



Judicial Council of California

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

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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

*Requests for ADA accommodation should be directed to
JCCAccessCoordinator@jud.ca.gov*

Friday, May 17, 2019

8:00 AM

San Francisco

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

Session 8:00 a.m. – 8:30 a.m.

Transitional Break 8:30 a.m. – 8:45 a.m.

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

Session 8:45 a.m. – 12:40 p.m.

Call to Order

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.

For more information about meeting attendance and public comment procedures:

<http://www.courts.ca.gov/28045.htm>

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, May 14.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, May 15.

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: Cliff Alumno

Approval of Minutes

[19-105](#) **Minutes of March 15, 2019 Judicial Council meeting**

Chief Justice's Report

10 minutes

Administrative Director's Report

[19-106](#) **Administrative Director's Report**

10 minutes

Judicial Council Committee Presentations

[19-107](#) **Judicial Council Committee Reports**

20 minutes

Judicial Council Members' Liaison Reports

15 minutes

[19-116](#) **Superior Court of San Francisco County**

[19-117](#) **Superior Court of Ventura County**

Break 9:40 a.m. – 9:50 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.

[19-060](#)

Judicial Branch Administration | Judicial Branch Workers' Compensation Program (Action Required)

Summary:

The Judicial Branch Workers' Compensation Program (JBWCP) Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year (FY) 2019-20 in the amount of \$18.2 million for the trial courts and \$1.3 million for the state judiciary. Based on a reduction from the previous year in the total cost of claims and stable payroll growth overall, the FY 2019-20 funding need reflects a 4.51 percent reduction (trial courts) and a 2.48 percent reduction (state judiciary) in cost allocations.

[19-090](#)

Judicial Branch Budget: Workload Formula Adjustment Request Process Policy Update (Action Required)

Summary:

The Workload-based Allocation and Funding Methodology (WAFM) Adjustment Request Process is used by trial courts to suggest modifications to the workload formula used for trial court funding. The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council approve a recommendation to make changes to the language of the policy to replace references to "Workload-based Allocation and Funding Methodology (WAFM)" to "Workload Formula," to eliminate references to workload need, and to streamline the language of the policy to make it clearer. The updates will also permit the chair of TCBAC to more quickly refer Adjustment Requests to other advisory committees as deemed appropriate.

[19-087](#)

Jury Instructions: Civil Jury Instructions (Release 34) (Action Required)

Summary:

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new, revised, and revoked civil jury instructions prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months. On Judicial Council approval, the instructions will be published in the official midyear supplement to the 2019 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[19-118](#)**Rules and Forms | Civil Practice and Procedure: Adjustment of Maximum Amount of Imputed Liability of Parent or Guardian for Tort of a Minor (Action Required)****Summary:**

Judicial Council staff recommends that the Judicial Council amend Appendix B of the California Rules of Court to reflect the biannual adjustments to the dollar amounts of the maximum amount of liability of parents or guardians to be imputed for the torts of a minor under Civil Code section 1714.1, and direct that staff publish the adjusted amounts.

[19-091](#)**Rules and Forms | Civil Practice and Procedure: Order on Unlawful Use of Personal Identifying Information (Action Required)****Summary:**

Legislation effective January 1, 2019, authorizes a person who believes that his or her personal identifying information has been used unlawfully in a business entity filing to petition a court for a determination of unlawful use and issuance of an order certifying that determination and ordering specified actions. Senate Bill 1196 (Jackson; Stats. 2018, ch. 696) requires the Judicial Council to develop a form for issuing the order. The Civil and Small Claims Advisory Committee recommends that new *Order on Unlawful Use of Personal Identifying Information* (form CIV-165) be used for that purpose.

[19-092](#)**Rules and Forms | Civil Practice and Procedure: Unlawful Detainer (Action Required)****Summary:**

Two recent bills added to and amended the Code of Civil Procedure section regarding unlawful detainer actions to expand affirmative defenses and to clarify that the period of time in which a defendant must respond to a summons excludes Saturdays, Sundays, and other judicial holidays. The Civil and Small Claims Advisory Committee recommends revising two forms, *Answer-Unlawful Detainer* (form UD-105) and *Summons-Unlawful Detainer-Eviction* (form SUM-130), to make them consistent with these statutory changes.

[19-112](#)**Rules and Forms | Family Law: Technical Changes to Summary Dissolution Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends technical revisions to two family law summary dissolution forms. The technical changes are mandated by Family Code section 2400 to reflect an increase in the cost of living based on changes to the California Consumer Price Index.

[19-113](#)**Rules and Forms | Juvenile Law: Guardianship Information (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising two forms and renumbering one of those forms to provide up-to-date legal information for a prospective guardian of a child in juvenile court proceedings, using language and a format easily understood by a person not trained in law. The proposal is needed to reflect changes to the law and comply with an ongoing statutory mandate. Specific revisions were suggested, both informally and through the spring 2018 invitation-to-comment cycle, by child welfare departments, county counsel's offices, juvenile courts, and the Judicial Council's Probate and Mental Health Advisory Committee.

[19-104](#)**Rules and Forms | Language Access Plan: Language Services in Noncourtroom Settings (Action Required)****Summary:**

The Advisory Committee on Providing Access and Fairness recommends the adoption of a new rule of court and the approval of three optional forms to satisfy a series of recommendations from the *Strategic Plan for Language Access in the California Courts* (LAP) focusing on the provision of language services outside the courtroom.

[19-111](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the judicial 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 recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

[19-088](#)**Rules and Forms | Restraining Orders: Senate Bill 1200 Hearing Requirement for Gun Violence Restraining Orders (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends adopting two mandatory and approving three optional gun violence restraining order (GVRO) forms and revising four current GVRO forms to facilitate courts and parties in complying with the new hearing requirement in Penal Code section 18148. The proposal also revises the current GVRO forms relating to a restrained party providing proof of the surrender or sale of firearms, ammunition, and magazines to more clearly reflect the statutory provisions.

[19-093](#)**Trial Courts: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee (TCBAC) recommends approving four new requests and seven amended requests from seven trial courts for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request reduced funding as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the TCTF for the benefit of that court.

[19-086](#)**Trial Court Budget | Allocations and Reimbursements to Trial Courts: Continued Children's Waiting Room Funds Distribution (Action Required)****Summary:**

Effective October 1, 2018, the Superior Court of Contra Costa County closed its Children's Waiting Room (CWR) at its Pittsburg facility in order to relocate the CWR to the Peter L. Spinetta Family Law Center in Martinez, which currently houses its family law operations. The Superior Court of Contra Costa County is requesting to continue to receive CWR funds in order to build sufficient resources to reopen in Martinez by July 2019. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the continuation of the distribution of funds to allow the court to resume ongoing operations at its new location without decreasing service levels.

[19-099](#)**Trial Courts: Trial Court Financial Policies and Procedures Manual (10th ed.) (Action Required)****Summary:**

Judicial Council staff recommends adoption of the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), tenth edition. The manual was last updated in 2018. The TCFPPM requires both substantive and nonsubstantive revisions to maintain clarity and update and improve the existing system of internal fiscal controls in accordance with California Rules of Court, rule 10.804.

DISCUSSION AGENDA[19-119](#)**Rules and Forms | Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters (Action Required)****Summary:**

Recent changes in the law pertaining to a waiver of court fees for providing court reporters, providing court interpreters to parties in civil cases by priority level, and reimbursing courts for the cost of providing interpreters affect certain rules and forms that address fee waivers. The California Supreme Court recently held that courts that do not provide official court reporters must make available to parties entitled to a waiver of fees court reporters or other means to create a verbatim record. (*Jameson v. Desta* (2018) 5 Cal.5th 594.) Earlier legislation (Assem. Bill 1657; Stats. 2014, ch. 721) added a section to the Evidence Code that requires the Judicial Council to reimburse courts for court interpreter services for parties in civil cases and prioritizes by case type the provision of court interpreter services.

The Civil and Small Claims Advisory Committee recommends that two California Rules of Court be amended and nine fee waiver forms be revised to provide, generally, that a party that has been granted a fee waiver may request a court to provide an official reporter at a proceeding, delete an item addressing court-appointed interpreters in small claims actions, and change the language addressing court reporter's fees.

Speakers: Hon. Ann I. Jones, Chair, Civil and Small Claims Advisory Committee (by phone)
Ms. Susan McMullan, Legal Services

15 minutes

[19-065](#) **Trial Court Budget: 2018-19 \$10 Million Emergency Reserve Funding Request, Superior Court of Humboldt County (Action Required)**

Summary: The Judicial Branch Budget Committee recommends that the Judicial Council approve the Superior Court of Humboldt County's application for emergency funding from the \$10 Million State-Level Reserve. Under the current policy adopted by the Judicial Council, courts that are projecting a current-year negative fund balance may apply for either a loan or one-time funding for unavoidable shortfalls, unforeseen emergencies, or unanticipated expenses for existing programs.

Speakers: Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Mr. Zlatko Theodorovic, Budget Services

15 minutes

[19-064](#) **Judicial Branch Budget: 2018 Budget Outcomes (No Action Required)**

Summary: At the September 21, 2018 Judicial Council meeting, the Trial Court Budget Advisory Committee (TCBAC) was directed to report on outcomes related to new branch funding provided in the 2018 budget. Specifically, TCBAC was to compile information from the trial courts on the use and expenditure of \$108.4 million of discretionary funds-\$60.6 million plus \$47.8 million directed at courts below the statewide average funding level-and \$19.1 million allocated to self-help services. Additionally, TCBAC was to report on the \$10 million (of the \$75 million in discretionary funds) that was earmarked to increase the number of court reporters in family law. The new funding has increased public access to court services, expanded services, decreased backlog, and enhanced operational stability in order to serve the public more efficiently and effectively.

Speakers: Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Director, Budget Services

15 minutes

[19-061](#)**Judicial Council Budget: Adjustments to Judicial Council-Approved 2018-19 Allocations from the State Trial Court Improvement and Modernization Fund (Action Required)****Summary:**

The Judicial Council's Jury Management Program in the Information Technology office has identified a funding need of \$252,000 in addition to the 2018-19 Judicial Council-approved allocations from the State Trial Court Improvement and Modernization Fund (IMF). The Trial Court Budget Advisory Committee recommends approving the augmentation requests for the current fiscal year.

Speakers:

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

5 minutes

[19-102](#)**Court Interpreters: Allocations and Reimbursements to Trial Courts: Allocation Methodology for Court Interpreters Program Shortfall (Action Required)****Summary:**

Current projections for the Court Interpreters Program (CIP) indicate that the fund balance has been depleted, and with expenditures exceeding allocations, the fund is insolvent. The Trial Court Budget Advisory Committee (TCBAC) recommends approving a one-time allocation of fund balance from the Trial Court Trust Fund (TCTF) to address an anticipated shortfall in the CIP for fiscal year 2019-20, not to exceed the current \$13.5 million estimated amount required to cover cost increases and maintain service levels, while TCBAC continues its development of a methodology that addresses anticipated, ongoing funding shortfalls and reviews existing methodologies.

Speakers:

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

15 minutes

[19-069](#)**Judicial Branch Administration: Judicial Branch Statistical Information System (JBSIS) Data Quality Control Standards (Action Required)****Summary:**

The Court Executives Advisory Committee recommends that the Judicial Council adopt policy guidelines for courts reporting aggregated statistical information to the Judicial Branch Statistical Information System (JBSIS). JBSIS is the statistical reporting system that defines and electronically collects summary information from superior court case management systems for each major case processing area of the court. The recommendation will institute protocols for data amendments for courts that encounter errors in data reporting and will establish a mechanism for courts to share best practices for data quality controls. This recommendation is intended to improve confidence in and the consistency of JBSIS data reporting. If approved,

the policy will become part of the updated JBSIS manual, which has been submitted for council adoption in a separate proposal.

Speakers:

Mr. Jake Chatters, Chair, JBSIS Subcommittee, Court Executives Advisory Committee (by phone)

Ms. Leah Rose-Goodwin, Office of Court Research

Ms. Emily Chirk, Office of Court Research

10 minutes

19-063

Judicial Branch Administration: Judicial Branch Statistical Information System (JBSIS) Version 3.0 Manual (Action Required)

Summary:

The Court Executives Advisory Committee recommends that the Judicial Council approve updates to the Judicial Branch Statistical Information System (JBSIS) manual. JBSIS is the statistical reporting system that defines and electronically collects summary information from superior court case management systems for each major case processing area of the court. The JBSIS manual outlines the requirements for trial court aggregated data that must be reported to the council; these data are used for statistical data reporting and serve as the driver for various branch allocation methodologies such as the Resource Assessment Study and Judicial Needs Assessment. The proposed updates reflect the changes to JBSIS data reporting that were approved by the council in January 2018.

Speakers:

Mr. Jake Chatters, Chair, JBSIS Subcommittee, Court Executives Advisory Committee (by phone)

Ms. Leah Rose-Goodwin, Office of Court Research

Ms. Emily Chirk, Office of Court Research

10 minutes

19-062

Judicial Branch Administration | Trial Courts: Resource Assessment Study Model Work-Year Value (Action Required)

Summary:

The Workload Assessment Advisory Committee recommends that the Judicial Council approve a change to the Resource Assessment Study (RAS) model's work year value, which is used to estimate staff full-time equivalents (FTE) needed in the trial courts. The current year value of 1,856 hours (111,360 minutes) was intended to align the Judicial Branch's workload model with model inputs used by other state agencies but lacks a solid empirical foundation for its continued usage within the Judicial Branch. The proposed year value of 1,642.5 hours (98,550 minutes) is based on data collected during the staff time study in 2016. Using the study-derived year value is consistent with the approach taken the previous two times the council approved the RAS model.

Speakers:

Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee

Ms. Kristin Greenaway, Office of Court Research

15 minutes

[19-115](#)**Judicial Branch Administration: Use of 2018-19 State Trial Court Improvement and Modernization Fund (IMF) for 2019-20 Sustain Justice Edition (SJE) California Court Technology Center (CCTC) Hosting (Action Required)****Summary:**

Based upon previous Judicial Council actions, there is no authorization to use the State Trial Court Improvement and Modernization Fund (IMF) as a funding source for the costs of hosting the Sustain Justice Edition (SJE) case management system at the California Courts Technology Center (CCTC) after June 30, 2019. The Interim Case Management System (ICMS) program has IMF savings from fiscal year (FY) 2018-19 that could be used to fund SJE-hosted courts after June 30, 2019. The Judicial Council Technology Committee (JCTC) recommends that the Judicial Council approve the use of ICMS savings from FY 2018-19 to cover SJE hosting at the CCTC through December 31, 2019. This request is not for an additional allocation of IMF funding, but an extension of time to use previously approved funding for the ICMS program to cover the CCTC hosting costs of SJE in 2019-20. The JCTC and the Trial Court Budget Advisory Committee (TCBAC) have both approved the use of the ICMS program savings from FY 2018-19 to cover SJE CCTC hosting costs in FY 2019-20 through December 2019.

Speakers:

Mr. David Koon, Information Technology

20 minutes

[19-067](#)**Judicial Branch Administration: Tactical Plan for Technology 2019-2020 (Action Required)****Summary:**

The Tactical Plan Update Workstream and the Information Technology Advisory Committee (ITAC) recommend adopting the updated *Tactical Plan for Technology 2019-2020*. The updated plan was developed by analyzing the *Strategic Plan for Technology 2019-2022*, evaluating the status of existing initiatives, and considering new proposed initiatives. The plan was refined following circulation for branch and public comment. Building on the technology strategic plan, the tactical plan describes the focused efforts on technology solutions that further the administration of justice and meet the needs of the people of California.

Speakers:

Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee
Ms. Heather Pettit, Information Technology

20 minutes

[19-103](#)**Court Innovations Grant Program | Superior Court of San Francisco County: Veterans Justice Court Project Presentation (No Action Required)****Summary:**

The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Superior Court of California, County of San Francisco, will present and provide information related to the court's Veterans Justice Court Program.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Hon. Michael I. Begert, Veterans Justice Court, Superior Court of San Francisco County
Ms. Allyson West, Veterans Justice Court Coordinator, Superior Court of San Francisco County
Mr. Darian Evans, Veterans Justice Court Participant

30 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[19-089](#)**Court Facilities: Trial Court Facility Modifications Report for Quarter 3 of Fiscal Year 2018-19****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the third quarter (January through March) of fiscal year 2018-19. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[19-114](#)**Report to the Legislature: Court Realignment Data (Calendar Year 2018)****Summary:**

Penal Code section 13155 requires Judicial Council staff, 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 seventh annual court realignment data report. It was distributed to the DOF, BSCC, and JLBC on May 2, 2019.

[19-071](#)**Judicial Branch Administration: Release of Demographic Data on California Justices and Judges****Summary:**

This informational report to the Judicial Council is of aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, and veteran and disability status of California's justices and judges by specific jurisdiction, which council staff is required by statute to collect and release annually. In general, findings indicate that the California bench has become more diverse over time.

Circulating Orders

[19-135](#) **Circulating Orders since the last business meeting.**

Appointment Orders

[19-134](#) **Appointment Orders since the last business meeting.**

Adjournment (approx. 12:40 p.m.)