

LAWYER CONTRIBUTIONS TO LEGAL SERVICES BILL SIGNED BY GOVERNOR

Governor Arnold Schwarzenegger has signed into law legislation authorizing the State Bar to collect voluntary contributions from its members for the support of legal services.

[AB 2301](#), an Assembly Judiciary Committee bill spearheaded by committee chair [Dave Jones](#) (D-Sacramento), requires the State Bar to name a task force appointed by the Bar president to make recommendations about "... an appropriate method for facilitating the collection and distribution of voluntary contributions" from bar members."

NEW JUDGES OUT, THEN BACK IN, AS LEGISLATURE WINDS UP SESSION

On the final night of the 2005-2006 Legislative Session, the Legislature unanimously approved [SB 56](#) by Senate Judiciary Committee chair [Joe Dunn](#) (D-Santa Ana), which would create 50 new judgeships in California during fiscal year 2006-2007. The number of authorized judgeships earlier had been slashed to 25 in the Assembly Appropriations Committee, in response to concerns raised by Assembly Speaker [Fabian Nunez](#) (D-Los Angeles) regarding the lack of ethnic and racial diversity of the Governor's judicial picks, but was restored to the original 50 after intense negotiation.

The final bill includes language sought by the Speaker to require the voluntary collection and disclosure of racial and ethnic demographic data from members of the State Bar, judicial applicants, and judges. To this end, in addition to creating 50 new judgeships, the bill does all of the following:

1. Requires the Governor to disclose aggregate statewide demographic data provided by all judicial applicants relative to ethnicity and gender.
2. Requires the JNE Commission to collect and release, on an aggregate statewide basis, the demographic data provided by judicial applicants reviewed relative to ethnicity and gender, and the statewide summary of the recommendations of the designated agency of the State Bar by ethnicity and gender.
3. Requires the Administrative Office of the Courts to collect and release the demographic data provided by justices and judges relative to ethnicity and gender, by specific jurisdiction.

In each case, the data to be disclosed may only be collected on a voluntary basis.

In addition, earlier amendments to the bill authorize the State Bar to adopt procedures to facilitate use of the State Bar's Website to collect mandatory and voluntary data from Bar members, including voluntarily provided demographic data. The bill specifies that any demographic data collected from Bar members shall not be identified to any individual member or their Bar record. All amendments related to the State Bar and JNE were developed with technical input from the Bar.

CIVIL CASE COURT INTERPRETER BILL ON WAY TO GOVERNOR

The Legislature also passed and sent to the Governor [AB 2302](#), another Assembly Judiciary Committee bill spearheaded by committee chair [Dave Jones](#), which would require courts to provide interpreters in civil cases.

Substantially amended in the final weeks of session to address potentially fatal cost issues, AB 2302 would establish a priority list of civil litigants who would be provided interpreters, based on case type, whether the litigant has counsel, and other factors. The bill, which would take effect July 1, 2007, also limits total expenditures for civil court interpreters for the 2007-08 fiscal year to \$10 million.

AB 2302 is intended to assist the nearly 7 million non-English speaking Californians who need interpreters to effectively represent themselves in civil actions that affect their fundamental rights, such as domestic violence and family law actions. The bill passed both houses on an essentially partisan vote, but Governor Schwarzenegger previously has expressed support for the concept, so its future is uncertain.

COURTHOUSE TRANSFER BILL PASSED

A late-session solution to a long-standing courthouse transfer problem has been approved by the Legislature. [SB 10](#) by Senator [Joe Dunn](#) would amend the Trial Court Facilities Act to allow for the transfer of certain seismically deficient courthouse facilities to the state, leaving liability for earthquake-related damage, injury, and loss with the transferring counties.

The liability question has been a major sticking point that has delayed the transfer of hundreds of California courthouses from county to state ownership under the Trial Court Facilities Act. Transfers must precede any state-funded courthouse improvement or new construction replacement projects intended for that facility. However, the state has been unwilling to assume liability for facilities that have been deteriorating over decades, while counties have been equally loathe to transfer title to their facilities while retaining liability.