



Judicial Council of California

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

Meeting Agenda

Judicial Council

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

Thursday, January 19, 2017

9:45 AM

San Francisco

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

Session 9:45–10:20 a.m.

Transitional Break (10:20–10:30 a.m.)

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

Session 10:30 a.m.–3:00 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.

Please see our public comment procedures.

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, January 17, 2017.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, January 18, 2017.

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

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

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455 Golden Gate Avenue

San Francisco, California 94102-3688

Attention: Donna Ignacio

Approval of Minutes*5 minutes*

[17-009](#) **Minutes of the December 16, 2016, Judicial Council meeting.**

Chief Justice's Report*10 minutes***Administrative Director's Report***10 minutes*

[17-010](#) **Administrative Director's Report**

EDUCATIONAL AGENDA

[17-016](#) **Chief's Initiative on Juvenile Justice (No Action Required. There are no materials for this item.)**

Summary: Presentation of the work of the Keeping Kids in School and Out of Court (KKIS) Steering Committee, and the connections between trauma, truancy and school discipline practices for court-involved youth.

Speakers: Hon. Stacy Boulware Eurie, Superior Court of California, County of Sacramento
Hon. Donna Groman, Superior Court of California, County of Los Angeles, and Supervising Judge, County of Los Angeles Juvenile Justice courtrooms

*40 minutes***Break (12:00–12:30 p.m.)**

[17-003](#) **Evidence-Based Practices and Pretrial Risk Assessment (No Action Required.)**

Speakers: Dr. Edward J. Latessa, Ph.D., School of Criminal Justice, University of Cincinnati

*90 minutes***CONSENT AGENDA**

[17-000](#) **Criminal Procedure and Juvenile Law: Judicial Council Optional Forms under Proposition 64 (Action Required)**

Summary: The Criminal Law and the Family and Juvenile Law Advisory Committees recommend that the Judicial Council approve four optional forms to enable petitioner/applicants to file for resentencing, dismissal, and record sealing under the "Control, Regulate and Tax Adult Use of Marijuana Act" ("Proposition 64"), and for the forms to become effective January 23, 2017. This request responds to the enactment of Proposition 64, effective November 9, 2016,

which directs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of the petitions and applications” provided for in the initiative. The proposed forms are currently circulating for public comment; the comment period began on December 16, 2016, and will end on February 13, 2017. To ensure that the forms are available to courts as soon as possible, the committees seek out-of-cycle approval of the forms, prior to the closing of the period for public comment. The committees will propose any necessary revisions to the forms based on comments received to be effective September 1, 2017.

17-001 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 Fresno*. 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.

[17-005](#) **Judicial Branch Administration: Restriction on State-Funded Travel to States With Discriminatory Laws (Action Required)**

Summary: Staff of the Judicial Council recommend the Judicial Council approve a policy to voluntarily comply with Government Code section 11139.8. The new statute prohibits state-funded or state-sponsored travel to states that have implemented discriminatory laws after June 26, 2015. Such a policy would conform the judicial branch to the practice in place for the executive and legislative branches of California government.

[17-007](#) **Civil Practice and Procedure: Denial of Request to Remove Name From Shared Gang Database (Action Required)**

Summary: The Civil and Small Claims Advisory Committee recommends adoption of rule 3.2300 and approval of form MC-1000 to implement recently enacted legislation that authorizes superior court review of a law enforcement agency’s denial of a request to remove an individual’s name from a shared criminal gang database. The proposal is intended to give guidance to individuals and courts in making and processing requests for review under this legislation.

[17-008](#)**Judicial Council Report to the Legislature: Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2015-2016 (Action Required)****Summary:**

Judicial Council staff recommends approving the *Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2015-2016*, as required by Government Code sections 68502.5(b) and 77202.5(b), to be sent to the chairs of the Senate Committee on Budget and Fiscal Review, the Senate Committee on Judiciary, and the Assembly Committees on Budget and Judiciary.

[17-013](#)**Forms: Technical Changes to Proof of Service Forms (Action Required)****Summary:**

Members of the public and Judicial Council staff have identified changes required for several proof of service forms as a result of previous rule amendments that remove the requirement that the time of service by fax or electronic service be stated on the forms. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing litigants, clerks, and judicial officers.

[17-039](#)**Criminal Law: Judicial Council Appointment to the Selecting Committee for the Assembly Bill 2013 Misdemeanor Pilot Program (Action Required)****Summary:**

The Executive and Planning Committee recommends appointing Judge Burt Pines (Ret.), Superior Court of Los Angeles County, to serve on a three-member selecting committee to select the counties to participate in the Assembly Bill 2013 Misdemeanor Pilot Program, which was established by recently enacted AB 2013. The three-year pilot project will be active in three counties and will require a court, on request of an out-of-custody misdemeanor defendant, to make a probable cause finding at arraignment.

DISCUSSION AGENDA[17-014](#)**Jury Instructions: Revised Civil Jury Instruction No. 3103-Supplemental Report (Action Required)****Summary:**

This is a supplementary report covering only the Advisory Committee on Civil Jury Instructions' proposed revisions to CACI No. 3103, Neglect-Essential Factual Elements. Because of some significant opposition to the committee's proposed changes to this instruction, the committee believes that it is appropriate to set forth its decision and decision-making process about this instruction in a separate report.

Speakers:

Hon. Martin J. Tangeman, Chair, Advisory Committee on Civil Jury Instructions

15 minutes

[17-002](#)**Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy (Action Required)****Summary:**

The Judicial Council's suspension of the minimum operating and emergency fund balance policy expired as of July 1, 2016. The minimum operating and emergency fund balance policy, established by the Judicial Council in October 2006 and revised in April 2009, requires trial courts to set aside a percentage of funds for use in emergency situations or when revenue shortages or budgetary imbalances may exist, based on a percentage of the court's prior year's ending total unrestricted general fund expenditures. This policy has been suspended by the Judicial Council since August 31, 2012, due to changes in statute. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension to the suspension of the minimum operating and emergency fund balance policy.

Speakers:

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

10 minutes

[17-004](#)**Budget: Update to Fiscal Year 2017-2018 Budget Proposal for the Trial Courts (Action Required)****Summary:**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the Judicial Council Technology Committee recommend approval and submission of the revised fiscal year (FY) 2017-2018 budget proposal for the trial courts - Statewide Electronic Filing Implementation and Operational Support. Revisions have been made to this request, necessitating further review and approval. This proposal was submitted to the Department of Finance on September 2, 2016, as a placeholder request. This request is expected to be submitted to the Department of Finance in February 2017 for inclusion in the Governor's FY 2017-2018 May Revision.

Speakers:

Mr. Zlatko Theodorovic, Budget Services

10 minutes

[17-015](#)**Trial Courts: State Trial Court Improvement and Modernization Fund Allocations (Action Required)****Summary:**

The Trial Court Budget Advisory Committee (TCBAC) and the Judicial Council Technology Committee recommend approving a one-time allocation of \$399,111 to the Superior Court of Humboldt County in 2016-2017 and \$572,622 to the Superior Court of Madera County in 2017-2018 from the State Trial Court Improvement and Modernization Fund to address information technology infrastructure needs.

Speakers:

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

20 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[17-006](#)**Judicial Branch Education: Final Report of the 2014-2016 Education Plan****Summary:**

The Governing Committee of the Center for Judicial Education and Research (CJER) has completed the final report on its 2014-2016 Education Plan for the judicial branch. The education plan, which was developed by the CJER Governing Committee for all the judicial branch audiences that CJER serves, contains training and education programs and products that enable those audiences to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court. This final report provides an overview of the education plan's execution and the extent to which it met the educational objectives established by the CJER Governing Committee.

There were no Circulating Orders since the last Judicial Council business meeting.

Appointment Orders[17-038](#)**Appointment Orders since the last Judicial Council business meeting.****Adjournment (approx. 3:00 p.m.)**