

State Bar of California, Office of Governmental Affairs

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ASSEMBLY HONORS WESSON, PREPARES FOR NUÑEZ

The Assembly set the stage for next Monday's transition from Speaker [Herb Wesson](#) to elected successor [Fabien Nuñez](#) by spending three hours Monday honoring Wesson's speakership.

The highlight of the session was a video tribute to Wesson's speakership, which ended with a skit in which Governor Arnold Schwarzenegger and actor Danny DeVito discuss whether, now that Schwarzenegger no longer has time to make movies, the soon-to-be-unemployed Wesson could be tapped as a substitute for Schwarzenegger in a sequel to his and DeVito's popular movie, "Twins."

"But what if Wesson can't act?" DeVito asks. "That never stopped me," the Governor replies.

PRISON INMATES PROSECUTIONS IN JEOPARDY?

The state Controller's Office recently advised county officials that state funds appropriated for the purpose of reimbursing counties for prison-related prosecution cases have been exhausted for the fiscal year that ends June 30, 2004.

Apparently, the funds were depleted just a little short of two months into the current fiscal year, potentially leaving county district attorneys with some extremely tough decisions: reduce the number of prison inmates being prosecuted or continue to prosecute cases with no guarantee that state reimbursement will be forthcoming in the very near future.

The lack of timely reimbursement for prison-related prosecutions likely will impact the small, rural counties more than their more populated neighbors. Indeed, some small counties have multiple state prisons located within their jurisdictions, not a few of which commonly house higher level inmates who may be more inclined to "act out" while incarcerated.

The crimes for which local prosecutors pursue charges against state prison inmates typically range from assault and battery on fellow inmates or correctional officers to far more serious offenses, including attempted murder and homicide.

Under current law, the state is obligated to reimburse counties for costs incurred in the prosecution of crimes allegedly committed by state

prison inmates. However, in recent years, the state has fallen farther and farther behind in providing such reimbursements, resulting in a situation whereby the state is appropriating funds in a subsequent fiscal year to fund reimbursement claims from a prior year. The current situation is a vivid illustration of that practice.

'DUTY OF CONFIDENTIALITY' TASK FORCE TO MEET AGAIN FEBRUARY 11

The advisory task force mandated by [AB 1101 \(Steinberg\)](#) to develop a corresponding, expository rule of professional conduct to the narrow "death or great bodily injury" exception to an attorney's duty of confidentiality created by the bill, will next meet at the State Bar offices in San Francisco on Friday, February 11.

The Task Force's narrow charge is to: (1) Study the issues posed in section 3 of AB 1101 (duty to inform client, duty to remonstrate, and possible conflicts of interest) and other related issues; (2) determine answers to those issues; and (3) develop a proposed Rule of Professional Conduct amendment in time for submission to the Supreme Court and possible enactment by AB 1101's July 1, 2004, effective date. Given the compressed time frame for action, the Task Force has specifically declined to address other issues relating to attorney/client confidentiality.

Persons interested in receiving information concerning the meeting should contact [Randy Difuntorum](#), Director of Competence Programs for the State Bar.

OAKLAND BUDGET SUBCOMMITTEE HEARING POSTPONED

The informational hearing on court funding issues scheduled by Senator [Joseph Dunn](#) (D-Santa Ana), Chair of Subcommittee #4 of the Senate Budget & Fiscal Review Committee, for Oakland on February 19 has been postponed to a scheduling conflict.

The San Diego hearing scheduled for February 18 is still on, and will begin at 1:30 p.m. at a downtown location still to be determined.

For further information, contact [Mary Viviano](#), State Bar Director of Legal Services Outreach.

DEADLINES UPCOMING

- [February 20](#) – Last day to introduce bills.