



Judicial Council of California

Meeting Minutes

Judicial Council

Friday, December 11, 2015

8:00 AM

San Francisco

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

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

Voting Members

Present: 17 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice Harry E. Hull Jr., Justice James M. Humes, Justice Douglas P. Miller, Judge Marla O. Anderson, Judge Brian J. Back, Judge Daniel J. Buckley, Judge Emilie H. Elias, Judge Samuel K. Feng, Judge Gary Nadler, Judge David M. Rubin, Judge Marsha G. Slough, Judge Dean T. Stout, Judge Martin J. Tangeman, Mr. Patrick M. Kelly, and Ms. Donna D. Melby

Absent: 4 - Senator Hannah-Beth Jackson, Assembly Member Richard Bloom, Mr. Mark G. Bonino, and Ms. Debra Elaine Pole

Advisory Members

Present: Judges Dalila Corral Lyons, Brian L. McCabe, Kenneth K. So, Eric C. Taylor, and Charles D. Wachob; Commissioner David E. Gunn; Supreme Court Administrator and Clerk Frank A. McGuire; and Court Executive Officers Jake Chatters and Richard D. Feldstein

Absent: Ms. Kimberly Flener

Speakers

Judge Richard J. Loftus, Jr., Superior Court of Santa Clara County

Others Present

Judge James M. Mize, Superior Court of Sacramento County

Members of the Public

Mr. Resty Buenavidez

Media Representatives

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

Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the meeting to order at 8:00 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.

Opening Remarks from the Chief Justice

The Chief Justice announced that this Judicial Council meeting is the first one to be broadcast by video on the California Courts website. She thanked Justice Miller, in his role as chair of the council's Executive and Planning Committee, and Judicial Council staff for making this transition from audio to video broadcasts possible. She announced that Judicial Council meetings will be broadcast by video on the website going forward.

The Chief Justice noted that, every year, the December council meeting concludes a year's worth of policy and decisionmaking, which sets out the council's advocacy and legislation for the coming year. She reported that 2015 was a busy and challenging year, but the council made progress on many fronts with the sister branches of government for the benefit of the courts and the public. The council worked diligently this past year to continue to bring a greater degree of stability to branch funding, enhance the solid foundation of judicial branch governance, and address the concerns of stakeholders and the public. Additionally, the council learned from the past through reasoned review, addressed current issues and concerns through practical deliberative actions, and considered, and is continuing to consider, the future of the branch and access to justice through open and thoughtful dialogue and discussion. The council took action on issues of importance to the public, such as the adoption of the new rule relating to traffic amnesty. The Chief Justice noted that the Administrative Director took action on the council's behalf on operational issues, classification and compensation issues, and facilities. She also highlighted that the Commission on the Future of California's Court System took action relating to good government ideas that may be used by any or all of the three state branches of government.

Introduction of New Judges Orientation Faculty and Participants

On the subject of the future, the Chief Justice reported that it was represented at this meeting with the faculty from and participants in the Judicial Council's new judicial officer orientation program, which took place earlier in the week. These are the judges and commissioners that will support the rule of law, protect civil rights, and, perhaps, create policy for the branch in years to come. The Chief Justice reported that they all joined her earlier in her chambers this week where they had an opportunity to chat about the branch, and respective and related duties. The Chief Justice proceeded to introduce the following four of the program's faculty members in attendance, thanking them for the great work that they do on a volunteer basis:

- Judge William Dato, Superior Court of San Diego County;
- Judge René Fenton Korn, Superior Court of Los Angeles County;
- Judge Laura Priver, Superior Court of Los Angeles County; and
- Judge Stanford Reichert, Superior Court of San Bernardino County.

The Chief Justice proceeded to introduce the 13 new judges and commissioners that participated in the program:

- Judge Delia Trevino from the Superior Court of Alameda County;
- Judge Julian Recana and Commissioners LaTonya Prioleau, Scott Nord, Michelle Short, J. Christopher Smith, and Lisa Strassner from the Superior Court of Los Angeles County;
- Judges Melissa McCormick and Julia Palafox from the Superior Court of Orange County;
- Judge Chad Firetag from the Superior Court of Riverside County;
- Commissioner Peter Singer from the Superior Court of San Diego County; and
- Judge Jeffery Brand from the Superior Court of Alameda County and Judge Hugo Loza from the Superior Court of Tulare County, who were not present at the meeting.

Approval of Minutes

15-442

Minutes of the October 27, 2015, Judicial Council Meeting

Summary: Approve minutes from the last Judicial Council meeting.

A motion was made by Judge Rubin, seconded by Judge McCabe, that the minutes be approved. The motion carried by a unanimous vote.

Chief Justice's Report

The Chief Justice presented her report summarizing her engagements and ongoing outreach activities on behalf of the council and the judicial branch since the October council meeting. She began by reporting that the Supreme Court held oral argument twice, once in Sacramento and once in Los Angeles. While in Sacramento, the Supreme Court held a reception for the Women Lawyers of Sacramento in the Stanley Mosk Courthouse. The Chief Justice reported that she also attended a luncheon of the Women Lawyers of Sacramento, during which she joined its president, Ms. Rebecca A. Dietzen, in a conversation and question-and-answer session.

The Chief Justice reported that, in Los Angeles, she met with the board and staff of Bet Tzedek, a non-profit organization that provides free, comprehensive legal services for low-income individuals and families, to hear about the fantastic work they do to further access to justice. She joined Presiding Judge Maria Hernandez, Superior Court of Orange County, at a juvenile justice summit, which was attended by hundreds of law enforcement personnel from all over the county. The theme of the

summit was “Inspiring Hope.” The Chief Justice expressed that Judge Fernandez was the perfect person to lead a summit with that theme due to her work on juvenile justice issues, such as “Keeping Kids in School and Out of Court,” and is well known throughout the country.

When the court met for oral argument in Los Angeles, Justice Chin and she, along with their Supreme Court colleagues and Mr. McGuire, attended the Los Angeles Chancery Club luncheon honoring the Supreme Court and the Second Appellate District of the Court of Appeal. She noted that Ms. Edith Mathai, former Judicial Council member, is president of the club. Later during the same night, the Chief Justice, along with Justice Chin and Supreme Court Justice Kathryn Werdeger, and Mr. McGuire, attended the Italian-American Association dinner, an annual event in Los Angeles.

The Chief Justice reported that, while in Los Angeles, she was able to visit the Judicial Council’s Beyond the Bench program, which is funded by many different grants. She noted that the Beyond the Bench program is a unique, multidisciplinary statewide conference devoted to children, youth, and families in the California court system. It takes place every other year and is widely attended. In addition to joining in the welcome reception, the Chief Justice met with approximately 100 enthusiastic and eager youth participants. The Chief Justice highlighted that this year’s program was the first time a youth track was incorporated. She expressed that it was refreshing to interact with students who have had exposure to civics. She noted that this year’s program was the 23rd one to take place. It was a major undertaking for the Judicial Council staff, with over 1,300 attendees from 51 of California’s 58 counties, including 147 judicial officers, many of whom also participated as panelists. The program included approximately 75 breakout sessions for court staff and justice system partners, including dependency mediators, attorneys, therapists, probation officers, social workers, court interpreters, and psychologists. The Chief Justice reported she had the opportunity to hear about the progress on initiatives of keen interest to her, including Keeping Kids in School and Out of Court and the California Commercially Exploited Children program.

The Chief Justice emphasized that judicial programs such as Beyond the Bench could never happen without the Judicial Council staff. Specifically, she wanted to take the opportunity during her report to highlight and recognize one among many. The Chief Justice noted that Judicial Council staff are dedicated and are passionate about the work they do, but she wanted to recognize Ms. Bonnie Hough, Managing Attorney with the Center for Families, Children, & the Courts, who was recently recognized by *The Recorder*, the legal periodical, with its Innovators Award. She was recognized for improving outcomes and expanding access to justice while being creative and blazing new paths. Ms. Hough is a national name when it comes to services for children and families, legal access, and self-represented litigants. The Chief Justice

described Ms. Hough as a great public service role model who brings dedication and innovation to every project and program she undertakes, including the Family Law Facilitator Program, the Equal Access Fund, and the Sargent Shriver Civil Counsel Act Implementation Committee, just to name a few. Ideas are only as good as the people who implement them, and Ms. Hough has made many good ideas even better.

The Chief Justice concluded by reporting that she attended the Judicial Council's Appellate Justice Institute where the appellate justices from around the state come for education and to satisfy their education requirements at the appellate level. Along with the dynamic, Distinguished Service Award-winning faculty duo of Supreme Court Justice Carol A. Corrigan, and Justice Mark Simons, Court of Appeal, First Appellate District, Division Five, and other expert faculty, the institute was an effective collaboration between faculty and staff. The Chief Justice had the pleasure of having a conversation at the institute with Administrative Presiding Justice Judith McConnell, Court of Appeal, Fourth Appellate District, on the topics of civics and the importance of outreach for the courts in supporting public trust and confidence. She highlighted that many courts are involved in programs of their own and also partnering with school districts to ensure that students have an opportunity to see the court in action.

Administrative Director's Report

15-443

Administrative Director's Report

Mr. Martin Hoshino, Administrative Director, provides his report.

Mr. Hoshino began his report by also acknowledging the efforts of Judicial Council staff and others involved with the Beyond the Bench program, which, for him, was a first-time event and was nothing short of amazing. It truly represents how critical bridges can be crossed in an integrated fashion for a good cause and the things that actually affect the outcomes of people in communities and their lives. Mr. Hoshino reported that, to him, the best part of the program was the brilliant theme that was chosen for this year's program: Hope, Humanity, and Healthy Families. Specifically, the theme could not have been timelier because, as many efforts are being made to increase access with the limited resources available, the theme focused on the experience as a user of the system and the lives associated and affected.

Mr. Hoshino introduced new Chief Operating Officer Millicent Tidwell, who began her tenure three and a half weeks prior and was in attendance at the meeting. He noted that he described her characteristics and professional qualifications during his report at the October council meeting. Mr. Hoshino reported that Ms. Tidwell has already attended a number of listening sessions with trial court leaders on Judicial Council services and was at Beyond the Bench, not just as an observer, but was already participating in some of the panels. Ms. Tidwell has also attended the civic engagement hearing of the newly-established State Assembly Select Committee.

Mr. Hoshino reported that Chief Administrative Officer Curt Soderlund, as was announced during the October council meeting, would retire on December 31. Regrettably, Mr. Soderlund could not be in attendance at the meeting due to a prior family commitment. Mr. Hoshino reported, however, that appropriate farewell ceremonies were being conducted for him. Recently, the council management staff was convened and the Chief Justice presented Mr. Soderlund with a resolution from the Judicial Council.

Mr. Hoshino reported that, with the retirement of Mr. Soderlund, he has appointed Information Technology Director Mark Dusman as the Acting Court Administrative Officer. He thanked Mr. Dusman for accepting the assignment, adding to his already full plate of responsibilities and duties.

Mr. Hoshino noted that the state's courthouses continue to be recognized for their focus on how they are physically designed to improve access. He reported that two of the Judicial Council's court construction projects were recently recognized by the American Institute of Architects. One was the San Bernardino Justice Center, which he had the privilege of touring. The other was the South County Justice Center in Porterville. Court Executive Officer Christina Volkers, Superior Court of San Bernardino County, attended the presentation.

Mr. Hoshino reported that earlier in the week, the Commission on the Future of California's Court System held its first public listening session to solicit early reactions to proposed concepts before conducting further research. The session was held at the Ronald M. George State Office Complex in San Francisco and the focus was on concepts related to judicial resources, fines and fees, and traffic infractions. The commission chair, Justice Corrigan, underscored that the commission is not a Judicial Council or policymaking body, but was established to study and recommend to the Chief Justice initiatives to effectively and efficiently serve California's diverse and dynamic population by enhancing access to justice. The commission expects to hold additional sessions on other concepts.

In anticipation of the Governor's fiscal year 2016-2017 proposed budget, which is expected to be released January 10, the Judicial Council is continuing its discussions and negotiations with the Governor's administration. He noted that some of those discussions were temporarily put on hold because the Governor had left the state to attend the United Nations conference on climate change in Paris. The Governor has since returned; therefore, Mr. Hoshino reported that he expects discussions of budget to resume.

In terms of the efficiencies and innovations, Mr. Hoshino concluded by reporting that he has been traveling the state to identify and develop a catalog of many of the practices put in place in response to the fiscal crisis as courts grapple with how to maintain service levels within, not only limited resources, but declining resources.

Specifically, he noted that one of the innovations relating to one-day divorce appeared on the agenda for this meeting.

Judicial Council Committee Reports

15-444

Judicial Council Committee Reports

Executive and Planning Committee

Hon. Douglas P. Miller, Chair

Policy Coordination and Liaison Committee

Hon. Kenneth K. So, Chair

Rules and Projects Committee

Hon. Harry E. Hull, Jr., Chair

Judicial Council Technology Committee

Hon. Marsha G. Slough, Chair

Executive and Planning Committee

Justice Miller, chair, noted that his written report would be posted online after the meeting. He mentioned again, as the Chief Justice announced during her opening remarks, that this meeting is historic because it is the first one to be broadcast by video online through the California Courts website. This transition to live video is another step towards transparency and accessibility. Additionally, the transition is also about remote access, as in the Chief Justice's Access 3D vision of physical, remote, and equal access to the California courts. Justice Miller added that it, in fact, reflects the legacy of transparency and accessibility the Chief Justice has continually brought to the Judicial Council in her role as chair. To put this milestone into perspective, Justice Miller presented some history over the last five years. He explained that the council used to hold educational sessions that were closed to the public, during which it heard from judicial branch leaders, other government leaders, and experts on issues impacting the courts. The Chief Justice felt that the council was being provided with valuable information during these sessions and she wanted others to hear this information as well. As a result, one of the first things that the Chief Justice did when she became the chair of the Judicial Council in 2011 was to open these educational sessions to the public. At the same time, the Chief Justice initiated the improvement of the public comment process that takes place during council meetings on both general judicial administration issues and on the specific agenda items. Additionally, the council adopted an open meetings rule that applies to its internal committees and advisory bodies. Justice Miller noted that, although the open meetings rule caused some consternation among some within the branch, the rule, he believes, based on reports provided to E&P and the council, has been proven to be quite successful. He indicated that the video broadcasting of the council meetings, similar to the manner in which the Legislature and other government entities broadcast their meetings, is now the next step towards the progression of improving transparency and accessibility. Justice Miller noted that delivering the meetings in this manner makes it easier for the

public to follow items on the agenda and allows the public to view, in real time, PowerPoint slides and video presentations shown during council meetings. Justice Miller thanked the staff in Judicial Council Support, AV Technical Services, and Information Technology for their efforts in making the video broadcasting possible.

Policy Coordination and Liaison Committee

Judge So, chair, reported that the committee has met once since the October council meeting to review two proposals for council sponsorship, both of which appeared on the agenda for this meeting. Other items related to council-sponsored legislation were approved at a prior committee meeting. Those items, along with the 2016 Legislative Priorities, also appeared on the agenda for this meeting. Judge So announced that the Legislature will reconvene on January 4, 2016, and, at that time, the committee will begin to analyze all of the bills. He thanked the committee members in advance for their attention, diligence, and time during their review of the bills.

Rules and Projects Committee (RUPRO)

Justice Hull, chair, reported that the committee has met twice by teleconference and once in person since the October council meeting. The committee met by teleconference on November 18 to review five proposals. One proposal, which the council delegated authority to the committee to approve, made minor revisions to the civil jury instructions. One of the remaining four proposals that addressed gun violence restraining orders forms was postponed from the October council meeting in order for the committee to consider the Civil and Small Claims Advisory Committee's responses to comments originally submitted by the National Rifle Association. Justice Hull reported that the committee recommended approval of all four remaining proposals, which appeared as items 15-431, 15-414, 15-396, and 15-421 on the Consent Agenda for this meeting. On November 24, the committee met by teleconference to consider four proposals relating to two specific subject matters: (1) construction-related disability access, and (2) litigation and probate conservatorships. Justice Hull explained that, because of legislative changes in these areas effective, respectively, on October 1, 2015, and on January 1, 2016, the committee recommended approval, prior to circulation, of these two proposals to comply with the legislation's effective dates. These two proposals appeared as items 15-420 and 15-438 on the Consent Agenda for this meeting. Additionally, during its November 24 meeting, the committee approved these two proposals to be circulated for comment after January 1, 2016. Justice Hull reported that, after circulation for comment and further review by the advisory bodies responsible for these proposals and by RUPRO, the proposals will, again, be submitted to the council for its consideration during its April business meeting to review any comments received during the comment period.

Justice Hull reported that the committee met in person the day before this meeting to consider 14 additional rules and forms proposals to circulate for public comment

during the winter cycle. The committee approved the proposals for circulation. Justice Hull noted that 13 of the 14 proposals were required to respond to legislative changes in the law. One proposal was required to comply with the U.S. Supreme Court relating to the dissolution of same-sex marriage. He reminded council members that, since approximately September 2011, the council's advisory bodies and the council have limited rules and forms change proposals to those required by legislation or judicial decision. Justice Hull indicated that, in his estimation, they have been successful in that effort and have only made exceptions where the rules or forms changes were necessary to respond to urgently needed measures within the branch or in cases in which the branch could achieve significant cost savings. Justice Hull reported that, after circulation and further review by the advisory bodies responsible for those proposals and by RUPRO, the proposals are expected to be submitted to the council for its consideration during its April business meeting. During the same committee meeting, the committee considered and approved the 2015 annual agendas of the eight advisory bodies for which it has oversight. Justice Hull acknowledged that the preparation of the draft annual agendas is labor intensive on the part of the advisory body chairs, advisory body staff, and RUPRO staff and expressed his appreciation to all of them on behalf of the council and on behalf of the committee.

Judicial Council Technology Committee (JCTC)

Judge Slough, chair, reported that the committee has met once since the October council meeting. On November 9, the committee met by teleconference during which it received information on the proposal to update the Trial Court Records Manual with standards and guidelines, effective January 1, 2016, governing electronic signatures by judges and the courts. Judge Slough explained that the Trial Court Records Manual is a tool used by court records managers that discusses relevant legal authority on court records, such as the statutes and rules governing exhibit management, confidential and sealed court records, and the retention and destruction of court records. In addition, the manual also contains standards for maintaining court records in paper and electronic form. During its November 9 meeting, the committee also received an update on the activities of the Information Technology Advisory Committee (ITAC), its subcommittees, and its work streams. Additionally, at the same meeting, Mr. Feldstein provided an update and report on the work related to the civil case management system, the V3 case management system replacement. Judge Slough reported that four courts are still on the V3: Orange, Sacramento, San Diego, and Ventura. The Judicial Council's Information Technology staff has worked collaboratively with those courts to work toward presenting a budget change proposal, which is targeted to be presented to the Department of Finance in early 2016. The committee has also been working with the courts that remain on the Sustain Justice Edition. Judge Slough reported that a subcommittee of the committee will be meeting with those courts to begin a dialogue as it relates to migrating them off of Sustain Justice Edition.

Public Comment

Mr. Ralph Kanz, Ms. Kathleen Russell, and Ms. Connie Valentine presented comments on judicial administration issues.

Written Comment

Mr. Joseph A. Silvoso III submitted written comments on Consent Agenda Item 15-396. Ms. Carol Sue Richardson, Mr. Ariel Torrone, and Ms. Deborah O'Willow presented written comments on Consent Agenda Item 15-440.

Information Session (Rule 10.6(a))

15-448

Judicial Branch Technology Update: Statewide and Court Technology Advancements (No Action Required. There are no materials for this item.)

Summary: An update on the implementation of the Judicial Council-adopted Court Technology Governance and Strategic Plan including the governance structure, collaboration between the council and the courts, and the workstream model. The report will highlight the Information Systems Controls Framework for the Judicial Council and the Information Technology Security Framework workstream, an outcome from the California State Auditor's Report from December 2013 regarding the Judicial Branch Procurement Audit, as well as innovative programs accomplished by the trial courts.

15-449

Court Innovations Serving the Public and Greater Efficiency: One Day Divorce and Five Minute "FOAHs," Superior Court of Sacramento County (No Action Required. There are no materials for this item.)

Summary: A presentation of two kinds of court innovations, both procedural (One Day Divorce) and technological (an electronic form for Formal Orders After Hearing) to achieve more efficient service and greater satisfaction for court users.

Consent Agenda

15-410

Court Facilities: Public Parking Rate Increase in Los Angeles County and Transition from Free to Paid Parking at the Superior Court of Orange County's Harbor Justice Center (Action Required)

Summary: Per section 7.b of the Judicial Council's *Court Public Parking Management Policy*, which became effective August 21, 2015, the council will consider and act on any parking-related issue based on recommendations made by council staff. Real Estate and Facilities Management staff proposes a parking rate increase across the parking contract, and a transition from free to paid parking at the Superior Court of Orange County's Harbor Justice Center. The branch facility management program will benefit from these approvals in the form of collection of an estimated \$194,000

(\$388,000 revenue times an average 50% efficiency return rate) from the rate increase and \$204,000 from the Harbor Justice Center annually, with this revenue then being directly available for statewide facility operations and maintenance. The funding is required for continued operation and maintenance of the branch facility portfolio of over 500 facilities in excess of 20 million square feet.

Recommendation: Real Estate and Facilities Management staff recommends that the Judicial Council, effective January 1, 2016:

1. Approve the proposed parking rate increase, which is applicable to 14 facilities and results in an updated range of \$6 to \$10 for daily parking and an updated range of \$65 to \$150 for a monthly parking pass. Expected net gain from the increase is \$194,000 annually for deposit in the Court Facilities Trust Fund (CFTF).
2. Approve the proposed parking rate transition from free to paid parking at the Superior Court of California, County of Orange, Harbor Justice Center. Expected net gain from the transition is \$204,000 annually for deposit in the CFTF.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

[15-412](#)

Court Facilities: Judicial Council Policy Limiting the Acceptance and Purchasing of Art for Court Facilities (Action Required)

Summary: The Facilities Policies Working Group recommends that the Judicial Council adopt an art policy applicable to the council's acquisition of art for its capital projects and for both appellate and trial court facilities that it manages. This policy addresses acquisition of art by the council and clarifies that funds appropriated for courthouse construction, maintenance, and repair will not be used to acquire art. It does not apply to art that an individual court may acquire, unless that art will be permanently affixed to a court facility.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

[15-416](#)

Court Records: Electronic Signature Standards and Guidelines-Update to the Trial Court Records Manual (Action Required)

Summary: The Court Executives Advisory Committee (CEAC) and the Information Technology Advisory Committee (ITAC) recommend updating the Trial Court Records Manual to include new standards and guidelines governing the use of electronic signatures by trial courts and judicial officers. These standards and guidelines implement Government Code section 68150(g), which authorizes electronic signatures by a court or judicial officer "in accordance with procedures, standards, and guidelines established by the Judicial Council." The update also includes new sections in the Trial Court Records Manual that (1) outline the various provisions in the Code of Civil Procedure, Penal Code, and California Rules of Court that authorize electronic

signatures submitted to the courts by attorneys, parties, and law enforcement officers; and (2) state the effect of digitized signatures created by scanning paper court records. Lastly, the update contains technical changes to align the manual with intervening legislative and form changes.

Recommendation: The Court Executives Advisory Committee and the Information Technology Advisory Committee recommend that the Judicial Council, effective January 1, 2016, update the *Trial Court Records Manual* to:

1. Add standards and guidelines governing the use of electronic signatures by judicial officers and the courts, to implement Government Code section 68150(g);
2. Add an overview of the various provisions in the Code of Civil Procedure, Penal Code, and California Rules of Court that authorize electronic signatures submitted to the courts by attorneys, parties, and law enforcement officers;
3. Add a section regarding the effect of digitized signatures created by scanning paper court records; and
4. Make technical changes.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

[15-431](#)

Traffic: Uniform Bail and Penalty Schedules, 2016 Edition (Action Required)

Summary: The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2016. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation.

Recommendation: The Traffic Advisory Committee recommends that the Judicial Council, effective January 1, 2016, adopt the revised *Uniform Bail and Penalty Schedules, 2016 Edition*.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

[15-248](#)

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 San Bernardino*. 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 A&E Committee and Judicial Council staff recommend that the Judicial Council, effective December 11, 2015, accept the following “pending” audit report:

- Audit report dated January 2015 entitled: *Audit of the Superior Court of California, County of San Bernardino*

This acceptance will result in the audit report progressing from “pending” status to “final” status, and publishing the final report on the California Courts public website.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-422

Judicial Council Report to the Legislature: State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2014-2015 (Action Required)

Summary: The Judicial Council staff recommends that the Judicial Council approve the *Annual Report of State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2014-2015*, as required by Government Code section 77209(i), to be sent to the Legislature.

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

1. Approve the *Annual Report of State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2014-2015*; and
2. Direct the Judicial Council staff to submit the report to the Legislature.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-423

Judicial Council Report to the Legislature: Statewide Collection of Delinquent Court-Ordered Debt for FY 2014-2015 (Action Required)

Summary: The Revenue and Collections Unit of Judicial Council Finance recommends approving for submittal to the Legislature the report attached on the collection of delinquent court-ordered debt in California for fiscal year 2014-2015, in accordance with Penal Code section 1463.010.

Recommendation: The Finance office recommends that the Judicial Council approve the FY 2014-2015 annual *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt*, as required by Penal Code section 1463.010, and direct staff to transmit the report to the Legislature.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-419**Judicial Council Report to the Legislature: Standards of Timely Disposition Published in the 2015 Court Statistics Report (Action Required)**

Summary: Judicial Council staff recommend that the Judicial Council direct staff to transmit the already published *2015 Court Statistics Report* to the Legislature. Doing so fulfills the requirements of Government Code section 68604, which requires the Judicial Council to report biennially regarding the standards of timely disposition adopted pursuant to section 68603. The *2015 Court Statistics Report* contains case processing and time to disposition statistics that meet the requirements of Government Code section 68604.

Recommendation: Judicial Council staff recommend that the Judicial Council direct staff to transmit the *2015 Court Statistics Report* to the Legislature to meet the requirements of Government Code section 68604.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-418**Judicial Council Report to the Legislature: Annual Report of Court Facilities Trust Fund Expenditures (Action Required)**

Summary: Judicial Council staff recommend approving the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2014-2015 Report to the Legislature*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

Recommendation: Judicial Council staff recommends that the Judicial Council:

1. Approve the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2014-2015 Report to the Legislature*; and
2. Direct Judicial Council staff to submit the report to the Legislature.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-415**Judicial Council-Sponsored Legislation (Criminal Justice Realignment): Court Jurisdiction Over and Calculation of Time During Supervision Revocation (Action Required)**

Summary: The Policy Coordination and Liaison Committee and the Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code sections 1203.2(a), 1170(h)(5)(B), and 3456(b) to clarify that when supervision has been revoked, summarily or otherwise, the time that elapses during revocation shall not be credited toward any period of supervision. The proposal was developed at the request of criminal law judges to enhance judicial discretion by preserving court jurisdiction to adjudicate revocations of probation, mandatory supervision, and postrelease community supervision.

Recommendation: The PCLC and CLAC recommend that the Judicial Council sponsor legislation to amend Penal Code sections 1203.2(a), 1170(h)(5)(B), and 3456(b), as follows:

1. Probation: Replace the current tolling provision in Penal Code section 1203.2(a), “The revocation, summary or otherwise, shall serve to toll the running of the period of supervision,” with the provision, “Time during revocation, summary or otherwise, shall not be credited toward any period of supervision.”
2. Mandatory Supervision: Replace the current tolling provision in Penal Code section 1170(h)(5)(B), “Any time period which is suspended because a person has absconded shall not be credited toward the period of supervision,” with the provision, “Time during revocation, summary or otherwise, shall not be credited toward any period of supervision; provided, however, that the defendant shall not remain in custody for a period longer than the term of supervision imposed under this section.”
3. Postrelease Community Supervision: Replace the current tolling provision in Penal Code section 3456(b), “Time during which a person on postrelease supervision is suspended because the person has absconded shall not be credited toward any period of postrelease supervision,” with the provision, “Time during revocation, summary or otherwise, shall not be credited toward any period of supervision; provided, however, that the person subject to postrelease supervision shall not remain in custody for a period longer than the term of supervision authorized under this section.”

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

[15-417](#)

Judicial Council-Sponsored Legislation: Disposition of the San Pedro Courthouse (Action Required)

Summary: On April 9, 2015, the Policy Coordination and Liaison Committee voted to sponsor legislation to declare the existing San Pedro Courthouse surplus to allow for its disposal, contingent on Judicial Council action to declare the Courthouse as surplus for purposes of Government Code sections 70391(c) and 11011 at its April 17, 2015, meeting. This report recommends that the Judicial Council approve an alternative that would allow the council to retain the proceeds from the disposition of the San Pedro Courthouse for use on construction projects.

Recommendation: The Policy Coordination and Liaison Committee recommends that the Judicial Council, effective December 11, 2015, approve sponsorship of an alternative proposal to authorize the disposition of the San Pedro Courthouse to allow the judicial branch to retain the proceeds to be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund established by Senate Bill 1407 (Perata; Stats. 2008, ch. 311).

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-436**Judicial Council-Sponsored Legislation: Juvenile Competency
(Action Required)**

Summary: The Policy Coordination and Liaison Committee, Family and Juvenile Law Advisory Committee, Collaborative Justice Advisory Committee, and Mental Health Issues Implementation Task Force recommend amending Welfare and Institutions Code section 709 to clarify the legal process and procedures in proceedings that determine the legal competency of juveniles.

Recommendation: The Policy Coordination and Liaison Committee, Family and Juvenile Law Advisory Committee, Collaborative Justice Advisory Committee, and Mental Health Issues Implementation Task Force recommend that the Judicial Council sponsor legislation to amend Welfare and Institutions Code section 709. The amendments will address the issues that arise when a doubt is expressed regarding a minor's competency, including the following:

- Who may express doubt regarding competency in minors?
- Who has the burden of establishing incompetency?
- What is the role of the forensic expert in assessment and reporting on competency in minors?
- What is the process for determining competency in minors?
- What is the process for determining whether competency has been remediated?
- What is the process for ensuring that proceedings are not unduly delayed?
- What is the process for ensuring due process and confidentiality protections for minors during the proceedings?

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-429**Judicial Council-Sponsored Legislation: Two Percent Reserve Held in the Trial Court Trust Fund (Action Required)**

Summary: The Policy Coordination and Liaison Committee and the Trial Court Budget Advisory Committee recommend the Judicial Council sponsor legislation to amend Government Code section 68502.5, the statute that establishes the 2 percent reserve held in the Trial Court Trust Fund.

Recommendation: The Policy Coordination and Liaison Committee and the Trial Court Budget Advisory Committee recommend the Judicial Council sponsor legislation to amend Government Code section 68502.5, the statute that establishes the 2 percent reserve held in the Trial Court Trust Fund (TCTF) to require the Judicial Council to set aside no more than half of 1 percent (0.5 percent) of the total funds appropriated in Program 45.10 of Item 0250-101-0932 of the 2014 Budget Act and to provide that these funds shall remain in the Trial Court Trust Fund.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-440**Judicial Council-Sponsored Legislation: Provisional Qualifications of American Sign Language Interpreters (Action Required)**

Summary: The Policy Coordination and Liaison Committee and the Court Interpreters Advisory Panel recommend amending Evidence Code section 754 to incorporate language allowing for provisional qualification of American Sign Language (ASL) interpreters. This proposal was developed at the request of courts to create flexibility for the courts in securing services of ASL interpreters. Its enactment will result in revisions to Judicial Council forms dealing with the use of interpreters, which will provide guidance to court staff when court-certified ASL interpreters are not available.

Recommendation: The Policy Coordination and Liaison Committee and the Court Interpreters Advisory Panel recommend that the Judicial Council sponsor legislation to amend Evidence Code section 754 as follows:

1. Update and clarify unnecessary, inaccurate, or obsolete language, including replacing all references to the term “hearing impaired” with “deaf or hard of hearing.”
2. Simplify language regarding the process for selecting the ASL testing entity, and tie the process to the requirements of the California Rules of Court.
3. Add language requiring ASL court interpreters to enroll with the Judicial Council, in order to become California court certified, and not just to hold the requisite certification, while eliminating the need for local courts to maintain their own rosters.
4. Add language expressly allowing courts to use provisionally qualified ASL interpreters when a California court-certified interpreter is not available. Courts will be able to provisionally qualify ASL interpreters according to the same rules and guidelines which govern use of provisionally qualified spoken language interpreters.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-433**Judicial Council: 2015 Legislative Policy Summary (Action Required)**

Summary: The Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2015 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with strategic plan goals.

Recommendation: The Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2015 legislative year.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-414**Jury Instructions: New, Revised, and Renumbered Civil Jury Instructions and Verdict Forms (Action Required)**

Summary: The Advisory Committee on Civil Jury Instructions recommends approving for publication the new, revised, and renumbered civil jury instructions and verdict forms prepared by the committee.

Recommendation: The Advisory Committee on Civil Jury Instructions recommends that the Judicial Council, effective December 11, 2015, approve for publication under rules 2.1050 and 10.58 of the California Rules of Court the civil jury instructions prepared by the committee. On Judicial Council approval, the instructions will be published in the official 2016 edition of the *Judicial Council of California Civil Jury Instructions*.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-396**Judicial Council Forms - Gun Violence Restraining Orders (Action Required)**

Summary: The Civil and Small Claims Advisory Committee proposes adoption or approval of 23 new Judicial Council forms: EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO to implement legislative requirements of Penal Code section 18100 et seq. establishing a civil restraining order process for surrender of firearms before they are used to commit a crime. Penal Code section 18105 requires the Judicial Council to prescribe forms to implement the process.

Recommendation: The Civil and Small Claims Advisory Committee proposes that, in order to implement the new Gun Violence Restraining Orders Act, the Judicial Council, effective January 1, 2016, adopt or approve new forms EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV-620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-420**Probate Conservatorship: Conservatee's Capacity to Vote (Action Required)**

Summary: The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise three Judicial Council forms used in probate conservatorships to state the correct legal standard for a conservatee's capacity to vote, in response to legislation signed by the Governor on October 10, 2015, effective on January 1, 2016, that has changed that standard. The committee also recommends that the council revise a fourth probate conservatorship form to delete its reference to a proposed conservatee's ability to vote because that reference is not required by law and is not needed for the form to accomplish its intended purpose.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Revise the *Petition for Appointment of Probate Conservator* (form GC-310) to delete in its entirety, existing item 4c, on page 4, concerning the proposed conservatee's capacity to complete an affidavit of voter registration, and redesignate existing item 4d as item 4c.
2. Revise the *Citation for Conservatorship* (form GC-320) by:
 - Removing the sentence from item 3 on page 1 concerning the proposed conservatee's capacity to complete an affidavit of voter registration and replacing it with a statement of the new standard for a conservatee's capacity to vote in a new item 4;
 - Restating items 2 through 5 on page 1 of the form, as modified above, as items 2 through 7; and
 - Moving the clerk's signature line, space for the court seal, and the textbox containing advice for disabled persons to request accommodations to page 2, and the proof of service to a new page.
3. Revise the *Order Appointing Court Investigator* (form GC-330) by:
 - Revising the first sentence of item 1d on page 1 by replacing the existing citation of Probate Code sections 1826(d)-(j) with sections 1826(a)(4)-(7), and (9) and (10);
 - Adding a new item 1e on page 1 to state expressly as a separate item the new standard for determining the capacity of a conservatee to vote;
 - Redesignating current items 1e-g on page 1 as items 1f-h; and
 - Changing the reference to section 1826(l) in current item 1f (item 1g in the revised form) to section 1826(a)(12), reflecting the new location of the cited material in the amended section 1826.
4. Revise the *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331) by adding a new item 1c on page 1 to state the new standard for determining the capacity of a conservatee to vote in connection with the investigator's duty to determine whether the conservatee should be either disqualified from voting or restored to voting capacity under section 1851(a)(1)(D), and redesignating items 1c-1m on pages 1 and 2 as items 1d-n.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

[15-421](#)

Family and Juvenile Law: Southern California Inter-County Transfer Protocol with Modification of Form JV-550 (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends, pursuant to California Rules of Court, rule 5.610(g), permitting the juvenile courts in the counties included in the Southern California Inter-County Transfer Protocol to use a modified version of *Juvenile Court Transfer Orders* (form JV-550). Rule 5.610(g) authorizes

the Judicial Council to approve modifications to form JV-550 if the modification is used in a formalized regional collaboration and will facilitate the efficient process of transfer cases. The courts in San Diego, Los Angeles, Riverside, San Bernardino, Imperial, and Orange counties established the Southern California Inter-County Transfer Protocol through a written protocol that streamlines the inter-county transfer process between these courts.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council allow the members of the Southern California Inter-County Transfer Protocol to use a modified version of form JV-550, effective December 11, 2015.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-432 Judicial Administration: Amendment to the Conflict of Interest Code for the Judicial Council (Action Required)

Summary: This proposal would adopt amendments (Amendments) to the Judicial Council Conflict of Interest Code (Code) and revise the Code to include updated job classifications under the Judicial Council's new classification and compensation structure. In accordance with Government Code sections 87303 and 87306, the Code must be updated "when change is necessitated by changed circumstances, including the creation of new positions" (id., § 87306). The council must review proposed amendments to the Code and approve the Code as amended or direct that it be further revised and resubmitted for approval.

Recommendation: **Adoption of updated Conflict of Interest Code**

Judicial Council of California staff recommends that the Judicial Council approve the proposed Code, effective December 10, 2015, that reflects updated job classifications within the new classification and compensation structure. The proposed amendments to the Code would:

1. Update the designated job classifications to reflect the Judicial Council's new classification structure; and
2. Accurately capture the number of Judicial Council staff designations required to submit disclosure statements.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

15-438 Civil Forms: Disability Access Litigation (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the statutorily mandated Disability Access Litigation forms used for parties to apply for and the court to grant stays and mandatory evaluation conferences in construction-related accessibility claims, and the related proof of service form. The forms must be changed to reflect the amendments to the Civil Code made by Assembly Bill 1521 (Assembly Judiciary Committee; Stats. 2015, ch.755), enacted on October 10, 2015, as urgency legislation (and thus operative on enactment) to add a new category of defendants that may request a stay and early evaluation and

another procedure that may be requested at the same time. The proof of service form for construction-related accessibility claims should be revised to reflect the new names of the forms used to apply for and grant stays and mandatory evaluation conferences.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise *Defendant's Application for Stay and Early Evaluation Conference Pursuant to Civil Code Section 55.54* (form DAL-005), and *Notice of Stay of Proceedings and Early Evaluation Conference* (form DAL-010), and *Proof of Service-Disability Access Litigation* (form DAL-012). The Civil and Small Claims Advisory committee will recommend to the Rules and Projects Committee that the revised forms be circulated for comment during the winter 2016 comment cycle.

A motion was made by Judge Tangeman, seconded by Judge McCabe, to approve the items on the Consent Agenda. The motion carried unanimously.

Discussion Agenda

[**15-446**](#) **Judicial Council Facilities Update (No Action Required. There are no materials for this item.)**

No council action.

[**15-435**](#) **Mental Health Issues Implementation Task Force: Final Report (Action Required)**

Summary: In January 2012, Chief Justice Tani G. Cantil-Sakauye appointed the Mental Health Issues Implementation Task Force (Implementation Task Force), chaired by Judge Richard J. Loftus, Jr., of the Superior Court of Santa Clara County, to review the 137 recommendations of the Task Force for Criminal Justice Collaboration on Mental Health Issues and to develop a plan for implementing those recommendations. The Implementation Task Force focused on identifying ways to improve case processing and outcomes for court users with mental illness while being mindful of cost and public safety considerations in the post-recession/post-realignment environment. The term of the Implementation Task Force ends on December 31, 2015. While significant progress has been accomplished since the Implementation Task Force's inception, there are still unresolved challenges for the courts when handling cases involving persons with mental illness. It is recommended that the Judicial Council receive the final report of the Implementation Task Force and that the work in this area be transitioned to the appropriate Judicial Council advisory bodies.

Recommendation: The Mental Health Issues Implementation Task Force recommends that the Judicial Council, effective December 11, 2015:

1. Receive the final report of the Mental Health Issues Implementation Task Force.
2. Annually task all appropriate Judicial Council advisory bodies with examining the mental health issues in their case type and developing strategies to address these issues, in order to help meet the needs of courts and their court users with mental health issues.

3. Direct that advisory body chairs coordinate implementation efforts, including identification of the appropriate work to be done, determination of which committee will be responsible for the identified effort or require collaboration or consultation with multiple committees, and identification of any work that should be accomplished by staff of the Judicial Council to assist the committees in their efforts. Further, direct that staff of the Judicial Council's Center for Families, Children & the Courts, who coordinated the work of the Implementation Task Force, should, if possible, oversee this coordination.
4. Approve the addition of two new positions to the Criminal Law Advisory Committee and the addition of new positions to other advisory committees, such as the Collaborative Justice Courts Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Probate and Mental Health Advisory Committee, so that the designated advisory bodies can expand their membership to include additional committee members with mental health expertise in order to absorb this work without adversely impacting their current commitments; and direct that consideration be given to nominees from the Implementation Task Force who are willing to continue to serve and can provide expertise in the area of mental health.
5. If these recommendations are adopted, it is further recommended that on an annual basis, advisory committees report on the results of their committees' efforts to address the issues of the mentally ill as part of the annual agenda process.

A motion was made by Justice Miller, seconded by Justice Hull, that this proposal be approved as amended below. The motion carried by a unanimous vote.

The Judicial Council, effective December 11, 2015:

- 1. Received the final report of the Mental Health Issues Implementation Task Force;**
- 2. Directed all appropriate Judicial Council advisory bodies to annually examine the mental health issues in their case type and develop strategies to address these issues, in order to help meet the needs of courts and their court users with mental health issues;**
- 3. Directed that the chairs of the Judicial Council's Executive and Planning Committee (E&P) and Rules and Projects Committee (RUPRO) coordinate implementation efforts, including identification and assignment of the appropriate work to be done, determination of which advisory body will be responsible for the identified effort or require collaboration or consultation with multiple advisory bodies, and identification of any work that should be accomplished by staff of the Judicial Council to assist the advisory bodies in their efforts; and directed that staff of the Judicial Council's Center for Families, Children & the Courts, who coordinated the work of the Implementation Task Force, if possible, oversee this coordination;**

4. Approved the addition of two new positions to the Criminal Law Advisory Committee and the addition of new positions to other advisory committees, such as the Collaborative Justice Courts Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Probate and Mental Health Advisory Committee, so that the designated advisory bodies can expand their membership to include additional committee members with mental health expertise in order to absorb this work without adversely impacting their current commitments; directed that RUPRO initiate the process of amending the appropriate California Rules of Court to reflect the additions of the new positions; and directed that consideration for those new positions be given to nominees from the Implementation Task Force who are willing to continue to serve and can provide expertise in the area of mental health; and
5. On an annual basis, directed advisory bodies to report on the results of their advisory bodies' efforts to address the issues of the mentally ill to their oversight committees (i.e., E&P or RUPRO) as part of the annual agenda process.

15-413**Judicial Council: 2016 Legislative Priorities (Action Required)**

Summary: Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. For the 2016 legislative year, the Policy Coordination and Liaison Committee (PCLC) recommends an approach that follows the Chief Justice's Access 3D framework: (1) advocate for investment in our justice system to preserve access to justice for all Californians, including a method to provide stable and reliable funding; (2) advocate to secure new judgeships for communities most in need and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; (3) advocate for a three-branch solution to ensure the fairness and efficiency of California's penalty assessment structure; (4) continue to sponsor legislation to improve judicial branch operational efficiencies, including cost savings and cost recovery measures; and (5) delegate to PCLC the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation, administrative rules, or regulations, after evaluating input from council advisory bodies and council staff, and any other input received from the courts, provided that the input is consistent with the council's established policies and precedents.

Recommendation: The PCLC recommends that the Judicial Council consider the following as legislative priorities in 2016:

1. Advocate budget stability for the judicial branch to include: (a) sufficient fund balances to allow courts to manage cash flow challenges; (b) a method for stable and reliable funding for courts to address annual cost increases in baseline operations and plan for the future; and (c) sufficient additional resources to allow courts to improve physical access to the courts by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, and to restore programs and services that were reduced or eliminated in the past few years. This includes seeking the extension of sunset dates on increased fees implemented in the fiscal year (FY) 2012-2013 budget;

- \$15 or \$20 fee for various services, to be distributed to the Trial Court Trust Fund (Sargent Shriver project), expiring on July 1, 2017 (Gov. Code, § 68085.1)
 - \$40 probate fee enacted in 2013, expiring on January 1, 2019 (Gov. Code, § 70662)
2. Seek additional judgeships and subordinate judicial officer conversions.
 - (a) Work with the Administration and Legislature to address the concerns raised in the Governor's veto message of the judgeship bill (SB 229; Roth).
 - (b) Secure funding for critically needed judgeships. Seek funding for 12 of the remaining 50 unfunded judgeships, assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment. (See alternatives in the Comments section, below.)
 - (c) Secure funding for two additional justices in Division Two of the Fourth Appellate District (Riverside/San Bernardino). Seek funding for one additional justice in FY 2016-2017 and the second additional justice in FY 2017-2018.
 - (d) Advocate, as is done each year, for legislative ratification of the Judicial Council's authority to convert 16 subordinate judicial officer (SJO) positions in eligible courts to judgeships, and sponsor legislation for legislative ratification of the council's authority to convert up to 10 additional SJO positions to judgeships if the conversion will result in an additional judge sitting in a family or juvenile law assignment that was previously presided over by an SJO.
 3. Advocate for a three-branch solution to ensure the fairness and efficiency of California's penalty assessment structure. The issue of state penalty assessments is a complex matter that requires attention of all three branches of government to implement long-term solutions.
 4. Continue to sponsor legislation to improve judicial branch operational efficiencies, including continued sponsorship of the following cost savings and cost recovery measures:
 - **Sentencing report deadlines (AB 1214; Achadjian):** Amends Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.
 - **Peremptory challenges (SB 213; Block):** Simplifies and reduces peremptory challenges in criminal misdemeanor cases. Would reduce and standardize the number of challenges at five for all misdemeanors, plus two challenges per side when two or more defendants are jointly tried.
 - **Retention of court records: driving offenses (AB 897; Gonzalez):** Would correct drafting errors in the rules governing retention of court files regarding certain misdemeanor traffic offenses.

- **Annual Court Facilities Construction Fund Report:** Amend Government Code section 70371.8 to allow the annual report on the Immediate and Critical Needs Account of the State Court Facilities Construction Fund to be submitted to the Legislature by November 1 rather than March 1 each year so that actual revenue/expenditure figures can be included rather than projection estimates.
- **Trial by written declaration:** Eliminates the trial de novo option when the defendant in a Vehicle Code violation has not prevailed on his or her trial by written declaration.
- **Monetary sanctions against jurors:** Amend Code of Civil Procedure section 177.5 to add jurors to the list of persons subject to sanctions.
- 5. Delegate to PCLC the additional authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation, administrative rules, or regulations, after evaluating input from council advisory bodies and council staff, and any other input received from the courts, provided that the input is consistent with the council's established policies and precedents.

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

15-430

**Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve
(Action Required)**

Summary: The Trial Court Budget Advisory Committee's 2 Percent Funding Request Review Subcommittee presents a recommendation to the Judicial Council on the Superior Court of Humboldt County application for supplemental funding. There is \$37.6 million remaining of the Trial Court Trust Fund (TCTF) 2 percent reserve for fiscal year 2015-2016, from which by statute the Judicial Council allocates if there has been an approved request from a trial court(s) requesting supplemental funding for urgent needs due to unforeseen emergencies or unanticipated expenses. The total amount requested by the Superior Court of Humboldt County is \$252,000.

Recommendation: Based on actions taken at its November 13, 2015 meeting, the Trial Court Budget Advisory Committee's 2 Percent Funding Request Review Subcommittee recommends that the Judicial Council, effective December 11, 2015, allocate \$110,000 as a loan to the Superior Court of Humboldt County from the TCTF 2 percent state-level reserve with the following conditions:

1. The court must seek assistance from the county to share costs associated with this request; and
2. Apply for the reimbursement of eligible costs from the Extraordinary Costs of Homicide Trials Reimbursement program.
3. In fiscal year 2016-2017, the court will request a one-time distribution for the remaining balance of the loan, if it is unable to pay the amount.

A motion was made by Judge Buckley, seconded by Judge Tangeman, to approve the proposal as described below (Option 2). The motion carried unanimously.

The Judicial Council, effective December 11, 2015, approved funding for the Humboldt County court's request of \$110,000 by applying the \$132,000 from the statutorily restricted fund balances reducing the court's General Fund deficit to \$109,000 and providing for the allocation of \$110,000 as a loan from the 2 percent state-level reserve in the TCTF to the Humboldt County court for its 2015–2016 General Fund operational deficiency.

Information Only Items (No Action Required)

[15-439](#) **Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring**

Summary: The chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

[15-441](#) **Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 35)**

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 35th 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 Kings and Santa Clara Counties-have issued new notices.

[15-409](#) **Court Facilities: Lease-Revenue Bond Issuance, Spring 2015**

Summary: As authorized and directed by the Judicial Council, the Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in spring 2015 for the financing of court facilities projects.

[15-411](#) **Court Facilities: Trial Court Facility Modification Advisory Committee Fiscal Year 2014-2015 Annual Report**

Summary: The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for fiscal year (FY) 2014-2015. In compliance with the *Trial Court Facility Modifications Policy* adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting the annual report for FY 2014-2015 as Attachment A.

15-434 Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 1 of Fiscal Year 2015-2016

Summary: The Trial Court Facility Modification Advisory Committee has completed its facility modification funding for the first quarter of fiscal year 2015-2016. In compliance with the *Trial Court Facility Modifications Policy*, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 1, Fiscal Year 2015-2016* as information for the council, summarizing the activities of the advisory body from July 1, 2015, to September 30, 2015.

15-437 Trial Courts: Quarterly Investment Report for Third Quarter of 2015

Summary: This *Trial Courts: Quarterly Investment Report for Third Quarter of 2015* provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2015, through September 30, 2015.

Adjournment

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. John T. Ball (Ret.), Superior Court of Santa Clara County;
- Hon. Arthur S. Block (Ret.), Superior Court of Riverside County;
- Hon. Ellen C. Deshazer (Ret.), Superior Court of Los Angeles County; and
- Hon. Charles E. Frisco (Ret.), Superior Court of Los Angeles County;
- Hon. James F. Judge (Ret.), Superior Court of Orange County;
- Hon. John P. Kennelly, Superior Court of Sierra County;
- Hon. William F. Moreno (Ret.), Monterey County Municipal Court;
- Hon. James N. Reese (Ret.), Superior Court of Los Angeles County;
- Hon. John S. Pasco (Ret.), Superior Court of Santa Clara County.

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at 1:00 p.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on February 23, 2016.