



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 11, 2018

Hon. Freddie Rodriguez, Chair
Assembly Public Employees, Retirement, and Social Security Committee
Legislative Office Building
1020 N. Street, Room 153
Sacramento, California 95814

Subject: Assembly Bill 2868 (Santiago), as introduced—Oppose
Hearing: Assembly Public Employees, Retirement, and Social Security Committee—April 18, 2018

Dear Assembly Member Rodriguez:

The Judicial Council opposes AB 2868 because it inappropriately interferes with the local bargaining process and unfairly limits the trial court's authority as an employer. AB 2868 would prohibit the Superior Court of the County of Los Angeles from employing a "limited-term law clerk" for a period exceeding 180 calendar days, and would deem any limited-term law clerk employed for more than 180 days to be a trial court employee.

AB 2868 prohibits an employment model that is common in the Executive branch and is usually governed by a Memorandum of Understanding (MOU) between an employer and their employee representatives. For most public employees, temporary and limited-term issues are negotiated in local bargaining agreements. No other major employment laws contain a strict restriction on limited-term employees.

Hon. Freddie Rodriguez

April 11, 2018

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For these reasons, the Judicial Council must oppose AB 2868.

Should you have any questions or require additional information, please contact Laura Speed at 916-323-3121.

Sincerely,

Mailed April 11, 2018

Cory T. Jaspersen
Director
Governmental Affairs

CTJ/LS/lmb

cc: Members, Assembly Public Employees, Retirement, and Social Security Committee
Hon. Miguel Santiago, Member of the Assembly
Mr. Michael A. Bolden, Chief Consultant, Assembly Public Employees, Retirement, and Social Security Committee
Mr. Joshua White, Consultant, Assembly Republican Office of Policy and Budget
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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April 30, 2018

Hon. Lorena S. Gonzalez-Fletcher, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2868 (Santiago), as introduced February 16, 2018 – Oppose and
Fiscal Impact Statement
Hearing: Assembly Appropriations Committee – May 2, 2018

Dear Assembly Member Gonzalez-Fletcher:

AB 2868 would prohibit the Superior Court of the County of Los Angeles from employing a “limited-term law clerk” for a period exceeding 180 calendar days, and would deem any limited-term law clerk employed for more than 180 days to be a trial court employee.

Fiscal Impacts

We anticipate it would cost the Los Angeles court \$2.8 million annually to comply with the requirements of this bill. This is because the work that is currently performed by limited-term law clerks who would need to be transferred to research attorney positions. Additionally, the Los Angeles court has advised that, due to a variety of factors, it is unlikely that the court would be able to convert and retain all of the 44 existing limited-term law clerk positions to research attorney positions. The Los Angeles court has indicated this bill would likely result in greater delays in the resolution of civil cases due to the loss of some limited-term law clerk positions.

Hon. Lorena S. Gonzalez-Fletcher

April 30, 2018

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The Judicial Council opposes AB 2868 because it inappropriately interferes with the local collective bargaining process and unfairly limits the trial court's authority as an employer. The council notes that this bill prohibits an employment model that is common in the Executive branch and is usually governed by a Memorandum of Understanding (MOU) between an employer and their employee representatives. For most public employees, temporary and limited-term issues are negotiated in local bargaining agreements.

Please contact Mark Neuburger if you have questions about the information contained in this letter at mark.neuburger@jud.ca.gov or 916-323-3121.

Sincerely,

Mailed April 30, 2018

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/MN/jh

cc: Members, Assembly Appropriations Committee
Hon. Miguel Santiago, Member of the Assembly
Mr. Luke Reidenbach, Consultant, Assembly Appropriations Committee
Mr. Anthony Lew, Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Ms. Rebecca Kirk, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California