



Judicial Council of California

Ronald M. George State
Office Complex
Malcolm M. Lucas Board
Room
455 Golden Gate Avenue
San Francisco, California
94102-3688

Meeting Agenda

Judicial Council

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

Friday, July 29, 2016

9:30 AM

San Francisco

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

Session 9:30 a.m. – 12:00 p.m.

Call to Order

Approval of Minutes

5 minutes

[16-117](#)

Minutes of the June 23-24, 2016, Judicial Council meetings.

Chief Justice's Report

20 minutes

Administrative Director's Report

10 minutes

[16-118](#)

Administrative Director's Report

Summary:

Mr. Martin Hoshino, Administrative Director, provides his report.

Judicial Council Members' Liaison Reports

15 minutes

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., Wednesday, July 27.
- 2) Submit written comments for this meeting by 1:00 p.m. on Thursday, July 28.

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: Donna Ignacio

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[16-107](#)

Judicial Council Report to the Legislature: Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2016) (Action Required)

Summary:

The Criminal Justice Services office recommends that the Judicial Council receive the *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2016)* and direct the Administrative Director to submit this annual report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the act-including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration-no later than 18 months after the initial receipt of funding under the act and annually thereafter.

[16-110](#)

Collaborative Justice: Recommended Allocations of Fiscal Year 2016-2017 Substance Abuse Focus Grants (Action Required)

Summary:

The Collaborative Justice Courts Advisory Committee recommends funding court programs using grants from the Collaborative Justice Courts Substance Abuse Focus Grant Program, through the California Collaborative and Drug Court Projects in the Budget Act of 2016 [item 0250-101-0001], and the Dependency Drug Court Augmentation to the grants of the Substance Abuse Focus Grant Program, through the federal Court Improvement Program funds for fiscal year (FY) 2016-2017 [item 0250-101-0890]. The committee recommends funding programs in 49 courts for FY 2016-2017 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

[16-115](#)

Judicial Council Report to the Legislature: Cash-Flow Loans Made to Trial Courts in Fiscal Year 2015-2016 (Action Required)

Summary:

Judicial Council staff recommend approving the *Cash-Flow Loans Made to Courts Pursuant to GC Section 68502.6 in Fiscal Year 2015-2016*. 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 under Government Code section 68502.6.

[16-126](#)**Indian Child Welfare Act: Technical Amendment to Rule 5.482 (Action Required)****Summary:**

In response to the California Supreme Court decision in *In re Abbigail A. et al.* (July 14, 2016, S220187) - Cal. 4th - [2016 WL 3755924], the Tribal Court-State Court Forum (forum) and the Family and Juvenile Law Advisory Committee and Probate and Mental Health Advisory Committee (committees) recommend amending California Rules of Court, rule 5.482, by deleting subdivision (c) of that rule, which the Supreme Court held is invalid.

[16-127](#)**Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments, January 1 through June 30, 2016 (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, the Judicial Council staff recommends submitting this 10th semiannual report, which lists all judicial branch entity contracts amended during the reporting period covering January 1 through June 30, 2016.

DISCUSSION AGENDA

[16-111](#)**Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology Options (Action Required)****Summary:**

At its June 2016 meeting, the Judicial Council tabled any action on the two recommendations provided by the Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee of the Trial Court Budget Advisory Committee (TCBAC) and Family and Juvenile Law Advisory Committee (FJLAC). The Judicial Council also tabled action on a recommendation of the TCBAC related to one of the subcommittee's recommendations and directed the TCBAC to further advise the council on the recommendations provided by the subcommittee at the council's July 2016 meeting, including when allocations for fiscal year 2016-2017 should be adopted by the council. The TCBAC recommends the council adopt the proposed one-time modification to the court-appointed counsel funding methodology as it pertains to courts with smaller caseloads. The TCBAC further recommends the council encourage small court pilot projects, and further review by advisory bodies and specific stakeholders of the court-appointed counsel funding allocation methodology as it pertains to courts with smaller caseloads.

Speakers: Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Don Will, Center for Families, Children, and the Courts
Mr. Colin Simpson, Finance

20 minutes

[16-112](#) **Trial Court Allocations: Funding for General Court Operations and Specific Costs in Fiscal Year 2016-2017 (Action Required)**

Summary: For fiscal year (FY) 2016-2017, the Trial Court Budget Advisory Committee recommends the Judicial Council allocate \$1.842 billion to the trial courts from the Trial Court Trust Fund (TCTF) and state General Fund for general court operations and specific costs. The recommended allocations include an allocation of \$1.773 billion in 2016-2017 beginning base funding for general court operations, each court's share of \$28.7 million in new and 2015-2016 funding for noninterpreter employee benefits, \$754,000 for court-provided security costs, a statewide net allocation of \$19.6 million for general court operations using the Workload-Based Allocation and Funding Methodology (WAFM), a net-zero allocation for the WAFM funding-floor adjustment, a preliminary one-time allocation reduction related to the 1 percent cap on trial court fund balances, and one-time allocations of \$9.2 million for criminal justice realignment costs and \$21.4 million in new funding for Proposition 47-related workload costs. Assuming approval of the allocations and given current revenue projections and estimated savings from appropriations, the TCTF will end FY 2016-2017 with a fund balance of \$25.3 million, of which approximately \$4.7 million will be unrestricted.

Speakers: Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Patrick Ballard, Finance
Mr. Colin Simpson, Finance

40 minutes

[16-114](#) **Trial Court Allocations: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)**

Summary: The Trial Court Budget Advisory Committee's Fiscal Planning Subcommittee recommends that the Judicial Council approve two requests from two trial courts for Trial Court Trust Fund funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request funding reduced as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court. The total estimated amount requested by the trial courts that would be reduced from their fiscal year (FY) 2016-2017 allocations for exceeding the cap is \$1.3 million. The council will be informed of any final adjustments to the estimated amounts after FY 2015-2016 year-end.

Speakers: Hon. Jonathan B. Conklin, Chair, TCBAC Fiscal Planning Subcommittee
Mr. Colin Simpson, Finance

10 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[16-106](#)**Judicial Education: Report on Compliance with Education Rules for Justices and Judges****Summary:**

The Supreme Court, Courts of Appeal, and the Trial Courts have submitted to the Judicial Council cumulative records of participation in education by their benches as required under CRC 10.452(d)(6) and (e)(7) for the 2010-2012 education cycle which concluded on December 31, 2015. The Supreme Court and Courts of Appeal reported a 98% compliance rate with their education requirements and the trial courts reported a 95% compliance rate with their education requirements and expectations.

[16-121](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 37)****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 37th 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 Siskiyou and Ventura Counties-have issued new notices.

Circulating Orders**Appointment Orders**[16-122](#)**Appointment Orders since the last Judicial Council business meeting.****Adjournment (approx. 12:00 p.m.)**