



Judicial Council of California

2850 Gateway Oaks Dr.,
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Sacramento, CA
95833

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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Friday, July 19, 2019

9:30 AM

San Francisco

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

Session 9:30 a.m. – 11:35 a.m.

Call to Order

Public Comment

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., Monday, July 15, 2019.
- 2) Submit written comments for this meeting by 1:00 p.m. on Tuesday, July 16, 2019.

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: Cliff Alumno

Approval of Minutes

[19-143](#) **Minutes of May 17, 2019, Judicial Council meeting**

Chief Justice's Report

10 minutes

Administrative Director's Report

[19-144](#) **Administrative Director's Report**

10 minutes

Judicial Council Committee Presentations

[19-145](#) **Judicial Council Committee Reports**

20 minutes

Break 10:10 a.m. – 10:20 a.m.

CONSENT AGENDA

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

[19-149](#) **Child Support | Base Funding Allocation for Fiscal Year 2019-20 for Child Support Commissioner and Family Law Facilitator Program (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends approving the allocation of funding for the Child Support Commissioner and Family Law Facilitator Program for fiscal year 2019-20, 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 and the Judicial Council. 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.

[19-141](#) **Child Support | Potential California Department of Child Support Services Budget Change Proposal for Increased Funding for Assembly Bill (AB) 1058 Program (Action Required)**

Summary: The Judicial Branch Budget Committee recommends the Judicial Council support the California Department of Child Support Service's development of a budget change proposal to request additional funding to restore program funding for the Assembly Bill (AB) 1058 Child Support Commissioner and Family Law Facilitator Program to

“prerecession” funding levels. The additional funding would be allocated to the courts and fund the administration of the Judicial Council’s AB 1058 program, which has been flat-funded for 11 years.

[19-148](#)**Equal Access Fund | Distribution of One-Time Funding for Landlord-Tenant Issues (Action Required)****Summary:**

The Budget Act of 2019 provides a one-time \$20 million allocation to the judicial branch to augment the Equal Access Fund. Funds are to be used for qualified legal services providers and support centers to provide legal services to low-income persons for landlord-tenant issues, including legal assistance for counseling, renter education programs, and preventing evictions. The Budget Act provides that the Judicial Council allocate these funds to the State Bar, which distributes the funding to eligible legal services agencies. The State Bar’s Legal Services Trust Fund Commission requests Judicial Council approval of the distribution of the \$20 million according to the formula specified in the Budget Act.

[19-151](#)**Judicial Branch Administration | Court Innovations Grant Program Award (Action Required)****Summary:**

After consistent monitoring of the Court Innovations Grant Program contingency fund balance and its component funding categories and discussion of alternatives to maximize the grant allocation, the Judicial Branch Budget Committee recommends awarding a grant totaling \$108,000 to the Superior Court of Solano County for its Drug Court Case Management e-database project from the collaborative courts funding category. This grant will fund the testing of new approaches for expanding innovative and efficient services.

[19-146](#)**Judicial Branch Administration | Sabbatical Request for Judge Nicholas S. Thompson (Action Required)****Summary:**

The Executive and Planning Committee recommends the approval of an unpaid sabbatical leave for Judge Nicholas S. Thompson, Superior Court of Orange County, for the period of October 1 to December 31, 2019. During this sabbatical leave, Judge Thompson intends to study and conduct a comparative analysis of Canadian law and jurisprudence and teach on California law at the University of Calgary Faculty of Law in Alberta, Canada. Judge Thompson anticipates that his experience in this program will provoke new thoughts on enhancing protocols and practices within the California justice system and on how he approaches varied criminal and limited jurisdiction civil matters. He believes it will positively influence his future performance as a California trial court judge.

[19-138](#)**Jury Instructions | Civil Jury Instructions (Release 35) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approving for publication the revised civil jury instructions prepared by the committee on the subject of workplace harassment. On Judicial Council approval, the instructions will, at publisher option, either be published immediately in print in a special edition of or supplement to CACI, or presented only online until the new 2020 print edition of the *Judicial Council of California Civil Jury Instructions (CACI)* is published.

[19-152](#)**Juvenile Law | Distribution of Federal Title IV-E Reimbursement for Dependency Counsel (Action Required)****Summary:**

The Budget Act of 2019 provides an increase of \$34 million, and ongoing funds in future years, in federal funds to support court-appointed dependency counsel representing children and parents at every stage of the dependency proceeding. This funding became available with a change to the federal *Child Welfare Policy Manual*, which now permits claiming federal foster care dollars (title IV-E funds) for attorneys to provide legal representation to a title IV-E-eligible child in foster care or to the child's parents. This federal funding brings California closer to the Judicial Council caseload standard to fully fund the adequate and competent representation of parents and children required by Welfare and Institutions Code section 317. The Family and Juvenile Law Advisory Committee recommends the distribution of these funds to court-appointed counsel providers meeting eligibility requirements according to the court-appointed counsel workload methodology adopted in April 2016 and modified for small courts in January 2019.

[19-142](#)**Juvenile Law | Fiscal Year 2019-20 Funding Allocations for Court-Appointed Special Advocate Local Assistance (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends approving Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year (FY) 2019-20. The judicial branch budget for Judicial Council CASA grants for FY 2019-20 is \$2.713 million, which includes a \$500,000 augmentation to support efforts to increase the number of foster children served. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at its July 20 and September 21, 2018, business meetings.

[19-075](#)**Trial Court Budget | Fiscal Year 2019-20 Allocation of Court-Appointed Juvenile Dependency Counsel Funding (Action Required)****Summary:**

The Trial Court Budget Advisory Committee (TCBAC) recommends allocation of \$156.7 million for fiscal year (FY) 2019-20, from the ongoing Trial Court Trust Fund to the trial courts for court-appointed juvenile dependency counsel. The proposed allocation for FY 2019-20 was reviewed and approved by TCBAC at its May 2, 2019, meeting. The Judicial Council at its March 15, 2019, meeting, on the

recommendation of the Trial Court Budget Advisory Committee, approved FY 2018-19 midyear reallocations and directed staff to further survey eligible courts to determine their ability to use funding during the remainder of the fiscal year. Staff was further directed to report the final allocation at the July 2019 council meeting.

DISCUSSION AGENDA

[19-150](#)

Judicial Branch Administration | Prevention of Discrimination, Harassment, Retaliation, and Inappropriate Workplace Conduct Based on a Protected Classification (Action Required)

Summary:

The Work Group for the Prevention of Discrimination and Harassment recommends several actions to the Judicial Council to improve how judicial branch entities prevent and address harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification. These recommendations include that the Judicial Council direct that the Rules and Projects Committee oversee the rulemaking process for the development of a California Rule of Court setting forth minimum requirements for court policies and procedures; direct that the Center for Judicial Education and Research Advisory Committee revise its 2020-2022 Education Implementation Plan to increase education offerings and modify existing education, and engage in the rulemaking process regarding education for judicial officers on the prevention of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification; recommend that courts take several actions designed to improve existing court protocols; and direct that Judicial Council staff support courts in these efforts.

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

[19-066](#)

Judicial Branch Administration | Proposal to Reaffirm an Updated Strategic Plan for California's Judicial Branch (Action Required)

Summary:

The chairs of the Judicial Council's six internal committees have revised the existing plan and propose that the Judicial Council reaffirm the existing strategic plan for the Judicial Branch to maintain a guiding vision and direction for the judicial branch.

Speakers:

Hon. Douglas P. Miller, Chair, Executive and Planning Committee

Hon. Kyle S. Brodie, Judicial Council Technology Committee

15 minutes

[19-072](#)**Trial Court Budget | Trial Court Allocations from the State Trial Court Improvement and Modernization Fund (IMF) for 2019-20 (Action Required)****Summary:**

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council approve allocations for 2019-20 from the State Trial Court Improvement and Modernization Fund (IMF) in the amount of \$80,079,860. This value includes approved budget change proposals (BCP) in the 2019-20 Budget Act.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Budget Services

10 minutes

[19-073](#)**Trial Court Budget | Allocations from the Trial Court Trust Fund and Trial Court Allocations for Fiscal Year 2019-20 (Action Required)****Summary:**

For 2019-20, the Trial Court Budget Advisory Committee (TCBAC) recommends the Judicial Council allocate \$2.293 billion to the trial courts from the Trial Court Trust Fund (TCTF), and \$68.8 million from the state General Fund, for general court operations and specific costs. The TCBAC also recommends the Judicial Council approve the Workload Formula allocation of \$2.056 billion based on methodologies approved by the Judicial Council. Assuming approval of the allocations, current revenue projections, and estimated savings from 2018-19 appropriations, the TCTF will end 2019-20 with a fund balance of \$58.5 million, of which approximately \$32.0 million will be unrestricted.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Budget Services

20 minutes

[19-074](#)**Judicial Branch Budget: 2020-21 Budget Change Proposals for Supreme Court, Courts of Appeal, Superior Courts, Judicial Branch Facilities Program, Habeas Corpus Resource Center, and Judicial Council (Action Required)****Summary:**

To continue responsible reinvestment in the judicial branch allowing for greater access to justice for California's citizens, the Judicial Branch Budget Committee (JBBC) unanimously recommends submitting these 2020-21 budget change proposals (BCPs) to the State Department of Finance.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Mr. Zlatko Theodorovic, Budget Services

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[19-077](#)**Judicial Branch Budget | Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2018-19, Quarter 3****Summary:**

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

[19-070](#)**Report to the Legislature | Electronic Recording Equipment****Summary:**

Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

[19-136](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Rep. No. 48)****Summary:**

Government Code section 68106 (1) directs trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) directs the council to post all such notices on its website and relay them to the Legislature. This is the 48th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, three superior courts--the Superior Courts of Fresno, Tulare, and San Bernardino Counties--have issued new notices.

[19-078](#)**Trial Courts | Quarterly Investment Report for First Quarter of 2019****Summary:**

This *Trial Courts: Quarterly Investment Report for First Quarter of 2019* covers the period of January 1, 2019, through March 31, 2019, 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.

Appointment Orders[19-080](#)**Appointment Orders since the last business meeting.****Adjournment**