



The Capitol Connection

ADMINISTRATIVE OFFICE OF THE COURTS • OFFICE OF GOVERNMENTAL AFFAIRS

DEADLINE PASSES WITHOUT STATE BUDGET

While negotiators remained hopeful at the possibility of an on-time state budget, the state's fiscal year expired June 30 without the passage of the 2004-2005 Budget Bill.

A major sticking point had been proposed changes in the state employees' pension system. With that hurdle cleared, legislators and officials from the Schwarzenegger Administration continue to discuss the budget proposals related to local government funding and higher education.

The Capitol Connection will publish an electronic update on the final judicial branch budget as soon as the budget passes. For more information on the judicial branch budget, contact the Office of Governmental Affairs at (916) 323-3121. ■

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Legislative Calendar

July 2
Summer Recess begins if Budget Bill has been enacted

August 2
Legislature reconvenes

BENCH-BAR COALITION MEETS WITH LEGISLATORS ON COURT BUDGETS

Armed with the urgent message of the need to ensure access to the courts through an adequately funded judicial branch budget, the Bench-Bar Coalition (BBC) visited the offices of key Senators and Assembly Members during the BBC's "Day in Sacramento" at the State Capitol on June 2, 2004. The visits coincided with the first day of conference committee meetings on the state budget, making the BBC's efforts both timely and effective given the critical nature of the budget proposals before the Legislature. In all, BBC members met with 31 legislators and staff who hold leadership positions or who are members of fiscal and policy committees that hear court-related issues.

Supporting the call for stable and adequate funding for the trial courts has been a central focus for the BBC, whose members include judges and state, local, minority and specialty bar leaders. During this year's Day in Sacramento, 32 BBC members met with legislators to discuss issues of mutual interest, with an emphasis on the judicial branch

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A NEW ERA: A CONVERSATION WITH SENATE REPUBLICAN LEADER DICK ACKERMAN



Capitol Connection: Congratulations on your recent election as Senate Republican leader. How will your leadership approach differ from that of Senator Brulte's?

Senator Dick Ackerman: Senator Brulte leaves some very large shoes to fill. He is very talented and possesses one of the best political minds in the state. As leader it will be important for me to incorporate all the unique talents and experiences that each one my fellow caucus members has into my leadership. This includes continuing to work closely with Senators Brulte and Johnson and taking advantage of their historical knowledge of the Senate and political climate in California. I will continue the high level of professionalism that our caucus staff and Senators Johnson and Brulte maintained through their years as Republican leader.

CC: What are the most significant chal-

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BENCH-BAR COALITION

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budget. Judicial Council members and leaders of special commissions and task forces also participated in the program.

Following a continental breakfast hosted by BBC Chair James I. Fisher, participants were briefed on the status of the judicial branch budget negotiations. Each coalition member received materials on the selected legislators and background on recent advocacy efforts on behalf of the judicial branch. Dia Poole, the Office of Governmental Affairs' liaison to the BBC, reviewed suggested talking points for discussions with legislators and key staff. Administrative Director of the Courts William C. Vickrey, Chief Deputy



photo courtesy of Nedra Jenkins

Director Ronald Overholt, Office of Governmental Affairs (OGA) Director Ray LeBov, and OGA Assistant Director Kate Howard presented overviews of the prior weeks' actions by the Assembly and Senate budget subcommittees

and shared up-to-the minute developments on the May Revision of the Governor's Budget (*The Capitol Connection*, May 2004) and ongoing negotiations (see "Deadline Passes" cover page). Mr. Fisher and Mr. Vickrey both thanked the participants for their personal commitment of resources and time away from their court responsibilities and prac-

tices to make the trip to Sacramento and advocate in support of the branch.

Just as various Senate and Assembly offices opened and committees began to convene, coalition members fanned out for the first of a full day of appointments. For the scheduled appointments, BBC members were divided into five teams based on geographic regions of the state: San Francisco Bay Area, Northern/Central California, San Diego/Inland Empire, and two teams covering Los Angeles/Orange County. This format enabled them to meet with the legislators as both constituents and as advocates for the judicial branch.

In addition to strengthening relationships between the Coalition and legislative leaders, attendees used the opportunity to describe the effects of prior and current year budget reductions on constituents relying on day-to-day court functions and specialized court programs. Participants emphasized that although the proposed \$50 million one-time reduction and \$20 million permanent reduction would result in the continuation of service-level reductions already being experienced by the courts, the adoption of the \$99 million augmentation in the Governor's May Revision to cover mandatory costs is absolutely critical to avoid devastating results.

At the conclusion of each meeting, the Coalition provided

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SENATOR ACKERMAN

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lenges facing the Republican leadership as you prepare for the 2005-2006 legislative session, in addition to the loss of senior members due to term limits?

Ackerman: The budget is our biggest challenge. Fortunately, we now have a Governor who understands the importance of fiscally responsible budgeting. The prior Governor did not take the budget process as seriously. For years, the state was spending more money than it was taking in and now we have got to get it under control.

Another important challenge is creating a better business climate in California. For the past four or five years, a lot of the legislation that has come out of the Legislature has stunted the growth of business in California and negatively impacted the availability of new jobs. The challenge will be to repeal previous anti-business and anti-job legislation and

return California to its place as a lucrative place to do business and work.

CC: You've been an outspoken advocate for the judicial branch on a number of policy and fiscal matters. Will your new role affect the way you deal with major issues involving the courts?

Ackerman: I will remain committed to treating the judicial branch as an equal branch of government. Many of the issues important to the judiciary involve funding, and as the Senate Republican leader, my involvement in the budget process will continue. I will continue to fight for, in this budget cycle, getting budget trailer legislation that establishes with the Legislature and the Governor that the courts are a separate branch of government, not just another department like the Department of Motor Vehicles

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OGA WORKS WITH TASK FORCES ON STABLE FUNDING EFFORT (Part I)

Over the last several issues, The Capitol Connection has reported on the proposal by the AOC's Court Fees Working Group to establish a uniform schedule for civil filing fees. Two additional task forces charged with evaluating current fee structures and making recommendations for reform have also been making progress in recent months: the Collaborative Court-County Working Group on Enhanced Collections and the California Task Force on County Law Libraries. This month, The Capitol Connection features recent developments by the working group on enhanced collections. In next month's issue, we will feature the task force efforts for law libraries. ■

COUNCIL SPONSORS LEGISLATION TO ENHANCE COLLECTIONS EFFORTS

The Collaborative Court-County Working Group on Enhanced Collections established pursuant to SB 940 (Escutia), Stats. 2003, ch. 275, is charged with, among other activities, surveying the courts and counties regarding current collection efforts, evaluating a variety of methods to enhance future collections, developing a strategy for court and county cooperation in collection plan discussions, and making recommendations to the Judicial Council concerning current and future collection methods.

The working group met in March of 2004 and recommended that the Judicial Council sponsor legislation to authorize courts and local public agencies to accept debit cards and electronic checks for specified payments; add fees, penalties, and assessments to the list of collectible debts and to add two components to the requirements of a comprehensive collection program; and repeal the sunset of the Franchise Tax Board's (FTB) Court-Ordered Debt Collection program. The Judicial Council approved the proposals for sponsored legislation and these provisions were added to SB 246 (Escutia) on May 10, 2004.

The following is a more detailed description of these proposals:

Debit Cards and Electronic Payments

Existing law authorizes courts, cities, and other local public agencies to accept credit cards as payment in addition to cash and checks. Allowing those entities to also accept debit cards and electronic checks will provide more flexibility for the collection of all revenues.

Comprehensive Collection Program

Existing law authorizes any county or court to implement a comprehensive program to identify and collect delinquent fines and forfeitures, and allows the county or court to deduct the cost of operating that program from any revenues collected, prior to making distributions required by law. The comprehensive collection program must include at least 10 of 14 prescribed components.

This provision adds fees, penalties, and assessments to the list of debts eligible for enhanced collections programs. Allowing courts and counties to refer all delinquent debts to the comprehensive collection program will reduce the administrative burden of separating the delinquent accounts by type, and will lead to a more efficient program.

This provision also adds participation in the FTB's Court-Ordered Debt Collection program and the use of "skip tracing" or locator services to the list of program components. These are two of the most effective ways to locate debtors. The use of these components will increase effectiveness of collection programs and is appropriate for inclusion in an enhanced collection program.

Court-Ordered Debt Collection Program Sunset

In 1995, legislation established the FTB's Court-Ordered Debt Collection program. This program allows FTB to collect debts that have been delinquent for at least 90 days. The program currently has 27 clients with 15 on the waiting list. A client can be a court, county, or probation department, depending on which agency is responsible for collections. The FTB program has been very successful with \$108 million in collections since 1995.

Current law requires the program to sunset on January 1, 2006, the third extension of the sunset since its enactment in 1995. This sunset requires FTB to begin shutting the program down in the second half of 2005. The success of the program and number of active clients and clients on the waiting list suggest that collections efforts in the state will suffer if the program is allowed to sunset.

For more information, please contact Eraina Ortega in the Office of Governmental Affairs at (916) 323-3121. ■

BENCH-BAR COALITION

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each legislator with informational materials that outlined advocacy efforts by other coalitions and stakeholders in support of adequate funding for the courts and full access to court programs and services. The packets included: excerpts from “real people” testimony on the damaging effects of judicial branch budget reductions at the Judicial Council and Senate Select Committee on Citizen Participation hearings; resolutions by the State Bar Board of Governors, the Santa Clara County Bar Association and the Legal Aid Association of California; and information about the BBC and the Coalition to Preserve Our Justice System (CPJS). The CPJS is a newly-formed, statewide group of community-based organizations with the common goal of education and advocacy on the consequences to low-income and underserved individuals if the erosion of already overburdened court programs and services continues.

Between appointments, BBC members returned to the State Capitol hearing room that served as “home base” for the day’s activities. There, the team members compared notes on meetings just completed, developed dialogue and strategies, or enjoyed refreshments before moving on to the next appointment. Later that afternoon, when all of the teams returned from their last appointments, a debriefing was held during which all participants had an opportunity to offer their perspectives on the legislative meetings and the overall event.

Overwhelmingly, the participants believed the Day in Sacramento to be a very effective program for delivering a consistent message, familiarizing the legislators with the Coalition, and demonstrating the broad support among the bench and bar for stable court funding. Comments on how the BBC and its message were received by the legislators and staff were generally positive:

“Very knowledgeable about fiscal issues. Very concerned that the low and middle-income people are bearing the brunt of fiscal crisis.”

“Very interested in our views, and did not disagree with them; was willing to raise taxes if necessary to preserve the quality of life in California.”

“Strong supporter - understands the ramifications of the budget cuts.”

“Wants local bars and other groups to get involved with the key issues.”

“Pointed out courts are different – separate/independent co-equal branch. He mentioned that a lot of people don’t see it that way.”

“Was pretty non-committal. Would weigh all the competing



photo courtesy of Nedra Jenkins

interests fighting over the dollars and then vote. Supports the Governor’s budget.”

“Very positive – appear to think that conference issues will be settled in a positive manner.”

“Interested in structural reform that will give the branch a stable funding source. Focused on systemic changes, but concerned that the present Administration’s view on taxes makes change difficult.”

When asked about the most beneficial parts of the Day in Sacramento, responses from attendees were equally positive:

“Face-to-face meetings. We hope we made the courts’ budget issues more human. Wonderful organizational preparation.”

“Meetings with the members. It was interesting and helpful to hear their issues as well as tell them ours.”

“I think the day went exceptionally well, and give highest marks in all categories. Thanks again for all you did to make the day both productive and enjoyable.”

“The feedback that we received from the legislator’s staff was that the meetings were an effective tool to advance the BBC agenda.”

The Office of Governmental Affairs will continue to follow up with legislative offices requesting additional information as a result of the interest and momentum generated from the BBC contacts. For more information about the BBC or the Day in Sacramento, please contact Dia Poole, the AOC’s liaison to the BBC, at (916) 323-3121 phone, (916) 323-4347 fax, or email to dia.poole@jud.ca.gov. ■

MORE ON THE BENCH-BAR COALITION

The BBC was formed in 1993, under the leadership of the California Association of Local Bars (CALB), to enhance communication and coordinate the activities of the judicial community with the state, local, and specialty bars on issues of common interest—particularly in the legislative arena. The BBC is currently chaired by James Fisher of Alameda. In addition to its regularly scheduled conference calls, the BBC holds meetings in conjunction with the State Bar. ■



SENATOR ACKERMAN

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or the Department of Fish & Game. The Budget Conference Committee approved language that will not necessarily secure, but will go a long way in helping to develop and secure a base funding level for the courts so we don't have to go back and start all over each year. Also, Senator Dunn and I have been spending a lot of time advising the rest of the members in the Legislature about the importance of treating the judicial branch be treated as a separate branch of government, a constitutionally-protected one. Up to this point we have been successful in doing so. In addition, the Governor's office has been very supportive of our efforts in that regard.

CC: You mentioned Senator Dunn and that you've been working with him collaboratively for some time on court-related issues. Tell us how that relationship evolved.

Ackerman: Our efforts together started about two years ago when Governor Davis was in office and he took a big axe to the judicial branch budget. Joe [Dunn] became the lead Democrat and I worked with my Republican colleagues to try to get a resolution to this. Now we have a Republican Governor who understands the issue, but Joe and I have continued to do the same thing we did under the previous administration – reiterate to our membership of the importance of adequate funding for the judiciary – and I think that will continue as long as it's necessary.

CC: Given the state's current fiscal situation, and the critical need of the judicial branch to secure stable and adequate funding, how do you approach working with Senate and Assembly leadership and the Administration to reach a fair, workable budget compromise?

Ackerman: I think it goes back, again, to convincing them (legislative members and administration officials) that the judiciary is not another state department. The judiciary is a separate and equally important branch of government. I think we've come a long way in making that argument. I will continue to talk to my fellow legislators – even though a number of them are lawyers, a lot of them have not practiced as long as Joe and I have. There used to be a lot of lawyers in the Legislature, and now there are fewer in number and a lot of them do not practice, so they have a little different attitude toward the judiciary. Joe and I will continue to talk to our membership and advise them of the importance of having a fully-funded court system.

CC: Have you established specific policy or fiscal objectives on judicial issues that you believe can be accomplished during your tenure?

Ackerman: We are trying to achieve an accurate base budget for the courts, and if the language goes through this year we will have accomplished that. The language basically says the courts' current level of funding will be the base, and as a Legislature we will not go back and ask them to justify that or try to reduce it below that level. Any new expenditures – new courthouses, new judicial positions – will go through the normal process. Of course we will continue to watch the judicial branch to make sure they're efficient, but not treat them like another department, and guarantee that they can have an appropriate level of funding no matter what.

CC: Aside from the budget, are there other judicial-related policy issues that you foresee as a specific goal?

Ackerman: I carry a lot of bills for the State Bar and the Judicial Council on issues related to the legal process, and that will most definitely continue. They want lawyers in the Legislature to carry some of those and that will continue. The last major policy debate was trial court funding, in which the responsibility shifted from the counties to the state.

CC: How does having a Republican governor affect the agenda and direction for your caucus?

Ackerman: Dramatically. When the Legislature was controlled by the Democrats and you had a Democratic governor it was very difficult to get any of your ideas or agenda even discussed in the committee. Now that there is a Republican governor, the Democrats' majority has to include our views in the policy discussions. So if there's an issue that comes up and we think we're not being properly heard, we can go to the administration and say, "Hey, we think we should go this direction or that direction." It has a dramatic influence.

CC: In closing, any final thoughts that you would like to share with our readers?

Ackerman: I would encourage your readers to come up to Sacramento and visit. I encourage them all to stay involved, especially at the local level, and be sure they contact their local elected officials in the State Legislature. When you speak to constituent groups, chambers, or charitable groups, emphasize the importance of the court system and the judiciary to everyone's lives in California. I think these things would be helpful.

CC: Thank you, Senator Ackerman. ■

LEGISLATIVE REVIEW

The following is an update of the second year of the 2003-2004 legislative session on selected bills of interest to the courts.

COURT OPERATIONS

AB 3079 (Judiciary Committee), as amended June 10, 2004. Court operations

Authorizes the compensation of retired subordinate judicial officers sitting on assignment in a manner analogous to retired judges. Authorizes the extension of temporary restraining orders set to expire because a court emergency prevents a hearing. Eliminates appellate filing fees in specified mental health and juvenile cases. Provides Court Appointed Special Advocates with access to a social worker's complete report to the court. Clarifies the scope of a Rule of Court concerning attorney contact information in dependency cases. Corrects obsolete statutory references.

Status: Senate Judiciary Committee

JC Position: Co-sponsor (with the California Judges Association)

SB 749 (Escutia), as amended June 7, 2004. Trial Court Facilities Act clean-up

Among other things, amends the process for calculating utilities costs. Establishes the Architecture Revolving Fund. Extends timeline for the Judicial Council to adopt a rule of court concerning appeals of specified placement decisions in dependency proceedings.

Status: Assembly Floor

JC Position: Sponsor

CRIMINAL

AB 1919 (Steinberg), as amended June 22, 2004. Mentally competent minors

Authorizes a court to order that a minor who is alleged to come within the jurisdiction of the court as a status offender or delinquent minor and who may have a serious mental or emotional disturbance or a developmental disability be referred for evaluation of the disturbance or disability. Specifies procedures for the disposition of a minor who is adjudicated a ward of the juvenile court and who is determined to have a serious mental or emotional disturbance or a developmental disability. Requires the Judicial Council to provide to judicial officers and other public officers and entities, to the extent resources are available, education on mental health and development disability issues affecting juveniles in delinquent proceedings.

Status: Senate Appropriations Committee

SB 1223 (Kuehl), as amended May 24, 2004. Criminal law: juveniles

Gives sentencing courts the discretion to review and reduce, suspend, or reduce and suspend the sentence of a minor who was prosecuted as an adult, after the person has served 10 years of his or her sentence or has reached the age of 25. Also permits a 2nd review only in the event of a substantial change in circumstance.

Status: Senate Appropriations Committee

SB 1287 (Kuehl), as amended May 20, 2004. Prisoners: incarcerated parents

Requires the court to advise a defendant at arraignment that if the defendant is a custodial parent, conviction may have consequences for the defendant's parental rights.

Status: Senate Public Safety Committee

JC Position: Neutral as amended

SB 1744 (Dunn), as amended April 1, 2004. Bail reform

Enacts numerous reforms to the bail system. Among other things, the bill specifies that when a forfeited bond is not paid within the permitted timeframe and a summary judgment is entered against the bondsman by the court, the amount of the summary judgment issued is due and payable within 30 days of the judgment. On appeal of the summary judgment, this bill requires the full amount of the summary judgment to be deposited with and placed in escrow by the superior court, to be returned within 30 days of the reversal of that judgment, with any interest retained by the court. Also requires the clerk of the court to file a notice of a surety's failure to pay a summary judgment with the Department of Insurance within 30 days following the entry of notice of summary judgment.

Status: In Assembly

JC Position: Neutral, but amend.

FAMILY

AB 129 (Cohn), as amended June 22, 2004. Juvenile court: dual status children

Authorizes any county to create a protocol that would permit a minor who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court. Requires that only one agency serve the child at any given time during the case. Requires the Judicial Council to evaluate the results of implementing the protocol, and to report its findings to the Legislature.

Status: Senate Appropriations Committee

JC Position: Sponsor

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LEGISLATIVE REVIEW

AB 252 (Jackson), as amended June 22, 2004.

Paternity judgments

Provides that specified judgments or orders establishing paternity may be set aside by the court, upon motion by a party, if genetic testing indicates that the previously established father of a child is not the biological father of the child, and other specified conditions are met.

Status: Senate Appropriations Committee

AB 2148 (Diaz), as amended April 28, 2004. Family law proceedings

Establishes new structure for ordering a party to pay the costs of the other party's legal costs in specified family law proceedings. Authorizes the court to make spousal support orders under the Domestic Violence Protection Act. (DVPA). Requires the court when determining whether to make custody, visitation, or support orders under the DVPA to consider whether failure to make the order will affect the safety of the petitioner.

Status: Senate Judiciary Committee

JC Position: Oppose

AB 2228 (Garcia), as amended June 16, 2004. Child custody investigations: release of information

Requires family, juvenile, and probate courts in child custody, welfare, and guardianship proceedings, to share upon request, all available information the court deems necessary to make a determination regarding the best interest of a child, as specified. Authorizes the release of juvenile court file information to probate investigators and court appointed child custody evaluators.

Status: Senate Judiciary Committee

JC position: Support

JURIES

SB 1673 (Romero), as amended April 12, 2004. Grand juries: selection

Provides that if a judge rejects a person from serving on one of the grand juries described above, the judge shall issue a written explanation of the reasons for the rejection, as specified. Deletes the provisions of law giving a judge the authority not to select names from the list prepared by the jury commissioner.

Status: Senate Judiciary Committee

JUVENILE DELINQUENCY

SB 1151 (Kuehl), as amended March 16, 2004. Juvenile crime

Adds to the factors to be considered by the juvenile court in a fitness hearing the actual alleged behavior of the minor, the minor's degree of involvement in the crime, the

level of harm actually caused by the minor, and any other matter that may affect the circumstances and gravity of the offenses.

Status: In Assembly

JC Position: Support

TRAFFIC

SB 1269 (Morrow), as amended June 16, 2004. Traffic violators: Judicial Council report

Requires the Judicial Council, by June 1, 2005, to collect information and compile a report on how courts work with traffic violator schools, home study programs and Court Assistance Programs (CAPs), and the fees charged by the CAPs. Also requires the Judicial Council, by June 1, 2005, to recommend approaches to setting a fiscal policy for CAP fees charged to traffic violators who attend traffic schools.

Status: Assembly Appropriations Committee ■

URGENCY LEGISLATION CONCERNING FAMILY LAW FILES SIGNED BY GOVERNOR

Assembly Bill 782 by Assembly Member Kehoe is an urgency measure that was signed by the Governor on June 7, 2004 (Stats. of 2004, Ch. 45). AB 782, which became effective when signed, authorizes parties to a dissolution of marriage to request the sealing of any pleading that lists the parties' financial assets and liabilities and provides the location or identifying information about those assets and liabilities. Such a request can be made by ex parte application, and the request must be served on the other party, and a proof of service filed with the court.

In addition, the legislation addresses the treatment of social security numbers in family court files by authorizing all parties to redact their social security numbers from documents filed with the court, with the exception of specified documents related to child support actions. It also repeals the recently enacted requirement that parties file a special form with the court including their social security number that was required to be kept in a confidential portion of the court file. In response to this legislation, the Judicial Council repealed the form in question – FL 102 – on June 23rd.

Any questions regarding AB 782 should be addressed to Tracy Kenny at (916) 323-3121, or email tracy.kenny@jud.ca.gov ■

RIPPED FROM THE HEADLINES



"Ripped From the Headlines" highlights news stories of interest including headlines and lead paragraphs, without editorial comment from *The Capitol Connection*.

"Shift In Prison Philosophy" *San Francisco Chronicle* (May 26, 2004)

Nearly 30 years after California policy-makers declared that the purpose of imprisonment was punishment, several efforts are under way in Sacramento to re-emphasize rehabilitation inside the state's troubled corrections system.

Amid scandal, budget woes and high recidivism rates, Democrats and some Republicans have this year offered support for revamping California prisons to focus more on helping inmates change criminal habits.

The support may point to a symbolic softening of the tough-on-crime sentiment that has been pervasive among the state's lawmakers and governors for decades. At the very least, most politicians now admit that current prison policies cost too much and don't improve public safety.

"It is time for members of this Legislature, Republicans, Democrats, liberals and conservatives, to concede that our prison system is a monumental failure," state Sen. Ross Johnson, R-Irvine, said on the Senate floor Tuesday. "It is ridiculous that we have this hugely expensive system of babysitting for prisoners."

Johnson spoke before the Senate voted 27-7 to approve a constitutional amendment that would require the state Department of Corrections to provide a rehabilitation plan for every inmate entering the prison system. The amendment, SCA 8, drafted by Sen. John Vasconcellos, D-Santa Clara, calls for expansion of education, job-training and parenting programs.

"Mod Squad' Of Democrats Reins In Assembly Liberals" *Los Angeles Times* (June 12, 2004)

Before the election of Gov. Arnold Schwarzenegger, the Mod Squad was a disorganized, powerless group of middle-of-the-road lawmakers – ideological floaters in a Legislature dominated by liberal Democrats. But now they're growing in influence and exercising clout on the Assembly floor by helping kill legislation.

"The more liberal members – progressives, as they like to call themselves – were used to running the show, including pushing Gray Davis around," said Allen Hoffenblum, a Republican consultant who analyzes state races.

"Now, not only do they have to deal with Arnold Schwarzenegger – who is in no way beholden to them – his election also has emboldened the moderate Democrats,"

The Assembly Moderate Caucus has 18 lawmakers out of 48 Democrats in the 80-member lower house, but they usually can count on about 10 to regularly push an agenda focused on the economy and business. Because nearly every bill needs 41 votes to pass, the caucus can effectively sabotage any legislation – if members are united.

They frequently are not, but the caucus is increasingly asserting itself in high-profile ways. Its members have met as a group with Schwarzenegger, an occasional ally on business issues, and they have been more vocal during debates this session. And the group distributed a first-ever "action alert" listing a dozen bills it wanted killed. The list, which included the toxics legislation, was printed in red ink and distributed only to the Mod Squad.

By the end of the week, seven of the 12 action alert bills had been killed or stalled in committee.

"Governor Will Forgo Judicial Appointments Secretary" *Daily Journal* (June 15, 2004)

Gov. Arnold Schwarzenegger will rely on his legal affairs secretary and chief of staff to scrutinize candidates for bench appointments, his spokeswoman said Monday.

Margita Thompson said the governor may forgo a judicial appointments secretary.

Thompson said Schwarzenegger will consult with Legal Affairs Secretary Peter Siggins and Chief of Staff Patricia Clarey in selecting judges.

She said the administration is still looking for potential candidates for the judicial appointment position, but the current consultation arrangement "may end up working out just fine, as well."

The governor's press office said recently that people "within the administration" were sending names of potential judges to the State Bar's Judicial Nominees Evaluation Commission. The committee sends detailed questionnaires to lawyers and judges to get comments on the candidates.

"Judges To Get New Power In Disciplinary Proceedings" *Daily Journal* (June 24, 2004)

In a compromise intended to ward off legislation to force its hand, the state Commission on Judicial Performance has agreed to allow judges facing discipline the same power the agency holds to subpoena witnesses and take sworn statements during discovery.

California judges facing disciplinary hearings have complained for years that they don't get due process when defending themselves against charges by the state judicial watchdog

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RIPPED FROM THE HEADLINES

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agency.

AB 2729, a bill introduced last month by Assemblyman Mark Leno, D-San Francisco, would grant judges discovery privileges in formal disciplinary proceedings.

The commission had opposed the measure, asserting that the Legislature lacked constitutional authority to change the rules for policing the judicial branch. Commission officials also argued that allowing judges to subpoena witnesses could delay hearings and increase the agency's costs, a bigger concern because its budget was cut this year.

Defense lawyers said that no judge should face removal from office and a devastating blow to his or her career without having the necessary tools for an effective defense.

“Assembly Pursues Elections Status Quo” *San Jose Mercury News* (June 25, 2004)

Unusually quick – some would say sneaky – legislative maneuvering this week all but guarantees that voters will see not one, but two ballot initiatives tackling California's primary system this fall.

Thursday, the Assembly narrowly voted to place a measure on the ballot that would let each political party send one candidate to a general election. In their hurry to meet the deadline to qualify for November's election, lawmakers tied the proposal to something unrelated and, presumably, popular: selling spare state property to pay down California's debt.

It's an unvarnished effort to undermine another November initiative – one that advocates an open primary, where voters can pick their favorite candidate, regardless of party. From there the top two vote-getters, even if they're both Republicans or both Democrats or neither, would square off in the general election.

The contest of ideas is fair, many think. But what some find devious is that the Legislature's ballot contender, known as Senate Constitutional Amendment 18, comes packaged with something popular and unrelated – a sweetener for voters.

One detractor charged that the move demonstrates “the Legislature's arrogance, its distance from Californians and its contempt for the voters.”

“SCA 18 makes the case for why the open primary is necessary far better than we ever could,” said Kevin Spillane, a consultant for the open-primary measure, whose backers are mainly political centrists. They argue that an open primary will usher more moderates into the Legislature and Congress and yield more competitive fall races.

“This is a travesty of democracy, a slap in the face to the people

of California, and it really stinks,” fumed Assembly member Keith Richman, R-Granada Hills.

But others passionately insisted that the original November initiative is the real sham, because a general election between the two most popular candidates would frequently yield a final contest between two Democrats or two Republicans because California has so many “safe” legislative seats. That means goodbye Green, Libertarian and Peace and Freedom candidates come general election time, they argued.

D. Weintraub Column: State Worker Unions *Sacramento Bee* (June 28, 2004)

Arnold Schwarzenegger has been flexing his political muscles since winning the governor's office last fall with a campaign to sweep the special interests from the halls of the Capitol. But there's one interest group that has made the former Mr. Universe look like a 98-pound weakling: public employees.

With his first budget moving toward closure this weekend, the rookie governor appears to be nowhere near achieving his goal of reining in state employee payroll costs by freezing salaries and rolling back pension increases granted by his predecessor.

Those proposals have met fierce opposition from Democrats in the Legislature, whose political survival has come to depend more and more on the money that the public employee unions contribute to their campaigns.

Schwarzenegger, the Democrats said, will have to squeeze those concessions out of the unions at the collective bargaining table, with no help from them. Which means the savings will probably never happen.

Why the stonewall from the Legislature? The public employee unions in California have combined to become the biggest source of campaign cash for Democrats, who fear they cannot survive without them. In recent years the Democrats have proven more willing to cut essential services for the poor and the sick than to endanger their alliance with labor.

In the last full election cycle alone, public employee unions contributed nearly \$19 million to political campaigns, most of it to Democrats. That figure doesn't include more than \$5 million donated by the California Labor Federation and the Service Employees International Union, which represent public and private workers. ■

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CAP CONN SAYS “GOODBYE” TO STORY MANAGER; WELCOMES NEW DIRECTOR’S INTERN



On June 30, OGA said “farewell” to Thomas Stevenson. Stevenson, who has worked in OGA for the last two and a half years as a graduate student assistant, received his Master’s degree on May 22, 2004, from California State University, Sacramento in Criminal Justice. His thesis, titled “Categorical Jury Exemptions in the State of California: A Historical Analysis,” explored jury exemption legislation and its effect on the jury selection process.

During his tenure with OGA, Thomas worked closely with legislative advocates to track and report council-related legislation. He also served as the story manager for *The Capitol Connection*, assisting the editor-in-chief to insure the quality and timeliness of the publication. Upon his departure, Stevenson plans to relocate to the state of Delaware where he will pursue his doctoral degree.

Ray Sardo joined the staff of the Office of Governmental Affairs on Monday, June 14 as a Director's Intern. Sardo previously worked as a legislative aide to Senator John Vasconcellos and the Select Committee on Economic Development, briefing the Senator on tax, business, economic development, insurance and energy issues. He has also staffed legislation on privacy, transportation, and juvenile justice for Senator Deirdre Alpert of San Diego.



A Director’s Intern may serve for up to two years, during which time he or she assists the Director and the Director’s management team in the performance of professional and administrative duties. Ray will work on a variety of OGA projects, including policy, statistical, and legislative research and data analysis related to the Judicial Council’s efforts to secure stable funding for the judicial branch. Ray graduated magna cum laude from Loyola Marymount University in Los Angeles and has just completed his second year of law school at McGeorge School of Law in Sacramento.

Thomas, you will be sorely missed! Ray, welcome to OGA! ■

News From the AOC

In addition to *The Capitol Connection*, the Administrative Office of the Courts publishes several newsletters reporting on various aspects of court business. Visit these online on the California Courts Web site at www.courtinfo.ca.gov. To subscribe to these newsletters, contact pubinfo@jud.ca.gov.

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Court News: Award-winning bimonthly newsmagazine for court leaders reporting on developments in court administration statewide. Indexed from 2000 at www.courtinfo.ca.gov/courtnews.