



Judicial Council of California

Meeting Agenda

Judicial Council

Friday, June 24, 2016

8:30 AM

San Francisco

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

8:30 a.m. – 1:45 p.m.

Approval of Minutes

5 minutes

[16-102](#)

Minutes of the February 25-26 and April 15, 2016, Judicial Council meetings.

Chief Justice's Report

10 minutes

Administrative Director's Report

10 minutes

[16-101](#)

Administrative Director's Report

Summary:

Mr. Martin Hoshino, Administrative Director, provides his report.

Judicial Council Committee Presentations

[16-087](#)

Judicial Council Committee Reports

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

30 minutes

Judicial Council Members' Liaison Reports

20 minutes

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.

Please see our public comment procedures.

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, June 21.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, June 22.

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

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

Judicial Council of California

455 Golden Gate Avenue

San Francisco, California 94102-3688

Attention: Kelly Parrish

Break: 10:15 – 10:25 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 Pam Reynolds at 916-263-1462 at least 48 hours before the meeting.

[16-082](#)

Judicial Branch Administration: Judicial Branch Contracting Manual (Action Required)

Summary:

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends adopting proposed revisions to the *Judicial Branch Contracting Manual*. The California Judicial Branch Contract Law directs the Judicial Council to adopt and publish a manual incorporating procurement and contracting policies and procedures that must be followed by judicial branch entities. The council adopted the initial manual on August 26, 2011, and revisions to the manual on five subsequent occasions. Additional revisions to the manual are currently being proposed for the council's consideration.

[16-083](#)

Judicial Council Report to the Legislature: Fiscal Year 2014-2015 Expenditures of the Trial Court Interpreters Program (Action Required)

Summary:

The Judicial Council's Court Interpreters Program, Court Operations Services, 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 2014.

[16-098](#)

Judicial Council Report to the Legislature: Receipts and Expenditures from Local Courthouse Construction Funds (Action Required)

Summary:

The Judicial Council Capital Program recommends approving *Receipts and Expenditures from Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for submission to the Legislature. The report provides information for the reporting period of July 1, 2014, through June 30, 2015, on receipts and expenditures from local courthouse construction funds, as reported by each county. The annual submission of this report is required under Government Code section 70403(d).

[16-085](#)

Collections: Intercounty Probation Case Transfer Statewide Fiscal Procedures (Action Required)

Summary:

The Judicial Council Finance staff recommend that council approve the attached *Intercounty Probation Case Transfer Statewide Fiscal Procedures*, which outline a uniform process and establish responsibility for the proper collection, accounting, and distribution of any and all court-ordered payments made by the defendant to the transferring or receiving court, or its authorized collection program, pursuant to Penal Code section 1203.9. The sample agreement satisfies the statutory requirement for a written agreement that allows a receiving court to charge administrative fees for collecting payments from a defendant on behalf of the transferring court.

[16-088](#)

Jury Instructions: New and Revised Civil Jury Instructions and Verdict Forms (Action Required)

Summary:

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new and revised civil jury instructions and verdict forms prepared by the committee.

[16-089](#)

Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)

Summary:

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Contra Costa*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

[16-090](#)

Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)

Summary:

The Advisory Committee on Financial Accountability and Efficiency for the

Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Kings*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

[16-091](#)**Trial Court Allocations: Children's Waiting Room Distribution Request (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends approving the request of the Superior Court of Los Angeles County for a children's waiting room (CWR) distribution increase of \$1.75 from the current \$3.00 per applicable, paid first-paper civil fee for filings within the county to defray the operating costs associated with nine CWRs.

[16-093](#)**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 (FY) 2016-2017 in the amount of \$18,316,577 for participating trial courts and \$1,167,072 for state judiciary entities. Based on better than expected program performance, the cost allocations reflect a reduced allocation of 5.33 percent (trial courts) and 8.85 percent (state judiciary) over allocations from the prior fiscal year.

[16-095](#)**Court Records: Records Sampling and Destruction (Action Required)****Summary:**

The Court Executives Advisory Committee (CEAC) recommends amending the rule relating to the sampling of court records to substantially reduce the number of records that superior courts are required to keep. The amendments would significantly decrease court costs, while still ensuring that courts preserve a statistically significant sample of court records for future research purposes. To implement these amendments, CEAC also recommends a new rotation assignment that lists when each court must retain sample court records.

[16-100](#)**Judicial Council: Nonvoting Council Position (Action Required)****Summary:**

The Judicial Council consists of the Chief Justice and one other justice of the Supreme Court, three justices of Courts of Appeal, 10 judges of superior courts, two nonvoting court administrators, and such other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice to three-year terms. The Chief Justice has requested the chair of the Executive and Planning Committee submit a request to create one advisory, nonvoting Judicial Council position for a single three-year term. With two

advisory positions expiring in September 2016, the direct net effect of adding this advisory position, effective September 15, 2016, would be to decrease the Judicial Council's total membership by one member, to a total of 31 members.

DISCUSSION AGENDA

[16-042](#)

Language Access: Translation and Educational Products, Development Plan for Remaining Materials, and Video Remote Interpreting Pilot Project (Action Required)

Summary:

The Judicial Council charged the Language Access Plan Implementation Task Force with overseeing and ensuring implementation of the *Strategic Plan for Language Access in the California Courts*. The plan provides a comprehensive and systematic approach to expand language access in the California courts. The task force recommends that the council adopt a number of translation and educational products that task force subcommittees have developed in collaboration with the National Center for State Courts. The task force also proposes a technology solutions pilot project for video remote interpreting (VRI) in order to validate and finalize technical and programmatic guidelines that will help the California judicial branch determine where and how VRI can help meet the needs of court users over the next few years.

Speakers:

Hon. Mariano-Florentino Cuellar, Chair, Language Access Plan Implementation Task Force
Hon. Terence L. Bruiniers, Chair, Technological Solutions Subcommittee, Language Access Plan Implementation Task Force

20 minutes

[16-096](#)

Judicial Branch Administration: Trial Court Electronic Filing-Approval of Electronic Filing Standards and of Policies on Electronic Filing Managers (Action Required)

Summary:

The Information Technology Advisory Committee (ITAC), with approval from the Judicial Council Technology Committee, recommends that the Judicial Council approve the National Information Exchange Model/Electronic Court Filing as the technical information exchange standards for e-filing in all state courts and direct ITAC to develop a plan for implementation of these standards. The committee also recommends that the council approve a set of high-level policies and functional requirements for trial court Electronic Filing Managers (EFM). Finally, it recommends that the council direct ITAC, in collaboration and coordination with the council's Branch Accounting and Procurement office, to undertake and manage a procurement process to select multiple statewide EFMs to assist the trial courts with e-filing.

Speakers:

Hon. Terence Bruiniers, Chair, Information Technology Advisory Committee (ITAC)
Hon. Sheila Hanson, Executive Co-Sponsor, ITAC E-Filing Workstream
Mr. Rob Oyung, Executive Co-Sponsor, ITAC E-Filing Workstream
Mr. Snorri Ogata, Project Manager, ITAC E-Filing Workstream

25 minutes

[16-086](#)

Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology Small Courts Recommendations (Action Required)

Summary:

In April 2016, the Judicial Council approved 9 of the 10 recommendations in the report of the Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee of the Trial Court Budget and Family and Juvenile Law Advisory Committees. The Council requested the subcommittee to review recommendation 7, related to allocation methodology for small counties, and report to the Council in June 2016 whether there are additional alternatives that the Council might consider. After further investigation and consideration, the subcommittee developed a list of options that the Council could consider, and recommends that all options be provided to the Council for consideration and adoption of any or all of the options. The subcommittee further recommends that the Council encourage and support small courts to pursue pilot projects to decrease attorney costs.

In the course of advisory committee voting on the recommendations, the Family and Juvenile Law Advisory Committee voted unanimously to forward the subcommittee recommendations to the Judicial Council. The Trial Court Budget Advisory Committee voted in favor only of the original recommendation 7 made in April, 2016 (option d of recommendation 1 in this report), against presenting other options in recommendation 1 to the Council, and in favor of recommendation 2 regarding pilot projects.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Hon. Mark A. Cope, Cochair, Joint Subcommittee on Court-Appointed
Dependency Counsel Workload and Funding Methodology, Trial
Court Budget Advisory Committee
Hon. Jerilyn L. Borack, Cochair, Joint Subcommittee on Court-Appointed
Dependency Counsel Workload and Funding Methodology, Family and
Juvenile Law Advisory Committee

30 minutes

[16-092](#)

Trial Court Allocations: Fiscal Year 2016-2017 Allocations from Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve \$157.887 million in allocations from the Trial Court Trust Fund and \$64.458 million from the State Trial Court Improvement and Modernization Fund for fiscal year 2016-2017.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Steven Chang, Finance
Mr. Colin Simpson, Finance

20 minutes

Break: 12:00 p.m. – 12:30 p.m.

[16-094](#)

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 the Judicial Council approve 13 requests from 11 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 funding reduced as a result of a court exceeding the 1% fund balance cap to be retained in the Trial Court Trust Fund for the benefit of that court. Circumstances include projects that extend beyond the original, planned three-year term process. The total estimated amount requested by the trial courts that would be reduced from their 2016-2017 allocations for exceeding the cap is \$6.9 million. The council will be informed of any final adjustments to the estimated amounts after 2015-2016 year-end.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee,
Fiscal Planning Committee

20 minutes

[16-081](#)

Judicial Branch Education: 2016-2018 Education Plan (Action Required)

Summary:

The Governing Committee of the Center for Judicial Education and Research (CJER) recommends approving the 2016-2018 Education Plan, effective July 1, 2016. Developed by the CJER Governing Committee for all the judicial branch audiences that it and CJER serves, this education plan contains training and education programs and products that enable those audiences to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court.

Speakers:

Hon. Theodore M. Weathers, Chair, CJER Governing Committee
Dr. Diane Cowdrey, Center for Judicial Education and Research

35 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[16-080](#)

Trial Courts: Quarterly Investment Report for First Quarter of 2016

Summary:

Trial Courts: Quarterly Investment Report for First Quarter of 2016 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, and the report covers the period of January 1, 2016, through March 31, 2016.

[16-084](#)

Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 3 of Fiscal Year 2015-2016

Summary:

The Trial Court Facility Modification Advisory Committee (TCFMAC) has

completed its facility modification funding for the third quarter of fiscal year 2015-2016. In compliance with the *Trial Court Facility Modifications Policy*, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 3, Fiscal Year 2015-2016* as information for the council. This report summarizes the activities of the TCFMAC from January 1, 2016, to March 31, 2016.

Circulating Orders

[16-104](#)

Judicial Council Report to the Legislature: Electronic Recording Equipment

[16-105](#)

Judicial Council Report to the Legislature and the Department of Finance: 2 Percent Set Aside in the Trial Court Trust Fund for FY 2015- 2016

[16-099](#)

Trial Court Allocations: Augmentation for a Program Funded from the State Trial Court Improvement and Modernization Fund (16-09)

Appointment Orders

[16-103](#)

Appointment Orders since the last Judicial Council business meeting.

Adjournment