



## **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

**Wednesday, June 20, 2012 • 1:30 p.m.–5:00 p.m.**

**Thursday, June 21, 2012 • 11:00 a.m.–4:40 p.m.**

**Friday, June 22, 2012 • 8:30 a.m.–12:00 p.m.**

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

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**WEDNESDAY, JUNE 20, 2012**

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**NON-BUSINESS MEETING—CLOSED (RULE 10.6(A))**

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**Session**      **1:30–5:00 p.m.**

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

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**THURSDAY, JUNE 21, 2012**

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

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**11:00–11:30 a.m. Public Comment**

[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to

[judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov) or mail or deliver your request to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Tuesday, June 19, 2012**. In the request, please state:

- The speaker's name, occupation, and (if applicable) name of the entity that the speaker represents;
- The speaker's email address, telephone number, and mailing address; and
- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences.

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than five minutes, the specific time allocation to be determined based on the number of speakers and available time.

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](mailto:judicialcouncil@jud.ca.gov) or mailed or delivered to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. Only written comments

received by **1 p.m. on Wednesday, June 20, 2012**, will be distributed to council members at the meeting.

**11:30–11:35 a.m. Approval of Minutes**

Minutes of the [April 24](#), [May 7](#), and [May 17](#), 2012, meetings.

**11:35–11:50 a.m. Chief Justice’s Report**

Chief Justice Tani Cantil-Sakauye will report.

**11:50–11:55 a.m. [Interim Administrative Director’s Report](#)**

Ms. Jody Patel, Interim Administrative Director of the Courts, will report.

**11:55 a.m.–  
12:10 p.m. [Judicial Council Committee Presentations](#)  
[under Committee Reports Tab]**

Policy Coordination and Liaison Committee

Hon. Marvin R. Baxter, Chair

Executive and Planning Committee

Hon. Douglas P. Miller, Chair

Rules and Projects Committee

Hon. Harry E. Hull, Jr., Chair

California Court Case Management System (CCMS) Internal Committee

Hon. James E. Herman, Chair

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## **CONSENT AGENDA (ITEMS A1–A2 THROUGH F)**

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*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 Spero at 415-865-7915 at least 48 hours before the meeting.*

**ITEMS A1–A2        FORMS AND JURY INSTRUCTIONS**

***Jury Instructions***

**[Item A1    Jury Instructions: Additions, Revisions, and Revocations to Civil Jury Instructions \(Action Required\)](#)**

The Advisory Committee on Civil Jury Instructions recommends approval of the proposed additions and revisions to the *Judicial Council of California Civil Jury Instructions* (CACI). These changes will keep CACI current with statutory and case authority.

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

Staff:        Mr. Bruce Greenlee, Office of the General Counsel

**Traffic**

**Item A2 Traffic: Form Agreement for Installment Payments Under Vehicle Code Section 42007 (Action Required)**

The Traffic Advisory Committee recommends revisions to form TR-310, Agreement to Pay Traffic Violator School Fees in Installments, to become effective July 1, 2012. Vehicle Code section 42007(a)(2) provides that the Judicial Council shall prescribe the form of the agreement for installment payment of the fee for traffic violator school when approved by a clerk. Assembly Bill 2499 (Stats. 2010, ch. 599) amended the Vehicle Code to provide that completion of traffic violator school results in a confidential conviction instead of dismissal of a violation as before. The recommended revisions bring form TR-310 into conformance with the recent legislation, and the form would remain mandatory for use by those courts that allow clerks to set up installment payment plans for referral to traffic violator school.

Hon. Mark S. Borrell, Chair, Traffic Advisory Committee

Staff: Mr. Courtney Tucker, Office of the General Counsel

**Item B Collections: Revisions to the Guidelines and Standards for Cost Recovery and Collections Reporting Template (Action Required)**

The Enhanced Collections Unit recommends the council adopt revisions to two documents previously adopted by the council: (1) Guidelines and Standards for Cost Recovery, and (2) Collections Reporting Template. The recommendations are being made as a result of amendments to Penal Code section 1463.007 under Senate Bill 857 (Stats. 2010, ch 720), which modifies the standards under which a court or county may recover the costs of operating a comprehensive collection program, resulting in changes to the reporting template. The amendments become effective July 1, 2012.

Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Staff: Ms. Margie Borjon-Miller, Finance Division, Enhanced Collections Unit

**Item C Judicial Branch Administration: Audit Reports for Judicial Council Acceptance (Action Required)**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and the Administrative Office of the Courts (AOC) recommend that the Judicial Council accept the audit reports that pertain to the Superior Courts of Mariposa and Santa Clara Counties. This acceptance complies 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 will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Hon. Richard Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency

Staff: Mr. John A. Judnick, Finance Division

**Item D Report to the Legislature: Annual Summary of Trial Court Security Plans (Action Required)**

The Working Group on Court Security recommends that the council approve its proposed report to the Legislature summarizing locally negotiated court security plans submitted to the AOC by the trial courts. Annual submission of this report is required under Government Code section 69925.

Hon. Richard D. Aldrich, Chair, Working Group on Court Security

Staff: Mr. Malcolm Franklin, Office of Emergency Response and Security

**Item E Subordinate Judicial Officers: Extension of Authorization for Temporary SJOs in Superior Court of Riverside County Through June 30, 2013 (Action Required)**

The Executive and Planning Committee recommends that the Judicial Council extend, in accordance with Government Code section 71622(a), through June 30, 2013, the authorization of the three positions for subordinate judicial officers at the Superior Court of California, County of Riverside. The court has paid and will pay for the cost of hiring retired commissioners for these positions. Authorization for these positions commenced in 2007 following the creation of the criminal case backlog strike force, at the request of Chief Justice Ronald M. George, for the purpose of reducing the criminal case backlog in the Riverside court. Without the extension of the authorization for these three positions, the delivery of justice in Riverside would be even more severely affected.

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

Staff: Ms. Nancy E. Spero, Office of the General Counsel

**Item F Criminal Law: Judicial Council Appointment of Judge to Board of State and Community Corrections (Action Required)**

The Executive and Planning Committee recommends that the Judicial Council appoint the Hon. Steven Jahr (Ret.) to the Board of State and Community Corrections (BSCC). The BSCC, commencing July 1, 2012, was established by Senate Bill 92 (Stats. 2011, Ch. 36). The BSCC is an entity independent of the California Department of Corrections and Rehabilitation (CDCR) and is composed of 12 members including a judge appointed by the Judicial Council. This will be the first Judicial Council appointment to the BSCC.

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

Staff: Ms. Nancy E. Spero, Office of the General Counsel

**Lunch 12:10–12:40 p.m. (approx.)**

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## DISCUSSION AGENDA (ITEMS G–J)

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**Item G**      **12:40–1:55 p.m.**

**Judicial Administration: Report and Recommendations from the Strategic Evaluation Committee (Action Required)**

The Strategic Evaluation Committee (SEC) established by the Chief Justice in March 2011 presents its report to the Judicial Council. The council will formally receive the SEC report.

*Public Comment and Presentation (45 minutes) • Discussion (30 minutes)*

Speakers: Hon. Charles D. Wachob, Chair, Strategic Evaluation Committee

Hon. Brian L. McCabe, Vice Chair, Strategic Evaluation Committee

**Item H**      **1:55–2:55 p.m.**

**Judicial Administration: Next Steps for Strategic Evaluation Committee Recommendations (Action Required)**

*Public Comment and Presentation (30 minutes) • Discussion (30 minutes)*

The Executive and Planning Committee will recommend a process for the council taking action on the report's recommendations.

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

**Break**      **2:55–3:10 p.m. (approx.)**

**Item I**      **3:10–3:40 p.m.**

**Judicial Administration: Report from the Interim Administrative Director of the Courts (No Action Required. There are no materials for this item.)**

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

The Interim Administrative Director of the Courts will report on the AOC, including changes made and in progress.

Speaker: Ms. Jody Patel, Interim Administrative Director of the Courts

Mr. Curt Soderlund, Interim Chief Deputy Director

**Item J            3:40–4:40 p.m.**

**Budget: Fiscal Year 2012-2013 Budget Status (No Action Required. There are no materials for this item.)**

*Public Comment and Presentation (35 minutes) • Discussion (25 minutes)*

The council will be provided with the status of the Fiscal Year 2012-2013 budget and implications for the judicial branch

Speakers: Ms. Jody Patel, Interim Administrative Director of the Courts

Mr. Curt Soderlund, Interim Chief Deputy Director

Mr. Curtis L. Child, Director, Office of Governmental Affairs

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**FRIDAY, JUNE 22, 2012**

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**OPEN MEETING (RULE 10.6(A))—CONTINUATION OF BUSINESS  
MEETING—DISCUSSION AGENDA (ITEMS K–P)**

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**Item K**           **8:30–9:00 a.m.**

**Judicial Branch Administration: Strategic and Operational Planning for the Judicial Branch (No Action Required. There are no materials for this item.)**

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

The Chair of the Executive and Planning Committee will speak about the approach the council will be taking this year for planning.

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

**Item L**           **9:00–9:45 a.m.**

**Judicial Branch Administration: Report Regarding Governor’s Working Group for Operational Efficiencies and Staffing Standards for the Judicial Branch (No Action Required. There are no materials for this item.)**

*Public Comment and Presentation (25 minutes) • Discussion (20 minutes)*

Information about the Governor’s proposed working group for operational efficiencies and staffing standards for the judicial branch will be presented.

Speaker: Mr. Curt Soderlund, Interim Chief Deputy Director

**Break**           **9:45–10:00 a.m. (approx.)**

**Item M**           **10:00–11:00 a.m.**

**[Technology: Report for Council’s Internal Committee on Technology \(Action Required\)](#)**

*Public Comment and Presentation (30 minutes) • Discussion (30 minutes)*

The CCMS Internal Committee recommends that the Judicial Council change the committee’s name to the Technology Committee. The committee oversees the council’s policies on technology and advises the council on technology-related policy decisions. On March 27, 2012, the Judicial Council directed the committee, in partnership with the trial courts, to develop timelines and recommendations for terminating CCMS V4 as a statewide technology project, establish an approach and vision for implementing technology that serves the courts and the public, leverage the CCMS technology, and provide technology solutions for the near term, establish a court technology governance structure, develop alternatives for the V4 early adopter court San Luis Obispo to meet its needs, and develop

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strategies to assist courts with critical case management system needs. The Technology Committee will provide an update on the status of its activities since the March 27 meeting.

Speakers: Hon. James E. Herman, Chair, California Court Case Management System (CCMS) Internal Committee

Mr. Curt Soderlund, Interim Chief Deputy Director

Mr. Mark W. Dusman, Chief Information Officer and Director, Information Services

**Item N 11:00–11:30 a.m.**

**Trial Court Trust Fund Allocation: San Luis Obispo Funding for Case Management System Replacement (Action Required)**

The CCMS Internal (Technology) Committee and the AOC submit to the Judicial Council three alternatives for review and consideration for funding the Superior Court of San Luis Obispo County’s replacement of its two failing case management systems (CMS) and implementation of a document management system (DMS).

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

Speakers: Hon. James E. Herman, Chair, California Court Case Management System (CCMS) Internal Committee

Hon. Barry T. LaBarbera, Presiding Judge, Superior Court of San Luis Obispo County

Ms. Susan E. Matherly, Executive Officer, Superior Court of San Luis Obispo County

Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Mr. Mark W. Dusman, Chief Information Officer and Director, Information Services

**Item O 11:30 a.m.–12:00 p.m. \***

**~~Court Facilities: Revised Policy for Prioritizing Facility Modifications (Action Required)~~**

~~The Court Facilities Working Group recommends adoption of the new *Trial Court Facility Modifications Policy*, which updates and supersedes the current *Prioritization Methodology for Modifications to Court Facilities*. The creation of the Court Facilities Working Group, a clarification of the policy's definition of “facility modification,” and three additional years of implementation have necessitated that this policy be updated.~~

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

~~Speakers: Hon. David Edwin Power, Chair, Trial Court Facility Modifications Working Group~~

~~Mr. Gerald Pfab, Office of Court Construction and Management~~

**\* This item will be deferred to a future Judicial Council meeting.**

Item P 11:30 a.m.–12:00 p.m.

**Trial Courts: San Joaquin Court Assistance Review Team Report of Recommendations (No Action Required)**

The Judicial Council directed the Administrative Office of the Courts, Regional Office, to assist the Superior Court of California, County of San Joaquin, to identify possible cost savings measures and opportunities to increase revenues. A team of experienced Court Executive Officers convened to participate as members of the San Joaquin Court Assistance Review Team (CART). This informational report, submitted by the Regional Office, provides the council with options relating to CART recommendations and responses provided by the Superior Court of San Joaquin County regarding its operational and administrative activities and areas where the court might achieve additional cost savings and increase revenue to minimize future requests for emergency funding.

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

Speakers: Hon. David P. Warner, Presiding Judge, Superior Court of California,  
County of San Joaquin

Ms. Rosa Junqueiro, Executive Officer, Superior Court of California,  
County of San Joaquin

Mr. Alan Carlson, Executive Officer, Superior Court of California,  
County of Orange

Ms. Kim Turner, Executive Officer, Superior Court of California,  
County of Marin

Mr. David Yamasaki, Executive Officer, Superior Court of California,  
County of Santa Clara

Ms. Jody Patel, Interim Administrative Director of the Courts

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**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours (Report #12)**

In 2010, the Legislature enacted fee increases and fund transfers for the courts and also added section 68106 to the Government Code. In 2011, the Legislature enacted Assembly Bill 973, which amended section 68106 effective January 1, 2012. As amended, section 68106 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 eleventh report providing information about the implementation of these notice requirements. Since the eleventh report, six courts—Ventura, Los Angeles, Tuolumne,

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Fresno, Monterey, and Orange—have given such notice. Since section 68106 originally was added, on October 19, 2010, a total of 31 courts have given notice.

**[Trial Courts: Quarterly Investment Report for First Quarter of 2012](#)**

This Trial Court Annual Investment Report provides the financial results for the funds invested by the Administrative Office of the Courts (AOC) on behalf of the trial courts as part of the judicial branch treasury program. This report is submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004. This report covers the period of January 1, 2012, through March 31, 2012.

**Circulating Orders since the last business meeting**  
**[Circulating Orders Tab]**

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