



Judicial Council of California

Meeting Agenda

Judicial Council

Friday, February 26, 2016

8:30 AM

San Francisco

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

Session: 8:30 – 10:10 a.m.

Chief Justice's Opening Remarks

Approval of Minutes

[16-020](#)

Minutes of the December 11, 2015, Judicial Council Meeting

Summary:

Approve minutes from the last Judicial Council meeting.

Welcome to the New Judicial Officers and the New Judges Orientation Faculty

[16-018](#)

Judicial Council Committee Reports

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

35 mins.

Judicial Council Members' Liaison Reports

[16-025](#)

Judicial Council Members' Liaison Reports

Summary:

Judicial Council Members report on their visits to the Superior Courts of California.

20 mins.

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.

Please see our public comment procedures.

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, February 23, 2016.
- 2) Submit written comments for this meeting by 1:00 p.m., Wednesday, February 24, 2016.

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: Nancy Carlisle*

Break: 10:10 – 10:25 a.m.

PRESENTATION

10:25 – 10:55 a.m.

[16-000](#)

Tribal Court-State Court Forum: Honoring Former Cochair Judge Richard C. Blake and Presentation on First Five Years

Summary:

The Chief Justice honors inaugural forum cochair Judge Richard C. Blake. The current cochairs and Judge Blake will follow with a presentation on the forum's accomplishments and its future.

Speakers:

Hon. Abby Abinanti, Cochair, Tribal Court-State Court Forum
Hon. Dennis M. Perluss, Cochair, Tribal Court-State Court Forum
Hon. Richard Blake, Former Cochair, Tribal Court-State Court Forum

30 mins.

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

16-001

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 Tulare*. 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.

16-002 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 Yolo*. 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.

[16-003](#) **Judicial Branch Report to the Legislature: California's Access to Visitation Grant Program for Federal Fiscal Years 2014-2016 (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends approving *California's Access to Visitation Grant Program (Federal Fiscal Years 2014-2016): 2016 Report to the Legislature* for submission to the Legislature. The report provides information on the programs funded for federal fiscal years 2014-2016 under California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents. This report to the Legislature must be submitted on even-numbered years, as required by Family Code section 3204(d).

[16-008](#) **Judicial Council Forms: Technical Changes to Reflect Federal Poverty Guidelines (Action Required)**

Summary: Four Judicial Council forms containing figures based on the federal poverty guidelines need to be revised to reflect the changes in those guidelines recently published by the federal government.

[16-010](#) **Child Support: Midyear Funding Reallocation for Fiscal Year 2015-2016 and Base Funding Allocation for Fiscal Year 2016-2017 for the Child Support Commissioner and Family Law Facilitator Program (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends approving the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2015-2016 and the allocation of funding for this same program for FY 2016-2017, 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 (DCSS) and the Judicial Council. At midyear, under an established procedure described in the standard agreement with each superior court, the Judicial Council redistributes to courts with a documented need for additional funds any available funds from courts that are projected not to spend their full grants that year, up to the amount of funds available through the contract with DCSS. 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.

[16-012](#)**Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments for the Period of July 1 through December 31, 2015 (Action Required)****Summary:**

Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts and (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of service or good provided, and judicial branch entity receiving the good or service. Therefore, Judicial Council staff recommends submitting this eighth semiannual report, which lists all judicial branch entity contracts that were amended during the reporting period covering July 1 through December 31, 2015.

[16-016](#)**Jury Instructions: Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*. These changes will keep CALCRIM current with statutory and case authority.

[16-022](#)**Court Facilities: Disposition of Chico and Corning Courthouses (Action Required)****Summary:**

The Corning Courthouse in Tehama County and the Chico Courthouse in Butte County have been permanently closed by their respective courts and are unsuitable to the needs of the judicial branch. In each case, local county government has expressed a strong interest in acquiring the closed court facility, and the local court supports such a disposition. To eliminate the council's continuing liability and expense in holding these permanently closed court facilities and to realize the value of those assets in fair-market-value sales transactions, the Facilities Policies Working Group recommends authorizing and approving the sale of those courthouses as either nonsurplus or surplus properties, depending on how the Legislature frames the disposition of the San Pedro Courthouse, which was approved by the Judicial Council in 2015.

[16-023](#)**Judicial Council Report to the Legislature: Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2014-2015 (Action Required)**

Summary: Judicial Council staff recommends approving the *Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2014-2015*, 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.

[16-028](#) **Judicial Council Report to the Legislature: Status Update of Judicial Branch Courthouse Construction Program, as required under Government Code 70371.8 (Action Required)**

Summary: The Judicial Council Capital Program recommends approving the status update of the judicial branch courthouse construction program for fiscal year 2014-2015 for submission to the Legislature. The annual submission of this report is required under Government Code section 70371.8.

DISCUSSION AGENDA

Session: 10:55 a.m. – 1:55 p.m.

[16-024](#) **Trial Court Trust Fund Allocations: 2 Percent Reserve (Action Required)**

Summary: The Trial Court Budget Advisory Committee's 2 Percent Funding Request Review Subcommittee (TCBAC subcommittee) presents a recommendation to the Judicial Council on the Superior Court of Tehama County's application for supplemental funding. Under the current policy adopted by the Judicial Council, from January 1 through March 15, 25 percent of the remaining Trial Court Trust Fund 2 percent state-level reserve is available for court requests due to unforeseen emergencies or unanticipated expenses. For 2015-2016, the 25 percent amount remaining in the 2 percent state-level reserve is \$9.4 million. The total amount requested by the Superior Court of Tehama County is \$498,000.

Speakers: Hon. Brian McCabe, Cochair, Trial Court Budget Advisory Committee:
2 Percent Funding Request Review Subcommittee
Mr. Richard Feldstein, Cochair, Trial Court Budget Advisory Committee:
2 Percent Funding Request Review Subcommittee
Mr. Zlatko Theodorovic, Finance Office

35 mins.

[16-029](#) **Court Facilities: Scope, Budget, and Schedule Approval for Downtown Sacramento Capital Project (Action Required)**

Summary: The Court Facilities Advisory Committee (CFAC) recommends approving the scope, budget, and schedule for a new 53-courtroom courthouse in downtown Sacramento. This approval is predicated on two future conditions: the Judicial Council would not commit to move the project into Construction until construction-funding legislation has been enacted, and at the completion of construction, the Judicial Council will dispose of the vacated Gordon D.

Schaber Courthouse property. To the benefit of all county residents, this project will consolidate facilities including replacement of the Schaber Courthouse, and provide a modern, secure courthouse in downtown Sacramento for criminal and civil calendars and operations.

Speakers: Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee
Mr. William J. Guerin, Capital Program
Ms. Kelly Quinn, Capital Program

15 mins.

[16-019](#) **Interim Report on Court-Appointed Dependency Counsel Workload and Funding Methodology (No Action Required)**

Summary: On April 17, 2015, the Judicial Council approved recommendations of the Trial Court Budget Advisory Committee (TCBAC) to change the methodology used to allocate annual funding for court-appointed dependency counsel among the courts. The purpose was to provide a more equitable allocation of funding among the courts. Rather than using historical funding levels dating back to the adoption of state trial court funding, the new funding methodology is based on the caseload-based calculation of funding for each court provided by the workload model approved by the Judicial Council through the *DRAFT Pilot Program and Court-Appointed Counsel* report of October 26, 2007. One of the recommendations approved by the Judicial Council was that a joint working group of the TCBAC and the Family and Juvenile Law Advisory Committee be formed to review that workload model for possible updates and revisions. The joint working group was charged with bringing recommendations to the Judicial Council at the April 2016 meeting. The working group formed is called the Joint Subcommittee on Court-Appointed Dependency Counsel Workload and Funding Methodology (“subcommittee”). In an effort to keep the Judicial Council informed of the progress of the subcommittee, particularly as it relates to potential, increased statewide funding needs for dependency counsel, this report presents the draft recommendations of the subcommittee as an informational item.

Speakers: Hon. Jerilyn L. Borack, Cochair, Family and Juvenile Law Advisory Committee
Mr. Don Will, Center for Families, Children & the Courts

20 mins.

[16-009](#) **Child Support: Child Support Commissioner and Family Law Facilitator Program Funding Allocation (Action Required)**

Summary: At its meeting on April 17, 2015, the Judicial Council approved the recommendation from the Family and Juvenile Law Advisory Committee that the AB 1058 Funding Allocation Joint Subcommittee be established to reconsider the allocation methodology developed in 1997 for the AB 1058 Child Support Commissioner and Family Law Facilitator Program. The subcommittee, which included representatives from the Family and Juvenile Law Advisory Committee (FJLAC), the Trial Court Budget Advisory Committee (TCBAC), the Workload Assessment Advisory Committee (WAAC), and the California Department of Child Support Services (DCSS), was charged with reconsidering the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting. The joint

subcommittee completed its work in November 2015 after extensive discussions and review of the relevant information.

The joint subcommittee was asked to report back to the Family and Juvenile Law Advisory Committee, the Trial Court Budget Advisory Committee, and the Workload Assessment Advisory Committee by December 31, 2015, and report back to the council at its February 2016 meeting. This report is provided in response to that directive and includes the recommendation of the subcommittee as well as the reports from the three respective advisory committees.

Speakers:

Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee
Hon. Mark A. Juhas, Co-Chair, Family and Juvenile Law Advisory Committee
Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Anna Maves, Center for Families, Children & the Courts

20 mins.

Break: 12:25 – 12:55 p.m.

[16-006](#)

**Judicial Branch Technology Update: Challenges and Successes
(No Action Required and No Materials)**

Summary:

This is an update on the implementation of the Judicial Council-adopted Court Technology Governance and Strategic Plan, including how technology can be used now and in the future to improve access to justice and address challenges. It will highlight how technology is being used to meet current court business needs by improving business processes, operations, and service to the public.

Speakers:

Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee
Ms. Deborah Norrie, Court Executive Officer, Superior Court of Plumas County
Mr. Snorri Ogata, Chief Information Officer, Superior Court of Los Angeles County
Mr. Mark W. Dusman, Information Technology
Ms. Jessica Craven, Information Technology

40 mins.

[16-004](#)

California's Language Access Plan: Model Notice for Limited English Proficient (LEP) Court Users; Video Remote Interpreting Pilot Project; Progress Report on Implementation of the Strategic Plan for Language Access in the California Courts (Action Required)

Summary:

To strengthen the California judiciary's capacity to meet the needs of millions of people with limited-English language skills, the Judicial Council charged the Language Access Plan Implementation Task Force with implementing the recommendations of the *Strategic Plan for Language Access in the California Courts*. The task force began work to implement the "Phase 1" recommendations in 2015. In this report we offer a brief description of the task force's progress on implementation. The task force seeks the Judicial Council's further approval of two projects that implement recommendations of the Language Access Plan.

Speakers:

Hon. Mariano-Florentino Cuellar, Chair, Language Access Plan
Implementation Task Force
Hon. Terence L. Bruiniers, Chair, Technological Solutions Subcommittee,

Language Access Plan Implementation Task Force
Mr. Douglas G. Denton, Court Operations Services
20 mins.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[16-011](#)

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

Summary:

The chair of the Executive and Planning Committee (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.

[16-033](#)

Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 36)

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 36th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts-those of Kings and Sutter Counties-have issued new notices.

[16-013](#)

State Department of Finance, Office of State Audits and Evaluations, Performance Audit Report Entitled Judicial Council of California's Fiscal Compliance for the Fiscal Year July 1, 2013 through June 30, 2014

Summary:

In August 2015 the State Department of Finance, Office of State Audits and Evaluations, released a performance audit report entitled *Judicial Council of California's Fiscal Compliance for the Fiscal Year July 1, 2013 through June 30, 2014*. The audit was required to be performed by Government Code section 77206(i) (1). The report contained five recommendations which were responded to by the Administrative Director and the responses were included in the report. The audit concluded that the "revenues, expenditures, and fund balances subject to the administration, jurisdiction, or control of Council staff complied with governing statutes, rules, regulations, and policies; were recorded accurately in accounting records, and were maintained in accordance with fund accounting principles."

[16-014](#)

California State Auditor Report: Judicial Branch Procurement (Action Required)

Summary:

On December 10, 2015, the California State Auditor released a performance audit report entitled *Judicial Branch Procurement: Although the Judicial*

Council Needs to Strengthen Controls Over Its Information Systems, Its Procurement Practices Generally Comply With Applicable Requirements. The audit was required by Public Contract Code section 19210 to assess the implementation of the California Judicial Branch Contract Law. The report contained two recommendations and identified no new issues concerning procurement documentation, internal controls, and payments. This result represents progress over the last audit, in 2013. With respect to information security controls, the report indicates that the judicial branch still needs to continue to enhance and build on the policies and procedures previously approved and currently being implemented. The Administrative Director's responses to the two recommendations are included in the report.

[16-015](#)**Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 2 of Fiscal Year 2015-2016****Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the second quarter of fiscal year 2015-2016. In compliance with the Trial Court Facility Modifications Policy, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2015-2016* as information for the council. This report summarizes the activities of the TCFMAC from October 1, 2015, to December 31, 2015.

[16-027](#)**Trial Courts: Quarterly Investment Report for Fourth Quarter 2016****Summary:**

Trial Courts: Quarterly Investment Report for Fourth Quarter of 2015 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, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of October 1, 2015, through December 31, 2015.

CIRCULATING ORDERS[16-030](#)**(CO-16-01) Probate Conservatorship: Conservatees' Capacity to Vote****Summary:**

In response to legislation that became effective on January 1, 2016, the *Order Appointing Probate Conservator* (form GC-340) must be revised to reflect changes in the standard for a conservatee's capacity to vote. The Judicial Council Rules and Projects Committee and the Administrative Director recommend this revision be made by circulating order rather than at the council's next business meeting to ensure that courts have the necessary conservatorship orders with the correct new legal standard for voting capacity as soon as possible after the effective date of the legislation.

[16-031](#)**(CO-16-02) Sargent Shriver Civil Counsel Act: Report to the Legislature****Summary:**

The Sargent Shriver Civil Counsel Act Implementation Committee recommends

that the Judicial Council accept the report to the Legislature on the Sargent Shriver Civil Counsel Act. The report is due to the Legislature on January 31, 2016. To expedite the council's review and submission of the report to the Legislature, voting is being conducted via circulating order memorandum.

[16-017](#)

(CO-15-05) Judicial Council Report to the Legislature: Fee Revenue and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2014-2015

Summary:

Judicial Council staff recommend approving the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2014-2015*. Government Code section 68086(f) requires that the Judicial Council report to the Joint Legislative Budget Committee annually, by February 1, information concerning court reporter fees collected under Government Code sections 68086(a)(1), 68086(a)(2), and 68086.1 and expenditures on court reporter services in superior court civil proceedings statewide.

[16-032](#)

(CO-15-06) Trial Court Allocations: Final Reduction Related to Statutory 1 Percent Cap on FY 2014-2015 Fund Balance Carryover

Summary:

Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The Judicial Council staff recommends approving a final reduction allocation of \$392,853 related to the fund balance in fiscal year (FY) 2014-2015 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A).

APPOINTMENT ORDERS

[16-035](#)

Appointment orders since the last business meeting.

ADJOURNMENT (approximately 1:55 p.m.)