



# Judicial Council of California

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

## Meeting Agenda

## Judicial Council

Meeting materials  
are available through  
the hyperlinks in  
this document.

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

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

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Friday, January 12, 2018

9:00 AM

San Francisco

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

**Session 9:00 – 9:30 a.m.**

**Transitional Break 9:30 – 9:35 a.m.**

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

**Session 9:35 a.m. – 1:00 p.m.**

#### **Call to Order**

#### **Public Comment**

*30 minutes*

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

*Please see our public comment procedures at:*

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

- 1) Submit advance requests to speak by 4:00 p.m., Wednesday, January 10, 2018.
- 2) Submit written comments for this meeting by 1:00 p.m. on Thursday, January 11, 2018.

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

*E-mail:*

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

*Postal mail or delivery in person:*

*Judicial Council of California*

*455 Golden Gate Avenue*

*San Francisco, California 94102-3688*

*Attention: Donna Ignacio*

## **Approval of Minutes**

[18-005](#) **Minutes of the November 16-17, 2017, Judicial Council meeting.**

## **Chief Justice's Report**

*10 minutes*

## **Administrative Director's Report**

[18-006](#) **Administrative Director's Report**

*10 minutes*

## **Judicial Council Committee Presentations**

[18-008](#) **Judicial Council Committee Reports**

**Summary:**

Executive and Planning Committee

Hon. Douglas P. Miller, Chair

Policy Coordination and Liaison Committee

Hon. Kenneth K. So, Chair

Rules and Projects Committee

Hon. Harry E. Hull, Jr., Chair

Judicial Council Technology Committee

Hon. Marsha G. Slough, Chair

Judicial Branch Budget Committee

Hon. David M. Rubin, Chair

*30 minutes*

## **Judicial Council Members' Liaison Reports**

[18-009](#) **Judicial Council Members' Liaison Reports**

**Summary:**

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

*20 minutes*

**Break 11:15 – 11:30 a.m.**

## CONSENT AGENDA

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

### [18-002](#)

#### **Judicial Council Report to the Legislature: Review of Statewide Uniform Child Support Guideline 2017 (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee and Policy Coordination and Liaison Committee recommend that the Judicial Council receive and accept the report entitled *Review of Statewide Uniform Child Support Guideline 2017* and the report cover letter, which includes suggested modifications to the report's observations, and direct staff to forward them to the Legislature. The review of California's statewide uniform child support guideline is legislatively mandated. Family Code section 4054 states that any recommendations for revision to the guideline must be made to ensure that the guideline results in appropriate child support orders, limits deviations from the guideline, or otherwise helps to ensure that the guideline is in compliance with federal law. The review provides a basis for the Legislature to periodically reassess California's child support guideline and evaluate its impact on children and families.

### [18-012](#)

#### **Judicial Council-Sponsored Legislation: Interpreters in Small Claims Actions (Action Required)**

**Summary:**

In order to complete the expansion of language access services, including the provision of court interpreters in small claims actions when court resources allow, the Policy Coordination and Liaison Committee, Language Access Plan Implementation Task Force, and Civil and Small Claims Advisory Committee recommend that the Judicial Council sponsor legislation to (1) delete an exception stating that interpreters are not required in small claims proceedings, and (2) authorize courts to appoint certified and registered interpreters in small claims proceedings. The latter amendment also provides judicial officers with discretion to appoint a temporary interpreter if an attempt to secure a certified/registered or provisionally qualified interpreter was not successful. The amendments support recommendations 71 and 72 in the *Strategic Plan for Language Access in the California Courts*.

### [18-013](#)

#### **Traffic and Criminal Procedure: Ability to Pay in Traffic and Other Infraction Cases (Action Required)**

**Summary:**

The Traffic Advisory Committee, the Criminal Law Advisory Committee, and the Advisory Committee on Providing Access and Fairness propose two optional, plain-language Judicial Council forms—an application form and a judicial order form—to assist in implementing existing rule 4.335 of the California Rules of Court on ability-to-pay determinations in traffic and other infraction cases. They also recommend a new rule stating the forms' intended use, their optional nature, and the confidential status of the application form.

[18-015](#)**Trial Court Allocations: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve one new request and one amended request for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, a court may request that funding reduced as a result of a court exceeding its 1 percent fund balance cap be retained in the TCTF for the benefit of that court. The total amount requested by the trial courts that would be reduced from their 2017-18 allocations for exceeding the cap is \$619,413.

[18-016](#)**Trial Court Allocations: Final Reduction Related to Statutory 1 Percent Cap on 2016-17 Fund Balance Carryover (Action Required)****Summary:**

Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Judicial Council staff recommend approving a final reduction allocation of \$7,392,571 related to the fund balance in 2016-17 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A).

[18-021](#)**Judicial Council: Advisory Committee Membership and Terms (Action Required)****Summary:**

The Judicial Council's Rules and Projects Committee recommends the amendment of several rules in the California Rules of Court relating to membership on advisory committees. The amendments modify rule 10.31, the general rule on membership, to clarify the terms of the chairs, members, and advisory members. In addition, the rules relating to four specific advisory committees are amended to add new or to modify existing categories of membership.

**DISCUSSION AGENDA**[18-003](#)**Trial Court Budget: Workload-Based Allocation and Funding Methodology (Action Required)****Summary:**

With a sustained lack of adequate and stable funding of the trial courts, the Trial Court Budget Advisory Committee recommends adopting new policy parameters for the Workload-Based Allocation and Funding Methodology (WAFM) to go into effect in fiscal year 2018-19 to continue making progress towards equity of funding based on workload. WAFM became effective July 1, 2013, with a council-approved five-year implementation schedule incrementally shifting funds using a recalculation of historical base each year, concluding in 2017-18. WAFM needs new policy parameters, effective 2018-19 and beyond, to further the objectives of the judicial branch in reaching workload-based equitable funding.

**Speakers:** Hon Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee and Co-Chair, Funding Methodology Subcommittee  
Ms. Rebecca Fleming, Co-Chair, Funding Methodology Subcommittee  
Ms. Lucy Fogarty, Deputy Director, Judicial Council Budget Services  
Ms. Leah Rose-Goodwin, Manager, Judicial Council Budget Services

*40 minutes*

[18-004](#) **Judicial Branch Education: 2018-2020 Education Plan (Action Required)**

**Summary:** The Governing Committee of the Center for Judicial Education and Research (CJER) recommends approving the 2018-2020 Education Plan, effective July 1, 2018. Through the work of its standing curriculum committees, the CJER Governing Committee developed this plan for CJER education programs and products that will enable its judicial branch constituencies 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  
Ms. Karene Alvarado, Director, Judicial Council Center for Judicial Education and Research

*30 minutes*

[18-014](#) **Judicial Branch: Revisions to the Judicial Branch Statistical Information System (JBSIS) (Action Required)**

**Summary:** The Court Executives Advisory Committee (CEAC) recommends that the Judicial Council approve the revised statistical reporting definitions for the Judicial Branch Statistical Information System (JBSIS), effective July 1, 2018. JBSIS is the statistical reporting system that defines and electronically collects summary information from superior court case management systems for each major case processing area of the court. JBSIS is authorized through California Rules of Court, rule 10.400 and is the source of court operational data for the judicial branch, the Legislature, and other state agencies consistent with article VI, section 6 of the California Constitution and Government Code section 68505.

**Speakers:** Mr. Jake Chatters, Chair, CEAC JBSIS Working Group  
Ms. Kimberly Flener, Chair, Court Executives Advisory Committee  
Mr. Chris Belloli, Supervising Analyst, Judicial Council Office of Court Research

*20 minutes*

## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[18-001](#) **Government Code Section 68604: Standards of Timely Disposition Published in the 2017 Court Statistics Report**

**Summary:** The Judicial Council shall direct staff to transmit the already-published 2017 *Court Statistics Report* to the Legislature. Doing so fulfills the requirements of Government Code section 68604, which requires the Judicial Council to report biennially regarding the standards of timely disposition adopted pursuant to section 68603. The 2017

*Court Statistics Report* contains case-processing and time-to-disposition statistics that meet the requirements of Government Code section 68604.

[18-010](#)**Judicial Council Report to the Legislature: Report on California Rules of Court, rule 10.75 (Meetings of Advisory Bodies)****Summary:**

The *Supplemental Report of the 2013-2014 Budget Package* requires that the Judicial Council report to the Joint Legislative Budget Committee on implementation of the open meetings rule, rule 10.75 of the California Rules of Court. Under subdivision (p) of the rule, the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. No amendments are needed at this time.

[18-011](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 45)****Summary:**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 45th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **four** superior courts-Modoc, Alameda, Stanislaus, and Sierra Counties-have issued new notices.

[18-017](#)**Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in Fiscal Year 2016-17****Summary:**

Judicial Council staff present this report on the allocation of funding in fiscal year 2016-17 for support of new judgeships authorized in FY 2007-08. The Budget Act of 2007 (Stats. 2007, ch. 171) requires that this report be submitted each year until all judgeships are appointed and new staff hired.

[18-018](#)**Judicial Council Report to the Legislature: Standards and Measures That Promote the Fair and Efficient Administration of Justice****Summary:**

This report satisfies the requirements of Government Code section 77001.5, which requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.

[18-019](#)**Report to the Legislature: Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2016-17****Summary:**

Government Code sections 68502.5(b) and 77202.5(b) require the Judicial Council to report to the Legislature the following financial data from all fund sources, by

individual trial court, with totals for all trial courts and each trial court: revenues; expenditures at the program, component, and object levels; and fund balances. The report must be submitted on or before December 31 after the end of each fiscal year.

[18-020](#)

**Judicial Council Report to the Legislature: Receipts and Expenditures from Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature**

**Summary:**

Government Code section 70403(d) directs the Judicial Council to submit a report of all receipts and expenditures from the local courthouse construction funds to the budget and fiscal committees of the Legislature based on the information received from counties pursuant to this section on or before January 1 of each year. The *Receipts and Expenditures from Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* provides information for the reporting period of July 1, 2016, to June 30, 2017.

**There were no Circulating Orders since the last business meeting.**

**Appointment Orders**

[18-022](#)

**Appointment orders since last business meeting.**

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