



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION
AND LIAISON COMMITTEE

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POLICY COORDINATION AND LIAISON COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

August 31, 2017

4:30 p.m.

Teleconference

Advisory Body Members Present: Hon. Gary Nadler, Vice-Chair; Hon. Brian J. Back; Hon. Samuel K. Feng; Hon. Harry E. Hull, Jr.; Hon. Dean T. Stout; Hon. Scott M. Gordon; Mr. Patrick M. Kelly; Ms. Donna Melby; and, Ms. Kimberly Flener.

Advisory Body Members Absent: Hon. Kenneth K. So, Chair.

Others Present: Hon. Todd Bottke, Judicial Council member and president of the California Judges Association; **Judicial Council staff:** Mr. Doug Denton and Ms. Anne Ronan; **Committee staff:** Mr. Cory Jaspersen, Ms. Laura Speed, Mr. Daniel Pone, Mr. Alan Herzfeld, Ms. Monica LeBlond, and Ms. Yvette Casillas-Sarcos.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:34 p.m., and took roll call. No written comments were received.

Approval of Minutes

The advisory body reviewed and approved the minutes of the August 10, 2017, and August 15, 2017, Policy Coordination and Liaison Committee meetings. (*Hon. Harry E. Hull, Jr., abstained.*)

DISCUSSION AND ACTION ITEMS

Item 1

Proposal for Judicial Council-sponsored Legislation

Disposition of the West Los Angeles Courthouse

Authorize and approve the sale of the West Los Angeles Courthouse in a fair market value transaction with the proceeds to be directed to the Immediate Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats, 2008, ch. 311) or any other Judicial Council facilities fund authorized by the Legislature.

Action: Recommend for Judicial Council sponsorship.

Item 2

Invitation to Comment

Proposed Legislation (Small Claims): Provision of Court Interpreters

Eliminates an exception that says interpreters are not required in small claims proceedings.

Further states that the qualifications of interpreters appointed in small claims proceedings must be consistent with those appointed in other civil actions.

Action: Approved for circulation.

A D J O U R N M E N T

There being no further open meeting business, the meeting was adjourned at 4:39 p.m.

C L O S E D S E S S I O N

Item 1 (Action Required)

Pursuant to California Rules of Court, Rule 10.75(d)(3).

Negotiations concerning legislation

- a) AB 1450 (Obernolte), as amended June 19, 2017 – Court reporters: electronic transcripts

Requires court reporters to provide transcripts to appellate courts, parties, or any other person entitled to a transcript in an electronic format that complies with the California Rules of Court, unless a paper copy is requested.

Action: Oppose, if substantively amended.

- b) SB 658 (Wiener), as amended August 22, 2017 – Jury selection: civil voir dire

Makes various changes to the civil voir dire statute. Among other things, maintains the provision that specifies that the scope of the examination conducted by counsel shall be within reasonable limits prescribed by the trial judge in the judge's sound discretion. Requires a judge, in the exercise of their sound discretion over the scope of voir dire, to give due consideration to all of the following: (a) the amount of time requested by trial counsel; (b) any unique or complex elements, legal or factual, in the case; (c) length of the trial; (d) number of parties; (e) number of witnesses; and (f) whether the case is designated as a complex or long cause. Requires a judge to provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called. Clarifies that a judge shall not impose specific unreasonable or arbitrary time limits, or establish an inflexible time limit policy for voir dire.

Action: No position.

- c) SB 785 (Wiener), as proposed to be amended – Evidence: immigration status

Among other things, seeks to prevent irrelevant information about a person's immigration status from being divulged in open court and included in specified public court records. Prohibits parties to a civil or criminal action from disclosing evidence regarding the immigration status of any other party or witness in open court, unless the party first

requests a confidential, in camera hearing and ruling by the judicial officer presiding over the case as to whether the evidence is relevant and not inadmissible. Prohibits *in criminal cases* evidence of a person's immigration status from being included in public court records, except as authorized by the court pursuant to the above-described confidential, in camera hearing procedure.

Action: No position.

Item 2 (Information Item)

Pursuant to California Rules of Court, Rule 10.75(d)(3).

Negotiations concerning legislation

Legislative Updates

Cory Jaspersen and Daniel Pone provided updates on:

- SB 789 (Bradford) – California Environmental Quality Act: Olympic games: sports and entertainment project: eminent domain.
- SB 185 (Hertzberg) – Crimes: infractions
- SB 10 (Hertzberg) – Bail: pretrial release

Adjourned closed session at 5:19 p.m.

Approved by the advisory body on September 13, 2017.



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MINUTES OF OPEN MEETING WITH CLOSED SESSION

September 13, 2017

1:00--2:00 p.m.

Judicial Council Conference Center

455 Golden Gate Avenue, 3rd Floor, Catalina Room

San Francisco, CA 94102

Advisory Body Hon. Kenneth K. So, Chair; Hon. Gary Nadler, Vice-Chair; Hon. Brian John Back;
Members Present: Hon. Samuel K. Feng; Hon. Harry E. Hull, Jr.; Hon. Dean T. Stout; Hon. Scott M. Gordon; Mr. Patrick M. Kelly; Ms. Donna Melby; and, Ms. Kimberly Flener.

Advisory Body None.
Members Absent:

Others Present: **Incoming Advisory Body Members:** Hon. Todd Bottke, Hon. Kevin C. Brazile, Hon. Harold Hopp, Ms. Gretchen M. Nelson, and Mr. Michael M. Roddy; **Judicial Council Staff:** Ms. Millicent Tidwell, Ms. Heather Anderson, Mr. Bruce Greenlee, Ms. Andrea Jaramillo, Ms. Tara Lundstrom, Mr. Patrick O'Donnell; and, Ms. Jamie Schechter; **Committee staff:** Mr. Cory Jasperson, Ms. Laura Speed, Mr. Alan Herzfeld, Mr. Daniel Pone, Ms. Sharon Reilly, Ms. Andi Liebenbaum, Ms. Yvette Casillas-Sarcos and Ms. Tayryn Edwards.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 1:00 p.m., and took roll call. No written comments were received.

Approval of Minutes

The advisory body reviewed and approved the minutes of the August 31, 2017, Policy Coordination and Liaison Committee meeting.

DISCUSSION AND ACTION ITEMS

Item 1

Proposals for Judicial Council-Sponsored Legislation

a) **Access to Juvenile Case File for Purposes of Appellate Proceedings**

Specifies who may access and copy records in a juvenile case file, to clarify that people who are entitled to seek review of certain orders in juvenile proceedings or who are respondents in such appellate proceedings, may, for purposes of those appellate proceedings, access and copy those records to which they were previously given access by the Court of Appeal.

Action: Recommend Judicial Council sponsorship.

b) **Authorization for Fees for Electronic Filing and Service in the Appellate Courts**

Amends Government Code sections relating to appellate court fees (1) to clarify that an appellate court or the court's electronic filing service provider may charge a reasonable fee for its electronic filing services; (2) to allow the appellate courts to contract with the electronic filing service provider to receive a portion of the fees collected by that provider; and (3) to authorize the appellate courts to charge a fee to recover costs incurred for providing electronic filing.

Action: Recommend Judicial Council sponsorship.

c) **Criminal Procedure: Electronic Arrest and Search Warrants**

Eliminates the requirement of an oral statement under oath and all telephonic conversations between the magistrate and the officer. Provides that the warrant signed by the magistrate and received by the officer be deemed the original warrant.

Action: Recommend Judicial Council sponsorship with modification to remove the requirement that the magistrate print out the warrant and attachments.

d) **Modernization of Civil Statutes**

This legislative proposal (1) authorizes the courts to electronically serve a written demand for payment on the drawer of a bad check; (2) authorizes a party asserting a real property claim to electronically serve a notice of pendency of the action; (3) authorizes electronic service of notices of intention to move for a new trial or vacate judgment; and (4) amends certain deadlines tied to dates of "mailing" to be tied instead to dates of "service."

Action: Recommend Judicial Council sponsorship with modification to remove provisions that would have authorized a party asserting a real property claim to electronically serve a notice of the pendency of the action as such notices are required to be served by certified or registered mail, which would conflict with AB 976, Judicial Council-sponsored legislation expected to be signed into law, that would bar electronic service for anything that must be served via certified or registered mail.

e) **Temporary Emergency Gun Violence Restraining Orders**

Amends the statutes setting forth the procedure for issuing a temporary emergency gun violence restraining order. Replaces the current procedural requirement for obtaining an order orally (a reference to compliance with procedures under Penal Code section 1526) with requirements set forth directly within the gun violence prevention statutes, and clarifies the procedures for law enforcement officers and the court to follow in orally issuing a temporary emergency gun violence restraining order.

Action: Recommend Judicial Council sponsorship.

f) **Uniform Hourly Rate for Community Service in Lieu of Infraction Fine**

Provides a uniform rate throughout the state for converting infraction fines into community service hours. Specifically, the committee proposes a uniform hourly rate of double the California state minimum wage for community service performed in lieu of paying infraction fines. This proposal is in response to Judicial Council directives to consider recommendations to promote access to justice in infraction cases.

Action: Recommend Judicial Council sponsorship.

A D J O U R N M E N T

There being no further open meeting business, the meeting was adjourned at 1:20.

C L O S E D S E S S I O N

Item 1 (Action Required)

Pursuant to California Rules of Court, rule 10.75(d)(3). Negotiations concerning legislation

Pursuant to California Rules of Court, rule 1075(e)(2). Urgent circumstances. The advisory body requesting to submit letter met on September 7, 2017, requiring prompt action by PCLC, and notice was updated on September 8, 2017.

- a) Request for authorization to submit a letter to the California Law Revision Commission Tentative Recommendation Regarding Mediation Confidentiality on behalf of the Civil and Small Claims Advisory Committee

Action: Authorize letter for submission.

Item 2

Pursuant to California Rules of Court, rule 10.75(c)(1).

New Member Orientation

Action: Informational only. No action required.

Adjourned closed session at 1:45 p.m.

Approved by the advisory body on October 5, 2017.