



# Judicial Council of California

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

## Meeting Minutes

### Judicial Council

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

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Thursday, January 19, 2017

9:45 AM

San Francisco

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

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the closed session to order at 9:45 a.m. in the Judicial Council Board Room.

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

##### **Attendance**

###### **Council Members**

**Present:** 25 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice Harry E. Hull Jr., Justice James M. Humes, Justice Douglas P. Miller, Presiding Judge Jeffrey B. Barton, Presiding Judge C. Todd Bottke, Presiding Judge Daniel J. Buckley, Presiding Judge Dean T. Stout, Judge Marla O. Anderson, Judge Brian J. Back, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Scott M. Gordon, Judge Dalila Corral Lyons, Judge Gary Nadler, Judge David M. Rubin, Judge Kenneth K. So, Commissioner David E. Gunn, Mr. Jake Chatters, Mr. Patrick M. Kelly, Mr. Richard D. Feldstein, Ms. Kimberly Flener, Ms. Audra Ibarra, and Ms. Debra Elaine Pole

**Absent:** 5 - Justice Marsha G. Slough, Judge Samuel K. Feng, Assembly Member Richard Bloom, Senator Hannah-Beth Jackson, and Ms. Donna D. Melby

###### **Media Representatives**

Ms. Maria Dinzeo, *Courthouse News Service*

###### **Others Present**

Ms. Nancy Black, Ms. Erika Doherty, and Ms. Molly Willenbring

##### **Call to Order**

Chief Justice Tani G. Cantil-Sakauye called the open session to order at 10:30 a.m.

##### **Public Comment**

Ms. Danielle Bárcena, Ms. Catherine Campbell Raffa, Ms. Connie Valentine, Ms. Johanna Welty, Judge Tony Mallery presented comments on general administration issues. Mr. Kevin Calcagnie, Mr. Richard Hechler, and Ms. Kimberly Valentine presented comments on item 17-014.

## **Approval of Minutes**

[17-009](#)

### **Minutes of the December 16, 2016, Judicial Council meeting.**

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

## **Announcement of Diane Nunn's Retirement**

Chief Justice Tani G. Cantil-Sakauye invited up Ms. Diane Nunn, Director of the Center for Families, Children & the Courts (CFCC) since 2000, and announced her retirement, highlighting her 28 years of dedicated, innovative leadership in providing access to justice.

Ms. Nunn announced that she was retiring from the Judicial Council to take a job with the National Court Appointed Special Advocate (CASA) Association. She thanked the Chief Justice, council executive staff, and council members for the opportunity to work on issues relating to children, families, and access to justice in the courts. She added that her CFCC colleagues, as well as the rest of the agency, are committed and passionate about their work and that she believes there is no finer agency in government service, thanks to the leadership of the Judicial Council.

The Chief Justice commented that her departure is an incredible loss for California but a tremendous gain for the National CASA Association. She mentioned that she first heard of Ms. Nunn when she was a trial judge in domestic violence court for two and a half years. She learned about the practice and procedures on how to operate domestic violence court with a sensitive and traumatized population from the training materials and technical assistance provided by Ms. Nunn's staff, who share her commitment and will carry on her excellent work. The Chief commented that Ms. Nunn is revered nationally. She acknowledged how fortunate the council was to retain her service despite many offers to go elsewhere over the years. She wished her the best on her new chapter and hopes and expects that she will continue to advise the council where she sees fit. The Chief added that she will be missed and assured her that although they wish her the best, she will always have a home with the Judicial Council.

Other Judicial Council members who offered remarks of recognition and gratitude included Judge Dean T. Stout, Judge Stacy Boulware Eurie, Presiding Judge Daniel J.

Buckley, Presiding Judge Jeffrey B. Barton, Judge Brian J. Back, and Administrative Director Martin Hoshino.

## Chief Justice's Report

The Chief Justice summarized her engagements and ongoing outreach activities on behalf of the branch since the last council meeting. The reporting period included meetings with the fourth estate (the media and the press), academia, a new workgroup, and the engine of the Judicial Council--our advisory body chairs and vice-chairs. She met with representatives of the print and broadcast media to discuss topics of interest, including the budget, judicial positions, court construction, funding, fines and fees, license suspensions, and amnesty. The potential impact of various propositions to the trial courts and the Supreme Court was also discussed. Additionally, the media was interested in the reforms of the State Bar of California; its funding, process, and perspective going forward; and the results of the recent bar examination. There were also a number of questions about the Supreme Court's internal policies, procedures, and practices.

The Chief reported that the court's deliberative processes as counter-majoritarians was also a key topic most recently at the 2017 Supreme Court of California Conference, hosted by the California Constitution Center at the University of California, Berkeley, School of Law, in partnership with *Hastings Law Journal*, the Bar Association of San Francisco, and the Institute of Governmental Studies at UC Berkeley. All of the local Bay Area law schools and law journals were represented by students and deans, and they discussed that approximately 85 percent of the law takes place in state courts. In California, there were nearly 800 bills in the past legislative session, proving that the law continues to change and develop over time. The Chief noted that Mr. David A. Carillo, the center's director, moderated the conversation where she presented her perspective on how briefs should be road maps for jurists and how a good oral argument almost always proposes a clear rule for the court. She discussed court diversity and the collegial, deliberative, consensus-building court processes and also mentioned the famous 90-day rule--no opinion, no pay. In speaking about administrative duties, she shared that through the approximately 170 notices of intent to apply for innovative grant funding, the courts continue to strive to provide new and greater access to justice in California. The Judicial Council is supporting that drive to increase fairness and access and to improve the administration of justice.

The Chief Justice reported that she attended the first planning meeting of the Pretrial Detention Reform Workgroup, which she recently appointed. She noted that the workgroup, chaired by Judge Brian John Back from the Superior Court of Ventura County, has strong leadership, dedicated members, and powerful guiding principles, and she looks forward to following their deliberations and receiving their recommendations. The workgroup will address some of the following tough questions

that exist:

- Does bail serve its purpose, or does it penalize the poor?
- Does bail really ensure public safety?
- Does it assure people's appearance in court, or would a judge's discretionary decision informed by a robust validated risk assessment tool, as other states in America have developed, be as effective?

The Chief reported that her final engagement was giving the closing remarks at the "Judicial Council Advisory Body Leadership Orientation," where she said that she considers advisory bodies to be the engine of the Judicial Council and shapers of policy in California. Approximately 25 to 30 percent of the judicial branch participates in the Judicial Council's 136 advisory committees. She explained that the advisory committee proposals percolate up to the Judicial Council for a vote after public comment, consideration, and research. Jurists, lawyers, court professionals, justice system partners, and other stakeholders all volunteer their time as committee members to address the key issues and challenges in their subject areas relating to access, fairness, and the efficient administration of justice in the state. The Chief commented that through the expertise and dedication of its members, the Judicial Council is a more deliberative and informed body--and transparent in its processes. The council is nimble and responsive with strategies and actions; it collectively delivers on the promise of the oath to protect the constitution, preserve the rule of law, and serve the people of California. She concluded with thanks to all of those who serve on advisory committees, including jurist professionals and staff.

## Administrative Director's Report

[17-010](#)

### Administrative Director's Report

Mr. Martin Hoshino reported that he visited the Superior Courts of Mendocino, Humboldt, and Del Norte Counties with Judge Gary Nadler shortly after the budget released. He thanked the staff of the three courts for their courtesy to host and bring to life their everyday challenges as well as the good things that they are getting done in their particular communities.

Mr. Hoshino highlighted a report he referred to as a *Year in Review* to promote awareness of the volume and scope of work achieved by Judicial Council staff over the last 12 months. The report was a first step toward understanding and measuring the agency's performance and service provided to all levels of the judicial branch. Some of the highlights relating to direct service to the council included preparation of 210 reports on judicial administration issues for the 11 public Judicial Council meetings, 183 new or amended rules, and 207 forms approved by the council. Staff also provided daily support for 30 advisory committees, task forces, and working groups, and over 100 other subcommittees or ad hoc groups that inform the council's

policymaking process. Mr. Hoshino added that staff began live streaming for the Supreme Court oral arguments and implementation of the electronic document filing systems for the Courts of Appeal. More than 300 education programs and educational tools were made available. Staff responded to almost 70,000 service work orders for court facilities maintenance and 1,800 facility modification requests. Approximately 236,000 jury checks, 4,500 tax forms, and \$2.3 billion of accounts payable checks were issued for the year. Some 232 bank accounts were reconciled each month, 87,000 court deposits were processed, and there were over 700 electronic fund transfers made totaling about \$975 million. Mr. Hoshino concluded that that was just a sampling of the activities included in the *Year in Review* report.

Mr. Hoshino stated that his written report includes a memo noting branchwide dissemination on January 10 of the Governor's budget proposal, along with a statement from the Chief Justice. Distribution of the memo was followed by a series of briefing calls for judicial branch leadership. He reported that there were at least 200 call-in lines on those calls, noting that each counted call can include multiple people on the line, underscoring the high level of engagement in the branch. According to Mr. Hoshino, people are actively trying to be as informed as possible as soon as possible regarding the branch budget.

Mr. Hoshino recapped the Governor's proposal noting minimal growth: \$3.6 million for the judicial branch (2 percent of the state budget), of which 76 percent is allocated for trial court operations. He added that even though it's a flat budget, the administration continues its policy of backfilling some of the revenue shortfall, which is \$55 million. About \$35 million in new funding is mostly associated with general cost increases, owing to retirement and benefits for trial court employees. Another investment of about \$5 million is aimed at helping smaller courts progress to the next version of their case management systems. Also included in the proposal are increases for judicial officer compensation in accordance with Government Code section 68.203 and increases for language access--\$352,000 to advance video remote interpreting programs and \$490,000 to expand recruitment, testing, and certification for interpreters. He mentioned that there is a to-be-determined factor in the budget related to funding associated with new laws and ballot measures that were passed, and that staff will continue to track those items. Mr. Hoshino stated that there is a provision to repeal the driver's license suspension as a collection tool for the court system. Reallocation of vacant judgeships to areas where the workload is highest and the need is more acute is addressed.

With respect to the Judicial Branch Construction Program, no funding is available for any new projects; however, the Judicial Council made a decision to complete the six projects that were under construction and to allow the 17 remaining projects to finish their current phase, and then put those projects on hold until new funding is secured or construction program funds are returned. Staff will advocate for funding for the court

construction program, driver's license suspension collection tool, and other necessary priorities made relevant through the work of the committees. He emphasized that the top funding priority continues to be discretionary funding for base operations of the trial courts. Although \$600 million has been restored to the judicial branch, only about \$454 million is ongoing money, which mostly goes to trial court operations but still leaves courts short of where they were before budget cuts to the branch began. On top of the dollar deficit to courts, an increase in the amount and complexity of work and necessary resource requirements further constrains the branch budget.

Mr. Hoshino concluded that the Governor's proposal undergoes its second round as the Legislature convenes. He and the council will work alongside judicial branch partners such as the California Judges Association and the Bench-Bar Coalition to advocate for budget revisions at upcoming hearings.

## EDUCATIONAL AGENDA

[17-016](#)

### **Chief's Initiative on Juvenile Justice (No Action Required. There are no materials for this item.)**

**Summary:** Presentation of the work of the Keeping Kids in School and Out of Court (KKIS) Steering Committee, and the connections between trauma, truancy, and school discipline practices for court-involved youth.

**Speakers:** Hon. Stacy Boulware Eurie, Judge, Superior Court of California, County of Sacramento  
Hon. Donna Groman, Judge, Superior Court of California, County of Los Angeles, and  
Supervising Judge, County of Los Angeles Juvenile Justice courtrooms

[17-003](#)

### **Evidence-Based Practices and Pretrial Risk Assessment (No Action Required)**

**Speakers:** Dr. Edward J. Latessa, Ph.D., School of Criminal Justice, University of Cincinnati

## CONSENT AGENDA

### **Approval of the Consent Agenda**

A motion was made by Judge So, seconded by Ms. Ibarra, to approve all the following items on the Consent Agenda. The motion carried by a unanimous vote.

[17-000](#)

### **Criminal Procedure and Juvenile Law: Judicial Council Optional Forms under Proposition 64 (Action Required)**

**Summary:** The Criminal Law and the Family and Juvenile Law Advisory Committees recommend that the Judicial Council approve four optional forms to enable petitioner/applicants to file for resentencing, dismissal, and record sealing under

the “Control, Regulate and Tax Adult Use of Marijuana Act” (“Proposition 64”), and for the forms to become effective January 23, 2017. This request responds to the enactment of Proposition 64, effective November 9, 2016, which directs the Judicial Council to “promulgate and make available all necessary forms to enable the filing of the petitions and applications” provided for in the initiative. The proposed forms are currently circulating for public comment; the comment period began on December 16, 2016, and will end on February 13, 2017. To ensure that the forms are available to courts as soon as possible, the committees seek out-of-cycle approval of the forms, prior to the closing of the period for public comment. The committees will propose any necessary revisions to the forms based on comments received to be effective September 1, 2017.

**Recommendation:** The Criminal Law Advisory Committee and the Family and Juvenile Law Advisory Committee jointly recommend that, effective January 23, 2017, the Judicial Council:

1. Approve optional *Petition/Application (Health and Safety Code § 11361.8(b))* (form CR-187) to allow adult offenders to obtain a new sentence, dismissal and sealing of records of specified marijuana-related convictions under Health and Safety Code section 11361.8.
2. Approve optional *Order After Petition/Application (Health and Safety Code § 11361.8(f))* (form CR-188) for courts to make the relevant orders on the request for relief under Health and Safety Code section 11361.8 for adult offenses.
3. Approve optional *Request to Reduce Juvenile Marijuana Offense (Health and Safety Code § 11361.8(m))* (form JV-744) to allow juvenile marijuana offenders to obtain a new disposition or to have their offenses redesignated as infractions under Health and Safety Code section 11361.8.
4. Approve optional *Juvenile Order After Request to Reduce Marijuana Offense (Health and Safety Code § 11361.8(m))* (form JV-745) for courts to make the relevant orders on the requests for relief under Health and Safety Code section 11361.8 for juvenile offenses.

**17-001****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 Fresno*. 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.

**Recommendation:** The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and Judicial Council staff recommend that the Judicial Council, effective January 20, 2017, accept the pending audit report dated June 2016, *Audit of the Superior Court of California, County of Fresno*. This acceptance will result in the audit report's progressing from "pending" status to "final" status and being published on the California Courts public website. The audit report is available to the council for review on the council's restricted, nonpublic site until acceptance.

#### [17-005](#)

### **Judicial Branch Administration: Restriction on State-Funded Travel to States With Discriminatory Laws (Action Required)**

**Summary:** Staff of the Judicial Council recommend the Judicial Council approve a policy to voluntarily comply with Government Code section 11139.8. The new statute prohibits state-funded or state-sponsored travel to states that have implemented discriminatory laws after June 26, 2015. Such a policy would conform the judicial branch to the practice in place for the executive and legislative branches of California government.

**Recommendation:** Staff of the Judicial Council recommend the Judicial Council approve a policy to voluntarily comply with Government Code section 11139.8. The new statute prohibits state-funded or state-sponsored travel to states that have implemented discriminatory laws after June 26, 2015. Such a policy would conform the judicial branch to the practice in place for the executive and legislative branches of California government. Assembly Bill 1887 (Stats. 2016, ch. 687), enacted September 27, 2016, added section 11139.8 to the Government Code, restricting state-funded or state-sponsored travel to states with discriminatory laws. Pursuant to subdivision (b) of section 11139.8, this law applies to a state agency, department, board, authority, or commission, including an agency, department, board, authority, or commission of the University of California, the Board of Regents of the University of California, or the California State University, and the Legislature. Subdivision (c) provides exceptions for a number of specified purposes, including travel that is required for the enforcement of California law and for litigation.

#### [17-007](#)

### **Civil Practice and Procedure: Denial of Request to Remove Name From Shared Gang Database (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommends adoption of rule 3.2300 and approval of form MC-1000 to implement recently enacted legislation that authorizes superior court review of a law enforcement agency's denial of a request to remove an individual's name from a shared criminal gang database. The proposal is intended to give guidance to individuals and courts in making and processing requests for review under this legislation.

**Recommendation:** The Civil and Small Claims Advisory Committee recommends that the Judicial



Council, effective January 20, 2017:

1. Adopt rule 3.2300, Review under Penal Code section 186.35 of law enforcement agency denial of request to remove name from shared gang database; and
2. Approve form MC-1000: *Request for Review of Denial of Request to Remove Name From Gang Database*.

To ensure that courts and individuals seeking review under this procedure have necessary guidance as soon as possible after the legislation takes effect on January 1, 2017, the committee seeks adoption of the rule and approval of the form effective the next business day after the Judicial Council meeting, without a prior period of public comment. If adopted, the proposal would then be circulated for public comment and any necessary amendments and revisions based on comments would be recommended to be effective no later than September 1, 2017.

#### [17-008](#)

#### **Judicial Council Report to the Legislature: Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2015-2016 (Action Required)**

**Summary:** Judicial Council staff recommends approving the *Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2015-2016*, as required by Government Code sections 68502.5(b) and 77202.5(b), to be sent to the chairs of the Senate Committee on Budget and Fiscal Review, the Senate Committee on Judiciary, and the Assembly Committees on Budget and Judiciary.

**Recommendation:** Judicial Council staff recommends that the Judicial Council:

1. Approve the *Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2015-2016*; and
2. Direct Judicial Council staff to submit the report to the Legislature.

#### [17-013](#)

#### **Forms: Technical Changes to Proof of Service Forms (Action Required)**

**Summary:** Members of the public and Judicial Council staff have identified changes required for several proof of service forms as a result of previous rule amendments that remove the requirement that the time of service by fax or electronic service be stated on the forms. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing litigants, clerks, and judicial officers.

**Recommendation:** The staff to the Judicial Council recommends that the council, effective February 1, 2017:

1. Revise *Proof of Service-Civil* (form POS-040) to delete item 5c(2), which requires entry of the time of service by fax.
2. Revise *Attachment to Proof of Service-Civil (Persons Served)* (form POS-040(P)) to delete the third column titled Time of Service (Complete

for service by fax transmission.).

3. Revise *Proof of Electronic Service* (form POS-050/EFS-050) to delete item 3d, which requires entry of the time of electronic service.
4. Revise *Attachment to Proof of Electronic Service (Persons Served)* (form POS-050(P)/EFS-050(P)) to delete the references to time of service in the third column titled Date and Time of Electronic Service.
5. Revise *Proposed Order (Cover Sheet) (Electronic Filing)* (form EFS-020), page two, entitled *Proof of Electronic Service, Proposed Order*, to delete item 2d, which requires entry of the time of electronic service.

#### [17-039](#)

### **Criminal Law: Judicial Council Appointment to the Selecting Committee for the Assembly Bill 2013 Misdemeanor Pilot Program (Action Required)**

**Summary:** The Executive and Planning Committee recommends appointing Judge Burt Pines (Ret.), Superior Court of Los Angeles County, to serve on a three-member selecting committee to select the counties to participate in the Assembly Bill 2013 Misdemeanor Pilot Program, which was established by recently enacted AB 2013. The three-year pilot project will be active in three counties and will require a court, on request of an out-of-custody misdemeanor defendant, to make a probable cause finding at arraignment.

**Recommendation:** The Executive and Planning Committee recommends that the Judicial Council appoint Judge Burt Pines (Ret.), Superior Court of Los Angeles County, to serve on a three-member selecting committee to select the counties for the Assembly Bill 2013 Misdemeanor Pilot Program, effective February 1, 2017.

## **DISCUSSION AGENDA**

#### [17-014](#)

### **Jury Instructions: Revised Civil Jury Instruction No. 3103-Supplemental Report (Action Required)**

**Summary:** This is a supplementary report covering only the Advisory Committee on Civil Jury Instructions' proposed revisions to CACI No. 3103, Neglect-Essential Factual Elements. Because of some significant opposition to the committee's proposed changes to this instruction, the committee believes that it is appropriate to state its decision and decision-making process about this instruction in a separate report.

**Speakers:** Hon. Martin J. Tangeman, Chair, Advisory Committee on Civil Jury Instructions

**Recommendation:** The Advisory Committee on Civil Jury Instructions recommends that the Judicial Council, effective January 20, 2017, approve for publication under rules 2.1050 and 10.58 of the California Rules of Court revisions to CACI No. 3103.

**The Chief Justice and Justice Chin recused themselves from the discussion and vote. A motion was made by Judge Nadler and seconded by Judge Brodie that this proposal be approved. The motion carried with two abstentions by Judge Stout and Mr. Kelly.**

[17-002](#)**Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy (Action Required)**

**Summary:** The Judicial Council's suspension of the minimum operating and emergency fund balance policy expired as of July 1, 2016. The minimum operating and emergency fund balance policy, established by the Judicial Council in October 2006 and revised in April 2009, requires trial courts to set aside a percentage of funds for use in emergency situations or when revenue shortages or budgetary imbalances may exist, based on a percentage of the court's prior year's ending total unrestricted general fund expenditures. This policy has been suspended by the Judicial Council since August 31, 2012, due to changes in statute. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension to the suspension of the minimum operating and emergency fund balance policy.

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

**Recommendation:** The Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council extend the suspension of the minimum operating and emergency fund balance policy for two fiscal years until June 30, 2018--or earlier if Government Code section 77203 is repealed or amended--while in the interim the council continues to seek the repeal of Government Code section 77203.

**A motion was made by Judge Lyons, seconded by Judge Nadler, that this proposal be approved. The motion carried by a unanimous vote.**

[17-004](#)**Budget: Update to Fiscal Year 2017-2018 Budget Proposal for the Trial Courts (Action Required)**

**Summary:** The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the Judicial Council Technology Committee recommend approval and submission of the revised fiscal year (FY) 2017-2018 budget proposal for the trial courts - Statewide Electronic Filing Implementation and Operational Support. Revisions have been made to this request, necessitating further review and approval. This proposal was submitted to the Department of Finance on September 2, 2016, as a placeholder request. This request is expected to be submitted to the Department of Finance in February 2017 for inclusion in the Governor's FY 2017-2018 May Revision.

**Speakers:** Mr. Zlatko Theodorovic, Budget Services

**Recommendation:** Effective January 19, 2017, the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the Judicial Council Technology Committee recommend that the Judicial Council approve the revised fiscal year 2017-2018 budget proposal for the trial courts, Statewide Electronic Filing Implementation and Operational Support, for submission to the state Department of Finance.

**A motion was made by Mr. Kelly, seconded by Justice Chin, that this proposal be**

approved. The motion carried by a unanimous vote.

[17-015](#)

**Trial Courts: State Trial Court Improvement and Modernization Fund Allocations (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee (TCBAC) and the Judicial Council Technology Committee recommend approving a one-time allocation of \$399,111 to the Superior Court of Humboldt County in 2016-2017 and \$572,622 to the Superior Court of Madera County in 2017-2018 from the State Trial Court Improvement and Modernization Fund to address information technology infrastructure needs.

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

**Recommendation:** The Trial Court Budget Advisory Committee (TCBAC) and the Judicial Council Technology Committee recommend that the Judicial Council approve and allocate the one-time funding requests of the Superior Court of Humboldt County for \$399,111 in 2016-2017 and the Superior Court of Madera County for \$572,622 in 2017-2018 from the State Trial Court Improvement and Modernization Fund (IMF). These funds will be used by the courts to transition from the California Court Technology Center (CCTC) to their own independent information technology (IT) infrastructures. In addition, both courts will be required to perform year-end reviews of their finances to identify one-time funding that could be used to help offset migration costs and reduce the impact on the IMF.

**A motion was made by Justice Chin, seconded by Judge Brodie, that this proposal be approved. The motion carried by a unanimous vote.**

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

[17-006](#)

**Judicial Branch Education: Final Report of the 2014-2016 Education Plan**

**Summary:** The Governing Committee of the Center for Judicial Education and Research (CJER) has completed the final report on its 2014-2016 Education Plan for the judicial branch. The education plan, which was developed by the CJER Governing Committee for all the judicial branch audiences that CJER serves, contains training and education programs and products that enable those audiences to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court. This final report provides an overview of the education plan's execution and the extent to which it met the educational objectives established by the CJER Governing Committee.

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

**Appointment Orders**

[17-038](#)

**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. George W. Trammell, III (Ret.), Superior Court of California, County of Los Angeles
- Hon. Clarence Westra, Jr. (Ret.), Superior Court of California, County of Kern
- Hon. Claude M. Owens (Ret.), Superior Court of California, County of Orange
- Hon. John S. Lane (Ret.), Los Angeles County Municipal Court
- Hon. Norbert Ehrenfreund (Ret.), Superior Court of California, County of San Diego
- Hon. Brian D. Saunders (Active), Superior Court of California, County of San Bernardino
- Hon. Frank S. Pierson (Ret.), Superior Court of California, County of Stanislaus
- Hon. Donald R. Kennedy (Ret.), Superior Court of California, County of Shasta

## Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 3:00 p.m.

*Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on March 24, 2017.*