



THE CAPITOL CONNECTION

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GOVERNOR SIGNS BUDGET

Calling it “no reason for celebration,” Governor Davis signed the Budget Act of 2003 and a companion bill, AB 1759 on August 2. Part of the budget package, AB 1759 raises existing court fees and imposes a number of new ones. Other than technical adjustments and a 15-day delay in the effective date of most of the fees, the new and increased fees previously reported here have been enacted without any changes.

Readers will recall that the Legislature’s subcommittees rejected the \$133.7 million in unallocated reductions. Instead, the Legislature adopted reduced reductions proposed in the Governor’s January budget from

\$17.7 to \$8.5 million in the judiciary and from \$116 to \$85 million in the trial courts and replaced the funding for reductions that were tied to the adoption of the security, electronic recording, and ownership of the record proposals. The plan signed by the governor includes a further reduction in the Trial Court budget of \$11 million, to be offset by decreased security costs. The budget act requires the Judicial Council to adopt rules, standards and policies to reduce and constrain growth in trial court security costs. For a description of the fee changes, please see the July issue of *The Capitol Connection*.

UNFAIR COMPETITION LAW REFORMS MOVE FORWARD

Two bills that together seek to reform the state’s Unfair Competition Law (UCL) passed key legislative committees and will be headed for floor votes after the Legislature returns from its recess on August 18. The bills are the survivors among a number of legislative attempts to respond to the tactics of a number of law firms that access public information about administrative violations of small businesses and then threaten actions under the UCL to extract settlements.

SB 122 by Sen. Martha Escutia (D-Whittier) passed the Assembly Judiciary Committee on a partisan 9-4 vote. This bill, supported by the plaintiffs bar, seeks to discourage frivolous filings under the UCL by requiring that anyone bringing an action would have to submit a copy of the complaint to the State Bar or face possible disciplinary measures for failure to do so. The bill would also require court approval of any attorney fees paid under a private UCL action brought on behalf of the general public.

The most controversial provision of the bill would allow plaintiffs to seek disgorgement of a defendant’s profits gained through unfair business practices. This provision has led pro-business advocates to denounce the bill as an attempt

by the plaintiffs’ bar to increase awards, rather than a meaningful reform of the UCL. The bill’s supporters contend that SB 122 would discourage frivolous filings under the UCL and that disgorgement is an appropriate remedy.

The other bill, AB 95 by Assembly Member Ellen Corbett (D-San Leandro), would require a plaintiff in a UCL action to provide the defendant with information regarding his or her rights, including the right to seek legal advice. The notice would also inform defendants about how to get more information about UCL actions.

Both bills must be enacted for either of them to become effective.

The Legislature’s interest in UCL reform is a result of the tactics of a number of firms, including Beverly Hills’ Trevor Law Group. The firm’s attorneys have been sued by the Attorney General, and suspended from the practice of law by the State Bar. All three Trevor attorneys have resigned from the Bar rather than face disbarment proceedings.

LEGISLATIVE REVIEW

The following is an update on selected court-related bills.

COURT ADMINISTRATION

AB 782 (Kehoe), as introduced. Trial court employees: employment relations

Grants to the Public Employment Relations Board authority to process claims involving violations of statutes or rules relating to employment relations between trial courts and recognized employee organizations.

Status: Senate Judiciary Committee

JC Position: Oppose unless amended

AB 1641 (Keene), as amended July 16, 2003. Emergency Powers

Gives the Chief Justice additional flexibility to take necessary actions in a state of judicial emergency.

Status: Assembly Floor (Concurrence in Senate amendments pending)

JC Position: Sponsor

SB 328 (Senate Judiciary Committee), as amended June 4, 2003, Trial Court Facilities Act: Clean Up

Makes technical changes and corrections to the Trial Court Facilities Act. Repeals an obsolete provision related to Fresno County employee classifications.

Status: Assembly Appropriations Committee

JC Position: Co-Sponsor

SB 818 (Escutia), as amended June 17, 2003. Trial Court Interpreter Employment and Labor Relations Act: Clean Up

Revises a number of the implementation dates and extends the ending date of the regional transition period for the program from January 1, 2005, to July 1, 2005. Makes other revisions to the act, including technical nonsubstantive changes.

Status: Senate Floor (Concurrence in Assembly amendments pending)

JC Position: Co-Sponsor

SB 940 (Escutia), as amended July 10, 2003, Enhanced Collection of Court-Ordered Penalties

Requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs. Authorizes the Judicial Council to establish a program providing for the suspension and non-renewal of business and professional licenses and an amnesty program involving the collection

of outstanding fees, fines, penalties, and assessments.

Status: Assembly Floor

JC position: Sponsor

COURT OPERATIONS

AB 1710 (Assm. Jud. Comm.), as amended July 15, 2003, Court operations

Includes a number of substantive and technical changes pertaining to court operations: makes technical and clarifying amendments in the areas of family and juvenile law; allows Court Appointed Special Advocate programs to seek criminal background information on prospective volunteers directly from the Department of Justice, instead of working through the court; clarifies that the 10 percent surcharge does not apply to fees that were incorrectly listed in the 2002 budget trailer bill AB 3000; provides that the 20 percent surcharge established in budget trailer bill AB 3000 is not remitted to the county as part of the traffic violator school fee but instead is remitted to the state General Fund; allows the jury instruction royalties to be deposited in the Trial Court Improvement Fund to fund continued improvement of the jury system.

Status: Assembly Floor (Concurrence in Senate amendments pending)

JC Position: Sponsor

CIVIL

AB 95 (Corbett), as amended May 12, 2003. Unfair competition law: private actions

Includes new notice provisions to inform defendants of their rights in UCL actions, and clarifies joinder provisions. Provides that this bill becomes operative only if SB 122 is enacted, and provides that the provisions of the bill are not severable.

Status: Senate Floor

AB 1712 (Assembly Judiciary Committee), as amended July 22, 2003. Civil procedure clean-up

Conforms various statutory provisions of law to the abolition of municipal courts and their unification within the superior courts. Makes other technical and clarifying changes with respect to judicial arbitration proceedings, jury lists, service of process, small claims court, and witness fees.

Status: Senate Floor

JC Position: Sponsor

(Continued on page 3)

LEGISLATIVE REVIEW

(Continued from page 2)

SB 122 (Escutia), as amended July 16, 2003. Unfair competition law : private enforcement actions

Requires the court to review the attorney's fees to be paid in a settlement or other pre-trial disposition of any private action brought in the public interest to enforce the UCL. Provides that the court may order any equitable relief, including disgorgement, as an available remedy in private UCL actions. Clarifies that defendants cannot be joined in a UCL action just because they are engaged in the same or similar businesses and are alleged to have violated the same or similar laws.

Status: Assembly Floor

CRIMINAL LAW

AB 155 (Kehoe), as amended June 10, 2003. Criminal procedure: good cause continuance.

Provides that good cause for a continuance in a homicide or forcible sex crime case may include the temporary unavailability of requested forensic DNA analysis results and reports, when the DNA evidence at issue is pending analysis at a laboratory at the time a motion for continuance is made.

Status: Failed passage

JC Position: Neutral

AB 1273 (Nakanishi), as amended May 1, 2002. Continuances

States that provisions specifying the procedures to continue a hearing in a criminal proceeding are directory only and do not mandate dismissal of an action. Also provides that a court or magistrate shall not dismiss a case if a party fails to comply with these procedures.

Status: Chaptered, Ch. 133

JC Position: Neutral

AB 1306 (Leno), as introduced. Proposition 36: transfer of jurisdiction

Provides that if a person is sentenced pursuant to the Substance Abuse and Crime Prevention Act (Proposition 36), probation and jurisdiction shall be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge.

Status: Senate Appropriations Committee

JC Position: Sponsor

AB 1653 (Mullin), as introduced. Appeals: attorneys: contempt

Allows an attorney for a party to a criminal proceeding to appeal a sanction order or finding of contempt against him

or her to the court authorized to hear an appeal of the judgment in the main action. In the alternative, allows the party to a criminal action to include a challenge to the sanction order or finding of contempt in its appeal after entry of final judgment in the main action. Requires the court to stay the execution of the order or imposition of punishment pending appeal, unless it finds on the record that a stay would frustrate the interests of justice.

Status: Senate Public Safety Committee

JC Position: Oppose

SB 3 (Burton), as amended June 26, 2003. Death penalty: mental retardation

In response to the U.S. Supreme Court's decision banning execution of a mentally retarded defendant (*Atkins v. Virginia*, 536 U.S. 304), establishes a process requiring a court to order a trial, prior to the adjudication of guilt, to determine whether a defendant is mentally retarded. Places the burden on the prosecution to prove beyond a reasonable doubt that the defendant is not mentally retarded.

Status: Assembly Appropriations Committee

SB 877 (Hollingsworth), as amended July 15, 2003. Criminal procedure: discovery

Provides that in cases in which the court orders the prosecution to provide copies of child pornography evidence to the defense, the court may issue any order it deems appropriate to limit the defense to using that evidence in ways that are reasonably necessary to developing and defending the case. Requires the court to give great weight to protecting the identity and the rights of any victim featured in the evidence when drafting orders directing the defense's use of the evidence, while still taking into account the defendant's right to prepare for trial.

Status: Enrolled

JC Position: Neutral

FAMILY LAW

AB 111 (Corbett), as amended May 5, 2003. Child custody: emotional abuse.

In child custody proceedings, requires the court to consider unjustifiable mental suffering inflicted upon a child when determining the best interest of the child. Also revises the definition of unjustifiable mental suffering in the child abuse statutes in the Penal Code.

Status: Senate Public Safety Committee

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LEGISLATIVE REVIEW

(Continued from page 3)

AB 1108 (Bermudez), as amended July 22, 2003. Child custody: drug testing

Authorizes the court in a child custody proceeding to order a parent to undergo testing for "the illegal use of controlled substances or alcohol" if the court has determined, by a preponderance of evidence, that there is "the illegal use of controlled substances or alcohol."

Status: Senate Judiciary Committee

SB 265 (Kuehl), as amended June 12, 2003. Child custody: domestic violence

Changes the operation of the rebuttable presumption against custody to a person who has perpetrated domestic violence.

Status: Senate Concurrence

SB 734 (Ortiz), as amended May 22, 2003. Child custody and visitation

Makes various changes related to supervised visitation. Among other things, sets out various factors that the court must consider before granting unsupervised visitation.

Status: Two Year Bill

JC Position: Oppose unless amended

JURIES

AB 1180 (Harman), as amended July 2, 2003. Sanctioning of jurors

Clarifies that when an individual is summoned but fails to appear for jury service, the court may, in lieu of using contempt procedures, impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing.

Status: Senate Appropriations Committee

JC Position: Sponsor

JUVENILE

SB 59 (Escutia), as amended June 11, 2003. Dependent children: appeals

Creates a writ process for juvenile dependency cases involving disputed placement orders that are made after parental rights have been terminated.

Status: Senate Concurrence

JC Position: No position

THE GUBERNATORIAL RECALL: IN THEIR OWN WORDS

The Capitol Connection has collected quotes about the gubernatorial recall from public figures as reported in various publications.

Governor Gray Davis:

"This election is not about changing governors, it's about changing direction, and I am confident the voters of this state will not opt for a right-wing agenda over a progressive agenda. I don't think any person's personal agenda ought to be the reason to put this state through the wringer."

San Diego Tribune (July 23, 2003)

Dan Schnur, Republican strategist:

"The biggest complaints about Davis are not merely ideological. The biggest criticisms are that he has not been willing to expend political capital to take on the most urgent problems. He doesn't want to ruffle feathers or make anyone mad."

Christian Science Monitor, (July 15, 2003)

President George Bush:

"I think the most important opinion is not mine, but it's the people of California. Their opinion is what matters on the recall. It's their decision to decide whether or not there

will be a recall, which they decided."

San Diego Union-Tribune (July 31, 2003)

David Maslin, Davis pollster:

"Right now their choices are basically: right-wing crook, right-wing boob, supposed moderate that nobody knows what he stands for, and a cigar-smoking movie actor killer."

San Jose Mercury News (July 28, 2003)

Art Torres, chairman of the state Democratic Party:

"[Riordan's] got some real weaknesses in terms of age and the ability to run a state as large as California. You're going to have to have someone with an attention span larger than I think Dick has....I don't say that in a derogatory sense."

Los Angeles Times (July 31, 2003)

Attorney General Bill Lockyer

"If they do the trashy campaign on Dick Riordan... I think there are going to be prominent Democrats that will defect and just say, 'We're tired of that puke politics. Don't

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IN THEIR OWN WORDS

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you dare do it again or we're just going to help you pull the plug.' There is a growing list of prominent Democrats that, if that's how it evolves, are going to jump ship."

Sacramento Bee (August 1, 2003)

Roger Salazar, Democratic strategist:

"The recall mechanism was designed to be able to take care of problems that arise when a leader has committed some gross malfeasance. What we have here is essentially a manipulation of the existing process by a multimillionaire who is bent on buying himself a seat in the governor's office."

Los Angeles Times (July 13, 2003)

Garry South, Democratic strategist:

"Let's say you run and you win: what have you won? You get no transition period. You take over a staff appointed by Gray Davis. There are seven constitutional officers who are Democratic – all of whom can investigate you, audit you and have press conferences on the steps of the Capitol against you. The budget deficit doesn't go away. Not one more job is created. It doesn't bring the economy back....Except now the gum isn't on Gray Davis' shoes – it's on yours. The highlights of your career will be the day you are elected. It will be all downhill from there."

San Francisco Chronicle (July 22, 2003)

George Sundheim, chairman of the California Republican Party:

The recall "is more than just three guys, an attitude, and a fax machine. I really think the people get what's going on in Sacramento. Nobody's really focusing on the issues, nobody's providing leadership. The recall is a rejection of the system up there and how dysfunctional it is."

San Francisco Chronicle (July 25, 2003)

Frank Luntz, Republican pollster:

"While it is important to trash the governor, it should be done in the context of regret, sadness, and balance."

The Sacramento Bee (July 18, 2003)

Bob Mulholland, Democratic strategist:

"I attended [the recall] rally last Saturday outside the State Capitol where I spoke with a number of recall activists. Once again, it was the Republican base: 98% anglo, anti-choice zealots and homophobes, Young Americans for Freedom (always too busy with their 'causes' to join the military), along with the old guys chewing tobacco with wives carrying open cans of beer in their gun purses."

Capitol Morning Report (July 30, 2003)

Willie Brown, mayor of San Francisco:

"If successful this time, recalls will become the order of the day in this wacko state."

San Francisco Chronicle (July 30, 2003)

Lee D. Baca, Los Angeles County sheriff:

"It's destroying the state. California will be the laughing-stock of the nation if this thing succeeds and we elect a guy with 15 percent of the vote who can't find his way to the bathroom in the State Capitol."

New York Times (July 25, 2003)

Professor John Pitney, Claremont McKenna College:

"California used to be the example that other places wanted to follow. Now we're the example that other places want to avoid. The last thing a politician wants to say in Oregon is, 'Let's follow California's lead.'"

Sacramento Bee (July 17, 2003)

"If [Davis] spends all his time simply defending his own stewardship, he has a lot to answer for. A winning strategy is to frame the election (as Davis) versus a Republican demon. If it's Davis versus Davis, Davis loses."

Contra Costa Times (July 15, 2003)

Sal Russo, Republican strategist:

"We have referendum and recall in our constitution, and it empowers people with the ultimate responsibility. If other states don't want that, then bully for them. We've had it here since 1911, yet this is the first time it's ever been used against a governor, because we know it's an extraordinary remedy."

Philadelphia Inquirer (July 13, 2003)

Mark DiCamillo, Field Poll Director:

"Maybe the Democrats will hold the party line, but in politics, usually someone steps in to fill a vacuum. For an ambitious Democrat, there's an opportunity there."

Sacramento Bee (July 16, 2003)

Peter Camejo, Green Party 2002 gubernatorial candidate:

"What do those Democrats do if they have no alternative to voting for a Republican? My message will be: Do not hand the governor's seat to the Republicans. Vote for me. And wouldn't it be an irony if (the GOP-led-recall) results in the most progressive governor in the history of California?"

San Francisco Chronicle (July 25, 2003)

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*.

"New Push To Lower Bar On Passage" *Sacramento Bee* (July 4, 2003)

With Californians increasingly disgusted over lawmakers' inability to solve the state's record-setting budget crisis, a million-dollar campaign was launched Thursday to place before voters a measure to make it easier for the Legislature to pass a budget -- and raise taxes.

The proposed constitutional amendment would lower the threshold for passing a budget from a supermajority to a 55 percent majority of each legislative house. It also would force the governor and legislators to forfeit their pay and living expenses for every day they exceed the state's June 15 budget deadline.

"Financial Privacy Bill Killed Once Again By Lawmakers" *Oakland Tribune* (July 9, 2003)

Consumers' all-out, four-year legislative struggle to win landmark financial privacy rights from businesses died Tuesday with final rejection of a Bay Area lawmaker's bill, likely dumping the high-stakes battle in the laps of voters.

"SB 1 may be dead but this fight is far from over," said state Sen. Jackie Speier, the San Mateo Democrat who authored the legislation. "Voters will make their choice on this soon enough."

Supporters of an initiative that would even more sharply curb the sale of customers' personal information by financial companies -- thereby squelching telemarketers, junk mail and spam -- said their proposal is close to qualifying for the March statewide ballot.

Proponents of the initiative said the defeat in the Legislature will boost their efforts, which polls show are heavily backed by the public.

"State Signs Multi-Million Dollar Deal With IBM For Child Support Tracking System" *Sacramento Bee* (July 15, 2003)

Officials at the state Department of Child Support Services signed an eight-year, \$801 million deal with IBM Monday for a statewide computer system to streamline the child support collection process and save Californians millions of dollars in fines.

The technology will help officials locate and track non-custodial parents who owe money, as well as simplify the collection and distribution of payments. The state has been paying penalties since it missed a 1997 federal deadline to implement an automated system. Those payments will total \$1.3

billion by 2006, when the first phase of the IBM plan is complete, according to a report last year from the California State Auditor.

Only South Carolina and California continue to pay federal penalties.

Initially, officials say, every county will be placed on one of two existing systems. The systems will then be linked to create one large database, to satisfy the federal demand for a unified approach.

"Church Mulls Challenge To Sex-Abuse Law" *Daily Journal* (July 17, 2003)

Defense attorneys for the Roman Catholic Church are threatening to challenge a retroactive law that opened the door to hundreds of civil liability suits over decades-old sexual abuse by priests. The threat follows a recent U.S. Supreme Court ruling striking down retroactive criminal child-abuse laws.

A successful challenge could wipe out all but a few priest molestation suits, leaving victims of clergy sex abuse without compensation or a way of holding the church and its leaders accountable, plaintiffs' lawyers said.

Inspiration for church defenders came June 26, when the Supreme Court struck down California's retroactive extension of the criminal statute of limitations for crimes of molestation as violating the Ex Post Facto Clause of the Constitution. *Stogner v. California*, 2003 DJDAR 6986 (U.S. June 26, 2003).

Sensing the potential for a sea change in attitudes toward the sex scandal, church defenders last week said they are looking for parallel legal arguments to wield in civil court or during settlement talks.

"Proposition 36 Benefits 30,000" *San Bernardino County Sun* (July 17, 2003)

A university study of the state ballot measure diverting non-violent drug offenders to treatment found that methamphetamine users and whites made up a majority of the 30,000 people sent to rehabilitation.

Half who received treatment instead of jail under Proposition 36 were arrested for using methamphetamine, while 15 percent were cocaine users, according to UCLA researchers. Twelve percent were marijuana users and 11 percent used heroin, the researchers said.

The measure allows first- and second-time nonviolent drug users to receive treatment instead of jail. Those who complete the program could have their arrests removed from their records. Those who drop out are in violation of probation and

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RIPPED FROM THE HEADLINES

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face jail time if they are caught.

The report released Wednesday found about half who received treatment were white, 31 percent were Latino, and 14 percent were black.

The state-commissioned study by the Integrated Substance Abuse Programs at UCLA was the first independent analysis of the proposition, which took effect July 2001.

"High Court Clarifies Prop. 21 Prosecution" *Daily Journal* (July 18, 2003)

Prosecutors seeking to charge juveniles as adults with murder or rape under Proposition 21 can initiate prosecutions with grand jury indictments, not just information filed by the district attorney, the California Supreme Court ruled Thursday.

The unanimous high court ruling allows a district attorney to avoid a preliminary hearing for the sake of speed or strategy. *Guillory v. Superior Court*, 2003 DJAR 7885.

"It opens up for DAs the opportunity to expedite juvenile cases by not having to go through the rigmarole of a preliminary hearing," said Contra Costa Deputy District Attorney Douglas Pipes, who argued the case before the Supreme Court.

However, defense lawyers said that situation could lead to unfairness to defendants.

"Consumer Bills Wither In Assembly" *Los Angeles Daily News* (July 19, 2003)

Consumer-protection bills are dying in the Assembly, not from votes against them but because many members in key committees aren't voting at all.

It's happening too often to be a coincidence, consumer advocates and some state senators say. Because an abstention or absence is the same as a no vote, the bill is defeated without legislators having to take a stand that would either anger constituents or campaign contributors.

That happened recently to a proposal to restrict the sale of personal financial information by businesses operating in California. Other consumer-oriented legislation suffered the same fate, including bills that would have limited the reasons an insurance company could refuse to renew a homeowner's coverage, barred insurers from using credit history to set policy prices, prohibited unsolicited email ads and re-regulated the state's electricity market.

Sen. Jackie Speier, a San Mateo Democrat who wrote the financial privacy bill, traces the pattern to the Assembly's tight term limits, competition for campaign money to move up the political chain and "corporate Democrats."

"Both Sides Needed a Budget Deal" *Los Angeles Times* (July 27, 2003)

It looked hopeless. Democrats wouldn't accept more spending cuts. Republicans wouldn't swallow new taxes. The two sides couldn't find a way to close a \$38-billion shortfall or fulfill their most basic constitutional duty: passing a budget.

Months of legislative hearings, repeated "Big Five" meetings of Gov. Gray Davis and four legislative leaders proved futile. Neither side would budge.

The irresistible force, Senate President Pro Tem John Burton said ruefully, had met the immovable object.

Only two people could get it done. With Davis distracted by an accelerating recall movement, and with the Assembly hopelessly fractured, the solution would have to come from Burton and Senate Republican leader Jim Brulte – the two men with the standing and the hold over their delegations to forge something of a compromise.

So they put their staffs to work. What they unveiled in a news conference Thursday was nothing pretty. The proposal relies heavily on borrowing. It narrows the shortfall but doesn't eliminate it. But it saves face all around. It carries no new taxes, appeasing the Republicans. And it does not shred the social safety net with deep budget cuts – something that a defiant Burton had said he would never countenance.

"A Budget Process Built To Fail" *Los Angeles Times* (July 29, 2003)

For a California Legislature that couldn't agree on very much this budget season, there is surprising consensus on one point: its own ineptitude.

Disdainful as the public is of lawmakers' performance, the verdict of state officials is scarcely more forgiving.

The failure is rooted in a trio of political realities, some well-intended, that have conspired over time to inhibit the Legislature from meeting big challenges, according to past and present lawmakers and political analysts.

A strict term limit law approved by voters in 1990 has drained the Legislature of members steeped in the workings of the institution, skilled in the art of compromise.

A redrawing of legislative districts two years ago is filling the chambers with ideologues at both ends of the spectrum, the result of carving safe districts that protect incumbents.

And a state constitutional requirement that the budget pass by a two-thirds vote is proving a daunting barrier.



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OTHER GROUPS PROPOSE CHANGES TO THE JUSTICE SYSTEM

In addition to the Judicial Council, a number of other organizations sponsor legislation involving California's justice system. Here are the legislative programs of some of the organizations. (For information on the council's position, if any, on these bills, access the Office of Governmental Affairs status chart on pending legislation at <http://www.courtinfo.ca.gov/courtadmin/aoc/oga.htm>)

State Bar Board of Governors

Bill	Author	Summary
AB 1708	Assm. Judiciary Committee	Extends for one year the State Bar's authority to assess fees of the state's lawyers to fund its operations. Also will enhance the State Bar's ability to recoup fees and costs from disciplined attorneys and lawyers who actions have resulted in payments from the Client Security Fund, and will make several technical, corrective changes to the State Bar Act.

Trusts & Estates Section of the State Bar

AB 167	Harman	Corrects a drafting error in a provision of the California Statutory Will relating to distributions to persons under age 25, erroneously limiting the nomination of a custodian for beneficiaries to those beneficiaries between the ages of 18 and 25. Contains other technical provisions sponsored by Law Revision Commission.
AB 1705	Assm. Judiciary Committee	Prohibits a trustee from requiring a beneficiary to sign a release of liability as a condition of making a required distribution. Provides that the bill's provisions may not be construed as affecting the trustee's right to maintain a reserve for reasonably anticipated expenses, nor to prohibit a trustee from withholding any portion of a required distribution reasonably in dispute.
SB 1021	Poochigian	Expands the use of the notice of proposed action procedure provided by trustees to beneficiaries regarding discretionary exercise of powers under the Uniform Principal and Income Act (Probate Code §16337) for exercise of certain powers by trustees (Two-year bill).

Business Law Section of the State Bar

AB 169	Chavez	Exempts "bridge" loans made by capital venture companies from the provisions of the Finance Lenders Law if a number of specified conditions are met.
AB 182	Harman	Indexes to the US Bankruptcy Code (11 U.S.C. Section 104) the exemptions available for California judgment debtors and debtors in federal bankruptcy cases available under Code of Civil Procedure §§703.140(b) and 704.010 et seq.
SB 220	Romero	Proposes to add Section 17.1 to the Corporations Code to facilitate the filing of facsimile documents that are presented for filing under the Code to either the Secretary of State or the Department of Corporations.

Consumer Attorneys of California

AB 634	Steinberg	Eliminates secrecy agreements in elder abuse cases.
SB 333	Romero	Extends the two year personal injury statute of limitations to actions involving uninsured motorists.
SB 515	Kuehl	Limits the circumstances under which an anti-SLAPP motion to strike may be sought.