The Capitol Connection

A publication of the Judicial Council of California's Office of Governmental Affairs
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Funding for Domestic Violence Courts

In response to community concerns in Los Angeles County about the ongoing viability of specialized domestic violence calendars, three legislators have introduced bills in the 2000 Legislative Session that would provide additional funding for domestic violence courts. The bills take slightly different approaches and include a range of funding levels, as described in the following paragraphs.

Assembly Bill 1705 (Gallegos) would create the Domestic Violence Court Trust Fund and appropriate $15 million to "provide assistance to local trial courts to create new domestic violence courts and improve and expand existing domestic violence courts." The funds would be appropriated to courts through a grant process administered by the Judicial Council. Each court would be required to set forth a detailed plan about its use of the funding and the expected beneficial outcomes.

On Friday, February 3, 2000, Assembly Member Martin Gallegos hosted a hearing on AB 1705 in Baldwin Park. Panelists provided information on the scope of the problem of domestic violence; efforts in Los Angeles to combat domestic violence, both in the law enforcement arena and through advocacy and counseling programs; trial court funding issues; and models of domestic violence courts.

Assembly Bill 1754 (Robert Pacheco) proposes the creation of domestic violence courts as a pilot project in three courts. Focusing on urban counties, the pilot projects would occur in counties of specified population ranges, from 750,000 up. The pilot projects would operate for three years and would be funded in the amount of $3.6 million. The Judicial Council would select the pilot projects sites.

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Executive-Legislative Panel Addresses CJAC

On Friday, January 28, 2000, at the California Judicial Administration Conference (CJAC), a panel discussion took place on issues currently affecting the judicial branch. The participants were Burt Pines, Judicial Appointments Secretary to Governor Gray Davis; Assembly Member Fred Keeley, Speaker Pro Tem; and Assembly Member Darrell Steinberg, member of the Judiciary Committee. Moderated by Office of Governmental Affairs Director Ray LeBov, the discussion touched on the judicial appointment process, legislative priorities, and interbranch relationships. Excerpts follow.

(LeBov) What are the top priorities of the Assembly Judiciary Committee for this year?

(Steinberg) In addition to mental health, I see mandatory predispute and binding arbitration as a priority. Chairwoman Kuehl's bill last year got a lot of attention and goes to the core of the balance between the right of individuals to have access to courts versus the rights of the business community, whose members say litigation costs are out of control and we must stem them.

(LeBov) What are your personal priorities on the Assembly Public Safety Committee?

(Keeley) Two bills have been introduced in the Assembly pertaining to DNA testing, a Republican [version] and a Democrat version. The GOP version was killed last year, as it said that any person charged with any felony would be required to submit to DNA testing. Senator John Burton's bill (SB 1342) will require a motion to be filed by someone who has been convicted [if his or her] identity was a significant issue at trial. A second issue I see us dealing with is the statute of limitations as it relates to sex crimes.

(LeBov) What are the Governor's judicial issue priorities as reflected in his proposed 2000–2001 budget?

(Pines) In terms of specific budget proposals made by the judicial branch, some are directly in line with the Governor's commitments, such as public safety.

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As well, considerable amounts of money were requested for court technology because many courts do not have the ability to communicate with each other. So the technology request was granted, as the Governor wants the judicial branch to operate efficiently. Budget requests for pilot programs such as ADR (to reduce litigation), new business courts, and family court assistance are all consistent with the Governor's commitments. The Governor was quite supportive of the judicial branch this year. He did agree to an increase in judicial salaries and supports additional increases in juror fees, interpreters, and . . . judges. One last thing: Again this year, he supports the proposed $10 million for access to the courts, which the state in the past has not done.

In general, you have to appreciate the Governor's wanting to spend your tax dollars prudently. If any agency needs additional funding, there needs to be good workload measurements and strong justifications for a budget request. This governor is a hands-on leader, . . . will ask the tough questions, and in the end is going to have to be persuaded by the justifications. He is more amenable to something if it is a one-time expenditure rather than an expenditure that loads up the budget and burdens future administrations.

Budget requests in general have to indicate that the proponent is being prudent. This governor is very focused on that, and if there is not evidence that the requirement is strongly substantiated and well founded, you are going to lose credibility. I would urge the presiding judges and court administrators to work with the Judicial Council carefully and respond to their requests for information, so your requests can really be justified and supported in this process.

On the legislative side, this governor is going to know as much about each bill as anyone else and he is going to ask the tough questions. If it is evident that the research has been slipshod, the bill has a chance of being vetoed. I think it is important to speak with a single and consistent voice in the process. I know that there are divergent views and interests in the judicial branch, but in terms of the perspective of the legislative and executive branch, it is critical to have consistency and the same priorities in mind. It does you no good if the Judicial Council is saying one thing, and local judges are trying to provide their input and it is a different message; it can undermine your efforts.

I think the Office of Governmental Affairs group does an excellent job. It is important to work collaboratively and cooperatively with our office—no cheap shots, here for a while, and you are going to have to deal with no end runs. This is an administration that is going to be here for a while, and you are going to have to deal with Governor Davis in the future. There are ways to be efficient and not efficient, and the group representing you is doing a good job.

Last, I should mention you have a great weapon in your arsenal, a great advocate—the Chief Justice. He is highly regarded in our office and is responsible for many of the proposals that you see in the budget promoted by the governor. So that is a resource you have, and we listen carefully to what he has to say.

(Keeley) Any governor of any party is going to get 90 to 95 percent of what [he or she asks] for from the Legislature, and it is probably higher when [he or she is] of the same party. I want to amplify the ongoing versus one-time expenditure issue, a concept that I think you should get comfortable with. And that is this: Immediately when Governor Wilson came into office, he dealt with a $13 billion budget deficit. This is larger than the total budgets of two-thirds of the states in the union. He had to deal with this by making budget cuts to cover one half and increasing taxes to cover the other half, and frankly, he never recovered politically from that. He had to live in that shadow for the rest of his administration.

This governor understands this historical lesson well. In terms of business cycles, any governor coming in during unprecedented economic growth fears being in a downturn in the cycle on his or her watch. If that happens, you do not want to be in Pete Wilson's shoes. You want to be able to make sure that the ongoing expenditures are not going to tag you with having to do either budget cuts [or] tax increases.

(Steinberg) One of the roles you can help play is, you can help us frame and provide the context for the bigger issues. Let me give you an example of one issue I think is coming down the pike. In one year, the Legislature and the Governor dealt with child support reform. We did so because there was a political

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THE CAPITOL CONNECTION

JUDICIAL COUNCIL OF CALIFORNIA

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700, Sacramento, CA 95814

Phone (916) 323-3121 - Fax (916) 323-4347

WWW.COURTINFO.CA.GOV

The Capitol Connection is a publication of the Judicial Council's Office of Governmental Affairs and is designed to inform judges and court personnel of current events in and around the California Legislature.

Editorial Board:
Ray LeBov, Kate Howard, June Clark
Whitnie Henderson, and Todd Spitler

Contributors:
Kate Howard, Lee Morhar,
Todd Spitler, and Whitnie Henderson

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imperative to do it. The Governor saw it, we saw it, and I think we are going to see the same kind of scrutiny paid to the issue of foster care. Unless we deal with family dysfunction, we are going to have a very hard time saving these children. You in the courts know better than anyone, because you deal with foster care. You ought to help us frame that issue.

(LeBov) A series of landmark structural changes—trial court coordination/unification, trial court funding, and jury reform—have been enacted primarily to equalize and improve access to justice. Although [it is] early in the process, to what extent are the desired impacts already observable so far?

(Keeley) I had the privilege of serving on the Santa Cruz Board of Supervisors, and one of the concerns we had was the cost of trial courts. In Santa Cruz we are funding the trial courts from the county General Fund level, with a little help from the state, but it is the state that makes the rules about those courts and thus the civil and criminal workload that they will have to handle. I think the trial court funding changes actually are quite good for county trial court General Funds because they, in essence, indemnify the county against actions by the state that would impact the counties.

On the unification side, there have been huge benefits—greater access to the court system; on the civil side, no more two- to three-year delays; and on the criminal side, the same thing. There is now an ability to have all judicial officers as generalists and then triage the workload according to expertise. It has been my observation that it has been a tremendous success.

(Steinberg) I think the same is true for Sacramento County. What I noticed when I was in the courthouse about a month ago, was that unification seems to allow for greater innovation. Sacramento has a system now where all cases that have any relation to domestic violence come through a particular judge[; this] allows both the court and the judge to respond in a consistent fashion.

There are a couple of outstanding issues: collective bargaining and how it will affect court employees and their access to financial information to provide better bargaining power. Regarding jury reform, it is my sense is that it is still difficult to get a wide cross-section of people to serve, and the conditions in the crowded courthouse make it unattractive to serve. The rate of compensation we pay people to fulfill this highest of civic duties is really not enough to attract the cross-section of people we want to serve. This is an obligation, I know, but generally for those who want to find a way out of it, they will find a way out of it.

(LeBov) What effect will the midyear, midsession speakership change have on the judiciary committees, the Assembly, and the Legislature in general?

(Steinberg) We don't know yet. As a result of Proposition 140, we live in an era of term limits. It used to be that a speaker, as long as [he or she] maintained support and the votes, could serve for as long as [he or she] wanted. With term limits, by definition, the speaker is a two-year job, and the Assembly is in the midst of trying to institutionalize the transition process. It is an imperfect situation now, and the practical effect will be that mid-term change makes it more difficult.

(Keeley) Darrell is absolutely right. My general observation is [that] what we will now have is strong speakers, but not a strong speakership. I think Bob Hertzberg will be a very strong speaker, but the institution will not be. I was chief of staff to a non-term-limited member and returned as a member under term limits, and I have seen a fundamental change in Sacramento. Under the old system, it used to be that patience and loyalty were rewarded. You would serve in relative obscurity for four to eight years, and if you were patient and loyal, you were considered for a committee chair. Under the new system, creativity and initiative are rewarded.

The new system has also created a boldness in behavior, which is good and bad. The down side is [that] institutional memory has shifted from the Assembly to the Senate, so members now "rent" the institutional memory by hiring staff, and borrow it by forging relationships with lobbyists. That's bad, because staff and lobbyists weren't elected to anything. So the speakership exists in that environment now. The contemporary speakership is working within the…pattern [of] two budgets and one election, with two goals to achieve: setting budget priorities and expanding your political party's numbers in the Assembly.

Bob Hertzberg is an enormously energetic member. His approach to the speakership is more akin to a CEO—management by objective, very disciplined, organized, systemized, clear and direct. This is going to be good for the Assembly. The dirty secret of term limits [is that] the Assembly now must fight to be relevant. There is no legislator in the house who has been in for more than five years. Our speaker has only been speaker for three years, so how do you go into budget negotiations with the so-called "big five" (Governor, majority and minority leaders)? That is an enormous institutional and resource mismatch. This speaker's energy will help make the Assembly relevant, I believe. ❖

Courts Riding on the Information Superhighway

The theme at this year's California Judicial Administration Conference, "21st-Century Courts—A Future Based on Trust and Confidence," was evident in several workshops and panels that addressed not only court technology but also our reliance on the increasing online presence of state government and the judicial branch.

The Capitol Connection highlights informative Web sites that provide wide-ranging information including proposed legislation that will affect the courts, propositions on the March 7 ballot, the numbers of candidates running for local and statewide races and their stands on the issues, and catching live broadcasts of court proceedings in various states.

CALIFORNIA LEGISLATURE

California Assembly *(www.assembly.ca.gov)* Lists current members of the Assembly, their biographies and legislative accomplishments, leadership within the majority and minority parties, committee assignments, and press releases.

California Senate *(www.senate.ca.gov)* Provides information similar to that on the California Assembly home page.

Legislative Analyst's Office (LAO) *(www.lao.ca.gov)* Produces nonpartisan budget analysis of the Governor's proposed budget, and policy analyses on such issues as "California's tax policy and the Internet" and ballot propositions; includes a database of LAO publications.

Legislative Counsel *(www.leginfo.ca.gov)*
Publishes daily updates of Assembly and Senate bills, Today's Events in the Legislature, and other legislative information including full text of bills, resolutions and constitutional amendments their status, history, votes, analyses, and veto messages.

Governor *(www.governor.ca.gov/s/)* or (*graydavis@governor.ca.gov*)
Includes the Governor's introduction, a briefing room containing late-breaking press releases, executive orders, public notices, opinion articles and selected speeches such as the State of State address. An "appointments" link lists who has been appointed within the administration and what judicial appointments have been made.

COURTS

California Courts and Judicial System *(www.courtinfo.ca.gov)*
Contains opinions of the California Supreme Court and California Courts of Appeal; court forms and California Rules of Court that can be downloaded for viewing; links to court calendars and minutes for both the Supreme Court and Courts of Appeal; links to information on programs such as Access and Fairness Advisory Committee, Center for the Children and the Courts, and the California Drug Court Project; a "jobs" page lists positions available at the Administrative Office of the Courts and the California Appellate Courts.

Serranus *(www.serranus.courtinfo.ca.gov)*
A members' access website associated with *www.courtinfo.ca.gov.* Highlights various programs such as electronic filing, planning and local courts. Contains an Education/CJER link that offers benchguides, calendars and publications, as well as a Judicial Council link that lists advisory and internal committees, task forces and their respective members.

ELECTION INFORMATION

California Voter Foundation *(www.calvoter.org)* A nonpartisan site with more than 200 links to individual legislative races, as well as connections to political parties and political action groups.

California League of Women Voters *(www.ca.lwv.org)* Features endorsements as well as information about candidates and about statewide races and ballot measures.

Project Vote Smart *(www.vote-smart.org)*
Navigates browsers through a guide to thousands of political Web sites.

California Secretary of State *(www.reform.ss.ca.gov)* Compiles voluntary campaign finance disclosure reports for the general election.

DemocracyNet California *(www.democracynet.org)*
Offers official coverage of gubernatorial debates, regular poll updates, and candidate information.

Frequently Asked Questions *(www.FAQvoter.com)*
Answers frequently asked questions about elections, the positions of candidates, and other useful information on local, state, and national campaigns.

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NEWS

Capitol Alert *(www.capitolalert.com)* Daily news from the Capitol, the latest poll and tracking numbers, and columns by local political pundits.

Rough & Tumble *(www.rtumble.com)* Daily links to political news stories in all major print news sources in California.

Cal Law *(www.callaw.com)* Links to daily legal news stories as they appear in the host *Daily Recorder* newspaper and other major news sources. ❖

Office of Governmental Affairs Bids Farewell to Anthony Williams

Anthony Williams, legislative advocate in the Judicial Council's Office of Governmental Affairs, left this month to join the staff of Senate President Pro Tempore John Burton. Anthony will be an advisor to Senator Burton on judiciary and public safety issues.

We thank Anthony for all his hard work and wish him the best in his new position. ❖

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Senate Bill 1340 (Solis) creates a three-year statewide pilot project for an unspecified number of courts. The bill states the Legislature's intent to fund these domestic violence courts in the amount of $10 million. The Judicial Council is charged with coordinating the pilot projects and reporting their results to the Legislature on March 1, 2004.

Assembly Speaker Antonio Villaraigosa recently appointed a Select Committee on Domestic Violence, chaired by Assembly Member Gallegos. The Select Committee also includes Assembly Members Sheila Kuehl, Robert Pacheco, Darrell Steinberg, and Helen Thomson.

The Capitol Connection will provide updates on the three bills as they move through the legislative process. ❖

Coming next issue…

February 25 marked the deadline for introduction of legislation and produced hundreds of new bills during the final week. The April issue of *The Capitol Connection* will profile a selection of those bills which most significantly affect the judiciary.