



The Capitol Connection

ADMINISTRATIVE OFFICE OF THE COURTS • OFFICE OF GOVERNMENTAL AFFAIRS

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Legislative Calendar

Legislature Reconvenes
January 3, 2005

LEGISLATORS TAKE OATHS OF OFFICE



Chief Justice Ronald M. George administers the oath of office to State Senators. Photo: Lorie Shelley

On December 6, 2004, thirty-four newly-elected and sixty-six re-elected legislators officially took office after their swearing-in ceremonies at the Capitol. Chief Justice Ronald George administered the oath of office to the Senate, while Judge Teresa Sanchez-Gordon of the Superior Court of California, County of Los Angeles, swore in the Assembly. Assembly Speaker Fabian Núñez and Senate President Pro Tempore Don Perata also took oaths of office.

While many new legislators had family and close friends present for the ceremony, the event was a unique family affair for

Assembly Member Sharon Runner and Senator George Runner. The Runners are the first married couple to serve simultaneously in the California Legislature.

The swearing-in of Assembly Member Van Tran also marked a first in the California Legislature. He is the first American of Vietnamese descent to serve in the Legislature, and only the second Vietnamese American to be elected to public office in

the country. He is also one of eight attorneys newly elected to serve in the Legislature. There are currently twenty-six attorneys in both houses; eleven serve in the Senate and fifteen serve in the Assembly.

For more information about election results, please see the November Special Edition of *The Capitol Connection* by visiting our Web site at:
<http://www.courtinfo.ca.gov/courtadmin/aoc/documents/capcon1104se.pdf>



Assembly Member Van Tran and Mrs. Tran with Chief Justice Ronald M. George at private oath ceremony. Photo: Shaun Young

PERATA SWORN IN AS SENATE PRESIDENT PRO TEMPORE



Chief Justice Ronald M. George administers the oath of office to (l-r) Senate Sergeant at Arms Tony Beard, Jr., Senator Don Perata, and Secretary of the Senate Greg Schmidt. Photo: Lorie Shelley

The *Capitol Connection* asked Senator Don Perata (D-Alameda) to comment on his vision during his term as President pro Tempore of the California State Senate. In response, he offered remarks he made upon taking the oath of office as President pro Tempore. The following are excerpts from his acceptance speech:

As John Burton has said, There is no greater honor than being chosen to lead by a vote of your peers.

Today, I accept this honor with humility, with a profound sense of responsibility, and with an unwavering focus on keeping faith with the trust and confidence you've place in me. Thank you.

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2005-06 JUDICIAL COUNCIL-SPONSORED LEGISLATION

At its December business meeting, the Judicial Council reviewed and approved proposed legislation on topics such as civil filing fees and judicial retirement. It also reaffirmed its sponsorship of a legislative agenda that includes items addressing court facilities, new judgeships, and subordinate judicial officer conversions.

Among the council's sponsored legislative proposals is urgency legislation on uniform civil fees. Much of the content of this sponsored legislation is drawn from the policy recommendations of the Court Fees Working Group (CFWG), which was charged by Chief Justice Ronald George in December 2003 to provide analysis of and recommendations for the civil fees structure. A proposed uniform civil fee structure includes statewide first paper filing fees at three graduated levels, consolidated security, court reporter and continuance fees, and a moratorium on fee changes until December 2007. These proposed changes seek to give uniformity and efficiency to currently inconsistent statewide fee

administration and collection.

Also, the Judicial Council will be sponsoring legislation to reform judicial retirement. The legislation would alter the Judicial Retirement System II (JRS II) by reducing the minimum requirement for normal retirement from age sixty-five to age sixty-three and the minimum years of service from twenty to ten years. This legislation addresses new trends such as the increasing average age of judges at time of appointment and investment returns that have not met original planning estimates. In all, the modification of JRS II is aimed to better serve a changing judicial population and environment, as well as to continue to secure the best possible judicial officers.

For more information on council-sponsored legislation, contact the Office of Governmental Affairs. ■

PERATA: SENATE PRO TEMPORE



Senator Perata acknowledges the audience after being sworn in as Senate President. Photo: Lorie Shelley

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Now, it is time to buckle up, get to work and honor the confidence the voters of this state have placed in us.

We do so with enthusiasm and hope, determination and cooperation.

Each of us seated here has accepted public service as our chosen

vocation. Our individual personalities and unique life experiences have forged the values, ambitions and hope we bring to the legislature and state governance.

My own preparation for politics came early – as a parent and as a teacher.

To the work at hand:

There is no Democratic or Republican way to solve problems, make tough choices or provide for California's future. Nor is this future vested in one branch of government. We have seated here our own compact with the voters and our own values rooted deeply in the history and traditions of our great nation.

That is why the Senate Democratic majority welcomes working with our Republican Governor Arnold Schwarzenegger

and our Republican senate colleagues. Like the Governor, we are poised and ready to engage, deliberate and renew the Golden Dream.

We pledge to the people who elected us, the Californians who every day hope that health care will be more accessible, who hope that housing will be more affordable, who hope that good jobs at family-friendly wages will be more available, who hope to spend less time in traffic and more time at home with their loved ones...we say to you: we hear your hopes and help is here—starting right now.

Within the majority caucus are the pluralities of talent – as rich, evolving and complex as the state itself – that give full expression to the hopes and dreams of all Californians.

We are also fortunate to have five new Democratic members—Elaine Alquist, Christine Kehoe, Alan Lowenthal, Carole Migden, and Joe Simitian—who are well-prepared from decades of combined service in the Assembly and who bring new dimensions and talents to the Senate.

As for me, leadership is loyal service: to my constituents, to my caucus, to the Senate, to our shared values. It is what I have learned from family, from teaching and from practicing the art of politics. My own passions about gun

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SPEAKER ANNOUNCES MAJORITY LEADERSHIP AND COMMITTEE CHAIRS

On December 6, California State Assembly Speaker Fabian Núñez announced his leadership team and committee chair assignments for the 2005-05 Regular Session.

“I am very pleased that the following individuals have gra-

ciously agreed to serve in these critical leadership positions,” Speaker Núñez said in a prepared statement. “I’m looking forward to working with my team to strengthen the connection between the Legislature and the people we represent.”

ASSEMBLY DEMOCRATIC LEADERSHIP TEAM:

ASSIGNMENT	ASSEMBLY MEMBER
Speaker Pro Tempore	Hon. Leland Yee (D-12)
Assistant Speaker Pro Tempore	Hon. Sally Lieber (D-22)
Majority Floor Leader	Hon. Dario Frommer (D-43)
Assistant Majority Floor Leader	Hon. Rebecca Cohn (D-24)
Majority Whip	Hon. Karen Bass (D-47)
Assistant Whip	Hon. Lori Saldana (D-76)
Democratic Caucus Chair	Hon. Mark Ridley-Thomas (D-48)

Núñez also announced the assignment of new policy and fiscal committee chairs, effective immediately. “This year, we face difficult policy decisions and ever-growing de-

mands for a better California,” Speaker Núñez said. “I am confident these lawmakers will meet those demands by doing what is right and good for our fellow citizens.”

STATE ASSEMBLY COMMITTEE CHAIRS:

COMMITTEE	ASSEMBLY MEMBER
Appropriations Committee	Hon. Judy Chu (D-49)
Aging and Long-Term Care Committee	Hon. Patty Berg (D-1)
Agriculture	Hon. Barbara Matthews (D-17)
Arts, Entertainment, Sports, Tourism and Internet Media	Hon. Ed Chavez (D-57)
Banking and Finance	Hon. Ron Calderon (D-58)
Budget Committee	Hon. John Laird (D-27)
Budget Subcommittee #1 - Health and Human Services	Hon. Hector De la Torre (D-50)
Budget Subcommittee #2 - Education Finance	Hon. Mervyn Dymally (D-52)
Budget Subcommittee #3 - Resources	Hon. Fran Pavley (D-41)
Budget Subcommittee #4 - State Administration	Hon. Rudy Bermudez (D-56)
Budget Subcommittee #5 - Information Technology/Transportation	Hon. Pedro Nava (D-35)

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COMMITTEE CHAIRS

(Continued from page 3)

COMMITTEE	ASSEMBLY MEMBER
Business and Professions	Hon. Gloria Negrete-McLeod (D-61)
Education	Hon. Jackie Goldberg (D-45)
Elections and Redistricting	Hon. Tom Umberg (D-69)
Environmental Safety and Toxic Materials	Hon. Ira Ruskin (D-21)
Governmental Organization	Hon. Jerome Horton (D-51)
Health	Hon. Wilma Chan (D-16)
Higher Education	Hon. Carol Liu (D-44)
Housing and Community Development	Hon. Gene Mullin (D-19)
Human Services	Hon. Noreen Evans (D-7)
Insurance	Hon. Juan Vargas (D-79)
Jobs, Economic Development and the Economy	Hon. Juan Arambula (D-31)
Judiciary	Hon. Dave Jones (D-9)
Labor and Employment	Hon. Paul Koretz (D-42)
Local Government	Hon. Simon Salinas (D-28)
Natural Resources	Hon. Loni Hancock (D-14)
Public Employees, Retirement and Social Security	Hon. Alberto Torrico (D-20)
Public Safety	Hon. Mark Leno (D-13)
Revenue and Taxation	Hon. Johan Klehs (D-18)
Rules Committee Chair	Hon. Cindy Montanez (D-39)
Transportation	Hon. Jenny Oropeza (D-55)
Utilities and Commerce	Hon. Lloyd Levine (D-40)
Veterans Affairs	Hon. Mike Gordon (D-53)
Water, Parks and Wildlife	Hon. Lois Wolk (D-8)
Joint Legislative Audit Committee	Hon. Nicole Parra (D-30)

For more information on the State Assembly, visit the Web site at: www.assembly.ca.gov ■

PERATA: SENATE PRO TEMPORE

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violence, mental health and urban schools will continue to burn.

And to my Republican colleagues, I ask you to engage fully with us. Your minority status does not diminish you. You are essential to a strong, vibrant republic. In committee or in debate, the state needs what you have to offer. Above all, we will continue our collegiality and civility – which have been the hallmark and tradition of this house.

So let us begin today – together and individually – to make the senate as efficient as possible, to improve our oversight to assure the most cost-effective public service and to modernize state government to meet the present needs and future hopes of this great state – in this session and beyond.

Thank you for the honor to preside over these proceedings. ■

JUSTICE CENTER TRANSFERS FROM COUNTY TO STATE



Administrative Director of the Courts William C. Vickrey during remarks at the transfer ceremony. Photo: Stuart Smith, Avant Photos

A historic new era for California’s judicial branch commenced on October 21 when county, court and state leaders gathered at the Larson Justice Center in Indio, California to celebrate the first transfer of a court facility from county to state stewardship. The pending transfers of over 450 court facilities will bring significant benefits to the public, the courts and the counties—and they pave the way for a general obligation bond to fund renovation and restoration of hundreds of dilapidated courthouses statewide. The Administrative Office of the

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CTCCA HOLDS NEW LAWS WORKSHOP IN SACRAMENTO



CTCCA co-chairs Pat Chandler (left) and Sandra Silva prepare for the 2004 New Laws Workshop. Photo: Dia Poole

The California Trial Court Clerks Association (CTCCA) held its annual New Laws Workshop on December 10 in Sacramento to brief trial court staff on bills passed during the 2003-04 session. Court managers, supervisors, and staff from throughout the state met to review court-related measures and to share implementation strategies. Most of the new statutes will take effect on January 1, 2005, although some laws, referred to as urgency statutes, took effect immediately when signed by the Governor.

Eraina Ortega, Administrative Office of the Court's Office of Governmental Affairs (OGA) Manager, briefed participants on the judicial branch budget. Ortega explained recent improvements to the process by which the judicial branch budget is submitted to and evaluated by the Department of Finance and the State Legislature, and how the State Appropriations Limit, or SAL, affects the branch's baseline budget calculations.

Dia Poole, OGA Communications Liaison, spoke on the office's outreach programs and encouraged attendees to provide feedback through CTCCA on potential operational impacts of new legislation as they begin the implementation process in their local courts. Poole also announced that OGA, in partnership with CTCCA, has com-

pleted the 2004 Legislative Summary, a special edition of *Court News* (see below).

CTCCA is a collaboration of the California Association for Trial Court Administration, California Court Association, California Association of Clerks and Election Officials, and the Superior Court Clerks Association. CTCCA's legislative committee meets with OGA on a quarterly basis to discuss pending legislation and other court-related topics of mutual interest. ■



Panelists brief participants on new legislation at Sacramento workshop. Photo: Dia Poole

**2004 LEGISLATIVE SUMMARY AVAILABLE:
SPECIAL EDITION OF COURT NEWS**

The *Court News* 2004 Legislative Summary contains summaries of over 100 bills of interest to the courts. This special edition can be accessed on-line at: <http://www.courtinfo.ca.gov/courtnews/legsumnov04.pdf>

TRANSFER CEREMONY

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Courts (AOC), which represents the state in all aspects of transfer negotiations, anticipates that 50-70 facilities will transfer during the 2004-2005 fiscal year, with remaining facilities transitioning rapidly over the following 24 months.

The Final Step

The transfers are the result of more than seven years of bi-partisan legislation, and are the final step in the judicial branch's transition to a unified, one-tier trial court system as conceived by the Trial Court Funding Act of 1997, Proposition 220 and the Trial Court Facilities Act of 2002 (SB 1732).

Building on a three-year study by the statewide Task Force

on Court Facilities, SB 1732 charged the Judicial Council with transfer negotiations, facilities operations and management, and planning for future court construction and renovation. To meet these responsibilities, the Judicial Council created the AOC's Office of Court Construction and Management (OCCM) to implement the provisions of SB 1732. OCCM is currently developing comprehensive institutional tools, such as a statewide computer facilities management system, to support the state's new role in the courts.



Larsen Justice Center. Photo: Stuart Smith, Avant Photos

The transfers will reduce the financial burden on county governments and allow the judicial branch to leverage shared resources across all 58 California counties, leading to greater efficiencies and cost savings as the result of centralized facilities management, large-scale purchasing power, and

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TRANSFER CEREMONY

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streamlined service delivery.

County-by-County Collaboration

The AOC began working with representatives from three pilot counties—Riverside, San Joaquin and Solano—in September 2003 to develop standardized procedures and documentation for transfer negotiations. In March 2004, the AOC opened discussions with all other counties. Transfer negotiation teams, composed of court, county and OCCM representatives, are now collaborating on final transfer agreements.

The transfers lay the foundation for much-needed improvements to California's courts. Twenty-five percent of courtrooms currently have no space for a jury; sixty-eight percent of court buildings do not have up-to-date fire and life safety systems, including sprinklers, proper exits, and emergency lighting; seventy-eight percent do not have adequate access for people with disabilities; and, incredibly, more than 23 court facilities are currently housed in trailers.

To address these significant problems, the AOC collaborated with trial court and county leaders to develop 20-year facilities master plans for each of the 58 superior courts in California. County Administrative Officers from each county were invited to review the plans, which were subsequently consolidated in the AOC's *Trial Courts Five Year Capital Outlay Plan*. The plan ranks 201 court facilities projects statewide, and includes at least one project for every county.

Essential Funding Needed

Significant long-term funding is needed for the success of

the judicial branch facilities program. The Judicial Council sponsored legislation in 2002 to place a bond on the ballot; however, that legislation was deferred because of the state's fiscal condition at that time. The council again approved sponsorship of bond legislation for a 2006 ballot at its December 10, 2004 meeting. If bond funding is approved by California voters, the AOC anticipates that filing fees dedicated to court construction will be adequate to fund future construction programs.

Legislative support for the bond will be vital to realizing the goal of safe, efficient and accessible courthouses for all Californians. Recently the Legislative Analyst's Office, the Legislature's non-partisan fiscal advisor, visited court facilities in Sacramento, Yolo, Nevada, Placer, Los Angeles, Riverside, and San Bernardino counties to observe how current facilities conditions impact court operations and costs. The visits gave participants a chance to observe a range of facilities issues, including how a lack of secured hallways for in-custody defendants increase court security costs, how deteriorated deliberation rooms impact the juror experience and, ultimately, how a court's built environment influences the public's perception of the judicial branch. Improvements are necessary for California's court buildings; as tangible symbols of a democratic system—representing the largest state judicial branch in America—their condition must reflect their eminent and essential role in our society.

County administrators leading their respective SB 1732 transfers can provide more information on the status of discussions with the AOC. A list of these contacts is available through the Office of Governmental Affairs. ■

JUVENILE JUSTICE REFORM EFFORTS CONTINUE

Thanks to financial support from several private foundations, the recently-formed California Juvenile Justice Accountability Project (CJJAP) is continuing the work to improve the California juvenile justice system begun by the Schwarzenegger Administration's Juvenile Justice Reform Work Group. (See *The Capitol Connection*, June 2004.) The Administration's work group was made up of representatives of the Youth and Adult Corrections Agency (YACA), the Judicial Council, county supervisors, law enforcement, prosecutors, defense attorneys, probation and youth law advocates. CJJAP's membership has been expanded to include representatives of the education

community, mental health advocates, and victims' rights groups. The goal of the CJJAP is to "develop a set of measurable indicators and outcomes that will be collected on a statewide basis and used by macro-level decision makers at the county and state level to identify significant indicators within our juvenile justice system."

The CJJAP is divided into three groups. The Outcomes and Indicators Committee, chaired by Karen Stoll, Deputy Director of the California Board of Corrections' Planning and Program Division, is working to identify which out-

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JUVENILE JUSTICE REFORM

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comes spell success and how to measure those outcomes. The Data Committee, chaired by Elizabeth Siggins, newly-appointed deputy secretary of juvenile justice policies for YACA, is identifying what pools of data will be helpful to the Outcomes and Indicators Committee. The Implementation Committee, chaired by YACA Undersecretary Kevin Carruth, is looking at the legal and financial structure that would ensure that the outcomes are achieved

and the data is maintained.

The committees will come together for two joint meetings and plan to have reform proposals ready for introduction in the legislative and budget process by March 2005.

Judge J. Richard Couzens is serving on the Implementation Committee; OGA staff June Clark is serving on the Data Committee. *The Capitol Connection* will provide updates as appropriate. ■

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*.

“A Victorious Initiative Spurs a Legal Fight While One That Failed Has Opponents Promising to Cooperate” *Daily Journal* (November 4, 2004)

Tuesday's election was just the beginning of what promises to be a protracted period of fallout over two important criminal justice ballot measures, one that passed and one that failed.

The measure approved by voters Tuesday will give California the most far-reaching system of DNA testing in the nation. Proposition 69 requires DNA samples from anyone convicted of a felony or sex crime and, by 2009, from anyone arrested on suspicion of a felony.

But the measure, especially its provisions requiring arrestees to give DNA samples, will probably be the subject of lawsuits by criminal defense lawyers and civil libertarians for years to come.

"We still believe that Proposition 69 has taken a step over the constitutional line and do plan to challenge it," said Maya Harris, an attorney with the American Civil Liberties Union of Northern California. "We are evaluating the entire initiative and plan to challenge the most troubling aspects that we believe violate the law and the constitutional rights of people who have never been charged with a crime."

Proposition 66, a measure that would have softened the state's three-strikes laws, failed after a campaign by Gov. Arnold Schwarzenegger caused a dramatic shift in voter sentiment.

But that's probably not the end of the battle.

The fact that Proposition 66 had strong support among Democrats and Republicans before Schwarzenegger's last-

minute ad blitz convinced backers as well as foes that now is the time to press for legislative changes in the three-strikes law.

Proponents of change vowed Wednesday they will continue to fight in the Legislature for changes that would prevent petty offenders from getting life sentences.

And even some prosecutors who opposed Proposition 66 said they would suggest modest legislative reforms to keep shoplifters and check forgers from doing 25 years to life.

"I think the time is right," said Los Angeles District Attorney Steve Cooley, whose office has a general policy of not prosecuting lesser offenses as three-strikes cases.

"If we do this right and fine-tune the law to address issues raised by the Proposition 66 proponents, then there may never be a need for another Proposition 66," he said. "Three strikes is too important a sentencing tool to run the risk of losing, but it has to be implemented properly."

“Local Panels Help Governor Fill Vacancies On the Bench” *Daily Journal* (November 16, 2004)

Gov. Arnold Schwarzenegger has vastly expanded the use of local committees to review bench candidates before they are vetted by the State Bar's Commission on Judicial Nominees Evaluation. All 58 counties will have committees.

Previous governors have gathered input from local bar associations to evaluate and pick judicial nominees.

In the current scheme, the committees will include the county bar association president, who will pick five other members.

John Davies, the governor's judicial appointment adviser, told judges at their recent annual meeting that Schwarzenegger doesn't care about political affiliations in selecting judges.

- [To view a more comprehensive collection of news stories, please click here.](#) ■



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Looking for a past issue of *The Capitol Connection*? Find it online at www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm.

COURTS WELCOME NEW JUDICIAL ADMINISTRATION FELLOWS



2004-05 Judicial Administration Fellow Shaun Young.

Photo: Dia Poole

In October, ten judicial administration fellows began new roles that will help them learn about and contribute to the administration of justice in California.

The Judicial Council of California and the Center for California Studies at California State University, Sacramento (CSUS) created the Judicial Administration Fellowship Program to develop court professionals and leaders through temporary positions with the Supreme Court, the superior and appellate courts, and the Administrative Office of the Courts (AOC).

Fellows are assigned a variety of duties such as policy analysis, legal research, legislative advocacy, and community outreach, depending on their office placements, interests, and skills. Each fellowship position combines a full-time professional field assignment in an office of the courts with graduate work in public policy administration at CSUS.

This year, the Judicial Council's Office of Governmental Affairs welcomes Shaun Young as its new fellow. He recently graduated from Tufts University (Medford, MA) with a B.A. in political science and English. His interest in politics and public service stems from his study of political theory at Tufts and Oxford University, as well as from his research in Johannesburg, South Africa

on the property rights of informal settlers.

In the coming year, Young will work closely with OGA advocates on bill analysis, the legislative process, inter-branch relations and communication, and judicial branch budget priorities. At the end of the fellowship, he plans to apply to law or graduate school.

The 2004-2005 Judicial Administration Fellows are Bethel Cope-Vega, Superior Court of Los Angeles, Alternative Dispute Resolution Office; Louis Dezseran, Superior Court of Yolo County; Ashianna Esmail, Superior Court of San Francisco; Andrea Logue, Administrative Office of the Courts, Information Systems Bureau; Dawn Marie McIntosh, Superior Court of Stanislaus County; Christina Medina, Administrative Office of the Courts, Center for Families, Children, and the Courts; James Murray, Office of the Clerk of the Supreme Court; Solmaz Sharifi, Court of Appeal, Second Appellate District; Patricia Tudosa, Superior Court of Alameda County, Planning & Research Bureau; and Shaun Young, Administrative Office of the Courts Office of Governmental Affairs.

For more information about the Judicial Administration Fellowship Program, visit the CSUS Center for California Studies Web site at: <http://www.csus.edu/calst/judicial> ■

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.

CFCC Update: Reports on developments in juvenile and family law, including innovative programs, case law summaries from the AOC's Center for Families, Children and the Courts; grants and resources, and updates on legislation and rules and forms. Published three times a year. See www.courtinfo.ca.gov/programs/cfcc/resources/publications/newsletter.htm.

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.