

Study J-1200

January 16, 1996

**Memorandum 96-5****Trial Court Unification: Scope of Study**

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The staff has prepared several memoranda for Commission consideration on possible provisions for statutory implementation of SB 162 (Lockyer). That measure provides for gradual trial court unification by the Governor converting individual municipal court judgeships to superior court judgeships as municipal court vacancies occur.

The Commission has not considered the staff memoranda; at the December meeting the Commission instructed the staff to seek direction from the Legislature whether this is really a matter the Legislature wants the Commission to report on, given the political considerations that went into achieving enactment of SB 162. The Commission also requested the staff to determine whether the Legislature is looking to the Commission for cleanup legislation in the wake of unification of the justice and municipal courts.

The Executive Secretary has written to Senator Lockyer concerning these two items. We have not received a written response from Senator Lockyer's office, but we have been in contact with his staff responsible for these matters. We have been informed that there is a reasonable possibility a compromise may be achieved on SCA 4, which provides for county-by-county trial court unification. If SCA 4 moves forward and is adopted, the Legislature would look to the Commission for implementing legislation on it, rather than on the narrower SB 162 or justice court/municipal court unification measures.

For these reasons, Senator Lockyer's office suggests that the Commission hold off for now. Meanwhile, they plan to introduce a spot bill so that there is a vehicle for any necessary SB 162 implementing legislation, in case SCA 4 does not move forward.

Respectfully submitted,

Nathaniel Sterling  
Executive Secretary