



Judicial Council of California

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

Meeting Agenda

Judicial Council

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Friday, July 28, 2017

8:30 AM

San Francisco

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

Session 8:30 – 11:55 a.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.

Please see our public comment procedures at <http://www.courts.ca.gov/28045.htm>.

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, July 25.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, July 26.

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

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Attention: Donna Ignacio

Approval of Minutes

[17-111](#)

Minutes of the May 18-19, 2017, Judicial Council meeting.

5 minutes

Chief Justice's Report

10 minutes

Administrative Director's Report

[17-112](#) **Administrative Director's Report**

10 minutes

Judicial Council Committee Presentations

[17-113](#) **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

40 minutes

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.

[17-064](#) **Equal Access Fund: Status Report and Technical Correction
(Action Required)**

Summary: Since 2014, the Legal Services Trust Fund Commission has been engaged in work to streamline and improve the efficacy of its grant making, including instituting new data collection protocols designed to determine the outcomes of the legal services provided through the Equal Access and Interest on Lawyers' Trust Account Funds. This report describes this effort to document the impact of legal services and demonstrate accountability in use of resources. The multiyear transition to a new grant-making platform also resulted in short-term challenges, and this report also contains technical corrections to previous reports prepared for the Judicial Council regarding the distribution of the Equal Access Fund.

[17-098](#) **Judicial Council Report to the Legislature: 2017 Report on the
California Community Corrections Performance Incentives Act
(Action Required)**

Summary: The Criminal Justice Services office recommends that the Judicial Council

receive the 2017 *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* and direct the Administrative Director to submit this annual report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the program-including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration-no later than 18 months after the initial receipt of funding under the act and annually thereafter.

[17-101](#)**Judicial Branch Administration: Judicial Branch Contracting Manual (Action Required)****Summary:**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends revising the *Judicial Branch Contracting Manual*. The revisions are necessary to reflect new section 2010 of the Public Contract Code, effective January 1, 2017, requiring new certifications regarding compliance with the Unruh Civil Rights Act and the Fair Employment and Housing Act. The committee also recommends some additional revisions, including updated nomenclature, that would make the manual more effective and workable for judicial branch entities in their procurement and contracting activities.

[17-102](#)**Judicial Council Administration: Rule for the Advisory Committee on Audits and Financial Accountability for the Judicial Branch (Action Required)****Summary:**

The internal chairs of the Judicial Council recommend that rule 10.63, on an advisory committee on fiscal affairs, be amended to rename the committee the “Advisory Committee on Audits and Financial Accountability for the Judicial Branch.” An important function of government is to ensure that public funds are properly spent and accounted for. Rule 10.63 would be amended to more clearly prescribe the duties of the committee. The amendments to the rule would also expand the membership of the committee to include at least one appellate clerk/executive officer and at least one nonvoting advisory member who has significant governmental auditing experience.

[17-105](#)**Access to Visitation Grant Program: Program Funding Reallocation from Lead Grantee Court to Collaborative Partner Court in Final Year of Three-Year Funding Cycle (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the reallocation and distribution of a maximum of \$45,000 from the funds previously awarded to the lead administering court, the Superior Court of Mendocino County, to their collaborative partner court, the Superior Court of Del Norte County, for the contract period of fiscal year (FY) 2017-2018. The Access to Visitation contract period for FY 2017-2018 began on April 1, 2017, and ends on March 31, 2018. The funding reallocation will support and facilitate the continuation of Access to Visitation Grant Program services for noncustodial parents and their children through supervised

visitation and exchange services, and parent education. Family Code section 3204(b)(2) requires the Judicial Council to determine funding allocation awards to the superior courts.

17-108 Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)

Summary: The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Kern* (August 2016). 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 promotes transparent accountability and provides the courts with information to minimize future financial, compliance, and operational risk.

[17-117](#) **Juvenile Dependency: Proposed Allocation for Fiscal Year 2017-2018 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 2017-2018. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at its August 2013 business meeting. Allocations will fund 45 programs serving 50 counties.

[17-119](#) **Court Facilities: Disposition of Equity Interests in Courthouse Annex in Tehama County and old Falasco Justice Center in Merced County (Action Required)**

Summary: Following completion of construction of new courthouses, and at other times for operational reasons, courts vacate one or more court facilities that are no longer suitable to the needs of the judicial branch. Often the vacated court facilities are located in county-owned buildings, but the Judicial Council remains liable for, and obligated to pay its share of the cost of operations and maintenance of its equity interest in the closed court facility. The Courthouse Annex in Tehama County and the former Falasco Justice Center in Merced County are two current examples. To eliminate the continuing liability and cost associated with permanently closed court facilities in county-owned buildings, the Facilities Policies Working Group recommends authorizing the permanent disposition of the Judicial Council's equity interests in the Tehama and Merced court facilities, and delegating to the Administrative Director authority to sign the equity disposition agreements for these two facilities and all other related documents needed to complete the transactions.

[17-121](#)**Judicial Council: Delegation to Administrative Director for Approval of Americans with Disabilities Act Grievance Procedure (Action Required)****Summary:**

Judicial Council staff recommends that the Judicial Council delegate authority to the Administrative Director to approve and maintain a grievance procedure drafted pursuant to the Americans with Disabilities Act (ADA) in order to reduce delays in implementing this required procedure. Consistent with the requirements of the ADA, the grievance procedure will provide members of the public with information about how to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Judicial Council, as well as procedures for Judicial Council staff to resolve such complaints.

Break 10:05 – 10:20 a.m.

DISCUSSION AGENDA[17-095](#)**Trial Court Allocations: General Court Operations and Specific Costs for Fiscal Year 2017-2018 (Action Required)****Summary:**

For 2017-2018, the Trial Court Budget Advisory Committee recommends the Judicial Council allocate \$1.849 billion to the trial courts from the Trial Court Trust Fund (TCTF) and state General Fund for general court operations and specific costs. The recommended allocations include \$1.821 billion in 2017-2018 beginning base funding for general court operations, each court's share of \$4.8 million in new funding for non-interpreter employee benefits, a statewide net reallocation of \$720.2 million for general court operations using the Workload-Based Allocation and Funding Methodology (WAFM), a net zero allocation for the WAFM funding-floor adjustment, a preliminary one-time allocation reduction related to the 1 percent cap on trial court fund balances, \$22 million in new funding for reimbursement of court-appointed dependency counsel costs, and \$9.2 million for criminal justice realignment costs. Assuming approval of the allocations and given current revenue projections and estimated savings from appropriations, the TCTF will end 2017-2018 with a fund balance of \$27.2 million, of which approximately \$10.4 million will be unrestricted.

Speakers:

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

30 minutes

[17-114](#)**Trial Court Allocations: Revisions to the Workload-Based Allocation and Funding Methodology (WAFM) Adjustment Request Procedures (Action Required)****Summary:**

The Judicial Council established the *Workload-Based Allocation and Funding Methodology (WAFM) Adjustment Request Procedures* in August 2013 as a means for trial courts to request changes to the WAFM model for factors not included in its calculations and/or to request ongoing adjustments. The Trial

Court Budget Advisory Committee recommends that the Judicial Council approve revisions to the WAFM adjustment request procedures to better serve the needs of the trial courts.

Speakers: Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Co-Chair, Funding Methodology Subcommittee

15 minutes

[17-115](#)

Trial Court Allocations: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve two new requests and two amended requests for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, a court may request funding reduced as a result of a court exceeding its 1 percent fund balance cap be retained in the TCTF for the benefit of that court. The total estimated amount requested by the trial courts that would be reduced from their 2017-2018 allocations for exceeding the cap is \$448,133. The council will be informed of any final adjustments to the estimated amounts after 2016-2017 year-end.

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

10 minutes

[17-097](#)

Budget: Fiscal Year 2018-2019 Budget Change Proposals for Supreme Court, Courts of Appeal, Judicial Council, Judicial Branch Facilities Program, Trial Courts, and Habeas Corpus Resource Center (Action Required)

Summary: The branch's fiscal year 2018-2019 budget change proposals (BCP) aim to alleviate financial pressures on the judicial branch due to continued underfunding. The BCPs seen as a whole demonstrate that the branch's current budget challenges disproportionately impact our most vulnerable populations such as the poor, people with limited English proficiency, children, and the elderly. The 2018-2019 BCPs below therefore reflect a branch-wide effort to improve the public's access to justice through adequate staffing, expanded language access, safe, secure courthouses, and modern case filing and management technology. Each of the 2018-2019 BCPs should be fully funded, but given the state's limited available resources, the Judicial Branch Budget Committee recognizes there must be prioritization. The Committee recommends adoption of the list in the order provided for submission to the Department of Finance by its September 1, 2017, deadline.

Speakers: Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Hon. James M. Humes, Vice Chair, Judicial Branch Budget Committee
Mr. Zlatko Theodorovic, Budget Services Office

40 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[17-107](#)**Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 3 of Fiscal Year 2016-2017****Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the third 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 3, Fiscal Year 2016-2017* as information for the council. This report summarizes the activities of the TCFMAC from January 1, 2017, to March 31, 2017.

[17-109](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 42)****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 42nd report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, five superior courts-Tulare, Stanislaus, San Diego, San Joaquin, and Siskiyou Counties-have issued new notices.

Circulating Orders[17-110](#)**Circulating Orders since the last business meeting.****Summary:**

Judicial Branch: Request for Delegation to Judicial Branch Budget Committee for Court Innovations Grants (CO-17-04)

Appointment Orders[17-120](#)**Appointment Orders since the last business meeting.****Adjournment (approx. 11:55 a.m.)**