



Judicial Council of California

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

Meeting Minutes

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Judicial Council

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Thursday, May 18, 2017

1:15 PM

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 1:15 p.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, Mr. Jake Chatters, Mr. Patrick M. Kelly, Mr. Richard D. Feldstein, Ms. Kimberly Flener, Ms. Audra Ibarra, Ms. Donna D. Melby, and Ms. Debra Elaine Pole
- Absent:** 3 - Commissioner David E. Gunn, Assembly Member Richard Bloom, and Senator Hannah-Beth Jackson

Media Representatives

Mr. Kevin Lee, *The Daily Journal*

Others Present

Ms. Angie Birchfield and Mr. Rene M. Garcia

Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 1:55 p.m.

Chief Justice's Comments on the Futures Commission Report

Chief Justice Tani G. Cantil-Sakauye reported that the Commission on the Future of California's Court System (Futures Commission) submitted a substantive report exploring transformative ideas for the judicial branch that were both practical and achievable. She carefully reviewed the commission's 13 recommendations and submitted a letter to the Judicial Council's internal chairs and the Administrative Director outlining her decisions. She thanked the 63 members who diligently served on the Futures Commission, and acknowledged the commission's chair, Supreme Court Justice Carol A. Corrigan, and vice-chair, William R. McGinnis, Administrative Presiding Justice of the Court of Appeal, First Appellate District. She also acknowledged lead staff to the commission and the Judicial Council's chief of staff, Ms. Jody Patel, who had the assistance of many Judicial Council staff, especially Ms. Maureen Dumas. The commission's work is captured in a 290-page report available on the California Courts website at www.courts.ca.gov/documents/futures-commission-final-report.pdf.

The recommendations deal specifically with civil and small claims cases, criminal and traffic law, family and juvenile law, fiscal and administrative operations, and technology. The Chief Justice noted that the Futures Commission, which was formed in 2014, approached its work methodically and deliberatively, beginning with an initial survey that generated more than 2,000 responses from lawyers, judges, judicial branch professionals, and other stakeholders. The commission conducted five public comment sessions, 430 conference calls, and 22 in-person meetings of the various working groups. The recommendations, the Chief noted, are both visionary and practical. When deciding what to move forward first, she looked back at priorities.

For the last several years the council has been concerned about how fines and fees are unfairly penalizing the poor, she reported. The Chief Justice explained that it is a national problem and requires a three-branch solution. She noted that she appointed Administrative Director Martin Hoshino to a National Task Force on Fines, Fees and Bail Practices as it became clear that this is a national concern for all three branches of government in all 50 states. Last year the Judicial Council changed a court rule on an expedited basis that created more justice, and then changed a court rule so that litigants can better challenge infractions. Last fall, California was one of four states to receive a grant to develop an ability-to-pay calculator that assures accountability without being overly punitive. The Chief explained that although this represents real progress, structural issues still underlie the problem with fines and fees. When the Futures Commission recommended a fundamental transformative change on how minor traffic violations are treated, she saw an opportunity to rethink the process. The Chief mentioned that her first position as a judge was in traffic court, so she is familiar with the emotion that attends traffic court appearances. She would like to see minor traffic claims taken out of the criminal arena and decided in a civil court. If courts can

make the penalties and consequences reasonable and fair, she remarked, then all three branches can work together on a national solution and a state solution that will make California the first in the nation to approach minor traffic adjudications in the civil arena.

The Chief Justice directed that the recommendation for the civil adjudication of minor traffic infractions be immediately assigned to the council's Traffic Advisory Committee in collaboration with the Civil and Small Claims Advisory Committee, and the Criminal Law Advisory Committee. The committees would bring forward an implementation strategy for council consideration. She added that their proposal should include recommendations for statutory and rule changes as well as appropriate processes that free up court and law enforcement resources and simplify the procedures. She also directed the committees to explore, evaluate, and recommend options for providing online processing for all phases of traffic infractions if a litigant wishes to pursue that avenue.

The Chief noted that her letter to the council's internal chairs also directs that the following recommendations be assigned to council committees for immediate consideration and evaluation: streamlining civil litigation procedures; improving access and expanding assistance for self-represented litigants; and expanding the use of new technology in the courts, especially as it relates to services for court users. She asked each lead committee assigned to a recommendation to submit a status report to the Judicial Council's internal oversight committee members and chairs at the end of the third quarter of 2017. She also directed the Executive and Planning Committee to make assignments to the appropriate advisory committees to review those remaining recommendations from the Futures Commission report and consider proposals.

The Chief added that those remaining recommendations should be considered within the established annual agenda of the advisory committees, taking into account the current priorities of those committees. The report of the Futures Commission, she noted, represents an important investment in the judicial branch and its future, and she suggested that the branch now has the opportunity and the expertise to make that future a reality for court users. She thanked the commission members who gave their time and expertise in order to move California forward.

Public Comment

Ms. Mary Lou Aranguren and Ms. Camille T. Taiara presented comments on item 17-074.

Judicial Council Members' Liaison Reports

[17-070](#)

Judicial Council Members' Liaison Reports

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

Judge Samuel K. Feng reported on his visit to the Superior Courts of Colusa and Napa Counties. Justice Marsha G. Slough reported on her visit to the Superior Court of Placer County.

DISCUSSION AGENDA

[17-074](#)

Language Access: Update on Language Access Plan Implementation and Report: *Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations (No Action Required)*

Summary: To strengthen the California judiciary's capacity to meet the needs of millions of people with limited-English language skills, the Judicial Council charged the Language Access Plan Implementation Task Force with implementing the *Strategic Plan for Language Access in the California Courts*. This report offers a brief description of progress on implementation of the plan. The task force also submits an informational report with recommendations for courts on "wayfinding" and signage strategies to assist limited-English-proficient (LEP) court users. The report will be shared with the 58 superior courts and posted to the Language Access Toolkit.

Public Comment / Presentation / Discussion

Speakers: Hon. Mariano-Florentino Cuéllar, Chair, Language Access Plan Implementation Task Force
Hon. Laurie D. Zelon, Co-Chair, Translation, Signage and Tools for Courts Subcommittee

[17-089](#)

Court Facilities: Court Facilities Trust Fund-Reducing Operations and Maintenance Costs, and Utility Costs in Courthouses (Action Required)

Summary: The Court Facilities Trust Fund (CFTF) supports two significant trial court expenses: operations and maintenance, and utility expenses. Due to a revenue shortfall, the CFTF is projected to have a funding deficit in FY 2017-2018 of \$10.3 million. The current action plan to address the CFTF's funding shortfall is to focus on saving 10 percent of costs for both operations and maintenance and utilities in trial court facilities statewide. The Trial Court Facility Modification Advisory Committee (TCFMAC) recommends the Judicial Council direct staff to take all actions necessary to reduce utility and maintenance costs, including engaging the local trial courts. The TCFMAC advocates for quick action on energy conservation and efficiency in order to protect CFTF funds that are critical to the ongoing operations and maintenance of trial court facilities.

Public Comment / Presentation / Discussion

Speakers: Hon. Donald Cole Byrd, Chair, Trial Court Facility Modification Advisory Committee
Hon. William F. Highberger, Vice-chair, Trial Court Facility Modification Advisory Committee

Mr. Mike Courtney, Capital Program

Recommendation: The Trial Court Facility Modification Advisory Committee recommends that the Judicial Council, effective May 18, 2017, direct Judicial Council staff to take all actions necessary to (1) reduce utility and maintenance costs, including engaging the local trial courts; and (2) report back on its progress at the September 2017 Judicial Council meeting..

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

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 3:20 p.m.