



# 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.

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

*Requests for ADA accommodation should be directed to  
JCCAccessCoordinator@jud.ca.gov*

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Thursday, May 24, 2018

8:30 AM

San Francisco

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

Session 8:30 – 9:00 a.m.

Transitional Break 9:00 – 9:10 a.m.

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

#### **Call to Order**

#### **Swearing in of New Judicial Council Member**

The Chief Justice will administer the oath of office to new council member.

*10 minutes*

#### **Public Comment**

*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.*

*Please see our public comment procedures at:*

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

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, May 22.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, May 23.

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

E-mail:

[judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

Postal mail or delivery in person:

Judicial Council of California

455 Golden Gate Avenue

San Francisco, California 94102-3688

Attention: Donna Ignacio

## Approval of Minutes

[18-066](#)

**Minutes of the March 2, 2018, Judicial Council meeting.**

## Chief Justice's Report

*10 minutes*

## Administrative Director's Report

[18-067](#)

**Administrative Director's Report**

*10 minutes*

## Judicial Council Committee Presentations

[18-068](#)

**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*

## Judicial Council Members' Liaison Reports

[18-069](#)

### Judicial Council Members' Liaison Reports

**Summary:**

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

20 minutes

Break 11:00 – 11:10 a.m.

## CONSENT AGENDA

*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.*

[18-051](#)

### **Trial Courts: Revise Workload Measurement of Infractions Cases in Resource Assessment Study Model (Action Required)**

**Summary:**

The Workload Assessment Advisory Committee recommends that the Judicial Council adopt a technical adjustment to the Resource Assessment Study (RAS) model for measuring court workload in infractions cases. This change will ensure that the measurement of this workload reflects the resources and technology that courts employ to process these cases. If adopted, this change would take place immediately and would be used to calculate the RAS workload need for budget allocations starting with FY 2018-19.

[18-070](#)

### **Trial Courts: Trial Court Financial Policies and Procedures Manual (9th ed.) (Action Required)**

**Summary:**

Judicial Council staff recommends adoption of the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), ninth edition. The manual was last updated in 2016. The TCFPPM requires both substantive and nonsubstantive revisions to maintain clarity and update and improve the existing system of internal fiscal controls in accordance with California Rules of Court, rule 10.804.

[18-072](#)

### **Report to the Legislature: Trial Court Interpreters Program Expenditure Report for Fiscal Year 2016-17 (Action Required)**

**Summary:**

The Judicial Council's Court Interpreters Program recommends approving the annual report on trial court interpreter expenditures for submission to the Legislature and the Department of Finance. This report is required by the Budget Act of 2016 (Stats. 2016, ch. 23).

[18-073](#)**Judicial Branch Administration: Judicial Branch Workers' Compensation Program (Action Required)****Summary:**

The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year 2018-19, and implementation of various initiatives to increase program outreach and educate members on workers' compensation programs.

[18-075](#)**Forms: Enforcement of Judgment Exemption (Action Required)****Summary:**

Assembly Bill 688 (Calderon; Stats. 2017, ch. 529) amended Welfare and Institutions Code section 4880 to provide an exemption from enforcement of judgments for funds in special savings accounts for persons with disabilities. The amount exempted is \$100,000. To assist court users and to help implement this legislation, the exemption must be added to the Judicial Council form that lists exemptions to enforcement of judgments.

[18-076](#)**Forms: Civil Name Change and Gender Change Forms (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends adopting, revising, or revoking various Judicial Council name change forms to reflect recently enacted legislative amendments. Senate Bill 179 changed the process for seeking name changes to conform to gender (new Code Civ. Proc., § 1277.5); changed the process for adults seeking recognition of a gender change, including by adding "nonbinary" as one of the genders that can be recognized (amended Health & Saf. Code, §§ 103425 and 103430(a)-(b)); and added a new process for minors seeking recognition of gender changes (new Health & Saf. Code, § 103430(e)). In addition, Senate Bill 310 eliminated the prohibition on name changes for persons under the jurisdiction of the Department of Corrections and Rehabilitation (those in state prison or on parole) and those in county jail, while at the same time adding a service requirement for such petitions.

[18-077](#)**Juvenile Law: Sealing of and Access to Records (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends new and amended rules and new and revised forms to conform to recently enacted statutory provisions concerning the sealing of juvenile records. The proposal would update recently adopted rules and forms to implement sealing of records under Welfare and Institutions Code section 786 to include recent changes to that section, modify forms to reflect the authority of the court to seal records for section 707(b) offenses, and adopt a new rule and optional form for use by probation to seal records under newly enacted section 786.5.

[18-078](#)**Jury Instructions: New, Revised, and Revoked Civil Jury Instructions and Verdict Forms (Release 32) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new, revised, and revoked civil jury instructions and verdict forms prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months. On Judicial Council approval, the instructions will be published in the official 2018 midyear supplement to the 2018 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[18-083](#)**Judicial Council-Sponsored Legislation (Court Facilities):  
Disposition of Mental Health Courthouse (Action Required)****Summary:**

The Los Angeles County Mental Health Courthouse facility has been permanently closed and is unsuitable to the needs of the judicial branch. The local court supports disposition of this facility. To eliminate the Judicial Council's continuing liability and expense in holding this facility and to realize its value in a fair market value sales transaction, the Policy Coordination and Liaison Committee and the Facilities Policies Working Group recommend that the council approve the sale of this facility as nonsurplus property and direct council staff to take all actions necessary to dispose of it.

[18-085](#)**Juvenile Law: Information for Parents (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising two Judicial Council forms to update advisements to parents of a child who is the subject of juvenile court wardship proceedings, in order to provide these parents with accurate information about the limits of their responsibility to pay for the costs of services and support provided to their child by the court and county.

[18-088](#)**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.

[18-089](#)**Forms: Technical Changes-Redesignate and Renumber 41  
Miscellaneous (MC) Forms and Amend One Rule of Court (Action Required)****Summary:**

There are currently over 75 Judicial Council forms (including a few foreign language versions) that bear a subject-area identifier of MC (Miscellaneous). "Miscellaneous" is not a very helpful term to a user who is searching for a particular form from the "Select a Category" drop-down list on the California Courts website. Many of the MC forms actually fit into discrete subject areas that could be assigned unique

category-identifying labels. Others could fit within an existing category-identifying label. Judicial Council staff recommend redesignating and renumbering 41 of these MC forms (plus four foreign language forms) to give them a more specific identifying label.

[18-090](#)**Juvenile Law: Presumptive Transfer of Specialty Mental Health Services (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes the adoption of one statewide rule and four juvenile law (JV) forms, including an information sheet. The rule and forms implement a procedural framework and are intended to provide procedural clarity for a juvenile court review hearing created by recent legislation involving foster children's access to specialty mental health services under federal early and periodic screening, diagnosis and treatment services. The committee also recommends renumbering a JV form to keep the JV forms related to this proposal in sequential order with other JV forms related to mental health treatment for foster children, including the administration of a foster child's psychotropic medications.

[18-091](#)**Judicial Council Budget: Reporting Requirement for Trial Court Trust Fund and the State Trial Court Improvement and Modernization Fund Encumbrances (Action Required)****Summary:**

The Trial Court Budget Advisory Committee (TCBAC) proposes changing the required reporting of the encumbrance report for all programs funded from the Trial Court Trust Fund (TCTF) and/or State Trial Court Improvement and Modernization Fund (IMF) from semiannual to annual. Reducing the reporting requirement will increase Judicial Council staff efficiencies.

[18-092](#)**Trial Court Allocations: 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 eight amended requests for Trial Court Trust Fund 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.

[18-093](#)**Juvenile Dependency: Fiscal Year 2017-18 Allocation for Juvenile Dependency Counsel Collections Program and Court-Appointed Counsel Expected Unspent Funding Reallocation (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends two redistributions of funding for court-appointed juvenile dependency counsel for fiscal year (FY) 2017-18: (1) The recommendation is made to allocate \$542,892 to the trial courts calculated according to the methodology adopted by the Judicial Council at its August 23, 2013, business meeting; and (2) reallocate unspent dependency counsel funding

from courts that have identified funds they do not intend to spend to courts funded at below the average statewide funding level.

**[18-097](#)****Rules and Forms: Technical Change to Criminal Form (Action Required)****Summary:**

The Criminal Law Advisory committee, based upon a public comment, has identified a formatting error in Judicial Council form CR-101. The Criminal Law Advisory Committee recommends making the necessary correction to avoid causing confusion for court users, clerks, and judicial officers.

**[18-099](#)****Judicial Council: Nonvoting Council Position (Action Required)****Summary:**

The chair of the Executive and Planning Committee recommends the Judicial Council approve one advisory nonvoting Judicial Council position for appointment to the council for a three-year term with the new 2018 Judicial Council appointments. The Judicial Council has the authority to add nonvoting positions under article VI, section 6 of the California Constitution and rule 10.2 of the California Rules of Court. This position will provide the council with an additional source of court-based knowledge and statewide perspective and additional geographic and gender diversity among its membership.

**DISCUSSION AGENDA****[18-082](#)****Judicial Administration: Public Disclosure of Settlement Agreements (Action Required)****Summary:**

On April 10, 2018, Chief Justice Tani G. Cantil-Sakauye asked the Judicial Council to take immediate action to revise the court rule on public records to clarify that settlement agreements to resolve sexual harassment and discrimination complaints against judicial officers must be publicly disclosed in response to records requests. She created a working group to review and make recommendations to modify the rule to achieve this goal. The working group recommends that the Judicial Council amend California Rules of Court, rule 10.500, on public access to judicial administrative records, to clarify that settlement agreements must be disclosed in response to public records requests and that the names of judicial officers may not be redacted from those agreements.

**Speakers:**

Hon. Marsha G. Slough, Chair, Rule 10.500 Working Group

*60 minutes*

**[18-094](#)****Trial Court Budget: Trial Court Trust Fund Revenue Shortfall (Action Requested)****Summary:**

The continued decline of fine, fee, and forfeiture revenues that support trial court base allocations, and the lack of an adjustment to the revenue backfill through the state budget process, has resulted in a projected current-year revenue shortfall of no more than \$7 million in the Trial Court Trust Fund (TCTF). As a result, the Trial Court Budget Advisory Committee recommends approving coverage of the current-year

revenue shortfall from the TCTF's fund balance. The TCTF has a structural deficit but sufficient unrestricted funds in the fund balance to cover this shortfall.

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

*25 minutes*

[18-081](#)

**Judicial Council Budget: Adjustments to Judicial Council-Approved FY 2017-18 Allocations from the State Trial Court Improvement and Modernization Fund (Action Required)**

**Summary:** The Judicial Council's Court Operations Services, Information Technology, and Legal Services offices have identified funding needs of \$1,292,000 in addition to the fiscal year (FY) 2017-18 Judicial Council-approved allocations from the State Trial Court Improvement and Modernization Fund (IMF). The Trial Court Budget Advisory Committee recommends approving the augmentation requests for the current fiscal year.

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

*15 minutes*

[18-095](#)

**Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy (Action Required)**

**Summary:** The Judicial Council's suspension of the minimum operating and emergency fund balance policy expires as of June 30, 2018. The minimum operating and emergency fund balance policy, established by the Judicial Council in October 2006 and revised in April 2009, requires trial courts to set aside a percentage of funds for use in emergency situations or when revenue shortages or budgetary imbalances may exist. This policy has been suspended by the Judicial Council since August 31, 2012, due to changes in statute and to provide for the opportunity to seek repeal. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension to the suspension of the minimum operating and emergency fund balance policy.

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

*15 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

[18-071](#)

**Judicial Branch Budget: Quarterly Report on the Judicial Council's Court Innovations Grant Program, Fiscal Year 2017-18, Quarter 3**

**Summary:** This report summarizes fiscal year 2017-18 third quarter Judicial Council Court Innovations Grant program activity.



[18-074](#)**Judicial Branch Administration: Release of Demographic Data on California Justices and Judges****Summary:**

This informational report to the Judicial Council is of aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, and veteran and disability status of California's justices and judges by specific jurisdiction, which council staff is required by statute to collect and release annually. In general, findings indicate that the California bench has become more diverse over time.

[18-079](#)**Report to the Legislature: Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1-December 31, 2017)****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.

[18-080](#)**Trial Courts: Quarterly Investment Report for First Quarter of 2018****Summary:**

This *Trial Courts: Quarterly Investment Report for First Quarter of 2018* covers the period of January 1, 2018, through March 31, 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.

[18-084](#)**Court Facilities: Trial Court Facility Modifications Report for Quarter 3 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 third quarter (January through March) of fiscal year (FY) 2017-18. To determine allocations, the Trial Court Facility Modification Advisory Committee (TCFMAC) 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**[18-098](#)

**Appointment orders since last business meeting.**

**Adjournment (approx. 1:05 p.m.)**