

**RESOLUTION 08-04-2018**

**DIGEST**

Government Code: Delete Obsolete Reference to Municipal Court

Amends Government Code section 27647 to delete the reference to municipal court, which was rendered obsolete by court consolidation.

**STATEMENT OF REASONS**

The Problem: California voters authorized the consolidation of municipal courts into the superior courts. The courts in all 58 counties are now consolidated and there no longer exists any municipal courts in California. Nevertheless, there remain statutory references to the municipal courts, references which are obsolete.

California law provides that the Board of Supervisors of a county may appoint a County Counsel for the county. (Gov. Code, § 27640.) One of the enumerated functions of the County Counsel is to provide, subject to specified limitations, representation to the trial court or trial court judges in matters related to their duties. The current statutory language, however, contains obsolete references to the “municipal court.”

The Solution: This resolution seeks to amend Government Code section 26740 to delete obsolete references to the municipal court.

**TEXT OF RESOLUTION**

**RESOLVED** that the Conference of California Bar Associations recommends that legislation be sponsored to amend Government Code section 27647 to read as follows:

- 1 § 27647.
- 2 (a) If requested so to do by the superior court of the county of the county counsel, ~~or by~~
- 3 ~~any municipal court in such county~~, or by any judge thereof, and insofar as such duties are not in
- 4 conflict with, and do not interfere with, other duties, the county counsel may represent any such
- 5 court or judge thereof in all matters and questions of law pertaining to any of such judge’s duties,
- 6 including any representation authorized by Section 68111 and representation in all civil actions
- 7 and proceedings in any court in which with respect to the court’s or judge’s official capacity,
- 8 such court or judge is concerned or is a party.
- 9 (b) This section shall not apply to any of the following:
- 10 (1) Any criminal proceedings in which a judge is a defendant.
- 11 (2) Any grand jury proceedings.
- 12 (3) Any proceeding before the Commission on Judicial Qualifications.
- 13 (4) Any civil action or proceeding arising out of facts under which the judge was
- 14 convicted of a criminal offense in a criminal proceeding.

(Proposed new language underlined; language to be deleted stricken.)

**PROPONENT:** San Diego County Bar Association

**IMPACT STATEMENT**

This resolution does not affect any other law, statute or rule other than those expressly identified.

**CURRENT OR PRIOR RELATED LEGISLATION**

None known.

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**RESPONSIBLE FLOOR DELEGATE:** Darin L. Wessel

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**RESOLUTIONS COMMITTEE RECOMMENDATION  
APPROVE IN PRINCIPLE**

History:

Similar to Resolution 11-05-2014, which was approved in principle.

Reasons:

This resolution amends Government Code section 27647 to delete the reference to municipal court, which was rendered obsolete by court consolidation. This resolution should be approved in principle because the 1998 court consolidation made all trial courts superior courts, which made reference to municipal courts archaic.

Government Code section 27647 currently refers to both the superior court and the municipal court and their respective judges. This section was amended in 1998 to eliminate reference to justice courts because of the amendment to Section 1 of Article VI of the California Constitution made by Proposition 220 (approved by the electors June 2, 1998). Despite the unification of the municipal and superior courts in 2002 (Prop. 48, approved Nov. 5, 2002, eff. Nov. 6, 2002), section 27647 was not amended to eliminate reference to the now eliminated municipal courts. This resolution would delete the continued archaic reference to municipal court in Government Code section 27647.