

Study J-1400

March 25, 2002

Second Supplement to Memorandum 2002-14**Statutes Made Obsolete by Trial Court Restructuring
(Comments on Tentative Recommendation)**

In connection with its consideration of comments on statutes made obsolete by trial court restructuring, the Commission received the following written materials at or before its meeting of March 14-15, 2002:

	<i>Exhibit p.</i>
1. Procedure at March Meeting	1
2. Larry Jackson, Los Angeles County Superior Court	3

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

CALIFORNIA LAW REVISION COMMISSION

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March 13, 2002

To: Members, California Law Revision Commission
From: Nathaniel Sterling, Executive Secretary
Re: Procedure at March Meeting

Because the materials for Agenda Item #5 (Statutes Made Obsolete by Trial Court Restructuring) at the March meeting of the Commission are so voluminous, and because time to complete consideration of them is limited, the Commission's Chairperson Joyce Cook has authorized the following procedure for this matter.

Much of the material set out in the memoranda is routine, for example involving removal of a provision from the recommendation for further study, or leaving a provision in the recommendation with only technical revisions. The staff will raise for discussion at the meeting only matters it believes are potentially more than routine, for one reason or another. The Commission will limit its discussion at the meeting to these matters, as well as any other issues raised by a Commissioner or staff member at the meeting. (The Chairperson may also recognize interested persons in attendance at the meeting who wish to raise an issue.) With respect to a matter not discussed at the meeting, the staff recommendation as set out in the memorandum will be deemed adopted by the Commission.

The staff will raise for discussion at the meeting the following matters (some of which will be perfunctory):

Memorandum 2002-14 (General Issues)

- General Comments (p. 2)
- Sessions and Facilities – General Issues (p. 3)
- Court Fees v. County Treasury (p. 8)
- Court Order for Return of Deposit (p. 10)
- Compensation of Official Reporter (p. 12)
- Judicial Benefits (p. 25)
- Retired Annuitants (p. 29)
- Sheriffs, Marshals, and Constables – Los Angeles County (p. 37)

First Supplement to Memorandum 2002-14 (General Issues)

- Los Angeles Reporters' Salary Fund (p. 2)

Memorandum 2002-17 (Individual Issues)

- Cal. Const. Art. VI, § 5. Municipal court (p. 1)
- Cal. Const. Art. VI, §§ 15, 23. Unification transitional provisions (p. 2)

Bus. & Prof. Code § 6302.5. Board of law library trustees of LA County (p. 3)
Code Civ. Proc. § 75. Submission of noncontested matter (p. 6)
Code Civ. Proc. § 86.1. Long-Term Care, Health, Safety, and Security Act (p. 7)
Code Civ. Proc. § 215. Fees and mileage for jurors (p. 11)
Code Civ. Proc. § 259. Powers of court commissioners (p. 11)
Code Civ. Proc. § 396. Court without jurisdiction (p. 11)
Food & Agric. Code § 30801. Issuance of dog licenses (p. 19)
Gov't Code §§ 811.9, 27647, 26524. Representation of court personnel (pp. 20-21)
Gov't Code § 68073. Responsibility for court operations and facilities (p. 23)
Gov't Code § 68105. Certified shorthand reporter citizenship (p. 23)
Gov't Code § 68152. Retention of court records (p. 25)
Gov't Code § 68525. Records and reports of official reporter (p. 26)
Gov't Code § 69894.4. Expense allowances (p. 26)
Gov't Code § 69897. Probate commissioners (p. 28)
Gov't Code § 69955. Reporting notes (p. 28)
Gov't Code §§ 71141-71180. Qualifications, election, etc. (p. 29)
Penal Code §§ 896, 900, 904, 932, 933. Grand juries (p. 36)
Penal Code § 1269b. Bail (p. 37)

First Supplement to Memorandum 2002-17 (Individual Issues)

Cal. Const. Art. VI, §§ 15, 23. Unification transitional provisions (p. 1)
Code Civ. Proc. §§ 1141.11, 1141.12. Arbitration (p. 4)
Gov't Code § 6701. Holiday falling on Saturday or Sunday (p. 8)
Gov't Code § 26859. Fees for dissolution and other petition (p. 9)
Gov't Code §§ 29603, 68098. Juror and witness fees (p. 11)
Gov't Code § 68086. Fees for reporting services (p. 13)
Health & Safety Code § 11758.54. Evaluation of pilot project (p. 17)
Lab. Code § 98.1. Order, decision or award (p. 17)
Penal Code §§ 896, 900, 904, 932, 933. Grand juries (p. 18)
Welf. & Inst. Code § 247. Juvenile court referees (p. 21)
Welf. & Inst. Code § 742.16 (amended). Cleanup, repair, etc. (p. 24)

Memorandum 2002-18 (Reenacted Sections)

No issues to be raised.

Larry Jackson, Los Angeles Superior Court

69840

I believe the last county clerk in the state who still held the title and function of the clerk of the court was in Trinity County, and the court in that county appointed their executive officer as clerk of the court under 69898 G.C. several years ago. In response to the request for comment, I would therefore reply that there no longer appear to be any county clerks who continue to act as court clerk in any county, and that it does not appear necessary to preserve statutes authorizing that or providing reimbursement to counties for doing so. I would, however, preserve the language of subdivision (b) clarifying the provisions applicable to deputy court clerks by moving it to 71620. – L. Jackson

71620

To clarify the authority of the executive officer and of the clerk of the superior court, and to establish explicitly that appointees to these offices have the standing of public officers within the meaning of the Government Code, with all the prerequisites, responsibilities and appointment procedures appurtenant thereto, it would be helpful to add a sentence in subdivision (b) to the effect that the executive or administrative officer and the clerk of the trial court are public officers within the meaning of Chapter 1 (commencing with Section 1000) of Division 4 of Title 1. – L. Jackson