



JUDICIAL COUNCIL MEETINGS

Open to the Public Unless Indicated To Be Closed (Cal. Rules of Court, rule 10.6(a))

Ronald M. George State Office Complex • Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

Thursday, August 25, 2011 • 1:00 p.m.–5:15 p.m.

Friday, August 26, 2011 • 8:30 a.m.–4:20 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by the Judicial Council Secretariat. Please check the agenda at <http://www.courts.ca.gov/3044.htm> for recent postings of hyperlinked reports.

THURSDAY, AUGUST 25, 2011 AGENDA

OPEN MEETING (RULE 10.6(A))—EDUCATIONAL MEETING

Item 1 **1:00–1:30 p.m.**

Report from Executive and Planning Committee Regarding Council Business and Other Meetings (No Action Required. There are no materials for this item.)

The chair of the Judicial Council's Executive and Planning Committee will present on the changes to council business and meetings regarding public comment and access that the committee has made during the past month.

Presentation (15 minutes) • Discussion (15 minutes)

Speaker: Hon. Douglas P. Miller, Chair, Executive and Planning Committee

Item 2 **1:30–2:00 p.m.**

Judicial Branch Administration: Role of Trial Court Presiding Judges Advisory Committee (No Action Required. There are no materials for this item.)

The current and incoming chairs of the Judicial Council's Trial Court Presiding Judges Advisory Committee will present on the role of this committee.

NOTE: Time is estimated. Actual start and end times may vary.

Presentation (15 minutes) • Discussion (15 minutes)

Speakers: Hon. Kevin A. Enright, Chair, Trial Court Presiding Judges Advisory
Committee
Hon. David Rosenberg, Incoming Chair, Trial Court Presiding Judges Advisory
Committee

Item 3 2:00–3:30 p.m.

**Judicial Branch Administration: Effective Practices in Managing Trial Court Budgets
In Times of Declining Resources (No Action Required. There are no materials for this
item.)**

The current, former, and incoming chairs of the Court Executives Advisory Committee and the former and incoming chairs of the Trial Court Presiding Judges Advisory Committee will present on what steps trial courts have taken that permit them to maintain stability in the face of severe budget cuts and best practices on managing budget cuts.

Presentation (30 minutes) • Discussion (30 minutes)

Speakers: Hon. Mary Ann O’Malley, Former Chair, Trial Court Presiding Judges
Advisory Committee
Hon. David Rosenberg, Incoming Chair, Trial Court Presiding Judges Advisory
Committee
Ms. Kim Turner, Chair, Court Executives Advisory Committee
Mr. Alan Carlson, Incoming Chair, Court Executives Advisory Committee
Mr. Michael M. Roddy, Former Chair, Court Executives Advisory Committee
Moderator: Ms. Christine Patton, Regional Administrative Director, Bay Area/Northern
Coastal Regional Office

Break 3:30–3:45 p.m.

**CLOSED SESSION (RULE 10.6(B))—PLANNING AND DISCUSSION
PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE**

3:45–5:15 p.m.

FRIDAY, AUGUST 26, 2011 AGENDA—BUSINESS MEETING

8:30–9:00 a.m. **Public Comment**

[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak for this meeting. If you are requesting the opportunity to comment at the meeting, please email your request to judicialcouncil@jud.ca.gov or mail or deliver your request to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. A request must pertain to a matter affecting judicial administration or an item on this agenda and be received by 4 p.m., Wednesday, August 24, 2011. In the request, please state:

- The speaker's name, occupation, and (if applicable) name of the entity that the speaker represents;
- The speaker's email address, telephone number, and mailing address; and
- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than 5 minutes, the specific time allocation to be determined based upon the number of speakers and available time.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

[Written Comments Received](#)

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be emailed to judicialcouncil@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero, and received by 1:00 p.m. on August 25, 2011 will be distributed to council members at the meeting.

9:00–9:05 a.m. [Approval of Minutes](#)

Minutes of the June 24, 2011, business meeting

- 9:05–9:20 a.m. Chief Justice’s Report**
Chief Justice Tani Cantil-Sakauye will report.
- 9:20–9:35 a.m. Administrative Director’s Report**
Mr. William C. Vickrey, Administrative Director of the Courts, will report.
- 9:35–10:35 a.m. Judicial Council Committee Presentations**
[under Committee Reports Tab]
Policy Coordination and Liaison Committee
Hon. Marvin R. Baxter, Chair
Executive and Planning Committee
Hon. Douglas P. Miller, Chair
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
California Court Case Management System (CCMS) Internal Committee
Hon. James E. Herman, Chair
Including status report on CCMS from:
Hon. Terence L. Bruiniers, Chair, CCMS Executive Committee
Mr. Ronald G. Overholt, Chief Deputy Director
Mr. Mark A. Moore, Executive Program Director,
CCMS Program Management Office

CONSENT AGENDA (ITEMS 1–5)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

Item 1 Child Support: Fiscal Year 2011–2012 Base Funding Allocation for the Child Support Commissioner and Family Law Facilitator Program (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the allocation of funding for the Child Support Commissioner and Family Law Facilitator Program for fiscal year 2011–2012. The Judicial Council is required to annually allocate non–trial court funding to local courts for this program (Assem. Bill 1058; Stats. 1996, ch. 957). The funds are provided through a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee
Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee
Mr. Michael Wright, Center for Families, Children & the Courts

Item 2 **Judicial Branch Administration: Audit Reports for Judicial Council Acceptance (Action Required)**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) recommends that the Judicial Council accept the four audit reports which pertain to the Superior Courts of Amador, Imperial, Inyo, and Sonoma Counties. This complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports, prior to their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Hon. Richard E. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Mr. John A. Judnick, Finance Division

Item 3 **Collections: Amnesty Program Guidelines (Action Required)**

The Administrative Office of the Courts' Enhanced Collections Unit recommends that the Judicial Council approve two alternate sets of amnesty program guidelines to be used by statewide court and county collection programs: one for Vehicle and non-Vehicle Code infractions and one that includes specified misdemeanor violations, should the legislation extending the amnesty program in this manner get enacted and become effective on or before January 1, 2012. The Infraction Amnesty Program Guidelines are based on current Vehicle Code section 42008.7 and Assembly Bill 1358 (Fuentes), which amends Vehicle Code section 42008.7 to include specified Vehicle Code misdemeanor violations and is currently pending in the Legislature.

Ms. Margie Borjon-Miller, Southern Regional Office

Ms. Jessica Sanora, Southern Regional Office

Item 4 **Subordinate Judicial Officers: Authorization for Two SJO Positions in Superior Court of San Bernardino County (Action Required)**

The AOC recommends that the Judicial Council authorize, in accordance with Government Code section 71622(a), two positions for subordinate judicial officers at the Superior Court of California, County of San Bernardino. These positions will improve access to justice in San Bernardino, a court workload for subordinate judicial officers demonstrated to be in excess of its current authorized number plus a demonstrated need for more judicial officers. These positions will replace two existing hearing officer positions in the court; the court will pay for the cost out of its budget. Without the authorization for these two positions, the delivery of justice in San Bernardino would be even more severely affected.

Mr. Kenneth L. Kann, Executive Office Programs Division

Ms. Nancy E. Spero, Executive Office Programs Division

Item 5 [Traffic: Uniform Bail and Penalty Schedules, September 2011 \(Action Required\)](#)

The Traffic Advisory Committee proposes that the Judicial Council adopt the revised 2011 Uniform Bail and Penalty Schedules, effective September 1, 2011. The revised schedules incorporate information on a new \$3 administrative fee that courts must collect for the Department of Motor Vehicles when defendants are referred to traffic violator school. Updating the council's schedules will assist courts in revising local bail schedules and facilitate proper collection of fees for traffic cases in accordance with new law.

Mr. Courtney Tucker, Office of the General Counsel

Break **10:35–10:50 a.m.**

DISCUSSION AGENDA (ITEMS 6–11)

New Item **10:50–11:40 a.m.**

[Judicial Branch Administration: Bar Association of San Francisco's Request to Amend Rule 10.815. \(Action Required\)](#)

The Bar Association of San Francisco (BASF) has requested that the Judicial Council amend rule 10.815 to authorize trial courts to establish a new fee for the appearance of each attorney at a case management conference in a complex civil case. The AOC recommends that the Judicial Council not amend rule 10.815 as requested. Rule 10.815 implements Government Code section 70631, which authorizes courts to charge a reasonable cost-recovery fee for providing a service or product in the absence of a statute or rule authorizing or prohibiting a fee for the particular service or product, if the Judicial Council approves the fee. The Legislature has addressed fees for complex cases and case management conferences, and amending rule 10.815 as requested would be inconsistent with statute.

Public Comment & Presentation (15 minutes) • Discussion/Council Action (30 minutes)

Speaker: Ms. Mary M. Roberts, Office of the General Counsel

Item 6 11:40 a.m. –12:45 p.m.

[Judicial Branch Administration: Judicial Branch Contracting Manual \(Action Required\)](#)

The AOC recommends that the Judicial Council adopt a Judicial Branch Contracting Manual (Manual) addressing the procurement of goods and services by judicial branch entities. Public Contract Code (PCC) section 19206 requires the Judicial Council to adopt a Manual that sets forth policies and procedures that are consistent with the PCC and substantially similar to the provisions contained in the *State Administrative Manual* and the *State Contracting Manual*.

Public Comment & Presentation (35 minutes) • Discussion/Council Action (30 minutes)

Speakers: Ms. Mary M. Roberts, Office of the General Counsel

NOTE: Time is estimated. Actual start and end times may vary.

Mr. Evan Garber, Office of the General Counsel

Mr. Todd Torr, Office of the General Counsel

Lunch Break 12:45–1:15 p.m.

Item 7 1:15 –1:50 p.m.

Budget: Fiscal Year 2012–2013 Requests for the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, and the Trial Courts (Action Required)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Judicial Council (1) approve the proposed fiscal year (FY) 2012–2013 budget requests for the Administrative Office of the Courts (AOC). It is further recommended that the Judicial Council (2) approve the proposed fiscal year (FY) 2012–2013 budget requests for the Supreme Court, Courts of Appeal, and trial courts and (3) delegate authority to the Administrative Director of the Courts to develop budget requests for judicial branch entities focused on the restoration of baseline funding as well as the authority to make technical changes to any budget proposals, as necessary. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, BCPs are to be submitted to the state Department of Finance (DOF) by September 12, 2011.

Public Comment & Presentation (25 minutes) • Discussion/Council Action (10 minutes)

Speakers: Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
Ms. Kim Turner, Member, Judicial Council
Mr. Ronald G. Overholt, Chief Deputy Director
Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Item 8 1:50–2:25 p.m.

Court Facilities: Modifications Budget and Prioritized List for Fiscal Year 2011-2012 (Action Required)

The Trial Court Facility Modification Working Group (working group) and the Administrative Office of the Courts (AOC), Office of Court Construction and Management recommend a budget of \$30 million for statewide court facility modifications and planning in fiscal year (FY) 2011–2012. It also recommends a prioritized list of facility modifications ranked according to the policy prescribed by the Judicial Council. This budget amount reflects the current legislatively authorized funds for court facility modifications, and these rankings prioritize hundreds of needed facility modifications according to their relative criticality and necessity.

Public Comment & Presentation (25 minutes) • Discussion/Council Action (10 minutes)

Speakers: Hon. David Edwin Power, Chair, Trial Court Facility Modification Working Group
Hon. William F. Highberger, Member, Trial Court Facility Modification Working Group
Mr. Lee Willoughby, Director, Office of Court Construction and Management
Mr. Pat McGrath, Manager, Office of Court Construction and Management

Item 9 2:25–3:20 p.m.

Criminal Justice Realignment: Allocations for FY 2011–2012 (Action Required)

The Trial Court Budget Working Group recommends that the Judicial Council approve the allocation of \$17.689 million in operational funding and \$1.149 million in court security–related funding contained in the Budget Act of 2011 (Stats. 2011, ch. 33) to address the trial courts’ increased workload as a result of the passage of the Criminal Justice Realignment Act of 2011.

Public Comment & Presentation (35 minutes) • Discussion/Council Action (20 minutes)

Speakers: Mr. Michael M. Roddy, Member, Trial Court Budget Working Group
Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Break 3:20–3:30 p.m.

Item 10 3:30–3:50 p.m.

Trial Court Allocations: Personal Computer/ Printer Replacement Funding (Action Required)

The Judicial Council has statutory authority to allocate funding from statewide special funds for projects and programs that support the trial courts. This report contains staff recommendations to allocate \$7.4 million to courts for the replacement of personal computers and printers, but also authorize courts to redirect their allocation funds to mitigate the impact of budget reductions, as deemed necessary by each court, in fiscal year (FY) 2011–2012.

Public Comment & Presentation (5 minutes) • Discussion/Council Action (15 minutes)

Speakers: Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division
Mr. Steven Chang, Finance Division

Item 11 3:50–4:20 p.m.

Ralph N. Kleps Award for Improvement in the Administration of the Courts: Profiles of the Recipients of the 2010–2011 Cycle (No Action Required. There are no materials for this item.)

At its April 2011, business meeting, the Judicial Council approved the 2010–2011 recipients of the Ralph N. Kleps Award for Improvement in the Administration of the Courts. The

Kleps Award recognizes and honors the innovative contributions made by individual courts in California to the administration of justice. Representatives from the Judicial Council presented the awards to the courts in local ceremonies. These seven extraordinary programs will be highlighted and profiled for the entire Council.

Public Comment & Presentation (25 minutes) • Discussion/Council Action (5 minutes)

Speakers: Hon. Ronald B. Robie, Chair, Ralph N. Kleps Award Committee
Ms. Deirdre Benedict, Executive Office Programs Division

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours \(Report #6\)](#)

In the 2010 Judiciary Budget Trailer Bill, Senate Bill 857, the Legislature provided fee increases and fund transfers for the courts and also added a new section 68106 to the Government Code. The latter directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website and relay to the Legislature all such court notices. This is the sixth report providing information about the implementation of these notice requirements. Since the first five reports, four more courts, Alameda, San Francisco, Yolo, and Kings, have given such notice, which Alameda issued on July 22, 2011, San Francisco issued on August 2, 2011, Yolo issued on August 4, 2011, and Kings issued on August 10, 2011.

Circulating Orders since the last business meeting
[Circulating Orders Tab]

[CO-11-03: Recognition of Retiring Administrative Director of the Courts William C. Vickrey.](#)

Appointment Orders since the last business meeting
[Appointment Orders Tab]