



Judicial Council of California

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))*

Thursday, October 27, 2016

1:30 PM

San Diego

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 1:30 p.m.

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

Attendance

Council Members

- Present:** 27 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice Harry E. Hull Jr., Justice James M. Humes, Justice Douglas P. Miller, Justice Marsha G. Slough, Judge Jeffrey B. Barton, Judge Marla O. Anderson, Judge Brian J. Back, Judge C. Todd Bottke, Judge Kyle S. Brodie, Judge Stacy Boulware Eurie, Judge Daniel J. Buckley, Judge Samuel K. Feng, Judge Scott M. Gordon, Judge Gary Nadler, Judge Dalila Corral Lyons, Judge David M. Rubin, Judge Kenneth K. So, Judge Dean T. Stout, Commissioner David E. Gunn, Mr. Jake Chatters, Mr. Patrick M. Kelly, Mr. Richard D. Feldstein, Ms. Kimberly Flener, Ms. Audra Ibarra, and Ms. Donna D. Melby
- Absent:** 3 - Senator Hannah-Beth Jackson, Assembly Member Richard Bloom, and Ms. Debra Elaine Pole

Others Present

Judge Lorna A. Alksne, Ms. Terri Brewton, Ms. Kris Nesthus, Mr. Michael M. Roddy, Ms. Celeste Schwartz, and Mr. Steve Travers

Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 1:40 p.m. in Room 363 A and B of the Central Courthouse of the Superior Court of San Diego County.

Opening Remarks

The Chief Justice opened the first day of a two-day special outreach Judicial Council meeting by expressing appreciation to the Superior Court of San Diego County's Presiding Judge Jeffrey B. Barton, Court Executive Officer Michael M. Roddy, and

staff for their support in accommodating the council meeting in San Diego. She explained that the rules, policies, and programs that are approved by the council are implemented in courthouses like San Diego's every day throughout the state of California. Equal access to justice is provided in the courtrooms, clerk's offices, and self-help centers. In this way, she added, the rule of law becomes a reality in courthouses for the majority of Californians. The Chief noted that under the leadership of Justice Douglas P. Miller, the Executive and Planning Committee has sought to expand the council's efforts to be more transparent and accessible to the public through expanded public comment, live webcasts, and liaison reports about individual superior courts throughout the state. All of these actions are designed to enable the public to better understand the role of the council as part of the judicial branch--an independent, coequal branch of government; the challenges council members face; and the innovations they support. She added that these special outreach meetings provide further opportunity for members to connect with local constituents in the most diverse state--racially, geographically, socially, and economically--in the union. The Chief explained that these meetings also help council members better understand the shared and unique challenges that exist in courts throughout California and allow them to experience firsthand the innovation, dedication, and public service values that judges and court staff make real on a daily basis in courthouses for justice users. She again thanked Justice Miller and the Superior Court of San Diego County for hosting the meeting.

Swearing in of New and Reappointed Judicial Council Members

The Chief Justice stated that the Judicial Council is 90 years young. During nine decades of improving the administration of justice in California, 504 judges, court administrators, legislators, and attorneys have served on the council itself. Many more have served on the council's internal committees, advisory committees, task forces, and other working groups. In recent years, she noted that more than 400 dedicated professionals volunteer their time annually to serve on the advisory bodies that inform the Judicial Council. They serve the public, not a particular constituency, in order to share their knowledge, skills, expertise, and experience to enrich fact-finding and decisionmaking processes. The Judicial Council is not a tribunal and can neither intervene on behalf of a party in a pending case nor offer legal advice. The Chief Justice reminded attendees that the Judicial Council of California is about policy and governance of the judicial branch and the statewide administration of justice. It is about identifying issues, responding to the concerns of stakeholders, advocating for change when necessary, and creating effective and efficient solutions to problems and challenges. It is about the rule of law and protecting and fostering equal access to justice for all Californians.

The Chief Justice proceeded by administering the oath of office to new and reappointed council members. Three new Judicial Council members include:

- Presiding Judge Jeffrey B. Barton, Superior Court of San Diego County, and incoming chair of the Trial Court Presiding Judges Advisory Committee
- Presiding Judge C. Todd Bottke, Superior Court of Tehama County, and president of the California Judges Association
- Attorney Audrey Ybarra, State Bar of California appointee

Four reappointed council members include:

- Justice Douglas P. Miller, Court of Appeal, Fourth Appellate District, Division Two
- Presiding Judge Dean T. Stout, Superior Court of Inyo County
- Judge David M. Rubin, Superior Court of San Diego County
- Judge Kenneth K. So, Superior Court of San Diego County

DISCUSSION AGENDA

[16-201](#)

Overview of 2016 Court Statistics Report (No Action Required. There are no materials for this item.)

Summary: Article VI, section 6 of the California Constitution requires the Judicial Council to survey the condition and business of the California Courts; the annual Court Statistics Report fulfills that mandate. Office of Court Research staff will present an overview of the *2016 Court Statistics Report* and discuss data trends in the California courts. Data from the court statistics report is used in various ways, including in the workload models that are used to inform the executive branch and the Legislature of the need for new judgeships and to identify branch funding need through the Resource Assessment Study (RAS) and Workload-based Allocation and Funding Model (WAFM).

Speakers: Mr. Chris Belloli, Office of Court Research
Ms. Leah Rose-Goodwin, Office of Court Research

[16-161](#)

Judicial Workload Assessment: 2016 Update of Judicial Needs Assessment (Action Required)

Summary: The Workload Assessment Advisory Committee recommends that the Judicial Council approve the attached report, *The Need for New Judgeships in the Superior Courts: 2016 Update of the Judicial Needs Assessment*, for transmittal to the Legislature and the Governor. This legislative report, which fulfills the requirements of Government Code section 69614(c)(1), shows that nearly 189 new judicial officers are needed to meet the workload-based need for new judgeships. This report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3). And, while not part of the legislative report itself, this report to the Judicial Council shows how new judicial resources might be distributed if any new judgeships were authorized and

funded using the council-approved methodology described in Government Code section 69614(b).

Speakers: Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee
Ms. Deana Farole, Office of Court Research
Mr. Peter James, Office of Court Research

- Recommendation:**
1. The Workload Assessment Advisory Committee recommends that the Judicial Council, approve the attached report, *The Need for New Judgeships in the Superior Courts: 2016 Update of the Judicial Needs Assessment* (Attachment A), for transmittal to the Legislature and the Governor; and
 2. The Workload Assessment Advisory Committee recommends that the Judicial Council approve the proposed priority ranking for any new authorized and funded judgeships (Attachment B).

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

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 2:55 p.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on December 16, 2016.