



Judicial Council of California

Ronald M. George State
Office Complex
Malcolm M. Lucas
Board Room
455 Golden Gate Avenue
San Francisco, California
94102-3688

Meeting Minutes

Judicial Council

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

Friday, June 24, 2016

8:30 AM

San Francisco

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

Voting Members

- Present:** 18 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice James M. Humes, Justice Harry E. Hull Jr., Justice Douglas P. Miller, Judge Brian J. Back, Judge Kyle S. Brodie, Judge Daniel J. Buckley, Judge Stacy Boulware Eurie, Judge Samuel K. Feng, Judge Dalila Corral Lyons, Judge Gary Nadler, Judge Dean T. Stout, Assembly Member Richard Bloom, Mr. Mark G. Bonino, Mr. Patrick M. Kelly, Ms. Donna D. Melby, and Ms. Debra Elaine Pole
- Absent:** 3 - Judge Marla O. Anderson, Judge David M. Rubin, and Senator Hannah-Beth Jackson

Advisory Members

Present: Justice Marsha G. Slough; Judges Scott M. Gordon. Brian L. McCabe, Kenneth K. So, Eric C. Taylor, and Charles D. Wachob; Commissioner David E. Gunn; Court Executive Officers Jake Chatters, Richard D. Feldstein, and Kimberly Flener; and Supreme Court Administrator and Clerk Frank A. McGuire

Media Representatives

Ms. Maria Dinzeo, *Courthouse News Service*, and Mr. Kevin Lee, *Daily Journal*

Others Present

Mr. Jeff Karotkin, Ms. Nancy Leroux, Ms. Marivic Mabanag, Mr. Logan Begneaud, and Ms. Marci Patara

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 Malcolm M. Lucas Board Room of the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Recognition of New Judge Orientation Faculty and Participants

The Chief Justice welcomed New Judge Orientation faculty and participants who were in attendance at the meeting. She noted that the California judiciary is fortunate

to have a robust educational program for judges and court staff, and particularly in the areas of judicial ethics and orienting new judges to their roles and responsibilities on the bench. She added that the 2016-18 education plan for the judicial branch was on the discussion agenda for the meeting. The Chief Justice acknowledged New Judge Orientation faculty who are experienced judges who volunteer their time to teach while their caseload continues. She invited the following faculty to stand and be recognized:

- Judge Barry Baskin, Superior Court of Contra Costa County
- Judge James Dabney, Superior Court of Los Angeles County
- Judge Cindy Dobler Davis, Superior Court of San Diego County
- Assistant Presiding Judge Jill Fannin, Superior Court of Contra Costa County

The Chief Justice then introduced the following 14 judges and judicial officers who were participants in the orientation:

- Judge Michelle Ahnn, Los Angeles County Superior Court
- Commissioner Alicia Bianco, Los Angeles County Superior Court
- Judge Carlos Cabrera, San Bernardino County Superior Court
- Commissioner Erin Childs, Fresno County Superior Court
- Commissioner Timothy Covello, San Luis Obispo County Superior Court
- Judge Steven Freccero, Marin County Superior Court
- Commissioner Belinda Handy, Riverside County Superior Court
- Commissioner Tamiza Hockenhill, Alameda County Superior Court
- Judge Thomas Long, Los Angeles County Superior Court
- Judge James Mangione, San Diego County Superior Court
- Judge Kimberly Parker, Santa Clara County Superior Court
- Judge John Soldati, San Joaquin County Superior Court
- Judge Theresa Traber, Los Angeles County Superior Court
- Judge Joshua Wayser, Los Angeles County Superior Court

The Chief Justice highlighted that members from the various counties, both on the bench and professional staff, have served admirably and with distinction on the Judicial Council, bringing the experience of their courts to statewide administrations. She thanked them for being present.

Update on the State Budget

The Chief Justice reported that she expected that Governor Edmund G. Brown, Jr., would sign the 2016-17 state budget next week. She added that she was proud to say that the council actively contributed to the negotiations and evolution of the judicial branch budget portion of the state budget, highlighting that it is a balanced budget, on time, and addresses many diverse state needs and concerns. She commented that many around the council table and those listening and reading online have tirelessly

advocated all year for new investment in the branch. With this budget, she explained that they have achieved new investments in the judicial branch for the benefit of the people of California for the fourth year in a row. According to calculations, the branch has received approximately \$620 million and of that, approximately \$455 million has been ongoing. The Chief Justice remarked that in the last four years much of their effort has been noticed and rewarded. She thanked the council for their work and added that it trickles down to local communities and to the public. The new investment is also a testament, she said, to the way this Judicial Council was constituted, with representatives from all over the court, all over the state, and with the Legislature and the State Bar; and that it also proves that the more united the judicial branch is regarding their needs and budget, the more they are seen and the less they are ignored. The Chief Justice shared a quote from Assembly Member (and Judicial Council member) Richard Bloom from the state assembly's conference budget committee meeting: "The Judicial Council has worked very hard over the last few years to reformulate the way that it deploys its resources throughout the state. It has made great progress on that issue. The fundamental issue that we face with respect to the court is that they are, throughout the state, grossly underfunded. It is a very complicated issue that needs to be addressed to the benefit of all the counties in the state of California."

Approval of the Minutes

[16-102](#)

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

Mr. Patrick M. Kelly motioned, and Judge Dean Stout seconded, that the minutes be approved. The motion carried by a unanimous vote.

Chief Justice's Report

The Chief Justice presented her report summarizing her engagements and ongoing outreach activities on behalf of the council and the judicial branch since the April meeting. The Chief Justice reported that following the lead of the Legislature benefiting from the experiences and knowledge gained by Judicial Council and its staff, the Supreme Court of California began live webcasting its oral argument sessions in early May. She added that the Supreme Court justices were excited to do this and it has been smooth thus far. Broadcasting in Los Angeles is not yet available due to the age of the cameras. The May and June Supreme Court webcasts yielded over 7,000 live views and positive responses from the public, media and justice system partners, far exceeding the 122 seats in the actual courtroom that had never been full to capacity for any single argument. The Chief Justice remarked that it is another remote access technology tool, part of the Access 3D vision that increases statewide access to proceedings, helps the public understand judicial institutions, and demonstrates transparency, reflecting the work of the courts, the attorneys, the law, and the advocacy. She noted that live webcasts and real-time captions are archived online in English and Spanish, and that they are providing educational opportunities to attorneys

and law school students as they study the work and process of the high court. She thanked Frank McGuire, Supreme Court clerk/administrator and member of council; Jorge Navarrete, who assisted; and the Judicial Council team, led by Millicent Tidwell. The Chief Justice emphasized that it was a promise she made in her state of the judiciary speech, and she was pleased to see it come to fruition.

The Chief Justice noted that “access” was also the theme in the state of Maine, where she received the 2016 Distinguished Judicial Service Award from the Goldfarb Center for Public Affairs and Civic Engagement at Colby College. The challenges of equal access, funding, and the unrepresented were themes discussed that evening among all the states. It included the panel discussion “Women in Law: Obstacles and Opportunities.” In Anaheim, the Chief Justice participated in the Women’s Empowerment Conference hosted by California Women Lead, along with Assembly Member Fiona Ma from the State Board of Equalization, University of California Regent Charlene Zettel, Assembly Member Kristin Olsen, and California State Controller Betty Yee. Moderated by Mona Pasquil, Governor Brown’s appointments secretary, she was quizzed on a variety of topics including leadership, diversity, civic engagement, and public service. Former Judicial Council member and distinguished service award winner Tressa Kentner, affiliated with Justice Marsha G. Slough, also facilitated a question-and-answer for Justice Slough and the Chief Justice for the League of Women Voters of the Claremont Area. She noted that the league is also actively engaged in the judicial branch’s Power of Democracy Civic Learning initiative. The Chief Justice remarked that their discussion was related to the convener role that judicial officers across the country can play in local and statewide civic engagement and education initiatives.

Pretrial justice reform initiatives were the main topic at the Conference of Chief Justices and Conference of State Court Administrators reform summit in Santa Fe, New Mexico. The Chief Justice mentioned that Administrative Director Martin Hoshino’s involvement with the National Task Force on Fines, Fees, and Bail Practices, and her role as board liaison on the criminal justice conference, enable them to share and receive best practices. She reminded the council that pretrial reform is prevalent in the United States. Some jurisdictions are doing incredible work and have completely eliminated cash bail, she reported, and are seeing progress in moving toward different models for pretrial reform.

The Chief Justice reported that she, Judge Daniel J. Buckley, and Justice Maria P. Rivera represented California by participating in a new National Center for State Courts and PBS listening tour program called “Courting Justice.” Hosted by Tavis Smiley, the two-day PBS program aired the same week as the council meeting. California was the first state to participate and the Chief hopes that the program will engage other states to bring their judicial officers to hold a town hall meeting with members of the public, where they will answer unscripted questions from the

audience. She identified the other panelists as Chief Judge Eric Washington, from the District of Columbia Court of Appeals, and Judge Jimmie Edwards from St. Louis, Missouri. The audience included members of the Los Angeles social justice, faith, business, bar and court communities. She noted that she, Judge Washington, and Tavis Smiley serve on an advisory board of a national initiative called Community Engagement in the State Courts, a joint project of the Conference of Chief Justices, the National Center for State Courts, the State Justice Institute and the National Consortium on Racial and Ethnic Fairness. She added that the initiative developed in response to the issues surrounding the incident in Ferguson, Missouri. She reminded listeners that this broadcast was the first in a series of regional town hall meetings.

The Chief Justice reported that in Los Angeles during the oral argument calendar, she attended the 62nd annual Beverly Hills Bar Association annual Supreme Court luncheon with Justice Ming W. Chin. Joined again by Chief Judge Eric Washington, she also participated in a panel discussion called “Race and the Courts” at Loyola’s Law School for Journalists with Eric Miller, moderated by Priscilla Ocen. The audience consisted of journalists from diverse media outlets across the country including *The New York Times*, *The Wall Street Journal*, *Buzzfeed*, and Associated Press International. She stated that it was an unexpected session and that you never know what will come out of the questions when the journalists are asking you in a free forum about race and the courts. The Chief Justice added that Judicial Council member Donna D’Angelo Melby, during her term as president of the American Board of Trial Advocates, developed the idea for Loyola’s Law School for Journalists, which was a tremendous civic tool for journalists to acquire certification and a greater understanding of the third branch.

The Chief Justice added that she was privileged to participate alongside Governor Brown, Attorney General Harris, Senator Kathleen Galgiani, and California Peace Officer Memorial Foundation Executive Director Wayne Quint, Jr., at the 40th Annual Peace Officer Memorial Service in Sacramento, honoring those who made the ultimate sacrifice in the line of duty.

Administrative Director’s Report

[16-101](#)

Administrative Director’s Report

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

Mr. Hoshino first reported on the status of the budget and its contents for the upcoming fiscal year. He explained that there were a number of trailer bills they learned about just before the meeting that still needed to be acted upon before there would be a complete state budget, both in terms of math and legislation. He commented that specifics of the budget would be forthcoming once it was signed and complete. In terms of the broad numbers, the budget appeared to contain \$3.6 billion for the branch with \$135 million in new funding, with almost 90% of that for trial court

operations. He stated that the continued augmentation in the face of all the other challenges the state faces is a welcome support. He highlighted some of those items, such as expected new funding to help courts meet their ongoing obligations with \$20 million for baseline operations; a continued recognition of Proposition 47, with a second installment of dollars of approximately \$21.4 million; and a technology investment for the first time of \$24.3 million over three years to assist with the transition from old statewide case management systems to newer, more organically grown case management systems. He added that there are additional security investments, some deferred maintenance for facilities dollars, and a new state-level trial court reserve formula. As a result, the Judicial Council will no longer be required to withhold 2 percent of the total budget of the trial court operations at the beginning of each fiscal year. Instead, that money will go to the trial courts immediately at the beginning of the year. Mr. Hoshino explained that there is \$10 million to establish a new state reserve formula, so the Judicial Council will have the opportunity to develop what might be a new relief formula that will be more workable. He added that they anticipate new funding for accessibility services such as language access in civil proceedings, legal aid for low income Californians, and a grant program fostering local and statewide court innovations to provide greater access to the courts.

Mr. Hoshino added that while these are all positive highlights, there are also disappointments in the branch budget. He stated that they would have liked to have seen a greater augmentation of the trial court baseline operation dollars and an increase in dependency funding. They sought over \$22 million; the budget proposal was rated highly in the upper tier priorities for the council last fall. It was not in the Governor's January proposal or the May revise. The Legislature was able to get those dollars in on their side; however, in the final negotiations, the dependency dollars--which were \$22 million plus another \$7 million to help ease the allocation in a new formulaic way--evaporated, and that they do not expect that to be in the budget. He added that the reason he spent time discussing this was because the dependency funding budget item connects with a council agenda item that would be considered at the meeting.

He continued to focus on the positive aspects of the budget. This is the fourth consecutive year of investments of new dollars into the branch to the tune of the \$600 million-plus that the Chief Justice described, as well as the \$455 million ongoing. He emphasized the importance of acknowledging and appreciating those who have been leading this process for the branch, many of whom are leaders from our trial courts and court executives, and named Judge Brian L. McCabe, Judge Jeffrey B. Barton from San Diego, and court executive officers Richard D. Feldstein and Jake Chatters. He commented that they were tremendous, not just in coming to Sacramento to participate in the hearing process, but also in spearheading the effort. No matter what the query or question was, there was never a delay, just an earnest effort to try to get that information to people, even though it meant being on call 24/7 during that period,

he recalled. In addition to the individuals, Mr. Hoshino also recognized the specific courts that also contributed to the budget process: Los Angeles County, Contra Costa County, Fresno County, Riverside County, San Diego County, and the Third District Court of Appeal. He acknowledged that there was a fair amount of harmonious participation this year, which underscored the Chief's comments and helped them advocate for the branch. He acknowledged the Bench-Bar Coalition and family and juvenile advocacy partners for their tremendous work, especially on the dependency efforts; and the Judicial Council's staff in Finance and Governmental Affairs, who worked hard to provide expedient answers and give real-time budget updates. Mr. Hoshino noted that, most importantly, the Chief Justice deserves a lot of thanks. Her voice on behalf of the courts and the public was heard and respected in the capital. He added that it makes a big difference to have the Chief carve out the time to advocate for branch priorities so that the audience and Legislature hear it first and foremost from her voice.

Returning to his written report, Mr. Hoshino noted that there were 15 committees as well as numerous subcommittees and working groups that had convened since the last council meeting in April, either in person or by WebEx or conference calls. He commented that many of the members of the branch volunteer their time and expertise to serve on the various committees to contribute to essential work for the council and are the lifeblood of the council and its work.

Mr. Hoshino reported that there has been elevated interest in the area of criminal justice reform nationally, as well as in California. He added that judicial council staff have been meeting with several constitutional officers who are interested in the areas of the fines and fee formulas for California, as well as the pretrial program and any alternatives. He noted that California was participating in the Western Region Pretrial Reform Summit of the Conference of Chief Justices and the Conference of State Court Administrators, and that development of the next steps related to pretrial detention is underway for the Chief Justice's consideration. Mr. Hoshino added that that is only one part of their work. Throughout the state, through the recidivism reduction fund program, California has already begun some proactive work in this area throughout the branch. In the past several weeks, there have been a number of site visits as they continue to support the implementation of these programs. The judges and court staff of El Dorado, Fresno and Orange Counties have been meeting with them, as well as local criminal justice partners, to discuss some of their pretrial programs, their data collection, and the administration of the grants that they have; the program is about to enter its third year in some of these counties. He noted that it is helping to consider what some alternatives might be for California.

Regarding the fiscal year-end closeout, Mr. Hoshino recognized the efforts of the council's budget team. He emphasized how impressive it was that a \$3.6 billion proposition was done on time. He remarked that for those who have ever had any

issues balancing checkbooks or getting their tax records in order in April, if they multiply that by a factor of something that gets you close to \$3.6 billion, it is really a big deal. Mr. Hoshino thanked those staff members who provided the full accounting for the use of public funds in what is the largest court system in the country.

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

Executive and Planning Committee

Justice Miller, chair of the Executive and Planning (E&P) Committee, reported that the committee had been busy reviewing hundreds of nominations for advisory committees. He explained that one of the tasks of the E&P Committee under the rules of court is to recommend candidates to the Chief Justice for appointment to the Judicial Council and its advisory bodies. Justice Miller compared the Judicial Council to a grassroots organization and noted that the council relies on the knowledge and service of approximately 600 justices, judges, commissioners, referees, court professionals, attorneys and justice system partners. All volunteer to serve on the council, its internal and advisory committees, and its task force and working groups, and all with the support, resources, and expertise of the able Judicial Council staff. Advisory bodies keep the council aware of the issues and concerns confronting the judicial branch, as well as appropriate solutions and responses, he noted. Justice Miller explained that the council has advisory groups examine issues related to jury instructions, family law, collaborative justice, court facilities, technology and anything related to the judicial branch.

This year recruitment consisted of 128 vacancies on 22 advisory bodies, and E&P members reviewed 515 applications. Justice Miller reported that the committee spent hours reviewing and meeting together to make recommendations, always keeping in mind the Chief's emphasis on ensuring diversity in experience, gender, ethnic background and geography. In July the E&P committee will forward their recommendations to the Chief Justice and candidates will be notified by her in August. Justice Miller thanked the members of E&P who spent countless hours reviewing the nominations, calling out Judge Donna Melby, Justice Humes, Judge Nadler, Judge

Feng, Judge Wachob, Judge Anderson, Frank McGuire, Richard Feldstein, and Judge Buckley.

Policy Coordination and Liaison Committee

Judge Kenneth K. So, chair, reported that the committee met seven times since the April Judicial Council meeting and took positions on behalf of the council on 20 pieces of state legislation. He highlighted the committee's supporting positions on Senate Bill 1158 regarding trusts, Assembly Bill 2244 regarding electronic filing, and Assembly Bill 2367 relating to DUI sobriety programs. The committee also supported Assembly Bill 2765, which extends the time limitations for petitioning for relief under Proposition 47 to reduce charges. Additionally, the committee voted to approve sponsorship of a legislative proposal that would require allocation of vacant judgeships from courts with lower judicial workloads to courts with a greater judicial workload. Judge So remarked that they did not take that action lightly. In their discussions with the Governor's office, the committee learned that the funding for judgeships in the Inland Empire and San Bernardino and Riverside would be dependent on reallocation. He added that Judge McCabe will be testifying on this bill when it is heard in a Senate committee. In addition, the committee is watching and waiting for the Governor to sign the trailer bill dealing with the reduction of peremptory challenges. Judge So thanked the California Judges Association, Judge Eric C. Taylor, and Judge Joan C. Weber for their vigorous advocacy, in addition to court-sponsored legislation.

Rules and Projects Committee

Justice Hull, chair of the Rules and Projects Committee (RUPRO), reported that the committee met once since the April 15 Judicial Council meeting. On May 18 they met by telephone to consider two proposals that had circulated for public comment: agenda item 16-088, dealing with revision of the civil jury instructions and verdict forms, and 16-095, dealing with court records sampling and destruction. Justice Hull added that RUPRO is scheduled to meet again by phone on August 3 to consider rules related to traffic matters.

Judicial Council Technology Committee

Justice Marsha Slough, the Judicial Council Technology Committee (JCTC) chair, reported that the committee held three meetings, two by teleconference and one in-person meeting. She explained that their subgroup continues to work with the Sustain Justice Edition courts on new and modern case management systems for them, as well as a new hosting model that is on the council's meeting agenda.

Justice Slough referred back to Mr. Hoshino's comment regarding the item in the

budget for funding for V3 case management system replacement. She reminded listeners that last August, the Judicial Council approved a placeholder for this budget change proposal. The proposal was submitted to the Department of Finance earlier in the year. Justice Slough commented that the project was a collaborative effort between the V3 courts, which are Orange County, Sacramento, San Diego and Ventura. She added that they worked well with the Judicial Council and its staff to prepare the proposal, which was approved and may be in the budget. She believes it was a success, as this was the first significant funding for branch technology in years, and it started with Judge James Herman convening a Technology Planning Task Force. The result of that task force was the Court Technology Governance and Strategic Plan. She added that the V3 funding project is the very first success arising out of that hard work. She thanked the Chief for her vision in convening that group, Judge Herman for leading the task force, and the Judicial Council for approving the plan, which the committee is working diligently to bring to life. She also acknowledged the work of Mr. Jake Chatters, Mr. Richard D. Feldstein, Judge Gary Nadler, Judge Daniel J. Buckley, Mr. Mark Bonino and Ms. Debra Elaine Pole for their contributions. She remarked that they hope to continue the momentum from the case management system budget change proposal.

Justice Slough reported that work continues with the Sustain Justice Edition courts: a request for proposal for new modernized case management systems was issued, 20 vendors attended the pre-proposal conference, and 3 vendors submitted responses by the June 13 deadline. Potential vendors were evaluated and selected earlier in the week. She added that the chairs are meeting weekly to work on their budget change proposals for case management system replacement for fiscal year 2017-18, which is the target year for funding. Justice Slough thanked Rick Feldstein and acknowledged that the workload has been taking up a lot of his time for those courts. She explained that this ties in to the strategic plan for the goal of digital courts.

Justice Slough reported that the Information Technology Advisory Committee (ITAC) met on June 17 and their workstreams continue to work on specific projects such as self-represented litigants, managing the e-file request for proposal, next-generation hosting, and data exchanges. The disaster recovery workstream held its orientation and the video remote interpreting pilot project workstream started recruiting for members. She noted that they have had a great response thanks to the leadership from Justice Terence L. Bruiniers and Justice Mariano-Florentino Cuéllar. She added that these workstreams continue working diligently, inclusively, and collaboratively as designed by the workstream model, proving to be a great success and consistent with the Chief Justice's Access 3D initiative.

Justice Slough explained that she and Justices Bruiniers and Cuéllar collaborated on a message in May to all of the presiding judges, court executive officers, and information technology officers to request participation in the video remote interpreting

pilot project. A follow-up letter was sent out in the previous week, responding to some questions and extending the deadline. They received a robust response.

In addition, Justice Slough reported, the author of Assembly Bill 2244, the e-filing bill, accepted input from a subset of JCTC and ITAC members that resulted in amendments that were included and presented before the Senate. At the May 9 meeting, committee members received updates on the V3 progress and the video remote interpreting pilot project and took action on the Placer Court Hosting Consortium. At the June 13 meeting, the JCTC gave final approval for the e-filing workstream deliverables. Justice Slough added that at the committee's June 23 meeting, Michael Derr, from the Judicial Council Information Technology Office, presented a report on the work completed to date on the June 2014 Judicial Council-approved security framework. The report highlighted the need for IT security protocols. She noted that the security framework workstream's final deliverables were approved by the council at the December 15 meeting. Justice Slough commented that a review of the work completed at this June council meeting and the next steps will continue. She added that at the June 23 JCTC meeting they completed an evaluation and ranking of potential technology budget change proposals to present to the council. Justice Slough thanked the Judicial Council staff for the support that they have given her and noted that the JCTC is progressing in a very positive way.

Judicial Council Members' Liaison Reports

Hon. Harry E. Hull, Jr., reported on his visit to the Superior Court of Nevada County and Hon. Samuel K. Feng reported on his visit to the Superior Court of Amador County.

Public Comment

Ms. Catherine Campbell Raffa, Ms. Roberta Fitzpatrick, Ms. Danielle Barcena, Ms. Connie Valentine, Mr. Ralph Kanz, Ms. Jamie Gay, Ms. Kathleen Russell, Ms. Stacy Hart, Ms. Elizabeth Johnson, and Ms. Eve Sutton presented comments on judicial administration issues. Hon. Jonathan B. Conklin presented comment on item 16-042. Ms. Sarah Kaber, Mr. Javier Barraza, Ms. Leslie Heimov, and Mr. John Passalacqua presented comments on item 16-086.

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Judicial Council, effective July 1, 2016, adopt revisions to the *Judicial Branch Contracting Manual*.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: The Judicial Council's Court Interpreters Program, Court Operations Services, respectfully recommends that the Judicial Council, effective June 23, 2016:

1. Approve the attached report to the Legislature summarizing the fiscal year 2014-2015 trial court interpreter expenditures in conformance with the requirements of the Budget Act of 2014 (Stats. 2014, ch. 25); and
2. Direct staff to submit the report to the Legislature and the Department of Finance.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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).

Recommendation: Finance recommends that the Judicial Council, effective April 14, 2016:

1. Approve the attached annual report for the period of July 1, 2014, to June 30, 2015, on receipts and expenditures from local courthouse

- construction funds, as reported by each county; and
2. Direct staff to submit the report to the Legislature.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: Judicial Council staff recommend that the council, effective July 1, 2016:

1. Approve the *Inter-County Probation Case Transfer Fiscal Procedures* and sample Agreement (see attached) and direct each superior court to collaborate with its county, as necessary, to implement the procedures.
2. Delegate authority to Judicial Council Finance, Administrative Division to revise the procedures in response to any rule amendments or related action affecting the transfer of probation cases.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: The Advisory Committee on Civil Jury Instructions recommends that the Judicial Council, effective June 24, 2016, approve for publication under rules 2.1050 and 10.58 of the California Rules of Court the civil jury instructions prepared by the committee. On Judicial Council approval, the instructions will be published in the official June supplement to the 2016 edition of the *Judicial Council of California Civil Jury Instructions*.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council, effective June 24, 2016, accept the following “pending” audit report:

- Audit report dated February 2016 entitled: *Audit of the Superior Court of California, County of Contra Costa*

This acceptance will result in the audit report progressing from “pending” status to “final” status, and publishing the final report on the California Courts public website.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council, effective June 24, 2016, accept the following “pending” audit report:

- Audit report dated October 2015 entitled: *Audit of the Superior Court of California, County of Kings*

This acceptance will result in the audit report progressing from “pending”

status to “final” status, and publishing the final report on the California Courts public website.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective January 1, 2017, approve the request of the Superior Court of Los Angeles County for a total \$4.75 distribution to defray children’s waiting room operating costs.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: The Judicial Branch Workers’ Compensation Program Advisory Committee recommends that the Judicial Council, effective July 1, 2016:

1. Approve the workers’ compensation cost allocation for fiscal year 2016-2017 for participating trial courts and the state judiciary,
2. Accept the Bickmore Actuarial Analysis Report FY 2016-2017 (Attachment A: Bickmore Actuarial Analysis Report (Draft); and
3. Accept the workers’ compensation excess insurance proposal from ARCH Insurance Company (Attachment C: Excess Workers’ Compensation Program insurance rate sheet).

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: CEAC recommends that the Judicial Council:

1. Amend rule 10.855 of the California Rules of Court, effective July 1, 2016, to eliminate the systematic, subjective, and augmented samples, and to revise the longitudinal sample and comprehensive records requirements;
2. Approve the new rotation assignment.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

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.

Recommendation: The chair of the Executive and Planning Committee recommends that the Judicial Council approve the creation of one new advisory, nonvoting Judicial Council position for a three-year term, from September 15, 2016, through September 14, 2019.

A motion was made by Justice Chin, seconded by Judge Taylor, to approve the Consent Agenda. The motion carried unanimously.

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

Recommendation: The Language Access Plan Implementation Task Force recommends that the council:

1. Adopt a Translation Protocol and Translation Material Action Plan. These documents address Recommendations Nos. 36, 39 and 40 in the *Strategic Plan* approved by the council on January 22, 2015, and are attached to this report as Attachments 1-2;
2. Adopt a Benchcard (Working with Interpreters in the Courtroom), Bench Guide Outline, and Training Curricula Outlines for Judicial Officers and Court Staff. These documents address *Strategic Plan* Recommendations Nos. 50, 51 and 52, and are attached to this report as Attachments 3-5;
3. Adopt a Development Plan for Remaining Materials. This document addresses *Strategic Plan* Recommendation Nos. 38, 39 and 42 and is attached to this report as Attachment 6; and
4. Proceed with a video remote interpreting (VRI) pilot project, which will build on previous work to test technology solutions and equipment, preapprove vendors if appropriate, and finalize statewide technical guidelines while taking into account the needs of different courts throughout the state. This project addresses Recommendations Nos. 12 through 16 in the *Strategic Plan*.

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

[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

Recommendation: The Information Technology Advisory Committee (ITAC), with the approval of the Judicial Council Technology Committee recommends that the Judicial Council:

1. Approve the National Information Exchange Model/Electronic Court Filing (NIEM/ECF) as the technical information exchange standards for the purposes of e-filing in all state trial courts; direct ITAC to develop a plan for implementation of these standards, including the effective date; and report back to the Judicial Council on the implementation plan at a future date.
2. Approve the following statewide policies:
 - a. The California judicial branch will select more than one statewide EFM for the trial courts; and
 - b. Individual courts will retain the authority to determine which EFM or EFMs they will use.
3. Approve the following high-level functional requirements for trial court EFMs:
 - a. EFMs must support all case types.
 - b. EFMs must have the ability to integrate with all statewide case management systems (CMS) included in the statewide CMS Master Services Agreement (currently, Tyler Odyssey, Thomson-Reuters C-Track, Justice Systems) and Journal Technologies eCourt.
 - c. EFMs must describe their approach for integration with “non-standard” CMSs, including a free-standing e-delivery option.
 - d. EFMs must integrate with Judicial Council approved financial gateway vendors, if directed.
 - e. EFMs must support electronic payment types beyond credit card.
 - f. EFMs must provide a zero cost e-filing option for indigent and government filers.
 - g. EFMs must clearly disclose all costs and services to the e-filing service provider (EFSP) community.
 - h. EFMs must support electronic service of court generated documents.
 - i. Electronic Filing Service Providers (EFSP) must integrate with all statewide EFMs in all participating counties.
4. Direct ITAC, in collaboration and coordination with the council’s Branch Accounting and Procurement, to undertake and manage a procurement process to select multiple statewide EFMs to assist the trial courts with e-filing.

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

[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

Recommendation: The subcommittee reviewed its original recommendation related to small court funding in the Dependency Counsel Workload and Funding Methodology and recommends that the Council, effective June 24, 2016, consider all of the alternative options listed in recommendation 1, and adopt all or some of those options to modify the Workload and Funding Methodology for small courts. In addition, the subcommittee recommends that the Council consider adopting recommendation 2, which does not modify the methodology but will provide additional data on funding issues in small courts.

1. Approve all or any of the following alternative options related to the Dependency Counsel Workload and Funding Methodology in small courts:
 - a. That base funding be established for small courts that ensures funding of a minimum required service of providing qualified attorneys in the small courts.
 - b. That the attorney workload model be modified to reflect additional costs incurred in small courts: lack of access to qualified attorneys, attorneys travelling long distances from out of county, large numbers

- of conflicts, lack of economies of scale for attorneys in employing support staff or investigators, lack of access to expert witnesses.
- c. That the funding reallocation process be suspended for small courts until a more accurate model for calculating workload is developed.
 - d. That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases (original recommendation 7).
2. That small courts pursue pilot projects to decrease attorney costs, including: coordinating calendars in courts that share attorneys, developing conflict attorney panels that could serve several courts, developing expert witness panels that could serve several courts, expanding remote appearances by attorneys.

A motion was made by Justice Hull, seconded by Justice Slough, that this proposal be tabled. The motion carried by the following vote:

Aye: 15

Nay: 2

[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

Recommendation: The Trial Court Budget Advisory Committee is unanimously recommending that the Judicial Council adopt the following recommendations:

1. Allocate the following in 2016-2017 from the TCTF:
 - a. \$13.819 million from the TCTF Judicial Council and Trial Court Operations appropriations (see Attachment A),
 - b. \$144.068 million from the Support for Operation of the Trial Courts appropriation (see column E of Attachment B), and
 - c. For the jury reimbursement program, which is allocated from the Support for Operation of the Trial Courts appropriation, direct Judicial Council of California (JCC) Finance staff to make, if eligible jury costs exceed the total allocation, a year-end allocation adjustment so that each court receives the same share of the approved allocation based on their share of the statewide allowable jury expenditures.
2. Allocate \$64.457 million (\$6.953 million state operations and \$57.506 million

local assistance) in 2016-2017 from the IMF (see column H of Attachment E).

3. Given current revenue estimates, set aside a \$2 million fund balance in the IMF by the end of 2016-2017 as a reserve against possible further declines in revenues.
4. Based on actual 2015-2016 IMF revenue receipts by September 1, 2016, allocate all unrestricted 2015-2016 revenues that exceed the current estimates to the Telecommunications Program.
5. Consistent with actions taken by the Judicial Council Technology Committee on April 14, 2016:
 - a. Endorse the position that all Sustain hosted courts move away from the current IMF subsidized funding structure to an IT administrative program that is funded in a manner consistent with other trial courts throughout the state.
 - b. Endorse “scenario 3: Elimination of the Interim Case Management System and Managed Court Program use of the California Court Technology Center (CCTC), if any use remains at the start of FY 19/20, any such costs are paid by the participating courts.”
 - c. Via the Judicial Council Technology Committee and the Trial Court Budget Advisory Committee, find one-time funding for the support of this effort, as early as the current year.
 - d. Continue to support the Sustain hosted courts in their efforts to acquire a replacement of the outdated Interim Case Management System as a longer term goal, which would further reduce the IMF expenditures.

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

[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

Recommendation: Based on actions taken at its June 1, 2016 meeting the Trial Court Budget Advisory

Committee's Fiscal Planning Subcommittee recommends that the Judicial Council, effective June 24, 2016:

1. Allocate and designate \$90,807 in Trial Court Trust Fund fund balance to Glenn Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C1).
2. Allocate and designate \$895,286 in Trial Court Trust Fund fund balance to Kern Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C2).
3. Allocate and designate \$306,172 in Trial Court Trust Fund fund balance to Merced Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C3).
4. Allocate and designate \$51,914 in Trial Court Trust Fund fund balance to Monterey Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C4).
5. Allocate and designate \$228,196 in Trial Court Trust Fund fund balance to Napa Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C5).
6. Allocate and designate \$775,384 in Trial Court Trust Fund fund balance to Orange Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C6).
7. Allocate and designate \$830,217 in Trial Court Trust Fund fund balance to Sonoma Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C7).
8. Allocate and designate \$1,413,142 in Trial Court Trust Fund fund balance to Sacramento Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three year term. The funds would be distributed to the court in 2016-2017 (see Attachment C8).
9. Allocate and designate \$476,962 in Trial Court Trust Fund fund balance to

Sutter Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C9).

10. Allocate and designate \$264,870 in Trial Court Trust Fund fund balance to Placer Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2017-2018 (see Attachment C10).
11. Allocate and designate \$1,270,811 in Trial Court Trust Fund fund balance to Kern Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C11).
12. Allocate and designate \$89,669 in Trial Court Trust Fund fund balance to Lake Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C12).
13. Allocate and designate \$200,000 in Trial Court Trust Fund fund balance to Orange Superior Court from funding to be reduced from the court's allocation in 2016-2017 as a result of the court exceeding the 1% fund balance cap due to a contract exceeding its three-year term. The funds would be distributed to the court in 2016-2017 (see Attachment C13).
14. Direct those courts with approved requests relying on estimates prior to fiscal year-end to submit amended requests with final amounts and direct Judicial Council staff to inform the council of any final adjustments to the estimated amounts after 2015-2016 year-end.

A motion was made by Judge Buckley, seconded by Mr. Kelly, that this proposal be adopted. Judge Nadler abstained.

[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

Recommendation: The CJER Governing Committee reviewed and unanimously approved the education plan for fiscal years 2016-2017 and 2017-2018 and now recommends that the

Judicial Council approve the plan, effective July 1, 2016. Judicial Council approval will enable the CJER Governing Committee and CJER staff to initiate the education and training they are required and expected to deliver to the multiple judicial branch audiences they serve.

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

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 (CO-16-06)**

[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 (CO-16-07)**

[16-099](#) **Trial Court Allocations: Augmentation for a Program Funded from the State Trial Court Improvement and Modernization Fund (CO-16-09)**

Appointment Orders

[16-103](#) **Appointment Orders since the last Judicial Council business 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. Don A. Turner (Ret.), Superior Court of California, County of San Bernardino
- Hon. Robert A. Knox (Ret.), Superior Court of California, County of Orange
- Hon. Shirley Hufstedler (Ret.), Court of Appeal, Second Appellate District
- Hon. Terrill F. Cox (Ret.), Santa Barbara County Municipal Court
- Hon. Milton Milkes (Ret.), Superior Court of California, County of San Diego
- Hon. Robert L. Bostick (Ret.), Superior Court of California, County of Alameda
- Hon. Richard M. Mosk (Ret.), Court of Appeal, Second Appellate District
- Hon. Gerald V. Underwood (Ret.), Superior Court of California, County of Stanislaus
- Hon. George E. McDonald (Ret.), Alameda County Municipal Court
- Hon. Robert C. Van Auken (Ret.), Superior Court of California, County of Tulare
- Hon. Kenneth A. Black (Ret.), Superior Court of California, County of Los Angeles
- Hon. Arthur G. Koelle (Ret.), Orange County Municipal Court
- Hon. Robert D. Macomber (Ret.), Superior Court of California, County of Riverside
- Hon. Harry E. Woolpert (Ret.), Superior Court of California, County of San Luis Obispo

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at 12:30 p.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on July 29, 2016.