



# Judicial Council of California

2860 Gateway Oaks Drive,  
Suite 400  
Sacramento, CA 95833

## Meeting Agenda Judicial Council

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

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Tuesday, October 27, 2015

8:30 AM

Sacramento

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

8:30–9:30 a.m.

9:30–9:45 a.m. Transitional Break

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

9:45 a.m.–1:00 p.m. (approx.)

#### **Swearing in of New and Reappointed Judicial Council Members**

The Chief Justice will administer the oath of office to new and reappointed council members.

#### **Approval of Minutes**

[15-400](#) Minutes of the August 20-21, 2015, Judicial Council meeting.

**Summary:** Approve minutes from the last Judicial Council meeting.

#### **Chief Justice's Report**

#### **Administrative Director's Report**

[15-407](#) Administrative Director's Report

**Summary:** Mr. Martin Hoshino, Administrative Director, will report.

#### **Judicial Council Committee Presentations**

[15-394](#) Judicial Council Committee Presentations

**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  
Technology Committee  
Hon. Marsha G. Slough, Chair

## Judicial Council Members' Liaison Reports

[15-404](#)

### Judicial Council Members' Liaison Reports

**Summary:**

Hon. Brian L. McCabe presents his liaison report on the Superior Court of California, County of Madera.

## Public Comment (11:05 - 11:35 a.m.)

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 by clicking on the following link --  
<http://www.courts.ca.gov/28045.htm>.

- 1) Submit advance requests to speak by 4:00 p.m., Thursday, October 22, 2015.
- 2) Submit written comments for this meeting by 1:00 p.m. on Friday, October 23, 2015.

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

E-mail: [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

Postal mail or delivery in person:

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
Attention: Nancy Carlisle

## CONSENT AGENDA (ITEMS A1–A32, B through K)

*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 Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.*

A1 [15-354](#)

### Appellate Procedure: Access to Electronic Appellate Court Records (Action Required)

**Summary:**

The Appellate Advisory Committee and the Information Technology Advisory Committee recommend the adoption of new rules of court to address public access to electronic appellate court records. The proposed appellate rules are based on the existing rules regarding public access to electronic trial court records. The new rules are intended to provide the public with reasonable access to appellate court records that are maintained in electronic form while protecting privacy interests.

- A2**     [15-350](#)     **Appellate Procedure: Appendixes (Action Required)**
- Summary:**     The Appellate Advisory Committee proposes to amend the rule governing the use of appendixes in lieu of clerk’s transcripts in unlimited civil appeals to eliminate the provision encouraging parties to prepare a joint appendix. This change is intended to reduce difficulties, and thus costs, for litigants associated with the efforts to reach a stipulation to use a joint appendix in cases in which litigants do not think this option is feasible.
- A3**     [15-351](#)     **Appellate Procedure: Costs on Appeal (Action Required)**
- Summary:**     The Appellate Advisory Committee recommends amending the rule governing costs on appeal to modify when a request for costs must be filed. It also recommends revising the form for specifying these costs so that it is more consistent with the rule and better reflects appellate practice. These changes, which are based on a suggestion received from the State Bar of California’s Committee on Appellate Courts, are intended to improve the administration of appellate proceedings by making the time frame for filing a memorandum of costs clearer and by making the form easier for practitioners to complete and for courts to review.
- A4**     [15-352](#)     **Appellate Procedure: Prehearing Conferences (Action Required)**
- Summary:**     The Appellate Advisory Committee recommends that rule 8.248, which governs prehearing conferences in the Court of Appeal, be amended to limit the circumstances under which a justice who participates in such a conference is barred from subsequently participating in or influencing the determination of the appeal to when settlement of the case was addressed at the conference. This proposal, which is based on a suggestion from the presiding justice of a Court of Appeal, is intended to facilitate the use of prehearing conferences in appellate proceedings for case management, which can save the parties and the appellate courts time and resources.
- A5**     [15-355](#)     **Appellate Procedure: Record on Appeal in Civil Cases (Action Required)**
- Summary:**     The Appellate Advisory Committee recommends revising the forms for designating the record on appeal in unlimited and limited civil cases to (1) state that the fee waiver application is *submitted with* rather than *attached to* the record designation form; and (2) clarify that the respondent must pay for additional proceedings that he or she designates to be included in the record. The first change, which is based on suggestions from a superior court, is intended to avoid the unintentional release of confidential information and reduce court costs associated with identifying and detaching fee waiver applications from record designation forms. The second change is intended to eliminate confusion for litigants and reduce court costs associated with litigant errors caused by that confusion.
- A6**     [15-345](#)     **Electronic Service: Authorization of Electronic Service on Trial and**

**Appellate Courts (Action Required)****Summary:**

The Appellate Advisory Committee and the Information Technology Advisory Committee recommend amending rules 2.251 and 8.71 of the California Rules of Court to authorize electronic service on consenting courts. There is some ambiguity in the current rules regarding whether electronic service is authorized not only by, but also on, a court. This rule proposal would add language to rules 2.251 and 8.71 to clarify that electronic service on a court is permissible under the rules.

**A7**     [15-346](#)**Civil Cases: Continued Suspension of Case Management Rules (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends that a statewide rule of court on civil case management be amended to further extend the period during which courts have discretion to exempt certain types or categories of civil cases from the mandatory case management rules. The 2013 amendments to rule 3.720 were intended to help courts better address the state's fiscal crisis by decreasing the time spent by court staff and judicial officers in filing case management statements, setting and holding individual case management conferences, and performing other actions required by the case management rules. In light of the continuing fiscal crisis, the Civil and Small Claims Advisory Committee recommends a four-year extension of the discretion to grant such exemptions.

**A8**     [15-347](#)**Civil Practice and Procedure: Summary Judgment Proceedings (Action Required)****Summary:**

To reduce the amount of facts and evidence presented in motions for summary judgment and not pertinent to a decision on the motion, the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend amending the California Rules of Court relating to summary judgment motions. Specifically, the committees recommend amending rule 3.1350 to define "material facts" and clarify that the separate statement of undisputed material facts in support of or opposition to a motion for summary judgment should include only material facts and not any facts that are not pertinent to the disposition of the motion. In addition, they recommend amending rule 3.1354 to eliminate one example of an objection on relevance grounds to evidence in support of summary judgment.

**A9**     15-396**Judicial Council Forms: Gun Violence Restraining Orders (Action Required) THIS ITEM HAS BEEN REASSIGNED TO RUPRO****Summary:**

~~The Civil and Small Claims Advisory Committee proposes adoption or approval of 23 new Judicial Council forms: EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO to implement legislative requirements of Penal Code section 18100 et seq. establishing a civil restraining order process for surrender of firearms before they are used to~~

~~commit a crime. Penal Code section 18105 requires the Judicial Council to prescribe forms to implement the process.~~

A10 [15-369](#)

**Judicial Council Forms—Proof of Service (Action Required)**

**Summary:**

The Civil and Small Claims Advisory Committee recommends revising Judicial Council form POS-040, *Proof of Service—Civil* to correct two legal errors in the current form. The recommended revisions to the form would conform it to statute.

A11 [15-377](#)

**Small Claims: Extraordinary Writs under Code of Civil Procedure section 116.798 (Action Required)**

**Summary:**

The Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend new rules and forms to comply with a statutory mandate to develop procedural rules for certain writ proceedings on small claims rulings. The recommendation also provides clarifying amendments to current rules and forms that apply to writ proceedings in the appellate division, generally to the extent that those apply to small claims proceedings relating to postjudgment enforcement actions.

A12 [15-367](#)

**Telephone Appearances: Time for Notice and Notice Form (Action Required)**

**Summary:**

The Civil and Small Claims Advisory Committee recommends amending rule 3.670(h) of the California Rules of Court to clarify requirements for serving notice of intent to appear in court by telephone. The recommended amendments would resolve an internal inconsistency in one provision and address an ambiguity in another. The committee also recommends revising the *Notice of Intent to Appear by Telephone* (form CIV-020), to update rule references and clarify the included instructions.

A13 [15-386](#)

**Criminal and Traffic Procedure: Appearance in Court for Infractions Without Deposit of Bail (Action Required)**

**Summary:**

The Criminal Law and Traffic Advisory Committees recommend amendments to rule 4.105 of the California Rules of Court to apply the rule to non-traffic infractions and to require courts to consider the totality of the circumstances when setting bail amounts before trial. The committees also recommend adding advisory committee comments to clarify the scope of the rule and explain that the totality of the circumstances may include whether the bail amount would impose an undue hardship on the defendant. The amendments were developed in response to recent Judicial Council directives to expand the application of the rule and promote access to justice in all infraction cases.

A14 [15-385](#)

**Criminal Procedure: Petition and Order for Dismissal-Human Trafficking Victims (Action Required)**

**Summary:**

In response to legislation that provides a new statutory basis for dismissals, the Criminal Law Advisory Committee recommends revising the *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) to add data fields to facilitate dismissals under Penal Code section 1203.49 for victims of

human trafficking. The committee also recommends revising both forms to incorporate reductions of misdemeanors to infractions under Penal Code section 17(d)(2) and to improve the format, advisements, and instructions on both forms.

**A15**    [15-356](#)    **Criminal Procedure: Petition and Order for Dismissal (Military Personnel) (Action Required)**

**Summary:** The Criminal Law Advisory Committee recommends two new optional forms, a *Petition for Dismissal (Military Personnel)* (form CR-183/MIL-183) and an *Order for Dismissal (Military Personnel)* (form CR-184/MIL-184), to facilitate court implementation of recent legislation that authorizes courts to order dismissal relief for certain defendants who acquired a criminal record due to a mental health disorder stemming from service in the United States military.

**A16**    [15-401](#)    **Domestic Violence: Preparing for Restraining Order Court Hearing (Action Required)**

**Summary:** Form DV-520-INFO, *Get Ready for the Court Hearing*, has been available for optional use by courts to provide information to litigants about preparing for a domestic violence restraining order hearing. While courts report finding the form helpful, they have also identified problems-for both courts and litigants-with the form. Accordingly, the Family and Juvenile Law Advisory Committee recommends revising the form so that it is clearer, is legally accurate, and as a result, accomplishes the original goal in approving this optional form: to inform litigants and assist in making these complex and important hearings run more smoothly.

**A17**    [15-402](#)    **Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016, adopt, approve, revise, or amend domestic violence forms and family law rules and forms to (1) implement Family Code section 6345, which requires that the council establish procedures for requesting and recording the modification or termination of orders issued in *Restraining Order After Hearing* (form DV-130); and (2) respond to suggestions from judicial officers, court professionals, legal organizations, and family law attorneys to improve the *Request for Order* (form FL-300) and its associated rules and forms.

**A18**    [15-382](#)    **Family and Juvenile Law: Juvenile Court Final Child Custody Orders (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending four rules of court to clarify the procedures and requirements that apply when the juvenile court terminates its jurisdiction over a child and returns custody of the child to one or more parents. The committee also recommends revising two mandatory Judicial Council forms and approving one optional form to allow the juvenile court to include sufficient information about the circumstances

underlying its custody order for the family court in which a request for the order's modification or termination is made to determine whether a significant change of circumstances has occurred and, if so, whether the requested modification is in the best interest of the child. The amendments and revisions also update references to current statutes and rules, incorporate gender-neutral language consistent with Assembly Bill 1403 (Stats. 2013, ch. 510) when appropriate, conform to recent case law, and maintain consistency with recent and recommended revisions to the Judicial Council forms for family court custody orders.

**A19** [15-365](#)**Family and Juvenile Law: Transfers to Tribal Court Under the Indian Child Welfare Act (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee (committee) and the Tribal Court-State Court Forum (forum) propose amendments to the California Rules of Court and revisions to Judicial Council forms concerning the transfer of court proceedings involving an Indian child from the jurisdiction of the state court to a tribal court. These changes are in response to provisions of Senate Bill 1460 (Stats. 2014, ch. 772) (SB 1460) and the Court of Appeal decision in *In re. M.M.* (2007) 154 Cal.App.4th 897. SB 1460 requires the state juvenile court to give the tribal court specific information and documentation when a case governed by the *Indian Child Welfare Act* is transferred. The *In re M.M.* decision implicates an objecting party's right to appeal a decision granting a transfer to a tribal court.

**A20** [15-363](#)**Family, Juvenile, and Probate Guardianship Law: Special Immigrant Juvenile Findings (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend adopting one rule of court, adopting four Judicial Council forms (including a joint findings form), and revoking two separate findings forms. The rule and forms are needed to implement Senate Bill 873 (Stats. 2014, ch. 685), which clarified the superior court's authority to make the factual findings needed for an undocumented child to apply for federal classification as a Special Immigrant Juvenile (SIJ) and incorporated relevant elements of the federal Immigration and Nationality Act into California law. The rule and forms are intended to guide a party requesting SIJ findings from a superior court in a child custody, guardianship, or juvenile dependency or delinquency proceeding, and to supply the court with a sufficient factual basis to make accurate, just, and effective findings under California law.

**A21** [15-366](#)**Family Law: New Form and Revised Forms for Stepparent and Additional-Parent Adoptions (Action Required)****Summary:**

Assembly Bill 2344, the Modern Family Act (Stats. 2014, ch. 636), expedites adoptions for nonbiological parents. Senate Bill 274 (Stats. 2013, ch. 564) amended the Family Code to provide that a child may have a parent-child relationship with more than two parents. The Family and Juvenile Law Advisory Committee recommends the Judicial Council approve creation of one new adoption form and revise four existing adoption forms. The revisions and

the new form are required to implement these new California laws.

**A22** [15-379](#)

**Juvenile Delinquency: Documenting Wobbler Determination (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee recommends revising form JV-665, *Disposition-Juvenile Delinquency*, to clarify documentation of a wobbler (felony or misdemeanor public offense) determination and to make other nonsubstantive changes to improve the accuracy of the form.

**A23** [15-384](#)

**Juvenile Law: Detention (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee recommends amending three California Rules of Court and revising two forms to conform to legislative amendments to sections 635 and 737 of the Welfare and Institutions Code. The legislative amendments clarify that the basis for detaining a child must not be his or her status as a dependent of the court or the child welfare department's inability to provide a placement for the child, and add requirements to the 15-day reviews that occur when a child or nonminor dependent is detained pending execution of a placement order. The amendments and revisions ensure that the rules and forms are consistent with the amended law. They also make technical corrections and clarifications, including clarifying that home supervision does not qualify as a detention for the purposes of federal foster care funding.

**A24** [15-387](#)

**Juvenile Law: Extended Foster Care (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee proposes amending four of the California Rules of Court and revising five Judicial Council forms to (1) implement the provisions of Assembly Bill 2454 (Quirk-Silva; Stats. 2014, ch. 769) allowing specified youth to petition the court to assume jurisdiction over them as nonminor dependents, and to (2) provide further guidance on the implementation of prior legislation authorizing extended foster care to age 21. The rules and forms that currently allow youth to petition for reentry would be modified to accommodate these new petitioners. In addition, this proposal would clarify the requirements for other extended foster care processes to address concerns raised by courts as implementation has proceeded.

**A25** [15-378](#)

**Juvenile Law: Proceedings Before a Referee (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee recommends amending California Rules of Court, rule 5.538(b)(3), to make the rule consistent with a statutory change to Welfare and Institutions Code section 248, subdivision (b) (1). The amendment would permit a referee's findings and orders to be personally served in court on a party who is present at the hearing rather than exclusively by mail, as currently provided in the rule.

**A26** [15-360](#)

**Juvenile Law: Sibling Visitation (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee recommends amending



three rules and revising three forms to conform them to recent statutory changes giving dependency courts the authority to order visitation between dependent and nondependent siblings in specified circumstances.

**A27**    [15-361](#)

**Juvenile Law: Substance Abuse Treatment Facilities and Placement (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee recommends amending three rules to conform to recently enacted provisions of Welfare and Institutions Code sections 319, 366.21, 366.22, and 366.25 that change the factors a court must consider when determining whether to release or detain a child.

**A28**    [15-368](#)

**Forms: Miscellaneous Technical Changes (Action Required)**

**Summary:**

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in a rule of the California Rules of Court and Judicial Council forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

**A29**    [15-374](#)

**Judicial Branch Administration: Changes to Rules, Standards, and Forms to Replace the Names “Administrative Office of the Courts” and “AOC” (Action Required)**

**Summary:**

The chairs of the Judicial Council’s Executive and Planning, Policy Coordination and Liaison, Rules and Projects, and Litigation Management Committees recommend that the California Rules of Court and Standards of Judicial Administration be amended and Judicial Council forms be revised to replace the names “Administrative Office of the Courts” and “AOC” with “Judicial Council,” or “Judicial Council staff,” as appropriate, to further effectuate the name change that began in July 2014 and to make other technical and minor substantive changes to the name of a Judicial Council advisory body, staff office, or staff position to accurately reflect the current name and to accurately state the number of internal committees and describe policymaking positions.

**A30**    [15-362](#)

**Judicial Administration: Public Access to Administrative Decisions of Trial Courts (Action Required)**

**Summary:**

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee recommend the amendment of California Rules of Court, rule 10.620, to repeal the provisions that apply the rule’s requirements for public notice and input to the decisions of trial courts to close court facilities or reduce the hours of a court location, as these provisions are inconsistent with statutory requirements. Amendments to Government Code section 68106, which took effect on January 1, 2012, created new requirements for public notice and comment when trial courts decide to close court facilities or reduce hours. These requirements are inconsistent with the requirements of rule 10.620, and trial courts have faced confusion in determining how notice is

to be provided. The recommendations in this report are intended to resolve this confusion, leaving Government Code section 68106 as the sole authority governing decisions to close court facilities or reduce hours.

**A31** [15-373](#)**Technology: Modernization of the Rules of Court to Facilitate E-Business, E-Filing, and E-Service (Action Required)****Summary:**

The Information Technology Advisory Committee recommends amending various rules in titles 2, 3, 4, 5, 7, and 8 of the California Rules of Court to modernize the rules. The minor, nonsubstantive amendments to the rules facilitate electronic filing, electronic service, and modern business practices. The Civil and Small Claims, Traffic, Family and Juvenile Law, Probate and Mental Health, and Appellate Advisory Committees also recommend the amendments to the rules in their respective subject-matter areas.

**A32** [15-375](#)**Probate Conservatorship: Judicial Council Forms to Implement the California Conservatorship Jurisdiction Act (Action Required)****Summary:**

Legislation enacted in 2014 added the California Conservatorship Jurisdiction Act (CCJA) to the Probate Code. This legislation requires the Judicial Council to revise an existing form and adopt new forms to implement the act. To comply with this mandate, the Probate and Mental Health Advisory Committee proposes revision of the existing form and adoption of three new forms.

**B** [15-383](#)**Court Facilities: Naming Request for the Existing, Unnamed Courthouse in Roseville (Action Required)****Summary:**

The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommends approving the request to name the existing, unnamed courthouse in the Bill Santucci Justice Center in the City of Roseville as the *Howard G. Gibson Courthouse*. This approval provides a name for the existing courthouse that was constructed in 2008 and after a former member of the bench of the Superior Court of Placer County.

**C** [15-348](#)**Court Facilities: Prospective Lease of Corning Courthouse Pending Future Disposition (Action Required)****Summary:**

The Facilities Policies Working Group (FPWG) recommends that the Judicial Council (1) approve a short-term triple-net lease (the Lease) of the closed Corning Courthouse (Courthouse) to the County of Tehama (County) pending its sale to the County following further Judicial Council action and legislative authorization of such sale, and (2) direct staff to continue negotiating the Lease of the Courthouse to the County.

**D** [15-388](#)**Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)****Summary:**

As stated in its report on the *Equal Access Fund: Distribution of Funding for IOLTA-Formula Grants and Partnership Grants Under the Budget Act of 2015*, the State Bar Legal Services Trust Fund Commission notes that the Budget Act of 2015 includes an estimated \$14,192,000 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access funds

are distributed primarily in two parts: Interest on Lawyers' Trust Accounts (IOLTA)-Formula Grants and Partnership Grants (with a small amount also distributed for administration). The State Bar Legal Services Trust Fund Commission requests approval of the distribution of \$12,773,000 in IOLTA-Formula Grants for fiscal year 2015-2016, according to the statutory formula in the state Budget Act. It further requests that the Judicial Council approve distribution of \$1,419,000 in partnership grants for 2016 and approve the commission's findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

E [15-371](#)

**Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in Fiscal Year 2014-2015 (Action Required)**

**Summary:**

Judicial Council staff recommends approval of the attached *Report on Allocation of Funding in Fiscal Year (FY) 2014-2015 for Support of New Judgeships Authorized in FY 2007-2008*. The Budget Act of 2007 requires that this report be submitted each year until all judgeships are appointed and new staff hired.

F [15-380](#)

**Judicial Council Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant (Action Required)**

**Summary:**

Court Operations Services and its Office of Court Research recommend that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Penal Code section 1170.45, which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to the defendants' race and ethnicity. Since 2001 the Judicial Council's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the California State Department of Justice. The 2015 report indicates that when controlling for prior record and type of offense, no group of defendants systematically receives the most severe sentence in a way that was principally related to their race/ethnicity. However, within offense categories (e.g., drug offenses or property offenses) there are small to moderate, but statistically significant differences in the sentencing outcomes among racial/ethnic groups.

G [15-372](#)

**Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)**

**Summary:**

Judicial Council staff recommends approval of the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1-June 30, 2015)*. 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.

H [15-397](#)

**Judicial Council Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice (Action Required)**

**Summary:** The Workload Assessment Advisory Committee recommends that the Judicial Council approve the transmittal of the attached report to the Legislature, *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*. This report satisfies the requirements of Government Code section 77001.5, which requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration

**I**      [15-376](#)      **Judicial Council Report to the Legislature: Status of the Phoenix Program, 2014 (Action Required)**

**Summary:** The staff of the Judicial Council recommends that the Judicial Council approve the report entitled *Status of the Phoenix Program, 2014* to be sent to the chair of the Joint Legislative Budget Committee, the chair of the Senate Committee on Budget and Fiscal Review, and the chair of the Assembly Committee on Budget, as required by Government Code section 68511.8(a).

**J**      [15-392](#)      **Juvenile Dependency: Proposed Allocation for Fiscal Year 2015-2016 for Court Appointed Special Advocate Local Assistance (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year 2015-2016. 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.

**K**      [15-370](#)      **Juvenile Dependency: Proposed Allocation for Fiscal Year 2015-2016 for Juvenile Dependency Counsel Collections Program (Action Required)**

**Summary:** Under the Juvenile Dependency Counsel Collections Program (JDCCP), courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The Trial Court Budget Advisory Committee recommends allocating the \$872,692 remitted through the JDCCP in fiscal year 2014-2015 to the trial courts using the methodology adopted by the council at its August 23, 2013, meeting.

## **DISCUSSION AGENDA (ITEMS L–N)**

**L**      [15-381](#)      **Court Adoption and Permanency Month: Judicial Council Resolution (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has since 1999, in observance of National Adoption Month, the

Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The resolution will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

**Speakers:** Assemblymember Kevin McCarty, California State Assembly, District 7  
Hon. Jerilyn L. Borack, Co-Chair, Family and Juvenile Law  
Advisory Committee  
Ms. Athena Madison, Adopted Family Member

**M**     [15-398](#)     **Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee's 2 Percent Funding Request Review Subcommittee presents recommendations on two courts' applications for supplemental funding. There is \$37.7 million set-aside in the Trial Court Trust Fund for fiscal year 2015-2016, of which by statute up to 75 percent or \$28.3 million may be allocated by the Judicial Council by October 31. Under the policy adopted by the Judicial Council, courts submitting on or before October 1 can only receive up to the amount the court contributed to the 2 percent state-level reserve fund. If the requested amount is beyond the court's contribution to the 2 percent state-level reserve fund, the Judicial Council may distribute more funding to the court, after October 31 and prior to March 15 of the fiscal year. The total amount requested by the two courts is \$561,000.

**Speakers:** Hon. Brian L. McCabe, Chair, Trial Court Presiding Judges  
Advisory Committee  
Hon. John J. Garaventa, Presiding Judge, Superior Court  
of California, County of Tehama  
Mr. Zlatko Theodorovic, Fiscal Services

[15-406](#)     **PowerPoint Presentation for Item M**

**N**     [15-353](#)     **Trial Courts: Realignment of State Trial Court Improvement and Modernization Fund Expenditures (No Action Required)**

**Summary:** Upon recommendation of the Trial Court Budget Advisory Committee, at the April 17, 2015, Judicial Council meeting, the council approved the consideration of shifting certain costs away from the State Trial Court Improvement and Modernization Fund (IMF) beginning in 2016-17, the assessment on whether costs of the Trial Court Transactional Assistance Program can be provided on a fee-for-service basis, and the viability of a cost recovery model for the Center for Families, Children, and the Courts Publications program and the California Courts Protective Order Registry program. This action would permanently shift approximately \$2.867 million in expenditures to the Judicial Council's General Fund appropriation to support core central costs of the Court Interpreters Program, Treasury Services-Cash

Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group and shift \$17,000 in expenditures to the Trial Court Trust Fund, Program 45.45-Court Interpreter appropriation to support the Domestic Violence Family Law Interpreter Program. This memorandum provides staff's assessment of (1) whether it is feasible and/or appropriate to shift these expenditures to alternative fund sources, (2) whether sufficient ongoing expenditure authority exists within the Judicial Council's General Fund appropriation and Program 45.45-Court Interpreters Trial Court Trust Fund appropriation to support the shift of these costs, and (3) if it is appropriate to switch to a fee-for-service and/or cost recovery model for the identified programs.

**Speakers:**

Hon. Douglas P. Miller, Chair, Executive and Planning Committee  
Mr. Zlatko Theodorovic, Fiscal Services

## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

**INFO1 [15-364](#)**

**Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring**

**Summary:**

The chair of E&P presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

**INFO2 [15-399](#)**

**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 34)**

**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 34th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, five superior courts-San Joaquin, Fresno, Sutter, Yolo, and Kings County-have issued new notices.

**INFO3 [15-349](#)**

**Court Security: Report on Trial Court Screening Equipment Replacement for Fiscal Year 2014-2015**

**Summary:**

The Screening Equipment Replacement Program has been in operation since fiscal year 2006-2007 and provides \$2.286 million in funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. Each year the Administrative Director approves the list of entrance screening equipment to be funded that year through this program. This report updates the council on the entrance screening equipment that was replaced in fiscal year 2014-2015 using that funding.

## Circulating Orders

Circulating Orders since the last business meeting.

[15-389](#)

**(CO-15-03) Judicial Council Report to the Legislature:  
Cash-Flow Loans Made to Trial Courts in Fiscal Year  
2014-2015**

**Summary:**

Judicial Council staff recommend approving the *Report of Cash-Flow Loans Made to Trial Courts Pursuant to Government Code Section 68502.6 in Fiscal Year 2014-2015*. Government Code section 68502.6( d) requires that Judicial Council staff report to the Legislature and the Department of Finance by August 30 on loans made to trial courts pursuant to Government Code section 68502.6.

[15-395](#)

**(CO-15-04) Judicial Council Report to the Legislature:  
Allocations and Reimbursements to the Trial Courts for  
Fiscal Year 2014-2015**

**Summary:**

Judicial Council staff recommend approving the *Report of Allocations and Reimbursements to the Trial Courts/or Fiscal Year 2014-2015*. Government Code section 77202.5(a) requires that the Judicial Council report to the Legislature on all approved allocations and reimbursements to the trial courts in each fiscal year by September 30, to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary, and the Assembly Committees on Budget and Judiciary.

## Appointment Orders

[15-393](#)

**Appointment Orders since the last business meeting.**

**Adjournment (approx. 1:00 pm)**