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 25, 2015 • 1:45 p.m.–4:10 p.m.
Friday, June 26, 2015 • 8:30 a.m.–2:10 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support. Please check the agenda at http://www.courts.ca.gov/32496.htm for recent postings of hyperlinked reports.

THURSDAY, JUNE 25, 2015 AGENDA

OPEN SESSION (RULE 10.6(a))—MEETING AGENDA (ITEMS 1–4)

1:45–1:50 p.m. **Approval of Minutes**
Approve minutes of the April 16–17, 2015, and the June 8, 2015, Judicial Council meetings.

Item 1 **1:50–2:15 p.m.**

A Retrospective on the California Supreme Court and 19th Century Jurisprudence (There are no materials for this item. No action required.)

Speaker: Hon. Norman L. Epstein, Presiding Justice of the Court of Appeal, Second Appellate District, Division Four

Item 2 **2:15–2:35 p.m.**

Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring (No Action Required)

This informational report provides the status of the Judicial Council's Executive and Planning Committee's (E&P) activities regarding oversight of the implementation of Judicial Council Restructuring Directives. Specifically, it presents information on E&P's response to

the California State Auditor's recommendation that the council conduct a more thorough review of council staffs' implementation of the Strategic Evaluation Committee recommendations. This response includes information on the two-day E&P public meeting held on March 12 and 13, 2015, at which time E&P members conducted a thorough review of completed directives. The report also presents information on modifications suggested by E&P to the format for reporting directives implementation status and to the public Restructuring webpage with the goal of increasing transparency and accountability in implementation of the directives.

Speakers: Hon. Justice Douglas P. Miller, Chair, Executive and Planning Committee
Hon. David M. Rubin, Vice-Chair, Executive and Planning Committee

Item 3 2:35–2:50 p.m.

Judicial Branch Administration: Workers' Compensation Program: Allocations Methodology and Excess Liability Insurance for the Judiciary (Action Required)

The Judicial Branch Workers' Compensation Program Advisory Committee recommends (1) adopting an allocation methodology that will increase allocations from the participants, with the goal of reducing the current gap between the program's projected liabilities and assets, and (2) renewal of the existing annual excess insurance policy and purchase of an annual excess insurance policy for the judiciary.

Speaker: Ms. Tania Ugrin-Capobianco, Chair, Judicial Branch Workers' Compensation Program Advisory Committee

Item 4 2:50–3:05 p.m.

Trial Courts: Resource Assessment Study Model Interim Complex Civil Caseweight (Action Required)

The Workload Assessment Advisory Committee requests approving its recommendations to (1) establish an initial interim complex civil caseweight of 2,271 minutes for fiscal year (FY) 2015–2016 budget allocations, and (2) reassess the interim caseweight using preliminary data from the fall 2015 update of the staff workload study and make any needed adjustments for FY 2016–2017 budget allocations.

Speakers: Ms. Kim Turner, Workload Assessment Advisory Committee
Ms. Deana Farole, Office of Court Research

Break 3:05–3:20 p.m. (approx.)

CLOSED SESSION (RULE 10.6(b))—PERSONNEL AND OTHER CONFIDENTIAL MATTERS

Session **3:20–4:10 p.m.**

FRIDAY, JUNE 26, 2015 AGENDA

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

8:30–8:45 a.m. **Chief Justice's Report**
Chief Justice Tani G. Cantil-Sakauye will report.

8:45–9:05 a.m. **Administrative Director's Report**
Mr. Martin Hoshino, Administrative Director, will report.

Judicial Branch Administration: Fiscal Year 2015–2016 Judicial Branch Budget

The Administrative Director briefs the council on the FY 2015–2016 judicial branch budget, as passed by the Legislature.

9:05–9:35 a.m. **Judicial Council Committee Presentations**
Executive and Planning Committee
Hon. Douglas P. Miller, Chair

Policy Coordination and Liaison Committee
Hon. Kenneth K. So, Chair

Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair

Technology Committee
Hon. James E. Herman, Chair

9:35–10:05 a.m. **Judicial Council Members' Liaison Reports**
Judicial Council members will report on their liaison work.

10:05–10:35 a.m. **Public Comment**
The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council's understanding of the issues coming before it.

Please see our public comment procedures.

1) Submit advance requests to speak by **4:00 p.m., Tuesday, June 23, 2015**.

2) Submit written comments for this meeting by **1:00 p.m. on Wednesday, June 24, 2015**.

Contact information for advance requests to speak, written comments, and questions:

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

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

Break **10:35–10:50 a.m. (approx.)**

CONSENT AGENDA (ITEMS A1–A5 THROUGH I)

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.

ITEMS A1–A5 **RULES AND FORMS**

Civil Jury Instructions

Item A1 **Jury Instructions: New, Revised, Renumbered, and Revoked Civil Jury Instructions and Verdict Forms (Action Required)**

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new, revised, revoked, and renumbered civil jury instructions prepared by the committee.

Civil and Small Claims

Item A2 **Small Claims: Technical Revisions to Forms to Conform to Statutory Change (Action Required)**

Three years ago, the jurisdictional limit of the small claims court for actions brought by a natural person increased, with some specified exceptions. One of those exceptions, for personal injury claims in certain automobile cases, included a sunset date of January 1, 2015. Because two small claims forms state the jurisdictional limits, including the now outdated exception, the Civil and Small Claims Advisory Committee recommends revising those forms as soon as possible to reflect that the exception is no longer applicable.

Criminal Procedure

Item A3 **Criminal Procedure: Update Judicial Council Misdemeanor Domestic Violence Plea Form Citations (Action Required)**

The Criminal Law Advisory Committee recommends revising an optional Judicial Council form used to facilitate the taking of guilty or no contest pleas in misdemeanor domestic violence cases to update two citations to statutes that address prohibitions on owning, using, or possessing firearms and ammunition within 10 years of a misdemeanor domestic violence conviction.

Traffic

Item A4 **Traffic: Payment and Forfeiture of Bail in Installments (Action Required)**

The Traffic Advisory Committee recommends revising form TR-300, *Agreement to Pay and Forfeit Bail in Installments*. On June 8, 2015, the Judicial Council adopted rule 4.105 of the California rules of Court to govern the imposition of bail in traffic infraction cases when a defendant appears as promised. In connection with adopting rule 4.105, the Judicial Council directed the Traffic Advisory Committee to consider proposals to revise Judicial Council traffic infraction forms related to bail as soon as possible to be consistent with the rule and to promote access to justice in traffic infraction cases.

Item A5 **Traffic: Notice to Appear Forms for Traffic and Nontraffic Citations (Action Required)**

The Traffic Advisory Committee recommends that the Judicial Council revise current Notice to Appear forms and adopt new electronic Notice to Appear forms for traffic and nontraffic citations to improve the uniformity of the content of statewide Notice to Appear forms. The committee also recommends amending rule 4.103 to require law enforcement agencies to submit copies of electronic citation forms to the Judicial Council to ensure compliance. These recommendations were developed at the request of courts to promote electronic filing of Notice to Appear forms and reduce concerns about the validity of the forms as complaints. In addition, the recommended forms are consistent with recently adopted rule 4.105, which sets forth bail requirements in traffic infraction matters.

Item B **Court Facilities: Sale of Equity Interest in Chino Courthouse as Surplus Property (Action Required)**

In keeping with the Judicial Council's authority and responsibility to dispose of surplus court facilities under Government Code section 70391(c) and rule 10.183 of the California Rules of Court, the Facilities Policies Working Group recommends that the Judicial Council (1) declare as surplus property the Judicial Council's 51.17% equity interest in the Chino Courthouse, and (2) authorize the sale of the Equity Interest to the County of San Bernardino.

Item C **Court Facilities: Transfer of Judicial Council's Equity Interest in Independence Courthouse (Action Required)**

The Facilities Policies Working Group recommends that the Judicial Council approve the proposed permanent transfer of the Judicial Council's 34% equity interest in the Independence Courthouse, located at 168 North Edwards Street, Independence, California (the Independence Courthouse) to the County of Inyo (County) in exchange for the County's (1) forgiveness over time of the Judicial Council's existing obligation under the Joint

Occupancy Agreement with the County dated April 29, 2008, to pay its 34% share of the cost of operating and maintaining the Independence Courthouse; and (2) agreement to enter into a long-term lease with the Judicial Council for certain real property located immediately adjacent to the existing County jail (also located in Independence) at a nominal rent for the purpose of installing and operating a modular courthouse for use by the Inyo County Superior Court.

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

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of San Bernardino*. 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.

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

A&E and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of San Luis Obispo*. 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.

Item F **Judicial Branch Administration: Judicial Branch Contracting Manual (Action Required)**

A&E recommends adopting proposed revisions to the *Judicial Branch Contracting Manual*. The California Judicial Branch Contract Law directs the Judicial Council to adopt and publish a manual incorporating procurement and contracting policies and procedures that must be followed by judicial branch entities. The council adopted the initial manual on August 26, 2011, and revisions to the manual on four subsequent occasions. The revisions that are currently proposed relate to updated nomenclature and minor clarifications.

Item G **Judicial Council Report to the Governor and Legislature: 2015 Language Need and Interpreter Use Study (Action Required)**

The Court Interpreters Advisory Panel recommends that the Judicial Council approve the *2015 Language Need and Interpreter Use Study* for submission to the Governor and

Legislature. The study, conducted by the National Center for State Courts, details interpreter use in the trial courts for FY period FY 2009–FY 2013 and projects future language need.

Item H **Trial Courts: Children's Waiting Room Policy (Action Required)**

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council approve revisions to the council's children's waiting room policy, including placing a cap on the amount of children's waiting room fund balance that courts can accumulate and, in specific circumstances, requiring courts to return their children's waiting room fund balance to the Trial Court Trust Fund and discontinuing the children's waiting room distribution to those courts.

Item I **Trial Courts: Recidivism Reduction Fund Court Grant Program, Phase II Recommended Awards (Action Required)**

As part of the Budget Act of 2014, the Legislature directed the Judicial Council of California to develop and administer a competitive grant program for trial courts that incorporates practices known to reduce adult offender recidivism. Criminal Justice Services, an office within the Judicial Council's staff organization, recommends approving the Recidivism Reduction Fund (RRF) Court Grant Program funding allocation and distribution as presented in this report. This recommendation encompasses the use of: (1) $658,000 remaining after an initial round of awards was approved by the Judicial Council on February 19, 2015, and (2) an additional $1.3 million RRF allocation that is included in the version of the budget adopted by both budget committees in the two houses of the Legislature and awaits action by the Governor on or before June 30, 2015. In the event that the final budget does not include the additional $1.3 million from the RRF, staff requests time to revise the set of recommendations in this report and present an alternate approach utilizing a lesser allocation at the council's July 28, 2015, meeting.

DISCUSSION AGENDA (ITEMS J–P)

Item J **10:50–11:15 a.m.**

Court Facilities: Courtroom Layouts (Action Required)

The Court Facilities Advisory Committee recommends that the Judicial Council adopt a catalog of courtroom layouts with associated holding areas for use in the design of new courthouses that are fully or partially funded by the state. Each courthouse project and the courthouse construction program as a whole will save time in the design process and therefore save project costs through the application of the layouts, compared to the individual design of each project's courtrooms and adjacent holding areas.

Speaker: Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee

Item K **11:15–11:35 a.m.**

Court Facilities: Water Conservation Policy (Action Required)

The Facilities Policies Working Group recommends that the Judicial Council adopt a water conservation policy that provides water conservation best practices for both capital projects and existing courthouse facilities. For capital projects, the policy identifies immediate and ongoing practices, as well as enhanced practices that require further analysis on a project-by-project basis. For existing courthouse facilities, the policy identifies immediate best practices and long-term goals. The intent of the document is to initiate a branch-wide, collaborative effort to identify best practices that will reduce water usage at California courthouses.

Speaker: Hon. Marla O. Anderson, Vice-chair, Facilities Policies Working Group

Item L **11:35 a.m.–12:05 p.m.**

Trial Courts: Impact to Trial Court Funding under the Workload-Based Allocation and Funding Methodology (No Action Required)

TCBAC is providing the Judicial Council a status report on the current and possible future impact to trial court funding under the Workload-Based Allocation and Funding Methodology.

Speakers: Mr. Jake Chatters, Executive Officer, Superior Court of California, County of Placer
Mr. Zlatko Theodorovic, Finance
Mr. Colin Simpson, Finance

Item M **12:05–12:25 p.m.**

Trial Courts: 2015–2016 Allocation Using the Workload-Based Allocation and Funding Methodology (Action Required)

TCBAC recommends that any new funding for general court operations provided by the Budget Act of 2015 for 2015–2016 that will be allocated in accordance with the Workload-Based Allocation and Funding Methodology be reduced by the $22.7 million shortfall in Trial Court Trust Fund fine and fee revenue that has not been backfilled from the state General Fund.

Speakers: Mr. Jake Chatters, Executive Officer, Superior Court of California, County of Placer
Mr. Zlatko Theodorovic, Finance
Mr. Colin Simpson, Finance

Item N **12:25–12:45 p.m.**

Trial Court Allocations: Restoration of Benefits Funding in 2015–2016 (Action Required)

TCBAC recommends that the Judicial Council approve the allocation of $13.4 million included in the 2015 Governor's May Revise for trial courts that made progress towards

meeting the Public Employees' Pension Reform Act of 2013 standard. The 2014 Budget Act included an augmentation of $42.8 million specifically for the benefit cost changes in 2012–2013 and 2013–2014, which took into account a reduction in the amount of $22 million, based on the Department of Finance estimate of what the trial courts were spending to cover the employee share of cost for retirement. The Governor's May Revise proposes restoring $13.4 million of this $22 million reduction in 2015–2016.

Speaker: Mr. Jake Chatters, Executive Officer, Superior Court of California, County of Placer

Break 12:45–1:15 p.m. (approx.)

Item O 1:15–1:40 p.m.

Budget: Fiscal Year 2016–2017 Budget Requests for Trial Courts (Action Required)

TCBAC recommends that the Judicial Council approve the proposed fiscal year 2016–2017 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 2, 2015.

Speakers: Hon. Marsha Slough, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Finance
Ms. Lucy Fogarty, Finance

Item P 1:40–2:10 p.m.

Trial Courts: State Trial Court Improvement and Modernization Fund Allocations in Fiscal Year 2015–2016 for the V3 Case Management System and Interim Case Management Systems Programs (Action Required)

TCBAC recommends that the Judicial Council allocate a total of $6.9 million in 2015–2016 from the State Trial Court Improvement and Modernization Fund for the V3 Case Management System and Interim Case Management Systems programs.

Speakers: Hon. Marsha Slough, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Finance
Mr. Colin Simpson, Finance

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 **Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 31)**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 31st report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, three superior courts—those of Calaveras, Yolo and Santa Clara Counties—have issued new notices.

INFO 2 **Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 3 of Fiscal Year 2014–2015**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the third quarter of fiscal year 2014–2015. In compliance with the *Trial Court Facility Modifications Policy*, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 3, Fiscal Year 2014–2015* as information for the council. This report summarizes the activities of the TCFMAC from January 1, 2015, to March 31, 2015.

INFO 3 **Trial Courts: Quarterly Investment Report for First Quarter of 2015**

This *Trial Courts: Quarterly Investment Report for First Quarter of 2015* provides the financial results for the funds invested by the Judicial Council 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, 2015, through March 31, 2015.

Circulating Orders since the last business meeting.

Appointment Orders since the last business meeting.