



# Judicial Council of California

455 Golden Gate Ave.  
San Francisco, CA  
94102-3688

## Meeting Minutes

Meeting materials  
are available through  
the hyperlinks in  
this document.

## Judicial Council

*Open to the Public Unless Indicated as Closed  
(Cal. Rules of Court, rule 10.6(a))*

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Monday, January 14, 2019

3:00 PM

San Francisco

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### **CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE**

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the closed session to order at 3:00 p.m.

### **OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA**

#### **Attendance**

#### **Council Members**

**Present:** 28 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Administrative Presiding Justice Brad R. Hill, Justice Harry E. Hull Jr., Justice Douglas P. Miller, Justice Marsha G. Slough, Presiding Judge C. Todd Bottke, Presiding Judge Gary Nadler, Judge Marla O. Anderson, Judge Paul A. Bacigalupo, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Samuel K. Feng, Judge Scott M. Gordon, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge Ann C. Moorman, Judge David M. Rubin, Judge Kenneth K. So, Commissioner Rebecca Wightman, Ms. Nancy CS Eberhardt, Ms. Kimberly Flener, Ms. Rachel W. Hill, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, Mr. Michael M. Roddy, and Ms. Andrea K. Wallin-Rohmann

**Absent:** 2 - Senator Hannah-Beth Jackson, and Assembly Member Richard Bloom

#### **Call to Order**

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 3:40 pm. in the Judicial Council Board Room.

### **DISCUSSION AGENDA**

[19-023](#)

**Disaster Response in the Judicial Branch (No Action Required.  
There are no materials for this item.)**

**Summary:** Presentation on disaster response.

The presentation on disaster response in the judicial branch reviewed action taken during the recent wildfires emergencies in California. Ms. Melissa Fowler-Bradley, Court Executive Officer (CEO), Superior Court of Shasta County, reported on the Carr Fire which started in July 2018, burned 229,651 acres in Shasta County, and escalated into a fire whirl, sparking the Hirz and Delta fires which burned another 109,461 acres. During the court's closure for six days, the CEO was in daily contact with Judicial Council's Facilities Services and Executive Office, as well as other courts offering assistance. They utilized a mass notification system to keep court staff informed and stayed in constant touch with media to communicate with the public. Crucial to the success of reopening, staff reported back to work one-day in advance of the court's reopening to the public and a calendar that had doubled in size.

Ms. Kimberly Flener, Court Executive Officer, Superior Court of Butte reported on the Camp Fire, which affected the courthouses in the cities of Oroville and Chico. They used the Judicial Council's Continuity of Operations Plan (COOP) and notification system to communicate emergency order and court closures. Facilities Services responded to the air quality concerns with heating, ventilation, and air conditioning adjustments, air scrubbers, and masks for staff. During closures, video conferencing and video remote hearings assisted greatly with in-custody arraignments.

Mr. Mike Courtney, Facilities Services, reported on the State of California Emergency Plan, which describes how the state of California should respond to emergencies. It includes 18 emergency support functions, each assigned to a designated state agency who help support local government with resources, communications, and planning during response and recovery activities. During an emergency, the judicial branch is responsible for maintaining and preserving access to justice.

Mr. Charles Perkins, Legal Services, reported on Senate Bill 1208, approved by the governor on August 24, 2018, which allows statutory time periods to be extended for the fewest days necessary under the circumstances of an emergency. Legal services drafted a memo regarding emergency orders that includes checklists and other resources. The memo was distributed to Presiding Judges and CEOs and is included Emergency and Response resource page on the Judicial Resource Network.

## **Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 4:40 p.m.



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Tuesday, January 15, 2019

8:30 AM

San Francisco

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### OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

#### Attendance

##### Council Members

- Present:** 27 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Administrative Presiding Justice Brad R. Hill, Justice Harry E. Hull Jr., Justice Douglas P. Miller, Justice Marsha G. Slough, Presiding Judge C. Todd Bottke, Presiding Judge Gary Nadler, Judge Marla O. Anderson, Judge Paul A. Bacigalupo, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Samuel K. Feng, Judge Scott M. Gordon, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge Ann C. Moorman, Judge David M. Rubin, Judge Kenneth K. So, Commissioner Rebecca Wightman, Ms. Nancy CS Eberhardt, Ms. Kimberly Flener, Ms. Rachel W. Hill, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, Mr. Michael M. Roddy, and Ms. Andrea K. Wallin-Rohmann
- Absent:** 3 - Judge Jonathan B. Conklin, Senator Hannah-Beth Jackson, and Assembly Member Richard Bloom

#### Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 8:30 a.m. in the Judicial Council Board Room.

#### Public Comment

There were no requests to speak during the public comment period.

#### Approval of Minutes

[19-001](#)

##### **Minutes of November 29-30, 2018, Judicial Council meeting**

**A motion was made by Justice Chin, seconded by Judge Lyons, that the minutes be approved. The motion carried by a unanimous vote.**

## Chief Justice's Report

Chief Justice Tani G. Cantil-Sakauye summarized her activities and outreach on behalf of the branch since the last meeting in November. She administered and participated in several swearing-in ceremonies and the Governor's inauguration. She explained that the oath of office affirms what is integral to state and national ideals, and to rights, liberties, and freedoms. The obligation is to support and defend the Constitution of the United States and the Constitution of the State of California, and that it is not out of loyalty or sworn to any individual ideology or party. In 1789, the first law passed by the first session of the House of Representatives was to regulate the time and manner of administering certain oaths. The Chief noted that the oath requires the faithful discharge of duties in accordance with powers delegated by the Constitution, but it also limits authority. She stated that these checks and balances in the separation of power throughout the design of constitutional democracy also provide an opportunity for the three branches of government to work in harmony.

The Chief Justice administered the oath of office to Governor Gavin Newsom at his inauguration as the 40th governor of California. She commented that the Governor has carried his vision for "All in California" into his first budget proposal, demonstrating an awareness of the cost and funding issues facing the courts, and a desire to collaborate on effective and innovative solutions to the issues faced by Californians and the court system. The Chief Justice was invited by Senate President pro Tempore Tony Atkins to administer the oath of office to the new members of the California State Senate. She commented that with at least 145 court-related bills highlighted and summarized by the Judicial Council's Governmental Affairs office during the second year of the 2017-2018 legislative session, she anticipates a harmonious collaborative and cooperative relationship with sister branches of government in 2019.

Former Governor Jerry Brown administered the oath duties at the ceremony for Joshua P. Groban, who was sworn in as Associate Justice of the Supreme Court of California, where the entire Supreme Court and members of the judiciary, Judicial Council, and Legislature were in attendance. She noted that former Governor Brown was responsible for filling approximately 600 vacancies on the bench and staffing the most diverse bench the nation has ever seen. She added that the face of the courts is now more reflective of the people in the communities they serve and demonstrates an increased level of demographic, cultural, and life experience diversity in the courts. The Chief Justice explained that it is important to remember that diversity is not synonymous with differences, but does encompass shared differences and similarities with a commitment to fairness, equal access, and the rule of law. To encourage the diversity pipeline to the legal profession and ultimately to the bench, she continues to support bar associations and other legal organizations. She and Justice Chin attended the Italian American Lawyers Association Annual Supreme Court Night at the

Chancery Club of Los Angeles with many colleagues from bar associations and the Judicial Council, past and present.

## **Administrative Director's Report**

[19-002](#)

### **Administrative Director's Report**

Administrative Director Martin Hoshino reported on the council's activities since the last meeting. Thirteen advisory groups convened, and more than 12 live programs were held. Mr. Hoshino announced that the "Year in Review," a report recapping the activities of the Judicial Council for 2018, is available on the public website. The report highlights progress and challenges spearheaded by the council and the administration to address issues across many areas, including pretrial reform, language access, and civics education. A section, called "By the Numbers" includes examples of some of the services provided, both directly and indirectly, by the Judicial Council: 17 million visits were made to the online self-help center, which represents 30 percent of the total traffic to the California Courts website; jury payment checks increased by 243,000, which are issued by the council on behalf of all of the 58 trial courts; and under rule 10.500, almost 900 public access to administrative records requests were processed. The report demonstrates the broad scope of work that is ongoing by the council to benefit all of the people of California.

Mr. Hoshino commented that court construction is off to a rapid start. Four construction management contracts were awarded since the last meeting, in the superior courts located in the cities of Yreka, Sonora, Shasta, and El Centro, and are proceeding on schedule.

Mr. Hoshino highlighted several budget-related items on the consent agenda. Items include the allocation and adjustments related to the 1 percent cap on trial court fund balances, and the Equal Access Fund, civil counsel, and dependency programs. The council is also being asked to approve a new workload-based funding allocation methodology for Assembly Bill 1058 child support commissioner work, and to maintain the current methodology for the family law facilitator program until fiscal year 2021-22 to ensure that new workload information can be captured and incorporated into the existing model. These recommendations were submitted by the funding allocation joint subcommittee that was appointed to reconsider methodologies that were developed for both programs, dating back to 1997. The final item the Administrative Director highlighted from the consent agenda was a report and recommendation for the Trial Court Budget Advisory Committee to adopt, on an ongoing basis, changes to the court-appointed counsel funding methodology to address the unique circumstances in smaller, rural court settings. He stressed that it is an important consideration because the Governor's inclusion of \$20 million of funding for dependency counsel is proposed in the budget for the upcoming fiscal year.

Mr. Hoshino reported on legislative activity for 2019-2020. The Legislature reconvened for its regular business on January 7 and introduced about 200 bills for this session. The Judicial Council's Governmental Affairs office is currently tracking 40 of those court bills, ranging from pretrial risk assessment tools to gun violence restraining orders, human trafficking, and funding for six new superior court judgeships. Senator Hannah-Beth Jackson, he reported, will continue as the chair of the Judiciary Committee and member of the Judicial Council.

Lastly, Mr. Hoshino reported on the budget. He commented that the council has a good start on this budget process for the upcoming year in new money for key programs. The January 10 proposal concludes nine months of work from the Judicial Branch Budget Committee and other advisory bodies. The proposal allocates \$327 million in new General Fund dollars, which reflects a mix of new priorities from the Governor as well as the priorities of the council and judicial branch. He highlighted some broad themes demonstrating collective goals with the Governor's Office: a stable and sustainable funding model; backfilling policies for costs that can't be controlled under the current administration; modernizing operations in the form of case management systems and other pilot projects; and putting the public at the center of initiatives. Mr. Hoshino commented that there is acknowledgment and substantial investment in pretrial reform, regardless of what is occurring through Senate Bill 10 (pretrial reform), thus recognizing the amount of change over multiple years and expecting and investing in those changes.

## Judicial Council Committee Presentations

[19-003](#)

### Judicial Council Committee Reports

**Summary:** Executive and Planning Committee  
Policy Coordination and Liaison Committee  
Rules and Projects Committee  
Judicial Council Technology Committee  
Judicial Branch Budget Committee

#### Executive and Planning Committee

Justice Douglas M. Miller, chair of the Executive and Planning Committee (E&P), provided a summary of the activities of E&P since the November council meeting. He explained that E&P sets the agenda for the council meetings, oversees Judicial Council advisory committees, and reviews the nominations for all of the Judicial Council advisory committees before they are forwarded to the Chief Justice. One of their most important duties is to solicit and review nominations for Judicial Council members who are appointed by the Chief Justice. This includes all members except the two appointed by the Legislature, four by the State Bar, and the current president of the California Judges Association. When nominations are solicited, the Chief Justice

asks E&P to seek out justices, judges, and court executives with diversity in experience, expertise, ethnicity, and gender because she believes diversity begets empathy, critical thinking, and open-mindedness. Justice Miller explained that information on applications would soon be posted online, and encouraged those listening to consider applying.

#### **Policy Coordination and Liaison Committee**

Judge Kenneth K. So, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the Legislature reconvened on January 7 for the beginning of the 2019-2020 session; 387 bills have been introduced. The Legislature's deadline for introduction of bills is February 22. Fast and furious filing of bills is anticipated. Judge So thanked PCLC for always being prepared, on time, and very smart in their analysis of the bills.

#### **Rules and Projects Committee**

Judge Dalila Corral Lyons, vice-chair of the Rules and Projects Committee (RUPRO), reported that the committee met once and acted by e-mail since the November meeting. RUPRO considered a total of 12 proposals: nine of the proposals were recommended by advisory committees to circulate for comment during the winter comment cycle, which RUPRO approved. One item was a suggestion from a member of the public to amend rules 10.500 and 10.620 of the California Rules of Court on public access to judicial administrative records and administrative decisions of trial courts. She noted that RUPRO declined to pursue this suggestion.

#### **Judicial Council Technology Committee**

Justice Marsha G. Slough, chair of the Judicial Council Technology Committee (JCTC), reported that since November JCTC held one meeting. In addition, the Information Technology Advisory Committee (ITAC) met once to work on updating the Tactical Plan for Technology, which has been distributed for branchwide comment. The committee received a report on the work related to the 2019-2020 update for the Tactical Plan for Technology and a report regarding technology-related budget change proposals. Justice Slough congratulated ITAC's workstream for updating the tactical plan for 2019-2020. After branchwide comment has concluded, the plan will go out for public comment and then go before the council for a vote.

Justice Slough commented that the ITAC workstreams are fully engaged. Members include judicial officers, court executives, IT professionals, those in court operations, and Judicial Council staff. Participants are working together to develop solutions to effectively address statewide technology issues, consistent with the Access 3D initiative. Judicial branch technology is the infrastructure to help provide efficiencies within our courts to help all Californians access the judicial system.

**Judicial Branch Budget Committee**

Ms. Andrea K. Wallin-Rohmann, member of the Judicial Branch Budget Committee (JBBC), reported on the committee's activities since the last council meeting in November. She noted that JBBC takes a branchwide approach in its work, promoting the efficient, fiscally prudent, effective, and fair allocation of limited resources, which reflects the branch's overall statewide interests. The committee will meet after the conclusion of the Judicial Council meeting to discuss telephonic permit fees in civil cases and the Court Innovations Grant Program. In addition, they will hear an overview of the work of the Appellate Indigent Defense Oversight Advisory Committee. The educational session will provide information that will assist them when determining concepts to advance as budget change proposals for fiscal year 2020-21. Ms. Wallin-Rohmann mentioned that the quarterly report for the Court Innovations Grant Program, which helps vulnerable populations gain greater access to the courts, appears on the agenda as an informational item. The report summarizes the activities of the Judicial Council's court innovations core program during the first quarter of fiscal year 2018-19. The committee provided a few program highlights in the report including the implementation of videoconferencing in mental health hearings in the Superior Court of Sacramento County to minimize or eliminate the need to transport participants; the Sacramento court's ability to capture mental health data and, in the near future, generate reports to share with its justice partners, such as generating demographic information and case information; and the implementation of online payment plans in the Superior Court of Orange County's self-help portal.

**Judicial Council Members' Liaison Reports**[19-004](#)**Judicial Council Members' Liaison Reports**

**Summary:** Judicial Council members report on their visits to the superior courts.

Judge Paul A. Bacigalupo reported on his visit to the Superior Court of Santa Barbara County.

**CONSENT AGENDA****Approval of the Consent Agenda**

**A motion was made by Judge Boulware Eurie, seconded by Justice Chin, to approve all of the following items on the Consent Agenda. The motion carried by a unanimous vote.**

[19-005](#)**Trial Court Budget: Fiscal Year 2017-18 Final One-Time Reduction for Fund Balances Above the 1 Percent Cap (Action Required)**

**Summary:** Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Judicial Council staff recommend approving a final reduction allocation of \$1,737,127 related to the fund balance in fiscal year



2017-18 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A).

**Recommendation:** Judicial Council staff recommend that the Judicial Council adjust the preliminary 1 percent fund balance cap reduction allocation of \$2,005,414 approved by the council on September 21, 2018, by a net \$268,287, for a final reduction allocation of \$1,737,127, to match the trial courts' final calculations of the amount above the 1 percent fund balance cap.

### [19-025](#)

#### **Trial Court Budget: Correction to Fiscal Year 2018-19 Allocations from State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund (Action Required)**

**Summary:** At its business meeting on July 20, 2018, the Judicial Council approved \$2.0 billion in fiscal year 2018-19 allocations from the Trial Court Trust Fund. Although this dollar amount remains unchanged, corrections are required to accurately reflect the Trial Court Budget Advisory Committee's recommendation on allocations for the Children in Dependency Case Training, Sargent Shriver Civil Counsel Pilot Program, Equal Access Fund, and Court-Appointed Dependency Counsel Collections.

**Recommendation:** Judicial Council Budget Services staff recommend that the Judicial Council, effective January 15, 2019:

1. Recognize errors on lines 20-23 of Attachment A, as submitted and approved at the Judicial Council business meeting on July 20, 2018:
  - 20 Children in Dependency Case Training, \$500,000
  - 21 Sargent Shriver Civil Counsel Pilot Program, \$246,000
  - 22 Equal Access Fund, \$260,000
  - 23 Court-Appointed Dependency Counsel Collections, \$625,000
  
2. Approve corrections as noted on lines 21-24 of Attachment B, effective January 15, 2019:
  - 21 Sargent Shriver Civil Counsel Pilot Program, \$500,000
  - 22 Equal Access Fund, \$246,000
  - 23 Court-Appointed Dependency Counsel Collections, \$260,000
  - 24 Statewide Support for Collections Programs, \$625,000

### [19-011](#)

#### **Child Support: AB 1058 Child Support Commissioner and Family Law Facilitator Program Funding Allocation (Action Required)**

**Summary:** The AB 1058 Funding Allocation Joint Subcommittee recommends that the Judicial Council approve a new funding methodology that is workload-based for the AB 1058 child support commissioner program and maintain the current funding methodology for the family law facilitator program until FY 2021-22. The Judicial Council established the joint subcommittee in April 2015 to reconsider the

allocation methodology developed in 1997 for the Child Support Commissioner and Family Law Facilitator Program, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). In February 2016 the council reconstituted the joint subcommittee and directed it to develop a workload-based funding methodology to begin implementation for fiscal year (FY) 2018-19 but to delay making that recommendation until FY 2019-20 to incorporate the work on the Workload-Based Allocation and Funding Methodology completed in 2018 and to coordinate with the California Department of Child Support Services on their review of funding allocations for local child support agencies. The subcommittee recommends beginning to implement a workload-based funding methodology for child support commissioner funding while waiting to reallocate funds for Family Law Facilitators to ensure that new workload information can be incorporated into a model.

**Recommendation:** The AB 1058 Funding Allocation Joint Subcommittee recommends that the Judicial Council, effective January 16, 2019, take the following actions:

1. Approve a new funding methodology for the AB 1058 child support commissioner program base funding that is workload-based and employs the same workload and cost structures as the Workload-Based Allocation and Funding Methodology (WAFM) as described below and set forth in Attachment A.
2. Begin reallocating AB 1058 child support commissioner program base grant funds based on that methodology in FY 2019-20 as set forth in Attachment B and described below to ensure that funding changes are capped at 5 percent and smaller courts can continue to operate their programs.
3. Direct the Family and Juvenile Law Advisory Committee to review the implementation of the AB 1058 funding methodology, including its impact on the performance of the program as federally mandated.
4. Direct the Family and Juvenile Law Advisory Committee to make a recommendation for AB 1058 funding a minimum service level for smaller courts for FY 2021-22.
5. Continue reallocation of funds every two years beginning with FY 2021-22 considering the recommendations of the Family and Juvenile Law Advisory Committee as presented to the Trial Court Budget Advisory Committee (TCBAC).
6. Maintain the current funding methodology for the family law facilitator program until FY 2021-22.
7. Direct the Family and Juvenile Law Advisory Committee to gather information and make recommendations to TCBAC for FY 2021-22 on a funding methodology for family law facilitators.
8. Direct the Family and Juvenile Law Advisory Committee to make recommendations concerning allocation of federal title IV-D (of the Social Security Act) drawdown funds (to be matched by the trial courts) beginning in

FY 2019-20 that allocate each court its proportion of the total funds up to the amount the court requests and is prepared to match.

[19-013](#)**Juvenile Law: Court-Appointed Juvenile Dependency Counsel Funding Methodology for Small Courts (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends that the Judicial Council adopt, on an ongoing basis, changes to the court-appointed counsel funding methodology for small courts previously adopted in May 2017 and scheduled to sunset on June 30, 2019. The small courts faced many unique circumstances that necessitate continuation of an adjusting funding methodology. The proposed methodology suspends reallocation-related budget reductions for the courts with a child welfare caseload under 200, permits adjustment of the local economic index for all courts with a child welfare caseload under 400, adjusts funding allocations of the larger courts, and continues the \$100,000 funding reserve to assist small courts with the cost of sharp caseload increases.

**Recommendation:** The Trial Court Budget Advisory Committee (TCBAC) unanimously recommends that the Judicial Council adopt the modified funding methodology for small courts, approved by the council in May 2017 for fiscal years 2017-18 and 2018-19, as ongoing effective July 1, 2019.

[19-009](#)**Rules and Forms: Family Law Forms: Technical Changes (Action Required)**

**Summary:** Judicial Council staff have identified errors that are technical in nature in a Judicial Council protective order form. They recommend making the necessary corrections to avoid confusion for court staff, judicial officers, and members of the public who use the form.

**Recommendation:** Judicial Council staff recommend that the Judicial Council, effective January 22, 2019, revise *Order to Register Canadian Domestic Violence Protective/Restraining Order* (form DV-630) to:

1. Include the California Law Enforcement Telecommunications System (CLETS) entry code, CLETS-OSC, in the footer of each page;
2. Add “Approved by DOJ” in the footer of page 1; and
3. Add “Province,” “Country,” and “Postal Code” to items 1 and 2 on page 1 to be inclusive of Canadian address information.
4. Replace text above case number caption on page 1 (“*Fills in case number:*”) with “*Court fills in case number when form is filed.*”

[19-010](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)**

**Summary:** Judicial Council staff have identified errors in title 4 of the California Rules of Court and in the Judicial Council criminal forms resulting from typographical errors and changes resulting from legislation and previous rule amendments and

form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

**Recommendation:** Judicial Council staff recommend that the council, effective January 22, 2019:

1. Amend rule 4.551(a)(1) and (2), to replace references to form MC-275 with form HC-001, the updated form number for the *Petition for Writ of Habeas Corpus*.
2. Amend rule 4.700(a), to add a reference to Family Code section 6211 to the end of the subdivision (following the reference to Pen. Code, § 13700), in accordance with an addition to Penal Code section 136.2 made by Senate Bill 910 (Stats. 2014, ch. 638).
3. Revise *Criminal Protective Order-Domestic Violence* (form CR-160), item 11, to replace an outdated reference to Penal Code section 136.2(i)(2) with Penal Code section 136.2(i)(3), incorporating a renumbering change made by Assembly Bill 264 (Stats. 2017, ch. 270).
4. Revise *Notification of Decision Whether to Challenge Recommendation* (form CR-170), to correct a typographical error by replacing a reference in the footer to Penal Code section 2982.1 with Penal Code section 2972.1.
5. Revise *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184), items 5 and 6, to delete references limiting relief to felonies so that the order accurately reflects that relief under Penal Code section 1170.9(h) applies to both misdemeanor and felony convictions. Penal Code section 1170.9(h) authorizes a court to restore a defendant who acquired a criminal record due to a mental health disorder stemming from service in the United States military, including granting a dismissal of the conviction under Penal Code section 1203.4.
6. Revise *Declaration of Counsel for Appointment in Capital Case* (form CR-191), to replace an incorrect reference to Penal Code section 992 with California Rules of Court, rule 4.117, which defines the qualifications for appointed trial counsel in capital cases.
7. Revise *Proof of Enrollment or Completion-Alcohol or Drug Program* (form CR-220), to replace a reference to Vehicle Code section 23205 with Vehicle Code section 23655. Vehicle Code section 23205 was repealed and replaced by Vehicle Code section 23655 by Senate Bill 1186 (Stats. 1998, ch. 118).

## DISCUSSION AGENDA

### [19-012](#)

#### **Trial Court Budget: 2018-19 Allocation Methodology of New Judgeships (Action Required)**

**Summary:** The Budget Act of 2018 (Stats. 2018, ch. 29) provided ongoing funding to support two new judgeships in the Superior Court of Riverside County. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the 2018-19 funding allocation of \$1.896 million to the Superior Court of Riverside County for general trial court operations, as directed in provisional

language.

**Recommendation:** The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective January 15, 2019, approve \$1.896 million to be allocated to the Superior Court of Riverside County for general trial court operations in support of the two new judgeships provided in 2018-19.

**A motion was made by Presiding Judge Nadler, seconded by Judge Rubin, that this proposal be approved. The motion carried by a unanimous vote.**

#### [19-018](#)

#### **Language Access Plan: Language Access Subcommittee (Action Required)**

**Summary:** To strengthen the California judiciary's capacity to meet the needs of millions of people with limited English proficiency, the Judicial Council charged the Language Access Plan Implementation Task Force with implementing the *Strategic Plan for Language Access in the California Courts*. This report offers a brief description of progress to date on implementation of the plan and a summary of next steps to ensure its ongoing implementation. The report recommends that the council create a standing Language Access Subcommittee under the Advisory Committee on Providing Access and Fairness to help ensure that the remaining plan recommendations are implemented after the task force sunsets on March 1, 2019.

**Recommendation:** The Language Access Plan Implementation Task Force recommends that the Judicial Council, effective March 1, 2019, approve the formation of a standing Language Access Subcommittee under the Advisory Committee on Providing Access and Fairness.

**A motion was made by Justice Miller, seconded by Judge Lyons, that this proposal be approved. The motion carried by a unanimous vote.**

#### [19-024](#)

#### **Court Innovations Grant Program: Superior Court of San Bernardino County - Video-Conferencing Child Custody Recommending Counseling Project Presentation (No Action Required. There are no materials for this item.)**

**Summary:** The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Superior Court of California, County of San Bernardino will present and provide information related to the court's use of videoconferencing to facilitate Child Custody Recommending Counseling sessions.

#### [19-026](#)

#### **Department of Finance Presentation (No Action Required. There are no materials for this item.)**

Ms. Irena Asmundson, Chief Economist, California Department of Finance presented an economic forecast for the State of California. She discussed variables that contributed to past recessions and how those factors fit into future forecasts; such as: unemployment rates, residential construction and housing trends, commute times,

labor force and working age population, education rates, taxable sales, and annual revenue.

## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

### [19-015](#) **Court Security: Trial Court Screening Equipment Replacement for Fiscal Year 2017-18**

**Summary:** Each year, the Administrative Director approves the list of entrance screening equipment to be funded that year through the Screening Equipment Replacement Program, which provides funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. This report updates the council on the equipment that was replaced in fiscal year (FY) 2017-18 using that funding.

### [19-016](#) **Judicial Branch Budget: Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2018-19, Quarter 1**

**Summary:** This report summarizes Judicial Council Court Innovations Grant Program activity for the first quarter of fiscal year 2018-19.

### [19-017](#) **Trial Courts: Quarterly Investment Report for Third Quarter of 2018**

**Summary:** This *Trial Courts: Quarterly Investment Report for Third Quarter of 2018* covers the period of July 1, 2018, through September 30, 2018, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

### [19-014](#) **Report to the Legislature: Allocation of New Judgeships Funding in FY 2017-18**

**Summary:** The Budget Act of 2007 (Stats. 2007, ch. 171/172) requires that the Judicial Council report to the Legislature January 1 each year the allocation of funding for support of new judgeships authorized in 2007-08 until all judgeships are appointed and new staff hired. Judicial Council's Budget Services submitted the attached report, "Report on Allocation of Funding in 2017-18 for Support of New Judgeships Authorized in 2007-08" to the Legislature on January 1, 2019.

### [19-019](#) **Report to the Legislature: Report on California Rules of Court, rule 10.75 (Meetings of Advisory Bodies)**

**Summary:** The *Supplemental Report of the 2013 - 2014 Budget Package* requires that the Judicial Council report to the Joint Legislative Budget Committee on implementation of the open meetings rule, rule 10.75 of the California Rules of Court. Under subdivision (p) of the rule, the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. No amendments are

needed at this time.

[19-020](#)

**Report to the Legislature: Court Records: Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1-June 30, 2018)**

**Summary:** Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

[19-021](#)

**Report to the Legislature: Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for FY 2017-18**

**Summary:** Government Code sections 68502.5(b) and 77202.5(b) require the Judicial Council to report to the Legislature the following financial data from all fund sources, by individual trial court, with totals for all trial courts and each trial court: revenues; expenditures at the program, component, and object levels; and fund balances. The report must be submitted on or before December 31 following the close of each fiscal year. The Judicial Council's Budget Services office submitted the attached report, *Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for FY 2017-18*, to the Legislature on December 31, 2018.

[19-022](#)

**Report to the Legislature: Receipts and Expenditures from Local Courthouse Construction Funds**

**Summary:** Government Code section 70403(d) directs the Judicial Council to submit a report of all receipts and expenditures from the local courthouse construction funds to the budget and fiscal committees of the Legislature based on the information received from counties pursuant to this section on or before January 1 of each year. The *Receipts and Expenditures from Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* provides information for the reporting period of July 1, 2017, to June 30, 2018.

## Appointment Orders

[19-027](#)

**Appointment Orders since the last business meeting.**

## In Memoriam

The Chief Justice concluded the meeting with a remembrance of the following judicial colleagues recently deceased, honoring their service to their courts and to the cause of justice:

- Hon. Daniel Kaufmann (Ret.), Superior Court of California, County of Los Angeles
- Hon. Betty L. Lamoreaux (Ret.), Superior Court of California, County of Orange
- Hon. William A. Newsom (Ret.), Court of Appeal, First Appellate District, Division One
- Hon. Jacqueline Taber (Ret.), Superior Court of California, County of Alameda

**Adjournment (approx. 12:55 p.m.)**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:55 p.m.

*Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on March 15, 2019.*