



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 11, 2015

Title	Agenda Item Type
Executive and Planning Committee Chair's Report	Information Only
Submitted by	Date of Report
Justice Douglas P. Miller, Chair Executive and Planning Committee	December 9, 2015
	Contact
	Nancy Carlisle, Supervising Court Services Analyst 415-865-7614 nancy.carlisle@jud.ca.gov
	Cliff Alumno, Court Services Analyst 415-865-7683 clifford.alumno@jud.ca.gov

Executive Summary

As outlined in the California Rules of Court, rule 10.11, the Executive and Planning Committee (E&P) oversees the council's meeting process and operating procedures, including agenda setting for council meetings, development of the council's long-range strategic plan for the judicial branch, and development of policies and procedures related to court facilities and communications with the branch. The committee is also charged with directing the nominations process for vacancies on the council and its advisory bodies and overseeing specific advisory bodies. This report summarizes the committee's activities since the last Judicial Council internal committee presentation during the council's October business meeting.

Overview of Committee Meetings

Since the October council meeting, the committee has met once by conference call on November 19. The committee also conducted an e-mail action on November 25 concerning matters that otherwise would have been discussed during an open meeting of E&P. The e-mail action was completed on Monday, November 30. The committee also conducted an e-mail action on

December 4 concerning a matter that otherwise would have been discussed during a closed session of E&P, which was concluded on December 5.

Agenda Setting and Other Business

During its November 19 meeting and November 25 e-mail action, the committee set the agenda for the council's December 11 business meeting. The committee also conducted additional business as summarized below.

Conversion of Subordinate Judicial Officer Positions in the Superior Courts of San Luis Obispo and Santa Cruz Counties

The committee confirmed the conversion of vacant subordinate judicial officer positions in the Superior Courts of San Luis Obispo and Santa Cruz Counties to judgeships. The effective date of the conversion of the position in the Superior Court of Santa Cruz County is November 19, 2015, and the effective date for the position in the Superior Court of San Luis Obispo County is November 25, 2015. The committee acknowledged that the courts may temporarily fill these converted positions until judges are named and sworn in to fill them.

Recommendation for Advisory Body Appointment

During a closed e-mail action that commenced on December 4, the committee reviewed a request from the chair of the Court Facilities Advisory Committee (CFAC) for an appointment to the CFAC and developed its recommendation to the Chief Justice. The e-mail action concluded on December 5.



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EXECUTIVE AND
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www.courts.ca.gov/epmeetings.htm
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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Thursday, October 8, 2015

12:10 to 1:10 p.m.

Teleconference

Advisory Body Members Present:	Justice Douglas P. Miller (Chair); Judge Marla O. Anderson (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, and David M. Rubin; Mr. Frank McGuire and Ms. Donna D. Melby
Advisory Body Members Absent:	Judges Gary Nadler and Charles D. Wachob; Mr. Richard D. Feldstein
Invited Guests Present:	Judge Lorna A. Alksne, Superior Court of San Diego County; Court Executive Officer Michael M. Roddy, Superior Court of San Diego County
Committee Staff Present:	Ms. Jody Patel and Ms. Nancy Carlisle
Staff Present:	Mr. Cliff Alumno, Ms. Heather Anderson, Ms. Eunice Calvert-Banks, Ms. Tina Carroll, Mr. Arturo Castro, Ms. Roma Cheadle, Ms. Kerry Doyle, Ms. Deana Farole, Ms. Lucy Fogarty, Ms. Nicole Giacinti, Ms. Ann Gilmour, Ms. Eve Herschopf, Ms. Bonnie Hough, Ms. Tracy Kenny, Ms. Olivia Lawrence, Ms. Tara Lundstrom, Mr. Chris Magnusson, Mr. Charley Martel, Ms. Susan McMullan, Mr. Douglas C. Miller, Ms. Debora Morrison, Mr. Patrick O'Donnell, Ms. Claudia Ortega, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Katherine Sher, Mr. David Smith, Mr. Corby Sturges, Mr. Zlatko Theodorovic, Mr. Courtney Tucker, Ms. Julia Weber, Mr. Don Will, and Ms. Kyanna Williams

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m. and committee staff took roll call.

Approval of Minutes

The committee approved the minutes of the August 13, 2015, meeting of the Executive and Planning Committee.

DISCUSSION AND ACTION ITEMS

Item 1

Amendment to the 2015 Annual Agenda of the Workload Assessment Advisory Committee (WAAC)

The committee reviewed proposed amendments to the 2015 WAAC annual agenda that reflect the need to revise the timeline for the update of the Resource Assessment Study (RAS).

Action: *The committee approved the amendments to the 2015 WAAC annual agenda.*

Item 2

Conversion of Two Subordinate Judicial Officer (SJO) Positions in the Superior Court of San Diego County

The committee reviewed the court's request to confirm the conversion of two vacant SJO positions in the Superior Court of San Diego County to judgeships.

Action: *With one abstention, the committee confirmed the conversion of two vacant SJO positions in the Superior Court of San Diego County to judgeships effective October 8, 2015, and acknowledged that the court may temporarily fill these converted positions until judges are named and sworn to fill them.*

Item 3

Invitation to Comment: Revision of the Conflict of Interest Code for the Judicial Council

The committee reviewed a proposal to be circulated for comment that would adopt amendments to the Judicial Council Conflict of Interest Code aligning it with 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" and the council must review and approve proposed amendments to the code or direct that it be further revised and resubmitted for approval.

Action: *The committee approved the proposal for circulation to comment.*

Item 4

Trial Courts Security Grants Program (No Action Required)

At the April 17, 2015, meeting, the Judicial Council approved eliminating, reducing, and deferring expenditures for specified projects funded from the State Trial Court Improvement and Modernization Fund (IMF) and directed staff to explore other funding sources to support programs funded from the IMF. During its June 15, 2015, meeting, E&P reviewed this report identifying other funding sources and directed the Legal Services office to review and comment on the report. Finance staff reported to the committee that Legal Services concurred with the analysis and conclusion.

Action: *Information Only. No committee action required.*

Item 5

Agenda Setting for the October 27, 2015, Judicial Council Meeting

The committee reviewed available draft reports and set the agenda for the Judicial Council meeting in October.

Action: *The committee approved the following items for placement on the October Judicial Council business meeting agenda:*

- *Appellate Procedure: Access to Electronic Appellate Court Records (Action Required)*
- *Appellate Procedure: Appendixes (Action Required)*
- *Appellate Procedure: Costs on Appeal (Action Required)*
- *Appellate Procedure: Prehearing Conferences (Action Required)*
- *Appellate Procedure: Record on Appeal in Civil Cases (Action Required)*
- *Electronic Service: Authorization of Electronic Service on Trial and Appellate Courts (Action Required)*
- *Civil Cases: Continued Suspension of Case Management Rules (Action Required)*
- *Civil Practice and Procedure: Summary Judgment Proceedings (Action Required)*
- *Judicial Council Forms: Gun Violence Restraining Orders (Action Required)*
- *Judicial Council Forms: Proof of Service (Action Required)*
- *Small Claims: Extraordinary Writs under Code of Civil Procedure section 116.798 (Action Required)*
- *Telephone Appearances: Time for Notice and Notice Form (Action Required)*
- *Criminal and Traffic Procedure: Appearance in Court for Infractions Without Deposit of Bail (Action Required)*
- *Criminal Procedure: Petition and Order for Dismissal; Human Trafficking Victims (Action Required)*
- *Criminal Procedure: Petition and Order for Dismissal (Military Personnel) (Action Required)*
- *Domestic Violence: Preparing for Restraining Order Court Hearing (Action Required)*
- *Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms (Action Required)*
- *Family and Juvenile Law: Juvenile Court Final Child Custody Orders (Action Required)*
- *Family and Juvenile Law: Transfers to Tribal Court Under the Indian Child Welfare Act (Action Required)*
- *Family, Juvenile, and Probate Guardianship Law: Special Immigrant Juvenile Findings (Action Required)*
- *Family Law: New Form and Revised Forms for Stepparent and Additional-Parent Adoptions (Action Required)*
- *Juvenile Delinquency: Documenting Wobbler Determination (Action Required)*
- *Juvenile Law: Detention (Action Required)*
- *Juvenile Law: Extended Foster Care (Action Required)*
- *Juvenile Law: Proceedings Before a Referee (Action Required)*

- ***Juvenile Law: Sibling Visitation (Action Required)***
- ***Juvenile Law: Substance Abuse Treatment Facilities and Placement (Action Required)***
- ***Forms: Miscellaneous Technical Changes (Action Required)***
- ***Judicial Branch Administration: Changes to Rules, Standards, and Forms to Replace the Names “Administrative Office of the Courts” and “AOC” (Action Required)***
- ***Judicial Branch Administration: Public Access to Administrative Decisions of Trial Courts (Amend Rule 10.620) (Action Required)***
- ***Technology: Modernization of the Rules of Court to Facilitate E-Business, E-Filing, and E-Service (Action Required)***
- ***Probate Conservatorship: Judicial Council Forms to Implement the California Conservatorship Jurisdiction Act (Action Required)***
- ***Court Facilities: Naming Request for the Existing, Unnamed Courthouse in Roseville (Action Required)***
- ***Court Facilities: Prospective Lease Pending Future Disposition of Corning Courthouse (Action Required)***
- ***Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)***
- ***Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in Fiscal Year 2014–2015 (Action Required)***
- ***Judicial Council Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant (Action Required)***
- ***Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)***
- ***Judicial Council Report to the Legislature: Status of the Phoenix Program, 2014 (Action Required)***
- ***Juvenile Dependency: Proposed Allocation for Fiscal Year 2015–2016 for Court Appointed Special Advocate Local Assistance (Action Required)***
- ***Juvenile Dependency: Proposed Allocation for Fiscal Year 2015–2016 for Juvenile Dependency Counsel Collections Program (Action Required)***
- ***Court Adoption and Permanency Month: Judicial Council Resolution (Action Required)***
- ***Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring (Information Only)***
- ***Court Security: Report on Screening Equipment Replacement for Fiscal Year 2014–2015 (Information Only)***

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:40 p.m.

Approved by the advisory body on November 19, 2015.



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF ACTION BY E-MAIL BETWEEN MEETINGS

Friday, October 16, 2015

Action by E-Mail Between Meetings

Advisory Body Members Who Participated: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, Gary Nadler, David M. Rubin, and Charles D. Wachob; Mr. Richard D. Feldstein, Mr. Frank McGuire, and Ms. Donna D. Melby

Advisory Body Members Who Did Not Participate: None

Committee Staff: Ms. Jody Patel and Ms. Nancy Carlisle

DISCUSSION AND ACTION ITEM

Continue Agenda Setting for October 27 Judicial Council Meeting (Action Required)

The committee reviewed and considered the following draft reports for placement on the business meeting agenda of the October 27 Judicial Council meeting:

1. Item H – Judicial Council Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice (Action Required) (Consent Agenda);
2. Item M – Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve (Action Required) (Discussion Agenda);
3. Item N – Realignment of State Trial Court Improvement and Modernization Fund Expenditures (Action Required) (Discussion Agenda); and
4. INFO 2 – Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 34) (Information Only).

Action: *The committee approved the reports above for the October 27 Judicial Council business meeting. The committee chair concluded that prompt action by e-mail was necessary in order for them to be included on the October 27 business meeting agenda.*

CLOSURE OF ACTION

The action by e-mail concluded on Monday, October 19, 2015.

Approved by the advisory body on November 19, 2015.



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

Monday, October 26, 2015

1:45 to 2:00 p.m.

Advisory Body Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, and David M. Rubin; Mr. Frank McGuire

Advisory Body Members Absent: Judges Gary Nadler and Charles D. Wachob; Mr. Richard D. Feldstein and Ms. Donna D. Melby

Advisory Body Staff Present: Ms. Nancy Carlisle

CLOSED SESSION

Item 1

Advisory Body Appointments

Closed Pursuant to California Rules of Court, rule 10.75(d)(1)

Review materials for appointments to the Tribal Court-State Court Forum.

Action: The committee concluded its action on October 27 by developing its recommendations to be sent to the Chief Justice regarding appointments to the Tribal Court-State Court Forum.

ADJOURNMENT

There being no further business, the committee concluded its business on October 27.

Approved by the advisory body on November 19, 2015.



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION
AND LIAISON COMMITTEE

www.courts.ca.gov/pclc.htm

pccl@jud.ca.gov

POLICY COORDINATION AND LIAISON COMMITTEE MINUTES OF OPEN MEETING WITH CLOSED SESSION

October 26, 2015

10:30 AM - 12:00 PM

2860 Gateway Oaks Drive, Suite 400, American Room
Sacramento, CA

Advisory Body Hon. Kenneth K. So, Chair; Hon. Gary Nadler, Vice-Chair; Hon. Brian J. Back;
Members Present: Hon. Samuel K. Feng; Hon. James M. Humes; Hon. Dean T. Stout;
Hon. Charles D. Wachob; Mr. Mark G. Bonino; Ms. Kimberly Flener;
Mr. Patrick M. Kelly; and Ms. Donna Melby.

Advisory Body None
Members Absent:

Others Present: Hon. Brian L. McCabe and Hon. Eric C. Taylor, Members, Judicial Council;
Hon. Steven K. Austin, Chair, Court Interpreters Advisory Panel; Ms. Kristine Mayotte, Eaton Interpreting Services; Ms. Karin Fujisaki, Principal Attorney to the Chief Justice, Supreme Court of California; **Judicial Council Staff:** Dr. Amy Bacharach; Ms. Deborah Brown; Ms. Tara Lundstrom; Ms. Anne Marx; Ms. Susan McMullan; Ms. Leslie Miessner; Mr. Patrick O'Donnell; and Ms. Kelly Quinn; **Committee Staff:** Mr. Cory Jasperson; Ms. Laura Speed; Mr. Daniel Pone; Ms. Sharon Reilly; Ms. Andi Liebenbaum; Mr. Alan Herzfeld; Ms. Yvette Casillas-Sarcos; and Ms. Amanda Wells.

CLOSED SESSION

Call to Order and Roll Call

The chair called the meeting to order at 10:30 a.m., and committee staff took roll call.

Item 1

Approval of Minutes

The advisory body reviewed and approved the minutes of the Policy Coordination and Liaison Committee for the following meetings:

- September 4, 2015
- September 8, 2015
- September 21, 2015

Item 2

Pursuant to California Rules of Court 10.75(d)(3)

Negotiations concerning legislation.

PROPOSAL FOR JUDICIAL COUNCIL-SPONSORED LEGISLATION

a) Disposition of the San Pedro Courthouse (No action required)

Authorize the disposition of the San Pedro Courthouse to allow the judicial branch to retain the proceeds to be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats. 2008, ch. 311).

Action: Informational only.

Item 3

Pursuant to California Rules of Court 10.75(c)(1)

New Member Orientation.

Action: Informational only. No action required.

Adjourned closed session at 11:18 a.m.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 11:22 a.m., and committee staff took roll call. Written comments were received and provided to advisory body members prior to the meeting date.

CONSENT ACTION ITEM

Item 1

a) Judicial Council Legislative Policy Summary: 2015 (Action Required)

Sets forth concise council policy guidelines regarding court-related legislative proposals.

Action: Approved for submission to the Judicial Council.

DISCUSSION AND ACTION ITEMS

Item 1

PROPOSALS FOR JUDICIAL COUNCIL-SPONSORED LEGISLATION

a) Judicial Council: 2016 Legislative Priorities (Action Required)

Cory Jasperson led a discussion of potential items for the 2016 legislative priorities.

Action: Approved for submission to the Judicial Council

- b) Disposition of the San Pedro Courthouse (Action Required)
Authorizes the disposition of the San Pedro Courthouse to allow the judicial branch to retain the proceeds to be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats. 2008, ch. 311).
Action: Recommend alternative proposal for Judicial Council sponsorship.
- c) Juvenile competency (Action Required)
Clarifies the legal process and procedures in proceedings that determine the legal competency of juveniles in delinquency proceedings.
Action: Recommend Judicial Council sponsorship.
- d) Court Jurisdiction Over and Calculation of Time During Supervision Revocation (Action Required)
Clarifies that when supervision has been revoked, summarily or otherwise, the time that elapses during revocation shall not be credited toward any period of supervision.
Action: Recommend Judicial Council sponsorship.
- e) Provisional Qualifications of American Sign Language of Interpreters (Action Required)
Incorporates language allowing for provisional qualification of American Sign Language interpreters.
Action: Recommend Judicial Council sponsorship be deferred.
- f) Timing of Electronic Service (Action Required)
Clarifies that service of motion papers may be made electronically, and provides that the notice period before a hearing for motion papers served electronically is extended by two court days
Action: Rejected for Judicial Council sponsorship.

Item 2

INVITATION TO COMMENT

- a) Court Records: Preservation of Historic and Sample Records Under Rule 10.855 and Elimination of Reporting Requirement Under Government Code Section 68153 (Action Required)
Eliminates the statutory requirement that superior courts must report destroyed court records to the Judicial Council.
Action: Approved for circulation.

A D J O U R N M E N T

There being no further open meeting business, the meeting was adjourned at 12:07 p.m.

Approved by the advisory body on November 12, 2015.