



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

April 21, 2011

Hon. Noreen Evans, Chair  
Senate Judiciary Committee  
State Capitol, Room 4034  
Sacramento, California 95814

Subject: SB 647 (Committee on Judiciary), as amended March 24, 2011 – Support/Sponsor  
Sections 4 and 5

Hearing: Senate Judiciary Committee – May 3, 2011

Dear Senator Evans:

The Judicial Council supports and is the sponsor of Sections 4 and 5 of SB 647, which make clarifying amendments to the recently enacted Interstate and International Depositions and Discovery Act (AB 2193 [Tran], Stats. 2008, ch. 231) that will assist courts in its implementation; the council does not have a position on any of the other provisions in the bill.

AB 2193, which became effective on January 1, 2010, clarifies and refines the procedure for obtaining discovery from a witness in this state for purposes of a case pending in an out-of-state jurisdiction. Among other things, AB 2193 establishes a process for obtaining a subpoena and submitting the subpoena issued by the out-of-state court with a specified application, and creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding. AB 2193 also establishes a specific fee schedule for individuals who invoke the bill's provisions, which includes different amounts depending on the status of the person who is filing a document, and on whether the person is filing a petition or a response. Parties to the out-of-state case are required to pay substantially more than non-party deponents. (See Code of Civil Procedure sections 2029.610(a) and (c), 2029.620(c) and (d).)

Hon. Noreen Evans

April 21, 2011

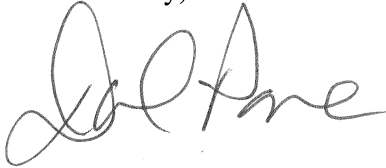
Page 2

According to court staff, pleadings that are filed pursuant to AB 2193 often contain abbreviated captions from the out-of-state case and it is not possible from the pleadings for the court clerks to determine whether or not the individual seeking relief is or is not a party to the out-of-state action. Since the fees to be assessed depend on that status, the Interstate and International Depositions and Discovery Act needs to be amended to specifically require that information to be provided. Sections 4 and 5 of SB 647 would accomplish this purpose by requiring that the first page of pleadings filed pursuant to the act must also include whether or not the person filing the document is a party to the out-of-state case.

The Judicial Council believes that these cleanup amendments are noncontroversial and technical in nature as they do not substantively change the fees to be paid, but simply assist the court clerks in determining the appropriate amounts as set forth in the underlying legislation.

For these reasons, the Judicial Council supports Sections 4 and 5 of SB 647.

Sincerely,

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

Daniel Pone  
Senior Attorney

DP/lp

cc: Members, Senate Judiciary Committee

Ms. Tara Welch, Counsel, Senate Judiciary Committee

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

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

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



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RONALD G. OVERHOLT  
*Chief Deputy Director*

April 27, 2011

Hon. Noreen Evans, Chair  
Senate Judiciary Committee  
State Capitol, Room 4034  
Sacramento, California 95814

Subject: SB 647 (Committee on Judiciary), as amended March 24, 2011 – Support/Sponsor  
Sections 4, 5, 12 and 13  
Hearing: Senate Judiciary Committee – May 3, 2011

Dear Senator Evans:

The Judicial Council supports and is the sponsor of Sections 4, 5, 12 and 13 of SB 647, which make clarifying amendments to the recently enacted Interstate and International Depositions and Discovery Act (AB 2193 [Tran], Stats. 2008, ch. 231) that will assist courts in its implementation; and which make clarifying amendments to recently enacted legislation (AB 131[Evans], Stats. 2009, ch. 413) to allow courts to collect the costs of providing court appointed counsel in dependency cases from those parents who have the ability to pay. The council does not have a position on any of the other provisions in the bill.

AB 2193, which became effective on January 1, 2010, clarifies and refines the procedure for obtaining discovery from a witness in this state for purposes of a case pending in an out-of-state jurisdiction. Among other things, AB 2193 establishes a process for obtaining a subpoena and submitting the subpoena issued by the out-of-state court with a specified application, and creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding. AB 2193 also establishes a specific fee schedule for individuals who invoke the bill's provisions, which includes different amounts depending on the

status of the person who is filing a document, and on whether the person is filing a petition or a response. Parties to the out-of-state case are required to pay substantially more than non-party deponents. (See Code of Civil Procedure sections 2029.610(a) and (c), 2029.620(c) and (d).) According to court staff, pleadings that are filed pursuant to AB 2193 often contain abbreviated captions from the out-of-state case and it is not possible from the pleadings for the court clerks to determine whether or not the individual seeking relief is or is not a party to the out-of-state action. Since the fees to be assessed depend on that status, the Interstate and International Depositions and Discovery Act needs to be amended to specifically require that information to be provided. Sections 4 and 5 of SB 647 would accomplish this purpose by requiring that the first page of pleadings filed pursuant to the act must also include whether or not the person filing the document is a party to the out-of-state case.

AB 131 (Evans) was enacted in 2009 to require the Judicial Council to implement a program to collect reimbursements from parents in juvenile dependency matters, and to utilize the net collections from that program to reduce caseloads for attorneys in those cases. Current law authorizes the courts to recover their costs for collecting delinquent amounts ordered pursuant to this program, but does not allow them to recover the costs of financially evaluating the parents to determine to what extent they have the ability to pay for some of the costs of their representation. This proposal would authorize the courts to recover the costs of assessing the reimbursement orders, as well as the costs of delinquent collections before they remit the balance to the Trial Court Trust Fund. This proposal would also authorize the Franchise Tax Board (FTB) to pursue delinquent amounts on behalf of the courts for those courts that contract with FTB for their existing court ordered debt collections programs.

Making these changes would improve the ability of the court to generate revenues for court appointed counsel in dependency matters, by ensuring that courts will have the ability to implement such programs, and providing courts that use FTB for other court ordered debt collections with the ability to use their services for this court-ordered debt as well. Without this change, many courts will not have the resources to financially evaluate the parents who are subject to this liability, and as a result, their implementation of this program may not generate much revenue for the court appointed counsel program. This program is underfunded, and attorney caseloads do not meet the standards adopted by the Judicial Council. Maximizing these collections will help to mitigate the underfunding of this program and provide better service to abused and neglected children and their parents who are subject to dependency court proceedings.

The Judicial Council believes that these cleanup amendments are noncontroversial and technical in nature as they do not substantively change the fees to be paid, or the amounts owed by parents liable for the costs of counsel but simply assist the court the courts in implementing the underlying pieces of legislation.

Hon. Noreen Evans  
April 27, 2011  
Page 3

For these reasons, the Judicial Council supports Sections 4, 5, 12 and 13 of SB 647.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Pone". The signature is fluid and cursive, with the first name "Daniel" and last name "Pone" clearly distinguishable.

Daniel Pone  
Senior Attorney

DP/lp/yt

cc: Members, Senate Judiciary Committee

Ms. Tara Welch, Counsel, Senate Judiciary Committee

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 Petersen, Consultant, Senate Republican Office of Policy



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WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

June 10, 2011

Hon. Mike Feuer, Chair  
Assembly Judiciary Committee  
State Capitol, Room 2013  
Sacramento, California 95814

Subject: SB 647 (Committee on Judiciary), as amended May 17, 2011 – Support/Sponsor  
Sections 4, 5, 12 and 13  
Hearing: Assembly Judiciary Committee – June 21, 2011

Dear Assembly Member Feuer:

The Judicial Council supports and is the sponsor of Sections 4, 5, 12 and 13 of SB 647, which make clarifying amendments to the recently enacted Interstate and International Depositions and Discovery Act (AB 2193 [Tran], Stats. 2008, ch. 231) that will assist courts in its implementation; and which make clarifying amendments to recently enacted legislation (AB 131[Evans], Stats. 2009, ch. 413) to allow courts to collect the costs of providing court appointed counsel in dependency cases from those parents who have the ability to pay. The council does not have a position on any of the other provisions in the bill.

AB 2193, which became effective on January 1, 2010, clarifies and refines the procedure for obtaining discovery from a witness in this state for purposes of a case pending in an out-of-state jurisdiction. Among other things, AB 2193 establishes a process for obtaining a subpoena and submitting the subpoena issued by the out-of-state court with a specified application, and creates a process for the resolution of a dispute regarding discovery conducted in California in connection with an out-of-state proceeding. AB 2193 also establishes a specific fee schedule for individuals who invoke the bill's provisions, which includes different amounts depending on the status of the person who is filing a document, and on whether the person is filing a petition or a

response. Parties to the out-of-state case are required to pay substantially more than non-party deponents. (See Code of Civil Procedure sections 2029.610(a) and (c), 2029.620(c) and (d).) According to court staff, pleadings that are filed pursuant to AB 2193 often contain abbreviated captions from the out-of-state case and it is not possible from the pleadings for the court clerks to determine whether or not the individual seeking relief is or is not a party to the out-of-state action. Since the fees to be assessed depend on that status, the Interstate and International Depositions and Discovery Act needs to be amended to specifically require that information to be provided. Sections 4 and 5 of SB 647 would accomplish this purpose by requiring that the first page of pleadings filed pursuant to the act must also include whether or not the person filing the document is a party to the out-of-state case.

AB 131 (Evans) was enacted in 2009 to require the Judicial Council to implement a program to collect reimbursements from parents in juvenile dependency matters, and to utilize the net collections from that program to reduce caseloads for attorneys in those cases. Current law authorizes the courts to recover their costs for collecting delinquent amounts ordered pursuant to this program, but does not allow them to recover the costs of financially evaluating the parents to determine to what extent they have the ability to pay for some of the costs of their representation. This proposal would authorize the courts to recover the costs of assessing the reimbursement orders, as well as the costs of delinquent collections before they remit the balance to the Trial Court Trust Fund. This proposal would also authorize the Franchise Tax Board (FTB) to pursue delinquent amounts on behalf of the courts for those courts that contract with FTB for their existing court ordered debt collections programs.

Making these changes would improve the ability of the court to generate revenues for court appointed counsel in dependency matters, by ensuring that courts will have the ability to implement such programs, and providing courts that use FTB for other court ordered debt collections with the ability to use their services for this court-ordered debt as well. Without this change, many courts will not have the resources to financially evaluate the parents who are subject to this liability, and as a result, their implementation of this program may not generate much revenue for the court appointed counsel program. This program is underfunded, and attorney caseloads do not meet the standards adopted by the Judicial Council. Maximizing these collections will help to mitigate the underfunding of this program and provide better service to abused and neglected children and their parents who are subject to dependency court proceedings.

The Judicial Council believes that these cleanup amendments are noncontroversial and technical in nature as they do not substantively change the fees to be paid, or the amounts owed by parents liable for the costs of counsel but simply assist the court the courts in implementing the underlying pieces of legislation.

Hon. Mike Feuer  
June 10, 2011  
Page 3

For these reasons, the Judicial Council supports Sections 4, 5, 12 and 13 of SB 647.

Sincerely,

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

Daniel Pone  
Senior Attorney

DP/lp

cc: Members, Assembly Judiciary Committee

Mr. Anthony Lew, Counsel, Assembly Judiciary Committee

Ms. Tara Welch, Counsel, Senate Judiciary Committee

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. Mark Redmond, Consultant, Assembly Republican Office of Policy





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WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

June 23, 2011

Hon. Henry T. Perea, Chair  
Assembly Revenue and Taxation Committee  
State Capitol, Room 4112  
Sacramento, California 95814

Subject: SB 647 (Committee on Judiciary), as amended June 16, 2011 – Support/Sponsor  
Sections 4, 5, 12 and 13  
Hearing: Assembly Revenue and Taxation Committee – June 27, 2011

Dear Assembly Member Perea:

The Judicial Council supports and is the sponsor of Sections 4, 5, 12 and 13 of SB 647, which make clarifying amendments to the recently enacted Interstate and International Depositions and Discovery Act (AB 2193 [Tran], Stats. 2008, ch. 231) that will assist courts in its implementation; and which make clarifying amendments to recently enacted legislation (AB 131[Evans], Stats. 2009, ch. 413) to allow courts to collect the costs of providing court appointed counsel in dependency cases from those parents who have the ability to pay. The council does not have a position on any of the other provisions in the bill.

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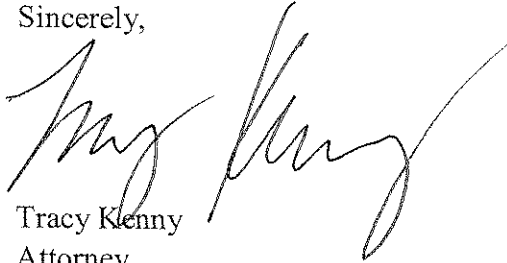
Making these changes would improve the ability of the court to generate revenues for court appointed counsel in dependency matters, by ensuring that courts will have the ability to implement such programs, and providing courts that use FTB for other court ordered debt collections with the ability to use their services for this court-ordered debt as well. Without this change, many courts will not have the resources to financially evaluate the parents who are subject to this liability, and as a result, their implementation of this program may not generate much revenue for the court appointed counsel program. This program is underfunded, and attorney caseloads do not meet the standards adopted by the Judicial Council. Maximizing these collections will help to mitigate the underfunding of this program and provide better service to abused and neglected children and their parents who are subject to dependency court proceedings.

The Judicial Council believes that these cleanup amendments are noncontroversial and technical in nature as they do not substantively change the fees to be paid, or the amounts owed by parents liable for the costs of counsel but simply assist the court the courts in implementing the underlying pieces of legislation.

Hon. Henry T. Perea  
June 23, 2011  
Page 3

For these reasons, the Judicial Council supports Sections 4, 5, 12 and 13 of SB 647.

Sincerely,

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

Tracy Klenny  
Attorney

TK/yt

cc: Members, Assembly Revenue and Taxation Committee  
Hon Noreen Evans, Chair, Senate Judiciary Committee  
Mr. M. David Ruff, Principal Consultant, Assembly Revenue and Taxation Committee  
Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor  
Ms. Julia King, Consultant, Assembly Republican Office of Policy



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*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

July 8, 2011

Hon. Felipe Fuentes, Chair  
Assembly Appropriations Committee  
State Capitol, Room 2114  
Sacramento, California 95814

Subject: SB 647 (Committee on Judiciary), as amended June 16, 2011 – Support/Sponsor  
Sections 4, 5, 12 and 13  
Hearing: Assembly Appropriations Committee – July 13, 2011

Dear Assembly Member Fuentes:

The Judicial Council supports and is the sponsor of Sections 4, 5, 12 and 13 of SB 647, which make clarifying amendments to the recently enacted Interstate and International Depositions and Discovery Act (AB 2193 [Tran], Stats. 2008, ch. 231) that will assist courts in its implementation; and which make clarifying amendments to recently enacted legislation (AB 131[Evans], Stats. 2009, ch. 413) to allow courts to collect the costs of providing court appointed counsel in dependency cases from those parents who have the ability to pay. The council does not have a position on any of the other provisions in the bill.

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AB 131 (Evans) was enacted in 2009 to require the Judicial Council to implement a program to collect reimbursements from parents in juvenile dependency matters, and to utilize the net collections from that program to reduce caseloads for attorneys in those cases. Current law authorizes the courts to recover their costs for collecting delinquent amounts ordered pursuant to this program, but does not allow them to recover the costs of financially evaluating the parents to determine to what extent they have the ability to pay for some of the costs of their representation. This proposal would authorize the courts to recover the costs of assessing the reimbursement orders, as well as the costs of delinquent collections before they remit the balance to the Trial Court Trust Fund. This proposal would also authorize the Franchise Tax Board (FTB) to pursue delinquent amounts on behalf of the courts for those courts that contract with FTB for their existing court ordered debt collections programs.

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The Judicial Council believes that these cleanup amendments are noncontroversial and technical in nature as they do not substantively change the fees to be paid, or the amounts owed by parents liable for the costs of counsel but simply assist the court the courts in implementing the underlying pieces of legislation. There are no fiscal impacts to the courts from these provisions.

Hon. Felipe Fuentes  
July 8, 2011  
Page 3

For these reasons, the Judicial Council supports Sections 4, 5, 12 and 13 of SB 647.

Sincerely,

A handwritten signature in black ink, appearing to read 'DPone', with a stylized, cursive script.

Daniel Pone  
Attorney

DP/lp

cc: Members, Assembly Appropriations Committee

Hon Noreen Evans, Chair, Senate Judiciary Committee

Mr. Chuck Nicol, Consultant, Assembly Appropriations Committee

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

Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy



# Judicial Council of California

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WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

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

September 7, 2011

Hon. Edmund G. Brown, Jr.  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

Subject: SB 647 (Committee on Judiciary) – Request for Signature

Dear Governor Brown:

The Judicial Council supports and is the sponsor of Sections 4, 5, 12 and 13 of SB 647, which make clarifying amendments to the recently enacted Interstate and International Depositions and Discovery Act (AB 2193 [Tran], Stats. 2008, ch. 231) that will assist courts in its implementation; and which make clarifying amendments to recently enacted legislation (AB 131[Evans], Stats. 2009, ch. 413) to allow courts to collect the costs of providing court appointed counsel in dependency cases from those parents who have the ability to pay. The council does not have a position on any of the other provisions in the bill.

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Hon. Edmund G. Brown, Jr.

September 7, 2011

Page 2

Discovery Act needs to be amended to specifically require that information to be provided. Sections 4 and 5 of SB 647 would accomplish this purpose by requiring that the first page of pleadings filed pursuant to the act must also include whether or not the person filing the document is a party to the out-of-state case.

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The Judicial Council believes that these cleanup amendments are noncontroversial and technical in nature as they do not substantively change the fees to be paid, or the amounts owed by parents liable for the costs of counsel but simply assist the court the courts in implementing the underlying pieces of legislation.

For these reasons, the Judicial Council requests your signature on SB 647.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy K. Kenny", written in a cursive style.

Tracy K. Kenny  
Attorney

TK/lp

cc: Ms. Noreen Evans, Chair, Senate Judiciary Committee

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