



JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

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

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

Thursday, June 26, 2014 • 3:15 p.m.–4:45 p.m.

Friday, June 27, 2014 • 8:30 a.m.–2:20 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support Services. Please check the agenda at <http://www.courts.ca.gov/26427.htm> for recent postings of hyperlinked reports.

THURSDAY, JUNE 26, 2014 AGENDA

NON-BUSINESS MEETING—CLOSED MEETING AND PRIVILEGED ATTORNEY-CLIENT DISCUSSIONS (RULES 10.6(A) AND 10.6(B))

Closed Session 3:15–4:45 p.m.

NOTE: Time is estimated. Actual start and end times may vary.

FRIDAY, JUNE 27, 2014 AGENDA—BUSINESS MEETING

- 8:30–8:35 a.m. Approval of Minutes**
Approve minutes of the [April 24-25, 2014, Judicial Council meeting](#).
- 8:35–8:45 a.m. Chief Justice’s Report**
Chief Justice Tani G. Cantil-Sakauye will report.
- 8:45–8:55 a.m. [Administrative Director’s Report](#)**
Hon. Steven Jahr, Administrative Director of the Courts, will report.
- 8:55–9:30 a.m. [Judicial Council Committee Presentations](#)**
Policy Coordination and Liaison Committee
Hon. Kenneth K. So, Chair
Executive and Planning Committee
Hon. Douglas P. Miller, Chair
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
Technology Committee
Hon. James E. Herman, Chair
- 9:30–10:00 a.m. Judicial Council Members’ Liaison Reports**
Judicial Council members will report on their liaison work.
- 10:00–10:15 a.m. Public Comment**
The Judicial Council welcomes public comment, as it can enhance the council’s understanding of the issues coming before it. To accommodate members of the public, the Judicial Council encourages those who wish to comment at the meeting, on either a specific agenda item or on a more general topic of judicial administration, to provide notice in order to ensure that all requests are acknowledged during the meeting.
- Notice can be provided in two ways:
- 1) Written notice by **4 p.m., Wednesday, June 25, 2014**,
 - by e-mail to judicialcouncil@jud.ca.gov, or
 - by postal mail or delivery in person to:
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno
- In the notice, please state the speaker’s first and last name and the specific agenda item to be addressed or, if not on the agenda, the topic to be addressed.

- 2) Sign in at the meeting reception, on the day of the meeting
 - before the call for general public comment, or
 - before the specific agenda item of interest is introduced.

All requests to speak during public comment will be allocated three minutes.

Please note that anyone wishing to speak on a specific agenda topic should arrive at the beginning of the meeting on which the agenda item will be heard, as agenda times are subject to change.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

Written Comments Received

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to judicialcouncil@jud.ca.gov, or mailed or delivered to:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

Written comments received by **1 p.m. on Thursday, June 26, 2014**, will be distributed to council members at the meeting. All comments received will be posted directly to the Judicial Council page of the California Courts public website.

CONSENT AGENDA (ITEMS A–D)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.

Item A [**Civil Jury Instructions \(CACI\): New, Revised, and Revoked Instructions and Verdict Forms \(Action Required\)**](#)

The Advisory Committee on Civil Jury Instructions recommends approving for publication the civil jury instructions prepared by the committee. On Judicial Council approval, the instructions will be published in the midyear supplement to the official 2014 edition of the *Judicial Council of California Civil Jury Instructions*.

Hon. H. Walter Croskey, Chair, Advisory Committee on Civil Jury Instructions

Mr. Bruce Greenlee, Legal Services Office

Item B **Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the Administrative Office of the Courts (AOC) recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Sutter*. 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.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Mr. John A. Judnick, Internal Audit Services

Item C **Report to the Legislature: Findings from the SB 678 (California Community Corrections Performance Incentives Act of 2009) Program (Action Required)**

The AOC recommends that the Judicial Council receive the *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2014)* and direct the Administrative Director of the Courts to submit this report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the AOC is required to submit a comprehensive report on the implementation of the act—including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration—no later than 18 months after the initial receipt of funding under the act and annually thereafter. The report was developed in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California.

Mr. Curtis L. Child, Chief Operating Officer

Ms. Shelley Curran, Criminal Justice Court Services

Item D **Judicial Branch Report to the Legislature: Evaluation of Cost-Effectiveness of the Governor George Deukmejian Courthouse (Action Required)**

The AOC recommends directing the AOC to submit a report on the cost-effectiveness of the Governor George Deukmejian Courthouse in the City of Long Beach to the appropriate budget and policy committees of the Legislature, the Joint Legislative Budget Committee, the Legislative Analyst's Office, and the state Department of Finance by June 30, 2014, to meet Senate Bill 75 statutory reporting requirements. The report assesses and compares this performance-based infrastructure project with three other court construction projects delivered using traditional procurement methods.

Mr. Curtis L. Child, Chief Operating Officer

Mr. William J. Guerin, Judicial Branch Capital Program Office

Break 10:15–10:30 a.m. (approx.)

DISCUSSION AGENDA (ITEMS E–L)

Item E 10:30–10:45 a.m.

[Court Facilities: Modernization of the Hollywood Courthouse \(Action Required\)](#)

The AOC recommends that the Judicial Council adopt performance criteria for the design-build method to deliver the construction of a modernized Hollywood Courthouse. The AOC also recommends that the council adopt the competitive prequalification and selection process for design-build entities and direct that the award be made to the design-build entity whose proposal is judged as providing the best value in meeting the interests of the council and the objectives of the capital project.

Public Comment and Presentation (5 minutes) • Discussion (10 minutes)

Speakers: Hon. William F. Highberger, Superior Court of California, County of
Los Angeles
Mr. William J. Guerin, Judicial Branch Capital Programs

Item F 10:45–11:20 a.m.

[Administrative Office of the Courts: A Report on Services Provided by Staff to the Judicial Council \(No Action Required\)](#)

[Documents in Support of Attachment 3 for Item F](#)

The *Services Provided by the AOC Report* provides a high-level comprehensive inventory of all current programs, projects, and activities of staff to the Judicial Council in service to the judicial branch, sister branches of state government, the federal government, local and national justice partners, community organizations, and the public. This informational report demonstrates how staff services directly impact and align with the goals of the Chief Justice’s Access 3D initiative that provides a framework and vision for the future of the judicial branch focused on equal, physical, and remote access for users of the California court system.

Public Comment and Presentation (20 minutes) • Discussion (15 minutes)

Speakers: Hon. Steven Jahr, Administrative Director of the Courts
Ms. Jody Patel, Chief of Staff
Mr. Curt Soderlund, Chief Administrative Officer
Mr. Curt L. Child, Chief Operations Officer

NOTE: Time is estimated. Actual start and end times may vary.

Item G 11:20–11:50 a.m.

[Trial Court Allocations: Trial Court Trust Fund Funding for Specific Costs in 2014–2015 and State Trial Court Improvement and Modernization Fund Allocation Reductions for 2014–2015 \(Action Required\)](#)

For fiscal year 2014–2015, the Trial Court Budget Advisory Committee (TCBAC) recommends an allocation of \$154.6 million from the Trial Court Trust Fund consisting of \$20.6 million for various trial court-related projects and programs, \$124.8 million for reimbursement of various trial court costs, including court-appointed dependency counsel, and \$9.2 million for criminal justice realignment costs, as well as a process for adjusting 2014–2015 State Trial Court Improvement and Modernization Fund allocations approved by the council. Assuming the timely enactment of the 2014 State Budget, the TCBAC intends to bring additional recommendations for the council’s consideration at its July 29, 2014 meeting and may also bring back changes to what is being recommended in this report or other allocations already approved by the council.

Public Comment and Presentation (15 minutes) • Discussion (15 minutes)

Speakers: Hon. Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee
 Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee

Item H 11:50 a.m.–12:20 p.m.

[Trial Court Budget: Encumbrances \(Action Required\)](#)

The TCBAC recommends approving new policies related to encumbrances of trial court funds. These new policies provide guidance to the trial courts in complying with Government Code section 77203.

Public Comment and Presentation (15 minutes) • Discussion (15 minutes)

Speakers: Hon. Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee
 Mr. Curt Soderlund, Chief Administrative Officer
 Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee

Lunch 12:20–12:50 p.m. (approx.)

Item I 12:50–1:20 p.m.

[Budget: Fiscal Year 2015–2016 Budget Requests for Trial Courts \(Action Required\)](#)

The TCBAC recommends that the Judicial Council approve the proposed fiscal year 2015–2016 budget requests for the trial courts. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, the BCPs are to be submitted to the state Department of Finance by September 15, 2014.

Public Comment and Presentation (10 minutes) • Discussion (20 minutes)

Speakers: Hon. Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee

Item J 1:20–1:40 p.m.

[Trial Court Allocations: Cash Advance Process \(Action Required\)](#)

Given new workload associated with the new statutory authority for the Trial Court Trust Fund to receive an up-to-2-year loan, not to exceed \$150 million, from three other Judicial Branch related special funds to address courts' cash flow problems, the TCBAC recommends that the Judicial Council approve minor revisions to the Supplemental Funding application form and process only as it relates to cash advance requests.

Public Comment and Presentation (10 minutes) • Discussion (10 minutes)

Speakers: Hon. Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee

Item K 1:40–2:10 p.m.

[Trial Court Allocations: Children's Waiting Room Distribution \(Action Required\)](#)

The Trial Court Budget Advisory Committee recommends that the Judicial Council adopt a policy and procedure for courts to request a children's waiting room distribution, for the purpose of operating and maintaining children's waiting rooms, from the applicable collected first paper civil filing fees that are deposited into the Trial Court Trust Fund. The Superior Courts of Monterey and Butte Counties are requesting a children's waiting room distribution of \$5 effective July 1, 2014.

Public Comment and Presentation (15 minutes) • Discussion (15 minutes)

Speakers: Hon. Marla O. Anderson, Presiding Judge, Superior Court of California,
County of Monterey
Hon. Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee
Mr. Jarrod Orr, Fiscal Administrator, Superior Court of California,
County of Butte
Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee

Item L 2:10–2:20 p.m.

[Judicial Council Distinguished Service Awards: Recipients for 2014 \(Action Required\)](#)

The chairs of five Judicial Council internal committees, the Executive and Planning Committee (E&P), the Rules and Projects Committee, the Policy Coordination and Liaison Committee, the Judicial Council Technology Committee, and the Litigation Management Committee, recommend that the council approve the recommended recipients of the 2014 Judicial Council of California Distinguished Service Awards. These annual awards, the highest honors bestowed by the judicial branch, recognize individuals who exemplify the leadership strengths that create significant and positive contributions to court administration in California. Following council

approval, the awards will be presented at a ceremony to take place on Thursday, August 21, 2014, 4:30–6:00pm, in conjunction with the August Judicial Council meeting.

Public Comment and Presentation (5 minutes) • Discussion (5 minutes)

Speaker: Hon. Douglas P. Miller, Chair, Executive and Planning Committee

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 [Judicial Council: Implementation of Judicial Council Directives on AOC Restructuring](#)

The Chair of E&P presents this informational report on the implementation of the Judicial Council AOC Restructuring Directives, as approved by the council on August 31, 2012. The AOC Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

INFO 2 [Trial Courts: Quarterly Investment Report for First Quarter of 2014](#)

This *Trial Court Quarterly Investment Report* provides the financial results for the funds invested by the AOC 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 January 1, 2014, through March 31, 2014.

INFO 3 [Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 3 of Fiscal Year 2013–2014](#)

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the third quarter of fiscal year 2013–2014. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 3, Fiscal Year 2013–2014* as information for the council.

[Circulating Order \(CO-14-03\)—Judicial Council: Nonvoting Council Position](#)

[Appointment Orders since the last business meeting.](#)