



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, August 26, 2016

8:30 AM

San Francisco

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

Session: 8:30–8:45 a.m.

Transition Break: 8:45–8:50 a.m.

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

Session: 8:50 a.m.–12:25 p.m.

Call to Order

Approval of Minutes

[16-143](#) Minutes of the July 29, 2016, Judicial Council meeting.

5 minutes

Chief Justice's Report

20 minutes

Administrative Director's Report

[16-144](#) Administrative Director's Report

15 minutes

Judicial Council Committee Presentations

[16-145](#) Judicial Council Committee Reports

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
Judicial Council Technology Committee
Hon. Marsha G. Slough, Chair
Judicial Branch Budget Committee
Hon. David M. Rubin, Chair

30 minutes

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 below:

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

*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*

Break: 10:45–11:00 a.m.

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.

16-125

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 Humboldt*. 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.

[16-128](#)**Court Facilities: Five-Year Master Plan-Deferred Maintenance Report, Fiscal Year 2017-2018 (Action Required)****Summary:**

In compliance with the California Department of Finance's (DOF) annual request, Judicial Council Real Estate and Facilities Management staff has prepared the Deferred Maintenance Request Log for fiscal year 2017-2018, which provides deferred maintenance project information within judicial branch facilities. The Trial Court Facility Modification Advisory Committee recommends the Judicial Council approve the report for submittal to DOF. This information is part of DOF Budget Letter 15-17 and is included as part of the council's Five-Year Infrastructure Plan. To comply with DOF's request, Real Estate and Facilities Management staff has prepared the attached Deferred Maintenance List to include building name, project system, project rough order of magnitude, as well as the branch's share of costs. The list is also prioritized based primarily on need. For active facilities, the list presents a total of 2,849 deferred maintenance needs with an estimated rough order of magnitude value of \$2.03 billion, of which the judicial branch responsible share is \$1.59 billion.

[16-130](#)**Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships (Action Required)****Summary:**

The Executive and Planning Committee (E&P) of the Judicial Council has authority to confirm conversions of subordinate judicial officer positions to judgeships under Government Code section 69615, using uniform criteria adopted by the Judicial Council to identify positions eligible for conversion. Under certain circumstances, E&P may grant a temporary exception to conversion at the request of a court that wishes to defer a conversion until a later time. The policy that established the criteria for deferring conversions was adopted by the Judicial Council in 2009 but needs to be updated in order to fit the current needs of courts. In order to meet the operational needs of courts and to provide clear guidance to both courts and E&P regarding the circumstances under which an exception may be granted, E&P recommends that the Judicial Council approve updated criteria under which a court may seek a deferral of a conversion.

[16-132](#)**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.

[16-134](#)**Judicial Council Report to the Legislature: Report on California Rules of Court, Rule 10.75 (Meetings of Advisory Bodies) (Action Required)**

Summary: Under California Rules of Court, rule 10.75(p), the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. No amendments are needed at this time. The Judicial Council staff recommends that the council direct that the attached letter be sent to the Joint Legislative Budget Committee as required by the *Supplemental Report of the 2013-2014 Budget Package*.

16-135**Judicial Council Report to the Legislature: Allocations and Reimbursements to the Trial Courts for Fiscal Year 2015-2016 (Action Required)**

Summary: Judicial Council staff recommend approving the *Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2015-2016*. 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 chairs of the Assembly Committees on Budget and Judiciary. The allocations and reimbursements reflect disbursements to courts through July 27, 2016, and any remaining encumbrances as of July 27, 2016. The report will be updated to include the final regular distribution to the trial courts scheduled for August 31, 2016, before submission to the Legislature.

16-137**Court Facilities: Court-Funded Facilities Request Policy (Action Required)**

Summary: The Trial Court Facility Modification Advisory Committee (TCFMAC) recommends revising the Court-Funded Facilities Request (CFR) Procedure to increase the small project budget maximum value from its current threshold of \$15,000 per project and to allow Judicial Council staff to approve CFRs. These procedural changes will allow trial court leaders to better plan their facilities financial contributions and see urgent facilities projects come to fruition as much as 45 days sooner than the current standard allows.

16-138**Trial Courts: 2015 Court Realignment Data (Action Required)**

Summary: Penal Code section 13155 requires the Judicial Council, commencing January 1, 2013, to collect information from trial courts regarding the implementation of the 2011 [Criminal Justice] Realignment Legislation and make the data available annually to the California Department of Finance (DOF), Board of State and Community Corrections (BSCC), and Joint Legislative Budget Committee (JLBC) by September 1. This is the fourth annual court realignment data report to the DOF, BSCC, and JLBC. The *Court Realignment Data (Calendar Year 2015)* is included as Attachment A to this report.

16-142**Court Facilities: Superior Court of California, County of Los Angeles: Hollywood Courthouse Project Design-Build Delivery Method and Prequalification Process (Action Required)**

Summary: Judicial Council staff recommends that the Judicial Council proceed with the

design-build delivery method for the new Hollywood Courthouse and establish the prequalification process for design-build entities for the new Hollywood Courthouse project.

[16-148](#)**Judicial Council Administration: Increased Maximum Lodging Reimbursement Rate for San Francisco (Action Required)****Summary:**

Judicial Council staff recommends that the Judicial Council approve an increase in the maximum lodging reimbursement rate for the City and County San Francisco from \$150 per night to \$250 per night. This increase will align the rate for judicial branch officers and employees with the rate implemented by the executive branch for excluded employees in July 2016.

[16-150](#)**Trial Courts: Financial Policies and Procedures (Action Required)****Summary:**

Judicial Council staff recommends amending rule 10.804 of the California Rules of Court concerning the *Trial Court Financial Policies and Procedures Manual* because the rule currently provides that the manual include policies and procedures for procurement and contracting by superior courts. That is no longer necessary because these policies and procedures are now contained in the *Judicial Branch Contracting Manual*.

[16-152](#)**Judicial Branch Education: Judicial Council Education (Action Required)****Summary:**

Rule 10.491 addresses education requirements for Judicial Council staff. The overarching goal of amending rule 10.491 is to enable Judicial Council staff to more effectively fulfill their education requirements by eliminating administrative elements that do not directly bear on education, adding flexibility to better serve the structure and operation of the Judicial Council staff office, and streamlining the tracking of employee education in the Human Resources and Education Management System (HREMS). Judicial Council staff recommends these amendments, which are supported by the Administrative Director and by the Governing Committee of the Center for Judicial Education and Research.

DISCUSSION AGENDA

[16-139](#)**Budget: Fiscal Year 2017-2018 Budget Proposals for Supreme Court, Courts of Appeal, Judicial Council, Judicial Branch Facilities Program, Trial Courts, and Habeas Corpus Resource Center (Action Required)****Summary:**

The delegated committees of the Judicial Council recommend submission of fiscal year 2017-2018 budget proposals for the Supreme Court, Courts of Appeal, Judicial Council, Judicial Branch Facility Program, Trial Courts, and Habeas Corpus Resource Center. In addition, the Judicial Council staff recommends delegating authority to the Administrative Director to make technical changes to any budget proposals, as necessary. Submittal of budget change proposals is the standard process for proposing funding adjustments in

the State Budget, which must be submitted to the state Department of Finance by September 2, 2016.

Speakers: Mr. Zlatko Theodorovic, Budget Services

50 minutes

[16-141](#) **Court Facilities: Budget Allocations for Statewide Trial Court Facility Modifications and Planning in Fiscal Year 2016-2017 (Action Required)**

Summary: The Trial Court Facility Modification Advisory Committee (TCFMAC) recommends allocations of the \$65 million appropriated by the Legislature for trial court facility modifications in the fiscal year (FY) 2016-2017 State Budget. The recommended allocations support facility modification planning and facility modifications for emergency and critical needs.

Speakers: Hon. William Highberger, Vice-Chair, TCFMAC
Mr. Enrique Villasana, Real Estate and Facilities Management
Mr. Brad Boulais, Real Estate and Facilities Management

15 minutes

[16-151](#) **Court Facilities: Recommendation on the Active Senate Bill 1407 Courthouse Capital Projects (Action Required)**

Summary: The Court Facilities Advisory Committee (CFAC) recommends that, until proper funding of the Immediate and Critical Needs Account (ICNA) is restored and with exception of the capital projects currently under construction, the schedules of the active Senate Bill 1407 projects be modified or put on hold. The CFAC advocates that funding should be restored for these important and desperately-needed courthouse capital projects.

Speakers: Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee
Mr. Mike Courtney, Capital Program

20 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[16-136](#) **Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 4 of Fiscal Year 2015-2016**

Summary: The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the fourth 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 4, Fiscal Year 2015-2016* as information for the council. This report summarizes the activities of the TCFMAC from April 1, 2016, to June 30, 2016.

[16-140](#) **Criminal Law: Study Findings on the Use of Risk and Needs Assessment Information**

Summary: The California Risk Assessment Pilot Project, which was funded under a partner grant from the State Justice Institute and the National Institute of Corrections,

explores the ways in which evidence-based practices, specifically the use of risk and needs assessment (RNA) information, can be incorporated into adult felony probation sentencing and violation proceedings to reduce offender recidivism and improve offender accountability. Probation departments in the pilot sites sentenced a significantly lower proportion of felony probationers to prison and jail compared to the rest of the state and findings support the validity of the RNA tools as a means to predict the occurrence of future noncompliant behavior. The final project report, *The California Risk Assessment Pilot Project: The Use of Risk and Needs Assessment Information in Adult Felony Probation Sentencing and Violation Proceedings*, is included as Attachment A.

[16-147](#)**Trial Courts: Annual Investment Report for Fiscal Year 2015-2016****Summary:**

This *Trial Courts: Annual Investment Report* covers the period of July 1, 2015, through June 30, 2016, and 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, 2014.

[16-155](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 38)****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 38th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, one superior court-Yolo County-has issued a new notice.

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

Appointment Orders[16-154](#)

Appointment Orders since the last Judicial Council business meeting.

Adjournment (approx. 12:25 p.m.)