

1-29-1996

Judges. Limiting Immunity. Special Grand Juries.

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For Hearing and Speech Impaired Only
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e-mail: comments@ss.ca.gov

BILL JONES

Secretary of State
State of California

July 9, 1996

#710

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (96224)

FROM: Cathy Mitchell
CATHY MITCHELL
Initiative Coordinator

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: JUDGES. LIMITING IMMUNITY. SPECIAL GRAND
JURIES. INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: January 29, 1996

PROPONENTS: Ronald Branson
Gladys O. Miller
Elizabeth Michael
Charlena Alden
H.R. Culver
Richard M. Combs
Elliott S. Graham
Rose Irene Jensen

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BILL JONES
 Secretary of State
 State of California
 #710

January 29, 1996

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (96062)

Pursuant to Section 336 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**JUDGES. LIMITING IMMUNITY. SPECIAL GRAND JURIES.
 INITIATIVE CONSTITUTIONAL AMENDMENT.**

Circulating and Filing Schedule

1. Minimum number of signatures required693,230
 Cal. Const., Art II, Sec. 8(b).

2. Official Summary Date Monday, 01/29/96
 Elec. C., Sec. 336.

3. Petitions Sections:
 - a. First day Proponents can circulate Sections for
 signatures Monday, 01/29/96
 Elec. C., Sec. 336.

 - b. Last day Proponents can circulate and file with
 the county. All sections are to be filed at
 the same time within each county. Wednesday, 06/26/96
 Elec. C., Secs. 336, 9030(a).

 - c. Last day for county to determine total number of
 signatures affixed to petitions and to transmit total
 to the Secretary of State Tuesday, 07/09/96
 Elec. C., Sec. 9030(b).

(If the Proponents file the petition with the county on a date prior to 06/26/96, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 9030(b).

"Ensuring the integrity of California's election process"

JUDGES. LIMITING IMMUNITY. SPECIAL GRAND JURIES.
INITIATIVE CONSTITUTIONAL AMENDMENT.

January 29, 1996

Page 2

- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Thursday, 07/18/96*
Elec. C., Sec. 9030(c).

- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Thursday, 08/29/96
Elec. C., Sec. 9030(d), (e).

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/18/96, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 9030(d), (e).

- f. If the signature count is more than 762, 553 or less than 658,569 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 658,569 and 762,553 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Sunday, 09/08/96*
Elec. C., Secs. 9030(f), (g); 9031(a).

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Tuesday, 10/22/96
Elec. C., Sec. 9031(b), (c).

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 09/08/96, the last day is no later than the thirtieth working day after the county's receipt of notification.)
Elec. C., Sec. 9031(b), (c).

- h. Secretary of State certified whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 10/26/96*
Elec. C., Secs. 9031(d), 9033.

* Date varies based on receipt of county certification

JUDGES. LIMITING IMMUNITY. SPECIAL GRAND JURIES.
INITIATIVE CONSTITUTIONAL AMENDMENT.

January 29, 1996

Page 3

4. The Proponents of the above-named measure are:


Ronald Branson; Gladys O. Miller;
Elizabeth Michael; Charlena Alden; H. R. Culver;
Richard M. Combs; Elliott S. Graham; Rose Irene Jensen
THE JUDICIAL REFORM ACT OF 1996
11304 Chandler Boulevard -- #207
North Hollywood, CA 91603
(818) 386-5804

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code sections 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen.37 (1980).
- (b) Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 5, 1996 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 27, 1996). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by April 19, 1996. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 28, 1996.

Sincerely,


DEIRDRE AVENT
ELECTIONS ANALYST

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

Facsimile: (916) 323-2137
(916) 324-5490

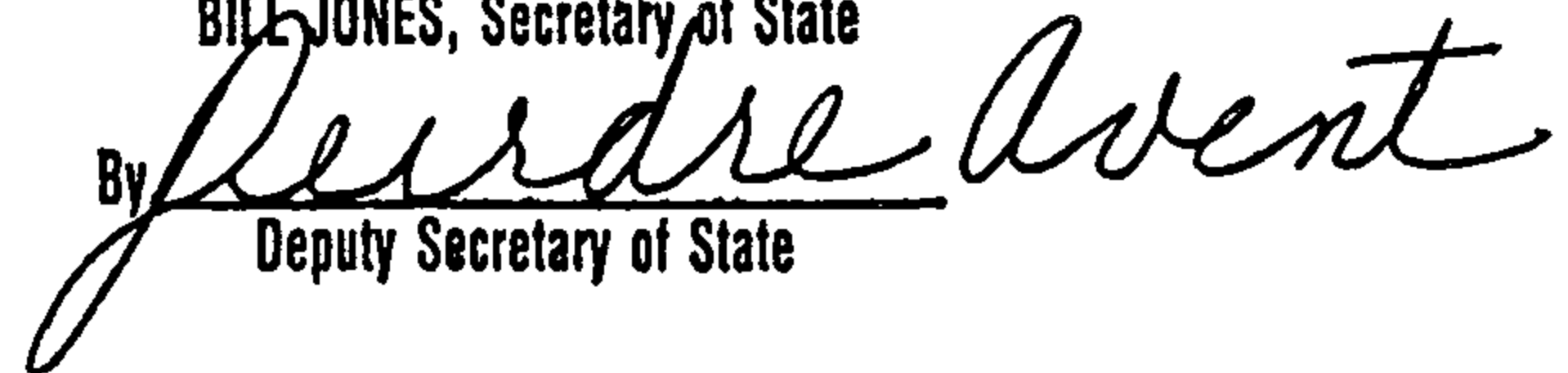
January 29, 1996

FILED
In the office of the Secretary of State
of the State of California

JAN 29 1996

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

BILL JONES, Secretary of State

By  Peadar Ament
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: JUDGES. LIMITING IMMUNITY. SPECIAL GRAND JURIES.
INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: SA 95 RF 0054

Dear Mr. Jones:

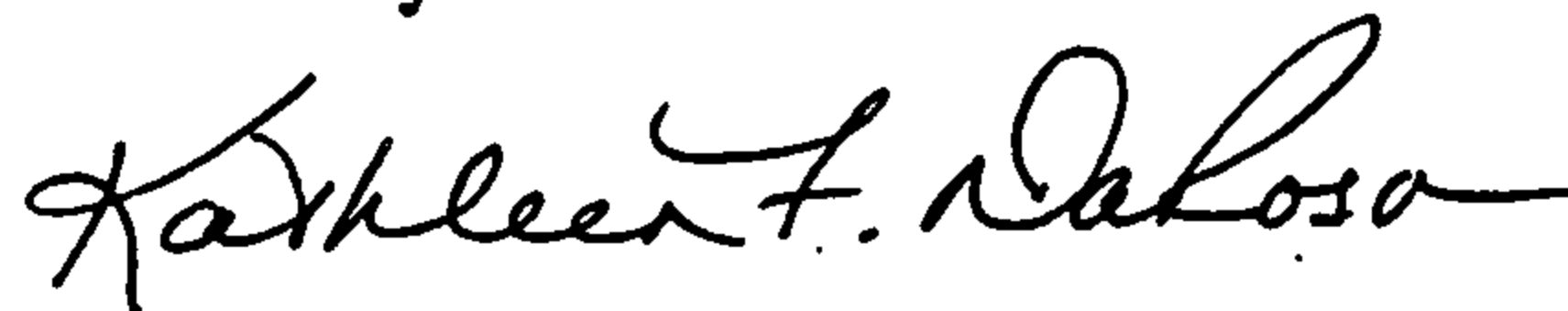
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the names and address of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General



KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: January 29, 1996
File No: SA95RF0054

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

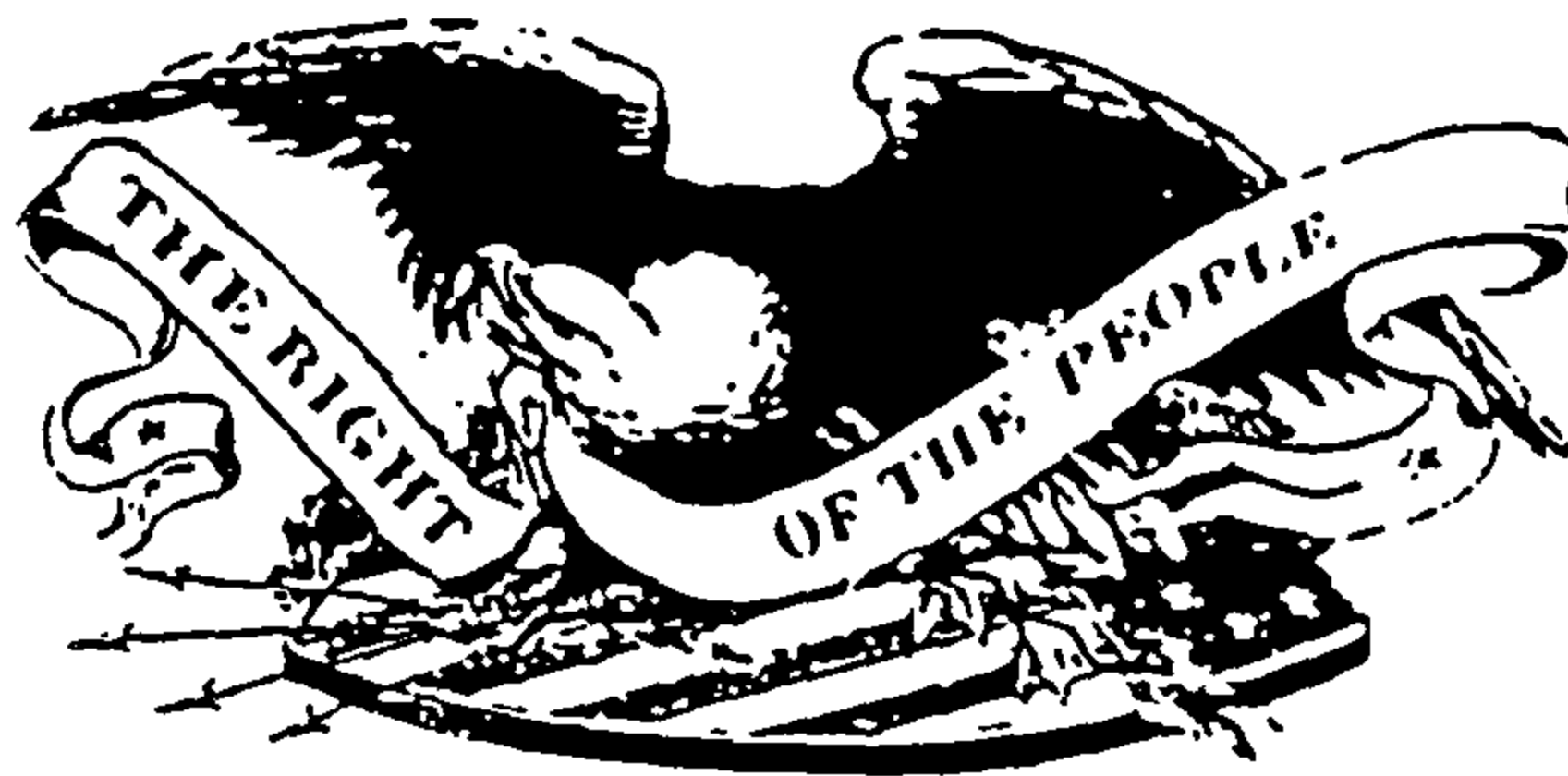
**JUDGES. LIMITING IMMUNITY. SPECIAL GRAND JURIES. INITIATIVE
CONSTITUTIONAL AMENDMENT.** Limits immunity from civil liability for state judges, commissioners, and arbitrators. Eliminates immunity for deliberate violations of law, clear constitutional violations, deliberate disregard of material facts, unreasonably delaying case, and other acts. Creates three new statewide Special Grand Juries with power to indict and, through a special trial jury, to convict and sentence judges for criminal conduct. Each Special Grand Jury also empowered to determine whether a judge may invoke judicial immunity in a civil action and to permanently remove judges who receive three adverse immunity decisions. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure is likely to result in major costs to the state, probably in the range of \$15 million to \$20 million annually. These expenses mainly arise from the measure's mandate that each Special Grand Juror receive a salary commensurate with that of a Superior Court judge (currently \$112,000 per year) and that each Special Grand Jury's operational budget be commensurate with the Commission on Judicial Performance or the combined salaries of the 25 Special Grand Jurors serving full time, whichever is greater.

RECEIVED
NOV 30 1995

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

The Judicial
Reform Act of
1996

A Statewide
Proposition Amendment
to the
California Constitution



The Judicial Reform Act of 1996
11304 Chandler Blvd., #207
North Hollywood, California 91603
24 hr. hotline - (818) 386-5804

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JAN 10 1996

CALIFORNIA INITIATIVE PROCEDURE
Written Authorization to Replace Proponent

INITIATIVE COORDINATOR
SOLICITOR GENERAL'S OFFICE

We, the undersigned proponents of

THE JUDICIAL REFORM ACT OF 1996

do hereby authorize the addition of Irene Jensen as a proponent of the above Act to replace Donna Johnson Blanchard whose personal signature is not obtainable at this time.

<u>DATE</u>	<u>PROPONENT</u>
<u>1-6-96</u>	CHARLENA ALDEN <u>Charlena Alden</u>
<u>Jan. 7th 1996</u>	RONALD BRANSON <u>Ronald Branson</u>
<u>Jan 6, 1996</u>	RICHARD M. COMBS <u>Richard M Combs</u>
<u>Jan 7, 1996</u>	H. R. CULVER <u>H. R. Culver</u>
<u>Jan. 7, 1996</u>	ELLIOTT S. GRAHAM <u>Elliott S Graham</u>
<u>Jan 7, 1996</u>	ELIZABETH MICHAEL <u>Elizabeth Michael</u>
<u>Jan. 7, 1996</u>	GLADYS O. MILLER <u>Gladys O. Miller</u>

RECEIVED
JAN 10 1996

CLERK OF THE COURT
CLERK GENERAL'S OFFICE

CALIFORNIA INITIATIVE PROCEDURE

Written Request for Title and Summary

I, the undersigned, hereby make this written request on behalf of **THE JUDICIAL REFORM ACT OF 1996** to the California Attorney General, Dan Lungren, for a title and summary of the proposed measure. Two copies of the draft of the measure, together with the \$200 fee and signed written statements under penalty of perjury of the other seven proponents was submitted November 29, 1995. Accompanying this request are the original and copy of Written Authorization to Replace Proponent signed by the remaining proponents.

Dated: Jan 6, 1996

Signed: Rose Irene Jensen
(Signature)

ROSE IRENE JENSEN
(Name printed or typed)

913 E. WALNUT AVE EL SEGUNDO CA. 90245
(Registration Address)

CALIFORNIA INITIATIVE PROCEDURE

Written Request for Title and Summary

I, the undersigned, hereby make this written request on behalf of **THE JUDICIAL REFORM ACT OF 1996** to the California Attorney General, Dan Lungren, for a title and summary of the proposed measure. Accompanying this request are two copies of the draft of the measure, together with the \$200 fee and the signed written statements under penalty of perjury of the proponents.

Dated: November 27, 1995

Signed: Gladys O. Miller

GLADYS O. MILLER
(Name printed or typed)

CALIFORNIA INITIATIVE PROCEDURE

Written Request for Title and Summary

I, the undersigned, hereby make this written request on behalf of THE JUDICIAL REFORM ACT OF 1996 to the California Attorney General, Dan Lungren, for a title and summary of the proposed measure. Accompanying this request are two copies of the draft of the measure, together with the \$200 fee ^{paid by others HRP.} and the signed written statements under penalty of perjury of the proponents.

Dated: Nov. 28, 1995

Signed:

H. R. Culver

H. R. Culver
(Name printed or typed)

CALIFORNIA INITIATIVE PROCEDURE
Written Request for Title and Summary

I, the undersigned, hereby make this written request on behalf of **THE JUDICIAL REFORM ACT OF 1996** to the California Attorney General, Dan Lungren, for a title and summary of the proposed measure. Accompanying this request are two copies of the draft of the measure, together with the \$200 fee and the signed written statements under penalty of perjury of the proponents.

Dated: November 29, 1995

Signed: Charlena Alden P/A Ken Benson

CHARLENA ALDEN
(Name printed or typed)

CALIFORNIA INITIATIVE PROCEDURE

Written Request for Title and Summary

I, the undersigned, hereby make this written request on behalf of **THE JUDICIAL REFORM ACT OF 1996** to the California Attorney General, Dan Lungren, for a title and summary of the proposed measure. Accompanying this request are two copies of the draft of the measure, together with the \$200 fee and the signed written statements under penalty of perjury of the proponents.

Dated: November 27, 1995

Signed: Elizabeth Michael

Elizabeth Michael

(Name printed or typed)

CALIFORNIA INITIATIVE PROCEDURE

Written Request for Title and Summary

I, the undersigned, hereby make this written request on behalf of **THE JUDICIAL REFORM ACT OF 1996** to the California Attorney General, Dan Lungren, for a title and summary of the proposed measure. Accompanying this request are two copies of the draft of the measure, together with the \$200 fee and the signed written statements under penalty of perjury of the proponents.

Dated: November 27, 1995

Signed: Richard M Combs

Richard M. Combs
(Name printed or typed)

CALIFORNIA INITIATIVE PROCEDURE

Written Request for Title and Summary

I, the undersigned, hereby make this written request on behalf of **THE JUDICIAL REFORM ACT OF 1996** to the California Attorney General, Dan Lungren, for a title and summary of the proposed measure. Accompanying this request are two copies of the draft of the measure, together with the \$200 fee and the signed written statements under penalty of perjury of the proponents.

Dated: November 27, 1995

Signed: Elliott S. Graham

ELLIOTT S. GRAHAM

(Name printed or typed)

CALIFORNIA INITIATIVE PROCEDURE

Written Request for Title and Summary

I, the undersigned, hereby make this written request on behalf of **THE JUDICIAL REFORM ACT OF 1996** to the California Attorney General, Dan Lungren, for a title and summary of the proposed measure. Accompanying this request are two copies of the draft of the measure, together with the \$200 fee and the signed written statements under penalty of perjury of the proponents.

Dated: Nov. 28, 1995

Signed: Ronald Branson

RONALD BRANSON

(Name printed or typed)

CONSTITUTIONAL INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of this measure.

To The Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose an amendment (new section) to Article VI of the Constitution of California, relating to judicial reform, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election, or otherwise provided by law. The proposed constitutional amendment shall read as follows:

The Judicial Reform Act of 1996

(a) The People of the State of California find that the doctrine of judicial immunity, originally intended to protect judges from frivolous and harassing lawsuits, has been greatly abused and expanded in practice to extend to every kind of judicial misconduct; that such judicial misconduct is perceived to continue unabated without accountability. As a result, confidence in our judiciary has sunk to an all-time low. It is therefore our desire to build confidence in our judicial system by restoring a perception of justice and judicial accountability. This shall be known as "The Judicial Reform Act of 1996."

(b) Notwithstanding common law or any other provision to the contrary, no immunities shall be extended to any member of the judiciary of this State except as is specifically set forth in this Act. For purposes of this Act, members of the judiciary shall include, but not be limited to, justices, judges, commissioners, judges pro tem, private judges and arbitrators, hereinafter referred to as "judges."

(c) Preserving the original intent of protecting judges from frivolous and harassing actions, no immunity shielding a judge shall be construed to extend to any clear violation of the Constitutions of the United States or California, deliberate violation of law, fraud, conspiracy, intentional violation of due process of law, deliberate disregard of material facts, judicial acts without jurisdiction, and blocking (to include unreasonable delay) of a lawful conclusion of a case. For purposes of this Act, "blocking" shall mean any act or series of acts that impedes the lawful conclusion of a case.

(d) There are hereby created within this State three twenty-five member Special Grand Juries with statewide jurisdiction having power to judge both law and fact. As used in this Act, "Juror" shall mean a Special Grand Juror. Their sole responsibility shall be to determine, on an objective standard, whether a civil suit against a judge would be frivolous and harassing, or fall within the exclusions of immunity as set forth herein, and whether there is the appearance of criminal conduct by the judge complained of. The Special Grand Juries shall choose as many special non-government advisors as necessary to serve no more than one year, after which term said counsel shall be ineligible.

(e) Within ninety days following enactment of this Act, the Legislature shall establish a "seat" or principal base for each Special Grand Jury, such seats to be reasonably evenly distributed geographically throughout the State.

(f) Each Special Grand Jury shall immediately assign a docket number to each complaint brought before it, unless such case is transferred to another Special Grand Jury to achieve caseload balance. A transfer shall not prejudice a docketing deadline. The Special Grand Jury first docketing a complaint shall have sole jurisdiction of the case. No complaint shall be considered by any Special Grand Jury unless the complainant shall have first attempted to exhaust all judicial remedies available in this State within the immediately preceding six-month period. Such six-month period, however, shall not apply in cases of blocking of a lawful conclusion, which provision is intended to be applied remedially. Should the complainant opt to proceed to the United States Supreme Court, such six-month period shall commence upon the disposition of that court.

(g) The Jurors shall serve without compulsion and shall be drawn by public lot by the Secretary of State from the broadest base of available Citizens of this State of the age of eighteen years and over, excluding elected and appointed officials, prosecutors, members of the State Bar, judges, and judicial and law enforcement personnel, without other exclusion except previous adjudication of mental incapacity, imprisonment, or parole from a conviction of a felonious violent crime against person(s). Excluding the establishment of the initial Special Grand Juries, each Juror shall serve one year. No Juror shall serve more than once in five years. On the first day of each month, two persons shall be rotated off each Special Grand Jury and new Citizens' names drawn, except in January it shall be three. Vacancies shall be filled on the first of the following month in addition to the Jurors regularly rotated, and the Juror chosen to fill a vacancy shall complete only the remainder of the term of the Juror replaced. A simple majority shall determine any matter. Special Grand Jury files shall always remain public record. Each Juror shall

receive a salary commensurate to a Superior Court judge prorated according to the number of days actually in session. In addition, each Special Grand Jury shall have an annual operational budget commensurate to the Commission on Judicial Performance, or its equivalent, or a sum equal to the combined salaries of twenty-five Jurors serving full time, whichever is highest. Should the three Special Grand Juries concur that additional interim operational funds are required for their effectiveness, they may present their agreed sum specific to the California Legislature, which shall give high priority to their instant requisition.

(h) The Special Grand Jury shall serve a copy of the complaint upon the judge with notice to the complainant. The judge shall have twenty days to serve and file an answer. The complainant shall have a further ten days, excluding weekends and holidays, to reply to the judge's answer. The Special Grand Jury shall have power to subpoena witnesses, documents, and other tangible evidence, and to examine witnesses under oath. Each Special Grand Jury shall determine the causes properly before it with their reasoned findings in writing within 120 calendar days, serving on all parties their decision on whether immunity shall be barred as a defense to any civil action that may thereafter be pursued against the judge. A rehearing may be requested within fifteen days by service upon the other side, with fifteen days to reply thereto. Thereafter, the Special Grand Jury shall render final determination within twenty days. All allegations of the complaint shall be liberally construed in favor of the complainant. The Jurors shall keep in mind, in making their decisions, that they are entrusted by the people of this State with the duty of restoring a perception of justice and accountability of the judiciary, and are not to be swayed by artful presentation by the judge. They shall avoid all influence by judicial and government entities. The statute of limitations on any action involving a complaint to the Special Grand Jury against a State judge shall not commence until the rendering of their final decision.

(i) Whenever any judge shall have received three strikes, a strike being an adverse immunity decision, the judge shall be permanently removed from judicial office. Judicial retirement for such removed judge shall not exceed one-half of the benefits to which such person would have otherwise been entitled.

(j) Should the Special Grand Jury also find probable cause of criminal conduct on the part of any State judge against whom a complaint is docketed, it shall indict such judge except where double jeopardy attaches. The Special Grand Jury shall, without *voir dire*, empanel twelve special trial jurors, plus alternates, which trial jurors shall be instructed that they have power to judge both law and fact. The Special Grand Jury shall also select a non-government special prosecutor and a judge with no more than four years on the bench from a county other than that of the defendant judge. The trial jury shall be selected from the same pool of jury candidates as any regular jury. The special prosecutor shall thereafter prosecute the cause to a conclusion, having all the powers of any other prosecutor within this State. Upon conviction, the special trial jury shall have exclusive power of sentencing (limited to incarceration, fines and/or community service), which shall be derived by an average of the sentences of the trial jurors.

(k) No judge indicted for criminal conduct or sued civilly by a complainant pursuant to this Act shall be defended at public expense or by any elected or appointed public counsel.

(l) No person exercising strict enforcement of the findings of a Special Grand Jury shall be held liable civilly, criminally, or in contempt.

(m) Preeminence shall be given to this Act in any case of conflicts of statute, law, or constitutional provision, and the foreperson of each Special Grand Jury shall read, or cause to be read, this Act bi-annually to the respective Jurors during the first business week of the months of January and July.

(n) The provisions and procedures herein are in addition to other redress that may exist and are not exclusive.

(o) Should the whole or any part of this proposition come under constitutional challenge, such challenge shall not be adjudicated by any judicial officer potentially affected by the outcome. Should any part of this proposition be found unconstitutional, the remainder shall remain in full force and effect as though no challenge thereto existed.