

Second Supplement to Memorandum 2010-55

**Trial Court Restructuring: Rights and Responsibilities of the County as Compared to the Superior Court (Additional Comments on Tentative Recommendation)**

The Commission has received the following new input on the tentative recommendation on *Trial Court Restructuring: Rights and Responsibilities of the County as Compared to the Superior Court (Part 1)*:

	<i>Exhibit p.</i>
• Janet Grove, Administrative Office of the Courts (Dec. 8, 2010) .....	1
• Janet Grove, Administrative Office of the Courts (Dec. 9, 2010) .....	4
• Janet Grove, Administrative Office of the Courts (Dec. 10, 2010, email #1) .....	5
• Janet Grove, Administrative Office of the Courts (Dec. 10, 2010, email #2) .....	10

All of these new comments provided by attorney Janet Grove describe informal views of individuals who work for the Administrative Office of the Courts (“AOC”) or have some other connection to the Judicial Council or the AOC. The comments do not reflect official positions of the Judicial Council or the AOC.

This new input is discussed below. We begin with comments that are consistent with amendments proposed in the tentative recommendation. Next, we present comments that reinforce staff recommendations in Memorandum 2010-55 regarding revisions of the tentative recommendation. Finally, we describe comments that raise new concerns and issues.

COMMENTS THAT ARE CONSISTENT WITH AMENDMENTS IN THE TENTATIVE RECOMMENDATION

Several of the new comments state that aspects of the tentative recommendation appear to be unobjectionable.

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.

### **Business and Professions Code Section 25762 and Penal Code Section 1463.22**

Ms. Grove consulted Courtney Tucker, the attorney who staffs the AOC's Traffic Advisory Committee, regarding the proposed amendments to Business and Professions Code Section 25762 and Penal Code Section 1463.22. He "thought the proposed changes seemed consistent with the limited purpose of the amendments and did not alter the provisions in unintended substantive ways." Exhibit p. 1.

The staff has previously recommended that the proposed amendment of Business and Professions Code Section 25762 be left as is. See Memorandum 2010-55, p. 6. **Mr. Tucker's input reinforces that recommendation.**

Due to a conflict in the views expressed by two courts and a county, the staff has previously recommended that the amendment of Penal Code Section 1463.22 be removed from the Commission's proposal and re-considered later. See Memorandum 2010-55, p. 18. **We continue to think the Commission should take that step.**

### **Code of Civil Procedure Section 631.2**

The tentative recommendation proposes to revise Code of Civil Procedure Section 631.2 to refer to "general funds of the court" instead of "general funds of the county." Ms. Grove reports that John Judnick of the AOC's Finance Division thinks this "seems OK." See Exhibit p. 10. **The Commission should therefore proceed with the amendment proposed in the tentative recommendation.**

### **Family Code Sections 1814, 1820, 1834, 1838, 1850, 3025.5, 3153, 3170, 3173, 3188, 6303, 7553, 7556**

Ms. Grove checked with two attorneys in the AOC's Center for Families, Children, and the Courts, regarding the proposed revisions of Family Code Sections 1814, 1820, 1834, 1838, 1850, 3025.5, 3153, 3170, 3173, 3188, 6303, 7553, and 7556. "They saw no problems with the proposed revisions." Exhibit p. 1.

Based on this input, **the Commission should proceed with the amendments of the Family Code provisions proposed in the tentative recommendation, except the amendment of Family Code Section 3153.** That amendment should be removed from the proposal for the reasons explained at pages 12-15 of Memorandum 2010-55.

COMMENTS THAT REINFORCE PRIOR STAFF RECOMMENDATIONS  
REGARDING REVISIONS OF THE TENTATIVE RECOMMENDATION

Several of the comments Ms. Grove relays from John Judnick of the AOC's Finance Division reinforce views expressed by the staff in Memorandum 2010-55, regarding revisions of the tentative recommendation.

**Government Code Section 25257**

Mr. Judnick observes that Government Code Section 25257 has already been amended in the manner proposed in the tentative recommendation. See Exhibit p. 10. Thus, as the staff explained at pages 2-4 of Memorandum 2010-55, **the amendment proposed in the tentative recommendation is no longer necessary and should be removed from the Commission's proposal.**

**Government Code Sections 29370-29379**

Mr. Judnick points out that cash difference funds for courts are addressed in the AOC's Trial Court Financial Policies and Procedures manual. Exhibit p. 10. This information might be helpful to the Legislature in determining whether to enact statutory provisions authorizing a court to establish a cash difference fund and specifying how such a fund should be handled. **We recommend that the Commission refer to the Trial Court Financial Policies and Procedures manual if it decides to alert the Legislature to those issues,** as recommended at page 12 of Memorandum 2010-55.

**Government Code Section 71380-71384**

Mr. Judnick anticipates that amendments to Government Code Sections 71380-71384 probably will be proposed in the next several years, in conjunction with development of a statewide accounting system for the judicial branch. See Exhibit p. 10. "The plan is to establish a committee of stakeholders including court staff, AOC staff, and others, to oversee the process." *Id.*

**This information reinforces the staff's previous recommendation to remove the proposed amendments of Government Code Sections 71380-71384 from the Commission's proposal.** See Memorandum 2010-55, pp. 7-10.

COMMENTS THAT RAISE NEW CONCERNS AND ISSUES

A few of the comments reported by Ms. Grove raise concerns and issues not previously considered by the Commission.

## Evidence Code Section 754

Evidence Code Section 754 concerns interpretation for “an individual who is deaf of hearing impaired.” The tentative recommendation proposes to revise subdivisions (i) and (j) of that section to reflect enactment of the Lockyer-Isenberg Trial Court Funding Act.

Ms. Grove sought input on the proposed revisions from several persons with expertise relating to interpreters. See Exhibit p. 5. They suggest many additional revisions of Section 754, as well as a change to the Commission’s proposed revision of subdivision (j). See *id.* at 5-9.

The staff has not yet had sufficient opportunity to study these suggestions. We suspect that most of them would go beyond the Commission’s authority to recommend revisions to remove material made obsolete by trial court restructuring. **We will try to examine this matter further before the Commission meets, and make a recommendation on it at the upcoming meeting.**

## Government Code Section 1651

The tentative recommendation proposes the following amendment of Government Code Section 1651:

### **Gov’t Code § 1651 (amended). Payment of bond premium**

SEC. \_\_\_\_. Section 1651 of the Government Code is amended to read:

1651. The premium or charge for bonds given by surety companies for the officers, herein named, and for their deputies, clerks, assistants or subordinate officers shall be paid as follows:

....  
(c) Officers of a ~~judicial district~~ superior court, by the ~~county in which the district is situated~~ court.

....

**Comment.** Section 1651 is amended to reflect:

(1) Unification of the municipal and superior courts pursuant to former Section 5(e) of Article VI of the California Constitution. See Trial Court Unification: Revision of Codes, 28 Cal. L. Revision Comm’n Reports 51, 70 (1998) (explaining that before trial court unification, statutory reference to “judicial district” generally meant “municipal court district”).

(2) Enactment of the Trial Court Employment Protection and Governance Act. See, e.g., Sections 71601(l) (“trial court employee” defined), 71615(c)(5) (trial court as employer of all trial court employees).

(3) Enactment of the Lockyer-Isenberg Trial Court Funding Act, 1997 Cal. Stat. ch. 850 (see generally Sections 77000-77655). See, e.g., Sections 77001 (local trial court management), 77003 (“court operations” defined), 77200 (state funding of “court operations”).

Ms. Grove and her colleague Rebecca Cenicerros have researched this provision and concluded that “no bond is required for the judges of a superior court and, to [their] knowledge, no other personnel or individual associated with the superior courts, or who report to the superior courts, must provide a bond.” Exhibit p. 1. They think that Section 1651’s reference to bonds of officers of a judicial district is “left over from a requirement that justice court judges give bonds.” *Id.* at 2. Because the justice courts no longer exist, they believe that “the reference is obsolete” and should be deleted. *Id.* at 1-2.

Again, the staff has not yet had sufficient opportunity to study these comments. **We will try to examine this matter further before the Commission meets, and make a recommendation on it at the upcoming meeting.**

#### **Government Code Section 68551**

Government Code Section 68551 concerns institutes and seminars conducted by the Judicial Council for the purpose of educating judges. The tentative recommendation proposes to amend the last sentence of that section as follows: “Actual and necessary expenses incurred by a superior and municipal court judge ~~judges judge~~ at any ~~such~~ institute or seminar under this section shall be a charge against the ~~county court~~ county court to the extent that funds are available therefor.

Ms. Grove conferred with several people at the AOC regarding this amendment. Exhibit p. 4. She says they “recommend that the last sentence of the section simply be deleted.” *Id.* They note that “a great deal of judicial education is paid for from the budget of the Administrative Office of the Courts, and not individual courts’ budgets.” *Id.* Thus, they are “concerned that the proposed amendment, stating that the expenses are a ‘charge against the court,’ would require education expenses to be paid from each court’s budget.” *Id.* They also assert that “[s]tatutory authority is not needed in this code section for the judicial branch to reimburse travel expenses, which should be done according to judicial branch policy.” *Id.*

Here again, the staff has not yet had sufficient opportunity to research the points raised in these new comments. **We will try to examine this matter further**

**before the Commission meets, and make a recommendation on it at the upcoming meeting.**

Respectfully submitted,

Barbara Gaal  
Chief Deputy Counsel

**EMAIL FROM JANET GROVE, ADMINISTRATIVE  
OFFICE OF THE COURTS (DEC. 8, 2010)**

**Re: Tentative Recommendation J-1451**

***Trial Court Restructuring: Rights and Responsibilities of the County as Compared  
to the Superior Court (Part 1)***

Dear Barbara:

I've received comments from several AOC staff attorneys on amendments proposed in the tentative recommendation. Please note that these are informal comments by the persons indicated, and not the official positions of the Judicial Council or Administrative Office of the Courts.

I checked with two attorneys in the AOC's Center for Families, Children, and the Courts, Bonnie Hough (Managing Attorney) and Leah Wilson (Manager, Juvenile Court Assistance Team) regarding the changes to Family Code sections. They saw no problems with the proposed revisions.

I checked with Courtney Tucker, the attorney who staffs the AOC's Traffic Advisory Committee, regarding the proposed amendments to distribution provisions in Business and Professions Code section 25762 and Penal Code section 1463.22. He thought the proposed changes seemed consistent with the limited purpose of the amendments and did not alter the provisions in unintended substantive ways.

Additionally, Rebecca Cenicerros (Supervising Attorney, Legal Opinion Unit, Office of the General Counsel) and I have the following comment on the proposed revision to Government Code section 1651 (page 31 of tentative recommendation):

As currently drafted, revised Government Code section 1651, subdivision (c), would provide that the premium for bonds provided to "officers of a superior court" would be paid by the court. Our research indicates, however, that no bond is required for the judges of a superior court and, to our knowledge, no other personnel or individual associated with the superior courts, or who report to the superior courts, must provide a bond. Thus, subsection (c) speaks to a nonexistent circumstance—there will never be a question of who pays the premium for a bond because there is no legal requirement for the "officers of a superior court" to provide a bond in the first instance.

For this reason, it would likely be best to delete subdivision (c) entirely. Leaving it in may create the legally incorrect inference that bonds for superior court judges and other officers are required when they are not.

Our comment is based upon the follow legal analysis:

First, we examined the statutes where the requirement to post a bond is clearly set forth. None of them provide that officers of the superior courts must give bonds.

Certain county officers are required to give official bonds. (Gov. Code § 24150 et seq.) Alternatively, they can be included under a master bond covering a number of officers and/or employees (Gov. Code, §§ 1481, 24154), or they can be included under a self-insurance program for county officers and employees. (Gov. Code § 24156.) Other state officers may be required to give bonds, and most such bonds are filed in the office of the Secretary of State. (Gov. Code §§ 1454, 1455, 14625.)

There is no statutory requirement, however, for superior court judges or trial court employees to give bonds. We have not found anything that indicates they were ever required to do so.

Second, the discussion part of the proposal (see p. 7 of tentative recommendation) cites the unification of superior and municipal courts and Code of Civil Procedure section 38 (making statutory reference to a “judicial district” equivalent to reference to a “county”) as the basis for the proposed changes to Government Code section 1651. These developments do not impose upon superior court officers any bond requirement, however. The reference to bonds of officers of a “judicial district” appears to be left over from a requirement that justice court judges give bonds. Since there are no longer any justice courts, the reference is obsolete.

A 1952 Attorney General opinion concluded that, after a reorganization of the statutory scheme for lower courts, justice court judges were required to execute official bonds, but municipal court judges were not required to execute bonds. (20 Ops.Cal.Atty.Gen. 78, 82 (1952).) Section 1651 and several other sections that reference bonds of officers of a judicial district were in existence at that time. (See Gov. Code §§ 1457, 1530, 1531, 1532, 1651, and 1652.) Justice courts were eliminated in 1995, thereby rendering the conclusion that justice court judges must give bonds moot. Neither justice courts nor municipal courts exist any longer, but none of the statutes listed above mentioning judicial districts and bonds have been amended since the elimination of justice courts.

Most importantly, notwithstanding statutory references to official bonds of officers of a judicial district, no statutes currently require trial court judges or employees to give bonds. We believe that the proposed amendment to section 1651 could be confusing because “judicial district,” in the context of official bonds, does not mean a superior court.

Thank you for the opportunity to comment on the proposal. Please let me know if there are questions about our comments or a need for clarification.

Janet

Janet Grove  
Attorney  
Legal Opinion Unit, Office of the General Counsel  
Judicial Council of California - Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
510-290-3978; Fax 415-865-7664; [janet.grove@jud.ca.gov](mailto:janet.grove@jud.ca.gov)  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

“Serving the courts for the benefit of all Californians”

**EMAIL FROM JANET GROVE, ADMINISTRATIVE  
OFFICE OF THE COURTS (DEC. 9, 2010)**

**Re: Comment on GC 68551, Tentative Recommendation J-1451**

Hi Barbara,

I've conferred with several people at the AOC about the proposed change to Government Code section 68551, including Jim Vesper (Assistant Director, Education Division/CJER) and Finance Division staff. They recommend that the last sentence of the section simply be deleted. (Please note that this is an informal comment by members of AOC staff, and not the official position of the Judicial Council or Administrative Office of the Courts.)

Government Code section 68551 provides that the Judicial Council is authorized to conduct institutes and seminars to orient judges to new judicial assignments and keep them informed about new developments in the law. The last sentence of the section states: "Actual and necessary expenses incurred by superior and municipal court judges at any such institute or seminar shall be a charge against the county to the extent that funds are available therefor."

The proposed amendment would change the last sentence to read: "Actual and necessary expenses incurred by a superior court judge at any institute or seminar under this section shall be a charge against the court to the extent that funds are available therefor." However, a great deal of judicial education is paid for from the budget of the Administrative Office of the Courts, and not individual courts' budgets. We are concerned that the proposed amendment, stating that the expenses are a "charge against the court," would require education expenses to be paid from each court's budget.

Instead of the currently proposed language, we would recommend simply deleting the last sentence. Statutory authority is not needed in this code section for the judicial branch to reimburse travel expenses, which should be done according to judicial branch policy.

Janet

Janet Grove  
Attorney  
Legal Opinion Unit, Office of the General Counsel  
Judicial Council of California - Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
510-290-3978; Fax 415-865-7664; [janet.grove@jud.ca.gov](mailto:janet.grove@jud.ca.gov)  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

"Serving the courts for the benefit of all Californians"

**EMAIL FROM JANET GROVE, ADMINISTRATIVE  
OFFICE OF THE COURTS (DEC. 10, 2010, #1)**

**Re: Comment on proposed amendment to Evid. Code 754**

Hi Barbara,

I've received comments on Evidence Code section 754 from Lucy Smallsreed (Manager, Court Interpreters Program, Executive Office Programs Division), Anne Marx (Court Services Analyst, Court Interpreters Program), and Tracy Clark (Member of Court Interpreters Advisory Panel and ASL interpreter for Ventura County Superior Court). They have proposed some additional changes that are shown on the attachment with double underlines and strikeouts. The changes already in the tentative recommendation are shown with single underlines and strikeouts. Please note again that these are informal suggestions by the persons indicated, and not official recommendations of the Judicial Council or Administrative Office of the Courts.

Janet

Janet Grove  
Attorney  
Legal Opinion Unit, Office of the General Counsel  
Judicial Council of California - Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
510-290-3978; Fax 415-865-7664; [janet.grove@jud.ca.gov](mailto:janet.grove@jud.ca.gov)  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

“Serving the courts for the benefit of all Californians”

The proposed changes are explained in the list below. It's possible that some of them go beyond what the CLRC is trying to do in this project, but generally they are intended to clarify and update the section, rather than to make substantive changes in the law regarding interpreters.

1. “Hearing impaired” is changed to “hard of hearing” throughout. This would bring the code up to date with community use of the terms. “Impaired” or “impairment” is no longer chosen language because it suggests something is lacking instead of acknowledging a difference.

2. Subd. (b): “Juror” is added to the list of those for whom interpretation is required (party or witness or juror). Courts are already required to provide ASL interpreters for jurors under Code of Civil Procedure section 224(c). We think this is a clarification.

3. Subd. (f): Revision of definition of “qualified interpreter.” American Sign Language is specified because this is the only type of interpreter that can currently be qualified under the rules. The deletion and addition at the end of the section brings it up to date with current practice as now there is only one testing organization in the country. The proposed change is intended to avoid confusion.
4. Subd. (h): Deletion of obsolete language. The new language is a reference to existing law for spoken language interpreters under Judicial Council guidelines.
5. Subd. (i): The changes proposed in the tentative recommendation look fine.
6. Subd. (j): Deletion of “or proceeding.” The reason for this is that the inclusion of “proceedings” may create ambiguity about who pays the interpreter. In “proceedings,” interpreters are paid by the court under subdivision (b).
7. Subd. (j): Insertion of “qualified” in reference to interpreter. This change is in line with the original intent of the code’s drafters. It was left out by mistake.
8. Subd. (j): New last sentence in section on interpreter’s fee in interview by law enforcement, changing the designation of the payor as the “county or other political subdivision” to the “employer” of the investigating officer. The change would provide better clarity given the variety of law enforcement officers who could be involved, such as park police, district police, state CHP, etc. It also falls more in line with how the ADA outlines payment of services.
9. Deletion of subd. (o) (roster of qualified interpreters). This deletes an obsolete requirement that each trial court maintain a roster, since a state roster is now maintained by the Judicial Council under the amended version of subd. (f).

**Evidence Code § 754. Deaf or hearing impaired persons; interpreters; qualifications; guidelines; compensation; questioning; use of statements**

- (a) As used in this section, “individual who is deaf or ~~hearing impaired~~ hard of hearing” means an individual with a hearing loss so great as to prevent his or her understanding language spoken in a normal tone, but does not include an individual who is ~~hearing impaired~~ hard of hearing provided with, and able to fully participate in the proceedings through the use of, an assistive listening system or computer-aided transcription equipment provided pursuant to Section 54.8 of the Civil Code.
- (b) In any civil or criminal action, including, but not limited to, any action involving a traffic or other infraction, any small claims court proceeding, any juvenile court proceeding, any family court proceeding or service, or any proceeding to determine the mental competency of a person, in any court-ordered or court-provided alternative dispute resolution, including mediation and arbitration, or any administrative hearing, where a party or witness or juror is an individual who is deaf or ~~hearing impaired~~ hard of hearing and the individual who is deaf or ~~hearing impaired~~ hard of hearing is present and participating, the proceedings shall be interpreted in a language that the individual who is deaf or ~~hearing impaired~~ hard of hearing understands by a qualified interpreter appointed by the court or other appointing authority, or as agreed upon.
- (c) For purposes of this section, “appointing authority” means a court, department, board, commission, agency, licensing or legislative body, or other body for proceedings requiring a qualified interpreter.
- (d) For the purposes of this section, “interpreter” includes, but is not limited to, an oral interpreter, a sign language interpreter, or a deaf-blind interpreter, depending upon the needs of the individual who is deaf or ~~hearing impaired~~ hard of hearing.
- (e) For purposes of this section, “intermediary interpreter” means an individual who is deaf or ~~hearing impaired~~ hard of hearing, or a hearing individual who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language or between American Sign Language and other foreign languages by acting as an intermediary between the individual who is deaf or ~~hearing impaired~~ hard of hearing and the qualified interpreter.
- (f) For purposes of this section, “qualified interpreter” means an American Sign Language interpreter who has been certified as competent to interpret court proceedings ~~by a testing organization, agency, or educational institution approved by the Judicial Council as qualified to administer tests to court interpreters for individuals who are deaf or hearing impaired~~ and who has enrolled with, and is listed on, the state roster maintained by the Judicial Council.
- (g) In the event that the appointed interpreter is not familiar with the use of particular signs by the individual who is deaf or ~~hearing impaired~~ hard of hearing or his or her

particular variant of sign language, the court or other appointing authority shall, in consultation with the individual who is deaf or ~~hearing impaired~~ hard of hearing or his or her representative, appoint an intermediary interpreter.

- (h) ~~Prior to July 1, 1992, the Judicial Council shall conduct a study to establish the guidelines pursuant to which it shall determine which testing organizations, agencies, or educational institutions will be approved to administer tests for certification of court interpreters for individuals who are deaf or hearing impaired. It is the intent of the Legislature that the study obtain the widest possible input from the public, including, but not limited to, educational institutions, the judiciary, linguists, members of the State Bar, court interpreters, members of professional interpreting organizations, and members of the deaf and hearing impaired communities. After obtaining public comment and completing its study, the Judicial Council shall publish these guidelines. By January 1, 1997, the Judicial Council shall approve one or more entities to administer testing for court interpreters for individuals who are deaf or hearing impaired. Testing entities may include educational institutions, testing organizations, joint powers agencies, or public agencies.~~

~~Commencing July 1, 1997, court interpreters for individuals who are deaf or hearing impaired shall meet the qualifications specified in subdivision (f).~~

A court may for good cause appoint an interpreter who is not certified pursuant to subdivision (f). The court shall follow the good cause and qualification procedures and guidelines for spoken language interpreters adopted by the Judicial Council.

- (i) Persons appointed to serve as interpreters under this section shall be paid, in addition to actual travel costs, the prevailing rate paid to persons employed by the court to provide other interpreter services unless such service is considered to be a part of the person's regular duties as an employee of the state, county, or other political subdivision of the state. ~~Payment~~ Except as provided in subdivision (j), payment of the interpreter's fee shall be a charge against the county, or other political subdivision of the state, in which that action is pending court. Payment of the interpreter's fee in administrative proceedings shall be a charge against the appointing board or authority.
- (j) Whenever a peace officer or any other person having a law enforcement or prosecutorial function in any criminal or quasi-criminal investigation ~~or proceeding~~ questions or otherwise interviews an alleged victim or witness who demonstrates or alleges deafness or hearing impairment, a good faith effort to secure the services of ~~an~~ a qualified interpreter shall be made, without any unnecessary delay unless either the individual who is deaf or ~~hearing impaired~~ hard of hearing affirmatively indicates that he or she does not need or cannot use an interpreter, or an interpreter is not otherwise required by Title II of the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted thereunder. Payment of the interpreter's fee shall be a charge against the county, or other political subdivision of

the state, in which the action is pending employer of the investigating peace officer or other person as identified above in this subdivision.

- (k) No statement, written or oral, made by an individual who the court finds is deaf or ~~hearing impaired~~ hard of hearing in reply to a question of a peace officer, or any other person having a law enforcement or prosecutorial function in any criminal or quasi-criminal investigation or proceeding, may be used against that individual who is deaf or ~~hearing impaired~~ hard of hearing unless the question was accurately interpreted and the statement was made knowingly, voluntarily, and intelligently and was accurately interpreted, or the court makes special findings that either the individual could not have used an interpreter or an interpreter was not otherwise required by Title II of the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted thereunder and that the statement was made knowingly, voluntarily, and intelligently.
- (l) In obtaining services of an interpreter for purposes of subdivision (j) or (k), priority shall be given to first obtaining a qualified interpreter.
- (m) Nothing in subdivision (j) or (k) shall be deemed to supersede the requirement of subdivision (b) for use of a qualified interpreter for individuals who are deaf or ~~hearing impaired~~ hard of hearing participating as parties or witnesses in a trial or hearing.
- (n) In any action or proceeding in which an individual who is deaf or ~~hearing impaired~~ hard of hearing is a participant, the appointing authority shall not commence proceedings until the appointed interpreter is in full view of and spatially situated to assure proper communication with the participating individual who is deaf or ~~hearing impaired~~ hard of hearing.
- ~~(o) Each superior court shall maintain a current roster of qualified interpreters certified pursuant to subdivision (f).~~

**EMAIL FROM JANET GROVE, ADMINISTRATIVE  
OFFICE OF THE COURTS (DEC. 10, 2010, #2)**

**Re: More information/comments on revisions in TR**

Hi Barbara,

In the process of gathering comments from AOC staff, I had the chance to discuss some of the code sections in the TR with John Judnick of our Finance Division (Senior Manager, Internal Audit Services). He provided some background and context that I thought might be helpful in the CLRC's review of these sections. (As in the previous emails I've forwarded, these notes do not indicate the official opinion of the Judicial Council or Administrative Office of the Courts.)

CCP 631.2 – The reference to “general funds of the court” seems OK. Jury fees can be paid from court operations funds under GC 77003 and rule 10.810 of the California Rules of Court.

GC 25257 – As you know, this section has already been amended by SB 857, making changes similar to those proposed in the TR.

GC 29370-29379 – Cash difference funds for courts are specifically addressed in the AOC's Trial Court Financial Policies and Procedures manual.

GC 71380 – This section has been cited as authority for the Controller's Manual of Accounting and Audit Guidelines for Trial Courts, commonly known as “Appendix C,” which can be found on the Controller's web site. Appendix C contains detailed tables of the distribution of fees, fines, and penalties collected by the courts.

GC 71380-71384 – Amendments to these sections will probably be proposed in conjunction with development of a statewide accounting system for the judicial branch, expected to take place over the next several years. The plan is to establish a committee of stakeholders including court staff, AOC staff, and others, to oversee the process. The development of the Court Case Management System is part of this effort. It is likely that amendments to some of these code sections will be proposed as this process comes closer to completion.

I hope some of this information is helpful.

Janet

Janet Grove

Attorney

Legal Opinion Unit, Office of the General Counsel

Judicial Council of California - Administrative Office of the Courts

455 Golden Gate Avenue

San Francisco, CA 94102-3688

510-290-3978; Fax 415-865-7664; [janet.grove@jud.ca.gov](mailto:janet.grove@jud.ca.gov)

[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

“Serving the courts for the benefit of all Californians”