



Judicial Council of California

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

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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Friday, September 21, 2018

8:30 AM

San Francisco

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

Session 8:30–9:15 a.m.

Transitional Break 9:15–9:25 a.m.

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

Session 9:25 a.m. – 1:00 p.m.

Call to Order

PUBLIC COMMENT

30 minutes

The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council's understanding of the issues coming before it.

For more information about meeting attendance and public comment procedures:

<http://www.courts.ca.gov/28045.htm>

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, September 18.
- 2) Submit written comments for this meeting by 2:00 p.m. on Wednesday, September 19.

Contact information for advance requests to speak, written comments, and questions:

judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

Judicial Council of California

455 Golden Gate Avenue

San Francisco, California 94102-3688

Attention: Josely Yangco-Fronza

Approval of Minutes

[18-122](#)

Minutes of the July 20, 2018, Judicial Council meeting

Chief Justice's Report

10 minutes

Administrative Director's Report

[18-124](#)

Administrative Director's Report

10 minutes

Judicial Council Committee Presentations

[18-125](#)

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

30 minutes

CONSENT AGENDA

[18-127](#)

**Appellate Procedure: Finality of Appellate Division Decisions
(Action Required)**

Summary:

The Appellate Advisory Committee recommends amending several California Rules of Court relating to the finality of appellate division decisions. The amendments would require court clerks to send appellate division decisions to the parties on the same day they are filed and tether the date of finality of appellate division decisions to the date they are sent, rather than the date they are filed.

[18-128](#)**Appellate Procedure: Settled Statements in Unlimited Civil Cases (Action Required)****Summary:**

To facilitate use of the settled statement procedure in unlimited civil cases, the Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommend adopting new forms and revising existing forms for litigants and courts to use in preparing and certifying settled statements. This proposal is based on comments received last year in response to the Appellate Advisory Committee's invitation to comment on proposed changes to the settled statement rule and forms.

[18-129](#)**Appellate Procedure: Notice of Appeal and Record on Appeal in Appellate Division Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends revising several notice of appeal forms and record election forms used in appellate division matters. The revisions provide more complete and accurate information, make corrections, and clarify various items.

[18-130](#)**Rules Modernization: Electronic Sealed and Confidential Records and Lodged Records in the Court of Appeal (Action Required)****Summary:**

The Appellate Advisory Committee and the Information Technology Advisory Committee recommend amending the rules that establish procedures for handling sealed and confidential materials to address records submitted electronically in the Court of Appeal. The proposed amendments encompass the court's return of lodged electronic records submitted in connection with a motion to seal that is denied. The proposal would (1) harmonize the appellate rules with parallel trial court rules governing sealed records, (2) make these appellate rules internally consistent, and (3) address the transmission and handling of records in a proceeding challenging a trial court's order denying a motion to seal.

[18-131](#)**Rules and Forms: Confidential Information Form Under Civil Code Section 1708.85 (form MC-125) (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revisions to the *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125). This form is used by parties in cases filed under Civil Code section 1708.85, which provides a private cause of action for wrongful distribution of sexually explicit material, to file any material or information that the statute mandates be kept confidential and not included in the public files. The recommended revisions are intended to reflect amendments to Civil Code section 1708.5 that took effect January 1, 2018.

[18-133](#)**Criminal Procedure: Determination of Probable Cause Under Penal Code Section 1368.1(a)(2) (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends that the Judicial Council adopt rule 4.131 of the California Rules of Court to implement recent legislation which allows a prosecuting attorney to request a probable cause determination for a

defendant who is incompetent to stand trial in order to meet criteria needed to establish a conservatorship over a defendant. The new rule would establish procedures for these determinations of probable cause.

[18-134](#)**Criminal Justice Realignment: Petition and Order for Dismissal (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revisions to two Judicial Council forms in response to recent legislation that authorizes dismissal relief for defendants sentenced to state prison for a felony that, if committed after the 2011 Realignment Legislation, would have been eligible for sentencing to a county jail under Penal Code section 1170(h)(5). The proposed revisions would incorporate the new statutory basis for relief on both forms.

[18-135](#)**Criminal Procedure: Dismissal of Penal Code Section 647f Convictions (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends approving two new optional forms in response to recent legislation that invalidates convictions for violations of Penal Code section 647f (felony prostitution) and outlines a petition and application process for the dismissal of section 647f convictions. The proposed forms incorporate the new statutory basis for resentencing and dismissal relief.

[18-136](#)**Criminal Procedure: Petition to Seal Arrest and Related Records (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends the Judicial Council approve three new optional forms, including an information sheet, in response to recent legislation that added section 851.91 to the Penal Code. (Sen. Bill 239; Stats. 2017, ch. 537). Section 851.91 outlines the procedure for an individual who suffered an arrest that did not lead to a conviction to file a petition to have the arrest and related records sealed. Penal Code section 851.91(b)(3) directs the Judicial Council to develop forms to incorporate the new statutory basis for resentencing and dismissal relief. Since a significant number of petitioners are likely to be self-represented, the forms strive to use plain language (also known as “plain English”) so that users can readily understand the forms on their first reading.

[18-137](#)**Criminal Procedure: Petition for Writ of Habeas Corpus (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revising the Judicial Council form used by noncapital petitioners to petition for a writ of habeas corpus to update the form’s instructions on filing in the Supreme Court and Court of Appeal to reflect amendments to the appellate rules; replace or add authority that is more recent or more on point for the propositions they support; add language relevant to successive petitions and repetitive claims to include the court in which the petition is filed; and add citations as authority for the procedural bars of successiveness and repetitiveness.

[18-139](#)**Rules and Forms: Civil Form for Gender Discrimination Notice (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee proposes adopting a new form to comply with legislation requiring the Judicial Council to adopt, no later than January 1, 2019, a written advisory notice to be used by a plaintiff's attorney with each demand letter or complaint alleging gender discrimination in pricing. Assembly Bill 1615 (Stats. 2017, ch. 156) added the Small Business Gender Discrimination in Services Compliance Act to division 1 of the Civil Code. It defines a "gender discrimination in pricing services claim" as a civil claim based on an alleged price difference in similar services charged to a person because of the person's gender. Among its provisions is Civil Code section 55.62, which requires the Judicial Council to adopt a written advisory notice to be used by a plaintiff's attorney to comply with that statute's provisions, including the requirement that a notice accompany each demand letter or complaint. The text of the notice is set out in Civil Code section 55.62(c).

[18-140](#)**Civil Practice and Procedure: Review of Denial of Request to Remove Name From Shared Gang Database (Action Required)****Summary:**

Recent legislation amended statutes relating to criminal gang databases and the process that authorizes challenges to a law enforcement agency's inclusion of a person in a shared gang database. The Civil and Small Claims Advisory Committee proposes amending the rule of court and revising the Judicial Council form that address a petition for a superior court to review a law enforcement agency's denial of a request for removal from a shared gang database to reflect this legislation.

[18-141](#)**Rules and Forms: Electronic Filing and Service (Action Required)****Summary:**

The Information Technology Advisory Committee recommends amending several rules related to electronic service and electronic filing. The purpose of the proposal is to conform the California Rules of Court to the Code of Civil Procedure, clarify and remove redundancies in rule definitions, and ensure indigent filers are not required to have a payment mechanism to create an account with electronic filing service providers.

[18-142](#)**Rules and Forms: Form for Withdrawal of Consent to Electronic Service (Action Required)****Summary:**

The Information Technology Advisory Committee and Civil and Small Claims Advisory Committee recommend adopting a new form for withdrawal of consent to electronic service. The purpose of the proposal is to comply with Code of Civil Procedure section 1010.6(a)(6), which requires the Judicial Council to create such a form by January 1, 2019.

[18-143](#)**Juvenile Law: Decriminalization of Penal Code section 647f
(Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes approving two new forms to comply with Senate Bill 239, which requires the Judicial Council to promulgate forms to implement the legislation that repeals Penal Code section 647f and vacates convictions that were based on that code section. The proposed forms would allow those who are eligible for relief to request that their Penal Code 647f convictions be vacated and dismissed and that they be resentenced, if appropriate.

[18-144](#)**Trial Court Budget: Self-Help Funding, Allocation Methodology
for 2019-20 and Ongoing (Action Required)****Summary:**

The Trial Court Budget Advisory recommends that the Judicial Council adopt new policy recommendations for self-help funding allocated to trial courts effective for fiscal year 2019-20 allocations and ongoing: (1) adopt a three-year population update schedule using rolling three-year average census data; (2) provide annual population updates to trial courts using rolling three-year average data for informational purposes only; and (3) maintain the current self-help allocation baseline of \$34,000 per court and revisit in 2021 after the November 30, 2020 report to the Legislature. These recommendations will ensure that resources are allocated effectively and will provide adequate notice to courts so they can plan for funding changes.

[18-145](#)**Rules and Forms: Declarations of Demurring or Moving Party
Regarding Meet and Confer (Action Required)****Summary:**

Recent legislation added to and amended the Code of Civil Procedure to require a meet-and-confer session before a party can file a motion to strike a pleading or a motion for judgment on the pleadings, and to provide for an extension of time if the parties are unable to meet and confer within the time allowed. The Civil and Small Claims Advisory Committee recommends revising two optional forms, one to implement the meet-and-confer requirements and the other to obtain a 30-day extension of time to file a motion to strike a pleading or a motion for judgment on the pleadings if the parties are unable to meet before the due date of the motion.

[18-147](#)**Judicial Council: Advisory Committee Membership Requirements
(Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends amending the rule that governs the committee to broaden its membership definition of “presiding judge” and to extend eligibility for reappointment to an existing presiding or past presiding judge member. In response to low numbers of nomination submissions from presiding judges, these changes would expand the pool of candidates who are knowledgeable and experienced in budget matters and avoid the loss of expertise. Finally, the committee recommends amending the rule to limit the Judicial Council’s nonvoting members to those members who have direct oversight over Budget Services—the chief administrative officer and the director of Budget Services.

[18-148](#)**Probate Conservatorship and Guardianship: Major Neurocognitive Disorders (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends revising eight Judicial Council forms to implement recent legislation that replaced the term “dementia” with “major neurocognitive disorder” to conform to usage in the fifth and current edition of the *Diagnostic and Statistical Manual of Mental Disorders*. The committee also recommends stylistic and technical changes to several of the forms to bring them up to date.

[18-149](#)**Juvenile Law: School Notification of Delinquency Court Adjudication (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising Judicial Council form JV-690 to correct inaccuracies in the listed offenses and to conform the form to Welfare and Institutions Code section 827(b)(1). The proposed changes reflect closely the language of Welfare and Institutions Code section 827(b) and give the court the option to indicate the specific code section of the offense that was adjudicated. The form would also be revised to include notice under Education Code section 48267.

[18-151](#)**Family Law: Income and Expense Declaration (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends making time-sensitive revisions to *Income and Expense Declaration* (form FL-150) to implement recent changes to the tax treatment of alimony (spousal support) under the Internal Revenue Code (IRC) of 1986. In addition, the committee recommends updating the reference to a military housing allowance acronym in the form to clarify the meaning of the term.

[18-152](#)**Juvenile Law: Dependency Hearings-Continued Condensing of the Rules of Court (Action Required)****Summary:**

The Family and Juvenile Law Advisory committee recommends amending five rules to delete some sections that unnecessarily repeat statutory language or replace them with references to the relevant code sections to enhance the brevity and accuracy of the rules.

[18-153](#)**Juvenile Law: Intercounty Placements (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule of the California Rules of Court, repealing and adopting one rule, and approving two Judicial Council forms to conform to recent statutory changes regarding who a child welfare agency must notice when moving a foster child to a different county.

[18-154](#)**Juvenile Law: Vacatur of Convictions Related to Human Trafficking and Preservation of Extended Foster Care Eligibility (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend three rules and adopt one rule of the California Rules of Court, revise 10 Judicial Council forms, and approve two Judicial Council forms to implement Assembly Bill 604 (Gipson; Stats. 2017, ch. 707), which clarified that extended foster care benefits are available to young people who have suffered adjudications related to human trafficking that are eligible for vacatur under Penal Code section 236.14. The committee further recommends revising form JV-462 to include certain changes necessitated by recent legislation, making a technical change to form JV-462, and revising form JV-367 to reflect how the form is typically used. Finally, the committee recommends amending rules 5.903 and 5.906 to clarify who may attend status review hearings for former wards who have become nonminor dependents.

[18-155](#)**Judicial Council Budget: Allocation of Augmented Funding for Court Appointed Special Advocate Grant Program (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends approving a two-year plan for allocation of \$500,000 in additional Court Appointed Special Advocate (CASA) grant funding, included in the Budget Act of 2018. The augmentation provides funding to support efforts to increase by 20 percent the number of foster youth served (approximately 2,200 additional foster youth) and reduce backlogs of youth in the court system awaiting a volunteer assignment.

[18-156](#)**Family Law: Transfer of Jurisdiction (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends the adoption of a new rule of court to implement family law-specific transfer of jurisdiction procedures to comply with the requirements of Assembly Bill 712 (Bloom; Stats. 2017, ch. 316). The legislation requires the council to adopt a rule of court to establish time frames for the transfer and receipt of jurisdiction over family law actions.

[18-157](#)**Probate Conservatorship and Guardianship: Interstate Transfer (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends approving six Judicial Council forms for optional use in proceedings to transfer conservatorships into and out of California under the California Conservatorship Jurisdiction Act (CCJA). The CCJA, enacted in 2014, provides the exclusive basis for determining whether a California court, rather than a court of another state, has jurisdiction to appoint a probate conservator. It also establishes a complex, multistep process for transferring a conservatorship proceeding from one state to another. These forms are intended to help attorneys, self-represented litigants, and courts protect the interests of conservatees while navigating the transfer process as efficiently and effectively as possible.

[18-158](#)**Juvenile Law: Information for Parents (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising and renumbering one Judicial Council information form to provide accurate, up-to-date information to parents whose children are the subject of juvenile court wardship proceedings. The recommendation includes information about recent changes to the law that address consultation with counsel before custodial interrogation, parental responsibility for costs of services and support provided to the child, and sealing of juvenile justice court records.

[18-159](#)**Protective Orders: Entry of Interstate and Tribal Protective Orders, Canadian Protective Orders, and Gun Violence Restraining Orders into CLETS (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending two rules of the California Rules of Court relating to protective orders to (1) include the registration of interstate and tribal court protective orders, Canadian protective orders, and gun violence restraining orders as protective orders that must be submitted to the court with a completed California Law Enforcement and Telecommunications System (CLETS) confidential information form; and (2) add records in gun violence prevention proceedings to the list of electronic court records that are accessible only at the courthouse and not remotely. These changes implement new statutory requirements. The Family and Juvenile Law Advisory committee also recommends the adoption of a new mandatory form to implement the requirements of Senate Bill 204 (Stats. 2017, ch. 98), which allows domestic violence protection orders issued in a Canadian civil court to be registered and enforced in California.

[18-160](#)**Jury Service: Permanent Medical Excuse (Action Required)****Summary:**

The Advisory Committee on Providing Access and Fairness recommends adoption of rule 2.1009 of the California Rules of Court to establish a process for a person with a disability to request a permanent medical excuse from jury service in cases where the individual, with or without accommodations, including the provision of auxiliary aids or services, is incapable of performing jury service.

[18-161](#)**Probate Conservatorship and Guardianship: Appointment of Counsel (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends approving two Judicial Council forms for optional use for applying for and ordering appointment of counsel for a ward or a proposed ward; a conservatee or a proposed conservatee, including a limited conservatee; or a person alleged to lack legal capacity in a proceeding under division 4 (beginning with section 1400) of the Probate Code, which includes the Guardianship-Conservatorship Law. The forms are needed to facilitate appointment of counsel for the specified persons as early in the proceedings as possible.

[18-162](#)**Protective Orders: Protecting Information of People Under 18 Years Old (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee jointly recommend adopting rules of court, adopting eight forms (a set of four in the Domestic Violence Prevention series and a set of four in the Civil Harassment Prevention series), and revising two forms, in order to implement the provisions in Assembly Bill 953 (Stats. 2017, ch. 384) that seek to protect information relating to minors in domestic violence and civil harassment restraining orders.

[18-163](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council 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.

[18-164](#)**Criminal and Appellate Procedure: Record Preparation in Death Penalty Cases (Action Required)****Summary:**

To make the record preparation process in death penalty cases more efficient, the Proposition 66 Rules Working Group recommends adopting several new rules and amending several existing rules relating to the content and preparation of the record on appeal in these cases. The working group also recommends adopting six new mandatory forms designed to assist in the record preparation process. These recommended rules and forms are intended to partially fulfill the Judicial Council's rule-making obligations under Proposition 66.

[18-165](#)**Jury Instructions: Additions, Deletions, and Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions and additions to the Judicial Council of California Criminal Jury Instructions (CALCRIM). These changes will keep CALCRIM current with statutory and case authority.

[18-166](#)**Collaborative Justice: Recommended Allocations of Fiscal Year 2018-19 Substance Abuse Focus Grants (Action Required)****Summary:**

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council fund court programs using grants from the Collaborative Justice Courts Substance Abuse Focus Grant Program through the California Collaborative and Drug Court Projects in the Budget Act of 2018 (item 0250-101-0001), and the Dependency Drug Court Augmentation to the grant program through the federal Court Improvement Program funds for fiscal year (FY) 2018-19 (item 0250-101-0890). The committee recommends funding programs in 49 courts for FY 2018-19 with these annual grants to expand or enhance promising collaborative justice programs around the state.

[18-167](#)**Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)****Summary:**

The Budget Act of 2018 includes over \$25 million in the Equal Access Fund for distribution to legal services providers and support centers. These monies are distributed primarily in two parts: IOLTA (Interest on Lawyers' Trust Accounts)-formula grants and partnership grants (with a small amount also distributed for administration). The Legal Services Trust Fund Commission of the State Bar recommends approving distribution of \$23,039,970 in IOLTA-formula grants for fiscal year (FY) 2018-19, according to the statutory formula in the state Budget Act, and \$2,575,000 in partnership grants for 2019. It further requests approval of the commission's findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[18-168](#)**Judicial Council Report to the Legislature: Revenue Collected for Fiscal Year 2017-18 (Action Required)****Summary:**

The Judicial Council's Funds and Revenues Unit of Budget Services recommends approval of the *Report of Revenue Collected for Fiscal Year 2017-18*. This is the first report required under Government Code section 68514, which became effective June 27, 2017, and requires the Judicial Council to annually report on revenue collections from criminal fines and fees related to infractions and misdemeanors for each court and county.

[18-169](#)**Trial Court Budget: 2017-18 Preliminary One-Time Reduction for Fund Balances Above the 1 Percent Cap (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a preliminary one-time allocation reduction of \$658,398 to eight courts that are projecting the portion of their ending fund balance that is subject to the 1 percent balance cap to exceed the cap by \$658,398, as required by Government Code section 77203.

[18-170](#)**Trial Court Allocations: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

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

[18-171](#)**Traffic: Expansion of Online Traffic Adjudication Pilot Project (Action Required)****Summary:**

The Budget Act of 2018 appropriated \$3.4 million in new operational funding and \$1.3 million in ongoing funds to support and expand on the Judicial Council's partnership with five superior courts initially funded by a U.S. Department of Justice

grant to enhance processes for ability-to-pay determinations for traffic infraction fines and fees and adjudicating cases online. The act authorizes the Judicial Council to select at least eight courts to expand the Online Traffic Adjudication Pilot Project and further test and develop ability-to-pay and other online adjudication functions. Judicial Council staff request the council's approval of the proposed court selection timeline and selection criteria for adding three to four additional courts to join the five already involved in the pilot.

Break 10:45–11:00 a.m.

DISCUSSION AGENDA

[18-179](#)

Senate Bill 10 (No Action Required. There are no materials for this item.)

Summary:

Senate Bill 10 (Hertzberg, Stats. 2018, ch. 244) authorizes a change to California's prearrest release system from a money-based system to a risk-based release and detention system. SB 10 assumes that a person will be released on his or her own recognizance or supervised own recognizance with the least restrictive nonmonetary condition or combination of conditions that will reasonably assure public safety and the defendant's return to court. During this session, Judicial Council members will review the details of SB 10, focusing on the requirements placed on the trial courts and their justice partners, and the responsibilities of the Judicial Council. With an implementation date of October 1, 2019, JCC staff will provide an overview of the implementation plan.

Speakers:

Hon. Lisa R. Rodriguez, Cochair, Pretrial Detention Reform Workgroup, Superior Court of California, County of San Diego

Hon. J. Richard Couzens (Ret.), Superior Court of California, County of Placer
Ms. Shelley Curran, Criminal Justice Services

60 minutes

[18-177](#)

Trial Court Budget: FY 2018-19 Allocation from Trial Court Trust Fund to Court Interpreter Program (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends approving a one-time allocation of fund balance from the Trial Court Trust Fund to address an anticipated shortfall in the Court Interpreter Program for fiscal year (FY) 2018-19, not to exceed the current \$3.4 million estimated amount required to cover cost increases and maintain service levels.

Speakers:

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

25 minutes

[18-178](#)

Trial Court Budget: Allocation of \$75 Million in Discretionary Funds (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve allocation of \$75.0 million in discretionary funding provided in the Budget

Act of 2018. The recommendation is to allocate \$3.6 million to bring cluster 1 courts to 100 percent of their funding need, \$0.8 million for court-provided non-sheriff security, and \$70.6 million in discretionary funds to all courts, save for the cluster 1 courts, proportionally based on their fiscal year (FY) 2018-19 base allocation following the council actions taken on July 20, 2018. The committee also wants to indicate that the trial courts recognize and intend to comply with the legislative intent that \$10.0 million of the \$75.0 million be utilized to increase the level of court reporters in family law cases.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Lucy Fogarty, Budget Services

35 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[18-119](#)

Report to the Legislature: State Trial Court Electronic Filing and Document Service Accessibility Compliance

Summary:

Assembly Bill 103 (Stats. 2017, ch. 17), the public safety bill approved by the Governor on June 27, 2017, amended Code of Civil Procedure section 1010.6(g), which requires that any system for the electronic filing and service of documents used by a California trial court must be accessible to individuals with disabilities as provided in the statute. The amendment also requires the council to submit four reports between June 2018 and December 2023 to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. This June 2018 report is the first of the four submissions.

[18-180](#)

Trial Courts: Annual Investment Report for Fiscal Year 2017-18

Summary:

This *Trial Courts: Annual Investment Report for Fiscal Year 2017-18* covers the period of July 1, 2017, through June 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.

[18-181](#)

Judicial Council Report to the Legislature: Cash Flow Loans Made to Courts in 2017-18

Summary:

Government Code section 68502.6 requires that the Judicial Council report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2018, Judicial Council staff submitted to the Legislature the report entitled Cash Flow Loans Made to Courts Pursuant to Government Code Section 68502.6 in 2017-18. The report was not circulated for comment.

[18-182](#)**Judicial Branch Budget: Quarterly Report on the Judicial Council's Court Innovations Grant Program, Fiscal Year 2017-18, Quarter 4****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the fourth quarter of fiscal year 2017-18.

[18-183](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Rep. No. 46)****Summary:**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This is the 46th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, one superior court-the Superior Court of Fresno County-has issued a new notice.

[18-184](#)**Report to the Legislature: Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2018****Summary:**

Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts; and (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of good or service provided, and judicial branch entity receiving the good or service. Therefore, the Judicial Council staff submitted this 14th semiannual report on August 1, 2018, which listed all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2018.

[18-186](#)**Court Facilities: Trial Court Facility Modifications Report for Quarter 4 of Fiscal Year 2017-18****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2017-18. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

There have been no Circulating Orders since the last business meeting.

Appointment Orders

[18-185](#)

Appointment Orders since the last business meeting.

Adjournment (approx. 1:00 p.m.)