



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

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

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

CURTIS L. CHILD  
*Director, Office of Governmental Affairs*

March 30, 2010

Hon. Felipe Fuentes, Chair  
Assembly Appropriations Committee  
State Capitol, Room 5136  
Sacramento, California 95814

Subject: AB 2284 (Evans) as introduced – Fiscal Impact Statement  
Hearing: Assembly Appropriations Committee – April 14, 2010

Dear Assembly Member Fuentes:

AB 2284 (Evans) authorizes the Judicial Council to adopt rules of court to establish procedures for conducting expedited jury trials in civil cases where the parties stipulate that those rules and procedures shall apply, including provision for a jury of fewer than 12 members.

### *Fiscal Impact*

The Judicial Council will incur one-time administrative costs to develop and adopt rules and standards for conducting expedited jury trials in civil cases under prescribed conditions. These costs are expected to be minor in magnitude, and absorbable within existing resources.

Please contact me at 916-323-3121 or [henry.sepulveda@jud.ca.gov](mailto:henry.sepulveda@jud.ca.gov) if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Hon. Felipe Fuentes

March 30, 2010

Page 2

Sincerely,



Henry Sepulveda

Senior Governmental Affairs Analyst

HS/yt

cc: Hon. Noreen Evans, Member of the Assembly

Ms. Celia Mata, Legislative Director, Office of Assembly Member Noreen Evans

Mr. Chuck Nicol, Consultant, Assembly Appropriations Committee

Mr. Allan Cooper, Minority Consultant, Assembly Republican Office of Policy

Ms. Teresa Calvert, Budget Analyst, Department of Finance



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393  
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

CURTIS L. CHILD  
*Director, Office of Governmental Affairs*

June 22, 2010

Hon. Ellen Corbett, Chair  
Senate Judiciary Committee  
State Capitol, Room 5108  
Sacramento, California 95814

Subject: AB 2284 (Evans), as amended June 21, 2010 - Support  
Hearing: Senate Judiciary Committee – June 29, 2010

Dear Senator Corbett:

The Judicial Council is pleased to support AB 2284. This bill would establish the Expedited Jury Trials Act, which will improve access to justice by creating an alternative, streamlined method for handling certain civil cases in a more cost effective manner for litigants and the courts.

The rising costs of litigation present an ongoing challenge in providing access to justice for a number of litigants, especially those with claims involving relatively small monetary amounts. For many of these litigants, traditional forms of alternative dispute resolution have not resulted in resolving their cases before trial. Traditional trials can be time consuming and expensive for both litigants and the courts.

AB 2284 provides an innovative method of enhancing access to the courts by significantly reducing the costs of trials. Under AB 2284, parties are encouraged to enter into agreements that

streamline the method of presenting evidence and other matters so that cases generally would be concluded within one trial day. Smaller juries and limitations on appeals should also yield significant savings and help courts conserve precious judicial resources. Participation in an expedited jury trial authorized by AB 2284 would be entirely voluntary, and there would be no monetary restrictions on the cases that could be tried under this innovative and streamlined process.

Although not required by AB 2284, the ability of parties to enter into high/low agreements in expedited jury trial cases is a key feature of the model that works to the advantage of all parties. Use of such agreements ensures that the plaintiff will achieve some recovery, while at the same time capping the amount of damages that may be awarded against defendants, making their exposure more certain.

The expedited jury trial model authorized by AB 2284 should help ensure that plaintiffs will get their day in court and be able to present their case to a jury. The binding and final nature of the jury verdict under the bill will also achieve finality and reduce costs to litigants and the courts by foreclosing appeals and post-trial motions in most cases.

AB 2284 also requires the Judicial Council, on or before January 1, 2011, to adopt rules and forms implementing the provisions of the Act. The current version of AB 2284 takes the key elements from the expedited jury trial rules proposal that was circulated for public comment by the Judicial Council during its spring 2010 cycle. This rules proposal was developed by a working group consisting of members of the council's Civil and Small Claims Advisory Committee and members of the plaintiff and defense bars, with the assistance of representatives from the insurance industry, business groups, and a consumer organization. The working group studied models from other states, including New York and South Carolina, but developed a proposal that would comport with trials under California law and procedure.

The public comment period on the expedited jury trials rules proposal ended on June 18, 2010, and the council's process for reviewing the comments will not be completed in time for this committee's scheduled hearing on the bill. The Judicial Council reserves the right to modify its position on the bill, if necessary, following the consideration of comments received on the rules proposal. Because the working group included key stakeholder organizations, it is expected that the public comments will generally be supportive and changes are anticipated to be relatively minor. The council looks forward to continuing to work cooperatively with the author, the co-sponsors, committee staff and stakeholder organizations in an effort to reach consensus on both the statute and the implementing rules of court.

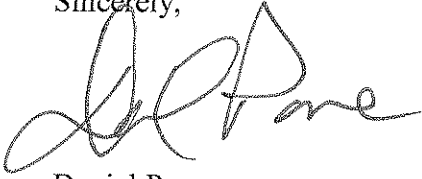
Hon. Ellen Corbett

June 22, 2010

Page 3

For all of the above reasons, the Judicial Council supports AB 2284.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pone", with a stylized, cursive script.

Daniel Pone  
Senior Attorney

DP/ljb/ml

cc: Members, Senate Judiciary Committee

Hon. Noreen Evans, Member of the Assembly

Ms. Saskia Kim, Chief Counsel, Senate Judiciary Committee

Ms. Tara Welch, Counsel, Senate Judiciary Committee

Mr. Mike Petersen, Consultant, Senate Republican Office of Policy

Mr. Mike Belote, Lobbyist, California Defense Counsel

Ms. Nancy Drabble, CEO/Chief Lobbyist, Consumer Attorneys of California

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor's Office of Planning and Research



# Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393  
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

CURTIS L. CHILD  
*Director, Office of Governmental Affairs*

July 16, 2010

Hon. Christine Kehoe, Chair  
Senate Appropriations Committee  
State Capitol, Room 2206  
Sacramento, California 95814

Subject: AB 2284 (Evans), as amended June 21, 2010 – Fiscal Impact Statement (Revised)  
Hearing: Senate Appropriations Committee – August 2, 2010

Dear Senator Kehoe:

AB 2284 establishes the Expedited Jury Trials Act, creating procedures for an alternative, streamlined method for handling certain civil cases.

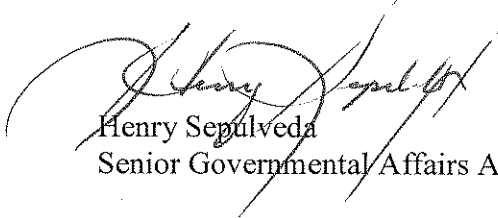
### *Fiscal Impact*

The Judicial Council will incur one-time administrative costs in fiscal year 2010-11 to develop and adopt implementing rules and forms for conducting expedited jury trials in civil cases under prescribed conditions. These costs are expected to be minor in magnitude, and absorbable within existing resources.

Please contact me at 916-323-3121 or [henry.sepulveda@jud.ca.gov](mailto:henry.sepulveda@jud.ca.gov) if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Hon. Christine Kehoe  
July 16, 2010  
Page 2

Sincerely,



Henry Sepulveda  
Senior Governmental Affairs Analyst

HS/yt

cc: Hon. Noreen Evans, Member of the Assembly

Ms. Celia Mata, Legislative Director, Office of Assembly Member Noreen Evans

Ms. Jacqueline Wong-Hernandez, Consultant, Senate Appropriations Committee

Mr. Matt Osterli, Fiscal Consultant, Senate Republican Office of Fiscal Policy

Ms. Teresa Calvert, Budget Analyst, Department of Finance



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 "L" Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 800-735-2929

RONALD M. GEORGE

*Chief Justice of California*

*Chair of the Judicial Council*

WILLIAM C. VICKREY

*Administrative Director of the Courts*

RONALD G. OVERHOLT

*Chief Deputy Director*

CURTIS L. CHILD

*Director, Office of Governmental Affairs*

August 24, 2010

Hon. Arnold Schwarzenegger  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

Subject: AB 2284 (Evans) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council is pleased to support AB 2284. This bill would establish the Expedited Jury Trials Act, which will improve access to justice by creating an alternative, streamlined method for handling certain civil cases in a more cost effective manner for litigants and the courts.

The rising costs of litigation present an ongoing challenge in providing access to justice for a number of litigants, especially those with claims involving relatively small monetary amounts. For many of these litigants, traditional forms of alternative dispute resolution have not resulted in resolving their cases before trial. Traditional trials can be time consuming and expensive for both litigants and the courts.

AB 2284 provides an innovative method of enhancing access to the courts by significantly reducing the costs of trials. Under AB 2284, parties are encouraged to enter into agreements that streamline the method of presenting evidence and other matters so that cases generally would be concluded within one trial day. Smaller juries and limitations on appeals should also yield significant savings and help courts conserve precious judicial resources. Participation in an expedited jury trial authorized by AB 2284 would be entirely voluntary, and there would be no



monetary restrictions on the cases that could be tried under this innovative and streamlined process.

The expedited jury trial model authorized by AB 2284 should help ensure that plaintiffs will get their day in court and be able to present their case to a jury. The binding and final nature of the jury verdict under the bill will also achieve finality and reduce costs to litigants and the courts by foreclosing appeals and post-trial motions in most cases.

AB 2284 is a bipartisan measure that is supported by a broad coalition of stakeholders, including the American Insurance Association, the Association of California Insurance Companies, the California Chamber of Commerce, the California Defense Counsel, the Civil Justice Association of California, Consumer Attorneys of California, and Consumers Union, and it passed the Legislature without any "no" votes.

For these reasons, the Judicial Council respectfully requests your signature on AB 2284.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Pone", written in a cursive style.

Daniel Pone  
Senior Attorney

DP/ljb

cc: Hon. Noreen Evans, Member of the Assembly  
Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor  
Ms. Kirsten Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research  
Mr. Mike Belote, Lobbyist, California Defense Counsel  
Ms. Nancy Drabble, CEO/Chief Lobbyist, Consumer Attorneys of California



**Judicial Council of California**  
**Administrative Office of the Courts**

455 Golden Gate Avenue ♦ San Francisco, California 94102-3688  
Telephone 415-865-4235 ♦ Fax 415-865-4244 ♦ TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

September 3, 2010

Hon. Arnold Schwarzenegger  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

Re: Request for Signatory Approval of Key Legislation

Dear Governor Schwarzenegger:

I am writing to request your signature on four items of key legislation that are either sponsored or strongly supported by the Judicial Council. You will receive detailed information on each of these from the Judicial Council's Office of Governmental Affairs, but I would like to emphasize here the importance of these measures to the judicial branch. They are summarized below.

**Assembly Bill 12 (Beall) – California Fostering Connections to Success Act**

The Judicial Council is cosponsoring AB 12, which will reenact the existing Kinship-Guardianship Assistance Program (Kin-GAP) in order to access federal funding for this proven path to permanency for abused and neglected children. It also will allow California to access federal funds to provide transitional foster care services for youth ages 18–21 on a fiscally responsible basis. Improving transitional support for youth who turn 18 while under the court's dependency jurisdiction was a key recommendation of the Judicial Council's California Blue Ribbon Commission on Children in Foster Care. Implementation of this important policy change will allow juvenile courts to fulfill their obligation to protect the best interests of these vulnerable young people and provide them with the opportunity to transition to a secure and productive adulthood.

**Assembly Bill 1341 (Lowenthal) – Long Beach Courthouse**

AB 1341 is a Judicial Council–sponsored bill that will resolve property tax issues that could derail the Long Beach Courthouse performance-based infrastructure project. As we have discussed many times, the Long Beach Courthouse project is an innovative arrangement that leverages the private sector’s access to financing, technological expertise, and management efficiency to quickly provide a high-quality facility for the Superior Court of Los Angeles County. This bill clarifies that a non-governmental entity does not acquire a taxable possessory interest in the Long Beach Courthouse, authorized by Government Code section 70391.5, if specified factors are met. AB 1341 will ensure that the Long Beach Courthouse project can move ahead without a delay that might be caused by unresolved property tax issues. The bill has been crafted to be specific to the Long Beach project and does not affect the possessory interest analysis for any other project. We have estimated that in the absence of AB 1341, an assessed possessory interest tax could result in an annual cost to the state of \$3–5 million.

**Assembly 2284 (Evans) – Expedited Jury Trials**

AB 2284 establishes the Expedited Jury Trials Act, which will improve access to justice by creating a voluntary, alternative, streamlined method for handling certain civil cases in a more cost-effective manner for litigants and the courts. Under this bill, parties are encouraged to enter into agreements that streamline the method of presenting evidence and other matters so that cases generally would be concluded within one trial day. Smaller juries and limitations on appeals should also yield significant savings and help courts conserve precious judicial resources. AB 2284 is a bipartisan measure that is supported by a broad coalition of stakeholders, including the plaintiffs and defense bars and the insurance industry. It passed the Legislature without any “no” votes.

**Assembly Bill 2499 (Portantino) – Regulation of Traffic Violator Schools**

AB 2499 will improve California’s driving safety program by consolidating the regulation of all traffic violator schools, including Internet-based and other home-study programs, under the licensing authority of the Department of Motor Vehicles (DMV). In doing so, AB 2499 appropriately relieves the judicial branch of the well-intentioned but misplaced regulatory role it has had to play in an attempt to ensure quality traffic school programs for court users in the absence of DMV licensing.

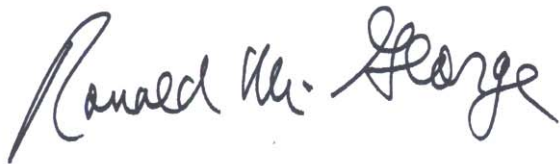
Under current law, DMV has authority to license only *classroom* traffic violator schools. This has left the superior courts in the untenable position of having to decide, county by county, which online or home-study schools will do business in that county, what driver education curriculum will be used, how complaints against a school will be handled, and even under what name the traffic school may operate. This important bill will bring uniformity and better transparency to the regulation of traffic violator schools.



Hon. Arnold Schwarzenegger  
September 3, 2010  
Page 3

Thank you for your consideration of these important bills and your ongoing support of the judicial branch. If you have any questions, please do not hesitate to have your staff contact Curtis L. Child, Director, Office of Governmental Affairs, at 916-323-3121.

Sincerely,

A handwritten signature in black ink that reads "Ronald M. George". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

RONALD M. GEORGE  
Chief Justice of California and  
Chair of the Judicial Council

RMG/CLC/lmb

cc: Hon. Jim Beall, Jr., Member of the Assembly  
Hon. Noreen Evans, Member of the Assembly  
Hon. Bonnie Lowenthal, Member of the Assembly  
Hon. Anthony J. Portantino, Member of the Assembly  
Ms. Susan Kennedy, Chief of Staff, Office of the Governor  
Mr. Michael Prozio, Deputy Chief of Staff and Legislative Affairs Secretary, Office of the Governor  
Ms. Kirstin Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research  
Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor  
Mr. William C. Vickrey, Administrative Director of the Courts  
Mr. Curtis L. Child, Director, Office of Governmental Affairs