JUDICIAL COUNCIL MEETING
Minutes of the July 25, 2005, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 10:35 a.m. on Monday, July 25, 2005, at the Administrative Office of the Courts (AOC) in San Francisco, California.

Judicial Council members present: Chief Justice Ronald M. George; Justices Candace D. Cooper, Richard D. Huffman, and Laurence Donald Kay; Judges J. Stephen Czuleger, Eric L. DuTemple, Michael T. Garcia, Suzanne N. Kingsbury, Jack Komar, Douglas P. Miller, Heather D. Morse, William J. Murray, Jr., Michael Nash, and Richard E. L. Strauss; Mr. Anthony P. Capozzi, Mr. Rex S. Heinke, Mr. David J. Pasternak, Ms. Ann Miller Ravel, and Mr. William C. Vickrey; **advisory members:** Judges Frederick Paul Horn and James M. Mize; Commissioner Patricia H. Wong; Ms. Tamara Lynn Beard, Ms. Tressa S. Kentner, and Mr. Alan Slater.

Absent: Justice Marvin R. Baxter; Senator Joseph Dunn; and Assembly Member Dave Jones.

Others present included: Commissioner Ronald E. Albers; Ms. Deena Fawcett, Ms. Beth Jay, Ms. Maria Kinney, Mr. James B. Perry, and Ms. Sharol Strickland; **staff:** Mr. Chris Belloli, Mr. Michael Bergeisen, Mr. Dennis Blanchard, Ms. Marcia Caballin, Ms. Karen Cannata, Mr. James Carroll, Ms. Casie Casados, Ms. Roma Cheadle, Ms. Kim Davis, Ms. Charlene Depner, Ms. Nina Erlich-Williams, Mr. Bob Fleshman, Mr. Malcolm Franklin, Ms. Charlene Hammitt, Ms. Christine M. Hansen, Ms. Hilary Hehman, Ms. Lynn Holton, Mr. Kenneth Kann, Mr. Gary Kitajo, Ms. Leanne Kozak, Mr. Dag MacLeod, Mr. Frederick Miller, Mr. Lee Morhar, Ms. Vicki Muzny, Ms. Kristin Nichols, Ms. Diane Nunn, Ms. Eraina Ortega, Mr. Ronald G. Overholt, Ms. Christine Patton, Mr. Chung-Ron Pi, Mr. Michael Roddy, Ms. Nancy Spero, Ms. Pat Sweeten, Ms. Marcia M. Taylor, Ms. Karen M. Thorson, Mr. Tony Wernert, Ms. Daisy Yee, Ms. Patricia M. Yerian, and Ms. Shaun Young; **media representatives:** Ms. Jill Duman, *The Recorder;* and Ms. Donna Domino, *San Francisco Daily Journal.*

Except as noted, each action item on the agenda was unanimously approved on the motion made and seconded. (Tab letters and item numbers refer to the binder of Reports and Recommendations dated July 25, 2005, that was sent to members in advance of the meeting.)

Public Comment Related to Trial Court Budget Issues

The Chief Justice noted that there had been no requests from the public to comment on trial court budget issues.

Judicial Council Committee Presentations

Executive and Planning Committee

Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met one time, on July 14, 2005, since the June council meeting. The committee, by telephone conference on that date, reviewed and approved the proposed schedule of council site visits for 2005–2006. It also reviewed and approved the materials for the July 25, 2005, council business meeting.

Policy Coordination and Liaison Committee

Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), was absent. No committee report was made.

Rules and Projects Committee

Justice Laurence Donald Kay, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met one time, on June 30, 2005, since the June council meeting. At that meeting, in person, the committee reviewed the remaining proposed Judicial Council criminal jury instructions that it had not previously reviewed. All proposed criminal jury instructions will be presented to the council at its August business meeting.

CONSENT AGENDA

No consent items were submitted for this meeting.

DISCUSSION AGENDA

Item 1 Fiscal Year 2005–2006 Trial Court Budget Allocations

This item was presented by Ms. Christine M. Hansen, Finance Division; Mr. Dag MacLeod, Executive Office Programs Division; Ms. Jody Patel, Executive Officer, Superior Court of Sacramento County (who participated by telephone); and Mr. James B. Perry, Executive Officer, Superior Court of Yolo County; with the participation of Ms. Vicki Muzny.

AOC staff and the Trial Court Budget Working Group recommend the allocation of funding to the trial courts for fiscal year 2005–2006, including State Appropriations Limit (SAL) funding. The recommendations include policy and funding proposals in the following program areas: retirement, staffing and operating expenses for new facilities, workload growth and equity funding, inflation and workforce funding, security, court-appointed counsel, jury funding, elder and dependent adult abuse protection orders, civil case coordination, court interpreters, and other scheduled reimbursement and local

assistance programs. They also seek approval to use the Resource Allocation Study model for the purposes of allocating funding based on workload.

Council action
The Judicial Council

1. Approved the policy that retirement funding be provided to courts based upon confirmed rate changes. For courts that do not have confirmed rate changes but provided expected retirement rate change information, funding is to be set aside and provided once rate changes have been finalized and confirmed;
2. Approved the policy that if a court projects an actual reduction in retirement costs due to rate and/or plan changes, the projected savings should be adjusted from the court's retirement baseline to be made available as an offset for courts that are experiencing cost increases;
3. Approved the allocation to the courts in fiscal year 2005–2006 of up to $15.983 million for ratified retirement rate and plan changes and set aside up to $4.725 million for nonratified retirement rate and plan changes from the SAL funding;
4. Approved a maximum allocation of $3.036 million in one-time funds from existing Trial Court Trust Fund reserves in fiscal year 2005–2006 to address one-time nonsecurity costs associated with the opening of new facilities in fiscal year 2005–2006;
5. Approved a maximum allocation of $784,977 in ongoing funds from the SAL adjustment to be used to address nonsecurity operational costs for new facilities opened or planned to open in fiscal years 2004–2005 and 2005–2006;
6. Directed staff to establish a process for allocation of funding for nonsecurity operational cost increases resulting from the opening of new facilities, upon notification by the courts that the costs have been incurred;
7. Approved $56.421 million in inflation and workforce funding for allocation to the courts to be used to meet staff compensation, operating expenses, and other costs at their discretion;
8. Approved the Resource Allocation Study model methodology for purposes of allocating resources on the basis of workload with the understanding that ongoing technical adjustments will continue to be made by AOC staff as the data become available;
9. Approved the allocation of $13.86 million in workload growth and equity funding based upon application of the Resource Allocation Study model, using a graduated adjustment factor for those courts that have a shortfall of at least 10 percent. The council instructed the courts that receive this funding to work with their regional directors and provide to the council a report on what the funds were used for;
10. Approved $24.214 million in security funding based on application of the adjusted 6.44 percent SAL growth factor to the security budget;
11. Approved allocation of $1.363 million of the $24.214 million from the SAL adjustment to courts to address costs for confirmed changes in security

negotiated salary increases (NSIs), retirement, and other benefits and set aside up to $9.443 million for those courts that have anticipated increases, to be allocated in the amount needed once their cost needs are confirmed;

12. Approved allocation of $449,418 in unallocated fiscal year 2004–2005 funding to address confirmed increases in security-related costs and set aside up to $2.418 million for those courts that have anticipated increases, to be allocated in the amount needed once their cost needs are confirmed;
13. Directed staff to return to the Judicial Council in August 2005 with any additional allocations of the SAL security funding for courts that have identified increases after the July council action;
14. Directed staff to return to the Judicial Council with any recommendations from the Working Group on Court Security for adjustments to the standards and fiscal year 2005–2006 security reduction, as a result of changes in costs;
15. Directed staff to return to the Judicial Council with recommendations from the Working Group on Court Security for allocation of remaining funds after all cost increases resulting from security NSIs, retirement and other benefits, and new facilities have been addressed;
16. Approved the policy that allocation of any funding for security for new facilities opened in fiscal years 2004–2005 and 2005–2006 be provided from the same pool of security funding to be used for mandatory security cost increases;
17. Approved $13.655 million ($5.5 million ongoing from SAL funding based on the SAL factor and $8.155 million one-time from reserves in the Trial Court Trust Fund) to be used to reimburse the costs of dependency counsel in fiscal year 2005–2006;
18. Encouraged courts to recover the costs of dependency and Family Code section 3150 cases whenever possible and appropriate and include the cost recovery as an abatement on quarterly financial statements;
19. Approved a permanent reduction of $52,537 in jury funding beginning in fiscal year 2005–2006;
20. Approved a permanent redirection of $875,000 of the $1.175 million base funding for processing elder and dependent adult abuse protective orders to be used for other program areas;
21. Approved, on a one-time basis for fiscal year 2005–2006, the allocation to the Civil Case Coordination Program of an additional $385,000 from reserves in the Trial Court Trust Fund;
22. Approved a $14.996 million increase to the court interpreter program budget to be used to reimburse the cost of the program in fiscal year 2005–2006;
23. Approved the application of the SAL growth factor (6.64 percent) to each of the following program areas: extraordinary homicide trials, prisoner hearings, and service of process for protective orders; and the application of the adjusted SAL growth factor (6.44 percent) to drug courts, Court Appointed Special Advocate (CASA) programs, the Model Self-Help Program, and Family Law Information Centers;

24. Approved ongoing allocation of $94,966 in fiscal year 2004–2005 security deficiency funding pending in legislation, as soon as the legislation is enacted; and
25. Approved allocation of $4.872 million in ongoing funding included in the pending deficiency allocation, as soon as the legislation is enacted.

Circulating Orders

There were no circulating orders since the last Judicial Council meeting.

Appointment Orders

Copies of appointment orders are for information only; no action was necessary.

There being no further public business, the meeting was adjourned at 1:35 p.m.

Respectfully submitted,

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William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council