



Judicial Council of California

455 Golden Gate Avenue
San Francisco, California
94102-3688

Meeting Agenda Judicial Council

Friday, December 11, 2015
8:00 a.m. -- 2:10 p.m.

Friday, December 11, 2015

8:00 AM

San Francisco

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

Session: 8:00 – 9:00 a.m.

Break: 9:00 – 9:15 a.m.

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

Session: 9:15 – 10:40 a.m.

Approval of Minutes

15-442 **Minutes of the October 27, 2015, Judicial Council meeting.**

Approve minutes from the last Judicial Council meeting.

Chief Justice's Report

Administrative Director's Report

[15-443](#) **Administrative Director's Report**

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

Judicial Council Committee Reports

[15-444](#) **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
Technology Committee

Hon. Marsha G. Slough, Chair

Public Comment (approx. 10:10 a.m.)

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 by clicking on the following link --
<http://www.courts.ca.gov/28045.htm>.

- 1) Submit advance requests to speak by 4:00 p.m., Wednesday, December 9, 2015.
- 2) Submit written comments for this meeting by 1:00 p.m. on Thursday, December 10, 2015.

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

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Nancy Carlisle

Break: 10:40 – 10:55 a.m.

INFORMATION SESSION (RULE 10.6(A))

Session: 10:55 a.m. – 12:10 p.m.

**15-448 Judicial Branch Technology Update: Statewide and Court
Technology Advancements (No Action Required. There are no
materials for this item.)**

Summary: An update on the implementation of the Judicial Council adopted Court Technology Governance and Strategic Plan including the governance structure, collaboration between the Council and the courts, and the workstream model. The report will highlight the Information Systems Controls Framework for the Judicial Council and the Information Technology Security Framework workstream, an outcome from the California State Auditor's Report from December 2013 regarding the Judicial Branch Procurement Audit, as well as innovative programs accomplished by the trial courts.

Speakers: Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee
Mr. Robert Oyung, Chief Information Officer, Superior Court of California
County of Santa Clara
Ms. Jeannette Vannoy, Chief Information Officer, Superior Court of California
County of Napa

Mr. Mark W. Dusman, Information Technology

15-449 Court Innovations Serving the Public and Greater Efficiency: One Day Divorce and Five Minute ‘FOAHs,’ Superior Court of Sacramento County (No Action Required. There are no materials for this item.)

Summary: A presentation of two kinds of court innovations, both procedural (One Day Divorce) and technological (an electronic form for Formal Orders After Hearing) to achieve more efficient service and greater satisfaction for court users.

Speakers: Hon. James M. Mize, Superior Court of California, County of Sacramento

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 Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.

[15-410](#) **Court Facilities: Public Parking Rate Increase in Los Angeles County and Transition from Free to Paid Parking at the Superior Court of Orange County’s Harbor Justice Center (Action Required)**

Summary: Per section 7.b of the Judicial Council’s *Court Public Parking Management Policy*, which became effective August 21, 2015, the council will consider and act on any parking-related issue based on recommendations made by council staff. Real Estate and Facilities Management staff proposes a parking rate increase across the parking contract, and a transition from free to paid parking at the Superior Court of Orange County’s Harbor Justice Center. The branch facility management program will benefit from these approvals in the form of collection of an estimated \$194,000 (\$388,000 revenue times an average 50% efficiency return rate) from the rate increase and \$204,000 from the Harbor Justice Center annually, with this revenue then being directly available for statewide facility operations and maintenance. The funding is required for continued operation and maintenance of the branch facility portfolio of over 500 facilities in excess of 20 million square feet.

[15-412](#) **Court Facilities: Judicial Council Policy Limiting the Acceptance and Purchasing of Art for Court Facilities (Action Required)**

Summary: The Facilities Policies Working Group recommends that the Judicial Council adopt an art policy applicable to the council’s acquisition of art for its capital projects and for both appellate and trial court facilities that it manages. This policy addresses acquisition of art by the council and clarifies that funds appropriated for courthouse construction, maintenance, and repair will not be used to acquire art. It does not apply to art that an individual court may acquire, unless that art will be permanently affixed to a court facility.

[15-416](#) **Court Records: Electronic Signature Standards and Guidelines - Update to the Trial Court Records Manual (Action Required)**

Summary: The Court Executives Advisory Committee (CEAC) and the Information Technology Advisory Committee (ITAC) recommend updating the Trial Court Records Manual to include new standards and guidelines governing the use of electronic signatures by trial courts and judicial officers. These standards and guidelines implement Government Code section 68150(g), which authorizes electronic signatures by a court or judicial officer “in accordance with procedures, standards, and guidelines established by the Judicial Council.” The update also includes new sections in the Trial Court Records Manual that (1) outline the various provisions in the Code of Civil Procedure, Penal Code, and California Rules of Court that authorize electronic signatures submitted to the courts by attorneys, parties, and law enforcement officers; and (2) state the effect of digitized signatures created by scanning paper court records. Lastly, the update contains technical changes to align the manual with intervening legislative and form changes.

15-431**Traffic: Uniform Bail and Penalty Schedules, 2016 Edition (Action Required)**

Summary: The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2016, Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation.

15-248**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 San Bernardino*. 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.

15-422**Judicial Council Report to the Legislature: State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2014-2015 (Action Required)**

Summary: The Judicial Council staff recommends that the Judicial Council approve the *Annual Report of State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2014-2015*, as required by Government Code section 77209(i), to be sent to the Legislature.

[15-423](#) **Judicial Council Report to the Legislature: Statewide Collection of Delinquent Court-Ordered Debt for FY 2014-2015 (Action Required)**

Summary: The Revenue and Collections Unit of Judicial Council Finance recommends approving for submittal to the Legislature the report attached on the collection of delinquent court-ordered debt in California for fiscal year 2014-2015, in accordance with Penal Code section 1463.010.

[15-419](#) **Judicial Council Report to the Legislature: Standards of Timely Disposition Published in the 2015 Court Statistics Report (Action Required)**

Summary: Judicial Council staff recommend that the Judicial Council direct staff to transmit the already published *2015 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 *2015 Court Statistics Report* contains case processing and time to disposition statistics that meet the requirements of Government Code section 68604.

[15-418](#) **Judicial Council Report to the Legislature: Annual Report of Court Facilities Trust Fund Expenditures (Action Required)**

Summary: Judicial Council staff recommend approving the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2014-2015 Report to the Legislature*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

[15-415](#) **Judicial Council-Sponsored Legislation (Criminal Justice Realignment): Court Jurisdiction Over and Calculation of Time During Supervision Revocation (Action Required)**

Summary: The Policy Coordination and Liaison Committee and the Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code sections 1203.2(a), 1170(h)(5)(B), and 3456(b) to clarify that when supervision has been revoked, summarily or otherwise, the time that elapses during revocation shall not be credited toward any period of supervision. The proposal was developed at the request of criminal law judges to enhance judicial discretion by preserving court jurisdiction to adjudicate revocations of probation, mandatory supervision, and postrelease community supervision.

[15-417](#) **Judicial Council-Sponsored Legislation: Disposition of the San Pedro Courthouse (Action Required)**

Summary: On April 9, 2015, the Policy Coordination and Liaison Committee voted to sponsor legislation to declare the existing San Pedro Courthouse surplus to allow for its disposal, contingent on Judicial Council action to declare the Courthouse as surplus for purposes of Government Code sections 70391(c) and 11011 at its April 17, 2015, meeting. This report recommends that the Judicial Council approve an alternative that would allow the council to retain the

proceeds from the disposition of the San Pedro Courthouse for use on construction projects.

[15-436](#)**Judicial Council-Sponsored Legislation: Juvenile Competency (Action Required)****Summary:**

The Policy Coordination and Liaison Committee, Family and Juvenile Law Advisory Committee, Collaborative Justice Advisory Committee and Mental Health Issues Implementation Task Force recommend amending Welfare and Institutions Code section 709 to clarify the legal process and procedures in proceedings that determine the legal competency of juveniles.

[15-429](#)**Judicial Council-Sponsored Legislation: Two Percent Reserve Held in the Trial Court Trust Fund (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and the Trial Court Budget Advisory Committee recommend the Judicial Council sponsor legislation to amend Government Code section 68502.5, the statute that establishes the 2 percent reserve held in the Trial Court Trust Fund.

[15-440](#)**Judicial Council-Sponsored Legislation: Provisional Qualifications of American Sign Language Interpreters (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and the Court Interpreters Advisory Panel recommend amending Evidence Code section 754 to incorporate language allowing for provisional qualification of American Sign Language (ASL) interpreters. This proposal was developed at the request of courts to create flexibility for the courts in securing services of ASL interpreters. Its enactment will result in revisions to Judicial Council forms dealing with the use of interpreters, which will provide guidance to court staff when court certified ASL interpreters are not available.

[15-433](#)**Judicial Council: 2015 Legislative Policy Summary (Action Required)****Summary:**

The Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2015 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with strategic plan goals.

[15-414](#)**Jury Instructions: New, Revised, and Renumbered Civil Jury Instructions and Verdict Forms (Action Required)****Summary:**

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

[15-396](#)**Judicial Council Forms - Gun Violence Restraining Orders (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee proposes adoption or approval of 23 new Judicial Council forms: EPO-002, GV-100, GV-100-INFO, GV-109,

GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV- 620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO to implement legislative requirements of Penal Code section 18100 et seq. establishing a civil restraining order process for surrender of firearms before they are used to commit a crime. Penal Code section 18105 requires the Judicial Council to prescribe forms to implement the process.

[15-420](#)**Probate Conservatorship: Conservatees' Capacity to Vote (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise three Judicial Council forms used in probate conservatorships to state the correct legal standard for a conservatee's capacity to vote, in response to legislation signed by the Governor on October 10, 2015, effective on January 1, 2016, that has changed that standard. The committee also recommends that the council revise a fourth probate conservatorship form to delete its reference to a proposed conservatee's ability to vote because that reference is not required by law and is not needed for the form to accomplish its intended purpose.

[15-421](#)**Family and Juvenile Law: Southern California Inter-County Transfer Protocol with Modification of Form JV-550 (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends, pursuant to California Rules of Court, rule 5.610(g), permitting the juvenile courts in the counties included in the Southern California Inter-County Transfer Protocol to use a modified version of *Juvenile Court Transfer Orders* (form JV-550). Rule 5.610(g) authorizes the Judicial Council to approve modifications to form JV-550 if the modification is used in a formalized regional collaboration and will facilitate the efficient process of transfer cases. The courts in San Diego, Los Angeles, Riverside, San Bernardino, Imperial, and Orange counties established the Southern California Inter-County Transfer Protocol through a written protocol that streamlines the inter-county transfer process between these courts.

[15-432](#)**Judicial Administration: Amendment to the Conflict of Interest Code for the Judicial Council (Action Required)****Summary:**

This proposal would adopt amendments (Amendments) to the Judicial Council Conflict of Interest Code (Code) and revise the Code to include updated job classifications under the Judicial Council's new classification and compensation structure. In accordance with Government Code Sections 87303 and 87306, the Code must be updated "when change is necessitated by changed circumstances, including the creation of new positions" (id., § 87306). The council must review proposed amendments to the Code and approve the Code as amended or direct that it be further revised and resubmitted for approval.

[15-438](#)**Civil Forms: Disability Access Litigation (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council

revise the statutorily mandated Disability Access Litigation forms used for parties to apply for and the court to grant stays and mandatory evaluation conferences in construction-related accessibility claims, and the related proof of service form. The forms must be changed to reflect the amendments to the Civil Code made by Assembly Bill 1521 (Assembly Judiciary Committee; Stats. 2015, ch.755), enacted on October 10, 2015 as urgency legislation (and thus operative on enactment) to add a new category of defendants that may request a stay and early evaluation and another procedure that may be requested at the same time. The proof of service form for construction-related accessibility claims should be revised to reflect the new names of the forms used to apply for and grant stays and mandatory evaluation conferences.

Break: 12:10 – 12:40 p.m.

DISCUSSION AGENDA

Session: 12:40 – 2:10 p.m.

[15-446](#)

Judicial Council Facilities Update (No Action Required. There are no materials for this item.)

Speakers:

Hon. Douglas P. Miller, Chair, Executive and Planning Committee
Hon. Charles D. Wachob, Judicial Council Member
Mr. Martin Hoshino, Administrative Director

[15-435](#)

Mental Health Issues Implementation Task Force: Final Report (Action Required)

Summary:

In January 2012, Chief Justice Tani G. Cantil-Sakauye appointed the Mental Health Issues Implementation Task Force (Implementation Task Force), chaired by Judge Richard J. Loftus, Jr., of the Superior Court of Santa Clara County, to review the 137 recommendations of the Task Force for Criminal Justice Collaboration on Mental Health Issues and to develop a plan for implementing those recommendations. The Implementation Task Force focused on identifying ways to improve case processing and outcomes for court users with mental illness while being mindful of cost and public safety considerations in the post-recession/post-realignment environment. The term of the Implementation Task Force ends on December 31, 2015. While significant progress has been accomplished since the Implementation Task Force's inception, there are still unresolved challenges for the courts when handling cases involving persons with mental illness. It is recommended that the Judicial Council receive the final report of the Implementation Task Force and that the work in this area be transitioned to the appropriate Judicial Council advisory bodies.

Speakers:

Hon. Richard J. Loftus, Jr., Chair, Mental Health Issues Implementation Task Force

[15-413](#)

Judicial Council: 2016 Legislative Priorities (Action Required)

Summary:

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. For the 2016 legislative year, the Policy Coordination and Liaison Committee (PCLC) recommends an approach that follows the Chief Justice's

Access 3D framework: (1) advocate for investment in our justice system to preserve access to justice for all Californians, including a method to provide stable and reliable funding; (2) advocate to secure new judgeships for communities most in need and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; (3) advocate for a three-branch solution to ensure the fairness and efficiency of California's penalty assessment structure; (4) continue to sponsor legislation to improve judicial branch operational efficiencies, including cost savings and cost recovery measures; and (5) delegate to PCLC the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation, administrative rules or regulations, after evaluating input from council advisory bodies and council staff, and any other input received from the courts, provided that the input is consistent with the council's established policies and precedents.

Speakers: Mr. Cory Jaspersen, Governmental Affairs

[15-430](#) **Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve (Action Required)**

Summary: The Trial Court Budget Advisory Committee's 2 Percent Funding Request Review Subcommittee presents a recommendation to the Judicial Council on the Superior Court of Humboldt County application for supplemental funding. There is \$37.6 million remaining of the Trial Court Trust Fund (TCTF) 2 percent reserve for fiscal year 2015-2016, from which by statute the Judicial Council allocates if there has been an approved request from a trial court(s) requesting supplemental funding for urgent needs due to unforeseen emergencies or unanticipated expenses. The total amount requested by the Superior Court of Humboldt County is \$252,000.

Speakers: Hon. Brian McCabe and Mr. Richard Feldstein, Co-chairs, Trial Court Budget Advisory Committee, 2 Percent Funding Request Review Subcommittee
Mr. Zlatko Theodorovic, Director, Judicial Council Finance

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[15-439](#) **Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring**

Summary: The chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

[15-441](#) **Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 35)**

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 35th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts-those of Kings and Santa Clara Counties-have issued new notices.

[15-409](#) **Court Facilities: Lease-Revenue Bond Issuance, Spring 2015**

Summary: As authorized and directed by the Judicial Council, the Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in spring 2015 for the financing of court facilities projects.

[15-411](#) **Court Facilities: Trial Court Facility Modification Advisory Committee Fiscal Year 2014-2015 Annual Report**

Summary: The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for fiscal year (FY) 2014-2015. In compliance with the *Trial Court Facility Modifications Policy* adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting the annual report for FY 2014-2015 as Attachment A.

[15-434](#) **Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 1 of Fiscal Year 2015-2016**

Summary: The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the first 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 1, Fiscal Year 2015-2016* as information for the council. This report summarizes the activities of the TCFMAC from July 1, 2015, to September 30, 2015.

[15-437](#) **Trial Courts: Quarterly Investment Report for Third Quarter of 2015**

Summary: This *Trial Courts: Quarterly Investment Report for Third Quarter of 2015* 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 July 1, 2015, through September 30, 2015.

There were no Circulating Orders since the last business meeting.

There were no Appointment Orders since the last business meeting.

Adjournment (approx. 2:10 p.m.)

