



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNING COMMITTEE OF THE CENTER
FOR JUDICIAL EDUCATION AND RESEARCH

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GOVERNING COMMITTEE OF THE CENTER FOR JUDICIAL EDUCATION AND RESEARCH

MINUTES OF OPEN MEETING

November 13, 2014
12:00 - 12:15 p.m.
Conference Call

Advisory Body Members Present: Hon. Ronald B. Robie, Chair; Hon. Theodore Weathers, Vice-Chair; Hon. C. Todd Bottke (also representing CJA in the absence of Judge Lisa Lench); Hon. Kimberly A. Gaab; Hon. Janet Gaard; Ms. Lisa Galdos; Hon. Mary Thornton House; Hon. Mark A. Juhas; Hon. Darrell S. Mavis; Hon. Rebecca S. Riley; and Hon. Arthur A. Wick

Advisory Body Members Absent: Hon. Lisa Lench and Mr. Martin Hoshino

Others Present: Hon. Robert Dondero; Dr. Diane E. Cowdrey; Mr. Gavin Lane; Mr. Barry Harding; Ms. Suzette LaCivita; Mr. Eugene Kim, and Ms. Wynne Nielsen

OPEN MEETING

Call to Order and Roll Call

The Chair called the meeting to order at 12:00 p.m., and Ms. LaCivita took roll call.

Approval of Minutes

The advisory body reviewed and approved the open meeting minutes of the August 19, 2014, Governing Committee of the Center for Judicial Education and Research meeting.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Final Report: Experienced Judges Workgroup (Action Required)

A final report on the study conducted by the Experienced Judges Workgroup was reviewed. A discussion on the findings ensued, and it was agreed that the CJER Governing Committee would present the report to the Executive & Planning Committee at a future meeting.

Presenters: Hon. Patricia M. Lucas and Ms. Karene Alvarado

Action: A motion was made to accept the report in its entirety and all members agreed that it should be presented to the Executive & Planning Committee.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:18 p.m.

Will be approved by the advisory body on February 3, 2015.

Compiled Ranking of CJER Publications

Ordered Ranking	Average Ranking (# judges)	Publication	Updated in 14/16 Education Plan?	Curriculum committee and staff ranking	Notes
1	15.85 (7)	14510 - Felony Sentencing Handbook (2014)	Yes	Criminal - Very High Staff – Very High	Staff –Co-published annually with CEB.
2	14.71 (7)	14511- Mandatory Jury Instruction Handbook (2015)	Current	Criminal – Very High Staff – High	Staff –Co-published annually with CEB.
3	15.42 (7)	14519 Fairness and Access Bench Handbook (2010)	No	Staff – High	GC – This is fundamental and should be a high priority.
4	14.16 (6)	14527 BG 3 Courtroom Control: Contempt and Sanctions Benchguide (2010)	No	JBEF – High Criminal – High Probate – Medium Civil – Low Staff - Low	
5	13.66 (6)	14516 Domestic Violence Cases in Criminal Court Benchbook (2014)	Yes	Criminal – Medium Staff - High	Staff –Co-published annually with CEB.
6	13.57 (7)	14517 Search and Seizure Benchbook (2014)	Yes	Criminal – Very high Staff – Medium	Staff –Cumulative update co-published annually with CEB.
7	13.33 (6)	14526 BG 2 Disqualification of Judge Benchguide (2010)	No	JBEF – High Criminal – Medium Staff – High	GC – this is a high priority
8	12.8 (5)	14556 BG 120 LPS Proceedings (2010)	Yes	Probate – Very High	Probate should all be updated but focus on issues impacting vulnerable citizens. In the past, a consultant/contract writer had been engaged to do all the probate publications
9	12.71 (7)	14532 BG 54 Right to Counsel Issues (2012)	No	Criminal – High Staff – Low	Staff – Stable area of law.

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Ordered Ranking	Average Ranking (# judges)	Publication	Updated in 14/16 Education Plan?	Curriculum committee and staff ranking	Notes
10	12.66 (6)	14525 The Child Victim Witness Bench Handbook (2009)	Yes	Juvenile – Medium Criminal – Medium Family – High Staff – High	GC – Important to update this and staff will update in this plan. Staff –Updating underway.
11	11.85 (7)	14536 BG 63 Competence to Stand Trial (2015)	Current	Criminal – High Staff –High	
12	11.83 (6)	14518 Small Claims and Consumer Law Benchbook (2013)	Yes	Civil – Medium Staff - Medium	
13	11.66 (3)	14564 BG 301 Conservatorship Proceedings (2010)	No	Probate – High	GC – High priority Probate should all be updated but focus on issues impacting vulnerable citizens. In the past, a consultant/contract writer had been engaged to do all the probate publications
13	11.66 (3)	14565 BG 302 Probate Administration (2010)	No	Probate – High	GC – High priority Probate should all be updated but focus on issues impacting vulnerable citizens. In the past, a consultant/contract writer had been engaged to do all the probate publications
13	11.66 (3)	14563 BG 300 Conservatorship: Appointment and Powers (2010)	No	Probate –High	GC – High priority Probate should all be updated but focus on issues impacting vulnerable citizens. In the past, a consultant/contract writer had been engaged to do all the probate publications
16	11.42 (7)	14529 BG 31 Landlord-Tenant Litigation: Unlawful Detainer Benchguide (2013)	Yes	Civil – High Staff –Low	
17	11.33 (3)	14558 BG 200 Custody and Visitation (2014)	Current	Family – High Staff -Low	
18	11.25 (4)	14553 BG 117 Fitness Hearing (2011)	Yes	Juvenile – High Staff – High	Staff –Updating underway.

Compiled Ranking of CJER Publications

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18	11.25 (4)	14559 BG 201 Child and Spousal Support (2012)	To be published 2/15	Family - High Staff – Low	
18	11.25 (4)	14554 BG 118 Jurisdiction Hearing (2011)	Yes	Juvenile – High Staff – High	Staff –Updating underway.
18	11.25 (4)	14520 Indian Child Welfare Act Bench Handbook (2013)	No	Family - Low Juvenile – High Staff – High	GC note – The Juvenile Curriculum Committee noted that there are not a lot of other resources. This is important and should be updated.
22	11.2 (5)	14523 Managing Gang-related Cases Bench Handbook (2013)	Yes	Criminal – High Staff – High	
23	11 (4)	14552 BG 116 Initial or Detention Hearing (2011)	Yes	Juvenile – High Staff – High	Staff –Updating underway.
24	11 (6)	14528 BG 20 Injunctions Prohibiting Civil Harassment or Workplace Violence Benchguide (2012)	Yes	Civil – Medium Staff – Low	
25	10.71 (7)	14539 BG 81 DUI Proceedings (2013)	No	Criminal – High Staff – Medium	
26	10.57 (7)	14522 Jury Management Bench Handbook (2013)	No	Criminal – Medium Staff - High	
27	10.5 (4)	14562 BG 204 AB 1058 Child Support Proceedings: Enforcing Support (2014)	Yes	Family – High Staff - Low	
28	10.25 (4)	14547 BG 100 Initial or Detention Hearings (2013)	Yes	Juvenile – High Staff – Medium	
28	10.25 (4)	14548 BG 101 Jurisdiction Hearing (2013)	Yes	(Juvenile – High Staff – Medium	
28	10.25 (4)	14549 BG 102 Disposition Hearing (2013)	Yes	Juvenile – High Staff – Medium	

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28	10.25 (4)	14550 BG 103 Review Hearing (2013)	Yes	Juvenile – High Staff – Medium	
28	10.25 (4)	14561 BG 203 AB 1058 Child Support Proceedings: Establishing Support (2014)	Yes	Family – High Staff - Low	
33	10.14 (7)	14533 BG 55 Bail and O.R. Release (2013)	Yes	Criminal – Medium Staff - Low	
33	10.14 (7)	14534 BG 58 Motions to Suppress and Related Motions: Checklist (2011)	No	Criminal – Medium Staff - High	Staff –Very static area of law
35	10 (3)	14551 BG 104 Selection and Implementation Hearing (2013)	Yes	Juvenile – High Staff - Medium	
36	9.85 (7)	14531 BG 52 Misdemeanor Arraignment (2014)	Yes	Criminal – Medium Staff – High	
37	9.71 (7)	14544 BG 92 Preliminary Hearings (2012)	Yes	Criminal – Medium Staff - Medium	
37	9.71 (7)	14541 BG 83 Restitution (2014)	Yes	Criminal – Medium Staff – High	
39	9.66 (3)	14555 BG 119 Disposition Hearing (2011)	Yes	Juvenile – High Staff – High	Staff –Updating underway.
40	9.5 (6)	14546 BG 99 Death Penalty Benchguide: Penalty Phase and Post trial (2011)	Yes	Criminal – Medium Staff – High	Staff – recommend not updating in this plan. Coen/Wellington DP program materials provide alternative resource.
41	9.42 (7)	14538 BG 75 Misdemeanor Sentencing (2014)	Current	Criminal – Medium Staff – High	

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41	9.42 (7)	14542 BG 84 Probation Revocation (2011)	Yes	Criminal – Medium Staff – Medium	
41	9.42 (7)	14530 BG 34 Small Claims Court Benchguide (2013)	Yes	Civil – Medium Staff - Low	Staff- this is connected to the Small Claims Handbook and its updating.
44	9.4 (5)	14515 California Judges Benchbook Civil Proceedings: Discovery (2013)	Yes	Civil – High	Staff – This and the other three volumes (Before Trial, Trial, and After Trial) are written by an outside author.
45	9.28 (7)	14537 BG 74 Sentencing Guidelines for Common Misdemeanors and Infractions (2015)	Current	Criminal – Low Staff – Very High	GC – Not as high a priority Staff – Done concurrently with Felony Sentencing Handbook and so a low amount of work to keep current.
46	9.2 (5)	14513 California Judges Benchbook Civil Proceedings: Trial (2013)	Yes	Civil – High	Staff – Written by an outside author
47	9.16 (6)	14543 BG 91 Felony Arraignment and Pleas (2013)	No	Criminal – High Staff – Low	GC – This is a high priority Staff – This is a static area of law
47	9.16 (6)	14524 On-Call Duty Binder for Judges Bench Handbook (2013)	Yes	Criminal – Low Staff – Low	GC – Not as important to update Staff – Local courts have their own resources. Recommend not updating in this plan.
49	9 (5)	14512 California Judges Benchbook Civil Proceedings: Before Trial (2013)	Yes	Civil – High	Staff – Written by an outside author
50	8.85 (7)	14535 BG 62 Deferred Entry of Judgment/Diversion (2015)	Current	Criminal – Medium Staff - Medium	
51	8.83 (6)	14545 BG 98 Death Penalty Benchguide: Pretrial and Guilt Phase (2011)	Yes	Criminal – Medium Staff – High	Staff – Recommend not updating in this education plan. Coen/Wellington DP program materials provide alternative resource.

Compiled Ranking of CJER Publications

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52	8.5 (4)	14557 BG 130 Adoptions (2009)	No	Family – Medium Juvenile – Medium	
53	8.2 (5)	14514 California Judges Benchbook Civil Proceedings: After Trial (2014)	Yes	Civil – High	Staff – This is written by an outside author.
54	7.75 (4)	14560 BG 202 Property Characterization and Division (2014)	Current	Family – High Staff – Low	
55	7.6 (5)	14540 BG 82 Traffic Court Proceedings (2014)	Current	Criminal – Low Staff - High	GC – Not as high a priority Staff – No other resources available.
56	4.75 (4)	14521 Judges Guide to ADR (2008)	Yes	Civil – Low Staff - High	GC – Not as important to update Staff – Recommend not updating in this education plan. California Judges Benchbook Civil Proceedings: Before Trial, chp 3 (2013) is an alternative resource.

**2014 – 2016 Education Plan Updates
July 2014 through December 2014**

Item Numbers	Title	Delivery Method and Audience	Status	Action
Carryovers from the 2012 – 2014 Education Plan				
12203 12204 12205	Guardianships for Probate Court Investigators (3 times)	Regional Programs Court Staff	These were delayed in the prior education plan due to faculty scheduling issues. They are all now complete.	N/A
12427	Compensation of Professional Fiduciaries	Online Course Probate Judges, SJOs, probate attorneys, probate examiners	The probate committee determined that this topic is not appropriate for an online course and recommends that it be delivered as a live course at the Probate Institute.	Change in Delivery
12429	Family Law Enforcement Actions	Online Course Trial and Appellate Court Operations Family Court Staff	Originally delayed in the prior education plan due to due to staffing resources. Currently on target for June 2015.	N/A
12247	DJJ Commitments: What's Needed and How to Complete Forms	Video Lecture (Studio) Juvenile Judges, SJOs, Clerks	Juvenile Curriculum Committee recommended that this be cancelled and the GC recommended that it be rescheduled. This topic was ultimately included as a roundtable discussion item at the Juvenile Law Institute (Fall 2014). Complete	N/A
12284	Interviewing	Video Simulation	This was more complex to develop than originally	N/A

**2014 – 2016 Education Plan Updates
July 2014 through December 2014**

Item Numbers	Title	Delivery Method and Audience	Status	Action
	Conservatorships	Probate Probate court investigators	thought but is now complete.	
12287	Orientation to the Judicial Branch	Video - Complex Trial and Appellate Court Operations Court Staff	The current product is out of date and due to the complexity of the project, it was moved to the 14/16 education plan. There is still no current completion date due to the large amount of revisions necessary including a reassessment of the script due to changes throughout the Council staff agency. New date TBD.	N/A
2014 – 2016 Education Plan (July 1, 2014 – December 31, 2014)				
14007	Advanced Homicide Trials course	EAC - Winter Criminal Judges	Curriculum Committee recommends that the course be designated as just Homicide Trials since it does not present anything different than the “non-advanced” course. GC approved. Complete	N/A
14075	Advanced Capital Case Roundtable	EAC-Spring Criminal Judges	Curriculum Committee recommends removal from the Ed Plan as it essentially is duplicative of the Death Penalty course. GC approved. Cancelled	N/A
14164 14165 14352 14353	Basic Felony Sentencing: Three Strikes and One Strike	Regionals with webinars Criminal Judges	The criminal law curriculum committee recommends that these items be cancelled since the subject matter is extensively covered in the Part One Felony Sentencing and Part Two Felony Sentencing courses at the Experienced Assignment Course (EAC)	Cancel

**2014 – 2016 Education Plan Updates
July 2014 through December 2014**

Item Numbers	Title	Delivery Method and Audience	Status	Action
			program.	
14180 14181 14364 14365	Homicide trials	Regional with webinar Criminal Judges, SJOs	The criminal law curriculum committee recommends that these items be cancelled since the subject matter is extensively covered twice a year at the Experienced Assignment Course (EAC) program.	Cancel
14179	Where You From? Responding to the Challenges of Gang Cases	Regional course Criminal Judges, SJOs	Criminal law curriculum committee recommends that this regional content be merged with the content from the regional courses on <i>Advanced Felony Sentencing – Gangs</i> (#14166/67) and that this revised topic on gangs be offered at this regional course and at another regional course, specifically #14167 (see below) Governing Committee needs to approve.	Content Revision
14362 14363	Where You From? Responding to the Challenges of Gang Cases	Webinar Criminal Judges, SJOs	Criminal Law Curriculum Committee recommends that the Governing Committee cancel these, given the redesign of the associated regional program as outlined above. There is not enough time to recruit faculty, redesign the webinar, and have it recorded and posted in advance of these revised regional programs.	Cancel
14167	Advanced Felony Sentencing: Gangs	Regional Criminal Judges	Please see above. The criminal committee wants to revise this product's content as stated above and offer it at this course.	Content Revision
14166	Advanced Felony Sentencing: Gangs	Regional Criminal Judges	Criminal committee wants to cancel this course due to the revision of items 14179 and 14167, above.	Cancel

**2014 – 2016 Education Plan Updates
July 2014 through December 2014**

Item Numbers	Title	Delivery Method and Audience	Status	Action
14354 14355	Advanced Felony Sentencing: Gangs	Webinar Criminal Judges	Criminal Law Curriculum Committee recommends that the Governing Committee cancel these, given the redesign of the associated regional program as outlined above. There is not enough time to recruit faculty, redesign the webinar, and have it recorded and posted in advance of these revised regional programs.	Cancel
14180/14181 14364/14365	Homicide Trials	Webinars with Regional courses Criminal Judges, SJOs	The Criminal Law Curriculum Committee recommends that the Governing Committee cancel these products since they are webinars that are supposed to be paired with regional programs, and the regional programs are being scheduled for this fall. Given the scheduling of the associated regional programs, there is not enough time to recruit faculty, design the webinars, and have them recorded and posted in advance of those regional programs.	Cancel
14566	Juvenile Delinquency Orientation course	PAO – Winter Juvenile Judges, SJOs	Course added to the education plan at the request of the Juvenile Committee due to demand. Governing Committee needs to approve.	Approve addition to Plan
14135	Appellate Procedures - From Trial to Appellate Court course	CCTI Trial and Appellate Court Staff	Originally offered for FY 14/15. Because there are only 6 CCTI classes offered each year, this 7th class will not be offered in FY2014. Need Governing Committee approval to offer it in FY 2015/2016	Approve schedule revision