JUDICIAL COUNCIL MEETING
Minutes of the August 25, 2006, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:45 a.m. on Friday, August 25, 2006, 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, Richard D. Huffman, Candace D. Cooper, and Eileen C. Moore; Judges J. Stephen Czuleger, Michael T. Garcia, Suzanne N. Kingsbury, Charles W. McCoy, Jr., Dennis E. Murray, William J. Murray, Jr., Michael Nash, Richard E. L. Strauss, and James Michael Welch; Mr. Anthony P. Capozzi, Mr. Thomas V. Girardi, Mr. Rex S. Heinke, and Mr. William C. Vickrey; **advisory members:** Judges Terry B. Friedman and Sharon J. Waters; Commissioner Ronald E. Albers; Ms. Tamara Lynn Beard, Ms. Deena Fawcett, Mr. Alan Slater, and Ms. Sharol Strickland.

Absent: Senator Joseph Dunn; Assembly Member Dave Jones; Judge Barbara J. Miller; Ms. Barbara J. Parker.

Others present included: Justice Richard D. Aldrich; Judges Thomas H. Cahraman, James A. Cox, Stephen D. Cunnison, Frederick Paul Dickerson, III, Becky Lynn Dugan, Peter Paul Espinoza, Richard Todd Fields, William F. Highberger, Harold W. Hopp, Jamie A. Jacobs-May, Scott L. Kays, Carolyn B. Kuhl, Michele D. Levine, Thomas M. Maddock, William W. Pangman, Craig Riemer, Bernard Schwartz, Nancy Wieben Stock, and Gary B. Tranbarger; Executive Officers Ms. Inga E. McElyea, Mr. Michael M. Roddy, and Mr. Gil Solorio; Chief Deputy Executive Officers Ms. Diane Gray and Mr. Gary Whitehead; Deputy Executive Officers Ms. Geri Gilmore, Mr. Ron Hulbert, Ms. Brenda Lussier, and Ms. Angie Murphy; Commissioner Kenneth James Fernandez; Chief Principal Court Analyst Ms. Carol Waterhouse-Tejada; Court Administrative Services Manager Ms. Diane Colonelli; Mr. Raymond G. Aragon, Mr. Philip Brozenick, Ms. M. Heffel, Ms. Beth Jay, M. L. Kinnup, Mr. Rubin Lopez, and Mr. George Sanen; **staff:** Mr. Dennis Blanchard, Ms. Dianne Bolotte, Mr. David Bonowitz, Ms. Deborah Brown, Ms. Marcia Caballin, Ms. Sheila Calabro, Ms. Tina Carroll, Ms. Casie Casados, Ms. Jeanne Caughell, Mr. Khin Chin, Mr. Dexter Craig, Ms. Chris Cunningham, Ms. Kim Davis, Mr. Mark Dusman, Mr. Robert Emerson, Ms. Nina Erlich-Williams, Ms. Claudia Fernandes, Mr. George Ferrick, Mr. Chad Finke, Mr. Ernesto V. Fuentes, Ms. Susan Goins, Mr. Ruben Gomez, Ms. Christine M. Hansen, Ms. Donna Hershkowitz, Ms. Lynn Holton, Mr. Gary Kitajo, Ms. Leanne Kozak, Mr. Chris Magnusson, Ms. Carolyn McGovern, Ms. Vicki Muzny, Ms. Diane Nunn, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Ms. Kelly Popejoy, Ms. Florence Prushan, Ms. Mary M. Roberts, Ms. Rona Rothenberg, Ms. Jessica Sanora, Ms. Syroun Sanossian, Ms. Robin Seeley, Ms. Nancy Spero, Ms. Karen M. Thorson, Mr. Charles Turner, Mr. Joshua

Weinstein, Ms. Barbara Jo Whiteoak, Ms. Daisy Yee, and Ms. Patricia M. Yerian; **media representative:** M. Mokson, Ms. Amy Yarbrough, *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 25, 2006, that was sent to members in advance of the meeting.)

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 of the June 30, 2006, Business Meeting

The minutes of the June 30, 2006, business meeting were approved.

Chief Justice George's Comments

Chief Justice George acknowledged the presence of new Judicial Council members who had attended and observed the proceedings at a previous business meeting and introduced three new Judicial Council members who are attending for the first time: Presiding Judge Nancy Wieben Stock, Judge Scott L. Kays, and Mr. Raymond G. Aragon.

Judicial Council Committee Presentations

Executive and Planning Committee
Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had taken action via e-mail once and had met twice by conference call and once in person since the June 30, 2006, council meeting.

On July 6, 2006, the committee took action on behalf of the council, via e-mail, to approve the reversal of a $5.45 million reduction that occurred as a result of vetoes made by the Governor before the enactment of the fiscal year (FY) 2005–2006 State Budget. The reduction was to backfill the lost revenue from technology funding in the Uniform Civil Fee (UCF) proposal and was considered to be a direct reduction to each trial court's operating budget. Since that time, UCF revenues have exceeded initial estimates, and there is adequate funding to reverse the reduction in the current year for all affected courts. The committee, on behalf of the council, reallocated the funds to the affected courts.

On August 2, 2006, the committee reviewed reports and set the agenda for the August 25, 2006, Judicial Council business meeting.

Committee members also approved the distribution of $2.124 million to establish, maintain, or expand funding of local Court Appointed Special Advocate (CASA) programs in FY 2006–2007. The chair informed the committee that a technical adjustment to the allocation may be needed because the state appropriations limit (SAL) factor may be further revised.

Committee members also approved the distribution of $1.116 million to fund Collaborative Justice Project Substance Abuse Focus Grants for FY 2006–2007.

The committee received an informational report on community-focused court planning efforts to support local court-community planning on behalf of the council.

The committee reviewed with staff the progress of the strategic planning process.

The committee reviewed and accepted a proposal to retain a current member of the Court Interpreters Advisory Panel as a nonvoting advisory member owing to a change in status of that individual. An out-of-cycle recruitment will be initiated to fill the vacant voting position on the advisory committee.

On August 21, 2006, the committee performed additional agenda setting, reviewed finance reports, and completed the agenda for the August 25, 2006, Judicial Council business meeting.

On August 23, 2006, the committee met in person to review nominations to fill vacancies on the Judicial Council's advisory committees and to make recommendations to the Chief Justice.

Policy Coordination and Liaison Committee
Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met twice since the last council meeting.

During those meetings, the PCLC took positions on three bills relating to language access, a victim's bill of rights, and criminal penalties.

Three Judicial Council–sponsored bills continue to proceed through the Legislature, including bills relating to court operations issues and new judgeships.

Senate Bill 56, which is the council's sponsored bill authorizing new judgeships, is still active and was amended on the floor of the Assembly late on August 24, 2006, to once again authorize 50 new judgeships.

Justice Baxter announced that the Legislature is now in the final days of the 2005–2006 session, the last day of which is August 31. The last day for the Governor to sign or veto bills is September 30.

In October the PCLC will be reviewing a number of proposals for 2007 Judicial Council–sponsored legislation, and those recommendations will be brought to the council at its December business meeting.

Rules and Projects Committee
Judge Suzanne N. Kingsbury, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met once by phone since the last council meeting.

At that meeting, on July 27, the committee reviewed the revisions and additions to the California Criminal Jury Instructions, on today's agenda as item 2. RUPRO recommended council approval of this proposal.

Judge Kingsbury reported that RUPRO will consider how changes to jury instructions should be presented to the council in the future and make a report and recommendations at the council's October business meeting.

Judge Kingsbury reported that the committee will meet on September 7, to review the proposals that circulated for comment in the spring 2006 rules cycle, and on September 14, to review two proposals that circulated in special cycles. All of these proposals are scheduled to come before the council at the council's October business meeting.

Judge Kingsbury thanked departing RUPRO members Judge Richard E. L. Strauss, vice-chair, whose term on the Judicial Council will be ending September 14, and Judges Dennis E. Murray and Charles W. McCoy, Jr., who have been appointed to another committee. Judge Kingsbury welcomed continuing RUPRO member Justice Eileen C. Moore as the new vice-chair and welcomed remaining members Ms. Deena Fawcett, Ms. Sharol Strickland, and Ms. Barbara J. Parker. Judge Kingsbury welcomed new RUPRO members Judges Carolyn B. Kuhl and James Michael Welch and Mr. Raymond G. Aragon.

Administrative Director's Report

Mr. William C. Vickrey reported that an agreement had been reached to amend SB 56 (Dunn) to establish all 50 new judgeships and that it was pending further action in the Assembly and Senate.

Mr. Vickrey reported on the four-bill probate conservatorship reform package currently pending in the Legislature. The Probate Conservatorship Task Force and Office of Governmental Affairs staff are working closely together to ensure that the reform and

amendments are consistent with the task force's direction. He noted that the council supports the reform package, provided that funding is made available through the budget process to cover the costs of the new court mandates.

Mr. Vickrey reported that over the past several months Chief Deputy Director Ronald G. Overholt has led discussions of the joint court-county facility working group to resolve facilities transfer issues, which resulted in an agreement between the counties, the courts, and the state Department of Finance on legislative language changes to facilitate transfers. Mr. Vickrey recognized the presence of Mr. Rubin Lopez of the California State Association of Counties and acknowledged his contributions in securing the cooperation of all the counties with regard to facilities.

Mr. Vickrey reported on efforts regarding proposed legislation that would have replaced the Judicial Council's Court Interpreters Advisory Panel with a blue ribbon panel on language access in the courts. Agreement was reached to leave the existing panel in place and create a separate blue ribbon panel.

Mr. Vickrey reported that on August 14, 2006, the chair and vice-chair of the council's Governing Committee of the Center for Judicial Education and Research (CJER) met with the respective chairs of the Trial Court Presiding Judges and Administrative Presiding Justices Advisory Committees, a judicial member of the Access and Fairness Advisory Committee, and two representatives of the California Judges Association (CJA) to discuss input and determine options regarding the minimum education rule.

On the following day, August 15, 2006, the Governing Committee of CJER met to discuss its rule proposal and voted unanimously to recommend it to the Judicial Council with slight modifications.

Mr. Vickrey also reported that concerns, highlighted in the 2005 Attorney General's report on domestic violence, about whether judicial education in the area of domestic violence was adequate, resulted in an audit of funding for all judicial education programs, including those on domestic violence, by the Bureau of State Audits. The final report, expected to be released at the end of August, will be shared with the Judicial Council and considered for discussion at the council's October business meeting.

Mr. Vickrey commented on issues related to temporary judges, regional meetings of the presiding judges and court executive officers, and the Chief Justice's outreach meetings with various groups.

Mr. Vickrey reported that efforts continue to implement CARS (Court Accounting and Reporting System) and CHRIS (Courts Human Resources Information System). The Superior Court of Sacramento County is the first court to assume responsibility for implementing the two systems jointly, and the implementation has been successful.

Mr. Vickrey reported on the first deployment of the California Case Management System (CCMS) and said that the first demonstration of the V3 Case Management System (civil, small claims, and probate) was conducted for court leaders served by the AOC's Bay Area/Northern Coastal Regional Office.

Mr. Vickrey reported on substantial state funding increases in the areas of foster care and child welfare that do not affect the budgets of the courts but do affect the quality of support that the courts receive from protective services workers and the staff who work with foster-care children. He reported that several youth summits related to foster-care issues have been held.

Mr. Vickrey reported that special grant funding has been received for the development of the AOC's DUI prevention curriculum project, which is aimed at defendants who go through youth court. The project has been working to involve high schools, including hosting a summit on traffic issues.

Mr. Vickrey reported that at their annual meeting the Conference of Chief Justices and the Conference of State Court Administrators adopted several resolutions in support of action to improve judicial selection and public confidence in the judiciary and a resolution regarding legal services in trade agreements.

Chief Justice's Report

Chief Justice Ronald M. George reported that court-appointed counsel representing indigent defendants in criminal and juvenile matters will receive a $10-per-hour pay raise, which will bring the rates among the six Court of Appeal districts to the range of $80–$100 per hour depending on the complexity of the case.

The Chief Justice also announced that council member and Superior Court of Los Angeles County Juvenile Court Presiding Judge Michael Nash was honored by the Los Angeles County Board of Supervisors and the Los Angeles Department of Children and Family Services for his leadership in the effort to place foster children in permanent homes. The award recognizes Judge Nash's central role in starting Adoption Saturday in the Los Angeles court, at which volunteer judges, attorneys, and court staff enable the permanent placement of hundreds of foster children throughout the county. The idea of Adoption Saturday has evolved into a national event; last year 200 cities around the country held similar events.

The Chief Justice reported that he had attended the private business meeting of the judges of the federal Ninth Circuit Court of Appeals, at their invitation, in southern California to discuss matters of mutual interest between the state and federal systems. Chief Justice

George praised the work of the California Federal Judicial Council, whose members were appointed by him and Ninth Circuit Chief Judge Mary Schroeder.

The Chief Justice met with the California Newspaper Publishers Association to discuss the concept of establishing a statewide bench, bar, and media committee, along the lines of one established in the State of Washington. The Chief Justice also met with State Bar officers.

In July, the Chief Justice reported for jury duty, although he did not end up serving on a jury because no cases fell within the 10 days that he could have served. It was the third time he has been called to appear in the Superior Court of Los Angeles County during his tenure as Chief Justice.

The Chief Justice announced that the Public Interest Clearinghouse had presented Mr. William C. Vickrey with a special award for his contributions to access to justice through the development of court program services to meet the diverse needs of children, families, and self-represented litigants. The Chief Justice had the pleasure of presenting the award to Mr. Vickrey at the Public Interest Clearinghouse's annual Opening Doors to Justice Benefit in San Francisco on July 18.

Mr. Vickrey said that he received the award on behalf of Ms. Diane Nunn, director, Center for Families, Children & the Courts, and numerous other AOC staff.

The Chief Justice met with Judge Terry B. Friedman and other members of the California Judges Association regarding judicial education. The Chief Justice later met separately with Judge Scott L. Kays to discuss matters of mutual interest to the council and CJA.

The Chief Justice participated in the Conference of Chief Justices and reported that the chief justices of other states look continuously to what we have been able to do in California in such areas as access, jury reform, judicial compensation, complex litigation, and trial court funding.

The Chief Justice attended a liaison meeting with the Civil Justice Association of California. The Chief Justice met with Senator Joseph Dunn, Mr. Thomas V. Girardi, and others to develop support for judicial branch efforts on long-term issues, including facilities.

The Chief Justice met with the San Francisco Defense Seminar and attended a related meeting hosted by the Superior Court of Sacramento County concerning matters affecting public trust and confidence and the justice system, strategic planning, and strengthening the justice system overall. The Chief Justice attended a meeting with superior court leaders and other justice system partners at the AOC's Northern/Central Regional Office's quarterly meeting. Similar meetings with court leaders and their justice partners

are scheduled at the Bay Area/Northern Coastal and Southern Regional Offices and will take place soon.

The Chief Justice reported on recent developments regarding the new judgeship bill, SB 56. The Chief Justice acknowledged the significant contributions of Senator Joseph Dunn and Mr. Thomas V. Girardi in garnering support for this bill. The Chief Justice commented that the funding for the positions starts in the last month of the fiscal year to allow the Governor time to start the process of recruiting for and filling the positions.

The Chief Justice reported that some progress has been made with amendments to Senate Bill 10, which would facilitate the transfer to the state of Level 5 seismically impaired structures by having the counties retain liability for a period of up to 35 years, thereby relieving the courts of much of the responsibility of financing expensive retrofitting of those structures. The Chief Justice recognized the presence of Mr. Rubin Lopez and acknowledged the partnership between the AOC and the California State Association of Counties.

CONSENT AGENDA (ITEMS 1–2)

Item 1 Equal Access Fund: Distribution of Funds for IOLTA (Interest on Lawyers' Trust Accounts)-Formula Grants

The State Bar Legal Services Trust Fund Commission submitted a report on distribution of Equal Access Fund grants. In that report, the commission requested that the Judicial Council approve distribution of $12,574,080 according to the statutory formula set out in the State Budget. The commission reported that it had complied with the guidelines 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.

Council action
The Judicial Council approved the distribution of $12,574,080 in IOLTA-Formula Grants for 2006–2007 according to the terms of the State Budget and approved the State Bar Legal Services Trust Fund Commission's determination that the proposed budget of each individual grant complies with statutory and other guidelines.

Item 2 Jury Instructions: Approve Publication of Revisions and Additions to Criminal Jury Instructions

The Advisory Committee on Criminal Jury Instructions recommended approval of the publication of revisions and additions to the Judicial Council's *California Criminal Jury Instructions (CALCRIM)*. The additions and revisions would improve the clarity, accuracy, and breadth of the instructions.

Council action
The Judicial Council, effective August 25, 2006:
1. Approved for publication under rule 855(d) of the California Rules of Court the new and revised criminal jury instructions prepared by the advisory committee; and
2. Approved the insertion of code section references in the titles and introductory paragraphs of every *CALCRIM* instruction that charges a statutory offense.

DISCUSSION AGENDA (ITEMS 3–8)

Item 3 Judicial Council Distinguished Service Awards for 2006

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

The chairs of the Executive and Planning, Rules and Projects, and Policy Coordination and Liaison Committees recommended approval of the recipients of the 2006 Distinguished Service Awards for significant and positive contributions to court administration in California.

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

- Associate Justice Richard D. Aldrich, Court of Appeal, Second Appellate District—Jurist of the Year;
- Ms. Tressa Sloan Kentner, Court Executive Officer, Superior Court of San Bernardino County, and Ms. Patricia M. Yerian, Director, Information Services Division, Administrative Office of the Courts—Judicial Administration Award;
- Mr. John Hancock, President, California Channel—Bernard E. Witkin Amicus Curiae Award.

Item 4 Court Facilities Planning: Prioritization Methodology for Trial Court Capital-Outlay Projects and Fiscal Year 2007–2008 Trial Court Funding Requests

Ms. Kim Davis, Office of Court Construction and Management, and Ms. Kelly Popejoy, Office of Court Construction and Management, presented this item.

AOC staff recommended adoption and application of the *Prioritization Methodology for Trial Court Capital-Outlay Projects,* including the Trial Court Capital-Outlay Plan

identifying five priority project groups. This new, simplified methodology has four criteria that reflect the main goals of the court facility improvement program and support the mission and policy direction of the Judicial Council in its Strategic Plan—Goal III, Modernization of Management and Administration. AOC staff also recommended that the council direct it to submit fiscal year 2007–2008 funding requests to the state Department of Finance for nine trial court projects in the highest priority group based on application of the new methodology.

Council action

The Judicial Council:

1. Adopted the *Prioritization Methodology for Trial Court Capital-Outlay Projects;*
2. Adopted the new list of trial court capital projects, presenting five priority groups derived from the application of the methodology; and
3. Directed AOC staff to submit fiscal year 2007–2008 funding requests to the Department of Finance for nine trial court projects.

Item 5 Report of the Collaborative Court-County Working Group on Enhanced Collections

The item was presented by Ms. Sheila Calabro, Southern Regional Office; Judge William W. Pangman, Superior Court of Sierra County; Mr. Khin Chin, Southern Regional Office; Judge Carolyn B. Kuhl, Superior Court of Los Angeles County; Mr. Rubin Lopez, California State Association of Counties; and Ms. Jessica Sanora, Southern Regional Office.

The Collaborative Court-County Working Group on Enhanced Collections recommended that the council adopt the guidelines, standards, and templates for collection programs as presented by the working group and direct staff to continue efforts to assist courts and counties in establishing or improving collection programs. The report contained recommendations to improve court-ordered debt collection by providing guidelines and standards for courts and counties to use when collecting sanctions, offsetting the costs of operating their collections programs, establishing reporting procedures, and providing courts with other tools to assist with improving collections. These recommendations would foster consistent statewide practices to enhance the collection of court fines, fees, penalties, and assessments.

Council action

The Judicial Council:

1. Directed staff to distribute the Sentencing Fines and Fees Access Database statewide to the courts and other justice partners who are interested in using the database, including but not limited to district attorneys, probation officers, and public defenders;

2. Directed the Fee Waiver Subcommittee to
   a. Continue as a working group to develop legislation, rules, and forms based on the recommended proposals outlined in the Fee Waiver Subcommittee report;
   b. Circulate proposed legislation to the appropriate advisory committees and report the Fee Waiver Subcommittee's recommendations concerning proposed legislation to the Judicial Council in December 2006; and
   c. Circulate any proposed rules or forms for comment and report its recommendations for adoption of rules or forms on fee waivers to the Judicial Council in 2007;
3. Adopted the *Guidelines and Standards for Cost Recovery* proposed by the Cost Recovery Subcommittee for use by courts and counties in recovering the costs of operating a comprehensive collection program as defined in Penal Code section 1463.007;
4. Adopted the revised collections reporting template proposed by the Reporting Subcommittee, which includes action plans and aging data, to be used collaboratively by courts and counties beginning in fiscal year 2006–2007; and
5. Adopted guidelines for collecting court-ordered sanctions by approving the *Alternatives for Collection of Court-Ordered Sanctions* as proposed by the Sanctions Subcommittee.

Budget Process Overview

Mr. William C. Vickrey presented an overview of the budget process to provide a context for the fiscal year 2007–2008 budget development process discussions in items 6–8.

Item 6 New and Revised Trial Court Security Standards

Ms. Christine M. Hansen, Finance Division, and Justice Richard D. Aldrich, Chair, Working Group on Court Security, presented this item with the participation of Ms. Vicki Muzny, Finance Division.

This item presented recommendations to establish new funding standards for trial court security in the areas of professional staff support, security services and supplies, and vehicle use. It also recommended revision of an existing standard for supervision/-management. These standards would affect the security funding that courts will receive. They would also result in the need to submit a FY 2007–2008 security budget change proposal (BCP) for additional funding, which is included in a separate report.

Council action

The Judicial Council:

1. Approved a standard that caps the costs for professional support staff for security operations at 1.5 percent of a court's security base budget.

2. Approved the following standard for security supplies and equipment:

	Cost	Life/Years	Annual$
Ammunition (300 rounds/year)	50	1	50
Baton/Nightstick	43	10	4
Bulletproof Vest	589	5	118
Handcuffs	38	10	4
Holster	85	6	14
Leather Gear	145	5	29
Chemical Spray and Holder	37	2	19
One Primary Duty Sidearm	678	10	68
Taser Gun	800	5	160
Uniform Allowance	850	1	850
Total Annual Cost per FTE:			**$1,315**

3. Adopted the mileage rate authorized by the state Department of Personnel Administration as the vehicle use standard (currently $0.445 per mile) for court security transportation, exclusive of prisoner or detainee transport to or from court. If this rate changes, the standard would automatically change.
4. Revised the existing supervision/management security funding standard of 1 supervisor/manager per 12 nonsupervisory employees to provide the following adjustments where the ratio is less than 1.0:
   - If a court pays supervision/management costs, the actual ratio should be used;
   - If a court does not pay for supervision/management services, but the ratio is 0.25 to 0.99, the actual ratio should be used; or
   - If the ratio is between 0.01 and 0.24 and the court does not pay supervision/ management costs, no funding should be provided.

Item 7 Fiscal Year 2006–2007 Trial Court Budget Allocations

Ms. Christine M. Hansen, Finance Division, and Justice Richard D. Aldrich, Court of Appeal, Second Appellate District, presented this item with the participation of Ms. Vicki Muzny, Finance Division.

This item presented policy recommendations related to the allocation of (1) SAL adjustment funding for the trial courts, (2) funding for Judicial Council budget priorities, (3) security funding carried over from FY 2005–2006, (4) new funding for security and judgeships separately provided in the 2006 Budget Act, and (5) savings in the Judicial Branch Workers' Compensation Program (JBWCP) from FY 2005–2006. Also recommended were changes in funding levels for three program areas: processing of elder abuse protective orders, civil case coordination, and assigned judges. There was

also a recommendation for delegation of authority to the Administrative Director of the Courts to allocate available one-time and ongoing funds from the Trial Court Trust Fund.

Council action

The Judicial Council:

1. Approved the allocation to the courts in FY 2006–2007 of up to $3.878 million in ongoing costs for retirement rate and plan changes effective in FY 2005–2006 that have not previously been allocated and for annualization of increases that occurred partway through FY 2005–2006, approved the allocation of $6.077 million for ratified rate and plan changes effective in FY 2006–2007, and set aside up to $13.245 million for nonratified retirement rate and plan changes projected for FY 2006–2007 from the SAL funding.
2. Approved that one-time costs for nonsecurity operating costs related to new facilities to be opened during FY 2006–2007 through the first three months of FY 2007–2008 be funded from (1) the FY 2005–2006 undesignated SAL carryover and (2) Trial Court Trust Fund one-time savings.
3. Approved a maximum allocation of $1.3 million in ongoing funds from the SAL adjustment, to be used to address nonsecurity operational costs for new facilities opened or planned to open in FY 2006–2007 through the first three months of FY 2007–2008, and deferred consideration of recommendations on allocations until the October 20, 2006, council meeting.
4. Approved allocation of $3.7 million in ongoing funding—$34,000 per court and the remainder allocated based on 2006 population figures from the Department of Finance—to the trial courts for providing services to assist unrepresented litigants. Any additional funds available for self-help services in FY 2006–2007 would be allocated by population.
5. Approved $44.107 million in inflation and workforce funding for allocation to the courts to be used to meet staff compensation, operating expenses, and other costs at the discretion of the courts.
6. Approved evenly splitting the adjusted workload growth and equity funding component into two subcomponents—resource allocation study funding and pro-rata growth funding.
7. Approved allocation of the pro-rata growth funding to all the trial courts based on their proportion of the trial court base budget, to be used consistent with local discretion.
8. Approved deferral of allocation of the resource allocation study funding until the October 20, 2006, Judicial Council meeting, so additional refinements to the methodology can be completed and all required information compiled and incorporated into the analysis.
9. Approved a total allocation for mandatory cost changes in security of $36.956 million: $19.987 million in ongoing SAL funding, $4.323 million in ongoing prior year security carryover, and $12.646 million in one-time prior year carryover.

10. Directed staff to:
    - Incorporate these new and revised standards into the security allocation for FY 2006–2007;
    - Obtain more detailed information about prior year and current year salary and benefit costs;
    - Return to the Judicial Council at its October 20, 2006, meeting with recommendations for allocations; and
    - In the interim, allocate to each court the same level of security funding as was provided in FY 2005–2006.
11. Approved referral of requests for one-time costs that are not part of the basic screening equipment previously paid for with these types of funds to the AOC's Emergency Response and Security unit for possible funding from its grant program.
12. Approved deferral, until the October 20, 2006, Judicial Council meeting, of recommendations on allocation of funding to address security costs for new facilities opening in FY 2006–2007 through the first three months of FY 2007–2008.
13. Approved permanent redirection of the FY 2006–2007 jury SAL allocation of $969,527 to court-appointed counsel with $50,000 to processing of elder abuse protective orders.
14. Approved increased funding for reimbursement of court-appointed counsel costs for FY 2006–2007 to the SAL allocation on the program's base budget and the permanently redirected SAL allocation on the jury program budget (minus $50,000 for processing of elder abuse protective orders), in the amount of $969,527.
15. Directed staff to come back to the council at a future date with a report containing options to address the court-appointed counsel program.
16. Approved a permanent redirection of $50,000 from the SAL growth allocation to the jury program to address anticipated shortfalls in the elder abuse protective order reimbursement program, beginning in FY 2006–2007.
17. Approved dividing the interpreter program SAL allocation into two parts—inflation and workforce to address current program costs and workload growth and equity to address growth of the interpreter program.
18. Approved the application of the adjusted SAL growth factor to the following scheduled reimbursement programs: CASA, Model Self-Help, Equal Access, Family Law Information Centers, and Civil Case Coordination.
19. Approved the combination of funding for service of process for protective orders, prisoner hearing costs, and costs of homicide trials into one pool for purposes of reimbursement, based on actual costs up to that collective level and application of a 4.7 percent SAL increase to the combined program.
20. Approved application of a 4.7 percent SAL factor to the Drug Court Projects program.
21. Approved application of the total SAL growth rate to the Equal Access Fund.

22. Approved a permanent redirection of $400,000 from the Trial Court Trust Fund to the Civil Case Coordination Program.
23. Approved a permanent redirection of $800,000 from the Trial Court Trust Fund to the Assigned Judges Program.
24. Approved the policy that no ongoing funding to staff the new entrance screening stations be provided to the designated courts until they have notified AOC staff that the security positions are in place and that they will not receive any of the one-time funding for equipment until they have provided documentation of the cost of the equipment, for which reimbursement must not exceed $30,000 per station.
25. Approved the allocation of funding for new screening stations, based on the policies in recommendation 24 above.
26. Approved deferral of the establishment of a replacement schedule for entrance screening equipment until the October council meeting.
27. Deferred allocation of the funding for new judgeships contained in the Budget Act of 2006 until SB 56 is enacted.
28. Delegated authority to the Administrative Director of the Courts to allocate ongoing and one-time savings in undesignated funding from the Trial Court Trust Fund, or the SAL funding, to the extent that funds are available, for any program areas identified in the SAL Allocation Template, and authority to make technical adjustments to these SAL allocations, without the need to return to the Judicial Council.
29. Delegated authority to the Administrative Director of the Courts to allocate funding from the Trial Court Trust Fund related to one county's increased maintenance of effort payments to be distributed to the court, beginning in FY 2006–2007.
30. (a) Refunded (through a reduction in the FY 2006–2007 program premium) the difference between the Judicial Branch Workers' Compensation Program estimated costs for excess coverage premium versus the actual premium costs for FY 2005–2006, for a total refund of $1,012,751;
    (b) Used $249,516 of the savings to fund state pro rata charges for the JBWCP fund, based on payroll;
    (c) Relieved four courts that had actual losses greater than their FY 2005–2006 allocations, in the amount of $161,061; and
    (d) Refunded 50 percent of the remainder through a reduction in the FY 2006–2007 premium back to participating courts that had allocations greater than actual losses, with 50 percent to remain as a cash reserve in the JBWCP fund in the event of an adverse claims year.
31. Approved permanent allocation of $0.968 million from the Trial Court Trust Fund to the base budgets of several courts for information technology (IT) staffing and to apply the SAL growth factor to the funds each year.

Item 8 Fiscal Year 2007–2008 Trial Court Budget Request

Ms. Christine M. Hansen, Finance Division, presented this item with the participation of Ms. Vicki Muzny, Finance Division.

AOC staff recommended that the council review and approve the fiscal year 2007–2008 trial court budget request so that it can be submitted to the Governor and Legislature in September 2006. This item also requested 10 additional judgeships and staff (50 in FY 2007–2008), funding to address Senate Bill 1396 security costs, and a state appropriations limit base adjustment.

Council action

The Judicial Council:

1. Directed staff to develop a fall budget package, to be updated in the spring, that applies the estimated year-to-year change in the SAL to overall trial court base funding to determine the annual SAL adjustment, consistent with the provisions of Government Code section 77202. Staff will submit this information to the state Department of Finance and, subsequently, to the Legislature.
2. Directed staff to submit a FY 2007–2008 budget change proposal to the Governor and Legislature requesting authorization for 100 new judgeships to be implemented over two years and funding for 50 of the judgeships beginning in FY 2007–2008 to accommodate the cost of the judges and supporting staff.
3. Directed staff to prepare and submit a BCP that would provide funding to address allowable SB 1396 costs for professional support staff for court security operations, security services, supplies and equipment, vehicle use, and supervision/management, as defined in SB 1396, that are currently provided by the sheriffs' departments but not paid for by the courts.
4. Directed staff to prepare and submit a BCP seeking a technical adjustment in the maintenance of effort (MOE) in which the SAL is calculated effective FY 2006–2007. For FY 2006–2007, the MOE would be increased by $26,285,289 ($23,527,949 x 1.0644 x 1.0496), which would result in (1) $2,757,340 in one-time funding for FY 2006–2007 and (2) an increased trial court base budget on which SAL will be calculated beginning in FY 2007–2008. In addition, directed staff to secure corresponding appropriation authority from the Trial Court Trust Fund for fiscal years 2006–2007 and 2007–2008 to accommodate the increased county payments.
5. Directed staff to submit a FY 2007–2008 BCP to the Governor and Legislature seeking funding to expand the Assigned Judges Program to provide for assignment of judges to fill in for judges who are on vacation.
6. Directed and delegated authority to the Administrative Director of the Courts to initiate discussions and seek resolution with the Governor, Director of Finance, and key members of the Legislature regarding remaining unresolved policy

issues, structural problems, new initiatives and statutory requirements, and unanticipated challenges and options for the trial courts. These discussions would cover areas such as:

- Security
  - Annual growth above SAL;
  - Full implementation of security standards established under law; and
  - Implementation of overhead standards consistent with law.
- Technology
  - Implementation and deployment of statewide systems; and
  - Maintenance of statewide systems.
- New policy initiatives (e.g., interpreters in civil cases, statewide complex civil litigation, self-help centers, probate reform).
- Costs mandated, controlled, and managed outside the jurisdiction of local trial courts and the AOC.

The Administrative Director of the Courts was directed to report to the Judicial Council regarding the results of these discussions by December 2006.

Circulating Orders

There were no Circulating Orders acted on since the last business meeting.

Appointment Orders

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

There being no further public business, the meeting was adjourned at 2:10 p.m.

Respectfully submitted,

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