JUDICIAL COUNCIL MEETING
Minutes of August 29, 2003, Meeting

The Judicial Council of California business meeting began at 8:45 a.m. on Friday, August 29, 2003, at the Administrative Office of the Courts (AOC) in San Francisco, California, on the call of Chief Justice Ronald M. George, chair.

Judicial Council members present: Chief Justice Ronald M. George; Associate Justices Marvin R. Baxter, Norman L. Epstein, and Richard D. Huffman; Judges Aviva K. Bobb, Eric L. Du Temple, William C. Harrison, Jack Komar, William A. MacLaughlin, Heather D. Morse, Ronald M. Sabraw, and Barbara Ann Zúñiga; Mr. Rex Heeseman, Mr. David J. Pasternak, Ms. Ann Miller Ravel, Mr. William C. Vickrey, and Mr. Thomas J. Warwick, Jr.; **advisory members:** Judges Frederick Paul Horn and Gregory C. O'Brien, Jr.; Commissioner Patricia H. Wong; Ms. Tressa S. Kentner, Ms. Susan Null, and Mr. Alan Slater.

Absent: Senator Martha M. Escutia, Assembly Member Ellen M. Corbett, Justice Laurence Donald Kay, and Judge Gail A. Andler.

Others present included: Associate Justices Patricia Bamattre-Manoukian and Judith McConnell; Judges Michael T. Garcia, William J. Murray, Jr., Michael Nash, Richard Strauss, and Eric C. Taylor; Ms. Pamela Owen Adams, Mr. Michael W. Boggs, Mr. William H. Davidson, Mr. Rex Heinke, Ms. Elizabeth Howard, Ms. Beth Jay, Ms. Sofia Nordahl, Mr. Chuck Oraftik, Mr. Tom Pringle, and Ms. Yvette Rincon; **staff:** Mr. Michael Bergeisen, Mr. Dennis Blanchard, Mr. James Carroll, Ms. Jeanne Caughell, Ms. Roma Cheadle, Ms. Kim Davis, Ms. Charlene Depner, Mr. Mark Dusman, Mr. Robert Emerson, Ms. Audrey Evje, Mr. George Ferrick, Mr. Bob Fleshman, Ms. Susan Goins, Ms. Charlene Hammitt, Ms. Christine M. Hansen; Ms. Sue Hansen, Ms. Lynn Holton, Ms. Bonnie Hough, Ms. Susan Hough, Ms. Kate Howard, Ms. Melissa Johnson, Mr. Kenneth L. Kann, Mr. Ray LeBov, Ms. Sally Lee, Mr. Frederick Miller, Ms. Vicki Muzny, Mr. Stephen H. Nash, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Eraina Ortega, Mr. Ronald G. Overholt, Ms. Christine Patton, Ms. Romunda Price, Ms. Rona Rothenberg, Ms. Marlene Smith, Ms. Sonya Smith, and Ms. Pat Sweeten; **media representatives:** Ms. Karen Coleman 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 August 29, 2003, that was sent to members in advance of the meeting.)

Public Comment Related to Trial Court Budget Issues

Mr. Michael W. Boggs, President of AFSCME Local 910—which represents research attorneys and law clerks providing legal research support to judges in the Superior Court of Los Angeles County—addressed the council. Mr. Boggs reported that, for budgetary

reasons, the Superior Court of Los Angeles County had decided that it could no longer promote temporary law clerks to regular research attorney positions except to fill openings. Temporary employees, if not promoted, would be terminated at the end of their second year. Mr. Boggs requested that the council allocate funds to enable the court to promote its temporary-status law clerks to regular-status research attorney positions.

Approval of Minutes of July 16, 2003

The council approved the minutes of its July 16, 2003, meeting.

Judicial Council Committee Presentations

Executive and Planning Committee
Associate Justice Richard D. Huffman, chair, reported on the committee's activities since the July Judicial Council meeting. On August 12 the committee met by conference call. Acting on behalf of the council, the committee approved the allocation of federal Access to Visitation Grant funds for fiscal years 2003–2004 and 2004–2005. The committee discussed AOC staff recommendations concerning the structure of the Family and Juvenile Law Advisory Committee and the Court Executives Advisory Committee, and deferred those issues until its nomination process. The committee made a recommendation to the Chief Justice regarding an out-of-cycle appointment to the Reporting of the Record Task Force.

The Superior Court of Santa Cruz County had requested approval to convert a traffic referee position to a commissioner position so they would have more flexibility. The committee approved the request, with the condition that the court fund the new position out of its budget. The court later reported that it did not have the money to fund the change, so the committee withdrew approval.

The committee discussed and adopted an interim policy for overseeing the construction of court facilities pending the council's rules of court to address the whole facilities issue. There are two appellate court facility construction matters already under consideration that have carried over from past years, and it was necessary to adopt some guidelines to allow some of that process to go forward. The committee also set a portion of the meeting agenda. On August 20 the committee met again, approved the Court Appointed Special Advocate (CASA) grants for 2003–2004 on behalf of the council, and continued reviewing the council agenda.

The committee reviewed 267 nominations to fill vacancies on 15 Judicial Council advisory committees and made recommendations to the Chief Justice for his appointments under the rules of court. On August 25th, the committee met by conference call to provide input to staff on the Judicial Council's operational plan.

The committee met on August 28 to discuss agenda item 3b, relating to the operating guidelines for fiscal year 2003–2004.

Policy Coordination and Liaison Committee
Associate Justice Marvin R. Baxter, chair, reported that the Policy Coordination and Liaison Committee (PCLC) had met five times by conference call since the July Judicial Council meeting. At its June, July, and August meetings the committee took positions on bills relating to a variety of subjects including civil and small claims; court operations; criminal procedure; fees, fines, and penalties; and juries. The last day of the session is September 12. The last day for Governor Gray Davis to sign or veto bills is October 12. After the session ends, the Office of Governmental Affairs will prepare the annual *Court News Legislative Summary*, which is published in December and highlights the bills of interest to the judicial branch. Additionally, the status of both Judicial Council–sponsored legislation and bills on which the council has taken a position is available on the California Courts Web site. In October the policy committee will review proposals for 2004 Judicial Council–sponsored legislation. In December it will make recommendations to the full council.

Justice Baxter provided status reports on the 2003 Judicial Council–sponsored bills in numerical order, as follows:

1. Assembly Bill 1095, by Assembly Member Ellen M. Corbett, requires the Judicial Council to establish a task force on county law libraries charged with identifying the funding needs of county law library operations and facilities. That bill is on the Senate floor.

2. Assembly Bill 1180, by Assembly Member Tom Harman, clarifies that when an individual is summoned but fails to appear for jury service, the court may, in lieu of using contempt procedures, impose reasonable monetary sanctions on the prospective juror following an order to show cause hearing. This bill is on the Assembly floor for concurrence in Senate amendments.

3. Assembly Bill 1306, by Assembly Member Mark Leno, provides that if a person is sentenced pursuant to Proposition 36, jurisdiction may be transferred to the defendant's county of permanent residence at the discretion of the sentencing judge. This bill is also on the Senate floor.

4. Assembly Bill 1641, by Assembly Member Rick Keene, imposes procedures authorizing the Chief Justice to issue orders during an emergency. This bill is on the Governor's desk.

5. Assembly Bill 1710, by the Assembly Judiciary Committee, makes technical and clarifying amendments in the areas of court operations and family and juvenile law. This bill also is on the Governor's desk.

6. Assembly Bill 1712, by the Assembly Judiciary Committee, conforms various statutory provisions with the unification of municipal courts and superior courts. This bill is on the Assembly floor for concurrence in Senate amendments.

7. Senate Bill 328, introduced by the Senate Judiciary Committee, makes technical changes to the Trial Court Facilities Act. This bill is on the Assembly floor.

8. Senate Bill 818, by Senator Escutia, makes technical and clarifying amendments and revises a number of the implementation dates set forth in the Trial Court Interpreter Employment and Labor Relations Act. This bill is on the Governor's desk.

9. Senate Bill 940, by Senator Martha M. Escutia, states the intent of the Legislature that court-imposed fines, fees, penalties, surcharges, and assessments be promptly and expeditiously collected. It requires the Judicial Council to adopt guidelines for a comprehensive collection program, establish a collaborative court-county working group on collections, and report on the effectiveness of collection programs. It also authorizes the Judicial Council to establish a program providing for the suspension and non-renewal of business and professional licenses and an amnesty program involving the collection of outstanding fees, fines, penalties, and assessments. This bill is awaiting action by the Governor.

Justice Baxter reported that each year during the Legislature's interim recess the Chief Justice hosts meetings with groups including the State Bar, the California District Attorneys Association, California Attorneys for Criminal Justice, Consumer Attorneys of California, the state's associations of defense counsel, the Attorney General, the California State Association of Counties, and the California State Sheriffs' Association. These meetings are held to enhance our working relationships and to identify areas of common interest in the Legislature and in other arenas. William C. Vickrey, Ray LeBov, and other members of the policy committee, as well as AOC staff, participate in these meetings, which have been very successful in forging the solid relationships necessary to operate effectively in the Legislature.

Rules and Projects Committee

Judge Gail A. Andler, chair, was unable to attend the meeting. Judge William C. Harrison, vice-chair, reported that the Rules and Projects Committee (RUPRO) met by telephone on August 8 to review a rule proposal that is coming before the Judicial Council at this meeting. RUPRO recommends approval of that proposal, which concerns coordination between advisory committees and the council (item 1 on the consent agenda). The amended rules (1) require each advisory committee and task force to report to either the Executive and Planning Committee or the Rules and Projects Committee, (2) clarify the process for the drafting and review of committee and task force work plans, (3) clarify the role of the Policy Coordination and Liaison Committee in relation to advisory committees in legislative areas, and (4) establish that advisory committees normally have 12 to 18 members for efficiency as well as for cost reduction.

At its meeting on August 8, RUPRO approved for public circulation several rule proposals by the Blue Ribbon Panel of Experts on the Fair and Efficient Administration of Civil Cases and a proposal for a new rule on ethics training for Judicial Council members and judicial branch employees. Those rule proposals will come before the council at its meeting on October 21.

Also on August 8, RUPRO reviewed a proposed circulating order concerning amendments to rules 1 and 892 and a revision of Judicial Council form DE-111, *Petition for Probate,* to reflect new filing fees and fee increases based on Assembly Bill 1759. RUPRO recommended that the Judicial Council approve the rule amendments and form revision. The council subsequently approved the circulating order.

Chief Justice Ronald M. George noted that one of the new council members, Judge Michael T. Garcia, Presiding Judge of the Superior Court of Sacramento County, received the Judge of the Year Award from the Sacramento County Bar Association.

Chief Justice George also congratulated the AOC's Center for Families, Children & the Courts on receiving the very prestigious Hodson Award for Public Service from the American Bar Association in 2003. The award is presented annually by the American Bar Association's Government and Public Sector Lawyers Division to an outstanding government or public service organization.

CONSENT AGENDA

Item 1 Improving Coordination Between Advisory Committees and the Judicial Council (amend Cal. Rules of Court, rules 6.11, 6.12, 6.13, 6.30, 6.31, 6.32, 6.33, 6.34, and 6.70) (Action Required)

The AOC recommended amendments to the rules of court governing the council's internal and advisory committees. These amendments were designed to improve coordination between advisory committees and the council, provide guidance and focus for advisory committees, improve the process of preparing and reviewing committee work plans, and establish a standard for the size of committees.

Council action:
The Judicial Council, effective September 1, 2003, amended California Rules of Court, rules 6.11, 6.12, 6.13, 6.30, 6.31, 6.32, 6.33, 6.34, and 6.70 to:

1. Require each advisory committee and task force to report to either the Executive and Planning Committee or the Rules and Projects Committee;
2. Clarify the process for drafting and review of committee and task force work plans;
3. Clarify the role of the Policy Coordination and Liaison Committee in relation to advisory committees; and
4. Establish that advisory committees normally have between 12 and 18 members.

Item 2 Equal Access Fund: Distribution of Funds for IOLTA-Formula Grants (Action Required)

AOC staff recommended allocating $8.55 million to the State Bar Legal Services Trust Fund for distribution to legal services providers according to the formula established by Business and Professions Code section 6216.

Mr. David J. Pasternak and Mr. Thomas J. Warwick, Jr., abstained from voting on this item because of their involvement with organizations affected by the allocation.

Council action:
The Judicial Council followed the June 27, 2003, recommendation of the State Bar Legal Services Trust Fund Commission and approved the distribution of $8,550,000 in IOLTA-Formula Grants for 2003–2004 subject to the commission's determination, as to each individual grant, that the proposed budget complies with the statutory and other guidelines.

DISCUSSION AGENDA

Item 3 Allocation of New Funding and Reductions for Trial Courts and Allocation Methodology for New Appellate Court Filing Fees, as Provided in the Budget Act of 2003; Operating Guidelines and Directives for Trial Courts, Appellate Courts, and AOC (Action Required)

3a Allocation of New Funding and Reductions for Trial Courts and Allocation Methodology for New Appellate Court Filing Fees, as Provided in the Budget Act of 2003 (Action Required)

Ms. Christine M. Hansen presented this item.

The Budget Act of 2003 provides new funds for trial courts in a variety of program areas. The funding was based on budget proposals submitted at the direction of the council at its August 30, 2002, meeting. AOC staff recommended allocating funds for health benefits; court staff retirement; negotiated salary increases for security, retirement, and other benefits; workers' compensation; court interpreter workload growth; court interpreter cost increases due to passage of Senate Bill 371 (Stats. 2002, ch. 1047); and cost of service of process for protective orders due to passage of Assembly Bill 2030.

The Budget Act establishes reductions in the Trial Court Trust Fund, including an unallocated reduction as well as reductions based on savings and efficiencies expected in the courts as a result of flexibility in the provision of court security and consolidation of administrative services.

In addition, the Budget Act includes appropriation authority that reflects newly established fees and increases in existing fees. The new revenue amounts appropriated by the

Legislature assume full-year collection. Due to the late enactment of the budget and implementation issues in the courts, actual collection of these revenues started at least 45 days late. As a result of this, total fee revenue in fiscal year 2003–2004 is projected to be lower than anticipated. AOC staff recommended approaches to addressing the issues.

Council action:
The Judicial Council took the following action regarding new funding and reductions in the trial and appellate courts.

Trial Courts

1. Approved the $85.0 million unallocated reduction for the trial courts that was included in the 2003 Budget Act, to be addressed by:
   - Reduction of $4.3 million from the Judicial Administration Efficiency and Modernization Fund (affecting pilot programs, technical assistance, training, etc.);
   - Reversion of $10.0 million from the Trial Court Improvement Fund (affecting technology projects, specialty programs, etc.);
   - Implementation of an across-the-board unallocated reduction of $59.8 million, or 3.47 percent, in the trial courts' operating budget (program 10);
   - Reduction of the judicial salary budget (program 25) by $10 million; and
   - Reduction of the Assigned Judges Program (program 35) by $0.9 million.

2. Directed staff to defer reductions in trial court allocations associated with a provision in the Budget Act of 2003 that offset a statewide reduction with savings to be generated by increased "security flexibility." The deferral would provide time for the court security working group to develop effective ways in which the required efficiencies and savings can be achieved. Directed AOC staff to, in the meantime, notify courts of potential reductions based on their levels of security expenditures. After the working group meets, staff will present recommendations for the reductions at a Judicial Council meeting before January 2004.

3. Directed staff to defer the implementation of reductions in the allocations to courts associated with the consolidation of administrative services. The deferral would provide time for the Rural Court Judges Working Group to identify effective ways to achieve efficiencies that will generate the needed savings. Directed AOC staff to, in the meantime, notify courts of the potential reductions based on their baseline budgets. After the working group meets, staff will present recommendations for the reductions at a Judicial Council meeting before January 2004.

4. Directed staff to monitor the revenue generated by the new and increased trial court fees included in the Budget Act. If it appears that a shortfall in funds will occur, staff will prepare and submit a deficiency request to the Department of Finance to cover

the shortage in the current year, and will develop a budget change proposal to address ongoing shortfalls. AOC staff will keep courts informed of the situation with regard to the potential impact on their budgets.

5. Delegated authority to the Chief Justice and the Administrative Director of the Courts to make changes to the council's recommended trial court budgets during negotiations with the legislative and executive branches.

6. Directed staff to draft, or amend as necessary, a rule of court for Judicial Council consideration that delegates authority to the Chief Justice and the Administrative Director of the Courts to:

   - Make technical adjustments to the council's recommended trial court budgets; and
   - Make changes to the council's recommended trial court budgets during negotiations with the legislative and executive branches.

Appellate Courts

7. Directed staff to fully allocate a budget from the Appellate Court Trust Fund (ACTF) based upon projected revenues to each appellate court equal to the total estimated amount of revenues projected to be collected by each court, and reduce General Fund budget allocations for the appellate courts in an amount equal to the allocation from the ACTF. This action will allocate the initial 50 percent of projected revenues estimated to be collected and deposited into the ACTF by a court to that court, as well as allocate the balance of the 50 percent of projected revenues estimated to be collected and deposited into the ACTF by a court to that court. See chart below for court-by-court allocation.

Appellate Court	General Fund Allocation	ACTF Allocation
Supreme Court	–$ 488,000	$ 488,000
COA—First District	– 517,000	517,000
COA—Second District	– 1,268,000	1,268,000
COA—Third District	– 235,000	235,000
COA—Fourth District	– 760,000	760,000
COA—Fifth District	– 129,000	129,000
COA—Sixth District	– 147,000	147,000
Total Courts of Appeal	–$ 3,056,000	$3,056,000
Total—Appellate Courts	**–$ 3,544,000**	**$3,544,000**

8. Delegated authority to the Chief Justice and the Administrative Director of the Courts to amend allocations based upon actual collected revenues, taking into

consideration all other funds available to each court, in a manner that promotes equal access to the courts, ensures the ability of the courts to carry out their functions, and promotes implementation of statewide policies. Directed AOC staff to monitor revenues and provide quarterly updates to include actual revenues collected and projections estimated through the fiscal year to the Chief Justice and the Administrative Director of the Courts.

9. Directed staff to monitor the revenue generated by the new and increased appellate court fees included in the Budget Act. Directed staff to prepare and submit a deficiency request to the Department of Finance to cover the shortage in the current year, and develop a budget change proposal to address ongoing shortfalls if it appears that a shortfall in funds will occur.

10. Delegated authority to the Chief Justice and the Administrative Director of the Courts to allocate the budget to judiciary entities (0250, which includes the Supreme Court, Courts of Appeal, and Administrative Office of the Courts), and adjust allocations as necessary.

11. Delegated authority to the Chief Justice and the Administrative Director of the Courts to make changes to the council's recommended judiciary entity (0250) budgets during negotiations with the legislative and executive branches.

12. Directed staff to draft, or amend as necessary, a rule of court for Judicial Council consideration that delegates authority to the Chief Justice and the Administrative Director of the Courts to:
    - Make technical adjustments to the council's recommended judiciary entity (0250) budgets;
    - Make changes to the council's recommended judiciary entity (0250) budgets during negotiations with the legislative and executive branches; and
    - Allocate the budget to judiciary (0250) entities, and adjust allocations as necessary.

3b Operating Guidelines and Directives for Budget Management in the Judicial Branch (Action Required)

Associate Justice Judith McConnell and Ms. Christine M. Hansen presented the *Operating Guidelines and Directives for Budget Management in the Judicial Branch* ("the guidelines").

Following a discussion of the guidelines, a motion was made to sever the portion of the guidelines beginning with "Expense Restrictions" from the rest of the guidelines and vote on it as a separate item.

Judge William A. MacLaughlin abstained from voting on the motion pertaining only to the Expense Restrictions section of the guidelines.

Council action:
The Judicial Council approved the Expense Restrictions as follows:

- Appellate courts, trial courts, and the AOC shall continue implementing cost reduction measures in order to restrict expenditures to manage unallocated reductions and unfunded costs in a manner that ensures continued access to a system of uniform and equal justice within fiscal constraints.

- To protect the resources allocated to components of the judicial branch that support the basic constitutionally and statutorily required operations of the branch, all judges, commissioners, and those non-represented personnel who earn more than $100,000 per year, shall not be reimbursed for the following:

    - Travel-related lunch meal expenses effective October 1, 2003; and

    - Professional association dues that are due or owing on or after January 1, 2004. This does not include those license fees, including State Bar dues, where the license is requirement of the position.

The AOC shall consult with appellate courts, trial courts, as well as professional legal and court associations in developing options for long-term solutions to fund professional development for non-represented employees, commissioners and judges in a manner that does not rely on approved local courts' operating budgets and shall present recommendations to the Judicial Council no later than March 31, 2004.

Following its approval of the expense restrictions portion of the guidelines and directives, the council considered the remaining guidelines. Members proposed and accepted a number of revisions to these guidelines. The guidelines, as amended by the council, are attached to these minutes.

Further council action:
The Judicial Council approved the remaining guidelines and directives, as amended—which include policy direction on public access to court services, facilities utilization and closures, memoranda of understanding for county services and revenue sharing, cash management and accountability measures, labor relations, and administration of filing fees and delegated authority to the Administrative Director of the Courts to act on behalf of the council in those cases where Judicial Council approval with respect to appeals or exceptions is requested by a court. Compliance with the guidelines and directives is a condition of current year budget allocations. All of the guidelines and directives must be applied consistent with a court's obligation to meet and confer with recognized employee organizations.

Item 4 Report and Recommendations on Fiscal Year 2004–2005 Statewide Trial Court Budget Requests (Action Required)

Ms. Christine M. Hansen and Mr. Stephen H. Nash presented this item.

AOC staff recommended that the council review and approve the fiscal year 2004–2005 budget requests for the trial courts before submission to the Governor and the Legislature.

Council action:
The Judicial Council:

1. Approved the recommended fiscal year (FY) 2004–2005 trial court growth funding budget request for $103.940 million, including a placeholder budget change proposal for employee salaries and benefits, as detailed in attachments 1 and 2 of the report;
2. Directed staff to prepare and submit deficiency requests for FY 2003–2004 in the areas of trial court staff retirement and court interpreter workload growth, in the amount of $29.730 million;
3. Directed staff to meet with Department of Finance staff to discuss trial court baseline erosion, prepare a report to the Governor and the Legislature describing the problem and the impact it has had on trial courts' operations, and—if the results of these actions make it viable—submit a FY 2004–2005 finance letter on baseline budget erosion;
4. Approved a recommended capital outlay budget change proposal (BCP) for $31.250 million in one-time costs from the State Court Facilities Construction Fund for new trial court facility preliminary project design;
5. Delegated authority to the Executive and Planning Committee to approve a funding model for the development, deployment, and support of a California case management system for all of the trial courts, consistent with the council's direction. Administrative Office of the Courts staff will develop and present this information to the Executive and Planning Committee, including identification of the necessary resources and options for securing the funding. This will result in the development of a BCP that will be submitted to the state Department of Finance as part of the judicial branch's 2004–2005 package of budget proposals;
6. Approved staff's request to not proceed at this time with requests for additional funding in the following areas: costs of service of petitions for protective orders, and costs to implement Senate Bill 1396; and
7. Delegated to the Administrative Director of the Courts the authority to make technical adjustments to the recommended FY 2004–2005 statewide trial court budget proposals.

Item 5 Fiscal Year 2004–2005 Judiciary Budget (to include the Supreme Court, the California Judicial Center Library, the Courts of Appeal, and the Judicial Council/Administrative Office of the Courts) (Action Required)

Ms. Christine M. Hansen and Mr. Nash presented this item.

AOC staff recommended that the council review and approve the fiscal year 2004–2005 budget requests for the Supreme Court, Courts of Appeal, and Administrative Office of the Courts prior to submission to the Governor and the Legislature.

Council action:
The Judicial Council:

1. Approved fiscal year (FY) 2004–2005 judiciary budget change proposals (BCPs) described in the report, which total $23.551 million, including one-time costs of $1.917 million, and 128.0 positions. Of this amount, $6.127 million is requested from the General Fund, including one-time costs of $159,000 and 16.0 positions; and $17.424 million is requested from the State Court Facilities Construction Fund, including one-time costs of $1.758 million and 112.0 positions.
2. Approved the FY 2004–2005 judiciary capital outlay budget change proposals as described in the report, which total $2.563 million in one-time costs from the General Fund.
3. Delegated authority to the Administrative Director of the Courts to make technical changes to this budget as necessary.
4. Authorized the Executive and Planning Committee to approve a budget plan for the AOC to provide administrative services to the trial courts consistent with the Judicial Council's direction. Directed AOC staff to develop and present a comprehensive plan to the Executive and Planning Committee that addresses the administrative services required and clearly identifies resource requirements and options for securing these resources. This will result in the development of a BCP that will be submitted to the state Department of Finance as part of the judicial branch's 2004–2005 package of budget proposals.

Item 6 Court Facilities Planning: *Five-Year Trial Court Capital Outlay Plan—Prioritization Procedure and Forms* (Action Required)

Ms. Kim Davis, Mr. Robert Emerson, and Ms. Rona Rothenberg presented this item.

Under the requirements of the Trial Court Facilities Act of 2002 (Sen. Bill 1732), the council has the responsibility of recommending trial court facility capital projects that are to be funded from the State Court Facilities Construction Fund. To support the council in carrying out this responsibility, trial court facilities master plans are being prepared for each of the superior courts. The master plans include projection of judgeships and staff to support future court growth, and include identification of capital projects to expand, upgrade, or replace existing facilities to meet current needs and future growth. Establishing criteria and a procedure for prioritizing the projects from 58 trial court facilities master plans and combining them into a single statewide capital outlay program was the subject of this report and presentation.

Council action:
The Judicial Council approved the use of the forms and procedures described in attachment A to the report, *Five-Year Trial Court Capital Outlay Plan—Prioritization Procedure and Forms,* to develop the five-year capital outlay plan for the trial courts.

Item 7 Complex Civil Litigation Pilot Program: Approve Evaluation and Recommendations (Gov. Code, § 68617) (Action Required)

Mr. Kenneth L. Kann and Ms. Susan Goins presented this item.

The Complex Civil Litigation Pilot Program was designed to improve the management of complex cases in California. As part of the legislation establishing and funding the pilot program, Government Code section 68617 requires the Judicial Council to submit a report to the Legislature and Governor on the effectiveness of the pilot program.

To help fulfill this requirement, the Administrative Office of the Courts contracted with the National Center for State Courts (NCSC) to conduct an evaluation of the pilot program. The Civil and Small Claims Advisory Committee recommended that the council forward the NCSC report to the Legislature and Governor, along with specific recommendations for complex litigation in California courts.

Council members requested that, when the report is transmitted to the Legislature, AOC staff communicate that:
- The pilot program has strengthened California's judicial system as a whole; and
- The Conference of Chief Justices recently adopted a resolution encouraging all states to establish specialized courts for the effective management of complex litigation.

Council action:
The Judicial Council directed AOC staff to forward the report of the National Center for State Courts and the California Administrative Office of the Courts, *Evaluation of the Centers for Complex Civil Litigation Pilot Program*, to the Legislature and Governor with the following recommendations:
1. In the existing pilot program courts, complex litigation departments with the following principal characteristics should be permanently established as part of the court's core operations:
   - Assignment of each complex case to a single judge to handle all aspects of the litigation;
   - Use of only those judges who have experience, interest, and expertise in handling complex civil litigation;
   - Use of innovative case management techniques, including those described in the *Deskbook on the Management of Complex Litigation;*
   - Participation in specialized training and educational programs related to the management of complex cases; and
   - Use of appropriate case management technology and other technology designed for complex cases.

2. The operation of complex litigation departments in California courts should be expanded to the optimal level, determined by evaluations of the caseloads and staffing levels in pilot program courts and by the needs of courts outside the program.

3. The AOC should continue to provide support, training, and coordination of complex litigation departments.

Item 8 ***Probation Services Task Force Final Report*** **(Action Required)**

Associate Justice Patricia Bamattre-Manoukian presented this item.

The *Probation Services Task Force Final Report* contains the findings and recommendations of the Probation Services Task Force, an 18-member body formed in August 2000 to undertake a comprehensive examination of probation in California. This report details the scope of the task force's examination, summarizes input from stakeholders around the state, makes recommendations focused on enhancing probation in California, and lays out a research agenda for future study.

Council action:
The Judicial Council received the *Probation Services Task Force Final Report* and directed staff to:

a. Develop rules and forms to improve probation services provided to courts—for example, developing statewide probation conditions forms and a juvenile intake form;
b. Continue to collaborate with probation, counties, and other justice system professionals (as appropriate) to improve efforts to serve the interests of justice;
c. Building on the work of the task force, conduct research to further assess the role, function, and effectiveness of probation in California;
d. Evaluate best practices and probation models in other states and jurisdictions for effectiveness and transferability to California;
e. Examine and develop policy papers on probation governance issues;
f. Work with probation departments and the Chief Probation Officers of California to develop statewide standards for enhanced probation services; and
g. Report back to the Judicial Council by December 2006.

Circulating and Appointment Orders Approved

Circulating Order—CO-03-04: Amending Rules 1 and 892 and Revising *Petition for Probate* (form DE-111) to Reflect Changes in Statutory Fees

For information only; no action necessary.

Appointment Orders

For information only; no action necessary.

There being no further business, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,

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William C. Vickrey
Secretary