



Judicial Council of California

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

Meeting Minutes

Judicial Council

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Friday, July 20, 2018

8:30 AM

San Francisco

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

Attendance

Council Members

- Present:** 27 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice Harry E. Hull Jr., Justice Douglas P. Miller, Justice Marsha G. Slough, Presiding Judge C. Todd Bottke, Presiding Judge Patricia M. Lucas, Presiding Judge Gary Nadler, Assistant Presiding Judge Kevin C. Brazile, Judge Marla O. Anderson, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Scott M. Gordon, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge Stuart M. Rice, Judge David M. Rubin, Judge Kenneth K. So, Commissioner Rebecca Wightman, Mr. Jake Chatters, Ms. Kimberly Flener, Mr. Michael M. Roddy, Ms. Andrea K. Wallin-Rohmann, Ms. Rachel W. Hill, Ms. Audra Ibarra, Mr. Patrick M. Kelly, and Ms. Gretchen Nelson
- Absent:** 4 - Justice James M. Humes, Judge Samuel K. Feng, Senator Hannah-Beth Jackson, and Assembly Member Richard Bloom

Others Present

Mr. Evan Catlapp, Mr. Chad Finke, Ms. Kaitlynn Kriger, and Mr. Mojtaba Mirzazadeh

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.

Opening Remarks

The Chief Justice welcomed faculty, new judges, and commissioners participating in the Judicial Council's New Judge Orientation program. She added that part of the program includes attending the opening segment of the Judicial Council business meeting. The Chief Justice introduced the program's faculty, who have volunteered their time to share their knowledge and experience, as well as the 14 judges and commissioners participating in the program.

The Chief Justice remarked that July 20 was the last business meeting for five of the

current Judicial Council members and acknowledged their service to the council and to the people of California:

- Administrative Presiding Justice James M. Humes, Court of Appeal, First Appellate District (San Francisco);
- Presiding Judge Patricia M. Lucas, Superior Court of Santa Clara County;
- Assistant Presiding Judge Kevin C. Brazile, Superior Court of Los Angeles County;
- Judge Stuart M. Rice, Superior Court of Los Angeles County, and outgoing president of the California Judges Association; and
- Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County.

The Chief Justice stated that the council was fortunate to have a wealth of talent and dedicated public servants within the California judicial branch who are willing to volunteer time and expertise to the cause of access to justice. The Chief Justice also recognized the newly appointed or reappointed council members whose terms begin on September 15:

- Administrative Presiding Justice Brad R. Hill, Court of Appeal, Fifth Appellate District (Fresno);
- Presiding Judge Ann C. Moorman, Superior Court of Mendocino County;
- Presiding Judge Gary Nadler, Superior Court of Sonoma County, and incoming chair of the Judicial Council's Trial Court Presiding Judges Advisory Committee;
- Judge Paul A. Bacigalupo, Superior Court of Los Angeles County, and incoming president of the California Judges Association;
- Judge Kyle S. Brodie, Superior Court of San Bernardino County;
- Judge Jonathan B. Conklin, Superior Court of Fresno County;
- Judge Samuel K. Feng, Superior Court of San Francisco County;
- Judge Scott M. Gordon, Superior Court of Los Angeles County;
- Ms. Nancy CS Eberhardt, Court Executive Officer, Superior Court of San Bernardino County;
- Ms. Kimberly Flener, Court Executive Officer, Superior Court of Butte County; and
- Mr. Patrick M. Kelly, State Bar of California appointee.

The Chief Justice expressed her gratitude to the judicial officers, court executives and staff, council staff and attorneys, and justice system partners who, with their dedication and perseverance, advocated for adequate funding for the judicial branch the last eight years. She highlighted the efforts of Administrative Director Martin Hoshino, who made the budgetary challenges of the branch a top priority and whose public service efforts and skill have led the branch to the very welcome 2018-19

State Budget.

Public Comment

Ms. Catherine Campbell, Mr. Scott Largent, Ms. Deborah Powers, Mr. Eric Scharfenberger, Ms. Fox Sloan, Ms. Connie Valentine, and Mr. Ghobad Zareh Sadeghi presented comments on general judicial administration.

Approval of Minutes

[18-102](#)

Minutes of the May 24, 2018, Judicial Council meeting

A motion was made by Judge Gordon, seconded by Justice Chin and Ms. Ibarra, that the minutes be approved. The motion carried by a unanimous vote.

Chief Justice's Report

The Chief Justice summarized her engagements and ongoing outreach activities on behalf of the judicial branch since the last council meeting in May.

At the Crest Theatre in Sacramento, the Women in California Leadership and the California Legislative Women's Caucus hosted a screening of the documentary "RBG," about U.S. Supreme Court Justice Ruth Bader Ginsburg and her public service career. The Chief Justice provided opening remarks for the event. Assembly Member Susan Talamantes Eggman (D-Stockton), Senator Connie Leyva (D-Chino), and leaders and staff from the three branches of government also attended the screening.

In Sonoma, the Chief Justice attended the Judicial Council's Juvenile Law Institute hosted by the Center for Judicial Education and Research. Juvenile court judicial officers and trial court attorneys attended the three-day program, which covered issues such as trauma and drug abuse, and shared best practices on evaluations and collaborative justice. She added that Judge Douglas Hatchimonji, Superior Court of Orange County, moderated a discussion on initiatives such as Keeping Kids in School and Out of Court and the Power of Democracy.

Also, in Sacramento, the California YMCA Youth & Government organized the 71st Youth Governor Inaugural Ball where the Chief Justice swore in the group's Youth Governor and Chief Justice. The program seeks to promote leadership skills, character, values, social responsibility, and civic engagement in California's teens. Sacramento Mayor Darrell Steinberg, Senator Henry Stern (D-Canoga Park), and Assembly Members Ken Cooley (D-Rancho Cordova), Ian Calderon (D-Whittier), and Evan Low (D-Campbell) also attended. The Chief Justice also participated in a Q&A session that included topics such as money bail, the importance of diversity, and how California's youth could contribute to the positive development of the state.

Administrative Director's Report

[18-103](#)

Administrative Director's Report

Mr. Martin Hoshino highlighted items from his written report and provided additional information. He stated that about 19 advisory groups met since the last reporting period. He added that more than 40 education programs and opportunities were offered in person and online, which included the Cow County Judges Institute, representing 36 counties, for judges handling multiple types of calendars within small counties in California.

Mr. Hoshino mentioned the mobile-friendly update for the California Courts website and reported that there are more than 1 million visits a month to the site. He emphasized the importance of meeting the public's expectations for easily navigating the site to obtain the information they need. Mr. Hoshino shared some of the trends related to the usage of the website and noted that overall desktop access to this website has been dropping dramatically while mobile use has been increasing year over year. In 2012, 86% of the visits accessed the website via desktop, 10% on mobile, and 3% on a tablet. Currently, 53% of the visits accessed the website via desktop, 42% on mobile, and less than 4% on a tablet. Mr. Hoshino reported that the update also included a redesign of the homepage, the self-help section, the access to local court websites, and the section on judicial branch policy administration, which is the business of the council.

Mr. Hoshino provided background on the use of leveraged purchase agreements, especially in technology. He commented that such an agreement will be used for a new e-signature product that will be available to all courts. He defined leveraged purchase agreements as bulk purchasing that leverages the branch's buying power and added that the Judicial Council manages 53 such agreements, ranging from technology and maintenance services to banking, security, and office supplies.

Mr. Hoshino reported that there have been 36 judicial appointments since the May meeting. As a result, there will be high participation at the judicial college and the New Judge Orientation, he noted.

Lastly, Mr. Hoshino thanked the Chief Justice for her kinds words recognizing his efforts on the state budget, but also wanted to commend the team within the "judicial family" for their assistance throughout the budget process. Regarding the budget, he reminded the council that the next steps include making allocation recommendations for fiscal year 2018-19 and preparing budget change proposals for 2019-20. Mr. Hoshino added that work will continue on trailer bill language associated with the budget just completed. He commented that the Legislature will return shortly to end its

session. Judicial Council staff will monitor any notable bills that might have impact or relevance to the work of the judicial branch, in addition to any voter initiatives within the general election season.

Judicial Council Committee Presentations

[18-104](#)

Judicial Council Committee Reports

Summary: Executive and Planning Committee
Hon. Douglas P. Miller, Chair
Policy Coordination and Liaison Committee
Hon. Kenneth K. So, Chair
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
Judicial Council Technology Committee
Hon. Marsha G. Slough, Chair
Judicial Branch Budget Committee
Hon. David M. Rubin, Chair

Executive and Planning Committee

Justice Douglas P. Miller, chair of the Executive and Planning Committee (E&P), announced this year's honorees for the Distinguished Service Award, which is the Judicial Council's highest honor. The award recognizes individuals or organizations for their extraordinary dedication, outstanding leadership, and significant contributions to advancing the council's strategic goals, he noted. Justice Miller added that this is the 25th anniversary of the awards program. Almost two dozen nominations were received and included candidates from 12 counties across the state. He reported that the process includes the nominations being reviewed and vetted by the council's five internal committee chairs and recommendations were forwarded to the Chief Justice.

This year's award recipients include:

- Judge Donna Groman, Superior Court of Los Angeles County, for her leadership in decriminalizing school discipline to keep students in school and out of the juvenile justice system while overseeing the largest juvenile justice court in the United States;
- Mr. Richard D. Feldstein, Court Executive Officer, Superior Court of Napa County, for his nearly three decades in public service to the judicial branch and leading the Napa County court through the 2014 earthquake and last year's wildfire; and
- Mr. Steve Binder, retired San Diego deputy public defender, who founded the nation's first homeless court in San Diego, which has since become a blueprint for similar programs in 70 cities nationwide.

Justice Miller noted that we will learn more about the recipients during the council's awards program on September 20 in San Francisco.

Policy Coordination and Liaison Committee

Judge Kenneth K. So, chair of the Policy Coordination and Liaison Committee, reported that the committee met four times since the last meeting and has taken positions on six pieces of legislation. On May 31, the committee took a support position on Assembly Bill 2664, and a no position on AB 2531, both dealing with court reporters. The committee also adopted an oppose unless amended position on Senate Bill 1129, which relates to spousal support awards dealing with convictions for acts of domestic violence. During the June meetings, the committee took support positions on both SB 1187, dealing with competency to stand trial, and AB 1531, relating to court fees. He added that seven of the Judicial Council-sponsored proposals continue to move through the legislative process. The Legislature will return from summer recess on August 6 and the last day for each house to pass bills is August 31, he reported. The Governor will have until September 30 to sign or veto these bills. Judge So noted that the committee will meet several times to address the last-minute amendments to these bills.

Rules and Projects Committee

Justice Harry E. Hull, Jr., chair of the Rules and Projects Committee, reported that the committee met once since the council meeting in May. On July 2, the committee met to consider two proposals from the Proposition 66 Rules Working Group to seek permission to circulate those proposals for comment on special cycles and one other proposal that had circulated for comment. Justice Hull reminded the council that after Proposition 66, the death penalty initiative was largely affirmed by the Supreme Court last fall. The initiative gave the Judicial Council responsibility for putting rules in place to carry the law forward. At that time, the Chief formed a Proposition 66 Rules Working Group chaired by Presiding Justice Dennis Perluss. All rules must be in place by next April, he noted. Therefore, instead of presenting all the rules at once, certain issues may be presented earlier. For example, the two Proposition 66 proposals discussed during the July 2 meeting have gone out for comment, he reported, and will be presented to the council during the September or November business meeting. Lastly, Justice Hull noted that the committee recommends approval of item 18-114 on the July 20 consent agenda.

Judicial Council Technology Committee

Presiding Judge Gary Nadler, the Judicial Council Technology Committee (JCTC) vice-chair, reported on the activities of JCTC since the May meeting. He reported that the committee met twice by telephone. Additionally, the Information Technology Advisory Committee (ITAC) and Strategic Plan Update Workstream also met twice since the last reporting period.

Presiding Judge Nadler reported that during the June 11 meeting, JCTC received a proposal to use funding approved by the Judicial Council in support of the V3 case management system. The funding was for the V3 courts--Orange, Sacramento, San Diego, and Ventura--to finish the transition off of the V3 legacy system. He added that the proposal was also approved by the Trial Court Budget Advisory Committee in May. Presiding Judge Nadler noted that the request is not for additional funding, but rather to use the preapproved funding amount for an additional year. The committee voted in favor of the proposal, which would be reviewed during the July 20 Judicial Council meeting. Presiding Judge Nadler reported that JCTC also received and considered a report on the Judicial Branch Budget Committee's prioritization of the budget change proposal concepts across all programs for fiscal year 2019-20 funding, which will also be considered during the July 20 business meeting.

At the July 9 meeting, JCTC received reports on four separate rules proposals related to technology from ITAC. Three were action items with two being a part of the rules modernization project and the other related to providing remote access to court records. The proposals were circulated for public comment, which ITAC approved during the July 2 meeting. The committee reviewed these rules and forms proposals and approved them for recommendation to the council. The fourth rule was received as an information item and JCTC discussed proposed rule amendments that would establish procedures for handling sealed and confidential materials submitted electronically in the Court of Appeal. The proposal was circulated for public comment; however, Presiding Judge Nadler noted that the committee would wait to act until ITAC and the Appellate Advisory Committee take action in the coming weeks. Finally, JCTC also received status updates on the Sustain Justice Edition and V3 case management system projects.

Presiding Judge Nadler reported that ITAC met on June 22 and received updates on the State Budget, the ability-to-pay tool program, and the SB 384 sex offender registry and conducted a brainstorming session on a branch IT technical symposium. He added that requests were sent to the courts for volunteers to participate in the expansion of the Identity and Access Management Strategy workstream, the Data Analytics Workstream, and teams to address the Futures Commission's directives related to intelligent chat and remote video appearances. Additionally, the Tactical Plan Update Workstream launched during this reporting period.

Presiding Judge Nadler commented that the Strategic Plan Update Workstream continued to make progress toward developing an updated strategic plan. The team met on June 21 and July 13 by teleconference, where they examined and made proposed revisions to four overarching technology strategic goals. The goals represent the vision looking forward and incorporate technology directives of the Futures Commission report.

Judicial Branch Budget Committee

Judge David M. Rubin, chair of the Judicial Branch Budget Committee (JBBC), reported on the activities of the JBBC since the May meeting. Judge Rubin explained the committee's charge, which is to administer the \$10 million branch emergency fund, to coordinate budget change proposal requests before they go to the Department of Finance, and to administer the \$25 million Court Innovations Grant Program, as well as any other budget tasks assigned to the committee.

Judge Rubin reported that the committee met twice since the last council meeting--once via teleconference and the other in person. During the July 18 in-person meeting, the committee held an education session in which they received a presentation on the Court Appointed Special Advocates (CASA) program. The presenters were Ms. Sharon Lawrence, chief executive officer of the statewide CASA program, and Judge Carol Isaacson, a retired dependency judge from the Superior Court of San Diego County. Judge Rubin commented that CASA volunteers provide significant information to the courts about the children in their care. Ms. Lawrence and Judge Isaacson gave the committee insight on CASA's work and the difference that it can make in the lives of California's 61,000 children in foster care.

During the June 22 conference call, the JBBC reviewed and voted on requests for three Court Innovations Grant projects asking for additional grant funding. Judge Rubin noted that when the program started, a contingency fund was set up just in case. Additional grant funding was awarded to the Superior Court of Merced County for the video conference hearing project and to the Superior Court of San Bernardino County for two projects--the remote video proceeding project and the customer relationship management portal.

Also during the July 18 meeting, Judge Rubin noted that the committee reviewed and approved two requests: an increase in award to the Superior Court of San Diego County's Access to Information Made Simple project and a request to shift between budget categories for the Superior Court of Humboldt County's interactive video conferencing project. The committee also received an update from staff on general Court Innovations Grant Program activities and discussed the contingency fund balance, status, and the need to maximize its use over the remaining time of the program.

Lastly, he reported that E&P referred issues to the JBBC regarding costs and fees that are part of the 2018-22 statewide master agreement on court telephone appearance services. JBBC established an ad hoc subcommittee to work on this and will report to the council with recommendations later this year.

Judicial Council Members' Liaison Reports

[18-105](#) **Judicial Council Members' Liaison Reports**

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

Assistant Presiding Judge Kevin C. Brazile reported on his visit to the Superior Court of San Luis Obispo County.

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Presiding Judge Bottke, seconded by Presiding Judge Nadler and Mr. Kelly, to approve all of the following items on the Consent Agenda. The motion carried by a unanimous vote.

[18-096](#) **Criminal Law: Judicial Council Appointment to Board of State and Community Corrections (Action Required)**

Summary: The Executive and Planning Committee recommends that the Judicial Council appoint Judge Gordon S. Baranco (Ret.) to the Board of State and Community Corrections (BSCC). The BSCC is an independent statutory agency that provides leadership to the adult and juvenile criminal justice systems, and expertise on public safety realignment issues. The BSCC is composed of 13 members, including a judge appointed by the Judicial Council.

Recommendation: The Executive and Planning Committee recommends that the Judicial Council, effective July 20, 2018, appoint Judge Gordon S. Baranco (Ret.) to the Board of State and Community Corrections for a term ending July 1, 2021.

[18-106](#) **Judicial Branch Administration: Judicial Branch Contracting Manual (Action Required)**

Summary: The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends revising the *Judicial Branch Contracting Manual*. The proposed revisions are necessary to address recommendations from the California State Auditor, and to address recent revisions in the *State Contracting Manual*. The committee also recommends some additional revisions, including edits to provisions on electronic signatures, that would make the manual more effective and workable for judicial branch entities in their procurement and contracting activities.

Recommendation: The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends that the Judicial Council, effective August 1, 2018, revise the *Judicial Branch Contracting Manual*. A copy of the revised chapters of the manual showing the recommended revisions in track changes is attached to this report as Attachment A.

[18-113](#) **Trial Court Budget: Trial Court Trust Fund Funds Held on**

Behalf of the Trial Courts (Action Required)

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve three new requests and two amended requests for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, a court may request that funding reduced as a result of a court exceeding its 1 percent fund balance cap be retained in the TCTF for the benefit of that court.

Recommendation: Based on actions taken at its June 4, 2018, meeting, the Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council, effective July 20, 2018:

Approve the following, new requests totaling \$862,192 (Attachment A):

1. \$800,000 request of the Superior Court of Alameda County (Attachment C);
2. \$53,151 request of the Superior Court of Butte County (Attachment D); and
3. \$9,041 request of the Superior Court of Sutter County (Attachment E).

Approve the following, amended fiscal year requests (Attachment B):

4. Request of the Superior Court of Butte County to amend the fiscal year to expend the remaining \$5,546 from 2017-18 to 2018-19 (Attachment F).
5. Request of the Superior Court of Kern County to amend the fiscal year to expend \$677,378 from 2017-18 to 2018-19 (Attachment G).

18-114**Court Administration: Judicial Sabbaticals (Action Required)**

Summary: Judicial sabbaticals are addressed in the Government Code and the California Rules of Court. Current law and practices provide for only unpaid sabbaticals on approval of the Judicial Council. Rule 10.502 of the California Rules of Court includes provisions that are inconsistent with current law and practices. The Executive and Planning Committee recommends amending rule 10.502 to make it consistent with current law and practices and to eliminate outdated provisions on paid sabbaticals and the role of the Judicial Sabbatical Review Committee.

Recommendation: The Executive and Planning Committee recommends that the Judicial Council, effective July 23, 2018, amend rule 10.502 to:

- Eliminate the reference to Government Code section 77213 in subdivision (b) and cross references elsewhere in the rule to the requirements of section 77213;
- Align the rule's language on the purpose of a sabbatical with that in section 68554;
- Eliminate the reference to the Judicial Sabbatical Review Committee and authorize the council's Executive and Planning Committee to evaluate and make recommendations to the council on judicial sabbatical applications; and

- Make stylistic changes and change the order of subdivisions (h) and (i).

[18-117](#)**Trial Court Budget: Fiscal Year 2018-19 Allocation of Court-Appointed Juvenile Dependency Counsel Funding (Action Required)**

Summary: The Trial Court Budget Advisory Committee (TCBAC) recommends allocation of \$136.7 million for fiscal year (FY) 2018-19, from the ongoing Trial Court Trust Fund to the trial courts for court-appointed juvenile dependency counsel. The proposed allocation for FY 2018-19 was reviewed and approved by TCBAC at its May 31, 2018 meeting. The recommended allocation for FY 2018-19 represents the final year of a four-year reallocation process approved by the Judicial Council in April 2015.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council allocate \$136.7 million to the trial courts for court-appointed juvenile dependency counsel costs, effective July 1, 2018. The FY 2018-19 allocation was prepared using the methodology specified by the Judicial Council and applied in Attachment A.

[18-118](#)**Judicial Council Budget: Court Appointed Special Advocate Funding Methodology and FY 2018-19 Allocations (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends approving a revised allocation methodology for Court Appointed Special Advocate (CASA) local assistance funding beginning in fiscal year (FY) 2018-19. The committee also recommends applying the revised methodology for allocations beginning in FY 2018-19. The revised allocation methodology would provide all CASA programs with a larger percentage of funds as baseline funding and, for those programs that are eligible, a growth incentive. The state judicial budget for Judicial Council CASA Grants for FY 2018-19 is \$2.213 million. The allocations would fund 45 CASA programs serving 51 counties.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 20, 2018:

1. Approve a revised allocation methodology for Court Appointed Special Advocate local assistance funding and apply the revised methodology to funding allocations beginning in FY 2018-19.
2. Approve the allocations applying the revised methodology as shown on Attachment A.

DISCUSSION AGENDA

[18-112](#)

Trial Court Budget: 2018-19 Allocations from State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund (Action Required)

Summary: The Trial Court Budget Advisory Committee and the Judicial Council Technology Committee recommend that the Judicial Council approve an extension of the case management system V3 funding sunset to June 30, 2020. The Trial Court Budget Advisory Committee also recommends that the Judicial Council approve 2018-19 allocations from the State Trial Court Improvement and Modernization Fund for the Judicial Council in the amount of \$57,137,276, approve 2018-19 allocations from the Trial Court Trust Fund in the amount of \$2.0 billion, and approve a 2018-19 allocation from the General Fund in the amount of \$68.8 million. This recommendation is for approval to allocate; court-specific allocations are provided in *Trial Court Budget: 2018-19 Trial Court Base Allocations*, a report to the Judicial Council for the July 19-20, 2018 business meeting.

Speakers: Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Budget Services

Recommendation:

1. The Trial Court Budget Advisory Committee (TCBAC) and the Judicial Council Technology Committee unanimously recommend that the Judicial Council approve extending the use of case management system (CMS) V3 funding through June 30, 2020.
2. The TCBAC unanimously recommends that the Judicial Council adopt the following allocation recommendations:
 - a. Approve a total of \$57,137,276 in allocations for 2018-19 from the State Trial Court Improvement and Modernization Fund (IMF) for discretionary and nondiscretionary programs.
 - b. Approve \$2.0 billion in preliminary allocations for 2018-19 from the Trial Court Trust Fund (TCTF) and \$68.8 million in General Fund allocations for employee benefits.

A motion was made by Justice Chin and Presiding Judge Nadler, seconded by Judge Hopp, that this proposal be approved. The motion carried by a unanimous vote.

[18-116](#)

Trial Court Budget: 2018-19 Trial Court Base Allocations (Action Required)

Summary: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve \$1.940 billion in trial court base allocations. Government Code section 68502.5(c)(2)(A) requires the Judicial Council to make a preliminary allocation for the trial courts in July of each fiscal year and a final allocation in January. The recommended allocations include \$47.8 million in new funding for courts below the average statewide funding ratio, \$19.1 million in new self-help funding, and \$23.8 million for employee benefits.

Speakers: Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Budget Services
Ms. Lucy Fogarty, Budget Services

Recommendation: The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective July 20, 2018:

1. Approve option 1 as the methodology for allocation of the \$47.8 million intended to equalize funding among courts by bringing courts up to the statewide average funding level;
2. Approve 2018-19 self-help funding allocations based on updated population data;
3. Approve the 2018-19 Workload-Based Allocation and Funding Methodology (WAFM) allocation of \$1.835 billion; and
4. Approve other 2018-19 allocations of \$105.0 million.

A motion was made by Mr. Kelly, seconded by Commissioner Wightman, that this proposal be approved. The motion carried by a unanimous vote.

Additionally, the committee solicited comments related to the pending allocation of the \$75.0 million in the Budget Act of 2018. The committee will meet on July 31 to make its final recommendation on the allocation.

[18-110](#)

Judicial Branch Budget: 2019-20 Budget Change Proposals for Supreme Court, Courts of Appeal, Judicial Council, Judicial Branch Facilities Program, Trial Courts, and Habeas Corpus Resource Center (Action Required)

Summary: The Judicial Branch Budget Committee (JBBC) unanimously recommends approval of submission of 2019-20 budget change proposals (BCPs), in prioritized order, to the State Department of Finance. This recommendation is consistent with the purpose of the JBBC to assist the Judicial Council in exercising its duties under rule 10.101 of the California Rules of Court with respect to the judicial branch budget. To make advocacy efforts as successful as possible, the JBBC further recommends delegating authority to the Administrative Director to make technical changes to any BCP as necessary.

Speakers: Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Mr. Zlatko Theodorovic, Budget Services

Recommendation: The Judicial Branch Budget Committee recommends, effective July 20, 2018, that the Judicial Council approve the following 2019-20 BCPs, in the priority order shown, for submission to the State Department of Finance on September 4, 2018. In addition, the committee recommends that the Judicial Council delegate authority to the Administrative Director to make technical changes to BCPs as necessary to make advocacy efforts as successful as possible.

1. Case Management System (CMS) Replacements for Trial Court - Phase III - \$33.1 million
2. Implementation of Phoenix Roadmap - Cloud Migration, Technical Upgrade and Functional Improvements, and Phoenix HR Payroll Deployments - \$9.9

million

3. New Judgeships (AB 159) and Appellate Court Justices - \$18.7 million
4. Trial Court Facility Operations and Maintenance - \$31.4 million
5. Judicial Branch Business Intelligence and Data Analytics, using Identity Management for Data Sharing - \$5.9 million
6. Civil Adjudication of Minor Traffic Infractions and its Impact on Civil Assessment Revenue - TBD
7. Statewide Trial Court Security Systems and Equipment - Maintenance and Replacement - \$6.0 million
8. Digitizing Documents for the Superior and Appellate Courts - Phase I - \$5.8 million
9. Increasing Energy Efficiency in the Judicial Branch - \$30.8 million
10. Judicial Branch Litigation Management Program - \$5.8 million
11. Appellate Court Facility Maintenance Program - \$1.3 million
12. Appellate Court Security - \$1.2 million
13. Trial Court Capital Outlay Plan - \$5.0 million
14. Futures Commission Directives for the Expansion of Technology in the Courts - \$1.2 million
15. Continuing the Implementation of the *Strategic Plan for Language Access in the California Courts* - \$13.7 million

A motion was made by Mr. Chatters, seconded by Judge Rice, that this proposal be approved as amended to insert after priority number 4, priority number 5: Funding for Verbatim Records/Court Reporters in Cases with a Fee Waiver. This brings the total to 16 BCPs on the priority list. The motion carried by a unanimous vote.

Appointment Orders

[18-121](#)

Appointment orders since the last 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. Jay R. Ballantyne (Ret.), Court of Appeal, Fifth Appellate District
- Hon. Federico Castro (Ret.), Superior Court of California, County of San Diego
- Hon. Robert D. Chapman (Ret.), Superior Court of California, County of Santa Clara
- Hon. Paul Egly (Ret.), Superior Court of California, County of Los Angeles
- Hon. Don F. Howard (Ret.), Superior Court of California, County of Amador
- Hon. Richard G. Kolostian (Ret.), Superior Court of California, County of

Los Angeles

- Hon. Steven D. Ogden (Ret.), Superior Court of California, County of Los Angeles
- Hon. J. B. Phelps (Ret.), Superior Court of California, County of Santa Clara
- Hon. Donald F. Pitts (Ret.), Superior Court of California, County of Los Angeles
- Hon. John H. Sandoz (Ret.), Superior Court of California, County of Los Angeles
- Hon. Jacqueline L. Weisberg (Ret.), Superior Court of California, County of Los Angeles

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 10:55 a.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on September 20, 2018.