

Memorandum 2018-18

**Statutes Made Obsolete by Trial Court Restructuring (Part 6):
Stakeholder Outreach**

At the February meeting, the Commission recommenced work on *Statutes Made Obsolete by Trial Court Restructuring*. The staff is in the process of building the Commission's mailing list for the current phase of that study (Part 6).

The Commission has previously directed the staff to keep it informed about such efforts:

When inviting stakeholder participation in a new study, the staff should provide Commissioners with a list of the groups and individuals that were invited to participate.¹

In this new phase of the Commission's work on trial court restructuring, the staff plans to take much the same approach to stakeholder participation as in earlier phases of the study. That approach is somewhat more complex than for a typical Commission study.

As in a typical study, staff memoranda, minutes, and other Commission materials relating to the study will be posted to the Commission's website as they are generated. At the same time, links to those materials will be electronically distributed to interested persons. Persons who prefer to get hard copies will receive them by U.S. mail.

For both of those purposes, the staff plans to use the Commission's "J" mailing list (Judiciary & Civil Procedure). As the name reflects, that list includes about 200 individuals and organizations interested in issues relating to the judiciary, civil procedure, and the courts generally.

1. Minutes (Oct. 2014), p. 3.

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. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

Of particular note, the “J” mailing list includes representatives of the following key organizations in that subject area:

- California Judges Association
- California Lawyers Association
- California Defense Counsel
- Consumer Attorneys of California
- Conference of California Bar Associations
- Civil Justice Association of California
- Judicial Council
- Office of the Attorney General

The staff is in the process of updating the Commission’s contact information for these organizations. We recently added a representative of the California State Association of Counties to the “J” list, because many trial court restructuring issues involve the counties. We are also seeking current contact information for the State Bar, because their former contact on the “J” list now represents the California Lawyers Association instead. In addition, we plan to check whether the Alliance of California Judges would like to be on the “J” list.

The “J” mailing list also includes representatives of many other organizations, as well as some individuals. **Any interested person can join that list, free of charge, by going to the webpage for this study — www.clrc.ca.gov/J1405.html — and following the subscription instructions at the bottom of the page.**

In a typical Commission study, the staff would rely primarily, if not exclusively, on the mailing list and subscription process described above. In its work on trial court restructuring, however, the staff has *supplemented* that approach with *further, more targeted outreach*. **Unless the Commission otherwise directs, we plan to continue such targeted outreach in Part 6 of the study.**

For example, Memorandum 2018-20 presents a draft of a tentative recommendation on *Trial Court Restructuring Clean-Up: Obsolete “Constable” References*. That proposal may be of interest to former constables, who might now be retired or in other law enforcement positions. If the Commission approves the tentative recommendation (as is, or with revisions), the staff will not only send it to the “J” list for comment, but will also seek input from law enforcement organizations, such as the California Peace Officers Association, the California Sheriffs Association, the California Correctional Peace Officers Association, and the Peace Officers’ Research Association.

Similarly, Memorandum 2018-21 discusses a series of county-specific statutes. If the Commission decides to pursue the suggested reforms, the staff would send

all of the proposed revisions to the “J” list for comment. In addition, we would send the proposed revisions relating to a particular county to (1) the superior court for that county and (2) the county executive officer, chair of the board of supervisors, and/or similar county official. For instance, we would send proposed repeals of Government Code Sections 73560 and 73561 to the Monterey County Superior Court and the Monterey County Administrative Officer for comment. Likewise, we would send the proposed repeals of Government Code Sections 74934 and 74935.5 to the Butte County Superior Court and the county’s Chief Administrative Officer for comment.

Along the same lines,

- If a proposed reform relates to court reporters, the staff would send it to court reporter organizations and representatives for comment (e.g., California Court Reporters Association; Service Employees International Union), as well as to the “J” mailing list.
- If a proposed reform involves court funding issues, we would seek input from the Department of Finance and/or the State Controller’s Office, in addition to persons on the “J” mailing list.

And so forth.

That approach is labor-intensive, requiring a lot of staff time. It seemed to work well in the past, however, justifying the amount of effort involved. In our experience, when stakeholders only receive materials that clearly pertain to them (instead of getting all of the trial court restructuring materials), they are more likely to actually review what they receive and provide comments.

Is the two-prong outreach approach described above acceptable to the Commission? Does anyone have suggestions for improvement?

Respectfully submitted,

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