



Judicial Council of California

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

Meeting Minutes

Judicial Council

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Thursday, July 27, 2017

1:30 PM

San Francisco

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

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

Attendance

Council Members

Present: 28 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice Harry E. Hull Jr., Justice James M. Humes, Justice Douglas P. Miller, Justice Marsha G. Slough, Presiding Judge Jeffrey B. Barton, Presiding Judge C. Todd Bottke, Presiding Judge Daniel J. Buckley, Presiding Judge Dean T. Stout, Judge Marla O. Anderson, Judge Brian J. Back, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Samuel K. Feng, Judge Scott M. Gordon, Judge Dalila Corral Lyons, Judge Gary Nadler, Judge David M. Rubin, Judge Kenneth K. So, Commissioner David E. Gunn, Mr. Jake Chatters, Mr. Patrick M. Kelly, Mr. Richard D. Feldstein, Ms. Kimberly Flener, Ms. Audra Ibarra, Ms. Donna D. Melby, and Ms. Debra Elaine Pole

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

Others Present

Ms. Catherine Campbell, Mr. Jason Fedota, Mr. Chad Finke, Ms. Mary Flynn, Ms. Marci Harness, and Ms. Connie Valentine

Call to Order

Chief Justice Tani G. Cantil-Sakauye called the open session to order at 2:45 p.m.

Opening Remarks

The Chief Justice opened the first day of the two-day session by acknowledging September 15 as an important date in the council's annual agenda--it is the date when the appointments of new or returning council members become effective. She recognized the wealth of talent within the California judicial branch and the state bar association, noting that so many are willing to volunteer their time and expertise to

serve on the Judicial Council to improve statewide judicial administration and to be responsive to the need for equal access to justice for all Californians. The Chief also acknowledged all the volunteers and nominations to the council and its advisory committees and added that appointments will be finalized very soon.

The Chief Justice stated that there is incredible institutional knowledge and practical expertise on the council. This knowledge covers court management and operations, branch governance, policymaking, and important interactions with the sister branches of government, justice system partners, and the public.

The Chief welcomed and introduced new and reappointed council members:

- Presiding Judge C. Todd Bottke, Superior Court of Tehama County
- Presiding Judge Daniel J. Buckley, Superior Court of Los Angeles County
- Ms. Rachel W. Hill, State Bar of California appointee
- Judge Harold W. Hopp, Superior Court of Riverside County
- Presiding Judge Patricia M. Lucas, Superior Court of Santa Clara County; incoming chair of the Trial Court Presiding Judges Advisory Committee
- Commissioner Shama Hakim Mesiwala, Superior Court of Sacramento County
- Ms. Gretchen Nelson, State Bar of California appointee
- Judge Stuart M. Rice, Superior Court of Los Angeles County; president of the California Judges Association
- Mr. Michael M. Roddy, Superior Court of San Diego County
- Ms. Andrea K. Wallin-Rohmann, Court of Appeal, Third Appellate District

Judicial Council Members' Liaison Reports

[17-118](#)

Judicial Council Members' Liaison Reports

Summary: Judicial Council Members report on their visits to the Superior Courts of California.

Judge Scott M. Gordon reported on his visit to the Superior Courts of Fresno and Kings Counties. Commissioner David E. Gunn reported on his visit to the Superior Courts of Shasta and Tehama Counties.

Public Comment

Mr. Mitchel Smith presented comments on item 17-106.

EDUCATION AGENDA

[17-106](#)

Judicial Branch Technology Update: Judicial Council Information

Technology Transformation and Case Management System Replacements (No Action Required. There are no materials for this item.)

Summary: An update on the implementation of the Judicial Council-adopted *Court Technology Governance and Strategic Plan*. The report will provide updates on the Judicial Council Information Technology transformation process and trial court case management system replacements.

Speakers: Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee
Mr. Robert Oyung, Information Technology

DISCUSSION AGENDA

[17-077](#)

Trial Courts: Update of Resource Assessment Study Model (Action Required)

Summary: The Workload Assessment Advisory Committee recommends that the Judicial Council adopt the updated workload measures of the Resource Assessment Study (RAS), with the understanding that ongoing technical adjustments will continue to be made as more data become available. The RAS model uses a weighted caseload methodology to measure trial court staff need; previous iterations of the model were approved by the Judicial Council in 2005 and 2013. The RAS model serves as the foundation of the judicial branch's Workload-based Allocation and Funding Methodology.

Speakers: Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee
Ms. Leah Rose-Goodwin, Office of Court Research

Recommendation: The Workload Assessment Advisory Committee (WAAC) recommends that the Judicial Council:

1. Adopt the caseweights and other model parameters for use in the Resource Assessment Study model; and
2. Direct WAAC to conduct any necessary interim analyses or make any technical adjustments needed prior to the next workload study update.

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

[17-104](#)

Judicial Council Report to the Legislature: Sargent Shriver Civil Counsel Act (Action Required)

Summary: The Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council approve the *Evaluation of the Sargent Shriver Civil Counsel Act (AB 590)* and forward the report to the Legislature. The Judicial Council submitted a preliminary evaluation to the Legislature on January 31, 2016--*Report to the Legislature on the Sargent Shriver Civil Counsel Act*--as required by Government Code section 68085.1(c). That report examined the effect of providing legal representation to low-income persons in cases involving landlord/tenant matters, highly conflicted child custody cases, and guardianship and conservatorship matters of

the person. This more comprehensive evaluation reviews data from legal services case records, court files, and interviews with clients, courts, and legal services programs and other stakeholders, in addition to providing a comprehensive review of other research.

Speakers: Hon. Earl Johnson, Jr. (Ret.), Chair, Shriver Civil Counsel Act Implementation Committee

Hon. Laurie D. Zelon, Vice-chair, Shriver Civil Counsel Act Implementation Committee

Dr. Kelly Jarvis, Principal Researcher, NPC Consulting

Ms. Bonnie Rose Hough, Center for Families, Children & the Courts

Recommendation: The Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council:

1. Approve for submission *the Evaluation of the Shriver Civil Counsel Act (AB 590)* along with the *Findings and Recommendations from the Sargent Shriver Civil Counsel Pilot Projects*, which are a supplement to the report submitted to the Legislature on January 31, 2016, as required by Government Code section 68085.1(c);
2. Direct Judicial Council staff to transmit the evaluation as well as the findings and recommendations to the Legislature; and
3. Within the context of overall judicial branch priorities, consider the following recommendations based on the evaluation findings:
 - a. Continue the Shriver civil counsel pilot project to build on the positive results reflected in the evaluation.
 - b. Explore ways to seek additional funding for legal representation of low-income people across the state facing critical legal issues affecting basic human needs.
 - c. Encourage courts to build on the lessons from the Shriver pilot projects and experiment with more structured opportunities for settlement discussions, such as mediation and early settlement conferences with judges.
 - d. Expand litigant education.
 - e. Expand use of triage and conduct further study within the Shriver pilot projects to clarify the best procedures for ensuring effective and efficient triage methods involving all key stakeholders.
 - f. Simplify forms and procedures, particularly for guardianship, conservatorship, and housing cases.
 - g. Expand e-filing wherever possible, and explore increased use of technology.
 - h. Encourage regular planning meetings between legal services agencies and courts participating in the Shriver pilot projects.
 - i. Develop best practices based on the evaluation of the pilot projects.

A motion was made by Mr. Kelly, seconded by Presiding Judge Stout, that this proposal be approved with the amendment to recommendations 3.b. through 3.i.

to direct the committee to provide further definition to the Judicial Council as to what they would recommend with regard to each of the areas. The motion carried by a unanimous vote.

[17-103](#)

Sargent Shriver Civil Counsel Act: Selection of Pilot Projects (Action Required)

Summary: The Sargent Shriver Civil Counsel Act (Assem. Bill 590) provided that, commencing in fiscal year 2011-2012, one or more pilot projects selected by the Judicial Council are to be funded to provide legal representation and improved court services to low-income parties on critical legal issues affecting basic human needs. The Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council award \$7,244,437 in grants to qualified legal service organizations and court partners for pilot projects.

Speakers: Hon. Earl Johnson, Jr. (Ret.), Chair, Shriver Civil Counsel Act Implementation Committee
 Hon. Laurie D. Zelon, Vice-chair, Shriver Civil Counsel Act Implementation Committee
 Ms. Bonnie Rose Hough, Center for Families, Children & the Courts

Recommendation: The Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council, effective October 1, 2017:

1. Approve Sargent Shriver Civil Counsel Act grants in an amount not to exceed \$7,244,437 for distribution to the following legal service agencies and superior courts for pilot projects to provide legal representation and improved court services to eligible low-income litigants. If designated fee revenues are higher than projected, or if there are any encumbered and unspent funds from previous years, the committee also recommends that the project budgets be increased proportionately.

Central California Legal Services

Superior Court of Fresno County

Housing Pilot Project\$306,964

Greater Bakersfield Legal Assistance

Superior Court of Kern County

Housing Pilot Project \$496,711

Justice and Diversity Center of the Bar Association of San Francisco

Superior Court of San Francisco

Child Custody Pilot Project \$334,730

Legal Aid Society of San Diego

San Diego Voluntary Legal Services Program

Superior Court of San Diego County

Housing and Child Custody Pilot Project \$2,134,747

Legal Aid Society of Santa Barbara County

Superior Court of Santa Barbara County

Northern Santa Barbara County Housing and Probate

Guardianship/Conservatorship Pilot Project \$700,785

Legal Services of Northern California

Superior Court of Yolo County

Housing Pilot Project \$294,560

Los Angeles Center for Law and Justice

Superior Court of Los Angeles County

Child Custody Pilot Project \$652,512

Neighborhood Legal Services of Los Angeles County

Superior Court of Los Angeles County

Housing Pilot Project \$2,323,426

Total: \$7,244,437

- 2. Given that no program is receiving the entire amount that it requested, authorize the committee to request revised budgets and project plans from the projects once these allocations are approved by the Judicial Council.

A motion was made by Presiding Judge Stout, seconded by Ms. Ibarra and Mr. Kelly, that this proposal be approved. The motion carried by a unanimous vote.

Adjournment

With the meeting’s business completed, the Chief Justice adjourned the meeting at approximately 4:45 p.m.