



Judicial Council of California

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

Meeting Minutes

Judicial Council

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Friday, March 24, 2017

8:30 AM

San Francisco

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

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the closed session to order at 8:30 a.m. in the Judicial Council Board Room.

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

Attendance

Council Members

Present: 27 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice Harry E. Hull, Jr., Justice James M. Humes, Justice Douglas P. Miller, Justice Marsha G. Slough, Presiding Judge Jeffrey B. Barton, Presiding Judge C. Todd Bottke, Presiding Judge Daniel J. Buckley, Presiding Judge Dean T. Stout, Judge Marla O. Anderson, Judge Brian J. Back, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Samuel K. Feng, Judge Scott M. Gordon, Judge Dalila Corral Lyons, Judge Gary Nadler, Judge David M. Rubin, Judge Kenneth K. So, Commissioner David E. Gunn, Mr. Jake Chatters, Mr. Patrick M. Kelly, Mr. Richard D. Feldstein, Ms. Kimberly Flener, Ms. Audra Ibarra, and Ms. Donna D. Melby

Absent: 3 - Assembly Member Richard Bloom, Senator Hannah-Beth Jackson, and Ms. Debra Elaine Pole

Media Representatives

Mr. Kevin Lee, Daily Journal

Others Present

Ms. Susan Ferris, Ms. Ronda Kenok, Ms. Logan Begneaud, Ms. Shelley Allison, Ms. Zoe Wong, and Ms. Jessilyn Chua

Call to Order

Chief Justice Tani G. Cantil-Sakauye called the open session to order at 9:40 a.m.

Public Comment

Ms. Roberta Fitzpatrick, Ms. Catherine Campbell, Ms. Kimberly Sweidy, Ms. Connie Valentine, Mr. Mitchel Smith, Ms. Mari-Lynne Earls, and Ms. Catherine Rucker presented comments on general administration.

Approval of Minutes

[17-041](#)

Minutes of the January 19, 2017, Judicial Council meeting.

A motion was made by Judge Gordon, seconded by Judge Boulware Eurie and Ms. Ibarra, that the minutes be approved. The motion carried by a unanimous vote.

Chief Justice's Report

The Chief Justice summarized her engagements and ongoing outreach activities on behalf of the judicial branch since the last council meeting. This reporting period included advocacy efforts with the sister branches of government not only on budget issues, but also on other issues of mutual interest relating to California's justice system. The Chief Justice held meetings with Governor Brown, attended his State of the State address, and met with Senate President pro Tempore Kevin De León and Speaker of the Assembly Anthony Rendon. She met with an additional 17 senators and assembly members with responsibilities on committees with oversight of justice system issues and programs. The Chief Justice added that the branch and justice system partners have always played an important role in the judicial branch's advocacy and awareness efforts. She also met with Paul Kiesel and Niall McCarthy from the Open Courts Coalition, through the liaison meetings program with other agencies, where they discussed issues of mutual interest, including access to justice and the ongoing need for adequate and stable funding for the judicial branch. The Chief Justice stated that in all the discussions with the sister branches, justice system partners, and stakeholders, the judicial branch has been deliberative and inclusive.

On February 12, the Chief participated in a candle lighting ceremony at the Sacramento Day of Remembrance in the California State Museum, with Assembly Member Al Muratsuchi, to recognize the 75th anniversary of the internment of Japanese Americans under Executive Order 9066.

On March 23, the Chief Justice received the Asian American Bar Association to the Greater Bay Area's Judges Award at their 41st annual dinner. She also participated in the Asian Resources Inc.'s 15th Annual Lunar New Year Dinner; a Q&A with the civics program of the Asian/Pacific Bar Association of Sacramento and the Sacramento Law Foundation; and received the Judicial Appreciation Award from the South Asian Bar Association of Southern California. All of these organizations strive to strengthen and empower their local communities and contribute to the well-being of the collective society.

In Los Angeles, the Chief Justice participated in a conversation and Q&A with Dean Jennifer Mnookin at the UCLA Law Women LEAD Summit. In Sacramento, she attended a reception with members of the Supreme Court hosted by the Presiding Justice Robert K. Puglia Chapter of the Federalist Society. The Chief Justice reported that she had a conversation with Professor Deborah Rhode as part of the Stanford Law Review Symposium titled “Raising the Bar: Lawyers and Leadership.” In Indian Wells with Associate Justice Douglas P. Miller, she moderated a discussion with former Secretary of State Condoleezza Rice at the Desert Town Hall Speaker Series.

Also during this reporting period, the Chief Justice continued her long-established annual tradition of visiting Sutter Middle School in Sacramento with U.S. District Judge Morrison England, Jr., to discuss the state and federal court systems and hopefully inspire the next generation of leaders.

In her convener and connector roles, with the help of Administrative Presiding Justice Judith McConnell, the Power of Democracy Steering Committee, and Judicial Council staff, the Chief Justice was able to host Civic Learning Summit 2.0. The Chief Justice reminded members that she launched this effort four years ago with U.S. Supreme Court Justice Sandra Day O’Connor, who was in attendance, in addition to Justice Anthony Kennedy, who stressed the importance of civil discourse and his fundamental belief in the power of our democracy. The Chief Justice reported that in just four years, the civics program has accomplished the addition of civics to a new History-Social Science Framework through K-12; the passing of Civic Learning School Board Resolutions in 43 school districts; the addition of more than 150 free lessons on civics to the state Department of Education portal for teachers, many of them about the justice system and the rule of law; and recognition of 180 schools in 26 counties with Civic Learning Awards.

The Chief Justice concluded that the opportunities for involvement remain with counties across the state organizing into Civic Learning Partnerships led by education leaders, judicial officers, and business leaders to promote civic learning in our schools. The Chief Justice expressed that informed and engaged Californians are good for the courts, good for the state, and good for democracy. As a result, she wrote a letter to Attorney General Jeff Sessions and Secretary of Homeland Security John Kelly regarding immigration enforcement tactics at state courthouses illustrating her concern for public safety in local communities, impacts on the justice system, and about the possible negative impacts on public trust and confidence in our court system. She concluded that she anticipates a response and, if none, she will continue to inquire about a response.

Administrative Director's Report

[17-042](#)

Administrative Director's Report

Mr. Martin Hoshino reminded members that the written report is a summary of information of all activities that occur in between the Judicial Council meetings, which reflect the buildup of activity on issues and recommendations that come to the council for decision or awareness on future items requiring council action. He stated that the report serves as a bridge between the advisory committee annual agendas and the work associated with the agendas. For example, Mr. Hoshino described the work associated with the revisions and additions to the 42 criminal jury instructions that are pending council action at today's meeting. He expressed that maintaining the instructions is an ongoing responsibility of the Civil Jury Instructions Advisory Committee and the Criminal Jury Instructions Advisory Committee, led by Associate Justice Martin J. Tangeman and Associate Justice Sandy R. Kriegler, respectively, and staffed by Legal Services attorneys Mr. Bruce Greenlee and Ms. Robin Seeley. This illustrates the value of the work of the advisory committees staff.

Mr. Hoshino added that there is ongoing national outreach and research by the work of the advisory committees and offices. For example, the Ability to Pay Workgroup held its first meeting where the members were briefed on the national landscape of the issues: efforts in other state courts, the work of the U.S. Commission on Civil Rights, and of the U.S. Department of Justice. Also, following from January's presentation to the council by Dr. Ed Latessa on pretrial risk assessment, at a subsequent meeting of the Pretrial Detention Reform Workgroup, court representatives from Washington, D.C., Kentucky, New Jersey, and New Mexico presented on their states' model programs. In addition, courts from Humboldt, Imperial, and Santa Clara Counties reciprocated by sharing information about their pretrial programs.

Mr. Hoshino reiterated that these examples demonstrate how the council and the annual agendas provide a good and helpful cross-pollination on ideas and approaches to continue to help inform others of the work being done in California.

Mr. Hoshino recapped the budget activity since the last council meeting and noted that the legislative hearings are underway. He added that due to the uncertainty related to the budget, there are a lot of informational aspects related to the hearings and a minimal amount of action occurring at this time. The judicial branch continues to receive opportunities to be able to represent and to advocate. Earlier this month, Presiding Judge Denine Guy and Judge Stephen Manley testified before the Senate Budget and Fiscal Review Subcommittee No. 5. Mr. Hoshino commented that they did an excellent job presenting on behalf of the priorities and unmet needs, but also in describing the actual impact when the judicial branch and judicial system are continually inadequately funded. The senate subcommittee reconvened on March 23

for another hearing on branch priorities, represented by Mr. Jake Chatters, Ms. Kimberly Flener, Mr. Zlatko Theodorovic, and others.

Most issues proposed are to be left open until the Governor updates revenues and expenditures as part of the May Revision, which is likely to be released May 12. The last update to the budget will appear after the April tax return. Another council meeting will occur shortly after the release. Discussions will continue with the administration, the Department of Finance, and legislators on branch priorities.

Mr. Hoshino thanked presiding judge and court executive officer committee leadership: Presiding Judge Barton, chair of the Presiding Judges Advisory Committee; Mr. Jake Chatters, chair of the Court Executives Advisory Committee; Judge Jonathan Conklin, chair of the Trial Court Budget Advisory Committee; and Presiding Judge Todd Bottke, California Judges Association president; and the individual trial courts that have spent a tremendous amount of time at the Capitol in helping to harmonize the branch's message.

With respect to the State of the Judiciary, on Monday, March 27, the Chief Justice will deliver the address to a joint session of the Legislature. Prior to that, Bench-Bar Coalition members will join members of the council for a series of meetings with legislators to support advocacy on branch priorities.

Mr. Hoshino concluded his report by recognizing that many will be in attendance at the State of the Judiciary address to support the Chief and help raise awareness on the importance of the courts in protecting public safety and providing equal access to justice.

Judicial Council Committee Presentations

[17-043](#)

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

Executive and Planning Committee

Justice Douglas P. Miller, chair of the Executive and Planning (E&P) Committee, stated that his detailed written report will be posted online following the council meeting. In addition to setting the agenda for Judicial Council meetings and reviewing nominations for the Chief Justice for the advisory bodies and Judicial Council, Justice Miller reminded the council that the E&P Committee reviews the annual agendas of the 11 advisory bodies overseen by the committee. An open, public meeting was held on March 23 where the chairs and lead staff of the advisory bodies presented their annual agendas. Justice Miller added that an E&P committee member is assigned to an advisory body to review its annual agenda prior to the evaluation and approval by the E&P committee. Justice Miller emphasized that this new policy of reviewing the annual agendas provides the practice of good governance. He added that the advisory bodies keep the council aware of the issues and concerns confronting the judicial branch, as well as provide solutions, responses, and recommendations. There are committees for every aspect of what occurs in the judicial branch, and all are overseen by one of the internal committees of the Judicial Council.

During the March 23 meeting, a closed session was held to review nominations for out-of-cycle appointments to advisory bodies where recommendations will be forwarded to the Chief. Justice Miller reminded the council of the current nomination requests for the advisory committees and Judicial Council, and future nomination requests for the annual Distinguished Service Awards, which recognize those who have demonstrated extraordinary leadership and made significant contributions to the administration of justice.

Lastly, Justice Miller reported that the internal chairs have provided to the Rules and Projects Committee (RUPRO) a recommended change for one of the advisory committees' rules: California Rules of Court, rule 10.63. This recommended change broadens RUPRO's responsibility to assist the council in carrying out its responsibility to ensure that the fiscal affairs of the branch are managed efficiently, effectively, and transparently. He emphasizes that the key word is the "branch" because it expands the committee's responsibilities from reviewing audits of the Supreme Court, the Court of Appeal, the Habeas Corpus Resource Center, and others in addition to the trial courts. The recommended change will go through its normal public comment, and Justice Miller anticipates it will return for discussion and recommendation in July.

Policy Coordination and Liaison Committee

Judge Kenneth K. So, chair, reported that the Legislature convened on January 4 and the Governor's proposed budget was released on January 10. He stated that the Policy Coordination and Liaison Committee (PCLC) met once in February since the

last council meeting. During the meeting, the committee reviewed and approved six legislative proposals to go out for public comment. He added that the legislative deadline to introduce bills was Friday, February 17, and staff have been reviewing all those bills to identify those of interest and those that will impact the judicial branch. Judge So reported that there are 10 council-sponsored proposals that were introduced, including electronic filing and service and bills dealing with the judgeships. The committee will meet regularly to take positions on pending legislation on behalf of the council. Judge So stated that the public can review the legislation that the committee has taken action on, which is available on the "Governmental Affairs" webpage of the California Courts website.

Rules and Projects Committee

Justice Harry E. Hull, Jr., chair of the Rules and Projects Committee (RUPRO), reported that the committee met three times by teleconference and conducted one action by e-mail since the council meeting in December.

During the January 5 teleconference, the committee met to consider a proposal to implement legislation that was effective on January 1. RUPRO recommended adoption of the proposal prior to circulation for comment, and the council adopted the proposal at the January 20 Judicial Council meeting.

During the February 24 teleconference, the committee met to consider 27 proposals to circulate during the regular comment cycle, additions and revisions to Criminal Jury Instructions, two proposals that make technical changes, and one proposal that circulated during the winter comment cycle. The committee approved circulation of the proposals and they are posted for public comment through April 28. Following circulation and further review by the advisory committees and RUPRO, the proposals are expected to come to the Judicial Council in September 2017. Justice Hull also stated that RUPRO recommended approval of the Criminal Jury Instructions, the two proposals that make technical changes, and the proposal that circulated during the winter comment cycle, which are items 17-053, 17-055, 17-056, 17-057, and 17-065 on the March consent agenda.

RUPRO met by teleconference on March 8 to consider one additional proposal for circulation for comment through April 28. The committee approved circulation of the proposal. Lastly, Justice Hull reported that the committee acted by e-mail on February 15 to approve a circulating order that revised four forms to reflect the federal poverty guidelines that were updated on January 31.

Judicial Council Technology Committee

Justice Marsha Slough, the Judicial Council Technology Committee (JCTC) chair,

reported on the activities of the JCTC since the December meeting. The committee held an educational session on March 23, three open meetings--January 9, February 6, and March 13--via teleconference, and conducted two actions by e-mail. One action was related to updating trial court electronic filing and service rules in the California Rules of Court, and the second action approved the update to the "Tactical Plan for Technology 2017-2018" and recommended that the plan come before the council for consideration as part of the March discussion agenda.

Justice Slough reported that at the January 9 meeting, members received an update on the activities of the Information Technology Advisory Committee (ITAC) as well as the work going on with the Placer Court Hosting Center consortium, the V3 civil case management system replacement, and the Sustain Justice Edition case management system replacement. The committee approved two items: the annual agenda of ITAC and the Traffic Advisory Committee and ITAC's recommendations for the revised "Guidelines for Semiannual Reports on Remote Video Proceedings in Traffic Infraction Cases." This is an update to the guidelines that were originally adopted by JCTC in 2013. Justice Slough added that the revisions are necessary to reflect the amendments that became effective September 1, 2015.

JCTC met on February 6 and March 13, where they received an update on ITAC activities and other projects. During the March 13 meeting, members received an update on a potential budget change proposal for the Phoenix Program for fiscal year 2018-2019. Justice Slough stated that the Phoenix Program is a successful, statewide combined business and technology effort that provides critical financial and procurement administration for all 58 trial courts, as well as human resources and payroll administration to 12 trial courts. The last significant investment in the Phoenix Program occurred in fiscal year 2008-2009. One-time funds are required to upgrade the system and migrate to a more current cloud-based platform. Also during the March 13 meeting, there were two action items: review and approval of the allocations for the Jury Management System Grant Program for fiscal year 2016-2017, and reaffirmation of ITAC's support of the California Courts Protective Order Registry (CCPOR) through approval of the ongoing full deployment for CCPOR.

Justice Slough acknowledged the work by ITAC and commented that they serve as the backbone to the work that Judicial Council Information Technology supports and that the Judicial Council approves. She described the following workstreams with which ITAC is tasked: Tactical Plan Update, Next Generation Hosting Strategy, Disaster Recovery Framework, E-Filing Strategy, SRL E-services, Video Remote Interpreting Pilot Project, and Intelligent Forms Phase 1.

Justice Slough thanked Associate Justice Terence L. Bruiniers, the first chair of ITAC, for laying a great foundation for the work that was previewed. Justice Slough

recognized the work from current ITAC chair Judge Sheila F. Hansen from the Superior Court of Orange County and vice-chair Associate Justice Louis R. Mauro. Justice Slough also expressed her gratitude to the members of the committee, vice-chair Judge Daniel J. Buckley, and most importantly the Judicial Council staff who assist with committee work.

Judicial Branch Budget Committee

Judge David Rubin, chair of the Judicial Branch Budget Committee, reiterated the committee's charge, which is to administer the \$10 million branch emergency fund and \$25 million Court Innovations Grant Program, to coordinate judicial branch budget change proposals that go to the Department of Finance, and any other budget tasks assigned to the committee by the council. As previously mentioned during past meetings, the committee approaches its tasks from a branchwide perspective, promoting the efficient, fiscally prudent, effective, and fair allocation of limited resources reflecting the judicial branch's overall statewide interests.

Judge Rubin reported that since the December meeting, the committee held eight in-person meetings; one meeting consisted of a two-day session. Since December, the committee completed the review of the innovation grant proposals and began the budget change proposal development process. During the March 23 public meeting, the committee approved the initial budget concepts, which will now proceed to the budget change proposal development stage. Final budget change proposals will be presented to the Judicial Council in the summer.

In closing, Judge Rubin thanked the nine committee members and dedicated staff who have spent a significant amount of time assisting with budget committee work.

Judicial Council Members' Liaison Reports

[17-044](#)

Judicial Council Members' Liaison Reports

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

Judge Gary Nadler reported on his visit to the Superior Court of Mendocino County. Justice Miller and Judge So presented on the Superior Court of Los Angeles County.

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Justice Chin, seconded by Mr. Kelly, to approve all of the following items on the Consent Agenda. The motion carried by a unanimous vote.

[17-048](#)

Judicial Council Report to the Legislature: Trial Court Interpreters Program Expenditure Report for Fiscal Year

2015-2016 (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 2015.

Recommendation: The Judicial Council's Court Interpreters Program, Court Operations Services, respectfully recommends that the Judicial Council, effective March 24, 2017:

1. Approve the report to the Legislature summarizing the fiscal year 2015-2016 trial court interpreter expenditures as per the requirements of the Budget Act of 2015 (Stats. 2015, ch. 10/11); and
2. Direct staff to submit the report to the Legislature and the Department of Finance.

[17-051](#)**Court Facilities: Exchange of Equity in Imperial Court Facilities (Action Required)**

Summary: The Facilities Policies Working Group recommends authorizing and approving the permanent disposition to Imperial County of state equity in two small, permanently closed court facilities in El Centro, California, to (1) resolve a dispute connected with the courthouse transfer process, (2) eliminate the Judicial Council's continuing liability in holding permanently closed court facilities, and (3) realize the value of these assets in fair market value (FMV) dispositions. The two court facilities--the Juvenile Court and the Jail Court--were permanently closed by the Superior Court of California, County of Imperial, in 2013, and are unsuitable to the judicial branch's needs. The superior court fully supports the transfer of these closed court facilities to Imperial County.

Recommendation: The Facilities Policies Working Group recommends that the Judicial Council, effective March 24, 2017:

1. Authorize and approve the permanent disposition of the state's equity interest in the Juvenile Court and Jail Court facilities in El Centro, California, to Imperial County for their fair market value to resolve a dispute connected with the courthouse transfer process; and
2. Delegate to the Administrative Director or his designee the authority to sign all agreements and other documents needed to transfer the state's equity interest in the Juvenile Court and Jail Court facilities in El Centro, California, to Imperial County.

[17-052](#)**Judicial Branch Education: Report to the Legislature on Compliance With Welfare and Institutions Code Section 304.7 (Action Required)**

Summary: The Judicial Council's Center for Judicial Education and Research recommends that the council review and approve the attached report, to be submitted to the Legislature, on compliance by judges, commissioners, and referees with the education requirements of Welfare and Institutions Code section 304.7. Section

304.7(c) requires the council to submit the report annually.

Recommendation: Judicial Council staff recommends that the Judicial Council, effective March 24, 2017:

1. Review and approve the attached *2016 Juvenile Judicial Officer Training Survey*, and
2. Direct Judicial Council staff to submit the survey to the Legislature under Welfare and Institutions Code section 304.7(c).

[17-053](#)

Jury Instructions: Additions and Revisions to Criminal Jury Instructions (Action Required)

Summary: The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions and additions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*. These changes will keep CALCRIM current with statutory and case authority.

Recommendation: The Advisory Committee on Criminal Jury Instructions recommends that the Judicial Council, effective March 24, 2017, approve for publication under rule 2.1050 of the California Rules of Court the criminal jury instructions prepared by the committee. Once approved, the revised instructions will be published in the next official edition of the *Judicial Council of California Criminal Jury Instructions*.

[17-055](#)

Appellate Procedure: Expedited Review of Certain Orders Denying Motions to Compel Arbitration (Action Required)

Summary: Recent legislation requires the Court of Appeal to issue its decision in cases involving the review of certain orders denying motions to compel arbitration no later than 100 days after the notice of appeal is filed. The legislation also requires the Judicial Council to adopt rules to implement this requirement and to establish a shortened notice of appeal period in these cases. The rules proposed by the Appellate Advisory Committee in this report are intended to fulfill this legislative obligation.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective July 1, 2017:

1. Adopt new rules 8.710-8.717 of the California Rules of Court to establish the procedures for expedited appellate review of superior court orders dismissing or denying a petition to compel arbitration involving a claim under the Elder Abuse and Dependent Adult Civil Protection Act in which a party has been granted a preference under Code of Civil Procedure section 36;
2. Amend rule 8.104 of the California Rules of Court to add a cross-reference to proposed new rule 8.712; and
3. Amend the advisory committee comment to rule 8.104 to include information about the cases governed by rule 8.712 and the other rules that create exceptions to the normal notice of appeal period.

[17-056](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)**

Summary: Various Judicial Council advisory committees, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors, and changes resulting from legislation and previous rule amendments and form revisions. Judicial Council staff recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

Recommendation: Judicial Council staff recommends that the council, effective July 1, 2017:

1. Amend rule 1.100 and revise form MC-410 to conform to AB 1709 (Gallagher; Ch. 94, 2016), which would remove the words “impairment” and “impaired” when describing a person with a disability. AB 1709 would replace the term “hearing impaired” with the term “hard of hearing,” or a close variation of “hard of hearing,” and would make additional technical, non-substantive changes in Sections 54.1 and 54.2 of the Civil Code, Section 224 of the Code of Civil Procedure, and other statutes relating to deaf or hard-of-hearing individuals.
2. Revise form CP10, page 1, item 4, to read “(This date is in the accompanying Writ of Possession.)”;
3. Revise *Petition for Probate* (form DE-111) and *Waiver of Bond by Heir or Beneficiary* (form DE-142/DE-111(A-3d)) to correct cross-references superseded by the recent addition of item 3b to form DE-111. The *Petition for Probate* was revised, effective January 1, 2017, to add item 3b regarding the decedent’s foreign citizenship. That addition required renumbering items 3b-3g as 3c-3h. In the revision process, one cross reference to renumbered item 3d in item 2d(1) on form DE-111 was overlooked. Several references to renumbered item 3d on the *Waiver of Bond by Heir or Beneficiary* were overlooked. Staff recommends revising both forms, effective July 1, 2017, to replace all references to renumbered item 3d with references to item 3e;
4. Renumber *Attorney for Child in a Family Law Case--Information Sheet* (form FL-321-INFO) which was approved, effective January 1, 2012, to provide information to parties about the appointment of an attorney for a minor child involved in a family law case. Effective July 1, 2012, the Judicial Council approved *Witness List* (form FL-321) for optional use. The numbering of these forms has caused some confusion to parties and court professionals since they believe form FL-321-INFO provides information about form FL-321. However, form FL-321-INFO is not related to the witness list. Because FL-321-INFO relates to the appointment of a minor’s counsel, the Family and Juvenile Law Advisory Committee recommends that the information sheet be renumbered to reflect its association with *Order Appointing Counsel for a Child* (form

- FL-323). Specifically, the committee recommends that the form FL-321-INFO be renumbered to form FL-323-INFO and that all translated versions of form FL-321-INFO be revised to reflect this change;
5. Revise *Summons (UIFSA)* (form FL-510) to add a Spanish translation of “FOR COURT USE ONLY” to be consistent with other family law summons forms, to correct the misspelling of a Spanish word (“Desea”)-inadvertently spelled “Desia”--and to replace the date and signature line for the clerk that was inadvertently removed from the form during the recent form change. Form FL-510 was revised, effective January 1, 2017, to comply with the modifications to the Uniform Interstate Family Support Act;
 6. Revise *Notice of Registration of Out-of- State Support Order* (form FL-570) to replace “Item 1” with “Section 1” in item 3, to break the text regarding arrears in item 3 into two sentences with the checkbox placed before the second sentence for more clarity, and to change item 7 to replace “registration statement” in the first sentence with “Letter of Transmittal Requesting Registration” and to replace “registration statement” in the last sentence to “Personal Information Form.” These changes are being proposed at the request of counsel at the California Department of Child Support Services to comply with modifications to the federal Uniform Interstate Family Support Act forms, which were made after this form’s effective date, and for more clarity. Form FL-570 was revised, effective January 1, 2017, to comply with the modifications to the Uniform Interstate Family Support Act;
 7. Revise *Notice of Registration of an International Hague Convention Support Order* (form FL-592) to break the text regarding arrears in item 3 into two sentences with the checkbox placed before the second sentence for more clarity. This change is being proposed at the request of counsel for the California Department of Child Support Services for more clarity. Form FL-592 was revised, effective January 1, 2017, to comply with the modifications to the Uniform Interstate Family Support Act;
 8. Revise *Information Sheet: Request for Determination of Support Arrears or Adjustment of Child Support Arrears Due to Incarceration or Involuntary Institutionalization* (form FL- 676-INFO) to correct the words “Other Parent/Parent” under the third paragraph in the section titled “Instructions for Completing Form FL-676” to “Other Parent/Party.” Form FL- 676-INFO was revised, effective January 1, 2017, to reflect the AB 610 changes in the process for adjusting arrears and to update and clarify instructions; and
 9. Revise *Information for the Small Claims Plaintiff* (form SC-100-INFO) and *How to Serve a Business or Public Entity (Small Claims)* (form SC-104C) to reflect changes in several reference web addresses.

**of Imputed Liability of Parent or Guardian for Tort of a Minor
(Action Required)**

Summary: Judicial Council staff recommends that the Judicial Council amend Appendix B of the California Rules of Court to reflect the biannual adjustments to the dollar amounts of the maximum amount of liability of parents or guardians to be imputed for the torts of a minor under Civil Code section 1714.1 and direct that staff publish the adjusted amounts.

Recommendation: Judicial Council staff recommends that the Judicial Council, effective July 1, 2017, amend Appendix B of California Rules of Court to adjust the maximum liability of the parent or guardian having custody and control of a minor for the willful misconduct of the minor, under Civil Code section 1714.1(a) or (b), from \$40,600 to \$42,100.

17-059**Child Support: Midyear Funding Reallocation for Fiscal Year
2016-2017 and Base Funding Allocation for Fiscal Year
2017-2018 for the Child Support Commissioner and Family Law
Facilitator Program (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends approving the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2016-2017 and the allocation of funding for this same program for FY 2017-2018, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). The funds are provided through a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council. At midyear, under an established procedure described in the standard agreement with each superior court, the Judicial Council redistributes to courts with a documented need for additional funds any available funds from courts that are projected not to spend their full grants that year, up to the amount of funds available through the contract with DCSS. The courts are also offered an option to use local court funds up to an approved amount to draw down, or qualify for, federal matching funds.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective March 23, 2017:

1. Approve the reallocation for funding of child support commissioners for FY 2016-2017, subject to the state Budget Act;
2. Approve the reallocation for funding of family law facilitators for FY 2016-2017, subject to the state Budget Act;
3. Approve allocation for funding of child support commissioners for FY 2017-2018, subject to the state Budget Act; and
4. Approve the allocation for funding of family law facilitators for FY 2017-2018, subject to the state Budget Act.

17-061**Trial Courts: Children's Waiting Room Policy (Action
Required)**

Summary: The Judicial Council revised its *Children's Waiting Room (CWR) Distribution and Fund Balance Policy* on June 26, 2015, placing a cap on the amount of fund balance that courts can accumulate. Courts with fund balances that exceed the cap are required to return the amount above the cap to the Trial Court Trust Fund (TCTF) by the end of the fiscal year, unless the council approves a court's request for a cap adjustment. The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council approve revisions to the policy to extend the review and adjustment of CWR fund balances from an annual to a biennial schedule.

Recommendation: The Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council, effective March 24, 2017, approve the following revisions to the *Children's Waiting Room (CWR) Distribution and Fund Balance Policy* to:

1. Extend the review and adjustment of CWR fund balances from an annual to a biennial schedule (ending in odd-numbered fiscal years); and
2. Require annual reporting for courts that retain excess funding for multiyear contracts.

[17-065](#)

Family Law: Technical Changes to Summary Dissolution Forms (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends technical revisions to two family law summary dissolution forms. The technical changes are mandated by Family Code section 2400 to reflect an increase in the cost of living based on changes to the California Consumer Price Index.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2017:

1. Approve and adopt the calculations attached at page 4, which demonstrate an increase required to the maximum dollar amounts for community and separate property assets in summary dissolution forms FL-800 and FL-810; and
2. Revise forms FL-800 and FL-810 to reflect an increase in the maximum limits for community and separate property assets under Family Code section 2400(a)(7) from \$41,000 to \$43,000.

[17-066](#)

Court Facilities: Transfer of San Diego County Courthouse and Old Jail, and Related Equity Exchange (Action Required)

Summary: The Facilities Policies Working Group recommends that the Judicial Council authorize and approve the transfer to San Diego County of all of the state's equity interest in and title to the San Diego County Courthouse, adjacent Old Jail, and the land on which those buildings sit in exchange for the county's release of the Judicial Council and state from the existing obligation to demolish and remove those two facilities and such other considerations as the council and county may agree. The working group further recommends authorizing and approving the transfer to San Diego County of all of the state's equity interest in the Ramona

Branch Building in Ramona, California, and a portion of the state's equity interest in the Meadow Lark Juvenile Court complex in exchange for San Diego County's transfer to the state of a portion of the county's equity interest in the South Bay Regional Center in Chula Vista, California.

Recommendation: The Facilities Policies Working Group recommends that the Judicial Council, effective March 24, 2017:

1. Authorize and approve the transfer of the state's equity interest in and title to the San Diego County Courthouse and Old Jail and the land on which those buildings sit to San Diego County in exchange for the county's full release of the Judicial Council's and state's obligation to demolish and remove the County Courthouse and Old Jail, and such related obligations and other considerations as Judicial Council staff and the county may agree;
2. Authorize and approve the exchange of all of the state's equity interest in the Ramona Branch Building and a portion of the state's equity in the Meadow Lark Juvenile Court complex for a portion of the county's equity interest in the South Bay Regional Center to finally resolve all consequences of the Judicial Council's 2013 decision to remove construction of the inmate transportation tunnel in downtown San Diego; and
3. Delegate to the Administrative Director or his designee the authority to execute a Memorandum of Agreement (MOA) with the County of San Diego outlining the terms of these transactions and all such agreements and documents as may be necessary to give effect to the terms memorialized in that MOA, including written findings that may be required or advisable under the California Environmental Quality Act (Pub. Resources Code, §§ 21000-21189) with respect to the council's approval of the transactions described immediately above.

DISCUSSION AGENDA

[17-040](#)

Judicial Branch: Court Innovations Grant Program Award Recommendations (Action Required)

Summary: After reviewing 118 grant applications from 42 trial and appellate courts that participated in the Court Innovations Grant Program, the Judicial Branch Budget Committee recommends awarding 53 grants totaling \$23.5 million to 29 courts involving 39 jurisdictions. These grants will fund exciting advancements testing new approaches for making courts more accessible, easier to use, less costly, and better able to facilitate positive outcomes. In accordance with category limitations contained in the Budget Act of 2016, \$11.3 million will be allocated to collaborative court programs; \$7.5 million to self-help, family and juvenile court programs; \$4.7 million to

other efficiencies across all types of court programs, and \$625,000 to the Judicial Council for grant program administration. Additionally, three to four percent of the funding in each category will be retained as a contingency for unforeseen costs courts encounter over the three-year grant period. The grant period begins June 1, 2017, and ends June 30, 2020.

Speakers: Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Hon. James M. Humes, Vice-chair, Judicial Branch Budget Committee

Recommendation: The Judicial Branch Budget Committee (JBBC) recommends that the Judicial Council, effective March 24, 2017:

1. Approve awards of approximately \$23.5 million to 28 superior courts and one appellate court from the Court Innovations Grant Program, as stated in Attachment A:
 - a. \$11.3 million allocated to collaborative court programs;
 - b. \$7.5 million allocated to self-help, family, and juvenile court programs;
 - c. \$4.7 million allocated to other efficiencies across all types of court programs;
2. Approve the allocation of \$625,000, out of \$1.25 million statutorily authorized, for program administration costs, and approve the retention of three to four percent of the funding in each category as a contingency against unforeseen costs courts may encounter over the grant period; and
3. Authorize staff to send the Notice of Intent to Award to trial and appellate courts and to work with the trial and appellate courts to negotiate and execute an Intra-Branch Agreement for each approved project by June 1, 2017.

A motion was made by Judge So, seconded by Justice Chin, that this proposal be approved. The motion carried with 17 ayes and 0 nays, which included abstentions by the following members for the awarded grant recommendations as detailed in Attachment A of the report:

- Judge Marla O. Anderson – Abstentions: Grant Nos. 21, 22, 43, 45
- Judge Brian John Back – Abstentions: Grant Nos. 36, 37
- Judge Stacey Boulware Eurie – Abstentions: Grant Nos. 9, 50
- Judge Kyle S. Brodie – Abstentions: Grant Nos. 28, 29, 51
- Judge Samuel K. Feng – Abstention: Grant Nos. 11
- Judge Scott M. Gordon – Abstentions: Grant Nos. 21, 42, 43
- Justice James M. Humes – Abstention: Grant No. 11
- Ms. Audra Ibarra – Abstention: Grant No. 43
- Judge Dalila C. Lyons – Abstentions: Grant Nos. 21, 42, 43
- Justice Douglas P. Miller – Abstention: Grant No. 17
- Judge Gary Nadler – Abstentions: Grant Nos. 15, 34, 43
- Judge David M. Rubin – Abstentions: Grant Nos. 10, 30, 43
- Judge Dean T. Stout – Abstentions: Grant Nos. 6, 18

[17-050](#)

Judicial Branch Administration: Tactical Plan for Technology, 2017-2018 (Action Required)

Summary: The Tactical Plan Update Workstream of the Information Technology Advisory Committee recommends adopting the updated *Tactical Plan for Technology*,

2017-2018. The updated plan is the result of analysis of branch business drivers, evaluation of existing initiatives, incorporation of new initiatives, and subsequent refinement following circulation for branch and public comment.

Speakers: Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee
Hon. Terence L. Bruiniers, Executive Sponsor, Tactical Plan Update Workstream
Mr. Robert Oyung, Information Technology

Recommendation: The Information Technology Advisory Committee, with the approval of the Judicial Council Technology Committee, recommends that the Judicial Council adopt, effective March 24, 2017, the *Tactical Plan for Technology, 2017-2018*, the first revision of the initial judicial branch *Tactical Plan for Technology, 2014-2016*, which was established within the *Technology Governance, Strategy, and Funding Proposal* (Court Technology Governance and Strategic Plan), effective October 2014.

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

[17-062](#)

Immigration Resources Workgroup: California Courts Connecting Immigrants to Immigration Resources (There are no materials for this item. No action required.)

Summary: The Immigration Resources Workgroup will present the Judicial Council with the results of its effort to connect immigrants with immigration resources. Its work includes an “Immigrant Resource Directory”, a modified webpage in the California Courts Online Self-Help Center that provides general informational resources on immigration issues and a *Frequently Asked Questions* document.

Speakers: Hon. Dalila Corral Lyons, Co-chair, Immigration Resources Workgroup
Hon. Samuel K. Feng, Co-chair, Immigration Resources Workgroup
Ms. Tara Lundstrom, Criminal Justice Services

No action required for this discussion agenda item at this time.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[17-047](#)

Trial Courts: Quarterly Investment Report for Fourth Quarter of 2016

Summary: This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2016* covers the period of October 1, 2016, through December 31, 2016, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

[17-058](#)**Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 2 of Fiscal Year 2016-2017**

Summary: The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the second quarter of fiscal year 2016-2017. In compliance with the *Trial Court Facility Modifications Policy*, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2016-2017* as information for the council. This report summarizes the activities of the TCFMAC from October 1, 2016, to December 31, 2016.

Circulating Orders[17-045](#)**Circulating Orders since the last business meeting.**

Summary: Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments, July 1 through December 31, 2016 (C0-17-01)

Budget: Update to Fiscal Year 2017-2018 Budget Proposal for the Judicial Council (C0-17-02)

Judicial Council Forms: Technical Changes to Reflect Federal Poverty Guidelines (C0-17-03)

Appointment Orders[17-046](#)**Appointment Orders since the last 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. Betty Barry-Deal (Ret.), Court of Appeal, First Appellate District, Division Three
- Hon. Michael E. Ballachey (Ret.), Superior Court of California, County of Alameda
- Hon. Herbert Curtis (Ret.), Superior Court of California, County of Ventura
- Hon. Allen P. Fields (Ret.), Superior Court of California, County of Sacramento
- Hon. Erik M. Kaiser (Ret.), Superior Court of California, County of Riverside
- Hon. Timothy W. O'Brien (Ret.), Superior Court of California, County of Mendocino
- Hon. John G. O'Rourke (Ret.) Superior Court of California, County of Kings

- Hon. Elizabeth A. Riggs (Ret.), Superior Court of California, County of San Diego
- Hon. Charles R. Scarlett (Ret.), Superior Court of California, County of Los Angeles
- Hon. James L. Stevens, Jr. (Ret.), Superior Court of California, County of Yolo
- Hon. Edward Stern (Ret.), Superior Court of California, County of San Francisco
- Hon. Ross G. Tharp (Ret.), Superior Court of California, County of San Diego
- Hon. Robert J. Timlin (Ret.), Court of Appeal, Fourth Appellate District, Division Two, Riverside
- Hon. Joseph A. Wapner (Ret.), Superior Court of California, County of Los Angeles

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:20 p.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on May 19, 2017.