



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 Minutes

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

Voting Members

Present: 19 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice James M. Humes, Justice Harry E. Hull Jr., Justice Douglas P. Miller, Judge Marla O. Anderson, Judge Brian J. Back, Judge Kyle S. Brodie, Judge Daniel J. Buckley, Judge Stacy Boulware Eurie, Judge Samuel K. Feng, Judge Dalila Corral Lyons, Judge Gary Nadler, Judge Dean T. Stout, Assembly Member Richard Bloom, Mr. Mark G. Bonino, Mr. Patrick M. Kelly, Ms. Donna D. Melby, and Ms. Debra Elaine Pole

Absent: 2 - Judge David M. Rubin, and Senator Hannah-Beth Jackson

Advisory Members

Present: Justice Marsha G. Slough, Judges Scott M. Gordon, Brian L. McCabe, Kenneth K. So, Eric C. Taylor, and Charles D. Wachob, Commissioner David E. Gunn, Court Executive Officers Jake Chatters and Richard D. Feldstein, and Supreme Court Administrator and Clerk Mr. Frank A. McGuire

Media Representatives

Ms. Maria Dinzeo, *Courthouse News Service*, and Mr. Kevin Lee, *Daily Journal*

Others Present

Mr. Javier Barraza, Mr. Logan Begneaud, Ms. Tracie Gonsous, Ms. Leslie Heimov, Mr. John Lawrence, Ms. Nancy Leroux, Ms. Betty Ma, Mr. Otis Moore, Mr. John Olinski, Ms. Marci Patara, Mr. Steve Raskin, and Ms. Joy Ricardo

Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 9:30 a.m. in the Malcolm M. Lucas Board Room of the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Chief Justice Announces Judicial Branch Budget Committee

The Chief Justice explained that in light of all of the budgetary issues that relate to the Judicial Council's decision-making, there is a need for a new branchwide approach to the budget. She commented that there is no higher expression of Judicial Council priorities than how the council and courts operate and spend limited public resources for equal access to justice. To that end, the Chief Justice asked Justice Miller, as chair of the council's Executive and Planning Committee, to establish a new internal committee, the Judicial Branch Budget Committee. She stated that this is not only good governance, reflected in how the Legislature operates, but also sound government practice. Initially, the charge for the budget committee will be limited. Their focus will be on reviewing budget change proposals for alignment with the council's goals and for the needs of all levels of the judicial branch, including the trial courts, the Courts of Appeal, and the Supreme Court; and reviewing and making recommendations on the use of the new statewide reserve funding in the last budget; and also for the new innovations grant funds for the trial and appellate courts. The committee will be chaired by Judge David Rubin, with Justice James Humes serving as vice-chair. Other members include Judge Marla Anderson, Judge Jeff Barton, Judge Kyle Brodie, Judge Gary Nadler, Judge Dean Stout, and attorney member Audrey Ybarra.

Chief Justice Recognizes Awards Recipients

The Chief Justice remarked that the Judicial Council's Distinguished Service Award is the highest honor given by the governing body of our state court system. She explained that each of the honorees has demonstrated extraordinary leadership and that they have made significant contributions to the administration of justice.

Judge Maria D. Hernandez, Superior Court of Orange County, was honored for her dedication to court community outreach and engagement with justice system partners, and innovations in the juvenile justice system. She convened the first Orange County Juvenile Justice Summit, which and has been active at the state level with the Judicial Council Advisory Committee on Providing Access and Fairness and the Keeping Kids in School and Out of Court steering committee.

Mr. Alan Carlson, Chief Executive Officer of the Superior Court of Orange County, and Mr. Robert Oyung, Chief Information Officer of the Superior Court of Santa Clara County, received a joint award for their efforts in improving access to justice through technology. Alan Carlson, a former member of the Judicial Council, is a state and national leader in the field of public access to court records and e-filing. Robert Oyung has presented to the council on many occasions and played a lead role in developing a new technology collaboration model and judicial branch technology.

The Chief Justice also recognized the recipients of the 2016 Benjamin J. Aranda III Access to Justice Award. She explained that the award is cosponsored by the Judicial Council with the California Judges Association and the State Bar of California, in association with the State Bar's Commission on Access to Justice. The Aranda Award honors judicial officers for their noteworthy work to provide access to the poor. She commented that Judge Julia C. Kelety was the driving force behind a recent innovation, renovation of the San Diego Law Library. She helped launch a mediation clinic for litigants at the Thomas Jefferson School of Law, and she has played a major role in a training program for court-appointed attorneys. Judge Colleen T. White, from the Superior Court of Ventura County, has created court programs that aid the homeless, military veterans, elders facing domestic violence, and pregnant women struggling with child custody because of substance abuse. The Chief Justice added that recipients will receive their awards at a special ceremony on August 25 in San Francisco at the conclusion of the council meeting.

The Chief Justice emphasized that Judicial Council members, officers, judicial officers and court professionals, and Judicial Council staff continue to make contributions to the cause of justice not only at the local and state level, but also the national level. She acknowledged Ms. Sherri Carter, who recently received the 2016 National Center for State Courts' Distinguished Service Award. She explained that this is one of their highest awards for valuable contributions to the justice system in our nation. Ms. Carter has an important role in the state court system as the executive officer and clerk of court for the Los Angeles County Superior Court, the nation's largest trial court. She has also been very active with the Judicial Council, including the Judicial Council's Trial Court Budget Advisory Committee and related subcommittees, and the Court Executives Advisory Committee. For the past two years, she served as the only state court administrator on the Civil Justice Improvements Committee, appointed by the Conference of Chief Justices along with Judicial Council member Ms. Donna Melby. The committee's report makes a substantial contribution to the ongoing national dialogue about the high cost of civil litigation and the challenges presented by self-represented litigants.

Approval of Minutes

[16-117](#)

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

A motion was made by Justice Chin, seconded by Judge So, that the minutes be approved. The motion carried by a unanimous vote.

Chief Justice's Report

The Chief Justice summarized her engagements since the last council meeting. She attended the Administrative Presiding Justices Advisory Committee meeting, where attendees discussed issues facing the appellate courts and the various districts and divisions within the appellate courts, as well as budget change proposals for the

Courts of Appeal. She indicated that they are experiencing issues similar to those of the trial courts related to funding, filings, caseloads, judicial positions, and judicial issues of population changes.

The Chief Justice reported that she and Administrative Director Martin Hoshino attended the 2016 Conference of Chief Justices in Wyoming. Ms. Sherri Carter was one of the panelists discussing the Civil Justice Initiative report on the findings and recommendations of the committee relating to access to justice in civil matters, which was moderated by Oregon Chief Justice Tom Balmer. Conferees were tasked with implementing and scaling the model in each of their states. She explained that the conference also dealt with issues including self-represented litigants and family court, courts balancing strategies and services for access to justice, integrated domestic violence courts, reducing the burdens on victims and families, and third-party evaluators in child custody proceedings. She added that what the Conference of Chief Justices noted is that despite a range in size of states from Rhode Island to California, from the territory of Guam to the territory of the Virgin Islands, we all face the same issues. Recessions have been impacting states across the country, she explained, and that in deep and long-lasting recessions some states are relying on oil as a principal source of state funding. Those states are facing a deep and serious, long-lasting recession. Some chiefs and judges in those states reported that five years is about how long it will take for oil to recover enough to the point that they won't have to continue to make draconian cuts in their judicial branch budgets. She commiserated that five or six years ago it happened in California, and now it is Wyoming, New Mexico, Alaska, and Oklahoma, and offered California's sympathies.

The Chief Justice said that she was honored to receive the Filipino Bar Association of Northern California's 2016 Trailblazer Award. She believes that minority bar associations play an important role in engaging communities on issues of law and encouraging active participation in the justice system and public trust and confidence in the judicial branch. They support the idea of equal access to all Californians. Mona Pasquil, the Governor's appointments secretary, introduced the Chief Justice. In addition, Assembly Member Rob Bonta received the association's Jose Rizal Award.

The Chief Justice reported that she met with the participants in the Supreme Court of California's summer extern program, which consists of 15 externs who get to experience the work of the court behind the bench, inside chambers, and in the hallways. She and Justice Chin both have externs in their chambers and she commented that the future of the justice system is in capable hands.

The Chief Justice announced that on July 14, the State Board of Education approved a new California history-social science framework, last updated 15 years ago. It now

includes civic engagement and education, with an emphasis on the judiciary, from elementary through high school. The new framework emphasizes civic learning but also incorporates many of the recommendations from the California Task Force on K-12 Civic Learning. The Chief Justice, along with Superintendent of Public Instruction Tom Torlakson, put together the task force, which consisted of lawyers, judges, stakeholders, educators, administrators, and the League of Women Voters, and incorporated six proven practices. The Chief Justice emphasized that those practices are being used statewide so that the next generation of leaders knows that the judiciary is in fact a third branch of government. That is a major step, she added, in providing all California students with the knowledge and skills they need to participate in the future. Civic learning initiatives, which started in 2013 and resulted in the Power of Democracy steering committee, has been a goal of the Judicial Council from the time of the Commission for Impartial Courts chaired by Justice Chin. She was proud to act as convener for civics, including work from Mr. Torlakson, Administrative Presiding Justice Judith McConnell, Judicial Council staff Ms. Deborah Genzer, and as well as all of the various committees and task force members and partners, including Mr. Patrick Kelley, who represented the lawyer voice on the civic engagement task force. This is an investment in the future of California, she concluded, that will serve future leaders to understand that the three branches of government are co-equal and all need to be funded equally in order to work effectively.

Administrative Director's Report

[16-118](#)

Administrative Director's Report

Mr. Martin Hoshino reported that one of the limited charges of the new Judicial Branch Budget Committee is overseeing the \$25 million allocated for the Court Innovations Grant Fund Program. Judge David Rosenberg has been leading the working group that is developing and finalizing some guidelines and criteria for the program and will be presenting those at the August meeting.

Mr. Hoshino informed members that the Judicial Council is exploring replacing the current financial system for state-level judicial branch entities with a new financial system named FI\$Cal that the executive branch has been working on with many agencies and departments. He explained that it has been in development with respect to budgeting, accounting, procurements, and cash management since 2013, with rollouts to continue in phases to about 2018. He added that the council is exploring it because if there is a faster or better or cheaper, more efficient way that is just as effective in accomplishing objectives, they want to examine it. They are currently conducting a cost-benefit analysis.

Mr. Hoshino stated that the Legislature has been on a recess this month, but when

they return they will have a busy August. The council is tracking a dozen bills that have some form of a fiscal impact related to judicial branch operations. He candidly stated that they are more of a priority because of sensitivities related to the budget, but that they are also tracking other bills in the areas of policy and operations. He extended thanks in advance to judges, court executive officers, and court staff for what will be rapid-response requests for information or calls to action. He added that there are a number of Judicial Council-sponsored bills that are progressing through the legislative process: AB 2341 would allow the reallocation of vacant judgeships from some superior courts to others that are deemed in higher need; AB 2882 would allow the council to convert up to 10 additional subordinate judicial officer positions to judgeships and approve the conversion of 16 positions through the budget process; AB 1900 would authorize the council to dispose of the San Pedro courthouse in Los Angeles and retain those proceeds for the Immediate and Critical Needs Account in the State Court Facilities Construction Fund. He announced that the last day of the Legislature and fiscal final committees is August 31. The last day for the Governor to sign, veto, or permit bills to become law will be September 30.

Mr. Hoshino reported that California's traffic amnesty program has passed its halfway point. Information being aggregated from the trial courts from the period of October 1, 2015 to April 2016 indicates a 20 percent increase in the number of requests sent to DMV to look at holds on driver's licenses. This is a total of about 104,000 requests that courts have sent to the Department of Motor Vehicles (DMV) to lift the holds that have been placed on suspended licenses, specifically for the purposes of failure to appear or failure to pay. That 104,000 is of the 612,000 total number that the DMV states is the actual amount of driver's licenses suspended for failure to appear or failure to pay. Mr. Hoshino added that, in terms of the total eligible accounts, there are about 132,800 delinquent accounts related to infractions and misdemeanors that have been resolved in the first month. The value of those resolutions is approximately \$19 million today.

Mr. Hoshino also reported on his participation in the National Task Force on Fines, Fees and Bail Practices and reminded the council that it is a national conversation that is getting a lot of attention from the White House to every courthouse in the United States. During the Conference of Chief Justices and the Conference of State Court Administrators they were able to do some additional work in the evenings aimed at aggregating as much data and analysis to develop model standards or pilot programs in the areas of fines, fees and the application of the constitutional laws operating in this area, the ability to pay, preservation of rights, and the like. Their goal is to develop a collective model that can be helpful to every court in the United States, as well as in California, recognizing that there is no way that one size fits all. He added that this is a prominent conversation and there is already broad support in the courts. Rules are

being developed and are out for public comment. He informed the council that they have applied for a federal grant for support in developing an ability-to-pay calculator. Efforts are ongoing to assist courts in this area. He reiterated the Chief Justice's sentiments that this is a three-branch solution, not just a judicial branch issue, and emphasized that it also requires the cooperation and collaboration of the legislative and executive branches.

Mr. Hoshino acknowledged the momentum of the Chief's initiatives on civic learning and the keeping kids in school initiative. Youth engagement and participation in self-government is being carried forward in another way: youth courts. He reported that at the end of June, the council and the California Association of Youth Courts jointly sponsored the 11th Annual Youth Court Summit. The summit, titled "Youth Courts: Generational Agents for Change," brought together more than 300 youth and adults for a program aimed at truancy prevention and civic education. Mr. Hoshino reported that youth courts are emerging as the fastest-growing juvenile intervention program in the United States, handling 25 percent of juvenile arrests this year. This collaborative process involving youth and courts, creative sentencing options, and restorative justice is giving young people the chance to learn how to be more productive members of society. Nationwide, there are 1,400 youth courts. California has 68. He added that this year's summit attendance was nearly three times the number it was in 2006.

Judicial Council Members' Liaison Reports

Justice Humes reported on his visit to the Superior Court of Santa Clara County and Judge Lyons reported on her visit to the Superior Court of Inyo County.

Public Comment

Ms. Rama Diop, Mr. Chad Finke, Hon. Morris Jacobson, Mr. Ralph Kanz, Ms. Barbara Kauffman, Ms. Debra Pearson, Ms. Catherine Campbell Raffa, Ms. Kimberly Rosenberger, Ms. Kathleen Russell, Dr. Cherie Safapou, and Ms. Gwen Summerville presented comments on judicial administrative issues.

CONSENT AGENDA

[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.

Recommendation: Staff to the Judicial Council, Criminal Justice Services office, recommends that the Judicial Council:

1. Receive the attached *Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program* (2016) documenting program history, findings, and potential recommendations related to the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678); and
2. Direct the Administrative Director to submit this report to the California Legislature and Governor by July 29, 2016, to comply with Penal Code section 1232, which requires the Judicial Council to submit to the Governor and the Legislature annually a comprehensive report on the implementation of the Senate Bill 678 program, including information on the effectiveness of the program and policy recommendations regarding resource allocation for improvements to the SB 678 program.

A motion was made by Judge Buckley, and seconded by Judge McCabe, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective July 29, 2016, approve the distribution of grants from the Collaborative Justice Courts Substance Abuse Focus Grant Program and the Dependency Drug Court Augmentation for fiscal year 2016-2017. The proposed distribution is listed in the last column of Attachment A, *Allocation Summary: Fiscal Years 2015-2016 and 2016-2017*.

A motion was made by Judge Buckley, and seconded by Judge McCabe, to approve the Consent Agenda. The motion carried unanimously.

[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.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective July 29, 2016:

1. Approve *Cash-Flow Loans Made to Courts Pursuant to GC Section 68502.6 in Fiscal Year 2015-2016* (Attachment A); and
2. Direct Judicial Council staff to submit the report to the Legislature and the Department of Finance.

A motion was made by Judge Buckley, and seconded by Judge McCabe, to approve the Consent Agenda. The motion carried unanimously.

[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 Abigail 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.

Recommendation: The forum and committees recommend that, effective July 30, 2016, the Judicial Council amend rule 5.482, by deleting subdivision (c) of the rule and re-designating the remaining subdivisions.

A motion was made by Judge Buckley, and seconded by Judge McCabe, to approve the Consent Agenda. The Chief Justice and Justice Chin abstained from the vote. The motion carried unanimously.

[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.

Recommendation: The Judicial Council staff recommends that the Judicial Council, effective July 29, 2016:

1. Accept and approve for submission to the Joint Legislative Budget Committee and the California State Auditor the *Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2016* and its related attachment; and
2. Direct the Judicial Council staff to submit the report and attachment to the Legislature.

A motion was made by Judge Buckley, and seconded by Judge McCabe, to approve the Consent Agenda. The motion carried unanimously.

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

Recommendation: The Trial Court Budget Advisory Committee (TCBAC) unanimously recommends that the Judicial Council, effective July 29, 2016:

1. Direct small courts to pursue pilot projects to decrease attorney costs, including: coordinating calendars in courts that share attorneys, developing conflict attorney panels that could serve several courts, developing expert witness panels that could serve several courts, and expanding remote appearances by attorneys.
2. On a one-time basis in 2016-2017, approve a modification to the court-appointed counsel funding allocation methodology to provide \$406,000 in relief from the reallocation of funding to courts with smaller caseloads and set aside a \$200,000 reserve to provide funding to small courts experiencing unexpected short-term caseload increases.
3. Direct the TCBAC to reassess the eligibility criteria for small courts to receive

additional funding beyond what is computed by the reallocation policy, the amount that would be made available, and, if needed, other factors. The TCBAC would report back to the council during fiscal year 2016-2017.

4. To the extent that the Judicial Council wants to consider making changes to the court-appointed counsel funding methodology as it relates to small courts, consider forming a group of small courts to provide input to either or both the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee. Both committees were tasked by the council in April 2016 to consider a comprehensive update of the attorney workload data and time standards in the current workload model.

A motion was made by Judge Stout, seconded by Judge McCabe, that this proposal be approved as amended. Recommendations would be re-ordered so that recommendation 4 appears before recommendation 3 and would be revised to read as follows: "To the extent that the Judicial Council wants to consider making changes to the court-appointed counsel funding methodology as it relates to small courts, consider forming a group of small courts through the Executive and Planning Committee, approved by the Chief Justice, to provide input to the Trial Court Budget Advisory Committee. Both committees were tasked by the council in April 2016 to consider a comprehensive update of the attorney workload data and time standards in the current workload model." The motion carried by a unanimous vote.

[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

Recommendation: Based on actions taken at its July 7, 2016 meeting, the Trial Court Budget Advisory Committee (TCBAC) unanimously recommends that the Judicial Council, effective

July 29, 2016:

1. Approve the 2016-2017 beginning base allocation for court operations of \$1.773 billion (see Attachment E, column 9), which carries forward the ending 2015-2016 Trial Court Trust Fund base allocation (column 6), and adds the General Fund benefits base allocation (column 7) and adjustments to annualize partial-year allocations made in 2015-2016 (column 8) (see Attachment A, column 1).
2. Allocate each court's share of \$28.7 million in new and FY 2015-2016 funding for non-interpreter employee benefits cost changes from the Trial Court Trust Fund (the remaining \$603,000 provided for 2015-2016 court interpreter benefits cost changes in the Budget Act of 2016 was added to the TCTF Program 0150037 - Court Interpreters appropriation (formerly Program 45.45)) as follows:
 - a. \$8.4 million for each court's share 2015-2016 cost changes (see Attachment A, column 2); and
 - b. \$7.0 million for courts unfunded 2012-2013 and 2013-2014 benefits cost increases in addition to the \$13.3 million provided in the 2015 Budget Act totaling \$20.3 million (see Attachment A, column 3)
3. Allocate a total of \$754,000 for court-provided security costs from the TCTF as follows:
 - a. Allocate the amount of \$412,000 based on the Judicial Council-approved methodology that beginning in 2016-2017 and beyond, if any new General Fund (GF) augmentation is received, courts with court-provided (non-sheriff) security since 2010-2011 would be provided funding based on either the same growth funding percentage that the county sheriff receives or the percentage of the GF increase to the trial courts--whichever is lower (see Attachment A, column 4); and
 - b. Allocate the amount of \$343,000 included in the 2016 Budget Act to address the increased costs for marshals in two courts (see Attachment A, column 5).
4. Allocate each court's share of a net allocation increase of \$19.6 million from the Trial Court Trust Fund using the 2016-2017 Workload-Based Allocation and Funding Methodology (WAFM) consisting of a reallocation of 40 percent (\$576.2 million) and an additional \$233.8 million of courts' historical WAFM-related base allocation of \$1.44 billion, reallocation of \$214.2 million in new funding provided from 2013-2014 through 2015-2016 for general court operations, and allocation of \$19.6 million in new funding provided in 2016-2017 for general court operations (see Attachment A, column 6).
5. Allocate each court's share of the 2016-2017 Workload-Based Allocation and Funding Methodology funding-floor allocation adjustment, which includes funding-floor allocations for six courts receive a total of \$400,562 in floor adjustments and all other courts are allocated a reduction totaling \$400,562,

- for a net zero total allocation (see Attachment A, column 7).
6. Approve a preliminary one-time allocation reduction of \$10.3 million to 20 courts that are projecting the portion of their 2015-2016 ending fund balance that is subject to the 1 percent fund balance cap to exceed the cap by \$10.3 million, as required by statute (see Attachment A, column 8).
 7. Approve a one-time allocation of \$9.2 million for criminal justice realignment costs from the Trial Court Trust Fund based on the most current available post-release community supervision (PRCS) and parole workload data submitted to the Judicial Council's Criminal Justice Services office pursuant to Penal Code section 13155 (each court's percentage of the statewide number of petitions filed and court motions made to revoke/modify PRCS and parole) (see Attachment A, column 9).
 8. Approve a one-time allocation of \$21.4 million in new funding from the Trial Court Trust Fund for Proposition 47-related workload costs in the following manner:
 - a. Allocate \$10.7 million based on each court's share of statewide petitions for resentencing and reclassification from October 1, 2015 to March 31, 2016 with funding to be distributed in August 2016 (see Attachment A, column 10); and
 - b. Allocate \$10.7 million based on each court's share of statewide petitions for resentencing and reclassification from April 1, 2016 to September 30, 2016 with funding to be distributed in January 2017 (see Attachment A, column 11).

A summary of the allocations by court related to recommendations 1 through 8 is displayed in Attachment A.

A motion was made by Judge Stout, seconded by Judge Buckley, that this proposal be approved as amended. The amendment revised \$10.3 million to \$9.4 million in recommendation 6. The motion carried by a unanimous vote.

[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

Recommendation: Based on actions taken at its July 7, 2016 meeting, the Trial Court Budget Advisory Committee's (TCBAC's) Fiscal Planning Subcommittee recommends that the Judicial Council, effective July 29, 2016:

1. Allocate and designate \$1,204,632 in Trial Court Trust Fund fund balance to the Superior Court of Alameda County and \$99,325 to the Superior Court of Lassen County from funding to be reduced from the courts' allocation in fiscal year 2016-2017 as a result of the courts' exceeding the 1 percent fund balance cap because of contracts that exceeded their three-year term. The funds would be distributed to the courts in FY 2016-2017 (see Attachments A1 and A2).
2. Direct those courts with approved requests relying on estimates before fiscal year-end to submit amended requests with final amounts, and direct Judicial Council staff to inform the council of any final adjustments to the estimated amounts after FY 2015-2016 year-end.

Attachment B, *Judicial Council-Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Courts*, provides the recommendations proposed by the TCBAC and approved by the Judicial Council at its April 15, 2016, business meeting. Attachment C, *Summary of Requests for TCTF Funds to be Held on Behalf of the Court*, provides a summary of the court requests, including the amount of the request and other relevant information.

A motion was made by Judge Buckley, seconded by Judge So, that this proposal be approved. The motion carried by a unanimous vote.

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 California Rules of Court, rule 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.

Appointment Orders

[16-122](#)

Appointment Orders since the last Judicial Council business meeting.

In Memoriam

The Chief Justice concluded the meeting with a remembrance of the following judicial colleagues recently deceased, honoring their service to their courts and to the cause of justice:

- Hon. Richard A. Haugner (Ret.), Superior Court of California, County of Alameda
- Hon. John P. Zylka (Ret.), Fresno County Municipal Court
- Hon. William P. Kennedy (Ret.), Superior Court of California, County of Los Angeles

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:00 p.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on August 26, 2016.