



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Agenda

Judicial Council

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(Cal. Rules of Court, rule 10.6(a))*

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through the hyperlinked reports on this agenda.*

Friday, May 19, 2017

9:00 AM

San Francisco

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

Session 9:00 – 11:40 a.m.

Call to Order

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., Tuesday, May 16.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, May 17.

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

Approval of Minutes

[17-067](#)

Minutes of the March 24, 2017, Judicial Council meeting.

5 minutes

Chief Justice's Report

10 minutes

Administrative Director's Report

[17-068](#) Administrative Director's Report

10 minutes

Judicial Council Committee Presentations

[17-069](#) 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

40 minutes

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.

[17-073](#) 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 (July 1-December 31, 2016)*. 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.

[17-076](#) Jury Instructions: New, Revised, and Renumbered Civil Jury Instructions and Verdict Forms (Action Required)

Summary: The Advisory Committee on Civil Jury Instructions recommends approving for publication the new, revised, and renumbered civil jury instructions and verdict forms prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months.

[17-078](#)**Judicial Branch Administration: Judicial Branch Workers' Compensation Program (Action Required)****Summary:**

The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year 2017-2018, approval of a statewide workers' compensation settlement authority policy, and initiation of cost containment projects to reduce the deficit of the workers' compensation program.

[17-079](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors, and changes resulting from legislation and previous rule amendments and form revisions. Judicial Council staff recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

[17-080](#)**Criminal Procedure and Juvenile Law: Judicial Council Forms Under Proposition 64 (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends that the Judicial Council revoke form CR- 187, and approve forms CR-400, CR-401, and CR-402, and renumber CR-188 as CR-403. The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revoke form JV-745; approve forms JV-744A, JV-745, and JV-746; and revise form JV-744. These forms are designed to implement the "Control, Regulate and Tax Adult Use of Marijuana Act" ("Proposition 64"). The Judicial Council approved the current forms effective January 23, 2017, while they circulated for public comment. In response to public comments received, the committees modified the current forms, which required renumbering and/or retitling in four instances; and, developed four additional forms. These eight proposed forms are intended to modify and replace the four forms that were approved in January 2017..

[17-081](#)**Juvenile Law: Implementation of Proposition 57, the Public Safety and Rehabilitation Act of 2016 (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend or repeal six California Rules of Court and revise five forms to be consistent with the recently enacted provisions of Proposition 57, the Public Safety and Rehabilitation Act of 2016. Proposition 57, which became effective on November 9, 2016, substantially amends the process by which juvenile offenders may be transferred to the jurisdiction of the criminal court by (1) eliminating the authority of prosecutors to directly file petitions in criminal court, and (2) requiring that the juvenile court hold a hearing and determine if a transfer is appropriate.

[17-082](#)**Juvenile Law: Commitment to Department of Corrections and Rehabilitation (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes revising the Judicial Council order form for the commitment of a person found to be a ward eligible for commitment to the California Department of Corrections and Rehabilitation's Division of Juvenile Facilities (DJF) to ensure that the form reflects legally accurate commitment procedures. The form revisions would ensure that the court provides complete and accurate information needed for the acceptance of youth by the Division of Juvenile Facilities, thus avoiding unnecessary delays in the court's disposition orders..

[17-083](#)**Juvenile Law: Sealing of Records (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising forms to conform to recently enacted statutory provisions concerning the sealing of juvenile records. The revisions would update recently adopted forms to implement sealing of records for cases sealed under Welfare and Institutions Code section 786 to include changes to that section that went into effect on January 1, 2017. In addition, two other forms with information on the sealing of juvenile records would be revised to be consistent with the current state of the law.

[17-084](#)**Family Law: Simplifying Limited Scope Representation Forms and Procedures (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending rule 5.425 of the California Rules of Court, approving two new forms, and revising four existing forms to simplify the procedures for an attorney to withdraw from limited scope representation upon completing the work agreed on with the client in a family law matter. The recommended simplified withdrawal procedures are likely to promote more limited scope representation in family law matters, reduce the number of hearings regarding withdrawal of counsel, and reduce the impact on case management systems in family courts.

[17-085](#)**Family Law: Request to Continue Hearing and Declaration Regarding Notice of Request for Temporary Emergency Orders (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising the form used to ask for an order to continue a hearing by expanding its use beyond cases in which temporary emergency (ex parte) orders had been previously issued. The committee also recommends revising the form used to show compliance with the notice and service requirements when requesting a temporary emergency (ex parte) order by including a new space for the date, time, and location of the proposed emergency hearing or submission of documents. The changes respond to specific suggestions from court professionals and help increase efficiencies in the way courts process requests to continue hearings and requests for temporary emergency orders.

[17-091](#)**Trial Court Allocations: Continued Children's Waiting Room Funds Distribution (Action Required)****Summary:**

Effective July 1, 2014, the Superior Court of Monterey County began receiving funds to establish and maintain a children's waiting room (CWR). The court anticipated that the CWR would open during 2015-2016. However, due to lower than expected collections, the court has insufficient funds to open the CWR. The Superior Court of Monterey County is requesting to continue to receive CWR funds so that its balance can build to a sufficient level to begin operations. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the continuation of the distribution of funds to allow the court to begin operating its CWR.

[17-092](#)**Trial Court Allocations: Children's Waiting Room Funds Distribution Request (Action Required)****Summary:**

The Superior Court of San Joaquin County is requesting a children's waiting room (CWR) distribution of \$5 per applicable paid first paper civil fee for filings within the county, effective July 1, 2017, to open a CWR in the new Stockton Courthouse beginning in 2017-2018. The Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council approve a distribution of CWR funds to provide these services for the first time in San Joaquin County.

DISCUSSION AGENDA[17-075](#)**Juvenile Dependency: Small Court Dependency Workload Working Group Final Recommendations (Action Required)****Summary:**

In July 2016 the Judicial Council directed the Executive and Planning Committee to form a working group to consider changes to the court-appointed juvenile dependency counsel funding methodology as it relates to small courts. The working group recommends that the funding methodology be modified for the next two years to suspend reallocation related budget reductions for the 23 smallest courts, adjust the local economic index for all 30 small courts, and adjust the funding allocations of those larger courts receiving increases related to the reallocation to compensate for these increases. The Judicial Council has directed the Family and Juvenile Law Advisory Committee to consider a comprehensive update of the attorney workload data and time standards used in the current workload model, and permanent revisions to the funding methodology could follow from that update and subsequent steps directed by the Judicial Council.

Speakers:

Hon. David Rosenberg, Chair, Small Court Dependency Workload Working Group

Mr. Don Will, Center for Families, Children & the Courts

20 minutes

[17-072](#)**Fiscal Year 2017-2018 Allocations from the State Trial Court Improvement and Modernization Fund (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve \$73.457 million in allocations from the State Trial Court Improvement and Modernization Fund for fiscal year 2017-2018.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Budget Services
Ms. Donna Newman, Budget Services

25 minutes

[17-093](#)**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 seven new requests from six trial courts and three amended requests from three 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 2017-2018 allocations for exceeding the cap is \$7.8 million. The council will be informed of any final adjustments to the estimated amounts after 2016-2017 year-end.

Speakers:

Mr. Zlatko Theodorovic, Budget Services

20 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[17-063](#)**California's Language Access Plan: Update on Language Access in the Courts of Appeal and Supreme Court****Summary:**

Recommendation 67 of the Judicial Council's *Strategic Plan for Language Access in the California Courts* states that the "California Courts of Appeal and Supreme Court of California should discuss and adopt applicable parts of [the] Language Access Plan [LAP] with necessary modifications." The Language Access Plan Implementation Task Force and Judicial Council staff convened the Ad Hoc Working Group on Language Access in the Supreme Court and Appellate Courts, consisting of appellate court justices and appellate and supreme court staff, to identify LAP recommendations that would be suitable for adoption by the Courts of Appeal and Supreme Court. This update describes the group's findings and next steps.

[17-071](#)**Trial Courts: Quarterly Investment Report for First Quarter of 2017****Summary:**

This *Trial Courts: Quarterly Investment Report for First Quarter of 2017* covers the period of January 1, 2017, through March 31, 2017, 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, 2004.

[17-087](#)

Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 41)

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 41st report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, three superior courts-Santa Clara, Yuba, and Kings Counties-have issued new notices.

There were no Circulating Orders since the last business meeting.

Appointment Orders

[17-090](#)

Appointment Orders since the last business meeting.

Adjournment (approx. 11:40 a.m.)