidized guardianship, and (3) transition support for children aging out of foster care. A briefing on the Pew Commission recommendations for finance restructuring was held on 3/12/06. The majority of the speakers were foster parents and foster children. Also on 3/12/07, Senator Hillary Clinton (D-NY) held a press conference in New York to discuss the need for additional support for kinship care. Senator Clinton introduced the Kinship Caregiver Support Act (S 661) on 2/16/07. The legislation would give states flexibility to use federal funds to make guardian assistance payments to relatives who have assumed legal guardianship of foster children.
		✓ <i>The Safe Babies Act of 2007 was introduced by Senator Tom Harkin on 2/15/07 and endorsed by the Senate Judiciary Committee on 3/26/07. The legislation would provide funding to promote the Court Teams concept, which was developed in the Miami-Dade Juvenile Court by Judge Cindy Lederman and Joy Osofsky, a child development expert. The problem-solving court approach is used for parent-infant intervention.</i>
Position:	Strategies:	Status:
	Monitor and report.	✓ The JJDPA is authorized until the end of FY 2007. To date,

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**Delinquency Prevention Act**

Congress will consider the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP). The major provisions of JJDP are currently authorized through the end of FY2007. (Dimas)

**7. Children and Families – New Child Support International Treaty**

The US is currently not a party to any international Convention related to the establishment and/or enforcement of child support and other family maintenance obligations. A Special Commission was established in 2003 to develop of new international child support convention. One of the objectives of the Special Commission is to craft a Convention to which the US could become a party. (Farley)

<p>no hearings have been held on the reauthorization, but key committee staff has been reaching out to juvenile justice stakeholders. A key issue to be addressed from the state court viewpoint is in maintaining our traditional purview in dealing with juvenile justice delinquency cases.</p>		
<p><b>Status:</b></p> <ul style="list-style-type: none"> <li>✓ Kay Farley continues as a member of the National Child Support Association's delegation to participate in the Special Commission meetings and participates in on-going consultations with officials from the Department of State and the Office of Child Support Enforcement.</li> <li>✓ The US Department of State had an Experts Meeting on new Hague Convention for 4/20/06. Kay Farley worked with the State Department to include judges and court administrators in the consultation. Court representatives include Lee Suskin (VT State Court Administrator), Judge Kristin Ruth (NC), Chief Magistrate Peter Passidomo (NY), and Magistrate Jodie Metcalf (MN).</li> <li>✓ The Special Commission met on 6/19-28/06 for what was hoped to be the last negotiation session, so that the diplomatic session to approve the convention could occur in the Spring of 2007. While significant progress was made, there are unresolved issues about the scope of the convention for family maintenance obligations beyond child support and the level of services required of parties to the convention.</li> <li>✓ The last negotiation session is scheduled for May 6-16, 2007 and the diplomatic session will be in November 2007. The current draft of the convention is Working Doc. 98, which is on-line for review along with material. <a href="http://www.hcch.net/index_en.php?act=progress.listing&amp;c">http://www.hcch.net/index_en.php?act=progress.listing&amp;c</a></li> </ul>	<p><b>Strategies:</b></p> <p>Analyze the drafts of Convention language for impact on state courts.</p> <p>Participate on the Administrative Cooperation Workgroup and the Forms Committee to insure that state court concerns are considered.</p> <p>Work with CCJ and COSCA to develop a policy response to the draft Convention.</p> <p>Coordinate with the Department of State (DOS) and the Office of Child Support Enforcement (OCSE) and advise them of any state court concerns prior to Special Commission meetings and Drafting Committee meetings.</p>	<p><b>Position:</b></p>

		<u>4/19/07</u>
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**8. Children and Families – Use of Federal Child Support Incentive Payments**  
 The Deficit Reduction Act of 2005 (PL 109-171) eliminated the practice of allowing state child support agencies to use their federal incentive payments as state match to draw down additional federal dollars. Implementation of this provision is 10/1/07. States that are unable to restructure their funding schema will see a reduction in their federal funding.  
*(Farley)*

**9. Collection of Court Fines, Fees, and Restitution**  
 Legislation is being developed to assist state courts in collecting debt through the offset of federal tax returns. *(Dimas)*

<p><b>Position:</b></p>	<p><b>Strategies:</b>                  Monitor and report.                  Assist CCJ/COSCA to develop a policy response and adopt a resolution at their upcoming annual meeting.</p>	<p><b>Status:</b></p> <ul style="list-style-type: none"> <li>✓ On 3/6/07, the House Ways and Means Subcommittee on Income Security and Family Support held a hearing on the impact of the Deficit Reduction Act of 2005. Following the hearing, Subcommittee Chairman Jim McDermott (D-WA) introduced the Child Support Protection Act of 2007 (HR 1386) on 3/7/07 to repeal the provision that prohibited use of federal incentive funds paid to a state to be used as state match to draw down additional federal amounts for state child support enforcement expenditures.</li> <li>✓ Senator John Rockefeller (D-WV) introduced the companion bill (S 803) also on 3/7/07.</li> </ul>
<p><b>Position:</b>                  CCJ 03-M-15                  COSCA 02-M-2</p>	<p><b>Strategies:</b>                  Seek sponsor and cosponsors for legislation allowing the offset                  Consider updated CCJ/COSCA resolution</p>	<p><b>Status:</b></p> <ul style="list-style-type: none"> <li>✓ GRO staff has promoted the issue with other likeminded organizations such as NGA, NACO, NLC, USCM and NCSL</li> <li>✓ IRS and FMS object to our proposal because of two concerns: 1) protection of taxpayer confidentiality and 2) it could hurt taxpayer compliance. GRO staff is working on responding to the above objections.</li> <li>✓ Representative Phil English (R-PA), a Ways and Means Committee member, agreed to carry the proposal in the House in 109<sup>th</sup> Congress.</li> <li>✓ Senator Gordon Smith along with Senator Chuck Schumer (D-NY) introduced the court fee intercept bill (S 3512) on 6/15/06. The Senate Finance Committee approved S 3512 along with S 1321, the Excise Tax Repeal Act, and S 832, the Taxpayer Protection Assistance Act, on 9/14/06.</li> <li>✓ Both of these bills had good support in the Senate and in the House. However, the rush for lawmakers to leave Washington and campaign for the November elections</li> </ul>

		<p>doomed these measures and many others. It is expected that this legislation will be reintroduced in the 110<sup>th</sup> Congress.</p> <p>✓ <i>We have gotten assurances from staff to Senators Schumer and Smith that this bill will be re-introduced. Congressional staff are identifying legislation to attach this bill, as was done in the last Congress.</i></p>
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**10. Federalism – Incentives for Attorneys to Enter Public Service**  
 The legislation is designed to encourage qualified individuals to enter and continue employment as criminal prosecutors and public defenders. Eligible applicants would sign an agreement committing to remain employed as a prosecutor or defender for not less than 3 years. For each year of fulfillment, the applicant student loans would be paid by the US government at a rate of no more than \$10,000/year for a maximum of \$60,000 for all years spent in such employment. (Mize)

**11. Federalism – International Issues**  
 Most bilateral and multilateral Free Trade Agreements (FTAs) include provisions that enable foreign investors to bring international arbitration actions to challenge the actions of American courts.  
  
 The US agreements under the General Agreement on Trade in Services (GATS) may limit the authority of state Supreme Courts to

<p><b>Position:</b>  <i>CCJ adopted a resolution in favor of this kind of legislation on 2/7/07.</i></p>	<p><b>Strategies:</b>                  Monitor and report.                   Encourage Congress to enact a separate program to create incentives for Legal Aid attorneys.</p>	<p><b>Status:</b>                  ✓ Senator Richard Durbin (D-IL) introduced the John R. Justice Prosecutors and Defenders Incentive Act of 2007 (S 442) on 1/31/07. On 3/1/07, the Senate Judiciary Committee marked up S. 442 and favorably reported it to the full Senate. Five amendments were approved without objection: (1) only attorneys working full time will qualify, (2) juvenile delinquency litigators will be included, (3) provision for fair allocation of repayment benefits, (4) study of the impact of law school accreditation requirements on law school costs, and (5) preference given to attorneys with lower salaries and greater debt.                   ✓ <i>The favorably reported bill was filed on 4/10/07 (S Rep. No. 110-51). The CCJ Resolution supporting this type of legislation was made part of the official record by Senator Durbin. No full Senate action has been scheduled yet.</i>                   ✓ <i>The House Judiciary Committee has not scheduled action on a companion bill.</i></p>
<p><b>Position:</b>                  CCJ 04-A-26                  CCJ 06-A-4                  CCJ 06-A-5</p>	<p><b>Strategies:</b>                  Collaborate with other state and local governmental organizations, bar groups, and the U.S. Trade Representative (USTR).                   Establish an active consortium is established opposing the Chapter 11 process.                   Establish an ongoing dialogue with USTR and Congress.                   Advocate for consideration of alternative approaches by USTR.</p>	<p><b>Status:</b>                  ✓ At the 2006 Annual Meeting Australian bar officials met with the CCJ Professionalism Committee and International Agreements Committee. The Australians offered 3 proposals:                  (1) That lawyers admitted to practice in Australia who are providing advice on Australian or international law in the US for periods of less than 90 days be allowed to do so with no special permission (a fly-in, fly-out situation); (2) That lawyers admitted to practice in Australia who wish to provide advice on Australian or international law in the US for periods greater than 90 days be able to be admitted as foreign legal consultants (FLCs) in all US jurisdictions, that FLC provisions be as uniform as possible throughout the US, &amp; that they not include age, length of practice, and commercial presence requirements, at least for Australian lawyers, since they are not needed given the Australian licensing system; and (3) That lawyers who received a law degree from an Australian law school and were admitted to</p>

regulate admission to practice law.

(Van Duizend)

		<p>practice in Australia be able to sit for the bar in any US state.</p> <ul style="list-style-type: none"> <li>✓ At the 2007 Midyear Meeting, CCJ adopted two resolutions: The first urges state supreme courts to consider allowing graduates of Australian law schools to sit for their bar examinations; the second urges the ABA Section on Legal Education to consider developing a process for recognizing law schools in common law countries as equivalent to ABA-accredited law schools.</li> <li>✓ WTO trade negotiations have resumed, including discussions regarding lowering barriers for trade in services (such as legal services) and development of international standards on admission to professional practice.</li> <li>✓ <i>The US has entered into FTAs with Panama and Korea. Both include investor/state dispute resolution provisions that permit challenges to state court decisions before ad hoc international arbitration tribunals. These new Free Trade Agreements must be approved by Congress by June 30.</i></li> <li>✓ <i>The Trade Promotion Act which prohibits Congressional amendments to FTAs expires on June 30. A bill extending this Act is expected to be introduced soon.</i></li> </ul>
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**12. Federalism – Preemption of State Law**

Senator Thomas Harkin (D-IA) and others introduced the Competitive And Fair Agricultural Markets Act of 2007 on 2/15/07. The bill outlaws a long series of actions with respect to the production and marketing of agricultural products. It mandates the US Secretary of Agriculture to aggressively enforce its provisions in federal courts. And, significantly, the legislation would: create a private cause of action in state courts, create personal jurisdiction in state courts over alleged wrongdoers, and annul any state law that is inconsistent with its provisions. (*Mize*)

<p><b>Position:</b> CCJ/COSCA have consistently opposed legislation that preempts state policies and oversteps principles of federalism.</p>	<p><b>Strategies:</b> Monitor and report; work with legislators and their staff members to help them appreciate the local impacts created by these bills.</p>	<p><b>Status:</b> The Senate Committee on Agriculture, Nutrition and Forestry has not yet scheduled any action.</p>
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**B. Other Issues with Activity**

**13. Appropriations – Budget Proposal for FY 2008**

The Administration released it's FY 2008 budget proposal impacting many of the programs that are of interest to state courts, e.g., Byrne JAG grants, NCHIP, OJJDP, etc. (*Dimas*)

<p><b>Position:</b></p>	<p><b>Strategies:</b> Attempt to add generic language re: court access to funding (VAWA model). Work with key appropriations staff on subcommittee. Make selective contacts with key members of Congress.</p>	<p><b>Status:</b> ✓ Congress approved three continuing resolutions (CRs) to keep the federal government running. The most recent CR will expire 2/15/07. The new Democratic leadership of the 110<sup>th</sup> Congress intends to pass another CR, without Congressional earmarks, that would leave the federal government at FY 2006 levels for the rest of FY 2007. The notion of approving any funding bill free of earmarks is drawing concern. ✓ The House approved a long-term CR that would fund the federal government for the remainder of FY 2007 on 1/31/07</p>
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		<p>(HJ Res 20). Generally, the CR gives more money to social programs like education and health. It appears that law enforcement is given a modest increase, as well. The next step is for the Senate to consider this legislation.</p> <p>✓ The President submitted his proposed budget for FY 2008 on 2/5/07. The FY 2008 budget calls for renewed consolidation of DOJ Divisions and grant programs, including the elimination of the Juvenile Delinquency Prevention Office. Congress must still sign off on these proposed changes and they have not been supportive of them in the past.</p> <p>✓ <i>Congress has been holding hearings evaluating the President's recommendations for federal programs. It is expected that the smaller appropriations bills will be marked up as we head into the summer and the larger ones (Commerce-Justice, Labor-HHS) will be taken up later on in the summer or maybe in the fall.</i></p>
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**14. Children and Families – Intercountry Adoption**  
 The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption is a multilateral treaty among signing countries and provides a framework for the adoption of children from one Convention country by individuals resident in another Convention country. The U.S. implementing legislation is the Intercountry Adoption Act of 2000 (IAA). The US Department of State is taking steps to move the US closer to ratification of the Convention. *(Farley)*

<p><b>Position:</b> CCJ 02-A-29</p>	<p><b>Strategies:</b> Monitor and report</p>	<p><b>Status:</b></p> <ul style="list-style-type: none"> <li>✓ The US Department of State (DOS) issued a final rule on 3/17/06, moving the US closer to ratification of the Convention, which requires accredited and approved service providers before the Convention can be brought into force.</li> <li>✓ The DOS published two proposed rules for public comment that will move the US closer to ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. On 6/16/06, the DOS published a proposed rule that would establish procedures for the DOS to issue certificates that children have been adopted from the US or a declaration that custody (for the purpose of adoption) has been granted in accordance with the Convention and the IAA. On 6/22/06, the DOS published a proposed rule that would expedite the orphan visa processing for children being adopted and brought to the US to confirm the child's eligibility to enter and permanently reside in the US.</li> <li>✓ DOS published the final rule (22 CFR Part 97) on 11/2/06 to establish procedures for DOS to issue certificates for children adopted from the US or a declaration that custody (for the purpose of adoption) has been granted in accordance with the Convention and the IAA. The final rule brings the US another step closer to ratifying Hague Convention. US ratification is expected to occur in 2007.</li> <li>✓ DOS published a final rule (22 CFR Part 99) that will require adoption service providers (public and private) to report on the adoption of children emigrating from the US as a result of adoption.</li> <li>✓ DOS officials are now estimating that the US will be able to file documentation necessary to join the Adoption Convention by the end of 2007. After the documentation is filed, there is a 90 day waiting period. The Adoption Convention is expected to be effective in the US on 4/1/08.</li> </ul>
<p><b>Position:</b> CCJ 02-A-29</p>	<p><b>Strategies:</b> Urge Congress to consider the costs of redacting social security numbers from</p>	<p><b>Status:</b></p> <ul style="list-style-type: none"> <li>✓ Then COSCA President Mike Buenger testified before the Social Security Subcommittee of the Ways and Means</li> </ul>

**15. Court Administration – Social Security Numbers Protection**

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Various legislative proposals have been introduced to protect Social Security Numbers (SSNs) in public documents and from viewing over the Internet. (*Dimas*)

COSCA 02-A-  
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court records.

Work toward a solution by sharing best examples of state court innovations in the area of protecting individual privacy while maintaining traditional court access.

Monitor and report.

Committee on 6/15/04 regarding HR 2971. He outlined the CCJ/COSCA Public Access Guidelines project, the use of SSNs by the courts and offered to work cooperatively with the Congress to craft a solution to this issue. HR 2971 died in the 108<sup>th</sup> Congress.

✓ Representative Shaw introduced HR 1745 in the 109<sup>th</sup> Congress, which was similar to HR 2971. Representative Shaw was amenable to changing the bill to allow the “incidental” appearance of SSNs in court documents. SSNs that appear in ancillary documents to a court case would not incur a violation penalty. Only the SSNs that a court (or government agency) requests would have to be protected. We will still be pushing to incorporate best practices in this area that courts have undertaken. Another privacy bill (S 1332) was introduced on 7/5/05 and listed COSCA as an organization to contribute to a report to be prepared by the Comptroller General.

✓ Mary McQueen testified before the House Ways and Means Subcommittee on Social Security on behalf of COSCA on 3/30/06. She outlined the CCJ/COSCA Court Management Committee best practices for protecting SSNs while at the same time maintaining traditional public access to court records and committed to working with Congress to obtain a solution.

✓ *While several bills have been introduced this year in the Congress on identity theft, it appears that this issue is not as high of a priority as it has been.*

**16. Criminal - Criminal History Records**  
Legislation has been introduced to create a new grant program to assist state courts to improve the automation and transmittal to Federal and State record repositories of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor or crime of domestic

**Position:**

**Strategies:**  
Monitor and report.

**Status:**

✓ Representative Carolyn McCarthy (D-NY) introduced the NICS Improvement Act of 2005 (HR 1415) on 3/17/05. The legislation would create a new grant program to assist state courts to improve the automation and transmittal of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories. The Attorney General would make grants to each state. HR 1415 would authorize \$250 million/year for each of the fiscal years 2006 – 2008.

✓ The House Judiciary Subcommittee on Crime, Terrorism,

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violence, court orders, and mental health adjudications or commitments. *(Farley)*

		<p>and Homeland Security had several mark ups of HR 1415 along with two bills (HR 1384 and HR 5005) that would make dramatic changes in gun control laws by easing dealer's reporting requirements.</p> <p>✓ Representative McCarthy reintroduced her NICS Improvement Act of 2007 (HR 297) on 1/5/07.</p>
<p><b>Position:</b></p> <p><b>17. Criminal – Re-entry Legislation to Support the Return of Ex-Offenders to Their Communities</b></p> <p>The Second Chance Act of 2005 (HR 1704) would reauthorize and expand provisions regarding adult and juvenile offender reentry demonstration projects, including authorization of funds to:</p> <ul style="list-style-type: none"> <li>(1) provide structured post-release housing and transitional housing;</li> <li>(2) facilitate specified collaboration to promote the employment of people released from prison and jail;</li> <li>(3) carry out programs that support children of incarcerated parents; and</li> <li>(4) establish or expand the use of reentry courts.</li> </ul> <p>The legislation also sets forth grant priorities and requirements. <i>(Farley)</i></p>	<p><b>Strategies:</b></p> <p>Monitor and report</p>	<p><b>Status:</b></p> <p>✓ The Second Chance Act of 2005 (HR 1704) was introduced by Representative Rob Portman on 4/19/05. The House Homeland Security Subcommittee on Crime and Terrorism held a hearing on 2/8/06 and approved the bill for full committee consideration on 2/15/06 by a voice vote.</p> <p>✓ The Senate companion bill (S 1934) was introduced by Senator Arlen Specter (R-PA) on 10/27/05 and was referred to his Judiciary Committee. There has been no further action in the Senate.</p> <p>✓ On 7/19/06, the House Judiciary Committee marked-up HR 1704, but did not complete action on the legislation. The panel is expected to resume consideration of the measure on 7/26/06.</p> <p>✓ Before adjourning, the panel gave its voice vote to several amendments including an amendment presented by Representative John Conyers (D-MI) that would authorize \$10M for fiscal 2007-2008 for grants to special state and local courts that would monitor juvenile and adult offenders returning to the community. The funds would be used to provide drug and alcohol testing and treatment as well as mental health services.</p> <p>✓ It is expected that this legislation will be reintroduced in the 110<sup>th</sup> Congress.</p> <p>✓ Representative Danny Davis introduced the Second Chance Act of 2007 (HR 1593) on 3/20/07. The House Judiciary Committee endorsed the bill on 3/28/07. Senator Joseph Biden introduced a similar bill, <i>Recidivism Reduction and Second Chance Act of 2007 (S1060)</i> on 3/29/07.</p>

**18. Federalism - Eminent Domain**  
Both Houses of the 109<sup>th</sup> Congress looked at bills to prohibit Federal funding and restrict tax benefits from accruing to any state agency or anyone else who would acquire private property from an unwilling owner through eminent domain for economic development purposes. Although the Senate and House versions differed significantly, both were in direct response to the 2005 decision of the U.S. Supreme Court in *Kelo v. City of New London, Connecticut*. (Mize)

**19. Other - Federal Judiciary Ethics Reform**  
Legislation has been introduced in both Houses of Congress to address ethics reform for federal judges. S 2202 would establish a fund to support federal judges' participation in private seminars and would require federal judges to disclose financial interests that could impact their impartiality. S 2678 and HR 5219 would establish an Inspector General for the federal judicial branch to investigate possible misconduct. (Farley)

Position:	Strategies: If re-introduced, work with legislators and their staff members to help them appreciate the local impacts created by these bills.	Status: ✓ CCJ President Shepard sent a letter to the chairman and ranking member of the House Judiciary Committee reminding them that CCJ opposed legislation like HR 4772 in the 105 <sup>th</sup> Congress [1999]. Nevertheless the full House passed HR 4772 on 9/29/06.  ✓ As his predecessor did with respect to the House, current CCJ President Bell sent a letter to the chairman and ranking member of the Senate Judiciary Committee reminding them of CCJ's opposition to legislation like HR 4772. The Senate did not consider HR 4772.  ✓ S 48 was introduced on 1/4/07. It is similar to S 1896 (109 <sup>th</sup> Congress), which would deny federal tax benefits to land owners who acquire property through certain types of eminent domain. Condemning authorities would also suffer the loss of federal tax benefits for authorizing those types of condemnations.  ✓ Enactment of S 48 and bills like HR 4772 is unlikely in the 110 <sup>th</sup> Congress.
Position:	Strategies: Monitor and report	✓ Senator Charles Grassley (R-IA) introduced S 2678, the Judicial Transparency and Ethics Enhancement Act of 2006 on 4/27/06. Representative James Sensenbrenner (R-WI) introduced the House companion bill (HR 5219). The legislation would establish the Office of Inspector General for the federal Judicial Branch, to be headed by an Inspector General appointed by the Chief Justice to: (1) investigate matters pertaining to the Judicial Branch, including possible misconduct in office of justices and judges; (2) conduct and supervise audits and investigations; and (3) prevent and detect waste, fraud, and abuse. The legislation would also provide for whistleblower protection. The House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on 6/29/06.  ✓ Senator Grassley reintroduced the Judicial Transparency and Ethics Enhancement Act of 2007 (S461) on 1/31/07. On the same day, Representative Sensenbrenner introduced HR 785, the companion bill.

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**20. Other - Federal Rules of Civil Procedure - Rule 11**

The House of Representatives adopted HR 420 on 10/27/05 to apply new, stringent sanctions on attorneys under a pre-1993 version of Rule 11 of the Fed. Rules of Civil Proc. in state court cases if the state court determines the case "affects interstate commerce". It would have also mandated new jurisdiction and venue provisions for personal injury cases filed in state or fed courts, i.e., plaintiffs would have to file suits where they live, where they are injured or where the defendants' principal business is located. (Mize)

**21. Other - Habeas Corpus Overhaul**

Legislation in both Houses of the 109<sup>th</sup> Congress would have amended the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") to streamline federal court procedures for collateral review of habeas corpus petitions from state prisoners. The House and Senate bills would have made it more difficult for prisoners to file multiple or amended federal habeas petitions. The complex legislation would, among other things, bar federal judges from hearing appeals based on a sentencing error if a state judge found the error to be "harmless

<p><b>Position:</b> CCJ 05-M-26 (opposing federal usurpation of state court authority)</p>	<p><b>Strategies:</b> If re-introduced, work with Congress to get CCJ's objection on the record.  Selectively approach legislators with CCJ's arguments against the bill.</p>	<p><b>Status:</b>                  ✓ The Senate Judiciary Committee did not schedule any action on the bill.                  ✓ This and other "tort reform" bills are not likely to be adopted in the 110<sup>th</sup> Congress.</p>
<p><b>Position:</b> CCJ and COSCA adopted Joint Resolution 16 [August 2005] urging the Senate &amp; House Judiciary Committees to delay further action affecting the filing and processing of habeas corpus petitions until a study can be completed. The study</p>	<p><b>Strategies:</b> Work cooperatively with the Congress and the U.S. Judicial Conference to identify problems related to AEDPA. Assist in the development and implementation of strategies to address identified problems.</p>	<p><b>Status:</b>                  ✓ The reauthorization of the US Patriot Act in 2006 contained two provisions from the bills pending in committee. The "opt-in" proposal is now law. The Attorney General of the United States (not a federal habeas court) now decides if a state's procedures for providing defense counsel to a petitioner qualifies for a quicker consideration of the petition under chapter 154 of the AEDPA. The Patriot Act also provides that, once an attorney is appointed for a petitioner, any stay of execution expires no later than 90 days after appointment.                  ✓ In addition, the Military Commissions Act of 2006, Pub. Law 109-366, restricted habeas corpus review of military commission proceedings.                  ✓ It appears unlikely that sweeping habeas corpus overhaul will occur in the 110<sup>th</sup> Congress. Indeed, there already appears to be movement toward re-establishing habeas corpus review of military commission orders.</p>

or not prejudicial," unless the state judge's finding is "contrary to clearly established federal law." The legislation would have nullified several U.S. Supreme Court decisions (2 of which clarify how time requirements are calculated under current law; the other regarding clemency review).  
(Mize)

**22. Other - Lobbying Reform**

Both Houses of Congress are considering lobbying reform legislation in response to recent scandals. The legislation includes provisions that attempt to crack down on earmarks.  
(Farley)

**23. Other - Recognition of Notarization in State Courts**

The 109<sup>th</sup> Congress considered legislation to require State and Federal State courts to

<p>would evaluate whether current habeas corpus statutes have led to unwarranted delays in dispositions and, if so, whether there are less disruptive solutions than the far-reaching measures contained in these bills.</p>		
<p><b>Position:</b></p>	<p><b>Strategies:</b> Monitor and report</p>	<p><b>Status:</b></p> <ul style="list-style-type: none"> <li>✓ The House adopted H Res 6 on 1/5/07, which overhauls the ethics and lobbying rules. The new rules require disclosure of the sponsor of earmarks and certification that the sponsors would not personally benefit from the earmarks financially. The rule package also creates a new "pay-as-you-go" point of order that would prevent consideration of legislation affecting mandatory spending or revenues that would increase the deficit or reduce the surplus.</li> <li>✓ The Senate considered S 1, which was introduced by Senate Majority Leader Harry Reid (D-NV) to provide greater transparency in the legislative process. S 1 closely mirrors H Res 6.</li> <li>✓ The Senate approved S 1 on 1/18/07 by a vote of 96-2. S 1 has now been referred to the House for consideration.</li> </ul>
<p><b>Position:</b></p>	<p><b>Strategies:</b> Monitor and report</p>	<p><b>Status:</b></p> <ul style="list-style-type: none"> <li>✓ The House passed HR 1458 in late 2006. The Senate did not act on it.</li> <li>✓ It is unclear this legislation will proceed further in the 110<sup>th</sup></li> </ul>

recognize a notarization made by a notary public licensed under the laws of other states when such notarization occurs in or affects interstate commerce (*Mize*)

Congress.

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