



JUDICIAL COUNCIL MEETING

Open to the Public (Cal. Rules of Court, rule 10.6(a))
Ronald M. George State Office Complex • Malcolm M. Lucas Board Room
455 Golden Gate Avenue • San Francisco, California 94102-3688
July 22, 2011 • 10:30 a.m.– approximately 4:00 p.m. (Open to the Public)

July 22, 2011 • 10:00–10:30 a.m. & approximately 4:00-5:00 p.m. (Closed Sessions)

CLOSED SESSION (RULE 10.6(B))—DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

10:00–10:30 a.m.

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

10:30–10:35 a.m. **Swearing in of New Council Member**

The Chief Justice will administer the oath of office to a new council member.

10:35–11:35 a.m. **Public Comment**

The Judicial Council is aware of public interest in the items on this agenda and the desire to provide comment. Written comments emailed to JudicialCouncil@jud.ca.gov, mailed, or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California, 94111, Attn: Nancy E. Spero and received by midnight, July 21, 2011, will be distributed to council members. [Also see Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

[Written Comments Received](#)

DISCUSSION AGENDA (ITEMS 1–3)

Notice: This meeting has been scheduled as soon as possible upon the passage of the Fiscal Year 2011–2012 Budget Act so that courts will have certainty as soon as possible about their allocations for Fiscal Year 2011-2012. Because of the shortened schedule, the three reports to the Judicial Council will be ready early during the week of July 18. Please check the agenda at <http://www.courts.ca.gov/3044.htm> for the most recent postings of hyperlinked reports. Copies of the reports will also be distributed at the meeting.

Item 1 11:35 a.m.–1:05 p.m.

[Budget: Allocation of \\$350 Million Ongoing Reduction to the Judicial Branch \(Action Required\)](#)

For FY 2011–2012, the Budget Act of 2011 includes \$350 million in new ongoing reductions to the judicial branch. Of these reductions, the Legislature scheduled \$200 million on a pro-rata basis throughout the branch. While the additional \$150 million reduction was to the trial court operations item only (see Attachment 1), the Budget Act contains language that authorizes the council to allocate and offset the reduction to other areas in the branch, subject to 30-day notification to the Legislature. Specifically, the language authorizes the council to transfer funds from (1) other items in the Trial Court Trust Fund; (2) appropriated funding for the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts (AOC), Judicial Branch Facility Program, and/or Habeas Corpus Resource Center; and/or (3) funds from the Immediate and Critical Needs Account (ICNA), State Court Facility Construction Fund (SCFCF), Trial Court Improvement Fund, and Judicial Administration Efficiency and Modernization Fund in order to reduce the impact of the funding reduction to trial courts in FY 2011–2012. This report contains the working group’s recommendations.

Presentation (45 minutes) • Discussion/Council Action (45 minutes)

Speakers: Hon. Brad R. Hill, Administrative Presiding Justice, Fifth Appellate District
 Hon. Gary Nadler, Member, Trial Court Budget Working Group
 Ms. Kim Turner, Member, Trial Court Budget Working Group
 Mr. Ronald G. Overholt, Chief Deputy Director
 Mr. Stephen Nash, Executive Officer, Superior Court of San Bernardino
 County; former Chief Financial Officer, AOC Finance Division

Lunch Break 30 minutes, when called by the Chief Justice

Item 2 1:35–2:50 p.m.

[Trial Court Budget: Allocations for Fiscal Year 2011–2012 \(Action Required\)](#)

In accordance with Government Code section 68502.5(c), the Judicial Council has the responsibility to allocate funding for the trial courts. The Trial Court Budget Working Group

recommends the allocation of new funding and reductions contained in the Budget Act of 2011 (Stats. 2011, ch. 33) to the trial courts for fiscal year (FY) 2011–2012, as discussed in this report.

Presentation (45 minutes) • Discussion/Council Action (30 minutes)

Speakers: Hon. Brad R. Hill, Chair, Court Facilities Working Group
Hon. Terence L. Bruiniers, Chair, CCMS Executive Committee
Hon. James E. Herman, Chair, CCMS Internal Committee
Hon. Gary Nadler, Member, Trial Court Budget Working Group
Ms. Kim Turner, Member, Trial Court Budget Working Group
Mr. Ronald G. Overholt, Chief Deputy Director
Mr. Stephen Nash, Executive Officer, Superior Court of San Bernardino County; former Chief Financial Officer, AOC Finance Division
Mr. Lee Willoughby, Office of Court Construction and Management
Mr. Mark A. Moore, CCMS Program Management Office
Mr. Steven Chang, Finance Division

Break 10 minutes, when called by the Chief Justice

Item 3 3:00–4:00 p.m.

[Budget: Allocation of Special Fund Budgets for Fiscal Year 2011–2012 \(Action Required\)](#)

The Judicial Council has statutory authority to allocate funding from statewide special funds for projects and programs that support the trial courts. The Trial Court Budget Working Group presents recommendations related to FY 2011–2012 allocations for specific projects and programs funded from the Trial Court Improvement Fund, the Judicial Administration Efficiency and Modernization Fund, and the Trial Court Trust Fund.

Presentation (45 minutes) • Discussion/Council Action (15 minutes)

Speakers: Hon. Gary Nadler, Member, Trial Court Budget Working Group
Ms. Kim Turner, Member, Trial Court Budget Working Group
Mr. Ronald G. Overholt, Chief Deputy Director
Mr. Stephen Nash, Executive Officer, Superior Court of San Bernardino County; former Chief Financial Officer, AOC Finance Division
Mr. Steven Chang, Finance Division

CLOSED SESSION (RULE 10.6(B))—PERSONNEL MATTER

Approximately 4:00–5:00 p.m.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours \(Report #5\)](#)

In the 2010 Judiciary Budget Trailer Bill, Senate Bill 857, the Legislature provided fee increases and fund transfers for the courts and also added a new section 68106 to the Government Code. The latter directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website and relay to the Legislature all such court notices. This is the fifth report providing information about the implementation of these notice requirements. Since the first four reports, three more courts, Butte, San Joaquin, and Shasta, have given such notice, which Butte issued on July 1, 2011, San Joaquin issued on July 19, and Shasta issued on July 7, 2011.