



# 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, March 15, 2019

8:30 AM

San Francisco

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

Session 8:30 a.m. – 9:00 a.m.

Transitional Break 9:00 a.m. – 9:15 a.m.

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

Session 9:15 a.m. – 12:35 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.*

*For more information about meeting attendance and public comment procedures:*

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

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, March 12.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, March 13.

*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: Cliff Alumno*

## **Approval of Minutes**

[19-028](#)      **Minutes of January 14-15, 2019 Judicial Council meeting**

## **Chief Justice's Report**

*10 minutes*

## **Administrative Director's Report**

[19-029](#)      **Administrative Director's Report**

*10 minutes*

## **Judicial Council Committee Presentations**

[19-030](#)      **Judicial Council Committee Reports**

**Summary:**      Executive and Planning Committee  
Policy Coordination and Liaison Committee  
Rules and Projects Committee  
Judicial Council Technology Committee  
Judicial Branch Budget Committee

*30 minutes*

**Break 10:35 a.m. – 10:50 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 Amber Barnett at 916-263-1398 at least 48 hours before the meeting.*

[19-032](#)      **Juvenile Law: 2018-19 Allocations for Juvenile Dependency  
Counsel Collections Program and Court-Appointed Counsel  
Expected Unspent Funding (Action Required)**

**Summary:**      The Trial Court Budget Advisory Committee recommends two redistributions of funding for court appointed juvenile dependency counsel for fiscal year 2018-19.  
(1) Under the Juvenile Dependency Counsel Collections Program, and as directed in Welfare and Institutions Code section 903.1, courts collect reimbursements from

parents and other responsible persons liable for the cost of dependency -- related legal services to the extent that those persons are able to pay. The committee recommends that the Judicial Council: (1) allocate the 2017-18 statutorily restricted funds -- remitted in excess of dependency counsel program administrative costs -- to the trial courts calculated according to the methodology adopted by the council at its August 23, 2013, business meeting; (2) under council recommendations adopted in April 2015, reallocate unspent dependency counsel funding from courts that have identified funds they do not intend to spend to courts funded at below the average statewide funding level; and (3) allow staff to further survey eligible courts to determine their ability to use funding during the remainder of the fiscal year. Any funds not utilized will be prorated to other eligible courts, and staff will be directed to report the final allocation at the July 2019 council meeting.

[19-045](#)**Jury Instructions: Additions, Deletions, 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.

[19-046](#)**Child Support: Midyear Funding Reallocation for Fiscal Year 2018-19 for the Child Support Commissioner and Family Law Facilitator Programs (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Programs for the remainder of fiscal year (FY) 2018-19. The funds are provided through a cooperative agreement between the California Department of Child Support Services 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. 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.

[19-008](#)**Rules and Forms: Criminal Procedure: Multicounty Incarceration and Supervision (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amending California Rules of Court, rule 4.452, to implement section 1170.3 of the Penal Code to guide the second or subsequent court when determining the county (or counties) of incarceration and supervision in multicounty sentencing.

[19-047](#)**Rules and Forms: Civil Practice and Procedure: Adjustments to Dollar Amounts of Exemptions and Civil Penalty (Action Required)****Summary:**

Judicial Council staff recommend that the Judicial Council take three actions required by statute to reflect changes in the California Consumer Price Index: (1) adopt Appendix H of the California Rules of Court, which sets out the five-year adjustment to the dollar amount of a civil penalty for an alleged violation of Health and Safety Code section 25249.6, as required by Health and Safety Code section 25249.7(k)(2)(B)(ii); (2) revise *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156), which includes the three-year adjustments to the dollar amounts of certain exemptions from judgments required by Code of Civil Procedure sections 703.150(a), (b), (d) and (e); and (3) approve for submission to the Legislature the report on potential adjustments to the dollar amounts of homestead exemptions, as required by Code of Civil Procedure section 703.150(c).

[19-048](#)**Rules and Forms: Technical Form Changes to Reflect Federal Poverty Guidelines (Action Required)****Summary:**

Judicial Council staff recommend the revision of four Judicial Council forms containing figures based on the federal poverty guidelines to reflect the changes in those guidelines recently published by the federal government.

[19-052](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the judicial branch, 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 recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

[19-058](#)**Rules and Forms: Technical Form Changes to Correct Inadvertent Errors (Action Required)****Summary:**

Judicial Council staff have identified errors that are technical in nature in six Judicial Council forms related to preparation of the record for automatic appeals in capital cases. Specifically, the six forms that are to be signed and submitted by the primary counsel for each defendant and the prosecution include signature blocks that require identification of the defendant represented. This creates an ambiguity about whether the prosecution is required to sign and submit the forms. Staff recommend the signature blocks be revised to require the attorney to instead identify the party represented.

[19-056](#)**Court Facilities: Revised Trial Court Facility Modifications Policy (Action Required)****Summary:**

The Judicial Council's policy on trial court facility modifications presents the methodology and processes for identifying and prioritizing facility modifications that improve trial court facilities statewide. More than six years of implementation since the July 2012 update has necessitated updating the current policy. This update improves the policy's overall clarity and readability for application to current business practices, particularly in defining, scoring, and prioritizing facility modifications. The Trial Court Facility Modification Advisory Committee recommends the Judicial Council adopt the revised *Trial Court Facility Modifications Policy*.

[19-057](#)**Criminal Law: Judicial Council Appointment to the California Council for Interstate Adult Offender Supervision (Action Required)****Summary:**

The Executive and Planning Committee recommends appointing Judge Brett H. Morgan, Superior Court of San Joaquin County, to the California Council for Interstate Adult Offender Supervision. The seven-member council must include a superior court judge appointed by the Judicial Council. The California Council is required by the Interstate Compact for Adult Offender Supervision, which governs state administration of the transfer across state lines of the supervision of adult parolees and probationers. The individual selected for appointment will also serve simultaneously on the California Council for Interstate Juvenile Offender Supervision.

**DISCUSSION AGENDA**[19-033](#)**Judicial Branch Administration: Progress Report: Work Group for the Prevention of Discrimination and Harassment (No Action Required. There are no materials for this item.)****Summary:**

A progress report of the Chief Justice's Work Group for the Prevention of Discrimination and Harassment will be provided by the work group co-chairs.

**Speakers:**

Hon. Brad R. Hill, Cochair, Work Group for the Prevention of Discrimination and Harassment

Hon. Stacy Boulware Eurie, Cochair, Work Group for the Prevention of Discrimination and Harassment

*15 minutes*

[19-035](#)**Trial Court Budget: Base Funding Floor Allocation (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve increasing the base funding floor from \$750,000 to \$800,000. Base funding is currently allocated to the two smallest trial courts, the Superior Court of Alpine County and the Superior Court of Sierra County, and is based on the minimum level of staffing and operational costs necessary. If approved, this would be the first

increase to the base funding floor since the Judicial Council approved the Workload-based Allocation and Funding Methodology and would represent the first time that floor-funded courts have received an increase in their funding allocation since fiscal year 2014-15.

**Speakers:** Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Ms. Leah Rose-Goodwin, Budget Services

*10 minutes*

[19-034](#)

**Language Access Plan: Video Remote Interpreting (VRI) Pilot Project and Recommended Guidelines for VRI (Action Required)**

**Summary:** Pursuant to recommendations in the Judicial Council's *Strategic Plan for Language Access in the California Courts*, the Language Access Plan Implementation Task Force and Judicial Council staff conducted a six-month pilot project for video remote interpreting (VRI) in 2018. The pilot was evaluated by an independent, third-party evaluator, San Diego State University Research Foundation. The pilot was successful in demonstrating that when properly installed and utilized by trained court interpreters, judges, and other court staff, VRI equipment allows meaningful participation by limited English proficient (LEP) court users and provides a solution to increase access to qualified interpreters. Among its recommendations, the task force recommends that the council approve updated Language Access Plan guidelines for VRI, which now include guidelines for recommended minimum technology requirements, and direct council staff to begin and implement a coordinated VRI program for the judicial branch contingent upon available resources.

**Speakers:** Hon. Mariano-Florentino Cuéllar, Chair, Language Access Plan Implementation Task Force  
Hon. Samantha P. Jessner, Co-executive Sponsor, VRI Workstream, Information Technology Advisory Committee  
Mr. David H. Yamasaki, Co-executive Sponsor, VRI Workstream, Information Technology Advisory Committee

*25 minutes*

[19-049](#)

**Rules and Forms: Criminal Procedure: Superior Court Procedures for Death Penalty-Related Habeas Corpus Proceedings (Action Required)**

**Summary:** The Proposition 66 Rules Working Group recommends the adoption of seven new rules of court to govern the filing, hearing, and adjudication of death penalty-related habeas corpus petitions in the superior courts. These proposed rules are intended to partially fulfill the Judicial Council's rule-making obligations under Proposition 66. The working group is concurrently submitting a separate report and recommendation to amend an existing rule and adopt new rules and a form related to the appeals from superior court decisions in death penalty-related habeas corpus proceedings.

**Speakers:** Hon. Dennis M. Perluss, Chair, Proposition 66 Rules Working Group

*15 minutes*

[19-050](#)**Rules and Forms: Criminal and Appellate Procedure: Appeals from Superior Court Decisions in Death Penalty-Related Habeas Corpus Proceedings (Action Required)****Summary:**

The Proposition 66 Rules Working Group recommends amendments to an existing rule of court relating to appeals from decisions in habeas corpus proceedings and the adoption of several new rules of court and a form addressing appeals from superior court decisions on death penalty-related habeas corpus petitions. These proposed rules and the form are intended to partially fulfill the Judicial Council's rule-making obligations under Proposition 66 by establishing procedures for this new type of appeal. This proposal is submitted concurrently with a separate report to the Judicial Council containing the working group's proposal for rules governing procedures for death penalty-related habeas corpus proceedings in the superior courts.

**Speakers:**

Hon. Dennis M. Perluss, Chair, Proposition 66 Rules Working Group

*10 minutes*

[19-051](#)**Court Innovations Grant Program: Superior Court of San Joaquin County - Community Supervision Court Project Presentation (No Action Required. There are no materials for this item.)****Summary:**

The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Superior Court of San Joaquin County will present and provide information related to the court's Adult Drug Court and DUI Court Programs.

**Speakers:**

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee

Hon. Richard Vlavianos, Superior Court of San Joaquin County

Hon. Kristine A. Eagle, Superior Court of San Joaquin County

Ms. Rosa Junqueiro, Court Executive Officer, Superior Court of San Joaquin County

Ms. Latrice Woodruff, Drug Court Compliance Manager

Ms. Nadia Turner, Drug Court Participant

*30 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[19-036](#)**Court Facilities: Trial Court Facility Modifications Report for Quarter 1 of Fiscal Year 2018-19****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) of fiscal year 2018-19. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[19-037](#)**Court Facilities: Trial Court Facility Modifications Report for Quarter 2 of Fiscal Year 2018-19****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the second quarter (October through December) of fiscal year 2018-19. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[19-038](#)**Judicial Branch Budget: Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2018-19, Quarter 2****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the second quarter of fiscal year 2018-19.

[19-039](#)**Trial Courts: Quarterly Investment Report for Fourth Quarter of 2018****Summary:**

This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2018* covers the period of October 1, 2018, through December 31, 2018, 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, Statement of Investment Policy for the Trial Courts and Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

[19-040](#)**Report to the Legislature: 2017-18 Fee Revenues and Expenditures for Court Reporter Services in Superior Court Civil Proceedings****Summary:**

Government Code section 68086(f) requires that the Judicial Council annually report to the Joint Legislative Budget Committee information concerning court reporter fees collected under Government Code sections 68086(a)(1-2), and 68086.1; and expenditures on court reporter services in superior court civil proceedings statewide. To comply with the statute, Judicial Council staff submitted to the Joint Legislative Budget Committee on February 1, 2019, Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2017-18.

[19-041](#)**Report to the Legislature: Disposition of Criminal Cases According to Race and Ethnicity of Defendant as Required by Penal Code Section 1170.45****Summary:**

Penal Code section 1170.45 directs the Judicial Council to report annually on the statewide disposition of criminal cases according to defendants' race and ethnicity. The Judicial Council staff submitted this annual report on March 1, 2019. The data used in this report come from the Offender-Based Transaction Statistics data set, which is a compilation of data on adult felony arrest dispositions produced annually by



the California Department of Justice. This report describes patterns seen in criminal case dispositions by race/ethnicity and tests whether any available legal or demographic information can account for the patterns seen.

[19-042](#)

**Report to the Legislature: Judicial Branch Courthouse Construction Program Update for 2017-18**

**Summary:**

Government Code section 70371.8 requires the Judicial Council to report annually to the Joint Legislative Budget Committee and the chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget on the status of the Judicial Branch courthouse construction program. The Status of Active Judicial Branch Courthouse Construction Program Projects (2017-18) satisfies the requirement of this mandate. The report includes information on the status of each project established by the State Public Works Board under section 70371.7 and an accounting of the revenues generated and expenditures made in the Immediate and Critical Needs Account.

[19-043](#)

**Report to the Legislature: Compliance With Welfare and Institutions Code Section 304.7**

**Summary:**

The attached report, submitted to the Legislature annually as required by Welfare and Institutions Code section 304.7(c) concerns compliance by judges, commissioners, and referees with the education requirements of the statute. The information provided in this report was gathered by staff of the Judicial Council's Center for Judicial Education and Research from a response form completed by the courts in December 2018.

[19-044](#)

**Report to the Legislature: Evaluation of the Effectiveness of Family Code Section 4007.5**

**Summary:**

On October 8, 2015, Governor Brown signed Assembly Bill 610 (Jones-Sawyer; Stats. 2015, ch. 629) into law, enacting Family Code section 4007.5, which authorizes a local child support agency to (1) suspend current child support obligations during an obligor's period of incarceration or involuntary institutionalization, provided certain conditions are met and (2) administratively adjust account balances accordingly. Assembly Bill 610 requires the Department of Child Support Services and the Judicial Council to conduct an evaluation of the effectiveness of the administrative adjustment process, including a review of the ease of process to the obligor and obligee, the number of cases administratively adjusted, the number of cases adjusted in court, and the number of cases not adjusted. This report was submitted to the Assembly Judiciary Committee and Senate Judiciary Committee in fulfillment of this mandate.

[19-053](#)**Report to the Legislature: Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of July 1 through December 31, 2018****Summary:**

Public Contract Code section 19209 and the Judicial Branch Contracting Manual require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts; (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of goods or services provided; and (3) judicial branch entity receiving the goods or services. Therefore, Judicial Council staff submitted this report on February 1, 2019, which listed all judicial branch entity contracts that were amended during the reporting period covering July 1 through December 31, 2018.

**Appointment Orders**[19-059](#)**Appointment Orders since the last business meeting.****Adjournment (approx. 12:35 p.m.)**