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EXCLUSIVE: INTERVIEW WITH LARRY BROWN

Lawrence G. Brown is the Executive Director of the California District Attorneys Association. Before joining CDAA in 1994, Mr. Brown spent five years as a prosecutor in Ventura County. As Executive Director, Mr. Brown is, among other things, the organization's chief lobbyist. In that capacity, he has worked on several court-related measures, including felony sentencing simplification, multiple crime jurisdiction consolidation and propensity evidence.

CC: What prompted you to leave your position as a prosecutor and come to Sacramento as a lobbyist?

LB: I didn't view my move necessarily as "leaving" my position as a prosecutor, so much as being a prosecutor venturing out on an interesting tour of duty at the State Capitol. After eight years at CDAA, I've probably lost my bragging rights as a prosecutor, but I still feel very much connected to my roots as a deputy district attorney in my work with the association.

With that disclaimer, I grew up in Northern California and was excited about the opportunity to move home again to be closer to my family. Beyond that, I was a political science major in college and always had a fascination with the lawmaking process. Also, I had great regard for the newly-appointed executive director, Greg Totten, who had been my Felony Unit supervisor in Ventura. Sadly, Greg returned home 2 ½ years later and never amounted to much, except becoming the new Ventura County District Attorney this November.

CC: How has your experience as a prosecutor helped (or hindered) your ability to participate successfully in the legislative

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COUNCIL ADOPTS STATEWIDE STANDARDS FOR E-FILING

At its fall business meeting, the Judicial Council adopted statewide rules that will standardize electronic filing (e-filing) and service of documents in state trial courts. The council's action furthers the intent of SB 367, a council sponsored measure authored by Sen. Joseph Dunn (D-Santa Ana). SB 367, which went into effect on January 1, 2000, created Code of Civil Procedure section 1010.6 authorizing the trial courts to adopt local rules permitting e-filing under certain conditions. SB 367 also directed the council to adopt statewide rules regarding e-filing by January 1, 2003. The rules allow the courts to take advantage of technology to reduce delays and increase inefficiency. "The closer we get to a paperless court system, the better for all," said Senator Dunn. "I believe that a paperless system will be cost-effective for litigants, lawyers, and the courts."

In the last decade, electronic communication systems became increasingly commonplace and easier to use and appeared to be a possible answer to the struggle many courts were having in maintaining paper systems. For example, by the late 1990s, Los Angeles Superior Court had 70 million archived pages, all of which had to be filed and retrieved by hand. One civil division of the court was receiving 4,000 documents per day. Proportional problems were

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INTERVIEW: LARRY BROWN

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process?

LB: I believe my training as a prosecutor has helped considerably in the legislative arena. To be effective, a trial attorney must communicate often-complex legal concepts to a jury of non-lawyers. There are parallels in the legislative process, given that legislators and staff typically do not have a background in criminal law but nevertheless must make decisions that can have a significant impact on the system. I think I've been fairly successful advocating our views in a straightforward way. That's not to say they always like what I have to say . . .

Another component of my training in Ventura, which has proven invaluable, is the importance of being ethical. I took deadly serious the admonition as a new prosecutor that your word is your bond, and that those who shade the truth ultimately will be distrusted by judges and opposing counsel. I've comported myself in the same way in my dealings in the Legislature. I don't believe in overstating our arguments to carry the day. Also, a prosecutor must interact with a wide array of people, whether it is victims, police officers or jurors, a task with which I was comfortable. The ability to work with people of divergent views has carried over to my present job.

CC: What are some of the critical issues that concern CDAA at this time?

LB: Probably not too surprisingly, our chief concern is the state of the State Budget. At one point last session, all Office of Criminal Justice Planning local assistance grants had been reduced by 50 percent. This translated to around $12 million in cuts to vertical prosecution programs. Fortunately, we succeeded in having those funds restored, but given all that's reported in the media these days, there's every reason to think things will be back in play next year.

Beyond budgetary concerns, another priority is guarding the fort, for want of a better phrase. We recognize that for the most part, California's criminal justice laws are in terrific shape from the vantage point of prosecutors. The critics of some of these laws, particularly Three Strikes and the death penalty, are becoming increasingly vocal and better organized. We believe they are misleading the public in an effort to erode support.

DNA also will continue to be a very active area of legislation. We would like to see California expand its DNA database to include all convicted felons, such as exist in states like Virginia. The database has proven itself an incredible tool in solving crime. It is likely an uphill legislative fight and there is already some talk of an initiative in 2004. Additionally, legislation implementing *Atkins v. Virginia* and its ban on executing the mentally retarded will be back on the table next year.

CC: What unique challenges does CDAA face in its interaction with the Legislature and Governor?

LB: I'm not certain we have challenges that are necessarily unique to most others involved in the legislative process. Perhaps the fact that District Attorneys are elected officials and are typically involved politically in their communities adds an extra wrinkle. This can sometimes reap substantial benefits because they have a voice that will be paid attention to by their representatives. On the other hand, there are certainly times when the DA and his or her local legislator have very different world views, which can make our efforts in Sacramento more challenging.

CC: Are there unique challenges that you face representing 58 elected officials and the line deputies who work for them?

LB: For the most part, representing DAs and their deputies is easy work (but please don't tell them). By that I mean, a DA is a DA is a DA. Prosecutors are generally very like-minded when it comes to the types of issues the association encounters. Granted, not all District Attorneys are of the same ideological ilk, but there is little debate when it comes to deciding such things as whether to sponsor legislation authorizing reasonable force to obtain DNA samples, enhancing retirement benefits, or the like.

CC: What do you think has been the effect to date of the restructuring of the child support collection system?

LB: It's entirely too early to tell. Our primary focus has been ensuring as smooth of a transition as possible. One of the smartest things the proponents of the legislation did was to keep the staff in the local programs. I genuinely believe that something is lost in the program when the letter demanding payment of support doesn't come from the District Attorney's Office, but that is now water under the bridge.

CC: Can you comment on how CDAA's battles over the child support issues has affected your relationship in the Legislature?

LB: One of the best pieces of advice I ever received about the legislative process is that there are no permanent enemies or allies. You build coalitions around issues. I don't think there are any lasting repercussions from the child support battles. We have worked well with the lead proponents of the legislation, including Senators Burton and Kuehl, on any number of occasions since then.

Court Facilities: Next Steps

Now that SB 1732, the Trial Court Facilities Act of 2002, has been signed, what's next? While responsibility for the first court facility cannot transfer to the state until July 1, 2004, negotiations can begin as early as July 1, 2003. In order to effectively implement SB 1732, there is a major planning effort underway at the Administrative Office of the Courts. The following highlights some of the activities occurring over the next 6 to 12 months.

-Colusa County's Historic Courthouse - *California's courthouses are entering a new era as they transfer from the counties' responsibility to the state's.*

January 2003-June 2003.
A working group will address, among other things, implementation guidelines, schedule, and priorities. New filing fee surcharge, penalty assessment, and parking revenues will begin collecting in the State Courthouse Construction Fund. The Administrative Office of the Courts (AOC) and the California State Association of Counties (CSAC) will prepare Memorandum of Understanding templates that govern the transfer and responsibility for each court facility. The AOC and CSAC will also draft and submit forms to calculate the county facilities payment to the Department of Finance for approval. Staff will recommend that the Judicial Council adopt critical policies and procedures for the transfer of responsibility for court facilities. Additionally, the Judicial Council will develop and adopt criteria for capital outlay prioritization. The AOC will contract for and substantially complete seismic safety evaluations of court facilities.

July 2003-December 2003.
Staff will recommend that the Judicial Council adopt facility operating policies and procedures. The AOC expects 58 court master plans will be completed by August 2003. With these completed master plans, the Judicial Council can adopt a statewide, consolidated 20-year master plan, and a 5-year strategic plan.

Legislature Hosts ceremony honoring Justice Stanley Mosk

On November 6, the historic Library and Courts Building in downtown Sacramento was renamed in honor of the late Supreme Court Justice Stanley Mosk and a statue of the jurist was unveiled outside the entrance to the building. The State Senate and Assembly, which passed a resolution calling for the name change shortly after Mosk's death last year, sponsored the event.

In his remarks, Chief Justice Ronald George honored Justice Mosk for his outstanding service to the people of California, including as a Los Angeles Superior Court Judge, the state's Attorney General and as the longest-serving member of the Supreme Court. "Although he came to California from elsewhere, like so many others he became a Californian," said George. "He believed that things could be better in California, and that he could help make them better."

The resolution honoring Justice Mosk was authored by Senate President pro Tem John Burton (D-San Francisco), who, like George, once worked under then-Attorney General Mosk in the Department of Justice. Senator Burton spoke warmly and humorously of the deep and enduring friendship he and his brother, Philip Burton, shared with the Mosk family.

Also speaking at the event was Assembly Judiciary Committee Chair Ellen Corbett (D-San Leandro) who praised Mosk for his dedication to "protecting the most vulnerable and defending the least fortunate."

The Stanley Mosk Library and Courts Building was completed in 1928 and houses the Third District Court of Appeal. The Supreme Court also hears cases twice a year in the building's first floor courtroom.

The bronze, larger-than-life likeness of Justice Mosk is clad in a judicial robe and reading a law book. The inscription on its base recalls Mosk as a "guardian of the law and defender of civil rights and liberties."

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STATEWIDE STANDARDS FOR E-FILING

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experienced in other courts and lost or missing documents and files were all too common. Courts began to experiment with electronic filing of documents in particular case types in complex litigation, such as asbestos and tobacco cases, and with justice partners, such as a district attorney's family support unit.

SB 367 cleared the way for courts to implement e-filing procedures locally while meeting statewide standards to provide consistency among courts that allow e-filing. With three years of local experiences to draw on, the newly adopted rules expand on SB 367 by providing standards to be followed for e-filing and service. Areas addressed by the rules include the circumstances under which a court may require e-filing, the authority of the courts to contract with a filing service vendor, and the responsibilities of courts and parties to maintain the security and integrity of both documents and e-filing systems.

A challenge for the Court Technology Advisory Committee, which proposed the rules, was to maintain a balance between the convenience and flexibility offered by e-filing with concerns regarding the fairness for those who file paper. For example, it is possible for e-filing technology to virtually extend the court's hours of operation for the filing of documents to 24 hours a day and seven days a week. But this would also have the effect of extending filing deadlines for parties who file electronically. Litigants, especially pro pers, who are unable to file electronically, would therefore be at a disadvantage. To remedy this, the rules, like SB 367, provide that an electronically filed document must be filed by the court's regular close of business time to be considered filed on that day.

Senator Dunn

Another concern was the requirement that e-filers provide an electronic notification address to which the court can send confirmation of filing. However, domestic violence victims and those using public access terminals at public libraries would not want to or could not provide an electronic notification address. The Committee chose to retain the requirement since a return address is required for documents filed in paper form.

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.*

"AAA Rumpus Said to be Just Starting" *Daily Journal* (October 16, 2002)
Don't expect Jerry Spolter, Elaine Leitner and Harris Weinberg to be the last panelists to leave the American Arbitration Association over the organization's controversial stand against arbitration reforms in California.

Other panelists will certainly follow the trio, according to observers including Mark Rudy, a mediator with San Francisco's Rudy, Exelrod & Zieff and a former AAA panelist.

"This is a pretty dramatic move on the part of longtime, experienced mediators," he said. "The people who left are real veterans and are respected mediators."

Spolter resigned Oct. 9 to protest opinion pieces by AAA President William Slate attacking trial lawyers for pressing recent state legislation forcing stricter ethics disclosure for arbitrators. The articles were published in the Los Angeles Times and the San Francisco Chronicle.

"If trial lawyers need financial support, they should seek it in ways that don't deny Californians the proven benefits of arbitration," Slate wrote.

Spolter said Slate's attack on the plaintiffs bar "unfortunately casts a cloud over my neutrality as a panelist" with AAA.

Rudy said Slate's statements "were a very aggressive position for a group that's supposed to be neutral."

Slate attributed "all of the crises in the industry to trial lawyers, saying we are greedy," said Rudy, who also maintains a private practice. "They infuriated the people who are using their services and caught the attention of neutrals."

"Prop. 22 Group Crashes Adoption Dispute" *The Recorder* (October 16, 2002)
The people who brought the state Proposition 22, which restricted marriage to unions between men and women, are now arguing that the 2-year-old measure prevents gay men and lesbians from adopting their companions' children.

But rather than take their argument to the streets or to state legislators, the marriage-rights defenders – including Sen. William "Pete" Knight, the author of Prop. 22 – are making their case in an *amicus curiae* brief in a high-profile adoption dispute pending before the California Supreme Court.

The brief, filed on behalf of the Proposition 22 Legal Defense and Education Fund, attacks Assembly Bill 25, which went into effect on Jan. 1, by saying that the legislation – which, among

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RIPPED FROM THE HEADLINES

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other things, allows second-parent adoptions by same-sex couples – is unconstitutional because it allegedly alters Prop. 22 without voter approval.

The Prop. 22 group's argument adds spice to an already contentious case. In *Sharon S. v. Superior Court*, S102671, the Supreme Court is being asked to overturn a year-old ruling by San Diego's Fourth District Court of Appeal that invalidated second-parent adoptions. Those adoptions, through which one person in an unmarried relationship adopts a partner's child to serve as co-parent, are the primary way thousands of same-sex couples in California have forged legal bonds with their children.

Gay rights groups are asking the Supreme Court to completely reverse the lower court – or at the very least ensure that their ruling applies only to future adoptions. They are attempting to prevent the undoing of thousands of adoptions that occurred prior to AB 25.

"Courts will feel state budget crunch. Every county has been ordered to make a 3.7% cut, with more feared" *The Sacramento Bee* (October 19, 2002)
Budget cuts ordered for the state's courts will mean shorter hours, fewer alternatives for nonviolent criminals and supplementary programs for families and children and, in some cases, fewer courtrooms and judges available.

Because of state budget cuts, the Judicial Council of California, which administers the state's $2.5 billion court system, has ordered every county to shrink its court budget by 3.7 percent to meet a one-time $155 million shortfall.

"It's a difficult time for all branches of government," said Lynn Holton, spokeswoman for the Judicial Council of California.

In some counties, a leaner budget will mean trimming some popular services beyond the court's required duties, such as drug courts.

Each county court administrator decides specific cutbacks. The cutbacks range from layoffs in some metropolitan courts like Los Angeles County to reduced public counter and courtroom hours in smaller, rural counties in the Sacramento region.

"Davis' Judge Picks Draw Wide Praise" *Los Angeles Times* (October 22, 2002)
Like his Republican predecessor, Gov. Gray Davis has favored prosecutors and high-powered corporate lawyers in his choices for judgeships.

But the Democratic governor has leavened his selections with personal injury lawyers, more women and minorities, and a smattering of criminal defense attorneys and legal advocates for the poor.

In appointing more that 230 judges since taking office, Davis has received grudging praise even from many of his critics on the left and right for his largely middle-of-the-road choices.

Davis refuses to name any lawyer who is not rated as qualified by state bar evaluators, and a greater percentage of his appointees than his predecessors' have received the bar's highest ratings. An opinion of unqualified by a local bar association also closes the door to an appointment, Pines said.

Davis also has named a greater percentage of women and minorities than his Republican predecessors, and appointed five openly gay judges. Observing that 34% of Davis' judicial appointments have been women, Justice Joan Dempsey Klein, presiding justice of the state Court of Appeal division in Los Angeles, said the National Assn. of Women Judges will soon pass a resolution commending the governor for promoting women.

"State Revises Foster Care Standards. Changes settle a lawsuit with child advocacy group and call for audits of relatives caring for foster children to ensure health and safety." *Los Angeles Times* (October 25, 2002)
A San Francisco child advocacy group sued the state of California Thursday, saying it had failed to ensure that foster parents who are related to their children meet federal health and safety requirements. The group then immediately agreed to settle the suit in exchange for reforms.

The settlement, which will be monitored by the court, requires uniform, statewide standards for foster parents who are related to the children in their custody. It also calls for audits and requires counties to help unqualified relatives meet the standards, rather than simply not considering the relatives or taking the children away from them. The state will set aside $1 million a year to help those families.

The settlement may also help the state in a dispute with the federal government, which earlier this year began reducing grants to California to pay foster families, alleging that the state was not properly screening relatives, who care for 38% of the state's foster children.

"U.S. court backs use of medical marijuana. Ruling says doctors can recommend pot" *San Francisco Chronicle* (October 30, 2002)
A federal appeals court said Tuesday the federal government cannot punish California doctors who recommend marijuana to their patients.

The ruling by the three-judge panel of the Ninth U.S. Circuit Court of Appeals in San Francisco was a rare legal victory for medical marijuana advocates and was hailed as a significant step toward preserving California's landmark medical marijuana law, which has been continually challenged by the U.S. Justice Department since its adoption in 1996.

Seeking sanctions against doctors who advise the use of marijuana, a federal policy pursued by both the Clinton and Bush administrations, violates the freedom of speech of both doctors and patients, the judge said.

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RIPPED FROM THE HEADLINES

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"Could a new open primary weaken party extremists' power?" *The Sacramento Bee* (November 1, 2002)
Legislative and congressional seats were, in effect, filled during the March primary, when only a tiny percentage of eligible voters cast ballots, and moderate candidates, true to expectations, were swamped by ideologically rigid competitors. The Legislature will have more liberal Democrats and more conservative Republicans and very few moderates. It's a double blow to democracy and the radical notion that voters should have real choices, not merely ratify candidates who have been anointed by party leaders and/or narrow interest groups.

The status quo redistricting scheme, which locks in partisan ownership of all but a handful of legislative and congressional seats, is engraved in law for the next decade. But could some form of moderate-friendly open primary elections return? California business leaders, alarmed at seeing so many business-hostile liberals win seats this year, are exploring a revival of the open primary in a unique form that would, they believe, pass muster with the Supreme Court.

Taking their cue from one passage of the Supreme Court decision, written by Justice Antonin Scalia, the business leaders want California to adopt a primary system in which all candidates are listed on one ballot for all voters and the top two finishers for any office, regardless of party, then have a runoff in November. Thus, voters would not be formally nominating a candidate for a party, which is the legal sticking point in the Supreme Court decision.

"Kinder, Gentler Judicial Races?" *The National Law Journal* (November 1, 2002)
Judicial races across the country have toned down their ugliness from two years ago, with exceptions in Ohio and Mississippi.

And while the level of the election combat may not be as intense, the cost of judicial elections remains high.

Thirty-three states are electing supreme court judges this year. The change in tone may be the result of several factors, including the U.S. Chamber of Commerce's reconsideration of its high-profile role since the last election cycle two years ago, which may have backfired; and a diversion of money and attention from the judicial elections to close gubernatorial and congressional races.

The 2000 state supreme court elections were remarkable because the races attracted huge sums of money, unprecedented special interest pressure and unheard-of amounts of television advertising.

This year's restrained tone comes as a surprise to many court watchers, given the U.S. Supreme Court's June ruling that judges are free to state their position on issues. *Republican Party of Minnesota v. White*, No. 01-521. Many thought *White* would ratchet up the nastiness of the rhetoric during this election season. But watchdog groups say the *White* decision hasn't had much effect – with some notable exceptions.

"Davis now has ugly budget battle to look forward to" *Oakland Tribune* (November 7, 2002)
Gov. Gray Davis, fresh from a painful victory in a dreary election, now must face darkened prospects for closing another multibillion-dollar budget deficit – especially with massive tax hikes and service cuts the only likely options this time.

On Tuesday, voters retained the Democrat by a surprisingly thin margin, turning out in record low numbers, while making his job of closing the expected $10 billion-plus revenue gap next year tougher, largely by bolstering the Republican numbers in the Legislature.

Majority Democrats will have to scramble even harder for the GOP votes needed to pass a politically ugly budget next year, a task that could prove virtually impossible.

Californians, at the same time, approved a statewide ballot proposition that diverts as much as $550 million annually from general uses to before- and after-school programs. Though supporters say the measure addresses an important need, critics say it narrows state officials' budget options.

Voters also approved a record $18.5 billion in bonds for affordable housing, school construction and conservation projects. Again, backers say voters did the right thing but foes say the measures bolster the state's debt load amid an ailing economy.

None of the propositions creates new revenue, while committing the state to expensive new programs.

"Stock Exchange Suit Dismissed" *The Recorder* (November 13, 2002)
A U.S. district court judge Tuesday threw out a lawsuit by the securities industry against the California Judicial Council over the state's new ethical rules for arbitrators.

Senior U.S. District Judge Samuel Conti's decision extracts the federal courts from a legal morass pitting the New York Stock Exchange and National Association of Securities Dealers arbitration arm against the elite of the state judiciary. Conti cited 11th Amendment prohibitions on suing states and their agencies in federal courts as the basis for his decision.

"The Judicial Council…enjoys the full protection of the 11th Amendment and cannot, without its consent, be named as a defendant," Conti said.

The Judicial Council implemented the new rules after the passage of legislation carried by Sen. Martha Escutia, D-Montebello, and conceived by Gov. Gray Davis and Chief Justice George.

The rules require, among other things, that arbitrators disclose financial relationships or other conflicts of interest between themselves and parties in disputes. Failure to follow the standards could result in vacating an arbitration award.

JUDICIAL APPOINTMENTS

Following is list of judicial appointments since July 1, 2002. For prior appointments please see the July 2002 edition of *The Capitol Connection.*

Court	Judge	Previous Position
Alameda Superior Court	Delbert C. Gee	Private Practice
	Jo-Lynne Q. Lee	Private Practice
Butte County Superior Court	Robert A. Glusman	Private Practice
Contra Costa Superior Court	Barry Baskin	Private Practice
	John Hideki Sugiyama	Deputy Director and Chief Counsel, California Department of Corrections
Fresno Superior Court	Hilary A. Chittick	Private Practice
	Rosendo Pena, Jr.	Lead Appellate Court Attorney
Kern Superior Court	Robert S. Tafoya	Private Practice
Los Angeles Superior Court	Monica Bachner	Assistant U.S. Attorney
	Deborah L. Christian	Commissioner
	Kelvin D. Filer	Commissioner
	Mark A. Juhas	Private Practice
	Steven J. Kleinfield	Private Practice
	John A. Kronstadt	Private Practice
	Dennis J. Landin	Chief Deputy Federal Public Defender
	Jacqueline H. Nguyen	Assistant U.S. Attorney
	Charlaine F. Olmedo	Assistant U.S. Attorney
	Rafael A. Ongkeko	Principal Deputy County Counsel
	Tammy Chung Ryu	Supervising Deputy Attorney General
	Steven P. Sanora	Commissioner
	Thomas R. White	Commissioner
	John Shepard Wiley Jr.	UCLA Law Professor
Mariposa Superior Court	Wayne R. Parrish	Private Practice
Mendocino Superior Court	Leonard J. LaCasse	Private Practice
Merced Superior Court	Ronald W. Hansen	Private Practice
Monterey Superior Court	Adrienne M. Grover	County Counsel
Orange Superior Court	Franz E. Miller	Senior Staff Attorney, Court of Appeal
	Josephine Staton Tucker	Private Practice
Placer Superior Court	Eugene S. Gini, Jr.	Supervising Deputy District Attorney
Sacramento Superior Court	Troy L. Nunley	Deputy Attorney General
	Pamela Smith-Steward	Chief Assistant Attorney General
San Diego Superior Court	DeAnn M. Salcido	Deputy District Attorney
San Francisco Superior Court	Teri L. Jackson	Private Practice
Santa Barbara Superior Court	James F. Iwasko	Commissioner
Santa Clara Superior Court	James P. Kleinberg	Private Practice
Sonoma Superior Court	Gary Nadler	Private Practice
Ventura Superior Court	Manual J. Covarrubias	Commissioner

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Council's Policy Committee Welcomes New Members

Four new members have come onboard the Policy Coordination and Liaison Committee (PCLC) of the Judicial Council. They include:

- Justice Norman Epstein of the Second District Court of Appeal. Justice Epstein will serve as vice-chair, replacing Justice Richard Aldrich.
- Judge Gregory O'Brien of the Los Angeles County Superior Court and president of the California Judges Association. Judge O'Brien replaces outgoing CJA president and Lassen County Superior Court Judge Stephen Bradbury.
- Judge Heather Morse of the Santa Cruz County Superior Court.
- Judge Barbara Ann Zúñiga of the Contra Costa County Superior Court.

Judges Morse and Zúñiga replace Judges Leonard Edwards of the Santa Clara County Superior Court and Donna Hitchens of the San Francisco County Superior Court.

The PCLC makes recommendation to the council regarding council sponsored legislative proposals and takes positions on pending legislation on behalf of the council.

Several Races Still too Close to Call

Several contests in the November 5 election remain undecided as local election officials undertake a count of thousands of absentee ballots.

In the 30th Assembly District, Democrat Nicole Parra had a 187-vote lead over Republican Dean Gardner at press time, with absentee ballots still being counted by officials in four different counties. A Republican victory in this race would give the Republicans 33 seats in the Assembly to the Democrats' 47. Prior to the election, Democrats had a 50-30 advantage.

In the race to fill the open seat in the 12th Senate District, Republican Jeff Denham has taken a 1,825-vote lead over his Democratic rival, former Assembly Member Rusty Areias. This race is the last opportunity for the Republicans to gain a seat in the Senate, where Democrats have held 26 seats to the Republicans' 14.

The only statewide office not yet decided is State Controller, where Democrat Steve Westly continues to hold onto a lead over Republican State Senator Tom McClintock. At last count, Westly leads by 21,032 votes.

The votes being tallied are generally absentee ballots received by local elections offices on Election Day. Official say it could be several more days until the counts are completed. By law, counties have until December 3 to certify the results.

Looking for Election Results?

In case you missed it, *The Capitol Connection*'s Special Election Edition, containing the results of legislative races throughout the state can be accessed on-line at http://www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm.

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