

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688
August 14, 2009
8:30 a.m.–12:30 p.m.
Open to the Public
AGENDA

- 8:30–8:40 a.m. **Public Comment Related to Trial Court Budget Issues***
[Subject to requests]
*This time is reserved for public comment on Discussion Agenda items relating to trial court budgets.
- 8:40–8:45 a.m. **Approval of Minutes**
Minutes of the [March 12, 2009](#), [April 23, 2009](#), and [April 24, 2009](#), business meetings.
- 8:45–9:00 a.m. **Judicial Council Committee Presentations**
Executive and Planning Committee
 Hon. Richard D. Huffman, Chair
Policy Coordination and Liaison Committee
 Hon. Marvin R. Baxter, Chair
Rules and Projects Committee
 Hon. Dennis E. Murray, Chair
 [Committee Reports Tab]
- 9:00–9:20 a.m. **Judicial Council Court Visit Report**
Hon. Tani Cantil-Sakauye, Team Leader
Ms. Jody Patel
 Northern/Central Regional Office

Report on visits to the Superior Courts of San Joaquin and Sacramento Counties.
- 9:20–9:30 a.m. **Administrative Director’s Report**
Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.

9:30–9:40 a.m.

Chief Justice’s Report

Chief Justice Ronald M. George will report on activities in which he has been involved since the last Judicial Council business meeting.

CONSENT AGENDA (Items 1–3)

Item 1

[Equal Access Fund: Distribution of Funds for IOLTA-Formula Grants \(Action Required\)](#)

The State Bar Legal Services Trust Fund Commission has submitted its annual report on distribution of Equal Access Fund grants. In that report, the commission requests that the Judicial Council approve distribution of \$14,625,000 according to the statutory formula set out in the State Budget and reports that it has complied with the guideline set forth for distribution of those funds. The Budget Act authorizing the Equal Access Fund provides that the Judicial Council must approve the commission’s recommendations if the Judicial Council determines that the awards comply with statutory and other relevant guidelines.

Staff: Ms. Bonnie Rose Hough
Center for Families, Children & the Courts

Item 2

[Criminal Jury Instructions: Approve Publication of New and Revised Instructions \(Action Required\)](#)

The Advisory Committee on Criminal Jury Instructions recommends approval of the publication of the revisions and additions to the Judicial Council of California Criminal Jury Instructions. The additions and revisions will improve the clarity, accuracy, and breadth of the instructions.

Staff: Ms. Robin Seeley
Office of the General Counsel

Item 3

[Judicial Administration Rules: Conforming to Policy and Practice \(amend Cal. Rules of Court, rules 1.4, 10.1, 10.2, 10.10, 10.11, 10.12, 10.13, 10.14, 10.30, 10.34, 10.70, 10.80, 10.81, and 10.101; renumber rule 10.45 as rule 10.107\) \(Action Required\)](#)

This proposal from the Executive and Planning Committee and the Administrative Office of the Courts (AOC) will conform the rules of

court to the new governance policies adopted by the Judicial Council in June 2008. The governance policies establish the Judicial Council's internal operating guidelines, including how the council makes policy; how it is organized; the responsibilities of its members, officers, and committees; its relationship with advisory committees and task forces; and its relationship with the AOC. With these amendments, the judicial administration rules of court will reflect the council's internal operating procedures as stated in the council's new governance policies.

Staff: Mr. Kenneth L. Kann
Executive Office Programs Division
Ms. Nancy E. Spero
Executive Office Programs Division

DISCUSSION AGENDA (Items 4–8)

Item 4
9:40–10:10 a.m.

Court Facilities: Site Selection and Acquisition Policy **(Action Required)**

The Judicial Council adopted the *Site Selection and Acquisition Policy for Court Facilities* on June 29, 2007. Since then, the AOC has been using the policy to guide site selection and acquisition for nine new courthouse projects initially funded in fiscal year 2007–2008. Based on this experience, AOC staff recommend several refinements to the policy to identify the conditions in which sites with various characteristics may or may not be considered, selected, or acquired for court capital projects and to clarify the responsibilities of the AOC and the project advisory group selected by each court in site evaluation and selection. The refinements include revisions suggested by members of the courts. Public comments to the proposed policy revisions and responses are published as part of the report.

Presentation/Discussion (15 minutes)

Speakers: Mr. Lee Willoughby
Office of Court Construction and Management
Mr. Burt Hirschfeld
Office of Court Construction and Management
Ms. Eunice Calvert-Banks
Office of Court Construction and Management
Ms. Rona G. Rothenberg
Office of Court Construction and Management

Discussion/Council Action (15 minutes)

Item 5

10:10–10:30 a.m.

National Pro Bono Week Celebration Resolution and Approval of Dissemination of Pro Bono Toolkit (Action Required)

The American Bar Association has designated the week of October 25–31, 2009, as the first National Pro Bono Week Celebration. The celebration offers an opportunity to recognize the valuable pro bono contributions made by lawyers throughout the year and to increase pro bono participation to help narrow the justice gap. In recognition of this event, the Judicial Council’s Task Force on Self-Represented Litigants has prepared a Pro Bono Toolkit to assist judges in encouraging pro bono service by California attorneys.

Presentation/Discussion (15 minutes)

Speakers: Hon. Kathleen E. O’Leary
Chair, Task Force on Self-Represented Litigants
Ms. Nancy Halpin
Pro Bono Attorney
Latham & Watkins LLP
Ms. Genevieve Richardson
Director of Pro Bono Activities
Bay Area Legal Aid

Discussion/Council Action (5 minutes)

10:30–10:45 a.m.

BREAK

Thank You Letter from the Superior Court of Alpine County

Following the break, Administrative Director of the Courts William C. Vickrey read a thank you letter from the Superior Court of Alpine County.

Item 6

10:45–11:10 a.m.

Fiscal Year 2010–2011 Budget Proposals for the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, and Trial Courts (Action Required)

Approval of the Judicial Council is required before submission of budget requests for the Supreme Court, Courts of Appeal, Judicial Council/AOC, and trial courts. Budget change proposals for FY 2010–2011 are due to be submitted to the California Department of Finance by September 14 of this year. Action by the council at its August business meeting is needed to enable staff to transmit proposals to the Department of Finance by the due date that would

address various service and programmatic needs in the next fiscal year.

Presentation/Discussion (15 minutes)

Speakers: Mr. Stephen Nash
Finance Division
Ms. Gwen Arafiles
Finance Division
Mr. Steven Chang
Finance Division

Discussion/Council Action (10 minutes)

Item 7

11:10 a.m.

12:10 p.m.

Recommendation Regarding Potential Allocation Adjustments for Severely Underresourced Courts (Action Required)

In response to council direction, staff will present adjustment alternatives for reducing the reductions allocated to the most under-resourced courts as identified by the Resource Allocation Study model, with consideration also given to the level of the courts' fund balances.

Presentation/Discussion (30 minutes)

Speaker: Mr. Stephen Nash
Finance Division

Discussion/Council Action (30 minutes)

Item 8

12:10–12:30 p.m.

Electronic Discovery: Early Case Management (amend Cal. Rules of Court, rule 3.724) (Action Required)

The Civil and Small Claims Advisory Committee recommends that rule 3.724 of the California Rules of Court be amended to require parties in civil cases to meet and confer regarding issues relating to the discovery of electronically stored information before the initial case management conference. The rule amendment will ensure that parties and the courts address issues relating to electronic discovery early in the course of litigation. The rule amendment will implement and make more effective Assembly Bill 5, new legislation on the discovery of electronically stored information.

Presentation/Discussion (10 minutes)

Speakers: Hon. Andrew P. Banks
Chair, Discovery Subcommittee

Mr. Patrick O'Donnell
Office of the General Counsel
Discussion/Council Action (10 minutes)

There have been no Circulating Orders since the last business meeting.

Appointment Orders since the last business meeting.
[Appointment Orders Tab]