JUDICIAL COUNCIL MEETING
Minutes of the August 31, 2007, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:45 a.m. on Friday, August 31, 2007, at the Administrative Office of the Courts (AOC) in San Francisco, California.

Judicial Council members present: Chief Justice Ronald M. George; Justices Marvin R. Baxter, Candace D. Cooper, Richard D. Huffman, and Eileen C. Moore; Judges Peter Paul Espinoza, Terry B. Friedman, Jamie A. Jacobs-May, Scott L. Kays, Suzanne N. Kingsbury, Carolyn B. Kuhl, Thomas M. Maddock, Charles W. McCoy, Jr., Dennis E. Murray, and James Michael Welch; Mr. Raymond G. Aragon, Mr. Anthony P. Capozzi, Mr. Thomas V. Girardi, Ms. Barbara J. Parker, and Mr. William C. Vickrey; advisory members: Judge Nancy Wieben Stock, Commissioner Ronald E. Albers, Ms. Tamara Lynn Beard, Ms. Deena Fawcett, Mr. Michael M. Roddy, and Ms. Sharol Strickland.

Absent: Senator Ellen M. Corbett, former Senator Joseph Dunn, Assembly Member Dave Jones, and Judge Barbara J. Miller.

Others present included: Justices Brad R. Hill, Carlos R. Moreno, and Ronald B. Robie (participated via videotape); Judges George J. Abdallah, Jr., and Fumiko Hachiya Wasserman; Executive Officers Mr. Michael D. Planet; Ms. Beth Jay, Ms. Lucy Fogarty, Ms. Nikol Kim, Ms. Shannon Raintree, Mr. Tarek Sorensen, and Ms. Fanny Suárez; staff: Mr. Peter Allen, Mr. Dennis Blanchard, Ms. Dianne Bolotte, Ms. Deborah Brown, Ms. Marcia Caballin, Ms. Ayanna Cage, Ms. Sheila Calabro, Mr. Philip Carrizosa, Ms. Tina Carroll, Ms. Roma Cheadle, Ms. Pat Clemons, Mr. Dexter Craig, Ms. Kim Davis, Ms. Charlene Depner, Mr. Kurt Duecker, Mr. Edward Ellestad, Mr. Robert Emerson, Ms. Fati Farmanfarmaian, Mr. George Ferrick, Ms. Sara Fisher, Mr. Malcolm Franklin, Mr. Ernesto V. Fuentes, Mr. Scott Gardner, Ms. Susan Goins, Mr. Ruben Gomez, Ms. Lynn Holton, Ms. Bonnie Hough, Ms. Mary Jackson, Mr. Shawn Jackson, Mr. Kenneth L. Kann, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Mr. Gavin Lane, Ms. Carly Lindberg, Ms. Janet London, Ms. Althea Lowe-Thomas, Ms. Diane Lowery, Mr. Dag MacLeod, Mr. Lee Morhar, Ms. Vicki Muzny, Mr. Stephen Nash, Ms. Diane Nunn, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Ms. Nancy Riddell, Ms. Mary M. Roberts, Ms. Chantal Sampogna, Ms. Leila Sharifi, Ms. Lusia Siaki, Ms. Lucy Smallsreed, Ms. Marlene Smith, Mr. Curt Soderlund, Ms. Nancy E. Spero, Mr. Jonathan Streeter, Ms. Marcia Taylor, Ms. Karen M. Thorson, Mr. Larry Tolbert, Ms. Kristine Van Dorsten, Ms. Barbara Jo Whiteoak, Ms. Jennifer Willard, Mr. Christopher Wu, Ms. Daisy Yee, and Ms. Patricia M. Yerian; **media representatives:** Ms. Erika Kelly, KQED, and Ms. Karen de Sá, *San Jose Mercury News*.

Public Comment Related to Trial Court Budget Issues
Chief Justice George noted that no requests to address the council had been received.

Approval of Minutes
The minutes of the June 29, 2007, business meeting were approved.

Judicial Council Committee Presentations
Executive and Planning Committee
Justice Richard D. Huffman, Chair, reported that the committee had met three times since the June 29, 2007, Judicial Council meeting.

On August 8, 2007, the committee met by conference call, approved the minutes of its June 20, 2007, meeting, and began the task of reviewing reports and setting the agenda for the August 31, 2007, Judicial Council business meeting.

The committee also approved circulation of draft 2 of the Judicial Council's Operational Plan for 2007–2010 for comment to the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, as well as to all presiding justices and judges, appellate clerks, and court executive officers, to obtain comments within established timelines.

On August 20, 2007, the committee again met by conference call and resumed the task of agenda setting for the August 31, 2007, Judicial Council business meeting.

One of the items on the draft agenda under review was a request by the Superior Court of Riverside County for authorization to temporarily hire two SJOs to help reduce the court's criminal case backlog. The committee approved the recommendation and, to expedite the assignment of commissioners, directed that the request be submitted to the council for approval by circulating order. Circulating Order 07–06 was distributed and approved by Judicial Council members, effective August 24, 2007.

The committee also reviewed and approved a proposed ranked list of priority 2-6 Facilities Modifications proposed by the Trial Court Facilities Modifications Working Group. The committee acted under the authority delegated by the Judicial Council on December 2, 2005, under guidelines outlined in the council's *Prioritization Methodology for Modifications to Court Facilities*.

On August 29, 2007, the committee met in person. At that meeting the committee reviewed a final report and approved it for inclusion on the August 31, 2007, Judicial Council business meeting agenda: item 11 regarding payment policies to contract court interpreters.

The committee also reviewed the nominations to the council's advisory committees and formulated its recommendations to the Chief Justice for those positions.

The committee reviewed draft 3 of the Judicial Council's Operational Plan for 2007–2010 and directed staff to revisit their approach to the plan prior to circulating it to a larger audience.

Policy Coordination and Liaison Committee
Justice Marvin R. Baxter, Chair, reported that the Policy Coordination and Liaison Committee (PCLC) had met two times by conference call since the June 29, 2007, council meeting.

PCLC took positions on four pieces of legislation concerning loan forgiveness for public interest lawyers, court employee retirement, a uniform civil fee commission, and mental health courts.

Ten Judicial Council–sponsored bills continue to move through the Legislature, including AB 367 which was chaptered on July 27. This bill establishes a task force on criminal court–ordered fines and penalties that will make recommendations for simplifying California's criminal fine and penalty assessment, collection, and distribution system.

The budget was signed on August 24. Justice Baxter reported on several items that had been included in a memo from Mr. Vickrey, including highlights from the first year of the 2007–2008 Legislative Session.

The Governor vetoed language or reduced funding of the judicial branch budget in the following areas:

1. Vetoed intent language that the AOC prioritize existing resources to provide a $5 increase to the hourly rates paid to court-appointed appellate counsel.

2. Reduced $17.377 million in trial court funding for the implementation of the Omnibus Conservatorship and Guardianship Reform Act of 2006. Justice Baxter quoted the Governor as having stated, "It is my intention for the judicial branch to delay implementation of the act until the 2008–2009 fiscal year."

3. Reduced $2.980 million for one month of savings related to the 50 new trial court judgeships established last year due to the delay in appointing new judges.

4. Vetoed budget bill language that would have required the Judicial Council to make $5.25 million available for salary increases for court interpreters.

In October, the policy committee will be reviewing proposals for 2008 Judicial Council–sponsored legislation and will make recommendations to the full council at its December 7, 2007, meeting.

Justice Baxter reported that he and Chief Justice George recently participated in a liaison meeting with Attorney General Jerry Brown and other members of his staff to discuss matters of mutual interest.

Justice Baxter thanked outgoing PCLC members Justice Candace D. Cooper (Vice-Chair), Judge Scott L. Kays, and Ms. Tamara Lynn Beard for their fine work on the committee during the past year.

Justice Baxter also extended his thanks to the AOC's Office of Governmental Affairs staff and acknowledged the outstanding work of Ms. Kathleen T. Howard, Director of the Office of Governmental Affairs and lead staff to PCLC, who would be vacating her position in October 2007.

Rules and Projects Committee
Judge Suzanne N. Kingsbury, Chair, reported that the Rules and Projects Committee (RUPRO) had met twice by conference call since the June 29, 2007, council meeting.

On July 13, RUPRO met to consider a proposed Circulating Order 07–05 to revise form WG-002, *Earnings Withholding Order*, and a rules proposal for minimum education requirements, expectations, and recommendations. RUPRO recommended approval of the circulating order and the rules proposal, item 10 on the discussion agenda.

On August 6, RUPRO met to review new and revised civil jury instructions. RUPRO recommended approval for publication of the jury instructions proposal, item 2 on the consent agenda.

As an outgoing Judicial Council member, Judge Kingsbury thanked Chief Justice George for the opportunity to have served on the council and for the mentorship of Justices Huffman and Baxter. Judge Kingsbury also thanked current committee members, Justice Eileen C. Moore (Vice-Chair), Judge Carolyn B. Kuhl, Judge James Michael Welch, Mr. Raymond G. Aragon, Ms. Deena Fawcett, Ms. Barbara J. Parker, and Ms. Sharol Strickland; former members Judge Dennis E. Murray and Ms. Tamara Lynn Beard; and AOC staff to RUPRO, Ms. Deborah Brown and Ms. Susan McMullan for their fine work.

Judicial Council Court Visit Reports
Justice Richard D. Huffman, team leader, and Ms. Jody Patel, Regional Administrative Director, AOC Northern/Central Regional Office, reported on visits to the Superior Courts of Nevada, Placer, and Sierra Counties.

Administrative Director's Report
Mr. William C. Vickrey, Administrative Director of the Courts, submitted a written report of the activities in which he has been involved since the June 29, 2007, Judicial Council meeting.

First, Mr. Vickrey reported on the establishment of the Commission for Impartial Courts comprised of a steering committee and four task forces appointed by Chief Justice George to address issues and challenges related to judicial impartiality, including selection and retention, campaign issues, and public information and education. The steering committee is chaired by Associate Justice Ming W. Chin of the California Supreme Court.

The commission will have its initial meeting in September 2007. Its final report will be submitted to the Judicial Council in approximately two years.

Second, the Administrative Director reported on the success of the AOC's Assigned Judges Program. The Program is led by Director Marcia Taylor and was created five years ago. Initially, concerns were expressed that too few retired judges would be willing to participate in the program. As of August 2007, 350 judges participate in the program, including 21 new judges who participated in a recent orientation program.

The tremendous services provided by the retired judges have assisted the Riverside County Strike Team in decreasing the case backlog and will hopefully provide the court opportunities to better manage the extraordinarily heavy workload existing in Riverside County (addressed on page 13 of the Administrative Director's Report). The Strike Team is being led by Associate Justice Richard D. Huffman, Court of Appeal, Fourth Appellate District, Division One; Judge David S. Wesley of Los Angeles Superior Court; and Judge Richard K. Couzens of Placer County Superior Court.

The Administrative Director then reported on the status of the following technology developments: the integrated California Case Management System (CCMS), statewide financial and accounting systems and human resources systems (collectively the Phoenix Project); facilities projects; and other major activities currently underway (addressed on pages 10 and 14 of the Administrative Director's Report). In 2001, the Judicial Council directed that the initiatives were to be undertaken by the AOC for deployment to all courts so that California would have a uniform system for accounting, budget, human resources, and case management. In 2002, the council reaffirmed its direction that these programs would be predicated on participation by all courts.

In 2006, the AOC received a mid-course assessment report on the statewide administrative infrastructure initiatives from the consulting firm of KPMG. KPMG's recommendations included the establishment of a statewide enterprise-wide infrastructure governance committee of AOC and court representatives to provide coordinated oversight and guidance on the development and implementation of the various major infrastructure the initiatives. The Enterprise-Wide Administrative Infrastructure Governance Committee is chaired by Chief Deputy Director Ronald G. Overholt.

Under the leadership of the AOC's Southern Regional Administrative Director Sheila Calabro, the AOC continues its efforts in developing and implementing the statewide

CCMS. The CCMS team has successfully, through the work of Ms. Calabro and participating court representatives, negotiated a contract for the development of the V-4 portion of the CCMS, which is the end stage of the entire integrated system. The courts in Sacramento, San Diego, Orange, and Ventura have each devoted considerable resources to testing and implementing CCMS for their day-to-day operations.

Under the leadership of the AOC's Northern/Central Regional Administrative Director Jody Patel and Assistant Director Curt Soderland, the AOC is addressing statewide financial and human resources systems (Phoenix). Central operations for the financial and human resources systems are based out of the AOC regional office in Sacramento, and function as a type of statewide controller's office on behalf of the courts. Mr. Vickrey invited all council members to visit the center. Forty-nine courts have deployed the financial system to date. Statewide deployment is scheduled to be complete by July 2008. The AOC intends that the Phoenix services will continue to operate from the Sacramento center.

In the fall of 2007, the AOC will solicit, through a public bidding process, a vendor(s) to assist in the development of long-term budget projections for the infrastructure initiatives. This undertaking is critical to ensuring that the branchwide goals for these initiatives (equal access, appropriate accountability, modernization, and technology integration) not only can be met, but sustained.

Mr. Vickrey emphasized that the AOC intends to meet all projected deadlines in implementation and deployment of the technology programs.

Mr. Vickrey asked Mr. Overholt to provide a brief update of the statewide Enterprise-Wide Administrative Infrastructure Governance Committee.

Mr. Overholt reported on the activities of the committee:

The committee consists of three trial court executives: Ms. Kiri Torre of Santa Clara County, Mr. Alan Slater of Orange County, and Ms. Tamara Beard of Fresno County; three superior court judges: Hon. Janice L. Sammartino of San Diego County, Hon. Michael T. Garcia of Sacramento County, and Hon. Thomas M. Maddock of Contra Costa County, who is a Judicial Council member. Two appellate members have been added to support the interconnections between the appellate Case Management System, the CCTC, and other areas that will incorporate appellate issues: Administrative Presiding Justice William R. McGuiness of the First District Court of Appeals, Division Three, and Mr. Steven M. Kelly, Clerk/Administrator, Court of Appeal, Fourth Appellate District.

The committee met last week in the AOC's Northern/Central Regional Office to tour the Phoenix Shared Services Center and discuss other infrastructure issues.

During the tour of the center, committee members heard that under the Phoenix project, invoices are paid on behalf of courts from the center, and checks issued and mailed in mere hours as opposed to weeks for other governmental entities. Forty-nine of California's fifty-eight courts currently use the program. The final deployments of the Phoenix Project are scheduled to take place by July 2008.

Mr. Overholt indicated that the committee will also review the current human resources structure in the trial courts. The present structure was created as a compromise during the transition from county to court employment for trial court staff members, but is cumbersome in that it has produced 58 retirement systems and 58 employee health systems. There are 125 different contracts with unions. Even for court employees with a CalPERS retirement plan, there are different plans around the state with different terms and benefits.

Mr. Overholt indicated that there are long-term funding challenges for the infrastructure initiatives, particularly around the CCMS. To date the system has been developed without payment by the trial courts, but there will be a cost to the trial courts going forward in system deployment. The committee is working closely with its consultants to develop fiscally responsible financing that will be sensitive to the needs of the trial courts.

Mr. Overholt indicated that he, Mr. Vickrey, and the former Director of the AOC's Office of Governmental Affairs, Ms. Kate Howard, have spoken with members of the executive and legislative branches about the use and accountability of state funds to support the current financial and case management systems, as well as the judicial branch's efforts to create a unified system. The Department of Personnel Administration, the Department of Finance, the Governor's Office, and the Legislature each need to understand how the judicial branch funds are used.

The committee anticipates reporting to the council in more detail in the fall of 2008 .

Mr. Vickrey continued his report to the council and discussed a recent meeting with Mr. J. Clark Kelso, Chief Information Officer of California. Mr. Vickrey and Mr. Kelso discussed the judicial branch's statewide financial system. The state Department of Finance and the Controller's Office intend to implement a similar system. Mr. Kelso requested that some AOC staff temporarily participate on a committee that will assist the executive branch's implementation activities.

Mr. Vickrey stated that the executive branch's request is a great compliment to the courts and an acknowledgment of the work within the judicial branch that has been successfully completed. The majority of courts strongly support the system.

Mr. Vickrey next highlighted specific sections of his written report:

- Page 15 regarding technology and data integration and a discussion of the California Courts Technology Center. The AOC, as appropriate, periodically re-bids contracts

for operation of the technology center. The contract is presently out for bid and will close in September. A decision will be made in January 2008.

- Pages 20-26 regarding a review of the diverse education activities taking place for staff and judges in person, and by long distance learning and electronic self-learning programs. Mr. Vickrey reported that Ms. Karen Thorson, Director of the AOC's Education Division, has developed partnerships in California, including with California State University Sacramento, and with other education institutions across the country to develop a graduate program in judicial administration. Mr. Ken Torre, Court Executive Officer of Contra Costa County, will direct the program in its early stages. The inaugural class has enrolled twenty-six students and will take place at the AOC's Northern/Central Regional Office in Sacramento, California. The AOC hopes to implement other partnerships like this in other areas of California.
- Page 4 regarding a report on facilities activities. The Legislature has approved nine projects totaling over one billion dollars in 2007.
- Page 4 regarding a discussion of the workers' compensation program in which fifty-four courts participate. The program continues to produce cost savings annually. The courts make recommendations on how to reinvest those savings in other areas. Mr. Vickrey suggested that the council discuss in the future whether all courts should be included in that program based on its current success.
- Page 7 regarding the Media Handbook for California Court Professionals developed by Ms. Leanne Kozak, AOC Communications Specialist who is also the face of the California Court News network. Mr. Vickrey thanked and complimented Ms. Kozak on this tremendous resource.
- Pages 9-10 regarding two of the Judicial Council task forces. First, the Domestic Violence Practice and Procedure Task Force met earlier this week to review the recommendations and feedback from public hearings, and will be assessing whether they will be completed in 2007 or 2008. Second, the Probate Conservatorship Task Force, chaired by Justice Roger K. Warren, is reviewing public comment to ninety recommendations and is developing a plan to respond to Governor Schwarzenegger's recent veto that may delay some of the reform initiatives. The task force intends to report to the council at its October 2007 meeting.

Mr. Vickrey concluded his report mentioning the Blue Ribbon Commission on Children in Foster Care chaired by Supreme Court Justice Carlos R. Moreno. Justice Moreno will report to the council at this meeting on statewide efforts in dependency and permanency. The Administrative Director praised Justice Moreno as the commission's leader. He and Justice Moreno met last month with Steven W. Rideout, Ret. Chief Judge of the Alexandria, Virginia Juvenile and Domestic Relations District Court, who now serves the federal government conducting audits of dependency programs. This week, Justice Moreno also met with a judicial delegation from the State of Texas. The Texas Supreme Court is considering launching of a similar effort to California's commission. The commission has by its existence brought many people together, created partnerships, and other numerous benefits.

Chief Justice's Report
Chief Justice Ronald M. George reported on the activities in which he has been involved since the June 29, 2007, Judicial Council meeting.

Chief Justice George reported that he participated in a continuing series of liaison meetings:

- He met with the legislative leadership in Sacramento. The Chief Justice, President pro Tem of the Senate Don Perata, Speaker of the Assembly Fabian Núñez, and Judicial Council member Mr. Thomas V. Girardi discussed the branch's legislative priorities. The Chief Justice is encouraged that the meeting was able to cut through complications that sometimes exist without direct access. The Chief Justice reported a positive working relationship between judicial and legislative leadership evidenced by the conversation.
- He attended a meeting of the Conference of Chief Justices in Michigan. The Chief Justice reported similar issues facing the country's chief justices nationally. California's judiciary is looked to as a leader, and however difficult California's struggles for resources may seem at times, those difficulties are small compared to those in some other states, where courts operate with almost no resources and without the cooperative spirit that guides California's activities.
- He echoed Justice Baxter's report on having a positive meeting with Attorney General Jerry Brown and other member of his staff to discuss matters of mutual interest.
- He met with some of the individuals working on the branch's proposal to amend article VI, section 6, of the California Constitution, an ongoing project that will be revisited in the 2008 legislative session.

The Chief Justice reported that he participated in a number of other meetings and addressed several groups:

- He awarded Assembly Member Dave Jones, Chair of the State Assembly's Judiciary Committee and Judicial Council member, the highly esteemed Public Clearinghouse Award, for his service. Last year Mr. Vickrey received the award. Assembly Member Jones was very pleased to be honored for accomplishments on which he collaborated with the judicial branch.
- He attended a dinner meeting with the San Francisco bench. Council member and Commissioner Ronald E. Albers was present as well.
- He attended a meeting with the San Francisco Bar Association.
- He received the American Bar Association's John Marshall Award and had the opportunity to speak about California's achievements in many spheres, including structural reforms and other innovations and improvements to providing access to justice. He accepted the award "on behalf of the 19,000 Californian judges and court employees who constitute the judicial branch in our state. He considers himself as being "at the head of the parade."

- He reported that in October 2006, retired U.S. Supreme Court Justice Sandra Day O'Connor asked him to participate in a conference on judicial independence. He spoke at the conference about the California experience and some of the issues and programs around the nation that he was privy to during the Conference of Chief Justices. He will be returning in October 2007, at Justice O'Conner's invitation, to a follow-up conference focused specifically on judicial elections and selections.

Chief Justice George then reported on the initiatives and programs that he has participated in:

The California Supreme Court adopted a proposal to provide for two attorneys working full time on a confidential basis to write legal opinions on ethics issues. The program will be implemented in coming months and will function separately from the Supreme Court's regular chambers activities. The proposal was developed by the Commission on Judicial Performance (CJP). The Chief Justice indicated that this approach is consistent with that of more than 40 other states that use groups other than professional organizations to prepare opinions.

In the past, the California Judges Association (CJA) prepared such opinions. The Chief Justice met with CJA President Scott L. Kays, Judge of the Superior Court of Solano County, to discuss the proposal and then met with incoming CJA President Ira R. Kaufman, Judge of the Superior Court of Plumas County.

There are differing views as to the advisability of this approach. The Supreme Court sees a continuing vital role for the CJA, including supporting the confidential advice hotline and producing handbook reference materials. Under the new system, the CJA may request opinions be written on certain matters, perhaps where a judge doesn't want to divulge his or her identity to anyone other than the CJA or because the CJA sees a trend in the area where an official opinion would be appropriate.

The Supreme Court welcomes suggestions from the CJA for appointment of members to the Supreme Court Committee on Judicial Ethics Opinions, and the implementation of this proposal. The Chief Justice indicated that he views this program as a collaborative effort and that judges will be better served with more official advice, and the public will be able to rely on a judge's adherence to the California Code of Judicial Ethics. The enforcement of the cannons of ethics is a responsibility given to the Supreme Court several years ago by constitutional amendment.

The Chief Justice asked Judge Kays to offer any comments.

Judge Kays thanked the Chief Justice for time spent with the CJA on the issue. He reported that the board of the CJA will examine this issue with input from the membership, will be meeting shortly, and will then be better able to have further

discussion with the Chief Justice on the issue. The Chief Justice welcomed further input from the CJA.

The Chief Justice next referenced the recent two-day orientation program for new Judicial Council members: Justice Brad R. Hill, Court of Appeal, Fifth Appellate District; Judge George J. Abdallah, Jr., Superior Court of San Joaquin County; and Mr. Michael D. Planet, Executive Officer, Superior Court of Ventura County. Judge Michael T. Garcia, Superior Court of Sacramento County, served as moderator, and the program was organized by the AOC. The Chief Justice complimented the program and remarked that several years ago the council did not have a comprehensive orientation program and that service on the council involves more than just reading the meeting binders. He hoped that the program is viewed as easing the transition to this new responsibility.

The Chief Justice referenced the Commission for Impartial Courts described in the Administrative Director's report. He expressed his support of and excitement for this very important effort.

The Chief Justice referenced the branchwide efforts in Riverside County and the Riverside Strike Team. Riverside County has received seven new judicial positions in this fiscal year and expects to receive six next year. Nevertheless, the court is severely understaffed with judges.

The Chief Justice praised the strike team and expressed his appreciation for its service to resolve the situation and offer suggestions about how the county can address its increasing caseload. Justice Richard D. Huffman and Judge David Wesley, leaders of the strike team, presented a progress report to the council during its issues meeting on August 30, 2007.

The Chief Justice stated that the best indication of the impact the strike team is making was evidenced in a phone conversation with Assembly Member John J. Benoit. Assembly Member Benoit, from Riverside County, expressed his appreciation as well as that of other legislators for the public service performed by the Judicial Council by assisting the Riverside court without any budgetary augmentation.

The Chief Justice concluded his report by expressing his appreciation and gratitude for the Judicial Council members whose terms expired after this meeting: Justice Candace D. Cooper, Judge Suzanne N. Kingsbury, Judge Scott L. Kays, and Ms. Tamara Lynn Beard.

CONSENT AGENDA (ITEMS 1–4)

Item 1 Franchise Tax Board: Court-Ordered Debt Program's Request for Support

The Franchise Tax Board (FTB) requested a statement of concurrence from the Judicial Council to use a portion of the court-ordered debt (COD) continuous appropriation account to prevent significant delays in the COD Expansion Project for FY 2007–2008. Senate Bill 246 mandates the FTB to design, develop, and implement a collection system that will expand its collection services to all 58 superior courts and counties. It also requires the FTB, in consultation with the Judicial Council, to seek whatever resources are needed to implement this collection system and accommodate statewide expansion.

Council action
The Judicial Council:

1. Supported the Franchise Tax Board Court-Ordered Debt program's request to the Department of Finance for a one-time appropriation in the amount of $1.5 million from the Court Collection Account in order to support the technology project known as Court-Ordered Debt Collections Expansion in FY 2007–2008.
2. Directed AOC staff to formally inform both the Franchise Tax Board and the Department of Finance of the council's decision regarding this matter.

Item 2 Civil Jury Instructions: Approve Publication of Revisions to the *California Civil Jury Instructions*

The Advisory Committee on Civil Jury Instructions recommended approval of the publication of revisions and additions to the *California Civil Jury Instructions (CACI),* which were first published in September 2003 and last revised in April 2007. The proposal included revisions to six punitive damages instructions, revisions to two Fair Employment and Housing Act instructions, and a new series of instructions on unlawful detainer (16 new instructions). The changes to the punitive damages instructions are required by the February 20, 2007, decision of the United States Supreme Court in *Philip Morris USA v. Williams* (2007) 549 U.S. __ [127 S.Ct. 1057].

Council action
The Judicial Council, effective August 31, 2007, approved for publication under rule 2.1050 of the California Rules of Court the civil jury instructions prepared by the committee. The revisions will be officially published in a new supplement to the 2007 edition of *CACI.*

Item 3 Equal Access Fund: Distribution of Funds for IOLTA-Formula* Grants

The State Bar Legal Services Trust Fund Commission submitted its annual report on distribution of Equal Access Fund grants. In that report, the commission requested that the Judicial Council approve distribution of $14,400,000 according to the statutory formula set out in the State Budget and reported that it has complied with the guidelines given for distribution of those funds. The Budget Act authorizing the Equal Access Fund

provides that the Judicial Council must approve the commission's recommendations if the Judicial Council determines that the awards comply with statutory and other relevant guidelines.

* IOLTA: Interest on Lawyers' Trust Accounts

Council action

The Judicial Council followed the recommendation of the State Bar Legal Services Trust Fund Commission and approved the distribution of $14,400,000 in IOLTA-Formula Grants for 2007–2008 according to the terms of the State Budget, once that budget is enacted, and concurred with the commission's determination that the proposed budget of each individual grant complies with statutory and other guidelines.

Item 4 Access to Visitation Grant Program: Approve Funding Allocations for Fiscal Years 2007–2008 and 2008–2009

The Family and Juvenile Law Advisory Committee recommended approval of the multiyear funding allocations for the Judicial Council Access to Visitation Grant Program for FY 2007–2008 and 2008–2009. Family Code sections 3204(a) and 3204(b)(2) require the Judicial Council to annually apply for federal Child Access and Visitation Grant funds from the U.S. Department of Health and Human Services, Administration for Children and Families, under section 669B of the 1996 Federal Personal Responsibility and Work Opportunity Recovery Act and award funding to superior courts throughout California. These grants enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children. Each year (or for multiple years), the council is required to determine the final number and amounts of grants.

Council action

The Judicial Council:

1. Approved the Family and Juvenile Law Advisory Committee's recommended funding allocation and distribution of approximately $772,000 per year (for FY 2007–2008 and 2008–2009) to continuation programs as set forth in attachment A; and
2. Approved the Family and Juvenile Law Advisory Committee's recommendation that if additional federal funds become available during this funding period, a separate request for proposals and the grant application process be used to allocate these funds to new programs or to programs not currently funded by this grant.

DISCUSSION AGENDA (ITEM 5–11)[1]

Item 6 Blue Ribbon Commission on Children in Foster Care Interim Report

Justice Carlos R. Moreno, Chair, presented this item with the participation of Mr. Christopher Wu, AOC Center for Families, Children & the Courts.

This was an interim report from the Blue Ribbon Commission on Children in Foster Care. The commission will be making recommendations in its final report (to be presented to the council in 2008). The interim report chronicled the major commission activities during the past year and described the commission's plan for its second and final year of operation.

Council action
This item was presented for information only. No action was required.

Item 5 Judicial Council Distinguished Service Awards for 2007

Justice Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee, presented this item.

The chairs of three Judicial Council internal committees recommended that the council approve the winners of the 2007 Distinguished Service Awards. Their recommendations will be distributed at the council meeting. The awards will be presented at the California Bench Bar Biannual Conference in September.

Council action
The Judicial Council approved the recommendations to present the 2007 Distinguished Service Awards to the following individuals:

- Justice Norman L. Epstein, Court of Appeal, Second Appellate District—Jurist of the Year;
- Mr. Ken Torre, Executive Officer, Superior Court of Contra Costa County—Judicial Administration Award; and
- Justice Sandra Day O'Connor (Ret.), Supreme Court of the United States—Bernard E. Witkin Amicus Curiae Award.

Item 7 Budget Adjustment for Fiscal Year 2006–2007, Fiscal Year 2007–2008 Trial Court Allocations, and Allocation of Fiscal Years 2005–2006 and 2006–2007 Workers' Compensation Program Adjustment

[1] Discussion items were presented out of order, with item 6 being presented before item 5.

Mr. Stephen Nash, Director, and Ms. Marcia Caballin presented this item with the participation of Ms. Vicki Muzny, all from the AOC Finance Division.

This item presented recommendations for the FY 2006–2007 allocation for court-appointed counsel and allocation of FY 2007–2008 funding for trial courts, including the state appropriations limit (SAL) funding and budget augmentations for entrance screening, new judgeships, and implementation of the Omnibus Conservatorship and Guardianship Reform Act of 2006. It also presented a recommendation for an allocation related to FY 2005–2006 and 2006–2007 adjustments for trial courts participating in the Judicial Branch Workers' Compensation Program.

Council action
The Judicial Council:

1. Approved, on a one-time basis for FY 2006–2007, allocation of reserves from the Trial Court Trust Fund, to the extent that funds are available, to reimburse the costs of dependency counsel in excess of the court-appointed counsel base budget.
2. Approved the allocation to the courts in FY 2007–2008 of $396,929 for annualization of retirement changes that occurred partway through FY 2006–2007 and a net total of $90,728 for ratified and nonratified retirement rate and plan changes projected for FY 2007–2008 from the SAL funding. This funding will be distributed to courts once the rates are approved and ratified. Some courts will experience a reduction in their overall allocation, reflecting an expected reduction in their costs for employee retirement.
3. Allocated $1.945 million ($1.889 million one-time and $56,000 ongoing) in FY 2007–2008 for staffing and operating expenses for facilities scheduled to open or transfer during the period July 1, 2007, to September 30, 2008, and $107,000 ongoing in FY 2008–2009.
4. Allocated $1.021 million ($291,000 one-time and $729,646 ongoing) in FY 2007–2008 to address entrance screening staffing and equipment costs for new and transferring facilities scheduled to open or transfer during the period July 1, 2007, to September 30, 2008. This funding will come from one-time security funds available in the current year. Another $1.527 million in ongoing funding is recommended to be allocated beginning in FY 2008–2009 from ongoing FY 2007–2008 SAL funding for staffing and operating costs for new and transferring facilities that will be available in FY 2008–2009.
5. Approved allocation of $74.744 million in inflation and workforce funding to the courts to be used to meet staff compensation, operating expenses, and other costs at their discretion.
6. Approved allocation of the workload growth and equity funding, in the amount of $12.373 million, to the most under resourced trial courts, relative to other courts, as identified by the Resource Allocation Study.

7. Allocated $4.3 million in one-time security funding to address an ongoing security shortfall resulting from the funding of FY 2006–2007 ongoing security costs with FY 2005–2006 one-time funding.
8. Allocated $35.4 million in both ongoing SAL funding and one-time security carryover funds to address projected cost increases for court security in FY 2007–2008, based on FY 2006–2007 existing service levels. This funding is to be distributed to courts once they have notified AOC staff that security compensation and retirement cost increases are confirmed and ratified.
9. Approved allocation of new funding based on the appropriate SAL rate (as reflected in attachment 2) to adjust the base budget related to reimbursement and grants provided for court-appointed counsel, jury, processing of elder abuse protective orders, CASA, model self-help, equal access, family law information centers, civil case coordination, service of process for protective orders, prisoner hearing costs, costs of homicide trials, drug court projects, and equal access.
10. Allocated the full SAL adjustment available for the funding of the Court Interpreters Program. Consistent with the prior year, the allocation is displayed in two parts: inflation and workforce to address current program costs, and workload growth and equity to address growth in the Court Interpreters Program.
11. Approved allocation of the ongoing and one-time security entrance screening station funding up to a maximum of $659,704.
12. Approved allocation, should the authorizing legislation be enacted, of the FY 2007–2008 operational costs portion of the new judgeship funding (one month each of ongoing security costs and nonsecurity costs, and all one-time costs, excluding facilities and judges' salaries and benefits).
13. Directed that $400,000 of the Judicial Branch Workers' Compensation Program savings be used by AOC staff to develop program options to establish an ergonomics program and provision of a train-the-trainer program, or a combination of efforts, to address ergonomic issues in the courts.
14. Directed that the remaining $86,676 in savings from the Judicial Branch Workers' Compensation Program be used to offset program charges in FY 2007–2008 for courts participating in the statewide workers' compensation program.
15. Directed staff to prepare a recommendation to address the Governor's veto of $2.163 million in one-time funding in FY 2007–2008 related to the implementation of 50 new trial court judgeships established in FY 2006–2007, taking into consideration the judicial positions appointed prior to July 1, 2007, and the hiring of new staff by courts to support the 50 new judgeships. The recommendation is to be presented to the council by means of a circulating order.
16. Delegated authority to the Administrative Director of the Courts to make minor or technical one-time and ongoing allocations of funds to courts as needed to

address unanticipated needs and contingencies, to the extent that program savings are identified during the fiscal year from reimbursable or other funds.

Item 8 Fiscal Year 2008–2009 Budget Request for the Supreme Court, Courts of Appeal, California Judicial Center Library, and Administrative Office of the Courts

Mr. Stephen Nash (Director), Mr. Ruben Gomez, and Ms. Diane Lowery, all from the AOC Finance Division, presented this item.

AOC staff recommended that the council review and approve the FY 2008–2009 budget requests of the Supreme Court, Courts of Appeal, California Judicial Center Library, and Administrative Office of the Courts

Council action
The Judicial Council:

1. Approved the development of budget change proposals (BCPs) for FY 2008–2009 to address issues identified in this report, to be submitted to the Department of Finance, for the Supreme Court, the Courts of Appeal, the Judicial Council, and the California Judicial Center Library that identify baseline resource needs associated with increased costs and workload related to the provision of services to the courts and the public, as well as for internal infrastructure needs to support judicial branch operations.
2. Delegated authority to the Administrative Director of the Courts to make technical changes to these budget proposals as necessary, including the ability to develop additional proposals to meet any critical needs identified during the development of the 2008–2009 State Budget.

Item 9 Civil Assessments Working Group Recommendations

Mr. Ruben Gomez presented this item with the participation of Mr. Stephen Nash (Director), both from the AOC Finance Division.

This item presented recommendations related to (1) standardization of civil assessment programs statewide, (2) distributions from the Civil Assessments Working Group and the Administrative Office of the Courts of civil assessment revenues, and (3) allocation of reductions to trial courts as a result of Assembly Bill 139, in which counties' contributions to offset a $31 million General Fund reduction have been reduced and will eventually be eliminated over a five-year period that began in FY 2005–2006.

Council action
The Judicial Council voted to allocate reductions to all courts based on each court's share of the beginning statewide base budget for the applicable fiscal year. The

growing revenue shortfall includes the Trial Court Trust Fund of $21 million in FY 2007–2008, $26 million in FY 2008–2009, and $31 million in FY 2009–2010 and thereafter, related to reduced county Maintenance of Effort payments.

Item 10 Judicial Branch Education: Minimum Education Requirements, Expectations, and Recommendations (repeal Cal. Stds. Jud. Admin., stds. 10.10–10.15; adopt Cal. Rules of Court, rules 10.469, 10.471, 10.472, 10.479, and 10.491; amend rules 10.452, 10.461, and 10.462; and amend and renumber rules 5.30, 10.463, 10.464, and 10.471 as rules 10.463, 10.473, 10.474, and 10.481, respectively)

Judge Fumiko Hachiya Wasserman, Chair, Governing Committee of CJER and Ms. Karen M. Thorson, Director, Education Division/CJER, presented this item. Justice Ronald B. Robie, Vice-Chair, Governing Committee of CJER, made a presentation via videotape. Mr. James M. Vesper and Ms. Barbara Whiteoak, both of the Education Division/CJER, also participated.

The Governing Committee of the Center for Judicial Education and Research (CJER) recommended adoption of rules to establish and implement a comprehensive system of minimum education requirements for Supreme Court and Court of Appeal justices, clerk/administrators, managing attorneys, supervisors, and other personnel and a system of minimum education requirements for Administrative Office of the Courts executives, managers, supervisors, and other employees. The proposed rules also incorporate relevant key provisions, including education recommendations, from the Standards of Judicial Administration related to education. The rules include minimum education requirements for both new and experienced individuals, allow delivery of education content by many education providers, and allow approval of courses by other providers. The rules would improve court administration by helping to ensure the professional competency of justices, court personnel, and AOC personnel to most effectively serve the public. The rules also would demonstrate the judicial branch's public commitment to ongoing professional development and create a branchwide environment of professional excellence.

Council action

The Judicial Council, with one amendment, adopted the CJER Governing Committee's proposal to:

1. Set forth a system of minimum education requirements for Supreme Court and Court of Appeal justices, clerk/administrators, managing attorneys, supervisors, and other personnel;
2. Set forth a system of minimum education requirements for Administrative Office of the Courts executives, managers, supervisors, and other employees; and
3. Incorporate key provisions, including education recommendations, from the Standards of Judicial Administration related to education.

The council amended the proposal in one respect: the minimum continuing education requirement for appellate judicial attorneys was raised from 8 hours in a two-year period to 12 hours in a two-year period, the same number of hours as for appellate managing attorneys.

Item 11 Revisions to the *Payment Policies for Contract Court Interpreters*

Ms. Christine Patton, Director, Bay Area/Northern Coastal Regional Office and Ms. Tamara Lynn Beard, Chair, Court Executives Advisory Committee, Subcommittee on Contract Court Interpreters, presented this item with the participation of Ms. Marlene Smith, Executive Office Programs Division.

The Court Executives Advisory Committee recommended revising the *Payment Policies for Contract Court Interpreters*. The revisions would include daily compensation rates, the definition of half-day and full-day sessions, compensation for after-hours proceedings, and mileage reimbursement requirements.

Council action

The Judicial Council, effective September 1, 2007, adopted revisions to the *Payment Policies for Contract Court Interpreters* that allow the following:

1. Increase in the daily compensation rate for certified and registered contract court interpreters as follows:
   - Region 1: 6 1/2%; $282.23 full day and $156.56 half-day
   - Region 2: 6 1/2%; $282.23 full day and $156.56 half-day
   - Region 3: 6 1/2%; $282.23 full day and $156.56 half-day
   - Region 4: 6 1/2%; $282.23 full day and $156.56 half-day
2. Provide for a more accurate definition of half-day and full-day court sessions for the purposes of interpreter compensation;
3. Define night court sessions to address the need to define compensation for contract court interpreters who interpret for night court proceedings;
4. Provide clearer language outlining the responsibility of contract court interpreters to notify courts when they are unavailable for assignments;
5. Eliminate the requirement that contract court interpreters who travel 60 or more miles roundtrip for assignments must cross county lines before they are reimbursed for mileage;
6. Incorporate minor revisions to language and eliminate outdated language; and
7. Directed that any future changes to the payment policies, including compensation, be made on a regional basis with input from the courts in each region.

The specific revisions, as summarized above, are set out in the *Payment Policies for Contract Court Interpreters* are attached to these minutes.

Circulating Orders
Copies of circulating orders are for information only; no action was necessary.

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 2:00 p.m.

Respectfully submitted,

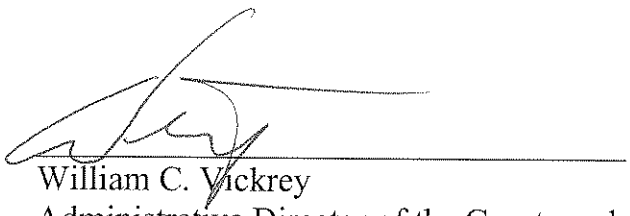
_____
William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council

Circulating Orders
Copies of circulating orders are for information only; no action was necessary.

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 2:00 p.m.

Respectfully submitted,



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

Payment Policies for Contract Court Interpreters

Summary
The Judicial Council of California adopted payment policies for contract court interpreters in February 1, 2000. The payment policies reimburse interpreters for mileage, travel time, and excess pay in specific circumstances; define the full and half-day session; provide a cancellation fee under certain conditions; and allow for payment above the established rates in unusual circumstances, as defined herein.

Background
The annual Budget Act specifies that the Judicial Council sets compensation rates and policies for contract court interpreters.

Intent
The intent of these policies is to establish comprehensive payment policies for contract interpreters while continuing to allow for local flexibility. In adopting these additional payment policies, the council recognizes that some interpreters are independent contractors and that these policies are not intended to change their status as independent contractors.

Local Discretion to Meet Unique Needs
The daily payment rates below do not affect the trial court's discretion in compensating above the established rate to obtain services in unique or unusual circumstances. For example, securing the services of a Navajo interpreter from out of state or a certified interpreter in trial courts that have limited or no certified interpreters living within their jurisdiction.

Payment Policies

Definitions of half-day, full-day and night session:

a. A half-day session is defined as any portion of a consecutive four-hour period either:
    1. A morning session, beginning no earlier than 8:00 a.m. and ending by 12:15 p.m.;
    2. An afternoon session, beginning no earlier than 1:00 p.m. and ending by 5:15 p.m., or
    3. A night session, which is a separate session, as determined by the court, beginning no earlier than 5:15 p.m. and ending by 10:00 p.m.
b. A full-day session is defined as a morning session and an afternoon session.

Daily Payment Rates

The council's goal is for the trial courts to use only certified and registered interpreters in all interpreted proceedings. For those instances in which a trial court has exhausted all options to secure the services of a certified or registered contract interpreter, the council has established a separate, lower rate schedule for noncertified and nonregistered contract interpreters. The differential structure is intended to encourage noncertified and nonregistered interpreters to gain the necessary skills to become certified or registered and to reward the efforts of those interpreters who have improved their skills and achieved certification. The rates are as follows:

Certified and registered interpreters (as of September 1, 2007)
As adopted by the Judicial Council:

Region 1: $282.23 per full-day or $156.56 per half-day
Region 2: $282.23 per full-day or $156.56 per half-day
Region 3: $282.23 per full-day or $156.56 per half-day
Region 4: $282.23 per full-day or $156.56 per half-day

If an interpreter is required to work between the hours of 12:15 p.m. and 1:00 p.m., or after 5:15 p.m. until the conclusion of the proceeding, the interpreter is entitled to hourly compensation at the full-day hourly rate as determined by the courts in each region.

Noncertified and nonregistered interpreters
Not more than $175 per day or $92 per half-day, as determined by the local trial court system.

Sign language interpreters
Under section 754(i) of the Evidence Code, the rate for certified court and registered contract interpreters applies to sign language interpreters for the deaf or hearing impaired.

Cancellation fee

A cancellation fee is paid under the following conditions:

a. A contract is entered into with the interpreter more than 24 hours or one business day in advance of the assignment, and
b. An assignment is cancelled without 24-hour notice, or for assignments beginning on the first business day of the work week, without one business day's notice.

If an interpreter receives another assignment from a state trial court system or federal court, the cancelling state trial court is entitled to an offset amount, up to the cancellation fee.)

If an interpreter becomes aware that he or she is no longer available for the assignment, the interpreter has an obligation to notify the contracting court of his or her unavailability at the earliest opportunity. In such circumstances, the interpreter must notify the court more than 24 hours in advance of the scheduled assignment.

Multilingual interpreters
An amount above the daily rate may be provided for interpreters who render services in more than one language on the same day.

Mileage reimbursement
Actual mileage is reimbursed when the interpreter travels 60 miles or more roundtrip from his or her place of business (address used for tax purposes). The rate of reimbursement is the rate as authorized by the state. Extraordinary travel costs such as airfare may be reimbursed only with advanced approval of the court executive officer, or his or her designee.

Unusual circumstances
An amount above the daily rate, and/or a cancellation fee may be provided under unusual circumstances. Unusual circumstances are defined as follows:

- There are limited or no available interpreters in the needed language; and
- The alternative is to continue the proceeding.

A trial court and the interpreter may negotiate an amount for travel time in unusual circumstances.

Payment Policies for Contract Court Interpreters

Summary
The Judicial Council of California adopted payment policies for contract court interpreters in February 1, 2000. The payment policies reimburse interpreters for mileage, travel time, and excess pay in specific circumstances; define the full and half-day session; provide a cancellation fee under certain conditions; and allow for payment above the established rates in unusual circumstances, as defined herein.

Background
The annual Budget Act specifies that the Judicial Council sets compensation rates and policies for contract court interpreters.

Intent
The intent of these policies is to establish comprehensive payment policies for contract interpreters while continuing to allow for local flexibility. In adopting these additional payment policies, the council recognizes that some interpreters are independent contractors and that these policies are not intended to change their status as independent contractors.

Local Discretion to Meet Unique Needs
The daily payment rates below do not affect the trial court's discretion in compensating above the established rate to obtain services in unique or unusual circumstances. For example, securing the services of a Navajo interpreter from out of state or a certified interpreter in trial courts that have limited or no certified interpreters living within their jurisdiction.

Payment Policies

Definitions of half-day, full-day and night session:

a. A half-day session is defined as any portion of a consecutive four-hour period either:
    1. A morning session, beginning no earlier than 8:00 a.m. and ending by 12:15 p.m.;
    2. An afternoon session, beginning no earlier than 1:00 p.m. and ending by 5:15 p.m., or
    3. A night session, which is a separate session, as determined by the court, beginning no earlier than 5:15 p.m. and ending by 10:00 p.m.
b. A full-day session is defined as a morning session and an afternoon session.

Daily Payment Rates

The council's goal is for the trial courts to use only certified and registered interpreters in all interpreted proceedings. For those instances in which a trial court has exhausted all options to secure the services of a certified or registered contract interpreter, the council has established a separate, lower rate schedule for noncertified and nonregistered contract interpreters. The differential structure is intended to encourage noncertified and nonregistered interpreters to gain the necessary skills to become certified or registered and to reward the efforts of those interpreters who have improved their skills and achieved certification. The rates are as follows:

Certified and registered interpreters (as of September 1, 2007)
As adopted by the Judicial Council:

Region 1: $282.23 per full-day or $156.56 per half-day
Region 2: $282.23 per full-day or $156.56 per half-day
Region 3: $282.23 per full-day or $156.56 per half-day
Region 4: $282.23 per full-day or $156.56 per half-day

If an interpreter is required to work between the hours of 12:15 p.m. and 1:00 p.m., or after 5:15 p.m. until the conclusion of the proceeding, the interpreter is entitled to hourly compensation at the full-day hourly rate as determined by the courts in each region.

Noncertified and nonregistered interpreters
Not more than $175 per day or $92 per half-day, as determined by the local trial court system.

Sign language interpreters
Under section 754(i) of the Evidence Code, the rate for certified court and registered contract interpreters applies to sign language interpreters for the deaf or hearing impaired.

Cancellation fee

A cancellation fee is paid under the following conditions:

a. A contract is entered into with the interpreter more than 24 hours or one business day in advance of the assignment, and
b. An assignment is cancelled without 24-hour notice, or for assignments beginning on the first business day of the work week, without one business day's notice.

If an interpreter receives another assignment from a state trial court system or federal court, the cancelling state trial court is entitled to an offset amount, up to the cancellation fee.)

If an interpreter becomes aware that he or she is no longer available for the assignment, the interpreter has an obligation to notify the contracting court of his or her unavailability at the earliest opportunity. In such circumstances, the interpreter must notify the court more than 24 hours in advance of the scheduled assignment.

Multilingual interpreters
An amount above the daily rate may be provided for interpreters who render services in more than one language on the same day.

Mileage reimbursement
Actual mileage is reimbursed when the interpreter travels 60 miles or more roundtrip from his or her place of business (address used for tax purposes). The rate of reimbursement is the rate as authorized by the state. Extraordinary travel costs such as airfare may be reimbursed only with advanced approval of the court executive officer, or his or her designee.

Unusual circumstances
An amount above the daily rate, and/or a cancellation fee may be provided under unusual circumstances. Unusual circumstances are defined as follows:

- There are limited or no available interpreters in the needed language; and
- The alternative is to continue the proceeding.

A trial court and the interpreter may negotiate an amount for travel time in unusual circumstances.