



JUDICIAL COUNCIL OF CALIFORNIA

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

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 27, 2016

Hon. Richard S. Gordon
Member of the Assembly
State Capitol, Room 3013
Sacramento, California 95814

Subject: AB 2101 (Gordon), as amended March 31, 2016 – Support/Sponsor

Dear Assembly Member Gordon:

The Judicial Council is pleased to sponsor and support AB 2101, which creates a pilot project that permits selected courts to expressly include jurors in the category of persons subject to sanctions for violating a lawful court order and requires the Judicial Council to report the impact on jurors to the Legislature on or before July 2021.

More specifically, Code of Civil Procedure section 177.5, authorizes courts to impose monetary sanctions upon persons for violations of lawful court orders “done without good cause or substantial justification” in both criminal and civil cases. Section 177.5 states “the term ‘person’ includes a witness, a party, a party’s attorney, or both.” The section does not expressly apply to jurors. A court may make sanctions under this section on the court’s own motion after notice and opportunity to be heard. An order imposing sanctions must be in writing and recite in detail the conduct or circumstances justifying the order.

Hon. Richard S. Gordon

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Creating a pilot project that permits selected courts to impose monetary sanctions for juror misconduct under section 177.5 will allow the Judicial Council to report to the legislature on the impact imposing these sanctions has on jurors. This authority will provide courts with a less burdensome alternative to formal contempt proceedings for purposes of controlling the proceedings. Vesting courts with this discretion will facilitate the orderly and efficient administration of justice by empowering courts with a less disruptive and time-consuming alternative for preserving the integrity of the proceedings.

For these reasons, the Judicial Council is sponsoring and supporting AB 2101.

Sincerely,



Sharon Reilly
Attorney

SR/yc-s

cc: Mr. Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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GOVERNMENTAL AFFAIRS

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June 7, 2016

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, California 95814

Subject: AB 2101 (Gordon), as amended March 31, 2016 – Sponsor/Support
Hearing: Senate Judiciary Committee – June 14, 2016

Dear Senator Jackson:

The Judicial Council is pleased to sponsor and support AB 2101, which creates a pilot project that permits selected courts to expressly include jurors in the category of persons subject to sanctions for violating a lawful court order and requires the Judicial Council to report the impact on jurors to the Legislature on or before July 2021.

Existing law, Code of Civil Procedure section 177.5, authorizes courts to impose monetary sanctions upon persons for violations of lawful court orders “done without good cause or substantial justification” in both criminal and civil cases. Section 177.5 states “the term ‘person’ includes a witness, a party, a party’s attorney, or both.” The section does not expressly apply to jurors. A court may make sanctions under this section on the court’s own motion after notice and opportunity to be heard. An order imposing sanctions must be in writing and recite in detail the conduct or circumstances justifying the order.

Hon. Hannah-Beth Jackson

June 7, 2016

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For these reasons the Judicial Council is pleased to sponsor and support AB 2101.

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

Sincerely,



Cory T. Jasperson

Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Senate Judiciary Committee
Hon. Richard S. Gordon, Member of the Assembly
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California