



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

Thursday, February 9, 2015  
12:15 to 1:10 p.m.  
Teleconference

---

**Advisory Body Members Present:** Judge David M. Rubin (Vice Chair); Justice Judith Ashmann-Gerst; Judges Marla O. Anderson, James R. Brandlin, Morris D. Jacobson, Marsha G. Slough, Dean T. Stout, Charles D. Wachob; Ms. Mary Beth Todd

**Advisory Body Members Absent:** Justice Douglas P. Miller (Chair); Ms. Donna D. Melby

**Invited Guests Present:** Judge Laurie M. Earl, Superior Court of California, County of Sacramento

**Committee Staff Present:** Ms. Jody Patel and Ms. Nancy Carlisle

**Staff Present:** Mr. Cliff Alumno, Ms. Deborah Brown; Mr. Arturo Castro, Ms. Roma Cheadle, Mr. Curtis Child, Dr. Diane Cowdrey, Ms. Shelley Curran, Ms. Audrey Fancy, Ms. Cristina Foti, Mr. Martin Hoshino, Mr. John Judnick, Mr. Patrick O'Donnell, Ms. Catharine Price, Mr. Curt Soderlund, Mr. Zlatko Theodorovic

---

#### OPEN MEETING

---

##### **Call to Order and Roll Call**

The vice chair, as acting chair for this meeting, called the meeting to order at 12:15 p.m. and committee staff took roll call.

##### **Approval of Minutes**

The committee reviewed and approved the minutes of its of the January 8, 2015, meeting and January 13, 2015, e-mail action.

---

#### DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

---

##### **Item 1**

##### **FY 2015–2016 Capital Outlay Budget Change Proposals for SB 1407 Funded Projects**

The committee reviewed a Judicial Council staff report on the FY 2015–2016 Capital Outlay Budget Change Proposals (COBCPs) submitted on January 5, 2015, for SB 1407 Funded Projects to the state Department of Finance (DOF).

***Information only. No committee action required.***

**Item 2**

**Agenda Setting for the February 19, 2015, Judicial Council Meeting**

The committee reviewed available draft reports and set the agenda for the February Judicial Council meeting.

**Action:** *The committee approved the following items for placement on the February Judicial Council business meeting agenda:*

- *Jury Instructions: Revisions to Criminal Jury Instructions (Action Required)*
- *Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Superior Court of Madera County) (Action Required)*
- *Judicial Council Report to the Legislature: Status Update of Judicial Branch Courthouse Construction Program for Fiscal Year 2014–2015 (Action Required)*
- *Judicial Council Report to the Legislature: Trial Court Interpreters Program Expenditure Report for Fiscal Year 2013–2014 (Action Required)*
- *Judicial Branch Education: Report to the Legislature on Compliance with Welfare and Institutions Code Section 304.7 (Action Required)*
- *Fee Waivers: Payments Over Time and Specific Fees Included in Waivers (Action Required)*
- *Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Superior Court of Nevada County) (Action Required)*
- *State Trial Court Improvement and Modernization Fund: Allocation for Technology Programs in 2015–16 (Action Required)*
- *Trial Courts: Recidivism Reduction Fund Court Grant Program Recommended Awards (Action Required)*
- *Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring (Information Only)*
- *Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 30) (Information Only)*
- *Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 1 of Fiscal Year 2014–2015 (Information Only)*
- *Jury Trials: Report on Expedited Jury Trials (Information Only)*

---

**A D J O U R N M E N T**

---

There being no further business, the meeting was adjourned at 12:50 p.m.

---

**C L O S E D S E S S I O N**

---

**Item 3**

**Pursuant to California Rules of Court, rule 10.75(d)(1)**

***Recommendations for Committee Appointments***

The committee reviewed materials and developed its recommendations to be sent to the Judicial Council regarding statutorily mandated appointments to committees by the council.

**Item 4**

**Pursuant to California Rules of Court, rule 10.75(d)(6)**

***Non-final audit reports***

*During the open meeting, the committee indicated that it did not have comments to present and discuss regarding the draft audit reports to be discussed (see Item 2), which resolved the need for this item during the closed session.*

Approved by the advisory body on [insert date].

DRAFT



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF ACTION BY E-MAIL

Friday, February 13, 2015

Action by E-Mail

**Advisory Body  
Members Who  
Participated:**

Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice Chair); Justice Judith Ashmann-Gerst; Judges Marla O. Anderson, James R. Brandlin, Morris D. Jacobson, Marsha G. Slough, Dean T. Stout, and Charles D. Wachob; Ms. Mary Beth Todd and Ms. Donna D. Melby

**Advisory Body  
Members Who Did  
Not Participate:**

None

**Committee Staff:**

Ms. Jody Patel and Ms. Nancy Carlisle

---

#### DISCUSSION AND ACTION ITEM

---

**Proposal for Review**

The committee reviewed and considered the report *Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve* for placement on the February 19, 2015, Judicial Council business meeting agenda. In the report, The Trial Court Budget Advisory Committee's 2 Percent Funding Request Review Subcommittee (TCBAC subcommittee) presents a recommendation to the Judicial Council on the Superior Court of Napa County's application for supplemental funding for relocation costs due to the significant Napa earthquake on August 24, 2014, that required the immediate closure of their historic courthouse. These court requests are to be reviewed and recommendations made to the Judicial Council by the TCBAC subcommittee.

**Action:** *The committee approved the report for the Discussion Agenda of the February Judicial Council business meeting. The committee chair concluded that prompt action by e-mail was necessary in order for it to be included on the Judicial Council's February business meeting agenda.*

---

#### CLOSURE OF ACTION

---

The action by e-mail concluded on Friday, February 13, 2015.

Approved by the advisory body on [insert date].





# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF ACTION BY E-MAIL

Tuesday, February 17, 2015

Action by E-Mail

**Advisory Body  
Members Who  
Participated:**

Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice Chair), Justice Judith Ashmann-Gerst; Judges Marla O. Anderson, James R. Brandlin, Morris D. Jacobson, Marsha G. Slough, Dean T. Stout and Charles D. Wachob; Ms. Mary Beth Todd and Ms. Donna D. Melby

**Advisory Body  
Members Who Did  
Not Participate:**

None

**Committee Staff:**

Ms. Jody Patel and Ms. Nancy Carlisle

#### DISCUSSION AND ACTION ITEM

**Proposal for Review**

The committee reviewed and considered the report *Judicial Council Form: Update to Federal Poverty Guidelines* for placement on the February 19, 2015, Judicial Council business meeting agenda. In the report, the Family and Juvenile Law Advisory Committee recommended revising one Judicial Council form, *Financial Declaration—Juvenile Dependency* (form JV-132), containing figures based on the federal poverty guidelines to reflect the updates to those guidelines recently published by the federal government.

**Action:** *The committee approved the report for the Consent Agenda of the February Judicial Council business meeting. The committee chair concluded that prompt action by e-mail was necessary in order for it to be included on the Judicial Council's February business meeting agenda.*

#### CLOSURE OF ACTION

The action by e-mail concluded on Tuesday, February 17, 2015.

Approved by the advisory body on [insert date].



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF ACTION BY E-MAIL

Wednesday, February 18, 2015

Action by E-Mail

**Advisory Body  
Members Who  
Participated:**

Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice Chair); Justice Judith Ashmann-Gerst; Judges Marla O. Anderson, James R. Brandlin, Dean T. Stout, and Charles D. Wachob; Ms. Donna D. Melby

**Advisory Body  
Members Who Did  
Not Participate:**

Judges Morris D. Jacobson and Marsha G. Slough; Ms. Mary Beth Todd

**Committee Staff:**

Ms. Jody Patel and Ms. Nancy Carlisle

#### DISCUSSION AND ACTION ITEM

**Proposal for Review**

The committee reviewed and considered the report *Judicial Branch Administration: 2015–2016 Budget Change Proposal to Strengthen Information System Security and Data Reliability* for placement on the February 19, 2015, Judicial Council business meeting agenda. In August 2014, the Judicial Council approved a conceptual outline for funding the additional work needed to fully implement an information security program and resolve the California State Auditor recommendations. In alignment with this approved concept, in the report, Judicial Council staff recommended, and the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch supported, submission of a proposal for a General Fund augmentation in Fiscal Year 2015–2016 to implement recommendations from the California State Auditor.

**Action:** *The committee approved the report for the Discussion Agenda of the February Judicial Council business meeting. The committee chair concluded that prompt action by e-mail was necessary in order for it to be included on the Judicial Council's February business meeting agenda.*

#### CLOSURE OF ACTION

The action by e-mail concluded on Wednesday, February 18, 2015.

Approved by the advisory body on [insert date].



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF ACTION BY E-MAIL

Thursday, February 26, 2015

Action by E-Mail

**Advisory Body  
Members Who  
Participated:**

Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice Chair); Justice Judith Ashmann-Gerst; Judges Marla O. Anderson, James R. Brandlin, Morris D. Jacobson, Marsha G. Slough, Dean T. Stout, and Charles D. Wachob; Ms. Mary Beth Todd and Ms. Donna D. Melby

**Advisory Body  
Members Who Did  
Not Participate:**

None

**Committee Staff:**

Ms. Jody Patel and Ms. Nancy Carlisle

#### DISCUSSION AND ACTION ITEM

**Proposal for Review**

The committee reviewed and considered a technical change to Judicial Council form *Request to Waive Court Fees* (form FW-001), which was recommended by the Rules and Projects Committee (RUPRO). This fee waiver form was approved at the February council meeting, to be effective March 1, 2015; however, it contained an error in one place on the form: Page 1 erroneously refers to items “8, 9, and 10” when it should have referred to items “7, 8, and 9.” RUPRO recommended prompt action because it was concerned that courts will soon order large sets of the form.

**Action:** *The committee approved the technical change to the Judicial Council form. The committee chair concluded that prompt action by e-mail was necessary as recommended by RUPRO. This technical change is subject to the council’s ratification at its April business meeting.*

#### CLOSURE OF ACTION

The action by e-mail concluded on Thursday, February 26, 2015.

Approved by the advisory body on [insert date].



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

March 12 and 13, 2015 (Two-Day Meeting)

Day 1 of 2 (March 12): 9:00 a.m. to 4:30 p.m.

Day 2 of 2 (March 13): 8:30 a.m. to 3:30 p.m.

Teleconference

---

**Advisory Body Members Present:** Justice Douglas P. Miller (Chair); Judge David M. Rubin (Vice Chair), Justice Judith Ashmann-Gerst; Judges Marla O. Anderson, James R. Brandlin, Morris D. Jacobson, Marsha G. Slough, Dean T. Stout and Charles D. Wachob; Ms. Mary Beth Todd (March 12 only) and Ms. Donna D. Melby

**Invited Guests Present:** Justice Harry E. Hull, Jr., Court of Appeal, Third Appellate District (Chair, Rules and Projects Committee) (by phone); Justice Jim Humes, Court of Appeal, First Appellate District, Division Four (Member, Audit Oversight Working Group); Judge Brian L. McCabe, Presiding Judge, Superior Court of California, County of Merced (Member, Audit Oversight Working Group, and Vice Chair, Strategic Evaluation Committee)

**Committee Staff Present:** Ms. Jody Patel and Ms. Nancy Carlisle

**Staff Present:** Mr. Peter Allen, Ms. Deborah Brown, Mr. Robert Buckley, Mr. Curt Child, Mr. Cathal Conneely, Dr. Diane Cowdrey, Ms. Linda Cox, Ms. Shelley Curran, Ms. Charlene Depner, Ms. Maureen Dumas, Mr. Mark Dusman, Mr. William Guerin, Ms. Donna Hershkowitz, Mr. Burt Hirschfeld, Mr. Martin Hoshino, Mr. Cory Jaspersen (by phone), Mr. Bob Lowney, Ms. Susan McMullan, Ms. Diane Nunn, Mr. Patrick O'Donnell, Mr. Curt Soderlund, and Mr. Zlatko Theodorovic

---

#### OPEN MEETING (DAY 1 OF 2)

---

##### Call to Order and Roll Call

The committee chair called the meeting to order on March 12, 2015, at 9:30 a.m. and committee staff took roll call.

---

#### DISCUSSION AND ACTION ITEMS (ITEM 1)

---

##### Item 1

##### [Judicial Council Restructuring Directives Review](#)

The committee reviewed Judicial Council Directives 1 through 145, which were developed based on Strategic Evaluation Committee recommendations 1 through 124 and approved by the

Judicial Council during its August 31, 2012, meeting. In preparation for this meeting, each office provided a summary of each of its completed directives and the status of any ongoing directives. This information was compiled into a report that was provided to the committee for its review prior to this meeting. On Day 1 of 2 of this meeting, the committee reviewed the directives of the following Judicial Council offices:

- Human Resources
- Fiscal Services
- Center for Families, Children & the Courts
- Center for Judiciary Education & Research
- Governmental Affairs
- Court Operations Services
- Real Estate and Facilities Management
- Communications
- Capital Program

*The committee continued its review of the remaining directives on Day 2 of 2 of this meeting (see below).*

---

#### **C L O S E D   S E S S I O N**

---

##### **Item 2**

**Pursuant to California Rules of Court, rule 10.75(d)(1)**

***Recommendations for Advisory Body Appointments***

The committee reviewed materials regarding vacancies on advisory bodies.

***Action: The committee determined its recommendations to be sent to the Chief Justice regarding advisory body appointments.***

---

#### **R E C E S S**

---

The meeting stood in recess at 4:30 p.m.

---

#### **O P E N   M E E T I N G   ( D A Y   2   O F   2 )**

---

##### **Call to Order and Roll Call**

The committee chair reconvened the meeting on March 13, 2015, at 8:30 a.m. and committee staff took roll call.

---

#### **D I S C U S S I O N   A N D   A C T I O N   I T E M S   ( I T E M   1 )**

---

##### **Item 1**

**[Continuation of Judicial Council Restructuring Directives Review](#)**

On Day 2 of 2 of this meeting, the committee reviewed the directives of the Judicial Council's Rules and Projects Committee and the following Judicial Council offices:

- Executive Office (Special Projects, Trial Court Liaison, Judicial Council Support)
- Trial Court Administrative Services

- Information Technology
- Legal Services
- Criminal Justice Services

**Action:** *The committee directed staff to update the details of each directive based on the discussions that took place during this meeting and present the updated status report to the Judicial Council at its April business meeting.*

---

**A D J O U R N M E N T**

---

There being no further business, the meeting was adjourned at 3:30 p.m.

Approved by the advisory body on [insert date].

DRAFT



## **JUDICIAL COUNCIL OF CALIFORNIA MEETINGS**

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

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

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

**Thursday, April 16, 2015 • 3:30 p.m.–4:45 p.m.**

**Friday, April 17, 2015 • 8:30 a.m.–2:00 p.m.**

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support. Please check the agenda at [CHECK FOR UPDATED LINK](#) for recent postings of hyperlinked reports.

---

### **THURSDAY, APRIL 16, 2015 AGENDA**

---

---

#### **CLOSED SESSION (RULE 10.6(b))—PERSONNEL AND OTHER CONFIDENTIAL MATTERS**

---

**Session**                      **3:30 p.m.–4:45 p.m.**

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

---

## FRIDAY, APRIL 17, 2015 AGENDA

---

---

### OPEN SESSION (RULE 10.6(a))—MEETING AGENDA

---

- 8:30–8:35 a.m. Approval of Minutes**  
Approve minutes of the February 19, 2015, Judicial Council meeting.
- 8:35–8:45 a.m. Chief Justice’s Report**  
Chief Justice Tani G. Cantil-Sakauye will report.
- 8:45–8:55 a.m. Administrative Director’s Report**  
Mr. Martin Hoshino, Administrative Director, will report.
- 8:55–9:25 a.m. Judicial Council Committee Presentations**  
Executive and Planning Committee  
Hon. Douglas P. Miller, Chair  
Policy Coordination and Liaison Committee  
Hon. Kenneth K. So, Chair  
Rules and Projects Committee  
Hon. Harry E. Hull, Jr., Chair  
Technology Committee  
Hon. James E. Herman, Chair
- 9:25–9:45 a.m. Judicial Council Members’ Liaison Reports**  
Judicial Council members will report on their liaison work.
- 9:45–10:15 a.m. Public Comment**  
The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council’s understanding of the issues coming before it.

Please see our [public comment procedures](#).

- 1) Submit advance requests to speak by **4:00 p.m., Tuesday, April 14, 2015**.
- 2) Submit written comments for this meeting by **1:00 p.m. on Wednesday, April 15, 2015**.

Contact information for advance requests to speak, written comments, and questions:

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



E-mail: [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

Postal mail or delivery in person:

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
Attention: Cliff Alumno

**Break**      **10:15–10:30 a.m. (approx.)**

---

## **CONSENT AGENDA (ITEMS A1–A8 THROUGH F)**

---

*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 Carlisle at 415-865-7614 at least 48 hours before the meeting.*

### **ITEMS A1–A8      RULES AND FORMS**

#### ***Civil and Small Claims***

#### **Item A1    Rules and Forms: Confidential Information Form Under Civil Code §1708.85 (Action Required)**

The Civil and Small Claims Advisory Committee recommends adopting a new form to implement Assembly Bill 2643, which creates a private right of action against a person who distributes sexually explicit material. Effective July 1, 2015, the new law authorizes a plaintiff in such an action to proceed using a pseudonym instead of his or her true name and requires all parties to avoid or redact certain identifying information from any pleading filed in the action. The law mandates that the Judicial Council, by July 1, 2015, adopt a confidential information form on which the parties are to provide the plaintiff's true name and any redacted material to the court, so that the information may be kept outside the public record.

#### **Item A2    Rules and Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment (Action Required)**

The Civil and Small Claims Advisory Committee recommends the adoption of the new notice form, which was mandated by the Legislature in the recently enacted Tribal Court Civil Money Judgment Act. The act provides for the enforcement of certain tribal court money judgments in state courts. The statute requires that the judgment creditor in the tribal court action use a form prescribed by the Judicial Council to serve—in the same manner as service of a summons—the judgment debtor with notice of filing the application for recognition of the judgment. The proposed form is intended to comply with those requirements.

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

## ***Collaborative Justice***

### **Item A3 Military Service: Notification of Military Status (Action Required)**

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council revise the optional *Notification of Military Status* (form MIL-100) to ensure the language is consistent throughout the form and that all relevant statutory provisions are referenced. The form was previously revised effective January 1, 2015, in response to legislative changes that became effective on that same date. The short time available for that revision did not allow for a period of public comment prior to the council's action in approving the revisions. The January 1, 2015, version of the form has since been circulated for public comment and is submitted for further revision.

## ***Family and Juvenile Law***

### **Item A4 Domestic Violence and Family Law: Technical Changes to Forms (Action Required)**

The Family and Juvenile Law Advisory Committee recommends making technical revisions to one domestic violence form and three family law forms. The revision to the domestic violence form was suggested by court staff to avoid the perception that a court hearing is required before obtaining a judge's signature on the form. The technical changes to the two family law summary dissolution forms are mandated by Family Code section 2400 to reflect an increase in the California Consumer Price Index. The third summary dissolution form is updated to remove a citation to a recently revoked form and update the title of the mandatory form used to initiate an action for dissolution of a marriage or domestic partnership.

## ***Judicial Administration***

### **Item A5 Judicial Administration: Changes to Delegations in Rules of Court (Action Required)**

The Rules and Projects Committee recommends amending rules 10.70, 10.101, and 10.804 of the California Rules of Court to change the Judicial Council's delegations of authority to better align them with council governance policies. This need arises from the October 17, 2013, recommendations of the Executive and Planning Committee to the council concerning delegations of authority that the council issued to its Administrative Director.

## ***Miscellaneous***

### **Item A6 Forms: Miscellaneous Technical Changes (Action Required)**

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

## **Trial Courts**

### **Item A7 Judicial Branch Education: Court Executive Officers Education (Action Required)**

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) recommend the amendment of rule 10.473 of the California Rules of Court that addresses education for trial court executive officers. Among other provisions, it requires that continuing education be completed every three years and that half of the required hours be in the form of live, face-to-face education. The proposed amendment would instead allow the presiding judge discretion to determine the number of hours of live, face-to-face education required to meet the court executive officer's continuing education requirement.

### **Item A8 Trial Courts: Reporting of Reciprocal Assignment Orders (Action Required)**

TCPJAC and CEAC recommend the amendment of rule 10.630 of the California Rules of Court that addresses the reporting of reciprocal assignment orders. It defines a reciprocal assignment order as "an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other's courts." (Cal. Rules of Court, rule 10.630.) The rule also requires the trial courts to report monthly to the Judicial Council each assignment of a judge from another county to its court under a reciprocal assignment order. The proposed amendment would remove the reporting requirement, while leaving the definition unchanged.

### **Item B Child Support: Midyear Funding Reallocation for Fiscal Year 2014–2015 and Base Funding Allocation for Fiscal Year 2015–2016 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 reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2014–2015. The committee also recommends that the Judicial Council approve the allocation of funding for this same program for FY 2015–2016, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). Finally, the committee seeks approval to reconsider the allocation methodology developed in 1997 for implementation in future allocations. The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council. At midyear, under an established procedure described in the standard agreement with each superior court, the Judicial Council redistributes to courts with a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants that year. The courts are also offered an option to use local court funds up to an approved amount to draw down, or qualify for, federal matching funds.

**Item C Judicial Branch Report to the Legislature: Annual Report of Fiscal Year 2013–2014 Court Facilities Trust Fund Expenditures (Action Required)**

Judicial Council staff recommends approving the *Annual Report of Court Facilities Trust Fund Expenditures: Fiscal Year 2013–2014 Report to the Legislature*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

**Item D Subordinate Judicial Officers: Complaints and Notice Requirements (Action Required)**

TCPJAC recommends amending rule 10.703 of the California Rules of Court to (1) simplify the procedures a presiding judge must follow while reviewing and investigating complaints against subordinate judicial officers (SJOs); (2) clarify a presiding judge’s authority in conducting an investigation and determining the appropriate action to be taken; and (3) clarify the circumstances under which discipline against an SJO must be reported to the Commission on Judicial Performance (CJP). The proposed amendments were prompted in part by a suggestion from Victoria B. Henley, Director–Chief Counsel of the CJP, that the rule be amended to address ambiguity as to what types of disciplinary action a presiding judge can impose after an investigation and what types of action must be reported to the CJP.

**Item E Judicial Council Report to the Legislature and the Department of Finance: 2 Percent Set-Aside in the Trial Court Trust Fund for Fiscal Year 2014–2015 (Action Required)**

Judicial Council staff recommend approval of the attached *Report on the Allocation of the 2 Percent Set-Aside in the Trial Court Trust Fund for Fiscal Year (FY) 2014–2015*. Government Code section 68502.5(c)(2)(C) requires that the Judicial Council report to the Legislature and the Department of Finance each fiscal year regarding all requests and allocations made from the 2 percent set-aside in the Trial Court Trust Fund to the superior courts.

**Item F Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)**

Judicial Council staff recommend approval of the attached *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2014)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

---

## DISCUSSION AGENDA (ITEMS G–N)

---

Item G 10:30–11:10 a.m. 40 MINUTES

**Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund and the Trial Court Trust Fund for 2015–2016 (Action Required)**

The Trial Court Budget Advisory Committee (TCBAC) is recommending 2015–2016 allocations for various programs and projects funded from the State Trial Court Improvement and Modernization Fund (\$59.372 million) and the Trial Court Trust Fund (\$139.371 million); the elimination of IMF funding starting in 2015–2016 or 2016–2017 for various programs and projects; the shift of IMF costs for various programs either to other judicial branch funds, the courts, or other sources; and other funding related proposals. Depending on the outcome of the Budget Act of 2015, the advisory committee might propose changes to these recommendations for the council’s consideration at its July 2015 meeting.

Speakers: Hon. Laurie M. Earl, Chair, Trial Court Budget Advisory Committee  
Mr. Zlatko Theodorovic, Finance

Item H 11:10–11:30 a.m. 20 MINUTES

**Technology: V3 Interim Case Management System Funding (Action Required) REPORT RECEIVED AFTER JCTC MEETING MARCH 27 (JESSICA CRAVEN CONTACT)**

In April 2014, the Judicial Council directed the Judicial Council Technology Committee (JCTC) to make a recommendation on a plan to eliminate subsidies from the Improvement and Modernization Fund (IMF) and Trial Court Trust Fund (TCTF) for the V3 Case Management System (V3). In February 2015, the Council adopted the joint recommendation from the JCTC and the TCBAC that the JCTC continue to work with the affected courts to align V3 and Sustain Justice Edition case management systems with JCTC strategy. The JCTC has surveyed and met with the V3 courts to get their input. The courts consider funding replacement case management systems for V3 to be a major challenge given the state of the judicial branch budget, the V3 courts’ need to replace case management systems for other case types, and, in the case of three of the V3 courts, the negative impact of Workload Allocation Funding Methodology (WAFM) on those courts’ budgets. The JCTC recommends a path that will allow the courts time to transition to another case management system or assume the costs for V3 that were previously allocated from branch IMF or TCTF.

Speakers: Hon. James E. Herman, Chair, Judicial Council Technology Committee  
Hon. David De Alba, Vice-Chair, Judicial Council Technology Committee

Item I 11:30–11:50 a.m. 20 MINUTES

**Trial Court Allocation: Restoration of Benefits Funding in 2015–2016 (Action Required)**

The TCBAC recommends that the Judicial Council approve the allocation of \$10.8 million included in the 2015 Governor’s Budget for trial courts that made progress towards meeting the Public Employees’ Pension Reform Act of 2013 standard. The 2014 Budget Act included

an augmentation of \$42.8 million specifically for the benefit cost changes in 2012–2013 and 2013–2014, which took into account a reduction in the amount of \$22 million, based on the Department of Finance estimate of what the trial courts were spending to cover the employee share of cost for retirement. The 2015 Governor’s Budget proposes restoring \$10.8 million of this \$22 million reduction in 2015–2016.

Speakers: Hon. Laurie M. Earl, Chair, Trial Court Budget Advisory Committee  
Mr. Zlatko Theodorovic, Finance

**Item J 11:50 a.m.–12:20 p.m. 30 MINUTES**

**Juvenile Dependency: Court-Appointed Counsel Funding Reallocation (Action Required)**

TCBAC recommends that the Judicial Council approve changes to the method used to allocate annual funding for court appointed dependency counsel among the courts. The revised allocations will be based on the caseload-based calculation of funding need for each court provided by the caseload funding model approved by the Judicial Council in 2007. The method will also adjust the calculation of total funding required to the amount of funding that is currently available statewide, and provide a 4-year reallocation process to bring all courts to an equivalent percentage of need met by available funding. The work group also recommends: a method to allocate any new funding provided for court appointed dependency counsel through the state budget process; methods to be used for allocating unspent funds and funds derived from collections; and finally recommends that a joint working group of TCBAC and the Family and Juvenile Law Advisory Committee be formed to review the current caseload funding model for possible updates and revisions.

Speakers: Hon. Laurie M. Earl, Chair, Trial Court Budget Advisory Committee  
Ms. Sherri R. Carter, Court Executive Officer, Superior Court of California,  
County of Los Angeles  
Mr. Zlatko Theodorovic, Finance

**Break 12:20–12:50 p.m. (approx.)**

**Item K 12:50–1:10 p.m. 20 MINUTES**

**Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring (No Action Required) REPORT RECEIVED TBD (MAUREEN DUMAS CONTACT)**

This informational report provides the status of the Judicial Council’s Executive and Planning Committee’s (E&P) activities regarding oversight of the implementation of Judicial Council Restructuring Directives. Specifically, it presents information on E&P’s response to the California State Auditor’s recommendation that the council conduct a more thorough review of council staffs’ implementation of the Strategic Evaluation Committee

recommendations. This response includes information on the two-day E&P public meeting held on March 12 and 13, 2015, at which time E&P members conducted a thorough review of completed directives. The report also presents information on modifications suggested by E&P to the format for reporting directives implementation status and to the public Restructuring webpage with the goal of increasing transparency and accountability in implementation of the directives.

Speakers: Hon. David M. Rubin, Vice-Chair, Executive and Planning Committee  
Ms. Jody Patel, Chief of Staff

**Item L 1:10–1:25 p.m. 15 MINUTES**

**Court Facilities: Declaration of San Pedro Courthouse as Surplus Property (Action Required)**

In connection with the Judicial Council’s authority and responsibility to dispose of surplus court facilities under Government Code section 70391(c) and rule 10.183 of the California Rules of Court, the Facilities Policies Working Group (FPWG) recommends that the council declare the San Pedro Courthouse to be surplus property. The FPWG further recommends that the council direct Judicial Council staff to notify the Legislature that the court facility is surplus and take all actions necessary to obtain the Legislature’s authorization to dispose of the surplus facility in accordance with Government Code sections 70391(c) and 11011.

Speakers: Hon. Marla O. Anderson, Vice-Chair, Facilities Policies Working Group  
Ms. Eunice Calvert-Banks, Real Estate and Facilities Management

**Item M 1:25–1:45 p.m. 20 MINUTES**

**Court Facilities: Request for Approval to Lease Plumas-Sierra Courthouse to Third Party (Action Required)**

The Facilities Policies Working Group recommends (1) the Plumas-Sierra Courthouse be leased to a third party; and (2) delegation of authority to the Administrative Director to sign a lease and any associated documents. The short term lease of the closed courthouse will assist in reducing judicial branch facility expenditures.

Speakers: Hon. Marla O. Anderson, Vice-Chair, Facilities Policies Working Group  
Ms. Eunice Calvert-Banks, Real Estate and Facilities Management

**Item N 1:45–2:00 p.m. 15 MINUTES**

**Judicial Branch Workers’ Compensation Program: Origins and Update (No Action Required)**

An informational report on the origins of the Judicial Branch Workers’ Compensation Program (JBWCP), its Advisory Committee, and the current status of the program. Included is an explanation of the share of cost (allocation) model for the program.

Speaker: Ms. Linda Cox, Human Resources



---

## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

---

### **INFO 1 Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring**

The chair of E&P presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

### **INFO 2 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 31)**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 31st report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **NUMBER** superior courts—those of **COUNTY NAME(S)**—have issued new notices.

### **INFO 3 Trial Courts: Quarterly Investment Report for Fourth Quarter of 2014**

This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2014* provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of October 1, 2014, through December 31, 2014.

### **INFO 4 Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 2 of Fiscal Year 2014–2015**

The Trial Court Facility Modification Advisory Committee has completed its facility modification funding for the second quarter of FY 2014–2015. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2014–2015* as information for the council. This report summarizes the activities of the Trial Court Facility Modification Advisory Committee from October 1, 2014, to December 31, 2014.



**INFO 5 Judicial Council Restructuring: Policy 8.9, Working Remotely  
(Telecommuting) Program: Status Update**

The Judicial Council’s Human Resources office (HR) has prepared this annual status report on the progress of Judicial Council Directive 26, which states that: “...the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy.” This report provides a one-year update on the telecommuting program that officially began on July 1, 2014, following the council’s April 24, 2014, decision to convert the program from the original 12-month pilot program. It also includes information on how the program has responded to council directive concerning appropriate performance management for the *ad hoc* program. The report also provides details regarding employee usage, how accountability has been monitored, and next steps in the process.

**There were no Circulating Orders since the last business meeting.**

**Appointment Orders since the last business meeting.**





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 17, 2015

---

Title	Agenda Item Type
Rules and Forms: Confidential Information Form under Civil Code § 1708.85	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt form MC-125	July 1, 2015
Recommended by	Date of Report
Civil and Small Claims Advisory Committee Hon. Patricia M. Lucas, Chair	March 19, 2015
	Contact
	Anne M. Ronan, 415-865-8933 anne.ronan@jud.ca.gov

---

### Executive Summary

The Civil and Small Claims Advisory Committee recommends adopting a new form to implement Assembly Bill 2643, which creates a private right of action against a person who distributes sexually explicit material. Effective July 1, 2015, the new law authorizes a plaintiff in such an action to proceed using a pseudonym instead of his or her true name and requires all parties to avoid or redact certain identifying information from any pleading filed in the action. The law mandates that the Judicial Council, by July 1, 2015, adopt a confidential information form on which the parties are to provide the plaintiff's true name and any redacted material to the court, so that the information may be kept outside the public record.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council adopt new *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125), effective July 1, 2015.

A copy of form MC-125 is attached at pages 5–6.

### **Previous Council Action**

The recommended form is a new form to implement a new law. The council has taken no prior action related to this law.

### **Rationale for Recommendation**

New Civil Code section 1708.85 (Assembly Bill 2643, Stats. 2014, ch. 859)<sup>1</sup> provides that a plaintiff bringing an action for wrongful distribution of sexually explicit materials may file the action using a pseudonym—either John Doe, Jane Doe, or Doe—for the true name of the plaintiff and may exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the plaintiff.<sup>2</sup> (See new Civ. Code, § 1708.85(f)(1).)<sup>3</sup> All papers and pleadings filed by other parties are also to be worded so as to protect the name or other identifying characteristics from the public record. (§ 1708.85(f)(2).) The responsibility for excluding or redacting the name or identifying characteristics from the primary documents filed with the court (the complaint, answer, or motion papers) rests solely with the parties and their attorneys, not with the court. (§ 1708.85(f)(4).)

The redacted information does, however, have to be provided to the court, although it is to be kept confidential and not included in the public file. A plaintiff who proceeds using a pseudonym and excluding or redacting identifying characteristics as provided in the new law must file with the court and serve upon the defendant a confidential information form that includes the plaintiff's name and any other identifying characteristics that have been excluded or redacted from the complaint. (§ 1708.85(f)(1).) The court is responsible for keeping confidential the plaintiff's name and any excluded or redacted information provided to it on the form. (§ 1708.85(f)(1).) Because other parties are also required to keep such information from the public record, any other party who redacts identifying characteristics from a document filed with the court will also need to provide the confidential information to the court.

Uncodified section 2 of this new statute mandates that the Judicial Council, by July 1, 2015, adopt a confidential information form on which the parties are to provide the plaintiff's true name and any redacted information to the court, so that the information may be kept outside the public record. The proposed *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125) has been drafted to fulfill this statutory obligation by allowing the redacted

---

<sup>1</sup> Assembly Bill 2643 is available online at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB2643](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2643).

<sup>2</sup> As used in this statute, “identifying characteristics” includes, but is not limited to, name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to defendant, and race or ethnic background. (Civ. Code, § 1708.85(f)(3).)

<sup>3</sup> Unless otherwise identified, all further statutory references in this document are to the new Civil Code section 1708.85, which will become effective July 1, 2015.

information, including the name of the plaintiff, to be provided to the court while, at the same time, being kept out of the public record:

- The form begins with a reminder to the court clerk that it is a confidential form (and so not to go into the public files).
- Item 1 asserts that the form is being used in an action under section 1708.85 so that parties in other types of actions will not mistakenly use the form.
- Item 2 identifies for which pleading or document this confidential form is providing the redacted information.
- Item 3, to be used if the form is being filed with a complaint, provides the true name of any plaintiff or plaintiffs who are using a pseudonym.
- Item 4 provides the court and other parties in the action with the confidential information that has been redacted from the pleading or document that is being filed into the public record.

Additional spaces for providing redacted information, a signature block, and instructions for the filer are provided on the back of the form. The form also provides that an additional page or pages may be attached if more space is required for identifying redacted information.

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments received**

The proposed form was circulated for public comment in December and January. Four comments were received, from the Orange County Bar Association, the Superior Courts of Los Angeles and San Diego Counties, and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. All agreed with the proposal overall, but the Orange County Bar Association and the Superior Court of Los Angeles County requested some modifications to the form, which are addressed below. The full text of all comments and responses is in the attached comments chart at pages 7–9.

The Orange County Bar Association raised three points, two of which are technical points about the sections of the new law that should be quoted and cited in item 4 of the Instructions regarding “identifying characteristics.” The form has been modified in light of these comments. That group also asked for instructions as to which client name (real or pseudonym) an attorney filing on behalf of a Doe client should use to identify his or her client in the box at the top left of the form. The committee concluded that although identifying the party by the pseudonym used will not affect confidentiality, given that the form is confidential to begin with and that both the pseudonym and the matching true name of the client are included on the form, it might assist court administration. The committee therefore modified instruction item 2 on page 2 of the form to address this question.

The Superior Court of Los Angeles County agreed with the proposed form but suggested that it should be a model form that courts could choose whether to use and possibly modify to meet the needs of a given court. (See comment 2). The committee concluded, however, that the form

should be mandatory statewide in light of the mandate in the statute that the Judicial Council develop the confidential form that is required by the statute. (See AB 2643, section 2.)

The Los Angeles court also commented that at least six months would be needed from the council's approval of this form for the court to be properly trained to use it. The law, however, mandates that the form be adopted by the council by July 1, 2015 (*ibid.*), the date on which the new law will go into effect, so a later effective date would be inconsistent with this mandate.

### **Alternatives considered**

The committee did not consider *not* developing the form, because it is required by statute.

The committee considered making this form available only for the plaintiff's use, because the statute only *expressly* mandates that "[a] plaintiff who proceeds using a pseudonym and excluding or redacting identifying characteristics as provided in this section shall file with the court and serve upon the defendant a confidential information form . . ." See § 1708.85(f)(1). However, the committee concluded that because the statute also (1) requires that the defendant or other parties ensure that confidential identifying characteristics not be included in documents filed with the court, and (2) places the responsibility for redacting such information with the parties, the form should be available for use by defendants and other parties as well as by the plaintiff.

### **Implementation Requirements, Costs, and Operational Impacts**

Some training will be involved for court clerks and judicial officers regarding the new procedures under Civil Code section 1708.85, including training regarding keeping this form confidential. Because the form is mandated by legislation, it must be adopted in any event.

### **Attachments**

1. Form MC-125, at pages 5–6
2. Comments chart, at pages 7–9

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR <i>(name or pseudonym)</i> :	FOR COURT USE ONLY  <b>DRAFT</b>  03.10.15  <b>NOT APPROVED BY JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
SHORT TITLE:	
<b>CONFIDENTIAL INFORMATION FORM UNDER CIVIL CODE SECTION 1708.85</b>	CASE NUMBER:
<b>TO COURT CLERK: THIS FORM IS CONFIDENTIAL</b>	

*INSTRUCTIONS FOR FILER ARE ON BACK*

1. This action includes a claim under Civil Code section 1708.85.
2. The document with which this form is being filed is a
  - a.  complaint.
  - b.  other *(describe)*:
3. **Name of Plaintiff** *(complete if being filed with complaint)*
  - a.  Plaintiff did not use a pseudonym in the complaint.
  - b.  Plaintiff used a pseudonym in the complaint *(complete the following for each plaintiff for whom a pseudonym was used)*.

Pseudonym used

True name of plaintiff

4. **Redacted Information** *(complete for any pleading or document that includes redactions)*

	LOCATION OF REDACTION <i>(page and line where the redaction occurs)</i>	INFORMATION REDACTED <i>(text that has been redacted)</i>
1.		
2.		
3.		

Continued on next page.

SHORT TITLE:	CASE NUMBER:
--------------	--------------

	LOCATION OF REDACTION <i>(page and line where the redaction occurs)</i>	INFORMATION REDACTED <i>(text that has been redacted)</i>
4.		
5.		
6.		
7.		

Additional pages are attached. Number of pages attached: \_\_\_\_\_

Date:

\_\_\_\_\_ (TYPE OR PRINT NAME)

▲ \_\_\_\_\_ (SIGNATURE)

**INSTRUCTIONS**

*(Note: This form may be used only in cases brought under Civil Code section 1708.85.)*

1. To protect personal privacy issues, parties who bring an action under Civil Code section 1708.85 for distribution of sexually explicit material may use a pseudonym in place of the true name of the plaintiff and may exclude or redact from all pleadings and documents other identifying characteristics. See Civil Code, section 1708.85(f)(1). Papers filed by other parties must be worded so as to protect the name or other identifying characteristics of the plaintiff from public revelation. See Civil Code, section 1708.85(f)(2).
2. A plaintiff who uses a pseudonym must file this confidential information form with the court at the time of filing the complaint, with items 2 and 3 completed, in order to provide his or her true name to the court. Plaintiff must also serve the form on defendant along with the complaint and summons. Counsel for a party filing under a pseudonym may provide the pseudonym for the name of the represented party in the attorney/party information box at the top of the form.
3. Any party who redacts identifying characteristics from any pleading or document filed with the court other than a complaint must file with the court and serve on all parties this confidential information form, with items 2 and 4 completed, providing any identifying characteristics that have been redacted from the pleading or document and stating where the information was redacted.
4. "Identifying characteristics" that may be redacted include, but are not limited to, name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to defendant, and race or ethnic background. See Civil Code section 1708.85(f)(3).
5. If more space is needed to describe all the redactions in a pleading or document, form MC-025 may be attached, with information provided in the same format as in item 4.
6. A copy of this form should be completed each time a pleading or document redacted under Civil Code section 1708.85 is filed and should be served and filed along with the redacted document.



**W-15-02**

Confidential Information Form under Civil Code sec. 1708.85

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Orange County Bar Association By: Ashleigh E. Aitken, President	AM	<p>1) To comply precisely with the language of the statute, modify Instruction_ No. 4 to add the word “unincorporated” immediately preceding “area of residence”.</p> <p>2) To provide a more focused reference, it is suggested that the citation in Instruction No. 4 include the relevant subdivisions of the Code Section, to wit: section 1708.85(f)(3).</p> <p>3) To avoid mistakes, confusion or inconsistencies, it is suggested that some instruction or guidance be provided as to which name is to be used to identify the client, that is, whether the pseudonym or the true name of Plaintiff, in the upper-most box of the form, bottom-most entry, at that line which reads: “ATTORNEY FOR (Name):”.</p>	<p>1. The form has been modified in light of this comment.</p> <p>2. The committee has rewritten this item to allow for the more focused cite.</p> <p>3. The item for client identification and the instruction have been modified in light of this comment.</p>
2.	Superior Court of Los Angeles County	A	<p>Agree with the proposed new form, and it does meet its stated purpose as required by AB 2643.</p> <p>The proposed form should not be mandatory and should be used as a model form so that courts can either adopt or modify the form to meet the needs of a given court. The proposal should provide a cost savings once court staff are trained on the use and purpose of the new procedures. Since the procedure is new, court staff will need training to ensure that AB 2643 is properly complied with. At least six (6) months is needed from Judicial Council approval of this proposal until its effective date</p>	<p>The committee notes the court’s agreement with the proposed form.</p> <p>As to the mandatory nature of the form, the statute mandates the party filing under a pseudonym and redacting identifying characteristics file a confidential form (Civil Code §1708.85 (A)) and mandates that that the council develop that confidential form (See AB 2643, Sect. 2.)</p> <p>The statute mandates that the council develop the form by July 1, 2015.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W-15-02**

Confidential Information Form under Civil Code sec. 1708.85

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			and the proposal should work well in Los Angeles County.	
3.	Superior Court of San Diego County By: Mike Roddy, Executive Officer	A	<p>In answer to the request for specific responses, our court provides the following:</p> <ul style="list-style-type: none"><li>• Does the proposal appropriately address the stated purpose? Yes.</li><li>• Would the proposal provide cost savings? If so please quantify. Unknown. The process is being developed to deal with a new pleading that is now allowed to be filed using a pseudonym; therefore, it is unknown how much time will be saved by requiring the confidential information to be provided using this form. There will be savings; however, the exact amount is unknown.</li><li>• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Yes, there will be training that will be required to notify staff of the new type of filing and of this form that must be kept confidential. The training will not be substantial. The court's CCMS and E-</li></ul>	<p>The committee notes the commentator's agreement with the form.</p> <p>The committee appreciates the court's responses regarding costs, training, and implementation time for the new form.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W-15-02**

Confidential Information Form under Civil Code sec. 1708.85

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Filing systems will need to be modified to add this new form in order to make it confidential upon being filed. Once this is done, the process should be automatic upon the form being received.</p> <ul style="list-style-type: none"> <li>• Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.</li> <li>• How well would this proposal work in courts of different sizes? As designed, it should work well for courts of all sizes.</li> </ul>	
4.	Joint Rules Subcommittee of Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee	A	Agree with proposed changes.	The committee appreciates the review and comment.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 16–17, 2015

---

Title	Agenda Item Type
Rules and Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment	Action Required
	Effective Date
	July 1, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
Adopt form EJ-115	March 19, 2015
Recommended by	Contact
Civil and Small Claims Advisory Committee	Anne M. Ronan, 415-865-8933
Hon. Patricia M. Lucas, Chair	<a href="mailto:anne.ronan@jud.ca.gov">anne.ronan@jud.ca.gov</a>

---

### Executive Summary

The Civil and Small Claims Advisory Committee recommends the adoption of the new notice form, which was mandated by the Legislature in the recently enacted Tribal Court Civil Money Judgment Act. The act provides for the enforcement of certain tribal court money judgments in state courts. The statute requires that the judgment creditor in the tribal court action use a form prescribed by the Judicial Council to serve—in the same manner as service of a summons—the judgment debtor with notice of filing the application for recognition of the judgment. The proposed form is intended to comply with those requirements.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council adopt the new *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115), effective July 1, 2015.

The form is attached at pages 7–8.

## Previous Council Action

The Tribal Court Civil Money Judgment Act (Sen. Bill 406; Stats. 2014, ch. 243) was sponsored by the Judicial Council to provide clear, less burdensome procedures for parties to use in seeking to enforce a tribal court judgment in a state court. The bill originally recommended by the council was somewhat broader than what the Legislature ultimately enacted. The current law is limited to money judgments only.

## Rationale for Recommendation

Because tribes are sovereign, a party seeking enforcement of a civil tribal court judgment in a California superior court has been required to do so under the Uniform Foreign-Country Money Judgments Recognition Act. That process can be time-consuming and expensive— sometimes requiring parties to unnecessarily relitigate what has already been decided by the tribal court, costing both the parties and the state courts unnecessary time and expense. The new procedures of the Tribal Court Civil Money Judgment Act were enacted to reduce the time and expense associate with enforcing these judgments.<sup>1</sup> The new law prescribes a more straightforward procedure for applying for recognition and entry of a judgment based on a tribal court money judgment, sets out the procedure and grounds for objecting to the entry of judgment, and describes the bases on which the court may refuse to enter the judgment or grant a stay of enforcement.

The provisions of the Tribal Court Civil Money Judgment Act require a party seeking enforcement of a tribal court judgment in superior court to file an application for entry of judgment. The application must include certain specified information regarding the parties and the tribal court judgment and must include an authenticated copy of the tribal court judgment, along with a copy of the pertinent tribal court rules of procedure and a declaration that the case that resulted in the judgment was conducted in compliance with those rules. (See Code Civ. Proc., § 1734.)<sup>2</sup> Promptly after filing the application, the applicant is to serve on the respondent a notice that the application has been filed and a copy of the application itself with all its attachments. (§ 1735(a).)

Under this new statute, the notice must:

- Be in a form prescribed by the Judicial Council;
- Inform the respondent that he or she has 30 days from service of the notice in which to file objections;
- Provide the name and address of the applicant and applicant's attorney, if any; and

---

<sup>1</sup> SB 406, which went into effect in January 2015, is at [www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0401-0450/sb\\_406\\_bill\\_20140822\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0401-0450/sb_406_bill_20140822_chaptered.pdf).

<sup>2</sup> All further statutory references herein are to the Code of Civil Procedure, unless otherwise indicated.

- Include the full text of new sections 1736 and 1737, which provide that judgment will be entered if timely objections are not filed, and describe the grounds for such objections. (§ 1735(a).)

The new statute also provides that service of the notice must be made in the same manner as provided for service of summons. (§ 1735(b).)

The recommended *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115) was developed to comply with the requirements described above.

- The top box of the caption provides spaces for the name and address of the attorney or self-represented petitioner, plus a space for the address of a petitioner with an attorney.
- The text of the notice starts with the information that an application for state court recognition of a tribal court judgment has been filed and that the party being served has 30 days after service of the notice to file objections or a judgment will be entered against him or her. That information is bolded to make it easier for the party to see.
- The full text of new section 1736 is presented in the paragraph entitled “Entry of Judgment.”
- The full text of new section 1737 is presented in the paragraph entitled “How to Object.” (The statutory reference to this code section is expressly identified in the prior paragraph so that a party who wants to see the statute will know where to find it.)

Because the notice is to be served in the same manner as a summons, as provided in Code of Civil Procedure section 415.10 and following, the notice has been set up to be issued by the clerk, with a court seal attached. Items are included on the form under the clerk’s signature to allow the server to provide notice to the person served of which specific code section the notice is being served under (on the person as an individual, as representative of a corporation or a fictitious business, etc.), and a proof of service done in the manner of a summons is provided on the back of the form.

This format, with clerk’s signature and seal at the bottom of the notice and proof of service on the back, is the same format used in the *Notice of Entry of Judgment on Sister-State Judgment* (form EJ-110), which was designed to comply with service provisions identical to those in the new act. (Cf. new section 1735(b) and existing section 1710.30.)

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

The proposed form was circulated for public comment in December and January 2015. Twelve comments were received, including comments from four state trial courts (the Superior Courts of El Dorado, Los Angeles, San Diego, and Ventura Counties) and two tribal courts (Blue Lake Rancheria Tribal Court and Yurok Tribal Court). Comments were also received from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee; two attorney groups, the Orange County Bar Association and the Standing Committee on the Delivery of Legal Services of the State Bar of California; the Elk

Valley Rancheria; the organization Stand Up for California; and one individual, Mr. Roger L. French.

Eleven of the 12 commentators agreed with the proposed form, with a few seeking minor modifications to the format or content of the form. One commentator, Mr. French, did not indicate whether he agreed or disagreed with the proposed form.<sup>3</sup> All the comments and the committees' responses are included in the chart of comments attached at pages 9–24. The requested modifications and the committee's responses are summarized below.

***Modifications to the notice form.*** Several commentators requested modifications of the proposed notice form, most of them minor.

- The Joint Rules Subcommittee requested that the lengthy “instructions” be removed from the form and placed on a separate information sheet. The committee has been informed that the commentator’s concerns go to the two large blocks of text on the notice form titled “Entry of Judgment” and “How to Object.” Other than the explanatory titles, these two items are the text of Code of Civil Procedure sections 1736 and 1737, which the new law mandates be included on the notice. See § 1735(a). For that reason, the committee has concluded that those provisions must remain in the form and not placed on a separate information sheet.
- The Standing Committee on the Delivery of Legal Services of the State Bar recommended some formatting changes, which the committee adopted to the extent the form could continue to fit onto two pages.
- The Superior Court of Los Angeles County agreed with the content of the form but proposed it not be made a mandatory, statewide form. The committee does not recommend that modification in light of the statute’s mandate that the application be made on a form prescribed by the Judicial Council.
- The Superior Court of Los Angeles County also proposed at least six months between council adoption and effective date. The committee does not recommend that long a delay in light of the fact that the law, which requires use of this form for a party to proceed, is already in effect.
- The Superior Court of Ventura County proposed that the form be modified to change the title of “applicant” to *petitioner* or *judgment creditor*. The committee concluded that this change was not appropriate in light of the statute’s use of the word *applicant* as a defined term. See § 1732(a). Using a different word on the form could be confusing to the parties.

---

<sup>3</sup> With his comments about the forms, Mr. French included objections to the adoption of procedures for state courts to recognize tribal court judgments in certain circumstances. Those latter comments were not included in the chart as they are outside the scope of this proposal.



- The Yurok Tribal Court noted a formatting error (which has been fixed) and requested that the proof of service of the notice on the back of the form include an enumerated list of required attachments to the application. The proof of service on the form as recommended states that it is for service not only of the *Notice of Application for Recognition and Entry of Tribal Court Judgment*, but also of the application with attachments. The committee concluded that this form did not need to provide a separate list of what is supposed to be attached to the application because that information is required by the applicant, not the server. Such a list will be included on the application form, should one be developed. The committee also noted that the second line of the text of the notice itself includes, in bold, a statement that a copy of the tribal court judgment is included with the application served on the respondent, which should put a respondent on notice to check that a copy has been included in the papers served on him or her.

**Additional forms.** Several commentators suggested the development of additional forms. The advisory committee developed this notice form because it is mandated by the new statute. When the form was circulated, the committee sought public comment on whether the development of additional forms would be helpful to the courts and the parties, including an application form setting out all the pieces of information, statements, and attachments required under new Code of Civil Procedure section 1734. The committee also sought comments on whether a form response, listing the grounds for possible objections, and one or more information sheets with instructions for both sides, should be developed. All the commentators who addressed this point agreed that, even though not required by statute, the forms would be helpful to the parties and to the courts.

In light of these comments, the committee will ask the council's Rules and Projects Committee to continue to work on forms in this area as part of its work in the coming year.

### **Alternatives considered**

The advisory committee did not consider the alternative of *not* developing this notice form because it is mandated by the new statute. The committee *did* consider the alternative of developing additional forms, most significantly an application form, setting out all the pieces of information and statements required in the application under new Civil Code section 1734. The committee did not develop such a form at this time in light of the urging of the council to limit the development of new forms to those that are mandated or would be particularly helpful to the courts. Instead, the committee raised the question in the Invitation to Comment, specifically asking for comments as to whether development of an application form, response form, and information sheet would be helpful to the courts and/or the parties.

Eleven of the 12 commentators, including the four state trial courts that commented, requested that further forms be developed in this area.<sup>4</sup> The Superior Court of Ventura County proposed a mandatory application form to ensure that the statute had been complied with and noted that “[i]t would be extremely helpful and appropriate to develop a form for objections,” as well, along

---

<sup>4</sup> One commentator, the Joint Rules Subcommittee, did not respond to this question in its comment.

with information sheets. The Superior Court of San Diego County commented that such forms would be of great assistance to the clerical staff, would help make the process for entry of tribal court judgments uniform statewide, and would make it easier to train clerks in this area. The Superior Court of Los Angeles County noted that the forms “would be beneficial to both the courts and general public,” although it differed from the other courts in wanting the forms to be optional, or models for local court forms.

As noted above, in light of the support for these additional forms, the committee will propose adding development of further forms in this area to its annual agenda for next year.

### **Implementation Requirements, Costs, and Operational Impacts**

There will be implementation costs associated with staff training on issuance of the notice when requested upon the filing of an application to enter a tribal judgment. That training, however, will be part of the training required for implementation of all the new court procedures under the Tribal Court Civil Money Judgment Act, which is already operative. The adoption of this notice form is required by statute so must proceed even if it affects the courts.

### **Attachments and Links**

1. Proposed form EJ-115, at pages 7–8
2. Chart of comments, at pages 9–24
3. Senate Bill 406, at [www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0401-0450/sb\\_406\\_bill\\_20140822\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0401-0450/sb_406_bill_20140822_chaptered.pdf)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name/address):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>03/10/15</b>  <b>NOT APPROVED BY</b> <b>JUDICIAL COUNCIL</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
APPLICANT: RESPONDENT:	
<b>NOTICE OF APPLICATION FOR RECOGNITION AND ENTRY OF TRIBAL COURT MONEY JUDGMENT</b>	CASE NUMBER:

**NOTICE:** An application has been filed for this court to recognize and enter a tribal court money judgment against you. A copy of the application, **including a copy of the tribal court money judgment**, is being served with this notice. **Unless you file objections with the superior court named above within 30 days after service of this notice, the court will enter that judgment against you.**

**Entry of Judgment.** (a) If no objections are timely filed in accordance with the provisions below (and set forth in Code of Civil Procedure section 1737), the clerk shall certify that no objections were timely filed, and a judgment shall be entered.

(b) The judgment entered by the superior court shall be based on and contain the provisions and terms of the tribal court money judgment. The judgment shall be entered in the same manner, have the same effect, and be enforceable in the same manner as any civil judgment, order, or decree of a court of this state.

**How to Object:** (a) **Any objection to the recognition and entry of the tribal court money judgment shall be served and filed within 30 days of service of the notice of filing.** If any objection is filed within this time period, the superior court shall set a time period for replies and set the matter for a hearing. The hearing shall be held by the superior court within 45 days from the date the objection is filed unless good cause exists for a later hearing. The only grounds for objecting to the recognition or enforcement of a tribal court money judgment are the grounds set forth in subdivisions (b) and (c).

(b) A tribal court money judgment shall not be recognized and entered if the respondent demonstrates to the superior court that at least one of the following occurred: (1) The tribal court did not have personal jurisdiction over the respondent. (2) The tribal court did not have jurisdiction over the subject matter. (3) The judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law.

(c) The superior court may, in its discretion, decline to recognize and enter a tribal court money judgment on any one of the following grounds: (1) The defendant in the proceeding in the tribal court did not receive notice of the proceeding in sufficient time to enable the defendant to defend. (2) The judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case. (3) The judgment or the cause of action or claim for relief on which the judgment is based is repugnant to the public policy of the state or of the United States. (4) The judgment conflicts with another final and conclusive judgment. (5) The proceeding in the tribal court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that tribal court. (6) In the case of jurisdiction based on personal service only, the tribal court was a seriously inconvenient forum for the trial of the action. (7) The judgment was rendered under circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment. (8) The specific proceeding in the tribal court leading to the judgment was not compatible with the requirements of due process of law. (9) The judgment includes recovery for a claim of defamation, unless the court determines that the defamation law applied by the tribal court provided at least as much protection for freedom of speech and the press as provided by both the United States and California Constitutions.

(d) If objections have been timely filed, the applicant has the burden of establishing that the tribal court money judgment is entitled to recognition. If the applicant has met its burden, a party resisting recognition of the tribal court money judgment has the burden of establishing that a ground for nonrecognition exists pursuant to subdivisions (b) or (c).

[SEAL]	Date: _____ Clerk, by _____, Deputy
	4. <input type="checkbox"/> NOTICE TO THE PERSON SERVED: You are served a. <input type="checkbox"/> as an individual. b. <input type="checkbox"/> under the fictitious name of (specify): _____ c. <input type="checkbox"/> on behalf of (specify): _____ Under: <input type="checkbox"/> CCP 416.10 (corporation) <input type="checkbox"/> CCP 416.60 (minor) <input type="checkbox"/> CCP 416.20 (defunct corporation) <input type="checkbox"/> CCP 416.70 (conservatee) <input type="checkbox"/> CCP 416.40 (association or partnership) <input type="checkbox"/> CCP 416.90 (individual) <input type="checkbox"/> other: _____
	(Proof of service on reverse)

PROOF OF SERVICE

(Use separate proof of service for each person served.)

- 1. I served the Notice of Application for Recognition and Entry of Tribal Court Money Judgment and the application with all attachments as follows:
a. on respondent (name):
b. by serving judgment debtor other (name and title or relationship to person served):
c. by delivery at home at business
(1) date:
(2) time:
(3) address:
d. by mailing
(1) date:
(2) place:

2. Manner of service (check proper box):

- a. Personal service. By personally delivering copies. (CCP 415.10.)
b. Substituted service on corporation, unincorporated association (including partnership), or public entity. By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a).)
c. Substituted service on natural person, minor, conservatee, or candidate. By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b).) (Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)
d. Mail and acknowledgment service. By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30.) (Attach completed acknowledgment of receipt.)
e. Certified or registered mail service. By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP 415.40.) (Attach signed return receipt or other evidence of actual delivery to the person served.)
f. Other (specify code section):
Additional page is attached.

3. The "Notice to the Person Served" was completed as follows:

- a. as an individual
b. as the person sued under the fictitious name of (specify):
c. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor) other:
CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
CCP 416.40 (association or partnership) CCP 416.90 (individual)

4. At the time of service, I was at least 18 years of age and not a party to this action.

5. Fee for service: \$

6. Person serving:

- a. California sheriff, marshal, or constable
b. Registered California process server
c. Employee or independent contractor of a registered California process server
d. Not a registered California process server
e. Exempt from registration under Business and Professions Code, section 22350(b)
f. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff, marshal, or constable use only) I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

**W15-01****Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Blue Lake Rancheria Tribal Court By: Lester J. Marston, Chief Judge	A	<p>Thank you for the Invitation to Comment on the proposed judicial council forms for implementation of SB 406. My comments are provided below.</p> <p>Section 1735 of SB 406 requires development of a form by the Judicial Council to provide notice to a respondent of a tribal court money judgment to be entered against him or her in a state court. The statute requires notification to the respondent that he or she has 30 days from the date of service of an application for entry of judgment of a tribal court money judgment to file objections to the enforcement of that judgment. Also required to be included in the notice are the name and address of the applicant and the applicant's attorney, if any, and the texts of Section 1736 and 1737 of SB 406.</p> <p>The proposed Notice of Application for Recognition and Entry of Tribal Court Money judgment (form EJ-115) adequately addresses the requirements for such form as stated in Section 1735 of SB 406.</p> <p>You have also asked for comments concerning whether it would be useful to develop (a) a specific application form; (b) a form for objections to entry of the tribal court judgment, and (c) an information sheet with instructions for each party.</p> <p>In my opinion, in addition to the form for</p>	<p>The committee notes the commentator's agreement with the proposed form.</p> <p>The committee notes the recommendation that</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01****Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>notice of an application for entry of judgment, development of two application forms would be useful. Development of an application form and a form containing check off boxes for the grounds to object with space for explanation would be helpful to the parties and in keeping with the purpose of SB 406, namely to streamline the process for entry of tribal court money judgments in the courts of California. Similarly, an information sheet with instructions for each party would be helpful to the parties and would further the purpose of SB 406.</p> <p>Thank you for providing the opportunity to provide comments to the Judicial Council on the forms that would help parties and the courts streamline the process for entering tribal court money judgments in the courts of California.</p>	<p>further forms be developed.</p>
2.	<p>Elk Valley Rancheria By: Mike Mattz, Vicechair Crescent City, CA</p>	A	<p>The Tribe supports the proposed form and believes that it is consistent with the intent of the underlying statutory changes to appropriately address the recognition of tribal court judgments. Use of a Judicial Council form confirms the legitimacy of the process for recognition of tribal court judgments and establishes a more uniform process for interested parties. The Tribe believes that an application form, a form for objections to entry of a tribal court judgment, and associated information sheets would be valuable to assist parties. However, the Tribe recommends that use of such forms not be mandatory.</p>	<p>The committee notes the commentator's agreement with the proposed form.</p> <p>The recommendation for development of further forms, and that they be optional, is noted.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01**

**Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
3.	Roger L. French Irvine, CA	NI	<p>Being in receipt of an Invitation to Comment on the proposed form W15-01 referenced above, I submit the following comments and recommendation in the application of the Tribal Court Monetary Civil Monetary Judgment Act described below. Attached are documents previously prepared expressing my opposition to the implementation of the proposed Act. *</p> <p>The "Request for Specific Comments" section within the Invitation requests comments on whether additional forms would assist the courts and parties in addition to the proposed Notice form, W15-01. I believe that all 3 forms proposed would not only indeed assist the courts and the parties, but should be mandatory for the implementation of the Act for the following reasons:</p> <p>Section 1737 (b) establishes grounds an opposing party can cite to persuade the state court to deny recognition of the tribal court judgment. However, that same opposing party must bear the legal costs of presenting such defense prior to the court having received any indication whatsoever that the subject tribal court judgment was conducted in accordance with Section 1737(b); namely proper jurisdiction, and the judgment was not "rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law".</p>	<p>The committee thanks the commentator for responding to the Invitation to Comment. However the attached objections to the enactment of SB406 made before the law was enacted have not been included here, as they are outside the scope of this proposal, which is to implement the new law that is now in effect.</p> <p>The committee notes that the commentator is in favor of development of additional forms, and that they be mandatory.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01**

Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>In line with the stated goal of this Act to prevent unnecessary re-litigation, an Application form should be developed that requires the tribal court to submit documentation to the state court that demonstrates its impartiality and due process, especially with regard to non-tribal members, consistent with U. S. Supreme Court case law concerning Federal Indian law, and principles of tribal jurisdiction over nonmembers established with the Montana framework. See <i>Montana v. United States</i>, 450 U.S. 544 (1981).</p> <p>The Judicial Council must be mindful that tribal courts cannot provide impartiality to non-Indian defendants, primarily because tribal governments do not utilize separation of powers, and because tribal courts are effectively an extension of their respective tribal councils. Therefore, due process, as defined in U. S. and State courts, does not exist. This fundamental lack of due process has been noted by U.S. Supreme Court Justices:</p> <p><u>Justice Anthony Kennedy:</u>            [There may be due process objections to the trial of non-Indians in tribal court, because] "<i>it wrests constitutional protections from a U.S. citizen and turns him over to a foreign sovereign.</i>"</p> <p><u>Justice Sandra Day O'Conner:</u>  <i>"Tribal courts are often subject to the complete control of the tribal councils, whose powers</i></p>	<p>The committee will consider this comment when considering a proposed form, but notes that the contents of the application are delineated in the statute.</p> <p>These comments appear to go to the substance of the underlying law and not to the proposed noticed form.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.



**W15-01****Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p><i>often include the ability to select and remove judges. Therefore, the courts may be perceived as a subordinate arm of the councils rather than as a separate and equal branch of government."</i></p> <p>Therefore, as a minimum, the implementation of this Act should require that the tribal court provide documentation supporting any claims of providing an impartial tribunal in accordance with Section 1737 (b) as a precursor to any consideration of judgment recognition by a state court, and to eliminate the need for the opposing party to bear unnecessary legal costs. Such requirements are easily implemented in an Application form that the Judiciary Council is considering.</p> <p>The Judiciary Council is also considering developing another form consistent with Section 1737. Due to U.S. Supreme Court reservations cited above and the complexity of tribal jurisdiction over nonmembers, I would strongly suggest that such an "objections to entry of the tribal court judgment" form should indeed be developed and implemented as part of this Act.</p> <p>I humbly request that the Judicial Council consider my comments which reflect many years experiencing the injustice of tribal courts. Your consideration is much appreciated.</p>	<p>The committee notes that the commentator is in favor of development of a form for objections.</p>
4.	Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives	AM	The proposed form appears to contain an extensive amount of instructions. From our experience, instructions that are included on a	The committee has been informed that the commentator's concerns go to the two large blocks of text on the notice form titled "Entry of

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01****Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
	Advisory Committee		form are concise and limited to only what is necessary to be included on the form. Usually, the forms are followed by instruction sheets that contain all other instructions and guidance. The practice of keeping forms as short as possible and followed by more detailed instruction sheets is easier for those using the forms, which translates into less guidance and work required of court staff. Accordingly, the Joint Rules Subcommittee recommends that only the most necessary instructions remain on the proposed form and that the rest be moved to a separate instruction sheet following the form.	Judgment” and “How to Object”. Other than the explanatory titles, those two items are the text of Code of Civil Procedure sections 1736 and 1737, which the new law mandates be included on the notice. See Code Civ. Proc. § 1735(a). For that reason, the committee has concluded those provision must remain in the form, and not placed on a separate information sheet.
5.	Orange County Bar Association By: Ashleigh E. Aitken, President	A	In response to the committee’s request for specific comment, we recommend the committee develop an application form setting forth all the items of information and statements required under CCP 1734, and a response form listing the grounds for possible objections as are allowed under CCP 1737, as well as, accompanying instruction sheets for each form. This would, in our opinion, decrease the likelihood of errors and omissions in the pleadings filed in these cases and, thus, would be in the interests of justice and in the best interests of the courts.	The committee notes the commentator’s agreement with the pending proposal, and its recommendation that further forms be developed.
6.	Standing Committee on the Delivery of Legal Services State Bar of California By: Maria Livingston, Chair	AM	SCDLS agrees with the proposal if modified to include the alternative proposals to create forms for the application itself, objections to enforceability of tribal court judgments, and information sheets for the process. The form Notice is required by SB 406. The proposed	The committee notes this commentator’s recommendations that further forms be developed.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01**

Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment

All comments are verbatim unless indicated by an asterisk (\*).

Commentator	Position	Comment	Committee Response
		<p>form Notice appears to contain information that satisfies the statutory requirement; however some changes would improve the form’s readability. Please see suggestions under Specific Comments below.</p> <p>The adoption of the form Notice will reduce the chance of defective notice, fostering efficiency in the application process. SCDLS welcomes the opportunity to review the draft application, objection and information forms, assuming they are developed, whenever they are made available for public comment.</p> <p><u>Specific Comments</u></p> <p><i>Does the proposal appropriately address the stated purpose?</i></p> <p>Yes. In addition, changes should be considered to improve the form’s readability. Specifically: 1) increase the size of the font of the text that follows “<b>NOTICE:</b>”, and 2) add emphasis after How to Object, by placing in <b>bold</b> font the words “<b>Any objection</b>” and “<b>shall be served and filed within 30 days of service of this notice of filing</b>” in subsection (a).</p> <p><i>Would development of one or more of the following forms be of assistance to the courts and/or the parties in proceedings to enforce tribal court judgments in state courts, and, if so, should the forms be optional or mandatory:</i></p> <ul style="list-style-type: none"> <li>○ <i>An application form:</i> Yes, an</li> </ul>	<p>1) Staff increased the text by 1/2 point, but cannot make it bigger and have it fit on a single page.</p> <p>2) The requested bold font was added to the form</p> <p>The committee notes the recommendation that an application form be developed.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01**

**Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>Application form should be developed because it would reduce the number of defective filings and, therefore, increase the efficiency of the process. It would also ensure that the court and parties are informed of essential information about the judgment.</p> <ul style="list-style-type: none"> <li>○ <i>A form for objections to entry of the tribal court judgment:</i> Yes, an Objection form should be developed because it would reduce the number of defective filings and, therefore, increase the efficiency of the process. It would also ensure that the court and parties are informed of essential information about the statutorily defined objections. Also, SCDLS believes that because a significant number of judgment debtors are likely to be unrepresented litigants, it would be appropriate to give explicit information to judgment debtors. Providing the form for statutorily allowed objections does no more than ensure those litigants who might have meritorious objections to tribal court judgments have an opportunity to present them.</li> <li>○ <i>An information sheet with instructions for each party:</i> Yes. Instructions will increase the efficiency of the process by reducing the time spent on defective applications which cost the parties and the courts time and money.</li> </ul>	<p>The committee notes the recommendation that an objection form be developed.</p> <p>The committee notes the recommendations that an information form be developed.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01****Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p><i>Whether the forms should be optional or mandatory:</i> The question of whether any particular form should be optional or mandatory may ultimately depend on the specific language of the form, and these forms have not yet been developed. In general, SCDLS believes that mandatory forms may serve the end of ensuring that essential information is before the Court. Service of the Objection form with the Notice and Application may also fulfill the statutory purpose of informing judgment debtors of the process, and it would help ensure that all parties to the judgment have a full and fair opportunity to be heard in California state court regarding the tribal court judgment's enforceability.</p>	The committee will take these comments into consideration when developing further forms.
7.	Stand Up for California Penryn, CA By: Cheryl Schmit, Director	AM	<p>Stand Up For California appreciates the opportunity to make comment on the proposed <i>Notice of Application for Recognition and Entry of Tribal Court Money Judgment</i> (form EJ-115). Overall the form does what the act prescribes. Nonetheless, the Judicial Council in its invitation to comment readily acknowledged that implementation, costs and operational impacts will require training for Court Clerks and Judicial Officers. Additional documents and forms as suggested in the paragraph labeled "Alternatives Considered" must be developed to assist in this training process.</p> <p>It would be beneficial if the Application form</p>	The committee notes the agreement with this notice form, along with the recommendation that further forms be developed.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01**

**Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>specify the factual "jurisdictional basis" for the tribal court judgment. As you know, tribal court jurisdiction over non-Indians is based on federal law. A Tribe submitting <i>an Application for Recognition and Entry of Tribal Court Money Judgment</i> should be required to thoroughly explain and document its jurisdictional exception under federal law. It will be important in training documents for the Court Clerk or other Judicial Officers unfamiliar with Indian Law to be made aware of federal law limiting civil regulatory jurisdiction of tribal courts over non-Indians.</p> <p>In 1981, <i>Montana v United States</i> (450 U.S. 544), the Supreme Court ruled as to both the criminal and civil position of tribal government authority over non-Indians. Tribal governments generally do not have civil regulatory jurisdiction over non-Indian activities on fee lands or owned lands inside of tribal reservations. Tribes simply do not have full regulatory authority over non-Indians. Moreover, the Supreme Court broadly states that tribes do not have inherent jurisdiction over non-Indian civil matters at all although tribal governments may regulate hunting and fishing on tribal lands. There are however, two exceptions in this ruling:</p> <p>1. citizens who enter into contracts with tribes are subject to tribal jurisdiction as to the contractually-related activities; or,</p>	<p>The committee will consider these comments when developing an application form, but notes that the content of the application is delineated in the statute.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01**

**Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>2. when the civil activity of non-Indian citizens threatens the political integrity of the tribal government or the health or security of the tribe. <i>(This exception has a very high standard to meet; the history of this standard must be provided in training documents to Court Clerks and Judicial Officers.)</i> Failure to include this information potentially provides a forum for the creation of judge-made law for tribal jurisdiction in state courts that is inconsistent with federal law. Further, without a detailed description of tribal court jurisdiction any attempt to bring resolution to complex multijurisdictional situations given the nature of tribal sovereign immunity would be made more difficult.</p> <p>I hope you find this comment helpful to the Judicial Council in the development of the forms), additional training materials and instruction to the Court Clerks and Judicial Officers regarding this new procedure.</p>	
8.	Superior Court of El Dorado County By: Keri Shane, Lead Clerk	AM	As a court clerk, I would recommend that the Judicial Council also develop an application form with an information sheet and an objection form with an information sheet. This would streamline the process, make it clear to all parties and court staff, and maintain a consistent procedure.	The committee notes the recommendation to develop further forms.
9.	Superior Court of Los Angeles County	A	Agree with the proposal and it does adequately address the stated purpose specified by SB 406 (Proposal W15-01). However, the form	The committee notes the commentator's agreement with the proposed form. Because the statute mandates that the application be made on a

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01****Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>should not be mandatory and should be considered a model form only that courts may either adopt in full or modify as the individual courts deem necessary. The proposed form is useful in terms of creating state-wide uniformity among the courts, but due to the different needs of each individual court, the use of the form should not be mandatory. Furthermore, a model form for objections plus an information sheet would be beneficial to both the courts and general public. Once again, this form and information sheet should not be mandatory. The information sheet should be in a question and answer format along with general information. It is unclear if the proposal would provide cost savings for the Los Angeles Superior Court because these types of judgments (Tribal) are not common in the County of Los Angeles. Implementation of the proposal would require staff training and at least six (6) months should be required from Judicial Council approval of this proposal until its effective date due to the size and case volume in Los Angeles County.</p>	<p>form proscribed by the Judicial Council (Code Civ. Proc. § 1735(a), the committee is recommending its adoption as a mandatory form.</p> <p>The committee notes the recommendation that an objection form be developed as an optional form, along with an information sheet.</p> <p>The committee appreciates the court's responses as to costs and training. The committee is recommending that the form be adopted with an effective date of July 1, 2015 because the new law, which mandates that party use the form to begin the proceedings, is already in effect.</p>
10.	Superior Court of San Diego County By: Mike Roddy, Executive Officer	A	<p>In answer to the request for specific responses, our court provides the following:</p> <ul style="list-style-type: none"> <li>• Does the proposal appropriately address the stated purpose? Yes, our court agrees with the notice as presented.</li> <li>• Would development of one or more of the following forms be of assistance to the courts</li> </ul>	<p>The committee notes the commentator's agreement with the proposal.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.



**W15-01**

**Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>and/or the parties in proceedings to enforce tribal court judgments in state courts, and, if so, should the forms be optional or mandatory:</p> <ul style="list-style-type: none"> <li>o An application form? Yes, it would be of great assistance to clerical staff to have a form similar to the one used for entry of sister state judgments that could be utilized by the parties. This would help to make the process uniform state wide and would make it easier for courts to train clerks on how these requests should be handled. The form should be mandatory.</li> <li>o A form for objections to entry of the tribal court judgment? Yes, for the same reasons provided for having an application, it would be helpful to staff to have the objections submitted in a uniform manner as well. The form should be mandatory.</li> <li>o An information sheet with instructions for each party? Yes, our court is dealing with more and more unrepresented parties in litigation today and this can be problematic for courts that are suffering deep cuts to their staff; therefore, it would be of great assistance to the court to have an instruction sheet so that the need to deal with improper applications can be reduced as much as possible. The form should be mandatory.</li> </ul>	<p>The committee notes the court’s recommendation that mandatory application, objection, and information forms would be helpful to the court.</p>
11.	Superior Court of Ventura County	AM	The proposed EJ-115 form should be a	The committee agrees that the proposed notice

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01****Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
	By: Martha E. McLaughlin Court Program Supervisor II		<p>"mandatory" form so clerks would not have to sift through a self-drafted application to ensure codes have been met.</p> <p>It would be extremely helpful and appropriate to develop a "form for objections", an "information form" as well as a standard "judgment form" to allow clerk to enter judgment per the application submitted for filing.</p> <p>CCMS system currently does not have an "applicant" role available when creating new filings in the system. I would strongly suggest that the form contains the roles on all court forms as: Petitioner/Respondent or, in the alternative: Judgment Creditor/Judgment Debtor</p>	<p>form should be mandatory, and notes the recommendation that an application form also be mandatory and other forms be developed.</p> <p>The statute uses “applicant” and “respondent” as defined terms. See Code Civil Proc. section 1732(a) and (e). While a court may choose to enter the applicant in its computerized case management system as “petitioner”, using such title on the form would be confusing to the parties in light of the statutory language.</p>
12.	Yurok Tribal Court By: Abby Abinanti, Chief Judge	AM	<p>The Yurok Tribal Court respectfully submits the following comments regarding the Notice of Application for Recognition and Entry of Tribal Court Money Judgment. The Tribal Court is enthusiastic about the recently enacted Tribal Courts Civil Money Judgment Act (SB 406), as a more efficient means of enforcing certain tribal court money judgments in state courts. The new procedure is straightforward and more efficient than the existing system.\</p> <p>Overall, we believe that proposed form EJ-115 appropriately addresses the stated purpose.</p>	<p>The committee notes the agreement with the form.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01**

**Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Our specific concerns about draft EJ-115 are listed below. While the Tribal Court recognizes that SB 406 does not mandate an application form, we concur with the committee that EJ-115 is a helpful tool that provides all the pieces of information and statements required to be in compliance with the law. Similarly, the Yurok Tribal Court supports the continued development by the committee of (1) an application form, (2) a form for objections to entry of the tribal court judgment, and (3) an information sheet with instructions for each party. These forms provide, at minimum, a valuable blueprint for tribal courts and help reduce implementation costs.</p> <p>The Yurok Tribal Court recommends the following revisions to the proposed EJ-115:</p> <ol style="list-style-type: none"><li>1. Review formatting for <i>Notice of Application for Recognition and Entry of Tribal Court Money Judgment: How to Object</i>. We believe that the last subsection "(d)" should be on a separate line, as not to confuse the reader. Currently, subsection (d) reads as a continuation of previous subsection (c). We believe this technical edit, however small, will aid in the ease of understanding EJ-115.</li></ol>	<p>The committee notes the recommendation that further forms be developed.</p> <p>The committee agrees and has corrected the formatting.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**W15-01**

Civil Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>2. Add an enumerated list of required attachments under section 1 of <i>Proof of Service</i>. Tribal Court Civil Money Judgment Act, Section 1734(c) (1-3) lists the required documents referenced in Section 1735(a), and should be included in EJ-115.</p> <p>With these two edits, the Yurok Tribal Court believes that EJ-115 will be a useful tool for our court.</p>	<p>The committee concluded that it is not necessary for the proof of service on this form to provide a separate list of what is supposed to be attached to the application, as that is information required by the applicant, not the server. Such a list will be included on the application form, should one be developed. The committee also notes that the second line of the text of the notice itself includes, in bold, the information that a copy of the tribal court judgment should be included with the application served on respondent.</p>



## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 16–17, 2015

---

Title	Effective Date
Military Service: Notification of Military Status	July 1, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
Revise form MIL-100	February 26, 2015
Recommended by	Contact
Collaborative Justice Courts Advisory Committee	Adrienne Toomey, Attorney
Hon. Richard Vlavianos, Chair	415-865-7977
Agenda Item Type	<a href="mailto:Adrienne.Toomey@jud.ca.gov">Adrienne.Toomey@jud.ca.gov</a>
Action Required	Carrie Zoller, Supervising Attorney
	415-865-8829
	<a href="mailto:Carrie.Zoller@jud.ca.gov">Carrie.Zoller@jud.ca.gov</a>

---

### Executive Summary

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council revise the optional *Notification of Military Status* (form MIL-100) to ensure the language is consistent throughout the form and that all relevant statutory provisions are referenced. The form was previously revised effective January 1, 2015, in response to legislative changes that became effective on that same date. The short time available for that revision did not allow for a period of public comment prior to the council's action in approving the revisions. The January 1, 2015, version of the form has since been circulated for public comment and is submitted for further revision.

## **Recommendation**

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective July 1, 2015, revise the optional *Notification of Military Status* (form MIL-100) as follows:

1. Add reference to Penal Code section 858 to the right footer of page 1.
2. Add “possibly” following “Rights include” under “California Penal Code 1001.80: Diversion in misdemeanor cases” on page 2 to achieve consistency with preceding language describing Penal Code 1170.9.
3. Add “Eligible for diversion and court orders diversion” under the “Requirements include” section under “California Penal Code 1001.80: Diversion in misdemeanor cases” on page 2 to achieve consistency with preceding language describing Penal Code section 1170.9.
4. Combine the language from two currently distinct bullet points stating “Waiver of the right to speedy trial” and “Consent to diversion” under the “Requirements include” section under “California Penal Code 1001.80: Diversion in misdemeanor cases” on page 2 into one bullet point to read “Waiver of the right to speedy trial and consent to diversion.”

## **Previous Council Action**

The Judicial Council adopted form MIL-100 effective January 1, 2014, at the recommendation of the Collaborative Justice Courts Advisory Committee. The committee recommended adoption of the form to facilitate courts’ ability to address legal issues implicated by a party’s military service status and to comply with alternative criminal sentencing considerations for current and former military service members under Penal Code section 1170.9.

At the recommendation of the Collaborative Justice Courts Advisory Committee, the Judicial Council adopted revisions to the optional *Notification of Military Status* (form MIL-100), effective January 1, 2015. These revisions responded to recent legislation directing courts to (1) inform criminal defendants at arraignment that there are provisions of law designed for former or current military service members who have been charged with a crime and (2) that the defendant may request a copy of the Judicial Council military form explaining those rights. The legislation directed the Judicial Council to revise the form accordingly.

To ensure the revised form was available to courts when the legislative changes took effect, January 1, 2015, the committee sought and received Judicial Council approval of the proposed revisions prior to circulating the proposed revisions for public comment. The revised form was circulated for public comment from December 12, 2014 to January 23, 2015, and recommends additional revision to the form to be effective July 1, 2015.

## Rationale for Recommendation

The committee recommends specified changes to the form to ensure the language is consistent throughout the form and that all relevant statutory provisions are referenced. The recommended changes are based on the committee's own review and are not based on comments received.

## Comments, Alternatives Considered, and Policy Implications

The form as revised effective January 1, 2015, was circulated during the winter public comment cycle. The committee received six comments: five agreed with the proposal, including the Superior Courts of Los Angeles, Sacramento, and Marin Counties and the State Bar of California, and one agreed with the proposal if modified. Some commentators in agreement with the proposal nonetheless suggested further revision to the form (Superior Courts of Sacramento and Los Angeles Counties). A chart with all comments received is attached.

### Alternatives considered

The committee considered the following alternatives:

- ***Including a space on form for the county veterans services officer to indicate confirmation of military status and return form to court:*** The recent legislative amendments to Penal Code section 858 direct that when a criminal defendant acknowledges his or her military status and submits the optional *Notification of Military Status* form to the court, the court must transmit a copy of the form to the county veterans service officer for confirmation of the defendant's military service and must also transmit a copy of the form to the Department of Veterans Affairs. Two commentators suggested including a separate space on the form for the county veterans services officer to include a response back to the court regarding military status. The committee declined to recommend this suggested revision, recognizing that there may be various county-specific practices for communicating veteran status information from the veterans services officer to the court and that courts should be able to determine the best procedure for their court.
- ***Including space for party's social security number and date of birth:*** A commentator suggested including a space to include the party's social security number and date of birth on the form. The committee declined to recommend these suggested revisions, recognizing that including this information on otherwise public court documents would implicate privacy concerns that could not only discourage parties with military status from submitting the form, but also implicate burdensome redaction procedures (see Cal. Rules of Ct., rule 1.20(b)) and other court processes. Moreover, courts will only transmit these forms to veterans services officers for service confirmation in criminal cases where the defendant acknowledges their veteran status and submits the form to the court. Committee members with experience with Veterans Court programs indicated that

veterans services officers do not require a complete social security number to confirm a veteran's status, and that in those limited cases where the veterans services officer is unable to confirm veteran status based on the information already on the form, the court, party, and the party's defense counsel can provide additional information to the veterans services officer on a case-by-case basis and in a manner that works best in each county and court.

### **Implementation Requirements, Costs, and Operational Impacts**

Although courts may experience operational impacts resulting from new legislative arraignment admonition requirements, the present proposal to make the specified language changes to the form will not cause additional operational costs.

### **Attachments**

1. Form MIL-100, at pages 5–6
2. Comment Chart, at pages 7–9



ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
<b>CASE NAME:</b> _____	
<b>NOTIFICATION OF MILITARY STATUS</b>	CASE NUMBER: _____

**Consult your attorney before submitting this form. You may decline to submit this form to the court without penalty.**

- I (*name*): \_\_\_\_\_ declare as follows:
1.  I am a party in a superior court case.
  2.  I am currently a member of the state or federal armed services or reserves. My entry date is: \_\_\_\_\_, and I
    - a.  am on active duty service.
    - b.  have been called or ordered into active duty service.
    - c.  am not on active duty service.
    - d.  other (*please explain*): \_\_\_\_\_
  3.  I used to serve in the state or federal armed services or reserves. I was discharged on (*date*): \_\_\_\_\_
  4.  I understand that if I submit this form to the court as a defendant in a criminal case, the court will send copies of the form to the county veterans service officer and the Department of Veterans Affairs.
  5.  I am filing this form on behalf of \_\_\_\_\_, a party to the above entitled case, whom I am informed and believe is a  member  veteran of the state or federal armed services. I am the  attorney  other (*specify*): \_\_\_\_\_ of this party. My contact information  is provided at the top of this form  follows:
 

Name: _____	Address: _____
Telephone number: _____	

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME) SIGNATURE

Local County Veterans Services Office Information (to be provided by local court):	
--	--

**NOTICE**

**Certain provisions of California law apply to current and former members of the U.S. Military who have been charged with a crime when certain conditions are met. Please see the back of this form for more information. To submit this form as a party in a criminal case you must file it with the court and serve it on the prosecuting attorney and defense counsel. Filing of this notification form does not substitute for filing of other forms or petitions that are required by your court case.** If you are requesting consideration or restorative relief under Penal Code section 1170.9, this form alone will not meet the requirement that you assert to the court that the crime you were charged with was a result of a condition caused by your military service. If you are filing for relief from financial obligation during military service, a notification of military deployment and request to modify a support order, or other relief under the Service Members' Civil Relief Act (50 App. U.S.C. §§ 501-597(b)), you must complete the appropriate forms, and completion of this form is not required. Please see form MIL-010 (*Notice of Petition and Petition for Relief From Financial Obligations During Military Service*) and form FL-398 (*Notice of Activation of Military Service and Deployment and Request to Modify a Support Order*).

**YOU SHOULD CONSULT WITH YOUR ATTORNEY ABOUT THE FOLLOWING INFORMATION  
AND BEFORE SUBMITTING THIS FORM.**

If you are a current or former member of any branch of the U.S. Military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of your military service and charged with a crime, you may be entitled to certain rights under some California laws. Below are brief explanations of some of those laws. You should consult with your attorney to discuss how these and/or other laws may apply to you.

You are not required to have an honorable discharge, to have combat service, or to be accepted into a Veterans Court to be eligible for the rights described in the following statutes.

---

**California Penal Code 1170.9:** Consideration for alternative sentencing and restorative relief.

Rights include possibly:

- Receiving treatment instead of prison or jail time for certain crimes
- Having a greater chance of receiving probation
- Having conditions of probation deemed satisfied early, other than any victim restitution ordered, and probation terminated early
- Having some felonies reduced to misdemeanors
- Having the court restore rights, dismiss penalties, and/or set aside conviction for certain crimes

Requirements include:

- For consideration for alternative sentencing:
  - Convicted of certain criminal offenses (some crimes do not qualify)
  - Eligible for probation and court orders probation
- For restorative relief following order of probation:
  - In substantial compliance with conditions of probation
  - A successful participant in and demonstration of significant benefits from treatment and services
  - No danger to the health and safety of others

---

**California Penal Code 1001.80:** Diversion in misdemeanor cases.

Rights include possibly:

- *Pretrial* diversion program instead of trial and potential conviction and incarceration
- Dismissal of eligible criminal charges following satisfactory performance in program
- Arrest is deemed to have “never occurred” for most purposes following successful completion of program

Requirements include:

- Application to misdemeanors only, *not* felonies
- Eligible for diversion and court orders diversion
- Waiver of right to speedy trial and consent to diversion
- Satisfactory performance in program

---

**California Penal Code 1170.91:** Mitigating factor in felony sentencing.

- The court shall consider these circumstances from which the defendant may be suffering as a result of military service as a factor in mitigation during felony sentencing, which could mean a more lenient sentence.

## MIL-100

### Notification of Military Status

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
1.	Kim Turner, CEO on behalf of the Superior Court of Marin County	A	I strongly support this proposal, as there is great confusion and misinformation about how to best serve veterans. Any information that can assist them in understanding their post-judgment options will be very helpful.	No response required.
2.	Ashleigh E. Aitken, President commenting on behalf of Orange County Bar Association	A		
3.	Mike Roddy, Executive Officer commenting on behalf of the Superior Court of San Diego County	AM	If a MIL-100 is filed, the court is required to send a copy of the form to the county veterans service officer for confirmation of the defendant's military service. (PC 858(e).) San Diego would like to have a separate section under the "Notice" for the county veterans service officer to fill out and sign to confirm or deny the defendant's military status (and then they could return that form to the court).	The committee declines the suggestion as unnecessary, recognizing that there may be various county-specific practices for communicating veteran status information from the veterans services officer to the court and that courts should be able to determine the best procedure for the individual court.
4.	Superior Court of Los Angeles County	A	<p>Paragraph 2: Add a subparagraph: am a member Ready Reserve. (*Inactive National Guard, Individual Ready Reserve and Selected Reserve)</p> <p>The present *form assumes the military service member served on active duty currently or in the past. There are thousands of active reservists and members of the National Guard who were never mobilized or deployed on active duty. This distinction is important because members of the Ready Reserve may still be eligible for some health benefits for substance abuse and mental health through the Veteran's Administration.</p>	The committee declines the suggestion as unnecessary. The committee believes that the information called for in question 2 on page 1 of the form captures reserve service information.

## MIL-100

### Notification of Military Status

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
5.	The State Bar of California Sharon Nhim on behalf of Maria C. Livingston, Chair, Standing Committee on the Delivery of Legal Services	A	SCDLS supports the proposed changes to MIL-100. The added language in the Notice box on page 1 informing current and former military personnel about their statutory rights in criminal cases, as well as in certain civil and family law cases, helps ensure that the party is informed of essential information, and will be especially helpful if the party is a low- or moderate-income self-represented litigant.	No response required.
6.	Brenda Brower, Criminal Division Analyst commenting on behalf of the Superior Court of Sacramento County	A	<p>[Questions from Invitation to Comment are in italics]</p> <p><i>Do the recent revisions to the form appropriately address the stated purpose?</i> Yes</p> <p><i>Are any additional revisions recommended?</i> Yes</p> <ul style="list-style-type: none"><li>• Add field for Date of Birth</li><li>• Add field for Social Security Number</li><li>• Add section for Dept. of Veteran's Affairs<ul style="list-style-type: none"><li>○ Per our contacts at the Public Defender's Office, they County VA Services Office and the Department of Veteran's Affairs cannot verify status without this information.</li></ul></li><li>• Add section on second page for response back to court from County VA Services Office and Veteran's Affairs.</li></ul> <p><i>The advisory committee also seeks comments from courts on the following cost and implementation matters: Would the proposal provide cost savings? If so</i></p>	<p><b><i>Including space for party's social security number and date of birth:</i></b> The committee declines to recommend the suggested revisions. Including this information on otherwise public court documents would implicate privacy concerns that could not only discourage parties with military status from submitting the form, but also implicate burdensome redaction procedures (see Cal. Rules of Ct., rule 1.20(b)) and other court processes. Moreover, courts will only transmit these forms to veterans services officers for service confirmation in criminal cases where the defendant him or herself acknowledges their veteran status and submits the form to the court. In those limited cases where the veterans services officer is unable to confirm veteran status based on the information already on the form, the court, party, and the party's defense counsel can provide additional information to the veterans services on a case-by-case basis.</p> <p><b><i>Including a space on form for the county veterans services officer to indicate confirmation of military status and return form to court:</i></b></p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

# MIL-100

## Notification of Military Status

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p><i>please quantify.</i></p> <p>No, in fact costs may increase as additional monitoring of court cases will be required for those that may qualify for services.</p> <p><i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i></p> <p>Affected staff are Judges, Courtroom Clerks, and other Support Staff. We are already in the process of updating procedures for court staff and advisement scripts for Judges. Approximately four to eight hours of training and procedure / script updating.</p> <p>No additional docket codes for our case management system are planned at this time. This may change in the future based on volume. however hard copy files will need to be flagged and marked differently to identify those that qualify for veteran services.</p> <p><i>How well would this proposal work in courts of different sizes?</i></p> <p>Courts with a larger population of veterans may have a greater number of filings and a larger workload association with monitoring of diversion programs.</p>	<p>Please see committee response in row 3 above.</p>





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

---

Title

Domestic Violence and Family Law:  
Technical Changes to Forms

Agenda Item Type

Action Required

Effective Date

July 1, 2015

Rules, Forms, Standards, or Statutes Affected  
Revise forms DV-600, FL-800, FL-810, and  
FL-830

Date of Report

February 27, 2015

Recommended by

Family and Juvenile Law Advisory  
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Contact

Gabrielle D. Selden, 415-865-8085

[gabrielle.selden@jud.ca.gov](mailto:gabrielle.selden@jud.ca.gov)

---

### Executive Summary

The Family and Juvenile Law Advisory Committee recommends making technical revisions to one domestic violence form and three family law forms. The revision to the domestic violence form was suggested by court staff to avoid the perception that a court hearing is required before obtaining a judge's signature on the form. The technical changes to the two family law summary dissolution forms are mandated by Family Code section 2400 to reflect an increase in the California Consumer Price Index. The third summary dissolution form is updated to remove a citation to a recently revoked form and update the title of the mandatory form used to initiate an action for dissolution of a marriage or domestic partnership.

### Recommendation

The Family and Juvenile Law Advisory Committee, recommends that the Judicial Council, effective July 1, 2015:

1. Revise *Order to Register Out-of-State or Tribal Court Protective/Restraining Order (CLETS)* (form DV-600) by: (a) replacing “(CLETS)” in the form’s title with “(CLETS-OOS),” as requested by the Department of Justice; and (b) deleting the incorrect reference to “*Notice of Court Hearing*” in the Clerk’s Certificate and replacing it with the correct form title “*Order to Register Out-of-State or Tribal Court Protective/Restraining Order,*” as approved by the Department of Justice;
2. Approve and adopt the calculations attached at page 5, which result in the maximum dollar amounts for community and separate property assets that parties can have to proceed by summary dissolution;
3. Revise summary dissolution forms FL-800 and FL-810 to reflect an increase in the maximum limits for community and separate property assets under Family Code section 2400(a)(7)<sup>1</sup> from \$40,000 to \$41,000; and
4. Revise form FL-830 to delete the reference to revoked form FL-103, and update the title of form FL-100.

The revised forms are attached at pages 6–32.

### **Previous Council Action**

Effective January 1, 2012, the Judicial Council revised *Order to Register Out-of-State or Tribal Court Protective/Restraining Order* (form DV-600) to include information for the court clerk about how to seal the order, as provided in Family Code section 6404. The title of the form was also revised to include a reference to tribal court orders.

Effective July 1, 2013, the Judicial Council revised forms FL-800 and FL-810 to reflect an increase solely in the maximum limits for community and separate property assets under Family Code section 2400(a)(7), from \$38,000 to \$40,000.

Effective July 1, 2014, the Judicial Council revoked *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123).

### **Rationale for Recommendation**

#### **Domestic Violence form DV-600**

When the Judicial Council adopted revisions to form DV-600, effective January 1, 2012, the Clerk’s Certificate portion of the form included an erroneous reference to another form—*Notice of Hearing* rather than the title of form DV-600.

---

<sup>1</sup> The total fair market value of community property and separate property assets, excluding all encumbrances and automobiles, including any deferred compensation or retirement plan.



The reference to a notice of hearing on the form caused confusion to courts because it gave the impression that a hearing was needed before a judicial officer could sign form DV-600 and register an out-of-state or tribal court protective or restraining order. The Family Code, however, does not require a hearing on a request to register the order.

The committee proposed changing form DV-600 by deleting the incorrect reference to “Notice of Hearing” and replacing it with the correct form title “*Order to Register Out-of-State or Tribal Court Protective/Restraining Order*. As required by Family Code section 6380(i), the committee submitted a proposed revised form DV-600 to the Department of Justice and obtained its approval on the proposed changes. In addition, the Department of Justice recommended amending the term “(CLETS)” in the form’s title to “(CLETS-OOS).” This change better identifies the correct order type for entry into CLETS.

### **Family Law summary dissolution forms**

Family Code section 2400(b) requires that on January 1 of each odd-numbered year, the dollar limitations on items indicated in Family Code section 2400(a)(6) and (a)(7) be adjusted to reflect any change in the value of the dollar.<sup>2</sup> Section 2400 (b) requires that the Judicial Council compute and publish the adjusted amounts. The adjustments are computed by multiplying the base amount by the percentage change in the California Consumer Price Index (the calculation is attached at page 5). The results are then rounded to the nearest thousand dollars and published in summary dissolution forms FL-800 and FL-810.

Based on the annual average of the 2014 California Consumer Price Index of 246.055, the adjusted limit of the total fair market value of community and separate property assets is \$41,326.87, which results in a \$1,000.00 increase in the current published limit. The adjusted limit of the maximum amount for unpaid community obligations is \$6,199.03, which results in no change to the current published limit when rounded to the nearest thousand dollars. To reflect this change:

- *Joint Petition for Summary Dissolution* (form FL-800) is modified to increase the limitation on assets from \$40,000 to \$41,000; and
- The instructional booklet titled *Summary Dissolution Information* (form FL-810) is modified to reflect the changes in form FL-800.<sup>3</sup> The Spanish translation of this booklet (form FL-810S) will also be updated.

In addition, the committee recommends revising *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) to delete the reference to *Petition—Domestic Partnership/Marriage*

---

<sup>2</sup> Since the January 1 figures only become available in February, these bi-annual modifications are made for the July 1, forms cycle.

<sup>3</sup> The changes to form FL-810 are highlighted in this report on pages 10, 12, 14, and 16–20.

(form FL-103), which was revoked by the Judicial Council, effective July 1, 2014. Instead, form FL-830 would be revised to reflect the current title of form FL-100, *Petition—Marriage/Domestic Partnership*, which must be filed and served to commence all actions for dissolution, legal separation, or nullity of all marriages and domestic partnerships that do not meet the requirements for a summary dissolution.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for comment. Under rule 10.22(d)(2) of the California Rules of Court, the modifications to form DV-600, the adjustments proposed to forms FL-800, FL-810, and the corrected reference on form FL-830 are minor substantive changes and are unlikely to create controversy. In addition, the adjustments to forms FL-800 and FL-810 are required by statute. Finally, if a court develops a forms packet, form DV-830 is normally included with forms FL-800 and FL-810, and it is now legally inaccurate.

Given the statutory requirement relating to the summary dissolution forms, no alternative actions were considered. With respect to form DV-600, the committee considered submitting the form in a separate cycle as its own technical report if the Department of Justice did not timely approve the changes. Implementation of the revisions will require courts to incur standard reproduction costs for the forms.

### **Attachments and Links**

1. Forms DV-600, FL-800, FL-810, and FL-830, at pages 6-32

**Asset and Debt Limits in Summary Dissolution Proceedings  
(Fam. Code, § 2400)**

**Formula**

Under Family Code section 2400(b), the dollar limits for community property debts and community and separate property assets in actions for Summary Dissolution shall be adjusted by multiplying the base amount by the percentage change in the California Consumer Price Index as compiled by the Department of Industrial Relations, with the result rounded to the nearest thousand dollars.

$$\text{Adjusted limit} = \left[ \frac{\text{CCPI(AA) 2014} - \text{CCPI(AA) 2012}}{\text{CCPI(AA) 2012}} + 1 \right] \times \text{Published limit}$$

**Definition**

*CCPI (AA)* is the California Consumer Price Index, Annual Average, as established by the California Department of Industrial Relations.

**January 1, 2015, calculation and adjustment for community debts**

Under Family Code section 2400(a)(6), effective July 1, 2015, there is no change to the maximum dollar amount for unpaid obligations incurred by either or both of the parties after their date of marriage, excluding the amount of any unpaid obligation with respect to an automobile community debts. The calculation is as follows:

$$\mathbf{\$6,199.03} = \left[ \frac{246.055 - 238.155}{238.155} + 1 \right] \times \$6,000.00$$

The adjusted limit under Family Code section 2400(b), when rounded to the nearest thousand dollars, remains the same as the current published limit at \$6,000.

**January 1, 2015, calculation and adjustment for community and separate property assets**

Under Family Code section 2400(a)(7), the total fair market value of community and separate property assets, excluding all encumbrances and automobiles, including any deferred compensation or retirement plan, effective July 1, 2015, shall not exceed **\$41,000**.

The calculation is as follows:

$$\mathbf{\$41,326.87} = \left[ \frac{246.055 - 238.155}{238.155} + 1 \right] \times \$40,000.00$$

The adjusted limit under Family Code section 2400(b), when rounded to the nearest thousand dollars, results in a \$1,000.00 increase in the current published limit.

*Clerk stamps date here when form is filed.*

**DRAFT**

**NOT APPROVED  
BY THE JUDICIAL  
COUNCIL**

**1 Name of Protected Person:**

Your lawyer in this case *(if you have one)*:

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**Address** *(If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):*

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fills in case number:*

**Case Number:**

**2 Name of Restrained Person:**

**Description of restrained person:**

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address *(if known)*: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to protected person: \_\_\_\_\_

**3** I am protected by the attached protective/restraining order. The order was made by *(name and address of court)*:

**4 The attached order:**

- Is a true and correct copy
- Is currently valid and in full force and effect
- Has not been changed, canceled, or replaced by any other order
- Was made in a different state, U.S. territory, Indian tribal court, the District of Columbia, Puerto Rico, US Virgin Islands, or in a military court
- Expires on *(date)* \_\_\_\_\_

**5** I ask that the attached order be registered with this court for entry into the California Law Enforcement and Telecommunication System (CLETS). My request is voluntary. I understand that registration of the order is not necessary for enforcement.

I declare under penalty of perjury under the laws of the State of California that the above information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

**This is a Court Order.**



The attached out-of-state restraining order is registered, valid, and enforceable in California, and can be entered into CLETS, unless it ends or is changed by the court that made it.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)*

**Court Clerk Must Seal This Form and Attached Foreign Protection Order**

This form sets forth the procedure to register a foreign protection order under Family Code section 6404. No court hearing is required to register the foreign protection order. This form and the attached foreign protection order must be sealed pursuant to Family Code section 6404(a). Access to the foreign protection order is allowed only to law enforcement, the person who registered the order upon written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or upon further order of the court.

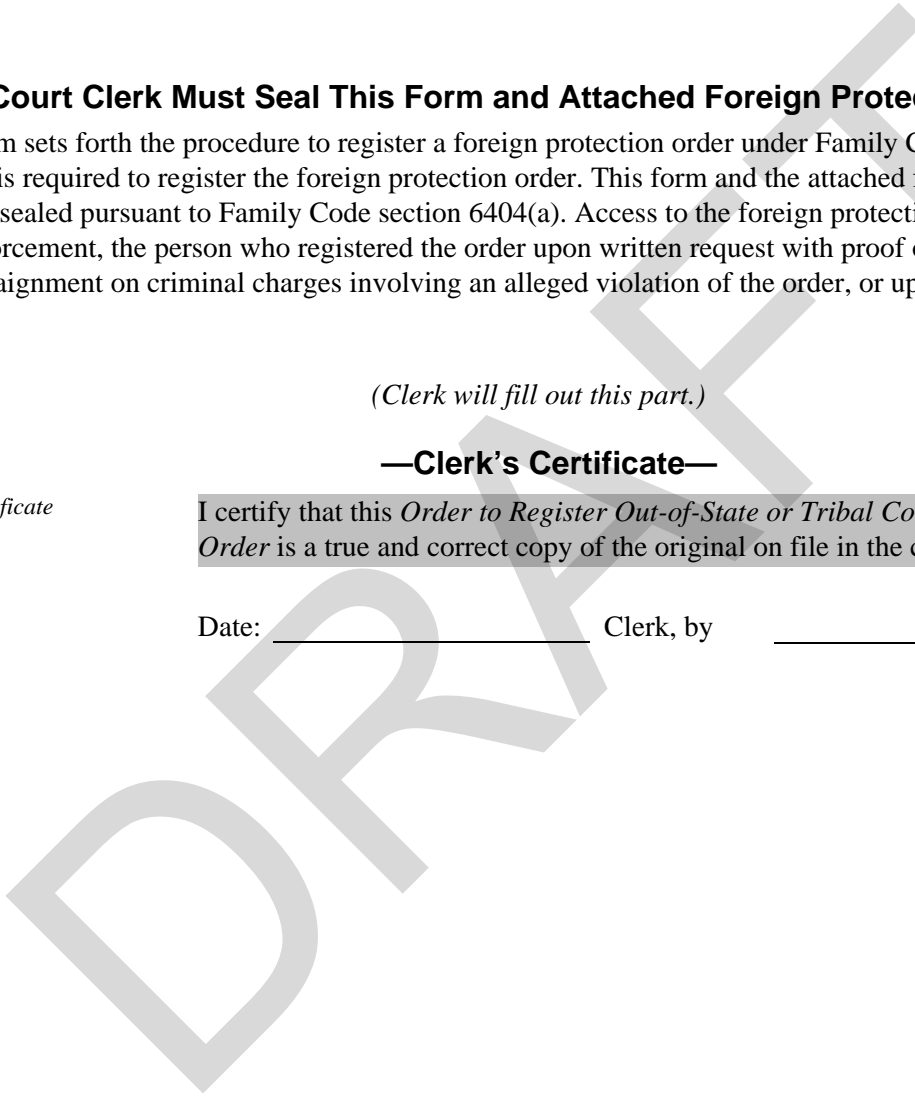
*(Clerk will fill out this part.)*

**—Clerk’s Certificate—**

*Clerk’s Certificate  
[seal]*

I certify that this *Order to Register Out-of-State or Tribal Court Protective/Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy



**This is a Court Order.**

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>name, State Bar number, and address</i> ):   TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>name</i> ): _____	<p style="font-size: 24pt; font-weight: bold;">DRAFT</p> <p style="font-size: 24pt; font-weight: bold;">NOT APPROVED BY THE JUDICIAL COUNCIL</p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OR PARTNERSHIP OF</b> PETITIONER 1: PETITIONER 2:	
<b>JOINT PETITION FOR SUMMARY DISSOLUTION</b> <input type="checkbox"/> MARRIAGE <input type="checkbox"/> DOMESTIC PARTNERSHIP	CASE NUMBER: _____

**We petition for a summary dissolution of marriage, registered domestic partnership, or both** and declare that all the following conditions exist on the date this petition is filed with the court:

1. We have read and understand the *Summary Dissolution Information* booklet (form FL-810).
2. a.  We were married on (*date*):  
 b.  We registered as domestic partners on (*date*):
3.  We separated on (*date*):
4. Less than five years have passed between the date of our marriage and/or registration of our domestic partnership and the date of our separation.
5. a.  One of us has lived in California for at least six months and in the county of filing for at least the three months preceding the date of filing. Or we are only asking to end a domestic partnership registered in California.  
 b.  We are the same sex and were married in California but are not residents of California. Neither of us lives in a place that will allow us to divorce. We are filing this case in the county in which we married.
6. There are no minor children who were born of our relationship before or during our marriage or domestic partnership or adopted by us during our marriage or domestic partnership. Neither one of us, to our knowledge, is pregnant.
7. Neither of us has an interest in any real property anywhere. **(You may have a lease for a residence in which one of you lives. It must terminate within a year from the date of filing this petition. The lease must not include an option to purchase.)**
8. Except for obligations with respect to cars, on obligations incurred by either or both of us during our marriage or domestic partnership, we owe no more than \$6,000.
9. The total fair market value of community property assets, not including what we owe on those assets and not including cars, is less than \$41,000.
10. Neither of us has separate property assets, not including what we owe on those assets and not including cars, in excess of \$41,000.
11. We each have filled out and given the other an *Income and Expense Declaration* (form FL-150).
12. We have complied with the preliminary disclosure requirements as follows:
  - a. We each have disclosed information about the value and division of our property by filling out and giving each other copies of the documents listed in (1) or (2) below (specify):
    - (1)  The worksheets on pages 7, 9, and 11 of the *Summary Dissolution Information* booklet (form FL-810).
    - (2)  A *Declaration of Disclosure* (form FL-140), a *Schedule of Assets and Debts* (form FL-142), or *Property Declaration* (form FL-160), and all attachments to these forms.
  - b. We have told each other in writing about any investment, business, or other income-producing opportunities that came up after we were separated based on investments made or work done during the marriage or domestic partnership and before our separation.
  - c. We have exchanged all tax returns each of us has filed within the two years before disclosing the information described in 12a.

PETITIONER 1: PETITIONER 2:	CASE NUMBER:
--------------------------------	--------------

13. (Check whichever statement is true.)
- a.  We have no community assets or liabilities.
  - b.  We have signed an agreement listing and dividing all our community assets and liabilities and have signed all the papers necessary to carry out our agreement. A copy of our agreement is attached to the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825).
14. Irreconcilable differences have caused the irremediable breakdown of our marriage and/or domestic partnership, and each of us wishes to have the court dissolve our marriage and/or domestic partnership without our appearing before a judge.
15. a.  Petitioner 1 desires to have his or her former name restored. That name is (specify):  
 b.  Petitioner 2 desires to have his or her former name restored. That name is (specify):
16. We each give up our rights to appeal and to move for a new trial after the effective date of our *Judgment of Dissolution*.
17. **Each of us forever gives up any right to spousal or partner support from the other.**
18. We each agree to keep the court and each other informed of any change of mailing address or phone number occurring within six months from the filing of this joint petition using the *Notice of Change of Address or Other Contact Information* (form MC-040).
19. We are submitting the original and three copies of the proposed *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) and two stamped envelopes together with this petition. One envelope is addressed to Petitioner 1 and the other to Petitioner 2.
20. We agree that this matter may be determined by a commissioner sitting as a temporary judge.
21. **Mailing address of Petitioner 1**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_

22. **Mailing address of Petitioner 2**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_
23. Number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
 (SIGNATURE OF PETITIONER 1)

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached documents are true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
 (SIGNATURE OF PETITIONER 2)

**NOTICES**

**Your marriage and/or domestic partnership will end six months from the date of filing this joint petition. Both petitioners will receive a stamped copy from the court of the *Judgment of Dissolution and Notice of Entry of Judgment* (from FL-825) stating the effective date of your dissolution. Until the effective date specified on form FL-825 for the dissolution of your marriage and/or domestic partnership, either one of you can stop this joint petition by filing a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830). If you stop this joint petition, you will STILL be married or in a domestic partnership.**

Dissolution may automatically cancel the rights of a spouse or domestic partner under the other spouse's or domestic partner's will, trust, retirement plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar instrument. It does not automatically cancel the rights of a spouse or domestic partner as beneficiary of the other spouse's or domestic partner's life insurance policy. You should review these matters, as well as any credit card accounts, other credit accounts, insurance policies, and credit reports to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your spouse or domestic partner or a court order. (See Fam. Code, §§ 231–235.)

**DRAFT--NOT APPROVED BY THE JUDICIAL COUNCIL**

# **SUMMARY DISSOLUTION INFORMATION**

---

This booklet is available in English and Spanish from the office of the court clerk in the superior court of each county in California, or at [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm).

Este folleto puede obtenerse en inglés y en español en la Dirección de Registro Público del Condado (Office of the Court Clerk) o en la Corte Superior (Superior Court) de cada condado en el estado de California o en el sitio [www.sucorte.ca.gov](http://www.sucorte.ca.gov).



## CONTENTS

	Page
I. WHAT IS THIS BOOKLET ABOUT? .....	1
II. SOME TERMS YOU NEED TO KNOW .....	2
III. WHO CAN USE THE SUMMARY DISSOLUTION PROCEDURE? .....	3
IV. AN IMPORTANT DIFFERENCE BETWEEN SUMMARY DISSOLUTION AND REGULAR DISSOLUTION .....	4
V. HOW DO YOU FIGURE OUT THE VALUE OF YOUR PROPERTY AND THE AMOUNT OF YOUR DEBTS? .....	5
VI. WORKSHEET FOR DETERMINING VALUE OF SEPARATE PROPERTY .....	6
WORKSHEET FOR DETERMINING VALUE AND DIVISION OF COMMUNITY PROPERTY .....	8
WORKSHEET FOR DETERMINING COMMUNITY OBLIGATIONS AND THEIR DIVISION .....	10
VII. WHAT SHOULD BE INCLUDED IN THE PROPERTY SETTLEMENT AGREEMENT? .....	12
VIII. SAMPLE PROPERTY SETTLEMENT AGREEMENT .....	13
IX. WHAT STEPS DO YOU HAVE TO TAKE TO GET A SUMMARY DISSOLUTION? .....	16
X. WHAT YOU SHOULD KNOW ABOUT REVOCATION .....	18
XI. SHOULD YOU SEE A LAWYER? .....	19
XII. SOME GENERAL INFORMATION .....	20

## I. WHAT IS THIS BOOKLET ABOUT?

This booklet describes a way to end a marriage, a domestic partnership, or both through a kind of divorce called **summary dissolution**.

The official word for **divorce** in California is **dissolution**. There are two ways of getting a divorce, or dissolution, in California. The usual way is called a **regular dissolution**.

Summary dissolution is a shorter and easier way. But not everybody can use it. Briefly, a summary dissolution is possible for couples who

1. have no children together;
2. have been married and/or in a domestic partnership five years or less (this means that the time between the date you married or registered your domestic partnership and the date you separated from your spouse or partner is five years or less);
3. do not own very much;
4. do not owe very much;
5. do not want spousal or partner support from each other; and
6. have no disagreements about how their belongings and their debts are going to be divided up once they are no longer married to or in a domestic partnership with each other.

With this procedure, you will not have to appear in court. You may not need a lawyer, but it is in your best interest to see a lawyer about the ending of your marriage or domestic partnership. See page 19 for more details about how a lawyer can help you.

For a summary dissolution, you prepare and file a *Joint Petition for Summary Dissolution* (form FL-800), together with a property settlement agreement,\* with the superior court clerk in your county. You will also prepare and turn in a *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825). Your divorce, ending your marriage and/or your domestic partnership, will be final six months after you file your *Joint Petition for Summary Dissolution*. During the six months while you wait for your divorce to become final, either of you can stop the process of summary dissolution if you change your mind. One of you can file a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830), and that will stop the divorce. If either one of you still wants to get divorced, then that person will have to file for a regular dissolution with a *Petition—Marriage/Domestic Partnership* (form FL-100) unless you both agree to start a new summary dissolution process.

**IMPORTANT!** Domestic partners who qualify for a summary dissolution can choose to use the process described in this booklet OR a special summary dissolution for domestic partners through the California Secretary of State. You can find the California Secretary of State forms at [www.sos.ca.gov](http://www.sos.ca.gov). **There is no filing fee for this process.** If you choose to file to terminate your domestic partnership through the Secretary of State, do not use this guide.

This booklet will tell you

1. who can use the summary dissolution procedure;
2. what steps you must take to get a summary dissolution;
3. when it would help to see a lawyer; and
4. what risks you take when you use this procedure rather than the regular dissolution procedure.

If you wish to use the summary dissolution procedure, you must, at the time you file the joint petition, sign a statement that says you have read and understood this booklet. It is important for you to read the whole booklet very carefully.

Save this booklet for at least six months if you decide to start a summary dissolution. If you decide you want to stop the summary dissolution process and revoke your petition, it will tell you how to do that.

---

### SPECIAL WARNING

If you are an undocumented person who became a lawful permanent resident on the basis of your marriage to a U.S. citizen or to a lawful permanent resident, obtaining a dissolution within two years of your marriage may lead to your deportation. You should consult a lawyer before obtaining a divorce.

---

\* A property settlement agreement is an agreement that the two of you write or have someone write for you after you fill out the worksheets in this booklet. The agreement spells out how you will divide what you own and what you owe.

## II. SOME TERMS YOU NEED TO KNOW

In the following pages, you will often see the terms *community property*, *separate property*, and *community obligations*. Those terms are explained in this section.

As a married couple or domestic partners, the two of you are, in the eyes of the law, a single unit. There are certain things that you **own together** rather than separately. And there may be certain debts that you **owe together**. If one of you borrows money or buys something on credit, the other one can be made to pay.

If your marriage or domestic partnership breaks up, you become two separate individuals again. Before that can happen, you have to decide what to do with the things you *own* as a couple and the money you *owe* as a couple.

The laws that cover these questions contain the terms *community property*, *separate property*, and *community obligations*. To understand what these terms mean, you should have a clear idea of the **length of time you lived together as spouses or domestic partners**. This is the period between the day you married or registered your domestic partnership and the day you separated.

It may not be easy to decide exactly when you separated. In most cases, the day of the separation is the day the couple stopped living together. However, you may want to choose the day when you definitely decided to get a divorce and took some action to show this (like telling your spouse or partner that you wanted a divorce).

### Community Property

Community property is everything spouses or registered domestic partners **own together**.

In most cases that includes

1. money you now have that either of you earned during the time you were living together as spouses or partners; and
2. anything either of you bought with money earned during that period. It does not matter if only one of you earned or spent the money.

### Separate Property

Separate property is everything spouses or registered domestic partners **own separately from each other**.

In most cases that includes

1. anything either of you owned before you got married or registered your domestic partnership;
2. anything either of you earned or received after your separation; and
3. anything either of you received, as a gift or by inheritance, at any time.

### Community Obligations

Community obligations are the debts spouses or registered domestic partners **owe together**.

In most cases that includes anything you still owe on any debts either of you acquired during the time you were living together as spouses or registered domestic partners. (For instance, if you bought furniture on credit while you were married or domestic partners and living together, the unpaid balance is a part of your community obligations.) It usually does not matter if the debt was in the name of one spouse or domestic partner only, like on a credit card.

**NOTE:** If you have any questions about your separation date or about your property, it would be good to see a lawyer as these issues can be complicated. Also, if you lived together before your marriage or domestic partnership, you may wish to see a lawyer about possible additional rights either of you may have.

### III. WHO CAN USE THE SUMMARY DISSOLUTION PROCEDURE?

You can use the summary dissolution procedure only if **all** of the following statements are true about you at the time you file the *Joint Petition for Summary Dissolution* (form FL-800). Check this list very carefully. If even *one* of these statements is not true for you, you cannot get a divorce in this way.

- 1. We have both read this booklet, and we both understand it.
- 2. We have been married or registered as domestic partners five years or less between the date that we got married and/or registered our domestic partnership and the date we separated. (*Note that if you are trying to end both a marriage AND a domestic partnership at the same time through a summary dissolution, both your marriage and domestic partnership must have lasted five years or less.*)
- 3. No children were born to the two of us together before or during our marriage and/or domestic partnership.
- 4. We have no adopted children under 18 years of age.
- 5. Neither one of us is pregnant.
- 6. Neither of us owns any part of any land or buildings.
- 7. Our community property is not worth more than \$41,000. (Do not count cars in this total.)
- 8. Neither of us has separate property worth more than \$41,000. (Do not count cars in this total.)
- 9. The total of our community obligations (other than cars) is \$6,000 or less.\*\*

**For deciding on statements 7, 8, and 9, use the guide on pages 5–11.**

- 10. a. At least one of us has lived in California for the past six months or longer *and* has lived in the county where we are filing for dissolution for the past three months or longer; or
  - b. We are only asking to end a domestic partnership registered in California; or
  - c. We are the same sex and were married in California but are not residents of California. Neither of us lives in a place that will allow us to divorce. We are filing this case in the county in which we married.
- 11. We have prepared and signed an agreement that states how we want our possessions and debts to be divided between us (or states that we have no community property or community obligations).
- 12. We have both signed the joint petition and all other papers needed to carry out this agreement.
- 13. Together with the joint petition, we will turn in the judgment of dissolution forms and two self-addressed stamped envelopes to the superior court.
- 14. We both want to end the marriage and/or domestic partnership because of serious, permanent differences.
- 15. We have both agreed to use the summary dissolution procedure rather than the regular dissolution procedure.
- 16. We are both aware of the following facts:
  - a. There is a six-month waiting period, and either of us can stop the divorce at any time during this period.
  - b. The date that appears on the *Judgment of Dissolution of Marriage and Notice of Entry of Judgment* (form FL-825) we receive from the court as the "effective date" of the dissolution is the date our divorce will be final, unless one of us has asked to stop the divorce prior to that effective date.
  - c. After the dissolution becomes final, neither of us has any right to expect money or support from the other except that which is included in the property settlement agreement.
  - d. By choosing the summary dissolution procedure, we give up certain legal rights that we would have if we had used the regular dissolution procedure. These rights are explained on page 4.

#### IV. AN IMPORTANT DIFFERENCE BETWEEN SUMMARY DISSOLUTION AND REGULAR DISSOLUTION

With a regular dissolution, either spouse or partner can ask for a court hearing or trial. And with a regular dissolution, if either spouse or partner is unhappy with the judge's final decision, it is possible to challenge that decision. This can be done, for example, by asking for a new trial. It is also possible to **appeal** the decision by taking the case to a higher court.

**With a summary dissolution, there is no trial or hearing.** Couples who choose this method of getting a divorce do not have the right to ask for a new trial (since there is no trial) or the right to appeal the case to a higher court.

There are, however, some cases in which a divorce agreement under a summary dissolution can be challenged. You will have to see a lawyer about this. The court *may* have the power to set aside the divorce if you can show that one of the following things happened:

1. **You were treated unfairly in the property settlement agreement.**

This is possible if you find out that the things you agreed to give your spouse or partner were much more valuable than you thought at the time of the dissolution.

2. **You went through the dissolution procedure against your will.**

This is possible if you can show that your spouse or partner used threats or other kinds of unfair pressure to get you to go along with the divorce.

3. **There are serious mistakes in the original agreement.**

Some kinds of mistakes can make the dissolution invalid, but you will have to go to court to prove the mistakes. It may be that one or both of you had a lot of property that you had forgotten about when you drew up the property settlement agreement. Or maybe a bank account mentioned in the agreement had much more money or much less money in it than your agreement states.

4. **Neither of you complied with preliminary disclosure requirements.**

California law requires that you fully share all information about your property and debts as well as your income. You have to share this information before you sign your property settlement agreement.

In summary dissolution cases, this means that you and your spouse or domestic partner must each complete and exchange: (1) an *Income and Expense Declaration* (form FL-150), (2) all tax returns you filed in the last two years, and (3) the property worksheets on pages 7, 9, and 11 (or a *Declaration of Disclosure* (form FL-140 and either a *Schedule of Assets and Debts* (form FL-142) or a *Property Declaration* (form FL-160)).

In addition, each spouse or domestic partner must complete and give to the other spouse or partner a written statement about any investment opportunity, business opportunity, or other income-producing opportunity that developed since the date you separated which was based on any investment made, significant business done, or other income-producing opportunity that was presented to you between the date you married or became domestic partners and the date you separated.

Correcting mistakes and unfairness in a summary dissolution proceeding can be expensive, time-consuming, and difficult. It is very important for both of you to be honest, cooperative, and careful when you or your lawyers do the paperwork for the dissolution.

## V. HOW DO YOU FIGURE OUT THE VALUE OF YOUR PROPERTY AND THE AMOUNT OF YOUR DEBTS?

Section III, page 3, lists statements that must be true if you want to use the summary dissolution procedure.

### **Statement 7 reads: “Our community property is not worth more than \$41,000.”**

Your community property is the money and things you own jointly as spouses or domestic partners. This was explained on page 2. The value of your community property is determined by adding together (1) the amount of **money** you have as community property and (2) the “fair market value” of the **possessions** you have as community property.

The **fair market value** is an estimate of the amount of money you could get if you sold these items to a stranger—for example, through a classified ad in the newspaper. It does **not** mean what you paid for it originally, and it does **not** mean how much it would cost you to replace it if you lost it.

One way of estimating the fair market value of your goods is to use prices for equivalent items in other people's classified ads for secondhand goods.

Three kinds of items go into figuring out your community property:

1. Money (as in bank accounts and credit union accounts);
2. Things you own outright (furniture that is already paid for, for example); and
3. Things you are buying on credit.

When you include things you still owe money on, subtract the amount of money you still owe on them from the fair market value.

You should not include the value of a car in this list.

### **Statement 8 reads: “Neither of us has separate property worth more than \$41,000.”**

Separate property is property that each spouse or partner owns separately. The term is explained on page 2. Separate property includes the same kinds of things used in determining community property. And again, you should not include cars in this list.

### **Statement 9 reads: “The total of our community obligations (other than cars) is \$6,000 or less.”**

Your community obligations are the debts that you and your spouse or partner owe jointly. The term is explained on page 2. List all the debts you have that you took on while you were living together as spouses or domestic partners. If you borrowed money before you got married or registered your domestic partnership, you do **not** have to include that in your community obligations. If you bought furniture on credit after you got married or registered your domestic partnership but before you separated, you **have to** include the amount of money you still owe on the furniture. If you bought a stereo after you separated, you do **not** have to include that.

Do not include car loans in this list.

**NOTICE:** The law for summary dissolution allows you to leave out cars when you figure out whether you are **eligible** for this kind of divorce. But if you do have cars as part of your community property, you still have to decide who is going to own them (and who is going to pay for them) after your divorce. You must include them in your property settlement agreement.

**Worksheets to help you figure out these amounts are found on pages 6–11.** You may use the following forms in this booklet to figure out the total of your community and separate property assets and obligations: (1) the worksheet on pages 7 (Value of Separate Property), (2) the worksheet on page 9 (Value and Division of Community Property), and (3) the worksheet on page 11 (Community Obligations and Their Division). Sample forms showing how to fill out those worksheets are on pages 6, 8, and 10.

PETITIONER 1: Pat  
 PETITIONER 2: Chris

CASE NUMBER:

### VI. SAMPLE WORKSHEET FOR DETERMINING VALUE OF SEPARATE PROPERTY

This worksheet will help you determine whether you are eligible to use the summary dissolution procedure. The total fair market value of the **separate property of one spouse/partner** cannot be more than \$41,000. The total fair market value of the **separate property of the other spouse/partner** cannot be more than \$41,000. Separate property is anything that either of you owned or earned before you got married or registered your domestic partnership, anything you earned or bought after your separation, and anything that was given to just one of you as a gift during your marriage or domestic partnership. Do not include cars.

*Note: The information on this form is for an imaginary couple, Pat and Chris, who are married. (When you fill out your worksheet, use your information.)*

<b>A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.</b>			<b>Pat's Property— Fair Market Value</b>	<b>Chris's Property— Fair Market Value</b>
Item				
Credit union savings—Pat (before marriage)			420	
Savings bonds—Chris (bought before marriage)				250
Pension plan benefits—Pat (before marriage and after separation)			1500	
Pension plan benefits—Chris (before marriage and after separation)				1300
<b>B. Items owned outright</b>				
Item				
Clothes—Pat (bought before marriage)			350	
Stocks—Pat (birthday present from father)			375	
Furniture—Pat (owned before marriage)			460	
Camera—Chris (owned before marriage)				229
Wristwatch—Chris (bought after separation)				142
Clothes—Chris (bought after separation)				250
<b>C. Items being bought on credit</b>				
Item	Fair Market Value	Minus What's Owed =		
TV set—Pat (after separation)	400	350	50	
Clothes—Pat (after separation)	220	170	50	
<b>GRAND TOTALS: Pat and Chris SEPARATE PROPERTY</b>			3205	2171

PETITIONER 1:

PETITIONER 2:

CASE NUMBER:

### VI. WORKSHEET FOR DETERMINING VALUE OF SEPARATE PROPERTY

This worksheet will help you determine whether you are eligible to use the summary dissolution procedure. The total fair market value of the **separate property of one spouse/partner** cannot be more than \$41,000. The total fair market value of the **separate property of the other spouse/partner** cannot be more than \$41,000. Separate property is anything that either of you owned or earned before you got married or registered your domestic partnership, anything you earned or bought after your separation, and anything that was given to just one of you as a gift during your marriage or domestic partnership. Do not include cars.

**A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.**

Item	PETITIONER 1 Property— Fair Market Value	PETITIONER 2 Property— Fair Market Value

**B. Items owned outright**

Item	PETITIONER 1 Property— Fair Market Value	PETITIONER 2 Property— Fair Market Value

**C. Items being bought on credit**

Item	Fair Market Value	Minus What's Owed =	PETITIONER 1 Property— Fair Market Value	PETITIONER 2 Property— Fair Market Value

**GRAND TOTALS:  
PETITIONER 1'S AND PETITIONER 2'S  
SEPARATE PROPERTY**

--	--



PETITIONER 1: Pat	CASE NUMBER:
PETITIONER 2: Chris	

**VI. SAMPLE WORKSHEET FOR DETERMINING VALUE AND DIVISION OF COMMUNITY PROPERTY**

*Note: The information on this form is for an imaginary couple, Pat and Chris, who are married. (When you fill out your worksheet, use your information.)*

This side of the sheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The grand total value of your community property cannot be more than \$41,000.

This side of the sheet will help you decide on a fair division of your property. It will help you prepare your property settlement agreement.

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.				Pat Receives	Chris Receives	
Item	Amount					
Savings account	150			150		
Life insurance (cash value)	250			250		
Pension plan—Pat	600			600		
Pension plan—Chris	500				500	
Checking account	180				180	
<b>Subtotal A</b>				1000	680	
B. Items you own outright (for example, stocks and bonds, sports gear, furniture, household items, tools, interests in businesses, jewelry; do not include cars)						
Item	Fair Market Value			Pat Receives	Chris Receives	
Furniture & furnishings— Pat's apartment	775			775		
Furniture & furnishings—Chris's apartment	300				300	
Terriers season tickets	285				285	
Savings bonds	200			200		
Jewelry—Pat	200			200		
Pet parrot and cage	40				40	
<b>Subtotal B</b>				1175	625	
C. Items you are buying on credit (for example, stereo equipment, appliances, furniture, tools; do not include cars)						
Item	Fair Market Value	Minus Amount Owed	=	Net Fair Market Value	Pat Receives	Chris Receives
Stereo set	305	150		155		155
Color television	400	100		300		300
Golf clubs	350	50		300		300
<b>Subtotal C</b>				755		
<b>Grand total value of community property = A + B + C</b>				4235	2175	2060

PETITIONER 1:	CASE NUMBER:
PETITIONER 2:	

**VI. WORKSHEET FOR DETERMINING VALUE AND DIVISION OF COMMUNITY PROPERTY**

This side of the sheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The grand total value of your community property cannot be more than \$41,000.

This side of the sheet will help you decide on a fair division of your property. It will help you prepare your property settlement agreement.

A. Bank accounts, credit union accounts, retirement funds, cash value of insurance policies, etc.

Item	Amount	PETITIONER 1 Receives	PETITIONER 2 Receives
<b>Subtotal A</b>			

B. Items you own outright (for example, stocks and bonds, sports gear, furniture, household items, tools, interests in businesses, jewelry; do not include cars)

Item	Fair Market Value	PETITIONER 1 Receives	PETITIONER 2 Receives
<b>Subtotal B</b>			

C. Items you are buying on credit (for example, stereo equipment, appliances, furniture, tools; do not include cars)

Item	Fair Market Value	Minus Amount Owed	=	Net Fair Market Value	PETITIONER 1 Receives	PETITIONER 2 Receives
<b>Subtotal C</b>						

**Grand total value of community property = A + B + C**

--	--	--	--	--	--

PETITIONER 1: Pat PETITIONER 2: Chris	CASE NUMBER:
--	--------------

### VI. SAMPLE WORKSHEET FOR DETERMINING COMMUNITY OBLIGATIONS AND THEIR DIVISION

*Note: The information on this form is for an imaginary couple, Pat and Chris, who are married. (When you fill out your worksheet, use your information and make sure you indicate if you are married, in a domestic partnership, or both.)*

This side of the worksheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The total amount of your community obligations (debts) cannot be more than \$6,000. Do not include car loans. Be sure you include any other debts you took on while you were living together as spouses or domestic partners. List the amount you owe on the items from your **Worksheet for Determining Value and Division of Community Property**. Then add all other debts and bills, including loans, charge accounts, medical bills, and taxes you owe.

This side of the worksheet will help you decide on a fair way to divide up your community obligations. You will use this information in preparing a **property settlement agreement**.

Item	Amount Owed	Pat Will Pay	Chris Will Pay
Stereo set	150		150
Color TV	100		100
Golf clubs	50		50
Dr. R.C. Himple	74		74
Sam's Drugs	32		32
College loan	500		500
Cogwell's charge account	275	275	
Mister Charge account	68		68
Green's Furniture	123	123	
Dr. Irving Roberts	37	37	
Pat's parents	150	150	
<b>TOTAL</b>	1559	585	974

**Pat's Share  
of Community  
Obligations**

**Chris's Share  
of Community  
Obligations**

PETITIONER 1: PETITIONER 2:	CASE NUMBER:
--------------------------------	--------------

**VI. WORKSHEET FOR DETERMINING COMMUNITY OBLIGATIONS AND THEIR DIVISION**

This side of the worksheet will help you determine whether you are **eligible** to use the summary dissolution procedure. The total amount of your community obligations (debts) cannot be more than \$6,000. Do not include car loans. Be sure you include any other debts you took on while you were living together as spouses or domestic partners. List the amount you owe on the items from your **Worksheet for Determining Value and Division of Community Property**. Then add all other debts and bills, including loans, charge accounts, medical bills, and taxes you owe.

This side of the worksheet will help you decide on a fair way to divide up your community obligations. You will use this information in preparing a **property settlement agreement**.

Item	Amount Owed	Petitioner 1 Will Pay	Petitioner 2 Will Pay
<b>TOTAL</b>			

<b>Petitioner 1 Share of Community Obligations</b>	<b>Petitioner 2 Share of Community Obligations</b>
--	--

## VII. WHAT SHOULD BE INCLUDED IN THE PROPERTY SETTLEMENT AGREEMENT?

A property settlement agreement should contain at least five parts:

### I. Preliminary Statement

This part identifies the spouses or domestic partners, states that the marriage and/or domestic partnership is being ended, and states that both spouses or partners agree on the details of the agreement.

### II. Division of Community Property

This part has two sections:

1. What the one spouse or partner receives; and
2. What the other spouse or partner receives.

### III. Division of Community Obligations

This part has two sections:

1. The amount one spouse or partner must pay and whom he or she must pay it to.
2. The amount the other spouse or partner must pay and whom he or she must pay it to.

### IV. Waiver of Spousal Support

This part states that each spouse or partner gives up all rights of financial support from the other.

### V. Date and Signature

Both spouses or partners must write the date and sign the agreement.

**An example of a property settlement agreement is found on pages 13–15.**

## VIII. SAMPLE PROPERTY SETTLEMENT AGREEMENT

Below is a sample of an acceptable **property settlement agreement**. You may use it as a model for your own agreement if you wish. You can find a fill-in-the-blanks version of this agreement at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp) in the section on summary dissolution.

- The parts that are underlined will fit most cases. You can copy these parts for your own agreement. Since many of the words have special meanings in the law, you may wish to talk to a lawyer if you want to change the words.
- The parts printed in regular type (not underlined) are based on an imaginary couple. You will need to replace these parts with items that apply to your situation.
- The numbered notes in *italics* in the right-hand column are **not** part of the agreement. They are there to help you understand it. (You will not need the small <sup>1</sup> and <sup>2</sup> in the sample for your agreement.)
- The sample below is for a married couple, so it refers to marriage. If you are ending a domestic partnership, you should say that in your agreement. If you are ending both a marriage and a domestic partnership with the same person, say both and write in the dates of both your marriage and the registration of your domestic partnership.

Remember, you can divide the items any way you want. As long as you both agree, the court will accept it. If you cannot agree about the division of your property and debts, you should file a regular dissolution.\*

### PROPERTY SETTLEMENT AGREEMENT

1. We are Chris P. Smedlap, hereafter called Chris,<sup>1</sup> and Pat T. Smedlap, hereafter called Pat.<sup>1</sup> We were married on October 7, 2009, and separated on December 5, 2010. Because irreconcilable differences<sup>2</sup> have caused the permanent breakdown of our marriage, we have made this agreement together to settle once and for all what we owe to each other and what we can expect from each other. Each of us states here that nothing has been held back and that we have honestly included everything we could think of in listing the money and goods that we own; and each of us states here that we believe the other has been open and honest in writing this agreement. Each of us agrees to sign and exchange any papers that might be needed to complete this agreement.

<sup>1</sup> *If you prefer, you can also write "hereafter called "Wife" or "Husband" or "Partner A" or "Partner B" whichever applies. Just make sure it is clear to whom you are referring.*

<sup>2</sup> *This means there are problems in your marriage or domestic partnership that you think can never be solved. **Irreconcilable differences** is the only legal grounds for getting a **summary dissolution**.*

---

\* At the trial in a regular dissolution, a judge would set a value on and divide community property and debts into two approximately equal parts as provided by California law.

Each of us also understands that even after a *Joint Petition for Summary Dissolution* is filed, this entire agreement will be canceled if either of us revokes the dissolution proceeding.<sup>3</sup>

<sup>3</sup> *This means that the property agreement is a part of the dissolution proceeding. If either of you decides to stop the dissolution proceeding by turning in a Notice of Revocation of Petition for Summary Dissolution (form FL-830) (see page 18), this entire agreement will be canceled.*

## II. Division of Community Property<sup>4</sup>

We divide our community property as follows:

<sup>4</sup> *Community property is property that you own as a couple (see page 2).*

### 1. Chris transfers to Pat as Pat's sole and separate property:

*If you have no community property, replace Part II with the simple statement "**We have no community property.**"*

- A. All household furniture and furnishings located at the apartment at 180 Needlepoint Way, San Francisco.<sup>5</sup>
- B. All rights to cash in savings account at Home Savings.
- C. All cash value in life insurance policy insuring life of Pat through Sun Valley Life Insurance.
- D. All retirement and pension plan benefits earned by Pat during marriage.
- E. Two U.S. Savings Bonds, Series E.
- F. Pat's jewelry.
- G. 2003 Chevrolet 4-door sedan.

<sup>5</sup> *If the furniture and household goods in one apartment are to be divided, they may have to be listed item by item.*

### 2. Pat transfers to Chris as Chris's sole and separate property:

- A. All household furniture and furnishings located at the apartment on 222 Bond Street, San Francisco.
- B. All retirement and pension plan benefits earned by Chris during marriage.
- C. Season tickets to Golden State Terriers basketball games.
- D. One stereo set.
- E. One set of Jock Nicklaus golf clubs.
- F. One RAC color television.
- G. 2003 Ford station wagon.
- H. One pet parrot named Arthur, plus cage and parrot food.
- I. All rights to cash in checking account in Bank of America.

III. Division of Community Property (Debts)<sup>6</sup>

1. Chris will pay the following debts and will not at any time hold Pat responsible for them:

- A. Mister Charge account.
- B. Debt to Dr. R.C. Himple.
- C. Debt to Sam's Drugs.
- D. Debt to UC Berkeley for college education loan to Chris.<sup>7</sup>
- E. Debt to Golf Store for golf clubs.
- F. Debt to Everything Electronics for color TV and stereo set.
- G. Debt to Used Ford Store for 2003 Ford.

2. Pat will pay the following debts and will not at any time hold Chris responsible for them:

- A. Cogwell's charge account.
- B. Debt to Pat's parents, Mr. and Mrs. Joseph Smith.
- C. Debt to Green's Furniture.
- D. Debt to Dr. Irving Roberts.
- E. Debt to Friendly Finance Company for 2003 Chevrolet 4-door Sedan.

IV. Waiver of Spousal/Partner Support<sup>8</sup>

Each of us waives any claim for spousal/partner support now and for all time.

V. Dated:

Dated:

\_\_\_\_\_  
Chris P. Smedlap

\_\_\_\_\_  
Pat T. Smedlap

<sup>6</sup> If you have no unpaid debts, replace Part III with the simple statement "**We have no unpaid community obligations.**"

<sup>7</sup> A general rule for dividing debts is to give the debt over to the person who benefited more from the item. In the sample agreement, because Chris received the education, Chris should pay off the loan.

<sup>8</sup> You each give up the right to have your spouse or partner support you.



## IX. WHAT STEPS DO YOU HAVE TO TAKE TO GET A SUMMARY DISSOLUTION?

If after reviewing the information in this booklet, you feel your marriage or your domestic partnership will qualify for a summary dissolution, you should carefully go through the following 15 steps. You can fill out the forms, worksheets, and agreements in the summary dissolution section

- online, for free, at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp);
- with a typewriter; or
- with neat printing.

1. \_\_\_\_ Complete and give your spouse or domestic partner a list of community and separate property assets and obligations. This information is needed to comply with the requirement to exchange a preliminary declaration of disclosure in summary dissolution cases. Use the forms listed below in 1a or 1b for this purpose.
  - a. \_\_\_\_ *A Declaration of Disclosure* (form FL-140) and a *Schedule of Assets and Debts* (form FL-142) (or a *Property Declaration* (form FL-160)). These forms are not included in this booklet. You may find them online at [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm). Give one copy to your spouse or domestic partner and keep one for your records; or
  - b. \_\_\_\_ The worksheets in this booklet on pages 7, 9, and 11.
    - (1) \_\_\_\_ Turn to page 7 and complete the Worksheet for Determining Value of Separate Property. See page 6 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
    - (2) \_\_\_\_ Turn to page 9 and complete the Worksheet for Determining Value and Division of Community Property. See page 8 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
    - (3) \_\_\_\_ Turn to page 11 and complete the Worksheet for Determining Community Obligations and Their Division. See page 10 for an example. Make one extra copy of your worksheet after it has been completed. Give one copy to your spouse or partner and keep one for your records.
2. \_\_\_\_ Along with the documents listed in 1, give your spouse or domestic partner all tax returns you filed in the last two years. Give one copy to your spouse or domestic partner and keep one copy for your records.
3. \_\_\_\_ Fill out an *Income and Expense Declaration* (form FL-150). You each need to fill out this form and give it to your spouse or partner before you sign your property settlement agreement or complete your divorce. Make one extra copy of your form after it has been completed. Give one copy to your spouse or partner and keep one for your records.
4. \_\_\_\_ Complete a written statement about business and investments opportunities and give it to your spouse or partner before you sign a property settlement agreement or complete your divorce. Keep a copy for your records.

**Note:** The written statement must describe any investment opportunity, business opportunity, or other income-producing opportunity that developed since the date you separated which was based on any investment made, significant business done, or other income-producing opportunity that was presented to you between the date you married or became domestic partners and the date you separated (there is no specific form for this purpose).
5. \_\_\_\_ Type or print your property settlement agreement if you have any property or debts to divide. Both of you must date and sign it. Make two extra copies. See pages 12–15 for an example and instructions. You can also find a version that you can fill in online at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp) in the information on summary dissolution at <http://courts.ca.gov/1241.htm>.
6. \_\_\_\_ Fill out a *Joint Petition for Summary Dissolution* (form FL-800). Both of you must sign and date this petition. Make two extra copies of this form. (This is the form you need to **START** the process.)

**Note:** When signing your joint petition and your property settlement agreement, you are signing these documents under penalty of perjury under the laws of the State of California, which is the same as being sworn to testify in court.

**You may not sign each other's name.**

7. \_\_\_\_ Make three sets of forms that include copies of your property settlement agreement and a copy of your *Joint Petition for Summary Dissolution* (form FL-800). Staple each set together.
8. \_\_\_\_ Fill out the top portion of the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) and make three copies of it.
9. \_\_\_\_ Make one extra copy of a blank *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) so each of you has one, and hold on to it. This is the form you would need to **STOP** the process. You may wish to use it during the waiting period if you change your mind and want to stop the process. You should keep one copy. See page 18 for more information.
- 10 \_\_\_\_ Take your *Joint Petition for Summary Dissolution* (form FL-800), *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825), and all of your copies to the superior court clerk's office together with two self-addressed, stamped envelopes (one addressed to each spouse or partner). The location of your superior court clerk's office can be found in the phone book or online at [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm). The clerk will stamp the date on all copies, will keep one copy of each document, and will return the other two to you. One copy is for each spouse or partner.
11. \_\_\_\_ Pay the superior court clerk's filing fee. If you cannot afford to pay the filing fee, you may qualify for a fee waiver based on your income. If one of you qualifies for a fee waiver but the other one does not, the one who does not qualify will have to pay the filing fee. To request a fee waiver, see *Information Sheet on Waiver of Court Fees and Costs* (form FW-001-INFO). You will need to prepare a *Request to Waive Court Fees* (form FW-001) and an *Order on Court Fee Waiver* (form FW-003).
12. \_\_\_\_ The clerk will file your joint petition and return the copies to you and your spouse or partner. The court may also process the *Judgment of Dissolution* at that time, in the next few weeks, or after the six-month waiting period has expired and give or mail it to you and your spouse or partner. The *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) will have a date on which the dissolution ending your marriage, domestic partnership, or both will be final. That is the effective date of your dissolution and it will be six months from the date you file your joint petition. The six-month waiting period is mandated by law.
13. \_\_\_\_ Put your copies of all documents in a safe place.
14. \_\_\_\_ Wait for six months. If either one of you wants to stop the summary dissolution case, fill out and file a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) before the six months run out.
15. \_\_\_\_ On the day that appears on your *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) as the effective date of your dissolution:
  - a. Your marriage or domestic partnership (or both) is ended;
  - b. The agreements you made in your property settlement agreement are binding—you will then own the property assigned to you, and you will have to pay the bills assigned to you;
  - c. Except for those agreements, you and your spouse or partner have no further obligations to each other; and
  - d. You are legally free to remarry or register a new domestic partnership.

**REMEMBER:** Either of you can stop the process by filling out a *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) and bringing it to the superior court clerk during the six-month waiting period before the date your dissolution is effective according to the *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) that you received from the court.

## X. WHAT YOU SHOULD KNOW ABOUT REVOCATION

It is important to realize that the *Notice of Revocation of Petition for Summary Dissolution* (form FL-830) is not just another form you are supposed to fill out and turn in.

**Do not fill it out and do not bring it to the superior court clerk unless you want to stop the divorce!**

### **What is the notice of revocation for?**

This is the form you need if you want to stop the divorce. **Revoking** the agreement is canceling or stopping it.

### **What reasons are there for revoking?**

There are three reasons you might have for wanting to stop the summary dissolution:

1. You have decided to return to your spouse or partner and continue the marriage or domestic partnership;
2. You want to change over to the regular dissolution as a better way of getting your divorce; or
3. You learn that one of you is pregnant.

### **Why might you want to change over to the regular dissolution?**

You may come to believe that you will get a better settlement if you go to court than with the agreement you originally made with your spouse or partner. (Maybe, after thinking it over, you feel you are not receiving a fair share of the community property.)

### **How do you do it?**

At the time you picked up the joint petition forms, you and your spouse or partner also received a blank *Notice of Revocation of Petition for Summary Dissolution* (form FL-830). Fill out the form, sign it, make two copies, and bring them to the superior court clerk's office. You must also send a copy of form FL-830 to your spouse or domestic partner by first-class mail, postage prepaid, to his or her last known address. You can do this alone. This form does not need your spouse's or partner's signature.

If you do this at any time during the six-month waiting period, before the effective date of your dissolution, you will stop this divorce proceeding.

### **Can the dissolution be stopped once the waiting period is over?**

**NO.** After the date the court wrote on your *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) as the date your marriage or domestic partnership is ended (the date the divorce is effective), you can no longer revoke the dissolution by filing the revocation form. You may have other legal options, but you will need to talk to a lawyer about them.

**If you change over to a regular dissolution, what happens to the part of the waiting period that has passed?** You can apply the amount of time you waited on the summary dissolution to your regular dissolution. For example, if four months went by before you decided to revoke the summary dissolution, the waiting period for the regular dissolution will be shortened by four months.

However, you can save this time **only** if you file for a regular dissolution within 90 days of revoking the summary dissolution.

## XI. SHOULD YOU SEE A LAWYER?

### **Must you have a lawyer to use the summary dissolution procedure?**

No. You can do the whole thing by yourselves. But it would be wise to see a lawyer before you decide to do it yourselves. You should not rely on this booklet only. It is not intended to take the place of a lawyer.

### **If you want legal advice, does that mean you have to hire a lawyer?**

No. You may hire a lawyer, of course, but you can also just visit a lawyer once or twice for advice on how to carry out the dissolution proceeding. Do not be afraid to ask the lawyer in advance what fee will be charged. It may be surprisingly inexpensive to have a lawyer handle your divorce.

### **Do you have to accept your lawyer's advice?**

No, you do not. And if you are not pleased with what one lawyer advises, you can feel free to go to another one.

### **How can a lawyer help you with the summary dissolution procedure?**

First, a lawyer can advise you, on the basis of your personal situation, whether you ought to use the regular dissolution procedure rather than the summary dissolution procedure.

Second, a lawyer can read your property settlement agreement to help you figure out if you have thought of everything you should have. (It is easy to forget things you do not see very often, such as savings bonds and safe deposit boxes.)

Third, in many situations it is not easy to figure out what should count as community property and what should count as separate property. Suppose one of you had money before the marriage and put it into a bank account in both of your names and then both of you used money from that account. It may not be easy to decide how the money remaining in that account should be divided. A lawyer can advise you on how to make these decisions.

Fourth, there may be special situations in which your property settlement is not covered by the sample agreement on pages 13–15.

A lawyer can help you put the agreement in words that are legally precise and cannot be challenged or misinterpreted later.

### **Where can you find a lawyer?**

You can locate organizations that can help you find a lawyer in the yellow pages of your telephone directory under "Attorneys," "Attorney Referral Service," or "Lawyer Referral Service." In many cases you will be able to find an attorney who will charge only a small fee for your first visit. You can get information about free or low-cost legal services through the county bar association in your county. You can find information about certified lawyer referral services at [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp) or on the State Bar website at [www.calbar.ca.gov](http://www.calbar.ca.gov).

## XII. SOME GENERAL INFORMATION

### **What about income taxes?**

If you have filed a joint tax return, both of you will still be responsible for paying any unpaid taxes even after your divorce.

If you are receiving a tax refund, you should agree in the property settlement agreement on how it should be divided.

The amount of money that you will owe, or that will be taken out of your paycheck, for income taxes may be greater after you are single again. If that is the case, you should prepare yourself for a bigger tax obligation.

It would be a good idea to consult the Internal Revenue Service or a tax expert on how the divorce is going to affect your taxes. You should probably do this before you make your property settlement agreement.

### **What about bank accounts and credit cards?**

If you have a joint bank account, it may be a good idea to close it when you separate and get two individual bank accounts. That way it will be easier to keep your money separate.

If you have credit card accounts that you both have been using, you should destroy the cards and take out separate accounts.

### **What about cars?**

If both of your names are on a title to a car and you agree that one of you is going to own the car, you need to take action to change the ownership. You should call or visit the Department of Motor Vehicles to find out how to do that. You should also talk to the lender to get the debt into one person's name and change the insurance coverage after both the title and debt are transferred.

### **What if your spouse or domestic partner does not pay his or her debts?**

If your spouse or domestic partner does not pay a debt that is his or her responsibility, the person who loaned the money may be able to collect it from you. But then a court may order your spouse or partner to reimburse you. If you have any reason to worry about this, a lawyer can explain your rights to you.

### **Can you take back your former name?**

If you changed your name when you were married or registered your domestic partnership, you have the right to give up that name and get your former name back. You can do this by requesting it in the joint petition. If you do not request this in the joint petition, you can file a form called *Ex Parte Application for Restoration of Former Name After Entry of Judgment and Order* (form FL-395). Your spouse or partner cannot make you change your name.

### **What if I am not happy with my final judgment?**

When your divorce is final, all your rights and duties connected with your marriage or domestic partnership have ended and you cannot appeal. But if you decide later that you were cheated or pressured by your spouse or partner, or if you believe that a mistake was made in the paperwork connected with the divorce, the court may be able to set aside the divorce. A lawyer can explain your rights.

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>name, State Bar number, and address</i> ):   TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>name</i> ): _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b>  <b>NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>MARRIAGE OR DOMESTIC PARTNERSHIP OF</b> Petitioner 1 Petitioner 2	
<b>NOTICE OF REVOCATION OF JOINT PETITION FOR SUMMARY DISSOLUTION</b>	CASE NUMBER: _____

Notice is given that the undersigned terminates the summary dissolution proceedings and revokes the *Joint Petition for Summary Dissolution* (form FL-800) filed on (*date*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_ (TYPE OR PRINT NAME) \_\_\_\_\_ (SIGNATURE OF DECLARANT)

Complete this notice. Submit the original and two copies to the court clerk's office. If the effective date of the judgment has not yet occurred, the clerk will notify you that this notice of revocation has been filed by completing the certificate below.

Name and address of Petitioner 1	Name and address of Petitioner 2

**CLERK'S CERTIFICATE OF MAILING (For court use only)**

I certify that I am not a party to this cause and that a copy of the foregoing was mailed first class, postage fully prepaid, in a sealed envelope as shown above, and that the mailing of the foregoing and execution of this certificate occurred at

(*place*): \_\_\_\_\_ California, on \_\_\_\_\_  
 Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**NOTICE**

If the clerk's certificate of mailing above has been dated and signed by the clerk, this summary dissolution case is ended. You are still married and/or domestic partners. If you still want to get divorced, you will have to file a regular divorce case using the *Petition—Marriage/Domestic Partnership* (form FL-100).



## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 17, 2015

---

Title	Agenda Item Type
Judicial Administration: Changes to Delegations in Rules of Court	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 10.70, 10.101, and 10. 804	July 1, 2015
Recommended by	Date of Report
Rules and Projects Committee	March 13, 2015
Hon. Harry E. Hull, Jr., Chair	Contact
	Susan R. McMullan, Senior Attorney
	415-865-7990
	<a href="mailto:susan.mcmullan@jud.ca.gov">susan.mcmullan@jud.ca.gov</a>

---

### Executive Summary

The Rules and Projects Committee recommends amending rules 10.70, 10.101, and 10.804 of the California Rules of Court to change the Judicial Council's delegations of authority to better align them with council governance policies. This need arises from the October 17, 2013, recommendations of the Executive and Planning Committee to the council concerning delegations of authority that the council issued to its Administrative Director.

### Recommendation

The Rules and Projects Committee recommends that the Judicial Council, effective April 17, 2015:

1. Amend rule 10.70 to eliminate reference to the Administrative Director's authority to establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council's standing advisory committees, and to add a subdivision providing that the Administrative Director may establish working groups to work on specific projects identified by the Administrative Director;

2. Amend rule 10.101 to provide that the council, and not the Administrative Director, must develop policies and procedures for the creation and implementation of a yearly budget for the judicial branch; that the Chief Justice, on behalf of the council, has exclusive authority to allocate funding for the council and its staff, the Supreme Court, the Courts of Appeal, the trial courts, and the Habeas Corpus Resource Center; and make clarifying changes to the rule; and
3. Amend rule 10.804 to provide that before amending the *Trial Court Financial Policies and Procedures Manual*, the Judicial Council, and not the former Administrative Office of the Courts, must make it available to certain interested parties for comment.

The text of the amended rules is attached at pages 5–7.

### **Previous Council Action**

On October 25, 2013, the Judicial Council accepted recommendations of the Executive and Planning Committee (E&P) concerning delegations of authority that the council had previously made to its Administrative Director.<sup>1</sup> E&P’s review of all delegations was made in conjunction with the council’s directive to provide greater oversight to ensure transparency, accountability, and efficiency in the operations and practices of the former Administrative Office of the Courts (AOC), as stated in recommendation 2 of the *Report and Recommendations from the Judicial Council’s Executive and Planning Committee Regarding the Strategic Evaluation Committee (SEC) Report* (August 27, 2012).<sup>2</sup> The directive included a statement reaffirming that the Administrative Director operates subject to oversight of the Judicial Council.<sup>3</sup>

### **Rationale for Recommendation**

Among E&P’s recommendations were those to amend rules that address the authority of the Administrative Director concerning the establishment of advisory bodies, budget and financial matters, and the authority of council staff on financial policies and procedures. The delegations in the current rules represent the Judicial Council’s authorization for the Administrative Director to act on the council’s behalf.

### **Rule 10.70**

This rule is amended to remove the broad authority of the Administrative Director to establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council’s standing advisory committees, and to provide authority for the Administrative Director

---

<sup>1</sup> Judicial Council of Cal., *Judicial Branch Administration: Judicial Council Delegations to the Administrative Director of the Courts* (October 17, 2013), [www.courts.ca.gov/documents/jc-20131025-itemL.pdf](http://www.courts.ca.gov/documents/jc-20131025-itemL.pdf).

<sup>2</sup> Judicial Council of Cal., *Judicial Branch Administration: Report and Recommendations from the Judicial Council’s Executive Planning Committee Regarding the Strategic Evaluation Committee (SEC) Report* (August 27, 2012), Attachment 1, recommendation 2, [www.courts.ca.gov/documents/jc-20120831-itemJ.pdf](http://www.courts.ca.gov/documents/jc-20120831-itemJ.pdf).

<sup>3</sup> *Id.* at recommendation 1.



to establish working groups to work on specific projects identified by the Administrative Director. This amendment limits the working groups that the Administrative Director may establish to those that address areas and topics within the Administrative Director's purview.

#### **Rule 10.101**

Several subdivisions of this rule are amended to transfer authority to the council from the Administrative Director to "[d]evelop policies and procedures for the creation and implementation of a yearly budget for the judicial branch." Currently, this authority is listed in subdivision (d) under "Duties of the Administrative Director." Consistent with the E&P recommendation, this authority is removed from (d) and placed in subdivision (b), which sets out the role of the council. Subdivision (c) is amended to provide that the Chief Justice, on behalf of the council, has exclusive authority to allocate funding for the council and its staff, the Supreme Court, the Courts of Appeal, and the Habeas Corpus Resource Center. Other changes are made to these subdivisions consistent with retirement of the name "Administrative Office of the Courts."

Similarly, subdivision (e) is amended to eliminate the name "Administrative Office of the Courts" and a reference to the Administrative Director developing budget policies and procedures. An advisory committee comment is added to provide examples of technical changes to the budget, which the Administrative Director has authority to make.

#### **Rule 10.804**

This rule is amended to provide that the council, rather than the former AOC (now *council staff*), must make the *Trial Court Financial Policies and Procedures Manual* available to superior courts, the State Department of Finance, and the State Controller's Office for comment before amending it. Another amendment to this rule eliminates the requirement that the *Trial Court Financial Policies and Procedures Manual* be prepared and adopted: this has already occurred.

#### **Comments, Alternatives Considered, and Policy Implications**

The proposal circulated for comment from December 11, 2014, to January 23, 2015. One comment was received, from the Superior Court of Los Angeles County, which agreed with the proposal. No narrative comment was included. The chart of comments is attached at page 8.

The Rules and Projects Committee did not consider alternatives to these rule amendments because the proposal is consistent with E&P's recommendations and no person or entity opposed the amendments.

#### **Implementation Requirements, Costs, and Operational Impacts**

The effects of implementation would be minimal because this proposal seeks to align the rules with council governance policies.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

This proposal is consistent with Goal II of the branch strategic plan, Independence and Accountability. This goal affirms that “[t]he branch will maintain the highest standards of accountability for its use of public resources, and adherence to its statutory and constitutional mandates.” Reviewing and modifying the purpose of the council’s delegations of authority to the Administrative Director is fundamental to this standard.

## **Attachments**

1. Cal. Rules of Court, rules 10.70, 10.101, and 10.804, at pages 5–7
2. Chart of comments, at page 8

DRAFT

Rules 10.70, 10.101, and 10.804 of the California Rules of Court are amended, effective July 1, 2015, to read:

1 **Rule 10.70. Task forces, working groups, and other advisory bodies**

2  
3 **(a) Established by Chief Justice or Judicial Council**

4  
5 The Chief Justice, ~~the Administrative Director of the Courts,~~ or the council may  
6 establish task forces and other advisory bodies to work on specific projects that  
7 cannot be addressed by the council's standing advisory committees. These task  
8 forces and other advisory bodies may be required to report to one of the internal  
9 committees ~~or the Administrative Director,~~ as designated in their charges.

10  
11 **(b) Established by Administrative Director**

12  
13 The Administrative Director may establish working groups to work on specific  
14 projects identified by the Administrative Director that address areas and topics  
15 within the Administrative Director's purview.

16  
17 **Rule 10.101. Role of the Judicial Council ~~and Administrative Office of the Courts~~**

18  
19 **(a) Purpose**

20  
21 This rule specifies the responsibilities of the Judicial Council, the Chief Justice, the  
22 Administrative Director ~~of the Courts,~~ and ~~the Administrative Office of the Courts~~  
23 council staff with respect to the judicial branch budget.

24  
25 **(b) Duties of the Judicial Council**

26  
27 The Judicial Council must:

- 28  
29 (1) Establish responsible fiscal priorities that best enable the judicial branch to  
30 achieve its goals and the Judicial Council to achieve its mission;  
31  
32 (2) Develop policies and procedures for the creation and implementation of a  
33 yearly budget for the judicial branch;  
34  
35 ~~(2)~~(3) Develop the budget of the judicial branch based on the priorities established  
36 and the needs of the courts;  
37  
38 ~~(3)~~(4) Communicate and advocate the budget of the judicial branch to the Governor  
39 and the Legislature;  
40  
41 ~~(4)~~(5) Allocate funds in a manner that ensures equal access to justice for all citizens  
42 of the state, ensures the ability of the courts to carry out their functions  
43

1 effectively, promotes implementation of statewide policies as established by  
2 statute and the Judicial Council, and promotes implementation of efficiencies  
3 and cost-saving measures;

4  
5 ~~(5)~~(6) Resolve appeals on budget and allocation issues; and

6  
7 ~~(6)~~(7) Ensure that the budget of the judicial branch remains within the limits of the  
8 appropriation set by the Legislature.

9  
10 **(c) Authority of the Chief Justice and Administrative Director of the Courts**

11  
12 (1) The Chief Justice and the Administrative Director ~~of the Courts~~ may take the  
13 following actions, on behalf of the Judicial Council, with regard to any of the  
14 Judicial Council's recommended budgets for the Supreme Court, the Courts  
15 of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource  
16 Center, and ~~the Administrative Office of the Courts~~ council staff:

17  
18 (A) Make technical changes to the proposed budget; and

19  
20 (B) Make changes during their negotiations with the legislative and  
21 executive branches consistent with the goals and priorities adopted by  
22 the Judicial Council.

23  
24 (2) The Chief Justice ~~and the Administrative Director of the Courts~~, on behalf of  
25 the Judicial Council, may allocate funding appropriated in the annual State  
26 Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the  
27 Habeas Corpus Resource Center, and ~~the Administrative Office of the Courts~~  
28 council staff.

29  
30 (3) After the end of each fiscal year, the Administrative Director ~~of the Courts~~  
31 must report to the Judicial Council on the actual expenditures from the  
32 budgets for the Supreme Court, the Courts of Appeal, the trial courts, the  
33 Judicial Council, the Habeas Corpus Resource Center, and ~~the Administrative~~  
34 ~~Office of the Courts~~ council staff.

35  
36 **(d) Duties of the Administrative Director of the Courts**

37  
38 The Administrative Director ~~of the Courts~~ implements the directives of the Judicial  
39 Council and must:

40  
41 ~~(1) Develop policies and procedures for the creation and implementation of a~~  
42 ~~yearly budget for the judicial branch;~~

1           ~~(2)(1)~~ Present the judicial branch budget in negotiations with the Governor and the  
2           Legislature; and  
3

4           ~~(3)(2)~~ Allocate to the trial courts, on behalf of the Judicial Council, a portion of the  
5           prior fiscal year baseline allocation for the trial courts following approval of  
6           the State Budget and before the allocation of state trial court funding by the  
7           Judicial Council. The portion of the prior fiscal year baseline allocation that  
8           may be so allocated is limited to the amount estimated to be necessary for the  
9           operation of the courts pending action by the Judicial Council, and may not  
10          exceed 25 percent of the prior fiscal year baseline allocation for each trial  
11          court.  
12

13   (e)   **Duties of the Director of the Finance ~~Division~~**  
14

15           The Director of the Finance ~~Division~~ of the Administrative Office of the Courts for  
16           the Judicial Council, under the direction of the Administrative Director ~~of the~~  
17           ~~Courts~~, administers the budget policies and procedures developed ~~by the~~  
18           ~~Administrative Director of the Courts~~ and approved by the Judicial Council. The  
19           director of ~~the Finance Division~~ must:  
20

- 21           (1)   Develop and administer a budget preparation process for the judicial branch,  
22           and ensure the submission of a final budget recommendation for the judicial  
23           branch to the Department of Finance by November 1 of each year;  
24
- 25           (2)   Develop, in consultation with the State Controller's Office and the  
26           Department of Finance, a manual of procedures for the budget request  
27           process, revenues, expenditures, allocations, and payments;  
28
- 29           (3)   Monitor all revenues and expenditures for the judicial branch;  
30
- 31           (4)   Develop recommendations for fiscal priorities and the allocation and  
32           reallocation of funds; and  
33
- 34           (5)   Assist all courts and the Administrative Director ~~of the Courts~~ in preparing  
35           and managing budgets.  
36

37   **Advisory Committee Comment**  
38

39           Subdivision (c)(1)(A). Examples of technical changes to the budget include calculation of fiscal  
40           need, translation of an approved concept to final fiscal need, and simple non-policy-related  
41           baseline adjustments such as health and retirement benefits, Pro Rata, and the Statewide Cost  
42           Allocation Plan.  
43

1 **Rule 10.804. Superior court financial policies and procedures**

2  
3 **(a) Adoption of financial policies and procedures by the Judicial Council**

4  
5 ~~The Administrative Office of the Courts must prepare and adopt a financial policies~~  
6 ~~and procedures manual for the superior courts (The “*Trial Court Financial Policies*~~  
7 ~~*and Procedures Manual*”), must be consistent with the rules of court and policies~~  
8 ~~adopted by the Judicial Council. The manual and must include accounting~~  
9 ~~standards for superior courts and policies and procedures for procurement and~~  
10 ~~contracting by superior courts. These policies and procedures must not modify~~  
11 ~~superior courts’ existing authority to procure, contract for, or use goods or services~~  
12 ~~or the requirement that a court have authorized funding available in order to~~  
13 ~~procure or contract for any good or service.~~

14  
15 **(b) Comment period for financial policies and procedures**

16  
17 ~~Before issuing or amending the *Trial Court Financial Policies and Procedures*~~  
18 ~~*Manual*, the Administrative Office of the Courts Judicial Council must make it~~  
19 ~~available to the superior courts, the California Department of Finance, and the State~~  
20 ~~Controller’s Office for 30 days for comment.~~

21  
22 **(c) \* \* \***

23

**W15-07**

Amend Cal. Rules of Court, rules 10.70, 10.101, and 10. 804)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Superior Court of California County of Los Angeles Los Angeles, CA	A	No narrative comment.	No response required.

DRAFT







## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

---

Title	Agenda Item Type
Judicial Branch Education: Court Executive Officers Education	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 10.473	July 1, 2015
Recommended by	Date of Report
Trial Court Presiding Judges Advisory Committee	March 23, 2015
Hon. Marsha G. Slough, Chair	Contact
Court Executives Advisory Committee	Deirdre Benedict, 415-865-8915
Ms. Mary Beth Todd, Chair	<a href="mailto:deirdre.benedict@jud.ca.gov">deirdre.benedict@jud.ca.gov</a>
	Katherine Sher, 415-865-8031
	<a href="mailto:katherine.sher@jud.ca.gov">katherine.sher@jud.ca.gov</a>

---

### **Executive Summary**

The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee recommend the amendment of rule 10.473 of the California Rules of Court that addresses education for trial court executive officers. Among other provisions, it requires that continuing education be completed every three years and that half of the required hours be in the form of live, face-to-face education. The proposed amendment would instead allow the presiding judge discretion to determine the number of hours of live, face-to-face education required to meet the court executive officer's continuing education requirement.

### **Recommendation**

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) recommend that the council amend rule 10.473 of the California Rules of Court to give the presiding judge of a court discretion as to the number of hours of live,

face-to-face education to be completed by that court's executive officer to meet the court executive officer's continuing education requirement, to be effective July 1, 2015. The text of the proposed amended rule is attached at pages 4–6.

### **Previous Council Action**

Effective January 1, 2007, the council adopted rule 10.473 of the California Rules of Court as part of a comprehensive set of rules addressing judicial branch education. Rule 10.473 requires each court executive officer to complete 30 hours of continuing education every three years, with half of the hours required to be completed in the form of live, face-to-face education.

In June 2012, the council's Rules and Projects Committee (RUPRO) asked advisory committees to submit suggestions for changes to rules and forms that could result in cost savings or efficiencies for the courts. As part of that process, various trial court executive officers suggested that rule 10.473 be repealed or amended to reduce training costs to trial courts for required training for court executive officers. The TCPJAC and CEAC propose amending rule 10.473 to accomplish this goal. The committees do not recommend repeal of the rule because of the value of education in the judicial branch.

The proposed amendment of rule 10.473 parallels recent changes in rules 10.491 and 10.474 to the in-person education requirement. Rule 10.491, which addresses Judicial Council employee education, was amended, effective January 1, 2014, to similarly provide that the council's Administrative Director has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education that is required of council employees to meet the continuing education requirement.

Rule 10.474, which addresses trial court employee education, was amended, effective January 1, 2015, to provide that the court executive officer of each court has discretion to determine the number of hours, if any, of live, face-to-face education that is required of trial court managers, supervisors, and other personnel to meet the continuing education requirement.

### **Rationale for Recommendation**

The proposed amendment would offer courts flexibility as to how their court executive officers should complete their continuing education requirements, giving presiding judges the discretion to decide how many of the required hours must be in live, face-to-face education. The expected benefits are cost savings, as more education is completed in the form of distance learning or self-study, and allowing each court the flexibility to determine what type of court executive officer education best suits that court's particular needs. However, at least one trial court judge questions the significance of any potential savings from this change and argues that ensuring that court executive officers stay current in their skills and knowledge is well worth the relatively minor costs of continuing education.

## **Comments, Alternatives Considered, and Policy Implications**

An Invitation to Comment on this proposal was circulated for public comment from December 12, 2014, through January 23, 2015. Two commentators agreed with the proposed change without further comment. One court executive officer agreed with the proposal, citing the importance of flexibility given the financial difficulties faced by the courts. One trial court judge disagreed with the proposed change, commenting that the cost of continuing education for the court executive officer is minimal and that continuing education is essential to the ability of the court executive officer to do his or her job well.

The TCPJAC and CEAC considered the alternative of repealing the continuing education requirement for court executives, and propose not doing so for just the reasons stated in the opposing comment: continuing education is essential for court executives to stay up to speed in their skills and knowledge. The committees also considered the implications of leaving the requirement for face-to-face education unchanged, but recommend the amendment to give the courts greater flexibility. Although the cost savings will not be great, the flexibility allowed to each court under the proposed amendment should result in each trial court spending its continuing education dollars in the way that best meets the needs of that court and its executive officer.

## **Implementation Requirements, Costs, and Operational Impacts**

The proposal is expected to have positive operational impacts, giving a presiding judge the discretion to allow a court executive officer flexibility with respect to alternatives to live training. Some cost savings are anticipated where alternatives to live training are utilized.

## **Attachments and Links**

1. Cal. Rules of Court, rule 10.473, at pages 4–6
2. Chart of comments, at pages 7–8

Rule 10.473 of the California Rules of Court is amended, effective July 1, 2015, to read:

1 **Rule 10.473. Minimum education requirements for trial court executive officers**

2  
3 **(a) Applicability**

4  
5 All California trial court executive officers must complete these minimum education  
6 requirements. All executive officers should participate in more education than is required,  
7 related to each individual's responsibilities and in accordance with the education  
8 recommendations set forth in rule 10.479.  
9

10 **(b) Content-based requirement**

11  
12 (1) Each new executive officer must complete the Presiding Judges Orientation and  
13 Court Management Program provided by the ~~Administrative Office of the Courts'~~  
14 ~~Education Division/~~ Judicial Council's Center for Judicial Judiciary Education  
15 and Research (CJER) within one year of becoming an executive officer and  
16 should participate in additional education during the first year.  
17

18 (2) Each executive officer should participate in CJER's Presiding Judges Orientation  
19 and Court Management Program each time a new presiding judge from his or her  
20 court participates in the course and each time the executive officer becomes the  
21 executive officer in a different court.  
22

23 **(c) Hours-based requirement**

24  
25 (1) Each executive officer must complete 30 hours of continuing education, including  
26 at least three hours of ethics education, every three years, ~~beginning on the~~  
27 ~~following date:~~  
28

29 ~~(A)~~ (2) For a new executive officer, the first three-year period begins on January 1  
30 of the year following completion of the required education for new executive  
31 officers.  
32

33 ~~(B) For all other executive officers, the first three year period began on~~  
34 ~~January 1, 2007.~~

35 ~~(2)~~ (3) The following education applies toward the required 30 hours of continuing  
36 education:  
37

38 (A) Any education offered by an approved provider (see rule 10.481(a)) and  
39 any other education, including education taken to satisfy a statutory or  
40 other education requirement, approved by the presiding judge as meeting  
41 the criteria listed in rule 10.481(b).

1 (B) Each hour of participation in traditional (live, face-to-face) education;  
2 distance education such as broadcasts, videoconferences, and online  
3 coursework; self-directed study; and faculty service counts toward the  
4 requirement on an hour-for-hour basis. ~~Each court executive officer must~~  
5 ~~complete at least half of his or her continuing education hours requirement~~  
6 ~~as a participant in traditional (live, face-to-face) education. The court-~~  
7 ~~executive officer may complete the balance of his or her education hours-~~  
8 ~~requirement through any other means with no limitation on any particular~~  
9 ~~type of education. The presiding judge has discretion to determine the~~  
10 number of hours, if any, of traditional (live, face-to-face) education  
11 required to meet the continuing education requirement.  
12

13 (C) A court executive officer who serves as faculty by teaching legal or  
14 judicial education to a legal or judicial audience may apply education  
15 hours as faculty service. Credit for faculty service counts toward the  
16 continuing education requirement in the same manner as all other types of  
17 education—on an hour-for-hour basis.  
18

19 **(d) Extension of time**

- 20 (1) For good cause, a presiding judge may grant a one-year extension of time to  
21 complete the education requirements in (b) and (c).  
22  
23 (2) If the presiding judge grants a request for an extension of time, the executive  
24 officer, in consultation with the presiding judge, must also pursue interim means  
25 of obtaining relevant educational content.  
26  
27 (3) An extension of time to complete the hours-based requirement does not affect the  
28 timing of the executive officer's next three-year period.  
29

30 **(e) Record of participation; statement of completion**

31 Each executive officer is responsible for:  
32  
33

- 34 (1) Tracking his or her own participation in education and keeping a record of  
35 participation for three years after each course or activity that is applied toward the  
36 requirements;  
37  
38 (2) At the end of each year, giving the presiding judge a copy of his or her record of  
39 participation in education for that year; and

- 1
- 2
- (3) At the end of each three-year period, giving the presiding judge a signed statement of completion for that three-year period.

**W15-04**

## Judicial Branch Education: Court Executive Officers Education

Amend Cal. Rules of Court, rule 10.473

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>[Proposed] Committee Response</b>
1.	Superior Court of Los Angeles County Los Angeles, CA	A	No specific comment.	No specific response is required.
2.	By Kim Turner, CEO Superior Court of Marin County Marin, CA	A	I support this proposal, as flexibility is important, given the dire financial circumstances facing many courts.	The commentator's support is noted.
3.	By Mike Roddy, CEO Superior Court of San Diego County San Diego, CA	A	No specific comment.	No specific response is required.
4.	Hon. Lisa Novak Superior Court of San Mateo County San Mateo, CA	N	The argument by Court Executive Officers that deleting required training will reduce training costs for the trial courts is specious at best. No one can persuasively argue that the cost of training a single court executive burdens any one trial court to any significant degree. This is an obvious attempt to simply avoid what seems like a necessary requirement of the position: making sure one is qualified to run the courts of a county. Ongoing education benefits all, whether it is for attorneys, judges, or Court Executive Officers. They are responsible for managing a complex system with a multitude of demands, and	The proposal does not change the number of continuing education hours required of court executive officers, but merely gives the presiding judge of a court discretion as to how many of those hours must be in live, face-to-face education. This is consistent with the recently amended continuing education requirements for trial court staff under rule 10.474, which allows the court executive officer discretion as to the number of hours of live education required, and for Judicial Council employees under rule 10.491, which allows the Administrative Director discretion as to the number of hours of live education required. Some court executive officers have

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>[Proposed] Committee Response</b>
			<p>their ability to do so effectively is certainly tied to constantly improving their skill set and staying up on changing laws and demands. I think it is shameful that they, along with the support of the Presiding Judges, and tried to finagle a way out of this requirement.</p>	<p>suggested that this flexibility will create cost savings while the court executive officers and their courts will benefit from them receiving the most appropriate continuing education.</p>





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

---

Title	Agenda Item Type
Trial Courts: Reporting of Reciprocal Assignment Orders	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 10.630	July 1, 2015
Recommended by	Date of Report
Trial Court Presiding Judges Advisory Committee	March 23, 2015
Hon. Marsha G. Slough, Chair	Contact
Court Executives Advisory Committee	Claudia Ortega, 415-865-7623
Ms. Mary Beth Todd, Chair	<a href="mailto:claudia.ortega@jud.ca.gov">claudia.ortega@jud.ca.gov</a>
	Katherine Sher, 415-865-8031
	<a href="mailto:katherine.sher@jud.ca.gov">katherine.sher@jud.ca.gov</a>

---

### **Executive Summary**

The Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee recommend the amendment of rule 10.630 of the California Rules of Court that addresses the reporting of reciprocal assignment orders. It defines a reciprocal assignment order as “an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other’s courts.” (Cal. Rules of Court, rule 10.630.) The rule also requires the trial courts to report monthly to the Judicial Council each assignment of a judge from another county to its court under a reciprocal assignment order. The proposed amendment would remove the reporting requirement, while leaving the definition unchanged.

### **Recommendation**

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) recommend that rule 10.630 of the California Rules of Court be

amended to eliminate the requirement that trial courts report reciprocal assignment orders to the Judicial Council, effective July 1, 2015. The text of the amended rule is attached at page 4.

### **Previous Council Action**

The Judicial Council adopted rule 10.630 as rule 813 effective July 1, 1990. The council subsequently amended and renumbered this rule effective January 1, 2007.

### **Rationale for Recommendation**

When rule 10.630 was adopted (as rule 813) in 1990, the use of reciprocal assignments had funding implications that made it necessary to track those assignments. Under the current funding structure for assigned judges, there is no longer a purpose to collecting reciprocal assignment data. Discontinuing the monthly reporting requirement will allow court staff to dedicate their time and energy toward more critical functions.

Effective July 1, 1990, the council adopted this rule (then numbered as rule 813) to define *reciprocal agreement* and *exchange assignment* for purposes of waiving a certain reimbursement requirement that was previously required by Government Code section 68541.5. Section 68541.5 provided an exception to what was then known as the “50/10 rule” in certain circumstances, including if a judge was serving under a reciprocal agreement or exchange order. The 50/10 rule served a particular purpose relating to how active assigned judges were funded. In short, the law required the receiving county to pay the state 50 percent of an assigned judge’s full salary for the time the judge served in the receiving court. The state would then reimburse the “lending” county 10 percent of the judge’s salary. The council adopted rule 813, as directed by the statute, to define *reciprocal agreement* or *exchange order* and to provide for the reporting requirement so that the waiver of the 50/10 rule could be applied. These legislative and rule actions took place before trial court funding and the current funding structure for assigned judges. Section 68541.5 was repealed in 1993; this funding approach was likely abandoned even before trial court funding.

At the August 30, 2013, business meeting of the Court Executives Advisory Committee (CEAC), the committee members discussed the monthly reporting requirement mandated by rule 10.630 and agreed that because this reporting requirement appears to serve no beneficial purpose and is unnecessarily burdensome to the courts, the rule should be reviewed for possible amendment or repeal. After careful review, the Trial Court Presiding Judges Advisory Committee (TCPJAC) and CEAC jointly propose amending rule 10.630 to achieve efficiencies and cost savings.

Both committees find the reporting requirement of rule 10.630 to be of no use or benefit to their courts’ operations. Instead, they have concluded that it requires the courts to direct to this endeavor critical staff resources that could be used on more essential tasks.

The Judicial Council’s Office of Court Research has also verified that the information required in rule 10.630 is not of significant value. Reportedly, it has been used (along with assigned judge

usage and pro tem usage) for calculating the judicial position equivalent (JPE), which is used for the *Court Statistics Report* and—along with the authorized judicial positions (AJPs)—to obtain a clearer picture of actual judicial officer usage and need in a court. However, the data mandated by this rule has only minor value as a small part of the JPE calculations. More important, JPE is not used in any of the Office of Court Research’s workload models or in the new Workload Allocation Funding Methodology (WAFM). Instead, AJPs are used and they are not affected by reciprocal assignments.

Thus, the continued collection and reporting of data on reciprocal assignments is no longer useful to the courts or council.

### **Comments, Alternatives Considered, and Policy Implications**

An Invitation to Comment on this proposal was circulated for public comment from December 12, 2014, through January 23, 2015. All three of the commentators agreed with the proposed change. In support of the proposal, the Superior Court of Los Angeles County states that “[t]he reporting requirement creates unnecessary work for court staff, which is already overburdened, and their time and energy should be directed to other areas that would benefit the court and public.”

The TCPJAC and CEAC considered not recommending the amendment of rule 10.630 but concluded that inaction would provide no relief to the courts and would leave an outdated and unnecessary reporting requirement in the California Rules of Court.

### **Implementation Requirements, Costs, and Operational Impacts**

The amendment of rule 10.630 would result in cost savings to the courts because they would be able to direct staff resources to more necessary functions. Implementation requirements and negative operational impacts are unlikely as a result of amendment of this rule.

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.630, at page 4
2. Chart of comments, at pages 5–6

Rule 10.630 of the California Rules of Court is amended, effective July 1, 2015, to read:

1 **Rule 10.630. ~~Reporting of~~ Reciprocal assignment orders**

2

3 A “reciprocal assignment order” is an order issued by the Chief Justice that permits judges in  
4 courts of different counties to serve in each other’s courts. ~~A court must report to the~~

5 ~~Administrative Office of the Courts, on a monthly basis, each assignment of a judge from~~

6 ~~another county to its court under a reciprocal assignment order.~~

**W15-05**

## Trial Courts: Reporting of Reciprocal Assignment Orders

Amend Cal. Rules of Court, rule 10.630

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Superior Court of Los Angeles County Los Angeles, CA	A	Agree with the proposed changes and the changes adequately address the stated purpose. Keeping the definition of reciprocal assignment order is useful and necessary because the phrase is not defined anywhere else in the California Rules of Court (CRC). The deletion of the requirement for a monthly report to the AOC, of each assignment of a judge from another county to its court under a reciprocal assignment order, is appropriate because the requirement is of no use or benefit to court operations. In addition, the reporting requirement has no significant value to the Judicial Council's Office of Court Research and has no value to the Los Angeles County Superior Court. The reporting requirement creates unnecessary work for court staff, which is already overburdened, and their time and energy should be directed to other areas that would benefit the court and public. Given the need for courts to be more efficient and to use resources reasonably and wisely, the reporting requirement cannot be justified.	The commentator's support for the proposal is noted.

**W15-05**

Trial Courts: Reporting of Reciprocal Assignment Orders

Amend Cal. Rules of Court, rule 10.630

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
2.	Superior Court of Marin County By Kim Turner, CEO Marin, CA	A	I support this change for the reasons stated by CEAC.	The commentator's support for the proposal is noted.
3.	Superior Court of San Diego County By Mike Roddy, CEO San Diego, CA	A	No specific comment.	No specific response required.



## Judicial Council of California · Administrative Office of the Courts

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 17, 2015

---

Title	Agenda Item Type
Forms: Miscellaneous Technical Changes	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms CR-110/JV-790, CR-111/JV-791, CR-132, DE-305, FL-632, and GC-350	July 1, 2015
Recommended by	Date of Report
Judicial Council staff	February 26, 2015
Susan R. McMullan, Senior Attorney Legal Services	Contact
	Susan R. McMullan, 415-865-7990 <a href="mailto:susan.mcmullan@jud.ca.gov">susan.mcmullan@jud.ca.gov</a>

---

### Executive Summary

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

### Recommendation

The staff to the Judicial Council recommends that the council, effective July 1, 2015:

1. Revise CR-110/JV-790 and CR-111/JV-791 to correct a reference in the footer from “§ 6774(a)(7)” and “§ 647”, respectively, to “§ 674(a)(7)” and “§ 674”;
2. Revise CR-132 to correct two penal code references in item 2, from “1466(2)(B)” to “1466(b)(1)”, and to restore language in item 3.a. inadvertently replaced in a previous revision;

3. Amend the Notary Acknowledgement on page 2 of forms DE-305 and FL-632 to reflect revised Civ. Code § 1189(a)(1);
4. Revise GC-350, page 2, Notice, paragraph 4, to add “conservatorship or” before “guardianship”.

Copies of the revised forms are attached at pages 3–14.

### **Previous Council Action**

Although the Judicial Council has acted on these rules and forms previously, this proposal recommends only minor corrections unrelated to any prior action.

### **Rationale for Recommendation**

The changes to these rules are technical in nature and necessary to correct inadvertent omissions and incorrect references.

### **Comments, Alternatives Considered, and Policy Implications**

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

### **Implementation Requirements, Costs, and Operational Impacts**

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

### **Attachments and Links**

1. Forms CR-110/JV-790, CR-111/JV-791, CR-132, DE-305, FL-632, and GC-350, at pages 3–14



ATTORNEY OR PERSON WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>ORDER FOR VICTIM RESTITUTION</b>	CASE NUMBER:

1. a.  On *(date):* \_\_\_\_\_ defendant *(name):* \_\_\_\_\_  
 was convicted of a crime that entitles the victim to restitution.
- b.  On *(date):* \_\_\_\_\_ child *(name):* \_\_\_\_\_  
 was found to be a person described in Welfare and Institutions Code section 602, which entitles the victim to restitution.  Wardship is terminated.
- c.  Parents or guardians jointly and severally liable *(name each):* \_\_\_\_\_
- d.  Co-offenders found jointly and severally liable *(name each):* \_\_\_\_\_
  
2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child was informed of his or her right to a judicial determination of the amount of restitution and
  - a.  a hearing was conducted.
  - b.  stipulated to the amount of restitution to be ordered.
  - c.  waived a hearing.
  
3. **THE COURT ORDERS** defendant/child to pay restitution to
  - a.  the victim *(name):* \_\_\_\_\_ in the amount of: \$ \_\_\_\_\_
  - b.  the Victim Compensation and Government Claims Board, to reimburse payments to the victim from the Restitution Fund, in the amount of: \$ \_\_\_\_\_
  - c.  plus interest at 10 percent per year from the date of  loss **or**  sentencing.
  - d.  plus attorney fees and collection costs in the sum of: \$ \_\_\_\_\_
  - e.  plus an administrative fee not to exceed 15 percent of the restitution owed (Pen. Code, § 1203.1(l)).

CASE NAME:	CASE NUMBER:
------------	--------------

## 4. The amount of restitution includes

- a.  the value of property stolen or damaged.
- b.  medical expenses.
- c.  lost wages or profits
- (1)  incurred by the victim due to injury.
- (2)  of the victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child.
- (3)  incurred by the victim due to time spent as a witness or in assisting police or prosecution.
- (4)  of the victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution.
- d.  noneconomic losses (felony violations of Pen. Code, § 288 only).
- e.  Other (*specify*):

Date:

---

 JUDICIAL OFFICER
**NOTICE TO VICTIMS**

**PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE, AND IN THE SAME MANNER AS, A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.**

**THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).**

**YOU MUST FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHEN THIS ORDER IS SATISFIED, AS REQUIRED BY PENAL CODE SECTION 1214(b).**

**YOU ARE ENTITLED TO A CERTIFIED COPY OF THIS ORDER UPON REQUEST, AS REQUIRED BY PENAL CODE SECTION 1214(b) AND WELFARE AND INSTITUTIONS CODE SECTION 730.7(c).**

ATTORNEY OR PERSON WITHOUT ATTORNEY (Name, State Bar number, and address):

Recording requested by and return to:

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR:  JUDGMENT CREDITOR  ASSIGNEE OF RECORD

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

CASE NUMBER:

CASE NAME:

FOR COURT USE ONLY

**ABSTRACT OF JUDGMENT—RESTITUTION**  Amended

1. The  judgment creditor  assignee of record  other (specify):

applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

[Empty box for name and address]

[Empty box for name and address]

b.  Driver's license no. [last 4 digits] and state:

Unknown

c.  Social security no. [last 4 digits]:

Unknown

d.  Date of birth:

Unknown

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF APPLICANT OR ATTORNEY)

ON INFORMATION AND BELIEF

CASE NAME:	CASE NUMBER:
------------	--------------

## CERTIFICATION

2. I certify that the following is a true and correct judgment entered in this action.
3. Judgment creditor (*name*):  
 whose address or whose attorney's address appears on this form above the court's name.
4. Judgment debtor (*full name as it appears in judgment*):
5. Judgment entered on (*date*):
6. Total amount of judgment as entered or last renewed: \$
7.  A stay of enforcement was ordered on: \_\_\_\_\_ and is effective until:  
 A stay of enforcement was not ordered.

[SEAL]

This abstract of judgment was issued on (*date*):

Clerk, by

, Deputy

Clerk stamps date here when form is filed.

**Instructions**

- This form is only for appealing in a **misdemeanor case**. You can get other forms for appealing in a civil or infraction case at any courthouse or county law library or online at *www.courts.ca.gov/forms*.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO) to know your rights and responsibilities. You can get form CR-131-INFO at any courthouse or county law library or online at *www.courts.ca.gov/forms*.
- **You must file this form no later than 30 days after the trial court issued the judgment or order you are appealing** (see rule 8.853(b) of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, the court will not take your appeal.**
- Fill out this form and make a copy of the completed form for your records.
- Take or mail the completed form to the clerk’s office for the same trial court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

**Superior Court of California, County of**

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

**Trial Court Case Number:**  
  
**Trial Court Case Name:**

You fill in the appellate division case number (if you know it):

**Appellate Division Case Number:**

**1 Your Information**

a. Name of Appellant (the party who is filing this appeal):

Name: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Phone: \_\_\_\_\_ E-mail (if available): \_\_\_\_\_

b. Appellant’s lawyer (skip this if the appellant is filling out this form):

The lawyer filling out this form is (check (1) or (2)):

(1)  was the appellant's lawyer in the trial court.      (2)  is the appellant's lawyer for this appeal.

Name: \_\_\_\_\_ State Bar number: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Phone: \_\_\_\_\_ E-mail (if available): \_\_\_\_\_

Fax (if available): \_\_\_\_\_



Trial Court Case Name: \_\_\_\_\_

Trial Court Case Number: \_\_\_\_\_

**2 Judgment or Order You Are Appealing**

I am/My client is appealing (*check one*):

- a.  The final judgment of conviction in this case (Penal Code section 1466(b)(1)).  
 I am/My client is contesting only the conditions of the probation.
- b.  The following order made after the judgment in this case that affects an important right of mine/my client (for example, an order after a probation violation) (Penal Code section 1466(b)(1)).  
 An order modifying the conditions of probation.  
 Other(*describe the action you are appealing and give the date the trial court took the action*):  
\_\_\_\_\_  
\_\_\_\_\_
- c.  The trial court has not yet issued a final judgment in this case. I am appealing before final judgment an order that denied a motion to suppress evidence in this case (Penal Code section 1538.5(j)).
- d.  Other action (*describe the action you are appealing and give the date the trial court took the action*):  
\_\_\_\_\_  
\_\_\_\_\_

**3 Record on Appeal**

*See form CR-131-INFO for information about the record on appeal.*

- a.  I have attached a completed *Notice Regarding Record on Appeal (Misdemeanor)* (form CR-134).
- b.  I have **not** attached a *Notice Regarding Record on Appeal (Misdemeanor)* (form CR-134). I understand that I must file this notice in the trial court within either: (1) 20 days after I file this notice of appeal; or, if it is later, (2) 10 days after the court appoints a lawyer for me (if I file a request for a court-appointed lawyer within 20 days after I file my notice of appeal). I also understand that if I do not file the notice on time, the court will not be able to consider what was said in the trial court in deciding whether an error was made in the trial court proceedings.


**4 Court-Appointed Lawyer**

- a. I/My client  was  was not represented by the public defender or another court-appointed lawyer in the trial court.
- b. I am/My client is (*check (1) or (2)*):
  - (1)  asking the court to appoint a lawyer to represent me/my client in this appeal. I have completed *Request for Court-Appointed Lawyer in Misdemeanor Appeal* (form CR-133) and attached it to this notice of appeal.
  - (2)  **not** asking the court to appoint a lawyer to represent me/my client in this appeal.

**REMINDER—Except in the very limited circumstances listed in rule 8.835(b), you must file this form no later than 30 days after the trial court issued the judgment or order you are appealing in your case. If your notice of appeal is late, the court will not take your appeal.**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

 \_\_\_\_\_  
*Signature of appellant or attorney*

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):  
After recording return to:  
  
TEL NO.: FAX NO. (optional):  
E-MAIL ADDRESS (optional):  
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF  
STREET ADDRESS:  
MAILING ADDRESS:  
CITY AND ZIP CODE:  
BRANCH NAME:

FOR RECORDER'S USE ONLY

MATTER OF (name):  
  
DECEDENT

CASE NUMBER:

**AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE  
(\$50,000 or Less)**

FOR COURT USE ONLY

1. Decedent (name):  
died on (date):
2. Decedent died at (city, state):
3. At least **six months** have elapsed since the date of death of decedent as shown in the certified copy of decedent's death certificate attached to this affidavit. (Attach a certified copy of decedent's death certificate.)
4. a.  Decedent was domiciled in this county at the time of death.  
b.  Decedent was **not** domiciled in California at the time of death. Decedent died owning real property in this county.
5. a. The **legal description** and the Assessor's Parcel Number (APN) of decedent's real property claimed by the declarant(s) are provided on an attached page labeled Attachment 5a, "Legal Description." (Copy legal description **exactly** from deed or other legal instrument.)  
b. Decedent's interest in this real property is as follows (specify):
6. Each declarant is a successor of decedent (as defined in Probate Code section 13006) and a successor to decedent's interest in the real property described in item 5a, or signs this declaration on behalf of an entity that is a successor of decedent and to decedent's interest in the real property, and no other person or entity has a superior right, because each declarant or entity is:
  - a.  (will) a beneficiary that succeeded to the property under decedent's will. (Attach a copy of the will.)
  - b.  (no will) a person who succeeded to the property under Probate Code sections 6401 and 6402.
7. Names and addresses of each guardian or conservator of decedent's estate at date of death:  none  are as follows:\*  

<u>Names</u>	<u>Addresses</u>
--------------	------------------

(\*You must mail [or serve, per Prob. Code, § 1216] a copy of this affidavit and all attachments to each guardian or conservator listed above. You may use Judicial Council form POS-030 for a proof of mailing or form POS-020 for a proof of personal service.)

8. The **gross value** of decedent's interest in all real property located in California as shown by the attached *Inventory and Appraisal*—excluding the real property described in Probate Code section 13050 (property held in joint tenancy or as a life estate or other interest terminable upon decedent's death, property passing to decedent's spouse, property in a trust revocable by the decedent, etc.)—did not exceed \$50,000 as of the date of decedent's death.

MATTER OF (Name):	CASE NUMBER:
DECEDENT	

9. An *Inventory and Appraisal* of all of decedent's interests in **real property** in California is attached. The appraisal was made by a probate referee appointed for the county in which the property is located. *(You must prepare the Inventory on Judicial Council forms DE-160 and DE-161. You may select any probate referee appointed for the county for the appraisal. The California State Controller's Office has a list of all probate referees, shown by county on its website, and each court has a list of probate referees appointed for its county. Check with the probate referee you select or consult an attorney for help in preparing the Inventory.)*
10. No proceeding is now being or has been conducted in California for administration of decedent's estate.
11. Funeral expenses, expenses of last illness, and all known unsecured debts of the decedent have been paid. *(NOTE: You may be personally liable for decedent's unsecured debts up to the fair market value of the real property and any income you receive from it.)*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)\*

\_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)\*

\_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

SIGNATURE OF ADDITIONAL DECLARANTS ATTACHED

**\* A declarant claiming on behalf of a trust or other entity should also state the name of the entity that is a beneficiary under the decedent's will, and declarant's capacity to sign on behalf of the entity (e.g., trustee, Chief Executive Officer, etc.).**

**NOTARY ACKNOWLEDGMENT** *(NOTE: No notary acknowledgment may be affixed as a rider (small strip) to this page. If additional notary acknowledgments are required, they must be attached as 8-1/2-by-11-inch pages.)*

**A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.**

STATE OF CALIFORNIA, COUNTY OF *(specify)*: \_\_\_\_\_

On *(date)*: \_\_\_\_\_, before me *(name and title)*: \_\_\_\_\_

personally appeared *(name(s))*: \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the instrument in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
 (SIGNATURE OF NOTARY PUBLIC)

(NOTARY SEAL)

(SEAL)

**CLERK'S CERTIFICATE**

I certify that the foregoing, including any attached notary acknowledgments and any attached legal description of the property (but excluding other attachments), is a true and correct copy of the original affidavit on file in my office. *(Certified copies of this affidavit do not include the (1) death certificate, (2) will, or (3) inventory and appraisal. See Probate Code section 13202.)*

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy



GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406):  
 RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

TEL NO.: \_\_\_\_\_ FAX NO. (optional): \_\_\_\_\_

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**  
 STREET ADDRESS:  
 MAILING ADDRESS:  
 CITY AND ZIP CODE:  
 BRANCH NAME:

FOR RECORDER'S USE ONLY

PETITIONER/PLAINTIFF:  
 RESPONDENT/DEFENDANT:  
 OTHER PARENT:

**FOR COURT USE ONLY**

CASE NUMBER:

**NOTICE REGARDING PAYMENT OF SUPPORT**  
 NOTICE OF ASSIGNED SUPPORT     SUBSTITUTION OF PAYEE

1. The obligor (the person paying support) in this proceeding is (name and last known address):

2. a.  The local child support agency is providing the following services (check all that apply):  
 (1)  Current support  
 (2)  Support arrears  
 (3)  Medical support
- b.  The local child support agency is no longer providing the services under title IV-D of the Social Security Act.

3.  The substituted payee is:  
 a.  The local child support agency (specify):  
 b.  Other (specify):

4.  An abstract or notice of support judgment or support judgment was recorded as follows:

<u>County</u>	<u>Date of recording</u>	<u>Instrument number</u>	<u>Book number</u>	<u>Page number</u>
---------------	--------------------------	--------------------------	--------------------	--------------------

5. All payments must be made as follows (check all that apply):
- a. Income withholding payments must be directed to the State Disbursement Unit at (specify address):
- b.  All current support payments other than income withholding payments must be sent to (specify):
- c.  All arrears payments other than income withholding payments must be sent to (specify):
- d.  Other (specify):

**THE SUBSTITUTED PAYEE MUST BE CONTACTED WHEN NOTICE TO A LIENHOLDER MAY OR MUST BE GIVEN.**

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
---	--------------

6.  An assignment of support rights by operation of law under Welfare and Institutions Code section 11477(a) has been made to the county of *(specify)*:
7. a.  Each parent must notify the local child support agency in writing within 10 days of any change in residence or employment.
- b.  Each parent must complete a *Child Support Case Registry Form* (FL-191) and deliver it to the court within 10 days of any change in residence or employment.

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME)
(SIGNATURE)

**A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.**

**NOTICE:**  
**No acknowledgment is required when this form is recorded by a local child support agency.**

**ACKNOWLEDGMENT**

**(To be completed when this form is recorded by a person or entity other than a local child support agency.)**

STATE OF CALIFORNIA  
COUNTY OF

On \_\_\_\_\_, before me, \_\_\_\_\_ (here insert name and title of the officer),  
personally appeared \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature (s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
(SIGNATURE OF NOTARY)

(Seal)

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):  
After recording return to:  
  
TEL NO.: FAX NO. (optional):  
E-MAIL ADDRESS (optional):  
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF  
STREET ADDRESS:  
MAILING ADDRESS:  
CITY AND ZIP CODE:  
BRANCH NAME:

FOR RECORDER'S USE ONLY

CONSERVATORSHIP OF (name):  
  
CONSERVATEE

CASE NUMBER:

LETTERS OF CONSERVATORSHIP

Person  Estate  Limited Conservatorship

FOR COURT USE ONLY

1.  (Name): \_\_\_\_\_ is the appointed  
 conservator  limited conservator of the  person  estate  
of (name): \_\_\_\_\_
2.  (For conservatorship that was on December 31, 1980, a guardianship of an adult or of  
the person of a married minor) (Name): \_\_\_\_\_  
was appointed the guardian of the  person  estate by order dated  
(specify): \_\_\_\_\_ and is now the conservator of the  person  
 estate of (name): \_\_\_\_\_
3.  Other powers have been granted or conditions imposed as follows:
  - a.  Exclusive authority to give consent for and to require the conservatee to receive  
medical treatment that the conservator in good faith based on medical advice  
determines to be necessary even if the conservatee objects, subject to the limitations  
stated in Probate Code section 2356.
    - (1)  This treatment shall be performed by an accredited practitioner of the religion whose tenets and practices call  
for reliance on prayer alone for healing of which the conservatee was an adherent prior to the establishment of  
the conservatorship.
    - (2)  (If court order limits duration) This medical authority terminates on (date): \_\_\_\_\_
  - b.  Authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
  - c.  Authority to authorize the administration of medications appropriate for the care and treatment of dementia described in  
Probate Code section 2356.5(c).
  - d.  Powers to be exercised independently under Probate Code section 2590 are specified in Attachment 3d (specify powers,  
restrictions, conditions, and limitations).
  - e.  Conditions relating to the care and custody of property under Probate Code section 2402 are specified in Attachment 3e.
  - f.  Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section 2358  
are specified in Attachment 3f.
  - g.  (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section 2351.5 are  
specified in Attachment 3g.
  - h.  (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section 1830(b) are  
specified in Attachment 3h.
  - i.  Other powers granted or conditions imposed are specified in Attachment 3i.

(SEAL)

4.  The conservator is **not** authorized to take possession of money or any other property without a  
specific court order.

5. Number of pages attached:

WITNESS, clerk of the court, with seal of the court affixed.

Date:

Clerk, by \_\_\_\_\_, Deputy

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code § 1875.

CONSERVATORSHIP OF (name):   CONSERVATEE	CASE NUMBER:
---	--------------

**NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS**  
(Probate Code sections 2890–2893)

When these *Letters of Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the conservator of the estate (1) to take possession or control of an asset of the conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is [www.courts.ca.gov/forms/](http://www.courts.ca.gov/forms/). Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

**LETTERS OF CONSERVATORSHIP**  
**AFFIRMATION**

I solemnly affirm that I will perform according to law the duties of  conservator  limited conservator.

Executed on (date): \_\_\_\_\_, at (place): \_\_\_\_\_



\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF APPOINTEE)

**CERTIFICATION**

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)
--------

Date:

Clerk, by \_\_\_\_\_, Deputy



## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

---

Title	Agenda Item Type
Child Support: Midyear Funding Reallocation for Fiscal Year 2014–2015 and Base Funding Allocation for Fiscal Year 2015–2016 for the Child Support Commissioner and Family Law Facilitator Program	Action Required
	Effective Date
	April 17, 2015
	Date of Report
	March 27, 2015
Rules, Forms, Standards, or Statutes Affected	Contact
None	Anna L. Maves, Senior Attorney
Recommended by	916-263-8624
Family and Juvenile Law Advisory Committee	<a href="mailto:anna.maves@jud.ca.gov">anna.maves@jud.ca.gov</a>
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

---

### Executive Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2014–2015. The committee also recommends that the Judicial Council approve the allocation of funding for this same program for FY 2015–2016, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). Finally, the committee seeks approval to reconsider the allocation methodology developed in 1997 for implementation in future allocations. The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council. At midyear, under an established procedure described in the standard agreement with each superior court, the Judicial Council redistributes to courts with a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants that year. The courts are also offered an option to use local court funds up to an approved amount to draw down, or qualify for, federal matching funds.

## **Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective April 17, 2015:

1. Approve the reallocation for funding of child support commissioners for FY 2014–2015, subject to the state Budget Act;
2. Approve the reallocation for funding of family law facilitators for FY 2014–2015, subject to the state Budget Act;
3. Approve allocation for funding of child support commissioners for FY 2015–2016, subject to the state Budget Act; and
4. Approve the allocation for funding of family law facilitators for FY 2015–2016, subject to the state Budget Act.
5. Direct the committee to pursue, with oversight provided by the Executive and Planning Committee, formation of a working group that will include representatives from the Family and Juvenile Law Advisory Committee, including the cochairs or their designees, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at February 2016 Judicial Council meeting.

Tables detailing the recommended reallocations and allocations of funding are attached at pages 8–11.

## **Previous Council Action**

The Judicial Council is required annually to allocate non trial court funding to the Child Support Commissioner and Family Law Facilitator Program, and has done so since 1997.<sup>1</sup> A cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council provides the funds for this program and requires the council to annually approve the funding allocation. Two-thirds of the funds are federal, and one-third comes from the state General Fund (non trial court funding). Any funds left unspent during the fiscal year revert to the state General Fund and cannot be used in subsequent years.

Under an established procedure described in the standard agreement with each superior court, the Judicial Council at midyear redistributes to courts with a documented need for additional

<sup>1</sup> AB 1058 added article 4 to chapter 2, of part 2, of division 9 of the Family Code, which at section 4252(b)(6) requires the Judicial Council to “[e]stablish procedures for the distribution of funding to the courts for child support commissioners, family law facilitators pursuant to [Family Code] Division 14 (commencing with Section 10000) and related allowable costs.” A copy of the original Judicial Council Report from 1997 is attached that provided the foundation for funding the child support commissioner and family law facilitator program.

funds any unallocated funds and any available funds from courts that are projected not to spend their full grants. In addition, in FY 2007–2008, DCSS and the Judicial Council of California provided a mechanism for the courts to recover two-thirds of additional program costs beyond the contract maximum covered by use of local trial court funds. This federal drawdown option continues to be available for FY 2015–2016.

## **Rationale for Recommendation**

### **Midyear reallocation, FY 2014–2015**

The midyear reallocation process is a review of each court's program funding, conducted once each fiscal year to determine if any adjustment is warranted. Midyear reallocation is primarily designed to meet one-time, nonrecurring special needs, such as equipment purchases or temporary help to clear work backlogs. However, due to the limited amount of funds available for reallocation this year, priority in reallocation has been given to courts that need additional funds to maintain current service levels due to the increased costs of doing business. In FY 2007–2008, an additional procedure—the federal drawdown option—was put in place to assist in covering the cost of maintaining current program service levels through the use of local trial court funds spent beyond the current contract maximum and used as a match to obtain additional federal funds for the program.

Base funds and funds under the federal drawdown option, allocated at the beginning of this fiscal year but returned by courts unable to use all of these funds, are proposed for reallocation during this midyear process. As a result of the midyear reallocation process, for the Child Support Commissioner Program, a total of \$1,425,701 is available because one court has volunteered to return \$7,780 in base funds, nine courts have volunteered to return a combined \$847,792 in federal drawdown option funds, and \$570,129 is available in previously unallocated base funds. For the Family Law Facilitator Program, a total of \$362,393 is available because one court has volunteered to return \$23,624 in base funds and three courts have volunteered to return a combined \$148,726 in federal drawdown option funds, as well as \$190,043 in previously unallocated base funds.

Under an established procedure described in the standard agreement with each superior court, a questionnaire is sent to each court requesting the information needed to evaluate appropriate funding levels. In addition to compiling questionnaire responses, Judicial Council staff gathers information on each court's historical spending patterns and calculates projected spending based on invoices received to date for the current fiscal year. The Family and Juvenile Law Advisory Committee then recommends proposed funding changes. The criteria for consideration of court requests are caseload, funds available for redistribution, historical spending patterns, special needs, and staffing levels. Funds returned by courts with a historical pattern of underspending, funds voluntarily returned, and any previously unallocated funds are redistributed to courts with documented needs.

This midyear reallocation process ensures that the highest proportion of total funds allocated to the courts is spent where funding is needed. This process also minimizes the amount of unspent funds that revert to the state General Fund.

A total of \$1,425,701 from all child support program grant sources was available for reallocation to the child support commissioner component of the program. A total of 32 courts requested no change to their child support commissioner base allocations, 22 requested no change to their federal drawdown option, one court offered to return base funds, and nine courts offered to return federal drawdown option funds.

A total of \$362,393 from all Family Law Facilitator Program grant sources was available for reallocation to the family law facilitator component of the program. A total of 26 courts requested no change to their family law facilitator base allocations, 22 requested no change to their federal drawdown option, one court offered to return base funds, and three courts offered to return federal drawdown funds.

All allocations to courts requesting additional funding have been based on proportionately allocating the available base and federal drawdown funds among the courts requesting additional funds proportionate to their share of the total base funding. Under the established allocation procedures for this program, the request was reviewed by the Family and Juvenile Law Advisory Committee. The committee recommends the Judicial Council adopt the allocations for the Child Support Commissioner Program detailed on the table on page 8 and the allocations for the Family Law Facilitator Program detailed on the table at page 9.

### **Base funding, FY 2015–2016**

The Judicial Council is also responsible for the allocation of base program funding at the beginning of each fiscal year. In 1997, the Judicial Council established staffing standards for child support commissioners under Family Code section 4252(b)(3). Staffing standards are based on the number of local child support agency cases that have established child support orders. In addition, under an established procedure described in the standard agreement with each superior court, questionnaires are sent annually to each court requesting the information needed to evaluate appropriate funding levels in case of any exceptional needs.

Funding for FY 2015–2016 for the child support commissioner component of the program will be \$32.1 million base allocation and \$12.2 million from the federal drawdown option; funding for the family law facilitator component will be \$10.9 million base allocation and \$4.2 million from the federal drawdown option, for a total program base allocation of \$43.1 million and a total federal drawdown allocation of \$16.4 million. Statewide program funding for FY 2015–2016 is the same amount as for FY 2014–2015.



In 2014–2015, the Superior Court of Contra Costa voluntarily terminated participation in federal drawdown funding and relinquished those available funds. This has resulted in one less court day per week and has a substantial impact on this court’s ability to meet required federal performance standards. For FY 2015–2016, the Superior Court of Contra Costa has requested a partial restoration of federal drawdown participation for the Child Support Commissioner Program. In prior years, the Judicial Council has restored funds voluntarily relinquished by courts, when funds were available to do so. This practice helps ensure that courts will return funds that they don’t use that can be used by other courts without concern that those funds will not be available in future fiscal years, if need. In 2013–2014, the Superior Court of Contra Costa was allocated \$302,793 in federal drawdown. After doing a detailed analysis of need, the court has requested a partial restoration of \$161,403. Because other courts have requested a decrease in participation in the federal drawdown option for FY 2015–2016, funds are available to restore the federal drawdown funds in the amount requested by the Superior Court of Contra Costa with additional funds available to allocate to other requesting courts.

In order to ensure that the Superior Court of Contra Costa can meet the federal performance standards, the committee recommends a partial restoration of federal drawdown funds of \$161,403 be allocated to the Child Support Commissioner Program for the Superior Court of Contra Costs for FY 2015-2016.

The committee recommends that courts be allocated base funding and federal drawdown funding at the same level, less any amount a court indicated that they wish to relinquish, for both the Child Support Commissioner Program and Family Law Facilitator Program as in FY 2014–2015. The committee further recommends that additional available base and federal drawdown funds, less the amount recommended to be provided to the Superior Court of Contra Costa, be allocated among all the courts requesting additional funds proportionate to their share of the total base funding. This would provide courts with funds consistent with the funding they received in the prior fiscal year and provide all courts who have requested additional funds with some additional funds. The committee recommends the Judicial Council adopt the allocations for the Child Support Commissioner Program detailed on the table on page 10 and the allocations for the Family Law Facilitator Program detailed on the table at page 11.

### **Funding Allocation Work Group and Revised Timing of Allocations**

Historically, the Judicial Council has considered midyear reallocations in conjunctions with next fiscal year allocations at the April Judicial Council meeting. This has allowed courts time to spend allocated funds, determine if projections were correct, and either return fund not anticipated to be spent or request additional funding. However, given this timing the reallocations have resulted in some funds reverting to the General Fund each year. Placing this item for discussion earlier in the fiscal year would provide a better balance of identification of funds, time for spending by the court that receive reallocation and minimize the risk that funds

would go unspent. The committee recommends that the reallocation of base funding and federal draw down funding for FY 2015–2016 be placed on the February 2016 Judicial Council agenda.

The committee will also seek approval from the Judicial Council Rules and Projects Committee to add reconsideration of the AB 1058 child support commissioner and family law facilitator program fiscal allocation methodology to the current annual agenda and for the coming year. In addition the committee will seek approval from the Judicial Council Executive and Planning Committee to form a working group that will include representation from the Family and Juvenile Law Advisory Committee, including the cochairs or their designees, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and the California Department of Child Support Services. The working group would be charged with examining the myriad of factors that must be considered when allocating funding to both optimize program success and provide for mechanisms for all funds to be spend by the end of each fiscal year. The working group would be asked to report back to Family and Juvenile Law Advisory Committee, the Trial Court Budget Advisory Committee, and the Workload Assessment Advisory Committee by December 31, 2015.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was not circulated for public comment; however, a detailed funding questionnaire was completed by all 58 courts and used to develop the allocation recommendations.

#### **Alternatives considered for allocating base funding, FY 2015–2016**

The committee considered not restoring the federal drawdown participation for the Superior Court of Contra Costa Child Support Program in the specific amount requested, but rather allocate funding to that court as part of the overall FY 2015–2016 funding allocation. This option was rejected because although this allocation would allow some funds to be restored to this court, it is inconsistent with prior Judicial Council action of restoring funds voluntarily relinquished where those funds are available. In addition, the funds available through this allocation would be insufficient to make the changes necessary to meet the federal performance standards.

The committee considered allocating additional available base and federal drawdown funds relinquished by courts for both the Child Support Commissioner Program and Family Law Facilitator Program only to courts who have spent all of the funds allocated to them in the three most recent fiscal years. The committee rejected this option because although it provides some additional funds to courts who have consistently spent all of the funds allocated to them it, it is more appropriate to allocate the funds among all courts who have indicated a need for additional funds.

The committee considered placing the reallocation of base funding and federal drawdown funding for FY 2015-2016 on the December 2015 or April 2016 Judicial Council agenda. The committee rejected placing it on the December 2015 agenda as it would require the courts to notify staff in October of anticipated excess funds. As this is early in the fiscal year this could result in some funds that could have been reallocated not being identified and reverting to the General Fund. The committee also rejected placing it on the April 2016 agenda. Although continuing to place the issue of midyear reallocation on the April agenda would allow for identification of most funds needing to be reallocated, it will result in courts receiving additional funds later in the fiscal year which may result in funds going unspent and reverting to the General Fund.

### **Implementation Requirements, Costs, and Operational Impacts**

To draw down federal funds, federal provisions require payment of a state share of one-third of total expenditures. Therefore, each participating court will need to provide the one-third share of the court's total cost to draw down two-thirds of total expenditures from federal participation.

### **Attachments**

1. Child Support Commissioner Program Midyear Reallocation, FY 2014–2015, at page 8
2. Family Law Facilitator Program Midyear Reallocation, FY 2014–2015, at page 9
3. Child Support Commissioner Program Allocation, FY 2015–2016, at page 10
4. Family Law Facilitator Program Allocation, FY 2015–2016, at page 11
5. Judicial Council Report from 1997 for Child Support Commissioner and Facilitator Allocation Funding, at page 12

**CHILD SUPPORT COMMISSIONER MID-YEAR REALLOCATION, FY 2014-15**

	A	B	C	D	E	F	G	H	I	J
County	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Mid-Year Changes to Base Allocation	Mid-Year Changes to Federal Drawdown Option	Recommended Base Allocation (A+C)	Recommended Federal Drawdown Option Allocation (B+D)	Federal Share 66% (Column Fx.66)	Court Share 34% (Column Fx.34)	Total Allocation (Column E+F)	Contract Amount (Column E+G)
1 Alameda	1,055,625	477,580		53,992	1,055,625	531,572	350,838	180,734	1,587,197	1,406,463
2 Alpine					-	-	-	-	-	-
3 Amador	142,508	64,474			142,508	64,474	42,553	21,921	206,982	185,061
4 Butte	363,685	50,315	(7,780)	(50,315)	355,905	-	-	-	355,905	355,905
5 Calaveras	133,526	37,209			133,526	37,209	24,558	12,651	170,735	158,084
6 Colusa	45,987	19,133			45,987	19,133	12,628	6,505	65,120	58,615
7 Contra Costa	1,014,068				1,014,068	-	-	-	1,014,068	1,014,068
8 Del Norte	48,315	21,859			48,315	21,859	14,427	7,432	70,174	62,742
9 El Dorado/Alpine	206,440	93,395		(51,340)	206,440	42,055	27,756	14,299	248,495	234,196
10 Fresno	1,557,552	704,659			1,557,552	704,659	465,075	239,584	2,262,211	2,022,627
11 Glenn	118,593	53,653	6,338	6,686	124,931	60,339	39,824	20,515	185,270	164,755
12 Humboldt	122,985	55,639		(55,639)	122,985	-	-	-	122,985	122,985
13 Imperial	163,746	74,082			163,746	74,082	48,894	25,188	237,828	212,640
14 Inyo	78,314	18,328	4,186	4,653	82,500	22,981	15,167	7,814	105,481	97,667
15 Kern	645,590	292,074	34,503	33,291	680,093	325,365	214,741	110,624	1,005,458	894,834
16 Kings	294,155	133,080	15,721		309,876	133,080	87,833	45,247	442,956	397,709
17 Lake	157,624	22,018		8,657	157,624	30,675	20,246	10,430	188,299	177,870
18 Lassen	94,874	42,923			94,874	42,923	28,329	14,594	137,797	123,203
19 Los Angeles	5,093,465	2,168,640		257,839	5,093,465	2,426,479	1,601,476	825,003	7,519,944	6,694,941
20 Madera	215,224	97,370			215,224	97,370	64,264	33,106	312,594	279,488
21 Marin	124,696		6,664	6,994	131,360	6,994	4,616	2,378	138,354	135,976
22 Mariposa	76,427	34,576		(23,191)	76,427	11,385	7,514	3,871	87,812	83,941
23 Mendocino	173,010	78,273		(43,273)	173,010	35,000	23,100	11,900	208,010	196,110
24 Merced	548,422	248,113			548,422	248,113	163,755	84,358	796,535	712,177
25 Modoc	-	-			-	-	-	-	-	-
26 Mono	44,688				44,688	-	-	-	44,688	44,688
27 Monterey	371,256	167,961	19,842		391,098	167,961	110,854	57,107	559,059	501,952
28 Napa	179,966	81,420	9,618	9,785	189,584	91,205	60,195	31,010	280,789	249,779
29 Nevada/Sierra	332,867	150,595			332,867	150,595	99,393	51,202	483,462	432,260
30 Orange	2,271,576	802,864		(498,955)	2,271,576	303,909	200,580	103,329	2,575,485	2,472,156
31 Placer	367,149	81,015	19,622	(27,355)	386,771	53,660	35,416	18,244	440,431	422,187
32 Plumas	93,732	12,968	5,009	5,431	98,741	18,399	12,143	6,256	117,140	110,884
33 Riverside	968,009	437,940	51,735	49,568	1,019,744	487,508	321,755	165,753	1,507,252	1,341,499
34 Sacramento	1,031,990	466,886	55,154	52,798	1,087,144	519,684	342,991	176,693	1,606,828	1,430,135
35 San Benito	136,260	20,513			136,260	20,513	13,539	6,974	156,773	149,799
36 San Bernardino	2,544,692	1,151,255			2,544,692	1,151,255	759,828	391,427	3,695,947	3,304,520
37 San Diego	1,770,159	800,845	94,605	90,065	1,864,764	890,910	588,001	302,909	2,755,674	2,452,765
38 San Francisco	891,641	479,952	47,653	45,713	939,294	525,665	346,939	178,726	1,464,959	1,286,233
39 San Joaquin	689,435	70,348		35,505	689,435	105,853	69,863	35,990	795,288	759,298
40 San Luis Obispo	225,765	102,140	12,066	12,097	237,831	114,237	75,396	38,841	352,068	313,227
41 San Mateo	395,940	179,129		20,688	395,940	199,817	131,879	67,938	595,757	527,819
42 Santa Barbara	460,907	208,521	24,633		485,540	208,521	137,624	70,897	694,061	623,164
43 Santa Clara	1,707,810	505,408	91,273	86,917	1,799,083	592,325	390,935	201,391	2,391,408	2,190,018
44 Santa Cruz	187,809	76,730		5,270	187,809	82,000	54,120	27,880	269,809	241,929
45 Shasta/Trinity	423,384	191,545			423,384	191,545	126,420	65,125	614,929	549,804
46 Sierra	-	-			-	-	-	-	-	-
47 Siskiyou	233,265	105,533	12,467	12,475	245,732	118,008	77,885	40,123	363,740	323,617
48 Solano	524,122	153,727			524,122	153,727	101,460	52,267	677,849	625,582
49 Sonoma	488,152	220,846	26,089	25,343	514,241	246,189	162,485	83,704	760,430	676,726
50 Stanislaus	783,525	195,073			783,525	195,073	128,748	66,325	978,598	912,273
51 Sutter	195,330	55,441			195,330	55,441	36,591	18,850	250,771	231,921
52 Tehama	92,238	41,730		5,356	92,238	47,086	31,077	16,009	139,324	123,315
53 Trinity	-	-			-	-	-	-	-	-
54 Tulare	552,849	179,730		(77,779)	552,849	101,951	67,288	34,663	654,800	620,137
55 Tuolumne	161,119	72,893			161,119	72,893	48,109	24,784	234,012	209,228
56 Ventura	563,318	254,855	30,106	18,669	593,424	273,524	180,526	92,998	866,948	773,950
57 Yolo	193,254	87,432			193,254	87,432	57,705	29,727	280,686	250,959
58 Yuba	198,813	89,947	10,625	(19,945)	209,438	70,002	46,201	23,801	279,440	255,639
<b>Totals</b>	<b>31,555,851</b>	<b>12,232,635</b>	<b>570,129</b>	<b>-</b>	<b>32,125,980</b>	<b>12,232,635</b>	<b>8,073,539</b>	<b>4,159,096</b>	<b>44,358,615</b>	<b>40,199,519</b>

CSC Base Funds 32,125,980  
 CSC Federal Drawdown 8,073,539  
 Total Funding Available 40,199,519

**FAMILY LAW FACILITATOR MID-YEAR REALLOCATION, FY 2014-15**

County	A	B	C	D	E	F	G	H	I	J
	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Mid-Year Changes to Base Allocation	Mid-Year Changes to Federal Drawdown Option	Recommended Base Allocatio (Column A+C)	Recommended Federal Drawdown Option Allocation (Column B+D)	Federal Share 66% (Column Fx.66)	Court Share 34% (Column Fx.34)	Total Allocation (Column E+F)	Contract Amount (Column E+G)
1 Alameda	369,025	156,997		7,915	369,025	164,912	108,842	56,070	533,937	477,867
2 Alpine/Ed Dorado					-	-	-	-	-	-
3 Amador/Calaveras					-	-	-	-	-	-
4 Butte	103,647	44,095			103,647	44,095	29,103	14,992	147,742	132,750
5 Calaveras/Amador	119,392	10,925			119,392	10,925	7,211	3,715	130,317	126,603
6 Colusa	52,326	22,261	2,356	1,122	54,682	23,383	15,433	7,950	78,065	70,115
7 Contra Costa	342,973		15,440	7,356	358,413	7,356	4,855	2,501	365,769	363,268
8 Del Norte	49,723	5,138	2,238	1,066	51,961	6,204	4,095	2,109	58,165	56,056
9 El Dorado/Alpine	105,446	44,862	4,747	2,262	110,193	47,124	31,102	16,022	157,317	141,295
10 Fresno	390,532	166,148			390,532	166,148	109,658	56,490	556,680	500,190
11 Glenn	75,385	32,071	3,394	1,617	78,779	33,688	22,234	11,454	112,467	101,013
12 Humboldt	88,688	37,730	3,993		92,681	37,730	24,902	12,828	130,411	117,583
13 Imperial	52,326	22,261	2,356	1,122	54,682	23,383	15,433	7,950	78,065	70,115
14 Inyo	56,866	24,194	2,560	1,220	59,426	25,414	16,773	8,641	84,840	76,199
15 Kern	351,518	149,548	15,825	7,539	367,343	157,087	103,677	53,410	524,430	471,020
16 Kings	58,001	24,677	2,611		60,612	24,677	16,287	8,390	85,289	76,899
17 Lake	58,640	24,948		(14,948)	58,640	10,000	6,600	3,400	68,640	65,240
18 Lassen	111,304	47,352			111,304	47,352	31,252	16,100	158,656	142,556
19 Los Angeles	1,870,754	746,897		40,123	1,870,754	787,020	519,433	267,587	2,657,774	2,390,187
20 Madera	82,062	34,913			82,062	34,913	23,043	11,870	116,975	105,105
21 Marin	139,122	59,187		(59,187)	139,122	-	-	-	139,122	139,122
22 Mariposa	46,234		(23,624)		22,610	-	-	-	22,610	22,610
23 Mendocino	61,300	26,080		1,315	61,300	27,395	18,081	9,314	88,695	79,381
24 Merced	100,217	42,636			100,217	42,636	28,140	14,496	142,853	128,357
25 Modoc	72,130	1,889			72,130	1,889	1,247	642	74,019	73,377
26 Mono	47,891	1,255			47,891	1,255	828	427	49,146	48,719
27 Monterey	119,672	50,913	5,387	2,567	125,059	53,480	35,297	18,183	178,539	160,356
28 Napa	61,300	26,080	2,761	1,315	64,061	27,395	18,081	9,314	91,456	82,142
29 Nevada/Sierra	118,168	50,273			118,168	50,273	33,180	17,093	168,441	151,348
30 Orange	534,214	227,274		(74,591)	534,214	152,683	100,771	51,912	686,897	634,985
31 Placer	89,126	37,917	4,012	1,912	93,138	39,829	26,287	13,542	132,967	119,425
32 Plumas	56,866	7,254			56,866	7,254	4,788	2,466	64,120	61,654
33 Riverside	658,653	280,217	29,651	14,126	688,304	294,343	194,266	100,077	982,647	882,570
34 Sacramento	306,439	130,372	13,795	6,572	320,234	136,944	90,383	46,561	457,178	410,617
35 San Benito	61,300	26,080			61,300	26,080	17,213	8,867	87,380	78,513
36 San Bernardino	454,656	193,428			454,656	193,428	127,662	65,766	648,084	582,318
37 San Diego	602,559	225,226	27,126	12,923	629,685	238,149	157,178	80,971	867,834	786,863
38 San Francisco	243,890	103,761	10,979	5,231	254,869	108,992	71,935	37,057	363,861	326,804
39 San Joaquin	217,745	68,636			217,745	68,636	45,300	23,336	286,381	263,045
40 San Luis Obispo	66,516	28,298	2,994	1,427	69,510	29,725	19,619	10,107	99,235	89,129
41 San Mateo	129,159	54,948		2,770	129,159	57,718	38,094	19,624	186,877	167,253
42 Santa Barbara	168,964	71,882	7,606		176,570	71,882	47,442	24,440	248,452	224,012
43 Santa Clara	441,000	187,620	19,853	9,458	460,853	197,078	130,071	67,007	657,931	590,924
44 Santa Cruz	73,576	31,302		1,578	73,576	32,880	21,701	11,179	106,456	95,277
45 Shasta/Trinity	160,170	68,142	7,211	3,435	167,381	71,577	47,241	24,336	238,958	214,622
46 Sierra/Nevada										
47 Siskiyou	75,822	32,258			75,822	32,258	21,290	10,968	108,080	97,112
48 Solano	131,471	55,933			131,471	55,933	36,916	19,017	187,404	168,387
49 Sonoma	137,123	58,339	6,173	2,941	143,296	61,280	40,445	20,835	204,576	183,741
50 Stanislaus	223,137	94,930			223,137	94,930	62,654	32,276	318,067	285,791
51 Sutter	65,735	27,967	2,959	1,410	68,694	29,377	19,389	9,988	98,071	88,083
52 Tehama	27,802	3,286			27,802	3,286	2,169	1,117	31,088	29,971
53 Trinity/Shasta										
54 Tulare	312,151	117,503			312,151	117,503	77,552	39,951	429,654	389,703
55 Tuolumne	65,735	27,967			65,735	27,967	18,458	9,509	93,702	84,193
56 Ventura	250,857	106,724	11,293	5,380	262,150	112,104	73,989	38,115	374,254	336,139
57 Yolo	75,822	32,258	3,413	1,626	79,235	33,884	22,363	11,521	113,119	101,598
58 Yuba	65,184	27,733	2,934	1,398	68,118	29,131	19,226	9,905	97,249	87,344
<b>Totals</b>	<b>10,800,314</b>	<b>4,180,585</b>	<b>190,043</b>	<b>-</b>	<b>10,990,357</b>	<b>4,180,585</b>	<b>2,759,186</b>	<b>1,421,399</b>	<b>15,170,942</b>	<b>13,749,543</b>

FLF Base Funds 10,990,357  
 FLF Federal Drawdown 4,180,585  
 Total Funding Available 15,170,942

**CHILD SUPPORT COMMISSIONER PROGRAM ALLOCATION, FY 2015-16**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>COURT</b>	<b>Recommended Base Fundibng Allocation</b>	<b>Recommended Federal Drawdown Option</b>	<b>Federal Share 66% (Column Bx.66)</b>	<b>Court Share 34% (Column B x.34)</b>	<b>Total Allocation (Column A+B)</b>	<b>Contract Amount (Column A+C)</b>
Unallocated fund						
1 Alameda	1055625	521847	344,419	177,428	1,577,472	1,400,044
2 Alpine	0	0	-	-	-	-
3 Amador	142508	42553	28,085	14,468	185,061	170,593
4 Butte	363685	36315	23,968	12,347	400,000	387,653
5 Calaveras	133526	37209	24,558	12,651	170,735	158,084
6 Colusa	45987	19133	12,628	6,505	65,120	58,615
7 Contra Costa	1014068	42524	28,066	14,458	1,056,592	1,042,134
8 Del Norte	48315	21859	14,427	7,432	70,174	62,742
9 El Dorado/Alpine	206440	93395	61,641	31,754	299,835	268,081
10 Fresno	1601818	769974	508,183	261,791	2,371,792	2,110,001
11 Glenn	121963	58626	38,693	19,933	180,589	160,656
12 Humboldt	122985	55639	36,722	18,917	178,624	159,707
13 Imperial	163746	74082	48,894	25,188	237,828	212,640
14 Inyo	80540	21612	14,264	7,348	102,152	94,804
15 Kern	663938	319146	210,636	108,510	983,084	874,574
16 Kings	302515	145415	95,974	49,441	447,930	398,489
17 Lake	157624	28628	18,894	9,734	186,252	176,518
18 Lassen	94874	42923	28,329	14,594	137,797	123,203
19 Los Angeles	5238223	2168640	1,431,302	737,338	7,406,863	6,669,525
20 Madera	215224	64264	42,414	21,850	279,488	257,638
21 Marin	128240	5229	3,451	1,778	133,469	131,691
22 Mariposa	76427	34576	22,820	11,756	111,003	99,247
23 Mendocino	173010	35000	23,100	11,900	208,010	196,110
24 Merced	548422	248113	163,755	84,358	796,535	712,177
25 Modoc	0	0	-	-	-	-
26 Mono	45960	1874	1,237	637	47,834	47,197
27 Monterey	381807	167961	110,854	57,107	549,768	492,661
28 Napa	185081	88967	58,718	30,249	274,048	243,799
29 Nevada/Sierra	332867	150595	99,393	51,202	483,462	432,260
30 Orange	2336135	452086	298,377	153,709	2,788,221	2,634,512
31 Placer	377583	65822	43,443	22,379	443,405	421,026
32 Plumas	96396	16899	11,153	5,746	113,295	107,549
33 Riverside	995520	478533	315,832	162,701	1,474,053	1,311,352
34 Sacramento	1061319	510162	336,707	173,455	1,571,481	1,398,026
35 San Benito	136260	20513	13,539	6,974	156,773	149,799
36 San Bernardino	2544692	1151255	759,828	391,427	3,695,947	3,304,520
37 San Diego	1820467	875076	577,550	297,526	2,695,543	2,398,017
38 San Francisco	916982	517342	341,446	175,896	1,434,324	1,258,428
39 San Joaquin	689435	99259	65,511	33,748	788,694	754,946
40 San Luis Obispo	232181	111607	73,661	37,946	343,788	305,842
41 San Mateo	395940	195733	129,184	66,549	591,673	525,124
42 Santa Barbara	474006	208521	137,624	70,897	682,527	611,630
43 Santa Clara	1756347	577024	380,836	196,188	2,333,371	2,137,183
44 Santa Cruz	193147	84606	55,840	28,766	277,753	248,987
45 Shasta /Trinity	423384	191545	126,420	65,125	614,929	549,804
46 Sierra	0	0	-	-	-	-
47 Siskiyou	239894	115315	76,108	39,207	355,209	316,002
48 Solano	524122	101654	67,092	34,562	625,776	591,214
49 Sonoma	502025	241316	159,269	82,047	743,341	661,294
50 Stanislaus	783525	195073	128,748	66,325	978,598	912,273
51 Sutter	195330	55441	36,591	18,850	250,771	231,921
52 Tehama	94859	45598	30,095	15,503	140,457	124,954
53 Trinity	0	0	-	-	-	-
54 Tulare	552849	117352	77,452	39,900	670,201	630,301
55 Tuolumne	161119	72893	48,109	24,784	234,012	209,228
56 Ventura	579328	278477	183,795	94,682	857,805	763,123
57 Yolo	193254	87432	57,705	29,727	280,686	250,959
58 Yuba	204463	70002	46,201	23,801	274,465	250,664
<b>Totals</b>	<b>32,125,980</b>	<b>12,232,635</b>	<b>8,073,539</b>	<b>4,159,096</b>	<b>44,358,615</b>	<b>40,199,519</b>

CSC Base Funds 32,125,980  
 CSC Federal Drawdown 8,073,539  
 Total Funding Available 40,199,519

**FAMILY LAW FACILITATOR PLOGRAM ALLOCATION, FY 2015-16**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>COURT</b>	Recommended Base Funding Allocation	Recommended Federal Drawdown Option	Federal Share 66% (Comumn B x .66)	Court Share 34% (Column B x .34)	Total Allocation (Column A + B)	Contract Amount (Column A + C)
1 Alameda	369025	161948	107,336	55,294	531,656	476,361
2 Alpine/Ed Dorado	-	0	-	-	-	-
3 Amador/Calaveras	-	0	-	-	-	-
4 Butte	103,647	44095	29,103	14,992	147,742	132,750
5 Calaveras/Amador	119,392	10925	7,211	3,715	130,317	126,603
6 Colusa	53,758	22261	14,692	7,569	76,180	68,611
7 Contra Costa	352,361	4602	3,456	1,780	358,651	356,870
8 Del Norte	51,084	5805	3,892	2,005	57,134	55,129
9 El Dorado/Alpine	108,332	46277	30,671	15,800	155,128	139,328
10 Fresno	401,222	171388	113,593	58,517	574,532	516,014
11 Glenn	77,449	33082	21,926	11,295	110,902	99,606
12 Humboldt	91,116	37730	24,902	12,828	129,118	116,290
13 Imperial	53,758	22963	15,219	7,840	76,979	69,139
14 Inyo	58,423	24957	16,541	8,521	83,659	75,138
15 Kern	361,140	154265	102,244	52,671	517,134	464,463
16 Kings	59,589	25455	16,871	8,691	85,329	76,638
17 Lake	58,640	24948	16,466	8,482	83,588	75,106
18 Lassen	79,131	47352	31,252	16,100	126,483	110,383
19 Los Angeles	1,921,963	746897	492,952	253,945	2,674,605	2,420,660
20 Madera	82,062	23043	15,208	7,835	105,105	97,270
21 Marin	139,122	0	-	-	139,122	139,122
22 Mariposa	46,234	0	-	-	46,234	46,234
23 Mendocino	61,300	26903	17,830	9,185	88,316	79,130
24 Merced	100,217	42636	28,140	14,496	142,853	128,357
25 Modoc	72,130	1247	823	424	73,377	72,953
26 Mono	49,203	1255	828	427	50,604	50,177
27 Monterey	122,948	52519	34,808	17,932	176,055	158,124
28 Napa	62,978	26904	17,830	9,185	90,182	80,997
29 Nevada/Sierra	118,168	50273	33,180	17,093	168,441	151,348
30 Orange	548,837	234442	155,384	80,046	785,908	705,861
31 Placer	91,566	39113	25,923	13,354	131,117	117,763
32 Plumas	56,866	7254	4,788	2,466	64,120	61,654
33 Riverside	676,683	289055	184,943	95,274	938,870	843,596
34 Sacramento	314,827	134484	89,133	45,917	450,819	404,902
35 San Benito	61,300	26080	17,213	8,867	87,380	78,513
36 San Bernardino	467,102	199528	132,244	68,125	668,867	600,741
37 San Diego	619,053	233311	154,721	79,705	855,329	775,624
38 San Francisco	250,566	107033	70,940	36,545	358,800	322,255
39 San Joaquin	217,745	68636	45,300	23,336	286,381	263,045
40 San Luis Obispo	68,337	29190	19,347	9,967	97,855	87,888
41 San Mateo	129,159	56681	37,567	19,353	186,079	166,726
42 Santa Barbara	173,589	71882	47,442	24,440	245,990	221,550
43 Santa Clara	453,072	193537	128,273	66,080	648,779	582,699
44 Santa Cruz	75,590	32289	21,401	11,025	108,241	97,217
45 Shasta/Trinity	164,554	70291	44,974	23,168	228,312	205,144
46 Sierra/Nevada	-	0	-	-	-	-
47 Siskiyou	75,822	32258	21,290	10,968	108,080	97,112
48 Solano	131,471	36916	24,365	12,551	168,387	155,836
49 Sonoma	140,877	60179	39,885	20,547	201,730	181,183
50 Stanislaus	223,137	94930	62,654	32,276	318,067	285,791
51 Sutter	67,534	28849	19,121	9,850	96,707	86,857
52 Tehama	27,802	3286	2,169	1,117	31,088	29,971
53 Trinity/Shasta	-	0	-	-	-	-
54 Tulare	312,151	121691	80,697	41,571	434,420	392,848
55 Tuolumne	65,735	27967	18,458	9,509	93,702	84,193
56 Ventura	257,724	110090	72,965	37,588	369,048	331,460
57 Yolo	77,898	33275	22,054	11,361	111,546	100,185
58 Yuba	66,968	28608	18,961	9,768	95,897	86,129
<b>Totals</b>	<b>10,990,357</b>	<b>4,180,585</b>	<b>2,759,186</b>	<b>1,421,399</b>	<b>15,170,942</b>	<b>13,749,543</b>

FLF Base Funds 10,990,357  
FLF Federal Drawdown 4,180,585  
Total Funding Available 15,170,942

**ADMINISTRATIVE OFFICE OF THE COURTS**  
Report Summary

**Family and Juvenile Law Advisory Committee**

May 2, 1997

**SUBJECT: Child Support Commissioner and Facilitator Allocation  
Funding (Action Required)**

Family Code section 4252 requires the Judicial Council to establish minimum qualifications, caseload, case processing, and staffing standards for child support commissioners. A cooperative agreement between the council and the Department of Social Services provides funding for child support commissioners and facilitators; the council is required to allocate this funding among the courts.

Attached to this memorandum is the report prepared by the Family and Juvenile Law Advisory Committee, which makes recommendations on these and related matters involving child support commissioners and facilitators.

**Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council:

1. Approve the attached Title IV-D report (see Attachment B) on Commissioner Workload, Qualifications, and Allocation; Support Staff Minimum Levels; and Future Statistical Studies, which includes the following actions:
  - a. Establish the minimum qualifications for a commissioner, requiring five years' practice and experience in family law matters that may include Title IV-D child support matters (see pp. 1-2 of the Title IV-D report);
  - b. Require that commissioners receive ongoing education pursuant to a plan to be jointly developed by the Family and Juvenile Law Advisory Committee and the Center for Judicial Education and Research (see p. 2 of the Title IV-D report);
  - c. Establish a workload of 250 cases per week for a commissioner hearing Title IV-D child support matters (see pp. 4-9 and 16-17 of the Title IV-D report);



- d. Establish a minimum support staff figure of one courtroom clerk, one bailiff, four file clerks, and one court reporter (see pp. 5 and 11–12 of the Title IV-D report);
  - e. Allocate the funding for the 50 commissioner positions based on the active pending caseload of Title IV-D child support cases in each county (see p. 10 of the Title IV-D report and Attachment A to this memorandum);
  - f. Allocate the funding for the facilitator position using the same criteria as the allocation for the commissioner funding (see Attachment A to this memorandum); and
  - g. Direct the Family and Juvenile Law Advisory Committee to develop statistics that would facilitate the prediction of caseload and the resources needed to work with this caseload (see pp. 15–16 of the Title IV- D report).
2. Direct the Family and Juvenile Law Advisory Committee to monitor the allocation of commissioners and facilitators and to recommend to the council reallocations as necessary to meet the needs of changes in caseload; and
  3. Direct the Family and Juvenile Law Advisory Committee to prepare the commissioner qualifications, educational requirements for commissioners and facilitators, caseload processing standards, and support staff levels as draft standards of judicial administration for submission to the Rules and Projects Committee to be circulated for comment.

**THE JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS  
303 Second Street, South Tower  
San Francisco, California 94107  
415-396-9130**

**TO:** Members of the Judicial Council

**FROM:** Family and Juvenile Law Advisory Committee  
Hon. Leonard Edwards and Hon. Mary Ann Grilli, Co-Chairs  
Michael A. Fischer and Diane Nunn, Committee Counsel

**DATE:** May 2, 1997

**SUBJECT:** Child Support Commissioner and Facilitator Allocation  
Funding (Action Required)

**Background**

Statutes 1996, chapter 957 (Assem. Bill 1058 (Speier)) added Family Code section 4252 to read, in part:

- (b) The Judicial Council shall do all of the following:
  - (1) Establish minimum qualifications for child support commissioners.
  - ...
  - (2) Establish caseload, case processing, and staffing standards for child support commissioners on or before April 1, 1997, which shall set forth the maximum number of cases that each child support commissioner can process. These standards shall be reviewed and, if appropriate, revised by the Judicial Council every two years.

Attached to this memorandum is the report prepared by the Family and Juvenile Law Advisory Committee, which makes recommendations on these and other related matters implementing AB 1058. This bill made several changes to Title IV-D Child Support Enforcement.

## Title IV-D Child Support Enforcement

Title IV-D of the Federal Social Security Act provides that as a condition for receiving federal funding for welfare, each state must have a state plan for child support enforcement. The requirements imposed by this title are detailed. Each state's program is to be run by a single state agency. In California, the single state agency is the Department of Social Services, which uses each county's district attorney's office to handle the actual enforcement duties.

In addition to imposing requirements on the program, the federal government provides funding in the form of "federal financial participation" (FFP), which covers two-thirds of all eligible costs. The remaining one-third of the cost is to be paid for by either the state or a local entity. FFP is available only if an agency contracts by means of a "cooperative agreement" with the single state agency or with the local district attorney's office.

In approximately 22 counties, there are cooperative agreements between the local district attorney's office and the court to provide for funding for the court's activities in hearing and processing Title IV-D child support actions. Two-thirds of the cost of these agreements come from the federal government and one-third from the district attorney's office.

### Effect of AB 1058

AB 1058 was the result of the recommendation of the Governor's Child Support Court Task Force. The primary funding recommendation of that group was the requirement that each county provide a commissioner to hear Title IV-D child support actions (Fam. Code, § 4251) and each county provide an office of family law facilitator (Fam. Code, § 10002). The requirement of a commissioner was imposed because FFP is not available for either a judge or the support staff for a judge hearing Title IV-D child support actions while the funding is available for a commissioner and the commissioner's support staff.

In addition, there is funding provided by the Department of Social Services through a cooperative agreement with the Judicial Council to provide funding for both the commissioner and the facilitator. The establishment of funding through the council is preferable to the present situation where the source of the funding—the local district attorney's office—is one of the litigators in the court being funded.

AB 1058 also makes a number of changes to the practice of child support enforcement and requires the council to adopt implementing rules and forms. (This is the subject of another report, Family Law Rules and Forms, being considered by the council at this meeting.)

### Advisory committee recommendation

This report was prepared by the Family Law Subcommittee of the Judicial Council's Family and Juvenile Law Advisory Committee. The members of Family Law Subcommittee are listed in Appendix A to the report. The subcommittee was assisted by a subcommittee established of some Family Law Subcommittee members with additional advisory members. The members of this AB 1058 subcommittee are listed in Appendix B to the attached Title IV-D report. Comments on allocation and workload were solicited from the courts by means of two questionnaires, one sent in February 1997 and one sent in April 1997.

The Family and Juvenile Law Advisory Committee is holding a telephone meeting on May 5 to consider any requested revisions to the allocation schedule that were received from the courts. The affected courts have been invited to participate in that meeting. Any recommended modifications to the allocation will be presented to the council by means of a fax on May 12 in order to be considered in advance of the council meeting.

The recommendations made in the Title IV-D report are summarized in the recommendation section of this memorandum. It should be noted that some of the recommendations could appropriately be made into standards of judicial administration. Because this project will be fully launched on July 1, 1997, the committee is recommending that formal proposal and action on proposed standards be deferred until feedback from the to-be-hired commissioners and facilitators is obtained. A report seeking formal public comment on the standards will be presented to the Rules and Projects Committee by the advisory committee in December 1997, based on the experience of the commissioners and facilitators during the first months of the program.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council:

1. Approve the attached Title IV-D report (see Attachment B) on Commissioner Workload, Qualifications, and Allocation; Support Staff Minimum Levels; and Future Statistical Studies, which includes the following actions:
  - a. Establish the minimum qualifications for a commissioner, requiring five years' practice and experience in family law matters that may include Title IV-D child support matters (see pp. 1-2 of the Title IV-D report);
  - b. Require that commissioners receive ongoing education pursuant to a plan to be jointly developed by the Family and Juvenile Law Advisory Committee

and the Center for Judicial Education and Research (see p. 2 of the Title IV-D report);

- c. Establish a workload of 250 cases per week for a commissioner hearing Title IV-D child support matters (see pp. 4–9 and 16–17 of the Title IV-D report);
  - d. Establish a minimum support staff figure of one courtroom clerk, one bailiff, four file clerks, and one court reporter (see pp. 5 and 11–12 of the Title IV-D report);
  - e. Allocate the funding for the 50 commissioner positions based on the active pending caseload of Title IV-D child support cases in each county (see p. 10 of the Title IV-D report and Attachment A to this memorandum);
  - f. Allocate the funding for the facilitator position using the same criteria as the allocation for the commissioner funding (see Attachment A to this memorandum); and
  - g. Direct the Family and Juvenile Law Advisory Committee to develop statistics that would facilitate the prediction of caseload and the resources needed to work with this caseload (see pp. 15–16 of the Title IV- D report).
2. Direct the Family and Juvenile Law Advisory Committee to monitor the allocation of commissioners and facilitators and to recommend to the council reallocations as necessary to meet the needs of changes in caseload; and
  3. Direct the Family and Juvenile Law Advisory Committee to prepare the commissioner qualifications, educational requirements for commissioners and facilitators, caseload processing standards, and support staff levels as draft standards of judicial administration for submission to the Rules and Projects Committee to be circulated for comment.

#### Attachments

**ATTACHMENT A**

County	FY 1995-96 Active Caseload*	Comm. FTE Alloc.	Commissioner – June 1997	Commissioner – FY 1997-98	Facilitator – June 1997	Facilitator – FY 1997-98
Alameda	48,103	1.9	\$95,000	\$1,140,000	\$94,050	\$308,560
Alpine	111	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Amador	1,608	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Butte	8,582	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Calaveras	1,919	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Colusa	821	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Contra Costa	38,666	1.5	\$75,000	\$900,000	\$74,250	\$243,600
Del Norte	3,024	0.3	\$15,000	\$180,000	\$14,850	\$48,720
El Dorado	8,720	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Fresno	61,224	2.3	\$115,000	\$1,380,000	\$113,850	\$373,520
Glenn	1,715	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Humboldt	6,158	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Imperial	7,907	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Inyo	1,540	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Kern	50,318	1.9	\$95,000	\$1,140,000	\$94,050	\$308,560
Kings	9,132	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Lake	3,377	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Lassen	1,529	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Los Angeles	226,752	8.8	\$440,000	\$5,280,000	\$435,600	\$1,429,120
Madera	5,765	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Marin	3,840	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Mariposa	794	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Mendocino	4,110	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Merced	13,858	0.5	\$25,000	\$300,000	\$24,750	\$81,200
Modoc	739	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Mono	224	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Monterey	13,470	0.5	\$25,000	\$300,000	\$24,750	\$81,200
Napa	4,231	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Nevada	5,261	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Orange	73,686	2.8	\$140,000	\$1,680,000	\$138,600	\$454,720
Placer	6,030	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Plumas	762	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Riverside	80,119	3.1	\$155,000	\$1,860,000	\$153,450	\$503,440
Sacramento	35,237	1.3	\$65,000	\$780,000	\$64,350	\$211,120
San Benito	2,400	0.3	\$15,000	\$180,000	\$14,850	\$48,720

\* This figure is based on data reported by district attorney offices to the Department of Social Services.

**ATTACHMENT A**

County	FY 1995-96 Active Caseload	Comm. FTE Alloc.	Commissioner – June 1997	Commissioner – FY 1997-98	Facilitator – June 1997	Facilitator – FY 1997-98
San Bern.	41,584	1.6	\$80,000	\$960,000	\$79,200	\$259,840
San Diego	54,751	2.1	\$105,000	\$1,260,000	\$103,950	\$341,040
San Fran.	28,302	1.1	\$55,000	\$660,000	\$54,450	\$178,640
San Joaquin	32,532	1.2	\$60,000	\$720,000	\$59,400	\$194,880
San Luis Ob.	6,991	0.3	\$15,000	\$180,000	\$14,850	\$48,720
San Mateo	14,447	0.5	\$25,000	\$300,000	\$24,750	\$81,200
Santa Barb.	21,364	0.8	\$40,000	\$480,000	\$39,600	\$129,920
Santa Clara	49,128	1.9	\$95,000	\$1,140,000	\$94,050	\$308,560
Santa Cruz	5,196	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Shasta	15,807	0.6	\$30,000	\$360,000	\$29,700	\$97,440
Sierra	160	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Siskiyou	4,015	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Solano	16,348	0.6	\$30,000	\$360,000	\$29,700	\$97,440
Sonoma	18,320	0.7	\$35,000	\$420,000	\$34,650	\$113,680
Stanislaus	25,495	0.9	\$45,000	\$540,000	\$44,550	\$146,160
Sutter	5,211	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Tehama	4,321	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Trinity	1,075	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Tulare	26,837	1.0	\$50,000	\$600,000	\$49,500	\$162,400
Tuolumne	3,139	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Ventura	35,077	1.3	\$65,000	\$780,000	\$64,350	\$211,120
Yolo	9,051	0.3	\$15,000	\$180,000	\$14,850	\$48,720
Yuba	6,271	0.3	\$15,000	\$180,000	\$14,850	\$48,720
<b>Total</b>	<b>1,154,154</b>	<b>49.4</b>	<b>\$2,470,000</b>	<b>\$29,640,000</b>	<b>\$2,445,300</b>	<b>\$8,022,560</b>

Title IV-D Child Support Enforcement  
Commissioner Workload, Qualifications,  
and Allocation  
Support Staff Minimum Levels  
Future Statistical Studies

Judicial Council of California  
Family and Juvenile Law Advisory Committee Draft  
April 1997



**Table of Contents**

I. Introduction ..... 1

II. Minimum qualifications for commissioner ..... 1

III. Department of Social Services 1994 Survey ..... 2

IV. Informal 1997 Telephone Survey ..... 4

V. Court estimates of need..... 6

    A. Number of cases per commissioner ..... 7

    B. Number of commissioners needed and able to be accommodated ..... 9

    C. Support staff, equipment, and facilities..... 11

VI. District Attorney Title IV-D caseload ..... 12

VII. Suggestions for future data-gathering..... 15

VIII. Analysis and recommendations ..... 16

Appendix A - Family Law Subcommittee Members..... 18

Appendix B - AB 1058 Subcommittee Members..... 19

## I. Introduction

This report is prepared pursuant to Family Code section 4252, which provides, in part:

(b) The Judicial Council shall do all of the following:  
(1) Establish minimum qualifications for child support commissioners.

...

(2) Establish caseload, case processing, and staffing standards for child support commissioners on or before April 1, 1997, which shall set forth the maximum number of cases that each child support commissioner can process. These standards shall be reviewed and, if appropriate, revised by the Judicial Council every two years.

This report was prepared by the Family Law Subcommittee of the Judicial Council's Family and Juvenile Law Advisory Committee, the body charged with implementing Statutes of 1996, chapter 957 (Assembly Bill 1058). The report has been approved by the Judicial Council. The members of the Family Law Subcommittee are listed in Appendix A. The subcommittee was assisted by the AB 1058 subcommittee, which consisted of some Family Law Subcommittee members and additional advisory members. The members of this AB 1058 subcommittee are listed in Appendix B.

This report is preliminary in nature, and the statistics currently available concerning workload for family law commissioners is sparse. The cooperative agreement between the Judicial Council and the Department of Social Services, which is the primary implementation document for AB 1058, provides that the council is to recommend to the Department of Social Services methods to gather statistical information that can be used to predict future needs of the child support enforcement system. This report also serves this recommending function, in part. It is anticipated that the council will provide more specific data concerning workload in time for the fiscal year 1998-99 budget process.

## II. Minimum qualifications for commissioner

A judge of the superior court must have at least 10 years of practice prior to the appointment. (See Cal. Const., art. 6, § 15.) A judge of the municipal court requires five years of practice and can, if assigned as a judge of the superior court hear family law matters.

The appointment of commissioners to hear family law matters is sometimes viewed critically because it can lead to the appearance of providing less importance to those cases than to the cases heard by a judge. It should be noted, though, that in many superior courts currently using commissioners for family law matters, the commissioner is a highly qualified individual who not only has the same length of practice experience as a superior court judge, but also has extensive family law experience and expertise, both before taking the bench and afterwards. These commissioners are highly specialized and experienced family law adjudicators.

Whatever the policy reasons for and against the appointment of commissioners, however, the federal government will not provide funding for superior court judges who hear child support matters, nor will it provide funding for the support staff for that judge. It will, however, provide two-thirds of the funding for a commissioner hearing child support matters, and it will provide funding for that commissioner's support staff as well. Thus, AB 1058 requires the use of commissioners to hear these matters.

Since a municipal court judge is assignable to hear family law matters, it would be appropriate to set the same requirement for a commissioner, with the added provision of experience in family law matters that may include Title IV-D child support matters. This will also permit the more rural counties to find a commissioner. A court is, of course, free to impose additional qualification standards.

In addition, AB 1058 requires that commissioners receive ongoing education (Fam. Code, § 4252(b)(2)). The Family and Juvenile Law Advisory Committee is studying the form and content of appropriate education for these commissioners and will be developing a program for them in conjunction with the Center for Judicial Education and Research. Each commissioner hired under this program will be required to participate in such education programs as are specified by these two groups.

### III. Department of Social Services 1994 Survey

In April 1994, the Department of Social Services surveyed counties to determine how much time was spent hearing Title IV-D child support matters. In the counties that responded to the survey, it was indicated that approximately 750 hours per week was spent by judges and commissioners in hearing these matters.

The workload figures did not include reports from the counties listed in Table 1. These non-reporting counties had a total active caseload in 1994 of 197,787 cases.

**Table 1 - Counties Not Responding to 1994 Workload Report**

County Name	1994 Active Caseload
Butte	9,757
Glenn	1,209
Kings	7,489
Lassen	671
Los Angeles	156,835
Mariposa	618
San Benito	1,471
Santa Cruz	5,217
Shasta	11,564
Trinity	829
Tuolumne	2,127
<b>Total Caseload</b>	<b>197,787</b>

The total active caseload for *all* counties for 1994 was 814,165, so the workload of 750 hours represents a workload for an active caseload of 616,378 (814,165 – 197,787). Assuming that workload is best related to the active caseload, this results in a workload for all counties of 991 hours in 1994. Extrapolating this data to the end of June 1996 (with a total active caseload of 1,157,174) results in a workload of 1409 hours per week. A child support commissioner must also be involved in reviewing and signing default orders, overseeing the processing of papers, and participating in general court activities. Accordingly, the commissioner’s case-related time available is 30 hours a week, which involves six hours of hearings each day. The 1,409 hours thus needed, based strictly on the 1994 figures, would result in a need for 47 commissioners.

These figures, though, are likely to be understated for several reasons:

- 25 percent of the counties responding to the 1994 survey reported that there was a delay in the court’s ability to hear Title IV-D cases, and in only two of the 12 counties reporting a delay was the length of the delay less than four weeks.
- The figures are totals and do not take into account the extra time required because some courts do not have a full-time workload for a commissioner. In the smaller counties, a commissioner might not have sufficient workload for a full or even a half day of hearings, or must travel to several counties resulting in a loss of potential hearing time.

- The figures do not take into account the added hearing time and contested proceedings that are likely to result from the reforms enacted by AB 1058<sup>1</sup> and federal welfare reform (The Personal Responsibility and Work Opportunity Reconciliation Act of 1996).<sup>2</sup>

#### IV. Informal 1997 Telephone Survey

The Administrative Office of the Courts conducted a telephone survey of eight courts that already employ a child support commissioner. These counties stated that they were handling, on average, 323 child support enforcement cases a week per full-time commissioner. Most of the counties did not have statistics concerning how many of the cases involved establishing a child support obligation, how many involved enforcement action, and how many involved modification of an existing order. Sacramento County noted that approximately one-half of its cases are establishment, one-quarter are modifications, and one-quarter are enforcement. That county also noted that modifications take two to three times as long as the other two types of cases. The number of cases per week handled in each county is shown in Table 2. Some counties also establish default judgments by declaration while others calendar the default matters for a hearing. This can result in different amounts of time spent in establishing a default.

Table 2 - Number of Cases Handled Per Week

County	No. of Cases Per Week
Fresno	225–250
Los Angeles	300–500
Sacramento	325
San Diego	500
San Francisco	200
San Mateo	500
Solano	150–300
Stanislaus	200
Average	323

Each county was also asked about the support staff that was used in each courtroom or otherwise in the clerk's office to support the work of the courtroom.

<sup>1</sup> Because the proposed default judgment is now served with the petition, it is anticipated that more answers are likely to be filed since the noncustodial parent is likely to be better aware of the amount that is probably to be ordered in his or her case. In addition, the availability of the facilitation office also means that persons who wish to contest the proceedings will now be better informed of the procedures and how to use them.

<sup>2</sup> Under this act, the recipient parent has a greater incentive to cooperate in the establishment of a support obligation and, thus, more cases are likely to be filed seeking support.

The numbers reported by each court, based on support staff per full-time-equivalent (FTE) commissioner position is given in Table 3.

Table 3 - Support Staff Per Full-Time-Equivalent Commissioner Position

County	Courtroom Clerks	Bailiffs	File Clerks
Fresno	2	1	5
Los Angeles	2	1	8
Sacramento	2	1	4
San Francisco	1	1	5
San Mateo	1	1	4
Solano	1	1	4
Average	1.5	1	5

As can be seen from Table 3, the workload of a child support commissioner courtroom is very paper intensive resulting in the need for extensive support staff. For example, there are three orders that generally result from each establishment case – the child support order itself, the health insurance assignment, and the wage assignment. In addition to the support staff listed in Table 3, some courts also have secretaries from the district attorney’s family support division who type up orders in the courtroom at the conclusion of each hearing.

There is reporting of the proceedings in all courtrooms surveyed. With the recent decision of the superior court in *California Court Reporters Association, et. al v. Judicial Council, et al.*, enjoining the council from authorizing or causing the expenditure of public funds on electronic recording, each court is likely to require the use of a court reporter as well.

The workload figures given in Table 2, above, vary from court to court based on a variety of factors. In most courts, the cases are reviewed in advance of the hearing. In some cases, the commissioners reported that the workload was heavy and some took cases home to review them the evening before the hearing.

In some of the courts, there is a significant number of non-English-speaking defendants. The council is considering a recommendation to survey the language needs of the courts in these cases. For the present, the number of different languages and the relative unavailability of interpreters result in fewer cases being handled per day. In addition, since the custodial parent is now able to be a party in this action, the burden of providing interpreting services for a number of different languages and dialects is likely to increase.

Another variable factor is the level of acrimony in each case either between the parents or between the payor parent and the district attorney’s office. Practices in

district attorney family support divisions vary from county to county concerning how aggressively cases are handled. While more aggressively handled cases may result in a greater number of cases being settled without court process, those cases that do go to court may take more court time. This is another issue that will be recommended for future study to determine the effect on case processing.

The workload figures gathered to date all involve activities prior to the implementation of Assembly Bill 1058. Several issues involved in that legislation are likely to have an effect on the commissioners' workload, although it is not yet known what the effect will be. The following parts of Assembly Bill 1058 will be recommended for further study to determine the effect on workload:

- The custodial parent as a party
- Presumed level of support
- Easy set-aside of defaults (as to the order amount)
- Greater knowledge of litigants due to the facilitation offices
- Administrative issuance of earnings assignments and writs of execution<sup>3</sup>

Another workload issue that is not reflected in the above processing information concerns defaults. In Solano County, statistics kept by the Child Support Referee indicate that (1) during the first 14 months of the program in that county, nearly 800 cases per month went by default requiring a signed order, and (2) processing these cases took approximately six hours per month of referee time. In Los Angeles, approximately 4,000 cases per month go to judgment by default, all needing some commissioner review and a signature. The council is considering collecting statistics on this subject and studying the matter further to determine the most efficient manner of handling these cases.

#### V. Court estimates of need

A questionnaire was sent to each county by the Administrative Office of the Courts asking them several questions concerning AB 1058, including questions concerning the commissioner workload and support staff. A copy of the questionnaire is attached as Attachment C. The results of the questionnaire concerning commissioners are summarized below.

---

<sup>3</sup> While there will be less paperwork per case for the courts, there are likely to be an increased number of hearings resulting from this procedure.



A. Number of cases per commissioner

Courts were asked to estimate the maximum number of cases a commissioner can handle and whether there should be a different standard for establishment, modification, and enforcement cases. Twenty-one counties responded giving an actual number of cases that can be handled per commissioner. These responses are summarized in Table 4, below, and show that on average the responding counties believe a commissioner should be able to process 242 cases per week.

Table 4 - Maximum Number of Cases per Week

County	Maximum Number of Cases per Week
Alameda	200
Contra Costa	200
Fresno	300 <sup>4</sup>
Imperial	300
Kings	240
Los Angeles	340
Madera	200
Marin	200
Merced	150
Napa	100
Orange	200
Placer	225
Sacramento	267
San Benito	400
San Francisco	160
San Joaquin	250
Santa Clara	250
Santa Cruz	200
Sonoma	375
Tulare	250
Ventura	275
Average	242

---

<sup>4</sup> This assumes DA support staff to work with the parents to attempt to reach agreement prior to the court hearing.



Counties generally expressed great uncertainty as to the number of cases a commissioner could handle on average. A preliminary list of variables that are not yet known are as follows:

- How many cases will be contested, especially given the new provisions of AB 1058 (e.g., providing a copy of the proposed judgment with the petition)
- How many parties are represented by counsel (and the effect of the family law facilitators)
- Effect of number of support staff provided for commissioner including document examiner and clerks
- The level of acrimony between the parents in a case
- Whether a commissioner is part time or full time
- Policies of the district attorney family support division
- The mix of establishment, modification, and enforcement cases
- Effect of custody and visitation issues and restraining orders now that the custodial parent is a party under AB 1058
- Impact of State Licensing Information Match (SLIM), especially drivers' licenses.<sup>5</sup>

Counties were also asked whether establishment hearings should be given a different weight than enforcement hearings. In the initial hearing in a case, there are several issues involved, including whether the respondent/defendant is the parent of the child and what the proper amount of support is under the guideline. These issues are normally not part of an enforcement action. Of those courts responding to this question:

- Eleven stated that establishment, modification, and enforcement actions should all be given the same weight

---

<sup>5</sup> Stanislaus County reports an increase of five cases per week attributable to the SLIM program, and San Diego County notes that 15 out of the 50 cases on calendar per day have involved SLIM issues over the last six months. Sacramento County also notes an increase in cases due to the SLIM program. These figures may drop off once the initial cases are handled but it may take several years until this occurs.

- Six courts stated establishment takes the greatest amount of time
- Two courts said enforcement takes the greatest amount of time
- Two courts noted that enforcement and modification take more time than establishment
- One court said modification took the greatest amount of time.

The various responses show that without substantial data-gathering, it is not known whether establishment, enforcement, or modification takes more time. This data cannot be determined at present and must also await an accurate method to determine what mix of workload any particular court is likely to receive in any particular year from its Title IV-D cases. However, the collection of data on this subject in the future could prove fruitful as a means of more accurately determining the number and, especially, the distribution of commissioners.

#### B. Number of commissioners needed and able to be accommodated

Each court was also asked how many commissioners it believed was needed to handle its Title IV-D workload taking into account not only the workload itself but the ability of the court to accommodate the commissioners and support staff. The results are summarized in the third column of Table 5. Those courts whose entry is blank did not submit an estimate.

The numbers presented in Table 5 represent estimates of court executives and in many cases are based on the understanding of what the procedures will require rather than experience under the new system. Also, some courts either did not include a request or did not respond to the questionnaire. The second column of Table 5 takes the full requests received, extrapolates a statewide figure using active Title IV-D caseload, and then reallocates the number of commissioners to each county based on the statewide figure. In addition, a minimum value of .3 commissioner is used for the smallest counties.

The total commissioners thus allocated in this method work out to be approximately 49.4. (Fifty commissioners are provided for in the budget.)

Table 5 – Commissioners Requested and Potential Allocation

County	Caseload <sup>6</sup>	Alloc. <sup>7</sup>	Request	County	Caseload	Alloc.	Request
Alameda	48,103	1.9	0.60	Orange	73,686	2.8	2.00
Alpine	111	0.3		Placer	6,030	0.3	0.60
Amador	1,608	0.3	0.30	Plumas	762	0.3	0.25
Butte	8,582	0.3	1.00	Riverside	80,119	3.1	3.00
Calaveras	1,919	0.3	0.30	Sacramento	35,237	1.3	2.00
Colusa	821	0.3		San Benito	2,400	0.3	0.05
Contra Costa	38,666	1.5	1.00	San Bern.	41,584	1.6	1.00
Del Norte	3,024	0.3		San Diego	54,751	2.1	1.00
El Dorado	8,720	0.3	0.40	San Fran.	28,302	1.1	1.00
Fresno	61,224	2.3	3.00	San Joaquin	32,532	1.2	1.00
Glenn	1,715	0.3		San Luis Obispo	6,991	0.3	0.50
Humboldt	6,158	0.3		San Mateo	14,447	0.5	0.65
Imperial	7,907	0.3	0.60	Santa Barb.	21,364	0.8	0.50
Inyo	1,540	0.3		Santa Clara	49,128	1.9	2.00
Kern	50,318	1.9		Santa Cruz	5,196	0.3	0.50
Kings	9,132	0.3	1.00	Shasta	15,807	0.6	2.00
Lake	3,377	0.3	0.12	Sierra	160	0.3	
Lassen	1,529	0.3		Siskiyou	4,015	0.3	0.30
Los Angeles	226,752	8.8	9.00	Solano	16,348	0.6	
Madera	5,765	0.3	0.55	Sonoma	18,320	0.7	0.87
Marin	3,840	0.3	0.50	Stanislaus	25,495	0.9	2.00
Mariposa	794	0.3		Sutter	5,211	0.3	
Mendocino	4,110	0.3		Tehama	4,321	0.3	0.50
Merced	13,858	0.5	0.60	Trinity	1,075	0.3	
Modoc	739	0.3		Tulare	26,837	1.0	1.00
Mono	224	0.3	0.20	Tuolumne	3,139	0.3	0.40
Monterey	13,470	0.5		Ventura	35,077	1.3	1.00
Napa	4,231	0.3	0.60	Yolo	9,051	0.3	0.50
Nevada	5,261	0.3	0.40	Yuba	6,271	0.3	

<sup>6</sup> Caseload is based on active caseload reported by the district attorney and consists of the cases for which a non-custodial parent has been located and a support order established or reserved. It is submitted that this figure represents the most useful figure for estimating workload of a court because active cases represent not only those cases that will generate enforcement action, but represents a good method of determining the number of new establishment cases a court is likely to get in any particular year. The statewide total is 1,157,254.

The allocation figure is based on total caseload of the counties responding to the questionnaire divided by the total number of positions requested. In addition, a minimum of .3 commissioner has been established for the very smallest counties which takes into account the issues concerning less than full calendars and the need for travel between counties.

It is anticipated that the allocation of commissioners will generally be based on this table. In some cases, a county may not need the full number of positions allocated to it. In that event, it is recommended that the amount not utilized by that county be allocated to another county that needs the additional amount, subject to an overall allocation of 50 total FTE positions. Other modifications may be made based on supplemental data received.

C. Support staff, equipment, and facilities

The workload of a commissioner under Title IV-D is very paper intensive. Considerably more paper goes through the court and needs to be processed than in the average case. And the amount of paper is likely to increase as additional federal requirements are imposed and the requirements of AB 1058 appear.

As indicated above, the average full-time equivalent commissioner position utilizes the following support staff: courtroom clerks – 1.5; bailiffs – 1; file clerks – 5, court reporters<sup>8</sup> – 1.5. These numbers appear appropriate. Nonetheless, it would appear that some courts are able to function with somewhat less than the number of support staff indicated here perhaps due both to the types of cases brought by the district attorney and the degree of assistance provided to the litigants by various existing organizations. Thus an appropriate minimum level of support staff would consist of the following:

- one courtroom clerk
- one bailiff
- four file clerks
- one court reporter

Different courts will require different amounts of support because establishment, modification, and enforcement cases tend to generate different amounts of paperwork. In some of the counties, currently, the number of support positions is less than specified above, and in others the numbers are greater. The reasons for this disparity in need for support staff may be explained by the differences in the

---

<sup>8</sup> Pursuant to the decision in *California Court Reporters Association, et al. v. Judicial Council, et al.*, each court is likely to require the services of one-and-one-half court reporters. Since the Judicial Council will be distributing the money to the trial courts, this distribution will be subject to the council's directive that the courts not utilize any of the state money for electronic recording. Discussions with present Title IV-D commissioners, funded through the district attorney offices, indicated that the use of electronic recording is very efficient in these courtrooms and that the commissioner would require more than one court reporter because court reporters require more frequent breaks than the commissioner does.



makeup of cases. It is not yet known how significant these differences are and, consequently, this issue will be studied further.

It should be noted, though, that the amount provided for each full-time equivalent commissioner position, namely \$600,000 per year including the salary of the commissioner, while more than the amount provided generally for each judicial position, is still less than the amount provided for in some counties for the existing Title IV-D commissioner position funded through the district attorney's office. These counties will suffer a reduction in service (which is likely to result in fewer cases processed) unless some method is developed to provide them with the funding they currently receive. (See letter from Sacramento Courts Executive Officer Michael Roddy attached as Attachment D.)

The council will be studying the amount of support staff used in various counties in an effort to provide a more definite figure to the Legislature on the amount of support staff needed to properly handle the Title IV-D caseload in a county.

#### VI. District attorney Title IV-D caseload

The Title IV-D caseload of the district attorneys' family support divisions throughout the state provides the cases that become the calendars to be heard by the child support commissioners. There are statistics concerning how many existing active cases each county has and the number of new establishment cases each county brings each year.<sup>9</sup> These numbers are presented in Table 6, which shows the total active caseload, the number of new establishment actions, and the percentage of total cases that the establishment represents. The variation in percentage of new establishment cases from county to county is probably due to one or more of the following causes:

- The population make-up of the county
- The internal workings of the district attorney's office
- The ability of the court to hear cases
- The local legal culture
- Whether the county has recently begun to aggressively seek new establishment cases

---

<sup>9</sup> The statistics are preliminary data supplied by the Department of Social Services and based on the July 1995 to June 1996 fiscal year.

Table 6 - Total Active Title IV-D Caseload and New Cases

County	Cases	New	New %	County	Cases	New	New %
Alameda	48,103	5,213	10.8%	Orange	73,686	9,772	13.3%
Alpine	111	0	0.0%	Placer	6,030	1,624	26.9%
Amador	1,608	298	18.5%	Plumas	762	112	14.7%
Butte	8,582	482	5.6%	Riverside	80,119	14,752	18.4%
Calaveras	1,919	363	18.9%	Sacramento	35,237	8,231	23.4%
Colusa	821	97	11.8%	San Benito	2,400	301	12.5%
Contra Costa	38,666	4,857	12.6%	San Bern.	41,584	4,240	10.2%
Del Norte	3,024	219	7.2%	San Diego	54,751	16,240	29.7%
El Dorado	8,720	1,145	13.1%	San Francisco	28,302	3,665	12.9%
Fresno	61,224	9,399	15.4%	San Joaquin	32,532	6,891	21.2%
Glenn	1,715	423	24.7%	San Luis Ob.	6,991	2,021	28.9%
Humboldt	6,158	1,060	17.2%	San Mateo	14,447	4,621	32.0%
Imperial	7,907	2,010	25.4%	Santa Barbara	21,364	5,286	24.7%
Inyo	1,540	148	9.6%	Santa Clara	49,128	6,923	14.1%
Kern	50,318	4,695	9.3%	Santa Cruz	5,196	751	14.5%
Kings	9,132	1,365	14.9%	Shasta	15,807	1,271	8.0%
Lake	3,377	893	26.4%	Sierra	160	41	25.6%
Lassen	1,529	200	13.1%	Siskiyou	4,015	840	20.9%
Los Angeles	226,752	28,373	12.5%	Solano	16,348	3,295	20.2%
Madera	5,765	757	13.1%	Sonoma	18,320	2,568	14.0%
Marin	3,840	1,097	28.6%	Stanislaus	25,495	5,051	19.8%
Mariposa	794	147	18.5%	Sutter	5,211	626	12.0%
Mendocino	4,110	622	15.1%	Tehama	4,321	240	5.6%
Merced	13,858	2,218	16.0%	Trinity	1,075	92	8.6%
Modoc	739	90	12.2%	Tulare	26,837	7,414	27.6%
Mono	224	36	16.1%	Tuolumne	3,139	409	13.0%
Monterey	13,470	3,493	25.9%	Ventura	35,077	8,066	23.0%
Napa	4,231	572	13.5%	Yolo	9,051	1,266	14.0%
Nevada	5,261	365	6.9%	Yuba	6,271	687	11.0%
				Total	1,157,154	187,933	16.2%

The existing caseload of active Title IV-D matters presents a workload for the court in two ways. One way is enforcement actions taken by the district attorney or resistance to enforcement actions taken by the paying parent. Counties are not currently required to report on enforcement action taken by those counties. Table 7 includes statistics from those counties voluntarily providing information regarding enforcement actions and includes court-related enforcement.<sup>10</sup>

<sup>10</sup> These items include criminal failure to support, contempt, writs of execution, judgment debtor examinations, and other unspecified enforcement actions.

Table 7 - Enforcement Actions

County	Total Cases	Enforcement actions	Enforcement actions as percentage of total cases <sup>11</sup>
Alpine	111	2	1.8%
Amador	1,608	1,015	63.1%
Calaveras	1,919	306	15.9%
Colusa	821	20	2.4%
Contra Costa	38,666	112,967	292.2%
Del Norte	3,024	122	4.0%
El Dorado	8,720	281	3.2%
Fresno	61,224	19,450	31.8%
Glenn	1,715	351	20.5%
Humboldt	6,158	436	7.1%
Imperial	7,907	129	1.6%
Inyo	1,540	527	34.2%
Kings	9,132	1,627	17.8%
Lake	3,377	1,081	32.0%
Lassen	1,529	14	0.9%
Los Angeles	226,752	6,376	2.8%
Mariposa	794	999	125.8%
Mendocino	4,110	222	5.4%
Merced	13,858	16,875	121.8%
Modoc	739	5	0.7%
Mono	224	13	5.8%
Napa	4,231	734	17.3%
Nevada	5,261	31	0.6%
Orange	73,686	2,031	2.8%
Placer	6,030	2,114	35.1%
Riverside	80,119	1,254	1.6%
Sacramento	35,237	10,210	29.0%
San Benito	2,400	590	24.6%
San Diego	54,751	179	0.3%
San Francisco	28,302	3,146	11.1%

<sup>11</sup> In many cases the enforcement percentage is greater than 100% because, on average, in that county, each active case had more than one enforcement action taken in that regard.

Table 7 - Enforcement Actions (continued)

County	Total Cases	Enforcement actions	Enforcement actions as percentage of total cases
San Joaquin	32,532	108	0.3%
San Luis Obispo	6,991	2,853	40.8%
San Mateo	14,447	67	0.5%
Santa Barbara	21,364	90	0.4%
Santa Clara	49,128	3,283	6.7%
Shasta	15,807	280	1.8%
Solano	16,348	43	0.3%
Sonoma	18,320	17,811	97.2%
Stanislaus	25,495	4,543	17.8%
Tuolumne	3,139	52	1.7%
Ventura	35,077	2,318	6.6%
Yuba	6,271	172	2.7%
Total	928,864	214,727	23.1%

Table 7 indicates that the present caseload figures collected on enforcement actions are not useful in predicting workload. More detailed information about the type of enforcement proceeding, and the court time associated with that proceeding, is needed in order to use enforcement data as a partial predictor of workload.

The second aspect of the existing Title IV-D caseload consists of modifications. Federal law requires review and consideration of modification for existing child support orders periodically or upon request of either party. The effect of this provision on a court's workload is unknown although it is anticipated that it will be substantial. The council is recommending that the courts maintain statistics on this subject to assist in future workload recommendations.

#### VII. Suggestions for future data-gathering

There are a number of caseload-related statistics that could be useful in attempting to more accurately predict caseload and number of commissioners for each county. These have been mentioned throughout this report and are summarized here. The council will be developing, through its Family and Juvenile Law Advisory Committee, a recommended method for collecting and analyzing these statistics. A report from the committee on this subject is expected this year.



The subjects for study include the following:

- The number of hearings set in the court for establishment cases, enforcement cases,<sup>12</sup> and modification cases.
- The average amount of court time utilized for each contested establishment, enforcement, and modification case.
- The percentage of hearings set that result in contested proceedings in establishment, enforcement, and modification cases.
- The number of default establishment cases processed and the amount of court and support staff time spent processing the defaults.
- The effect on the number of contested cases and the length of time for hearing cases regarding either the level of acrimony involved in the case or the language needs of one or more of the participants in the case.
- The amount of support staff required to handle the paperwork generated by the Title IV-D caseload.

#### VIII. Analysis and recommendations

The key statistic, which is presently missing, is determining the number of hearings or other court-related time that each active Title IV-D case generates each year and the number of hearings or other court-related time that each establishment action generates. The council is directing the Family and Juvenile Law Advisory Committee to develop a system to collect these statistics over the next 18 months in order to better determine the actual need for commissioners.

Nonetheless, if either the existing experience indicated in the informal telephone survey of 323 cases per commissioner per week, or the court questionnaire recommended value of 243 cases per commissioner per week, is used, this results in the following number of minutes per case:

Number of cases per week	30 hours per week case time	40 hours per week case time
243 cases	7.4 minutes/case	9.8 minutes/case
323 cases	5.5 minutes/case	7.4 minutes/case

<sup>12</sup> For enforcement cases, the study should include a breakdown of the various types of enforcement actions. This recommendation is part of every suggestion including collection of enforcement case data made in this report.

It should be noted that several of those courts surveyed by telephone indicated that the workload expressed in the survey was a very heavy workload. Given the importance of these cases to both the individual payor and the recipient, it would seem appropriate to ensure that an adequate amount of time is provided for hearing each case, and that a workload of 250 cases per commissioner per week is not unreasonable. This will still result in less than 10 minutes being provided for each case that goes to court hearing.

Because there is no method at present for determining the number of calendared hearings likely to result from a given active caseload, it is suggested that the workload of 250 cases per commissioner per week be used as a method of defining the workload of the commissioner (rather than a means of allocating commissioners or determining the need on a county-by-county basis). The analysis conducted above indicates that there is a need for at least 50 commissioners within the existing Title IV-D child support enforcement system. It is expected that the allocation noted above will, except in the very small counties where the allocation amount is .3 commissioner, result in a workload that will exceed 250 cases per week. Commissioners will be asked to keep workload statistics so that both the need for and the appropriate allocation of commissioners can be kept current with the caseload demands.

Appendix A  
Family Law Subcommittee Members

Hon. Mary Ann Grilli, Chair  
Judge of the Santa Clara County Superior Court

Hon. William Anderson, Jr.  
Commissioner of the Riverside County Superior Court

Hon. Morrison England, Jr.  
Judge of the Sacramento Municipal Court

Hon. Paul Gutman  
Judge of the Los Angeles County Superior Court

Hon. Susan Harlan  
Judge of the Amador County Superior Court

Mr. Paul Hokokian  
Deputy District Attorney, Fresno County

Ms. Deanna L. Jang  
Attorney at Law, San Francisco

Mr. John Paulson  
Attorney at Law, Auburn

Ms. Sherri Pedersen  
Executive Office, Monterey County Superior Court

Mr. Ronald Rosenfeld  
Attorney at Law, Beverly Hills

Ms. Jan Shaw  
Director, Mediation Investigative Services, Orange County

Hon. Marguerite L. Wagner  
Judge of the San Diego County Superior Court

Ms. Kate S. Yavenditti  
Attorney at Law, San Diego

Appendix B  
AB 1058 Subcommittee Members

Hon. Mary Ann Grilli  
Judge of the Santa Clara County Superior Court

Ms. Leora Gerschenson  
Attorney at Law, San Francisco

Mr. Paul Hokokian  
Deputy District Attorney, Fresno County

Mr. Charles Mandel  
Assistant District Attorney, Los Angeles County

Hon. Lynne Meredith  
Commissioner of the Stanislaus County Superior Court

Mr. Lee Morhar  
Attorney, Department of Social Services

Mr. George Nielsen  
Assistant District Attorney, San Francisco City and County

Ms. Christine Patton  
Court Executive, Santa Cruz County Trial Courts

Hon. Harry Powazek  
Commissioner of the San Diego County Superior Court

Ms. Jan Shaw  
Director, Mediation Investigative Services, Orange County

Hon. Neil Shepherd  
Commissioner of the Sacramento County Superior Court

Ms. Kate S. Yavenditti  
Attorney at Law, San Diego



## Judicial Council of California

Administrative Office of the Courts

303 Second Street, South Tower • San Francisco, California 94107 • Phone 415/396-9130 FAX 415/396-9358

TO: Family Law Supervising Judges  
Superior Court Executive Officers

FROM: Family Law Subcommittee  
Family and Juvenile Advisory Committee  
Michael A. Fischer, Committee Counsel

DATE: February 11, 1997

SUBJECT: Family Law Commissioners and Facilitators

This memorandum sets forth information regarding the Family Law Commissioner and Facilitator program as established by Assembly Bill No. 1058, describing the program requirements and the funding that will be made available to the courts at the end of this fiscal year and which is expected to be made available for ensuing fiscal years. We are also asking your input concerning various aspects of the program. *The portions of this memorandum that ask for your response are printed in bold-italic type. A sheet for submitting your responses is attached.*

### Funding for commissioners

Family Code section 4251 requires that each superior court shall provide sufficient commissioners to hear child support matters commencing July 1, 1997. The cooperative agreement between the Department of Social Services (DSS) and the Judicial Council provides for full state funding by DSS (with 2/3 of the funds provided by the federal government) for 50 commissioners statewide to hear child support enforcement matters. The hiring and assignment of the commissioners will be handled by each court.

In addition to funding for commissioners, there is funding for support staff as well. A total of \$50,000 per month for each commissioner position is allocated to cover commissioner and logistical support. The typical IV-D child support enforcement courtroom has a very high volume of paper and the amount allocated for each commissioner position takes the need for additional logistical support into account.

The Family and Juvenile Advisory Committee will be making recommendations to the council on the following issues involving commissioners:

- Minimum qualifications for commissioners (Family Code section 4252(b)(1))
- Caseload, case processing and staffing standards for commissioners setting forth the maximum number of cases that each commissioner can process (Family Code section 4252(b)(3))
- Offer technical assistance to counties regarding issues relating to implementation and operation of the system including sharing of resources between counties (Family Code section 4252(b)(5))
- Establishing procedures for the distribution of funding (Family Code section 4252(b)(6))

*We are asking your input on the following questions:*

1. *What should be the minimum qualifications for commissioners?*
2. *What is the maximum number of cases a commissioner can process and should there be a different weight for the establishment of a child support obligation and an enforcement action?*
3. *How many commissioners (expressed in terms of whole or fractional full-time equivalents) do you estimate your county may require and can accommodate? Please note that because of the funding source for the commissioners, the commissioners can only be used for Title IV-D child support enforcement.*
4. *What technical assistance will you require?*
5. *If your county cannot utilize a full-time commissioner, would you wish to share a commissioner and staff with another county, hire a commissioner and staff part-time, or hire a commissioner and staff full-time and pay out of other court money for the other cost of the commissioner and staff? If you wish to share a commissioner with another county, how may the council assist in this process?*
6. *What other issues do you see in regard to funding distribution and the commissioner and logistical support?*

#### Office of Family Law Facilitator

Family Code section 10002 requires that each superior court shall maintain an office of the family law facilitators, staffed by an attorney licensed to practice law in this state who has family law mediation or litigation experience. The court appoints the facilitator.

Section 10004 sets forth the services that the office is to provide. There are optional duties that the superior court may assign to the facilitator listed in section 10005

The cooperative agreement between the council and DSS provides funding for this office. Each court will have some funds provided to them although the exact amount is not yet know. The money for this fiscal year for these offices, statewide, is \$2,475,000. We anticipate that next year funding will be approximately \$7,500,000.

Section 10010 requires that the council adopt minimum standards for the office of family law facilitator.

*We are asking for your input on the following questions:*

- 7. Should funding for the facilitator officers be allocated on a caseload related basis and, if not, on what basis should the funding be allocated?*
- 8. Many counties will not receive sufficient funding for a full time facilitator office. Would your county, in this case, wish to establish a joint facilitator office with adjacent counties and, if so, how may the council assist in this process?*
- 9. What minimum standards for the office of family law facilitator do you recommend (including, if applicable, specific standards for small counties)?*
- 10. What one-time startup costs do you envision for your court's office?*
- 11. What other assistance may the council provide you in implementing the facilitator office?*

#### Training of commissioners and staff

Family Code section 4252(b)(2) requires the council establish minimum educational and training requirements for the commissioners and other court personnel. The council's agreement with DSS requires the council to provide this training which, we envision, will commence shortly after the start of the next fiscal year. We will be providing you more information on this as the program is developed.

#### Rules and forms

Forms to implement the new procedures under this legislation are presently being circulated for comment. We anticipate adoption of these forms by the council at its May, 1997 meeting. We also anticipate that some forms may be adopted on an interim basis shortly. You may also wish to work with your local district attorney child support enforcement division to adopt these forms as local forms pending council action. If you have any questions concerning this process please let us know

#### Conclusion

Please return the enclosed question response sheet to us by February 28, 1997. If you have any question please contact Michael Fischer at (415) 396-9130.



## Assembly Bill No. 1508 Questionnaire

Please return this document to: Administrative Office of the Courts  
AB 1058 Subcommittee

by mail to: 303 Second Street, South Tower  
San Francisco, CA 94107

-or-

by fax to: (415) 396-9358

**PLEASE RETURN BY FEBURARY 28, 1997.**

1. What should be the minimum qualifications for commissioners?
2. What is the maximum number of cases a commissioner can process and should there be a different weight for the establishment of a child support obligation and an enforcement action?
3. How many commissioners (expressed in terms of whole or fractional full-time equivalents) do you estimate your county may require and can accommodate? Please note that because of the funding source for the commissioners, the commissioners can only be used for Title IV-D child support enforcement.



**4. What technical assistance will you require?**

**5. If your county cannot utilize a full-time commissioner, would you wish to share a commissioner and staff with another county, hire a commissioner and staff part-time, or hire a commissioner and staff full-time and pay out of other court money for the other cost of the commissioner and staff? If you wish to share a commissioner with another county, how may the council assist in this process?**

**6. What other issues do you see in regard to funding distribution and the commissioner and logistical support?**



10. What one-time startup costs do you envision for your court's office?

11. What other assistance may the council provide you in implementing the facilitator office?



# Sacramento Superior and Municipal Courts

Michael Roddy  
Court Executive Officer

April 4, 1997

Michael Fischer  
Administrative Office of the Courts  
303 Second Street, South Tower  
San Francisco, CA 94107

RE: Family Law Commissioner and Facilitator Program

Dear Mr. Fischer:

In your memorandum dated February 20, 1997, you stated there is a total of \$50,000 funding per month (\$600,000 per year) for each court commissioner position allocated under the Family Law Commissioner and Facilitator program established by Assembly Bill 1058. This funding is to cover the commissioner salary and benefits and logistical support. Based on the actual costs incurred by the Sacramento Court for this program, this amount of funding is inadequate to meet current program expenditures.

The Sacramento Superior and Municipal Court has had a family law commissioner and staff dedicated to Title IV-D child support enforcement since 1993. This program has been funded with federal funds through our county District Attorney (Bureau of Family Support). The Court and the District Attorney entered into a cooperative agreement to reimburse the Court for the cost for personal services (salaries and benefits) and operating costs (supply and services) chargeable to the program. To support this existing program with one commissioner, budgeted expenditures for FY 97-98 are \$877,000. See Attachment for details of budgeted FY 97-98 costs. As you can see, the \$600,000 allocated by AOC for FY 97-98 is \$277,000 less than the current amount needed to operate the program.

This is not only a Sacramento County problem. I have discussed this matter with several other administrators whose courts have established child support enforcement programs. They also indicate that the estimated funding of \$600,000 per year per commissioner will be inadequate to fully offset existing personnel and services and supplies costs attributable to child support enforcement court operations.

RECEIVED  
APR 08 1997  
LEG SERVICES

2

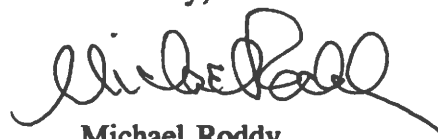
Mr. Michael Fischer  
April 4, 1997  
Page 2

For the Sacramento Superior and Municipal Court to fully analyze the potential impacts of implementing a child enforcement program pursuant to AB 1058, we need the following information:

1. Will the AOC allocate additional funds to Sacramento Superior and Municipal Courts to cover the actual costs of the program?
2. If no additional funding above the \$600,000 limit is possible, how will this shortfall be handled through the trial court budget process? AB 1058 states that salary costs for the commissioner and support staff shall not be considered a part of allowable court operations for trial court funding. Neither the courts nor the county wants to pare this very successful program. Collections of financial support for children have nearly doubled since the hiring of the family law commissioner in Sacramento (from 27.45 million in FY 91-92 to \$51.8 million in FY 95-96). Yet, if we maintain this program at its current level, the \$277,000 shortfall would be borne entirely by Sacramento County with no reimbursement from state trial court funding. This seems inconsistent with the intent of AB 1058.

We would appreciate a prompt response. The time frame for implementing the changes imposed by AB1058 is growing shorter. If you need any further information, do not hesitate to call Chuck Robuck (916) 440-5219.

Sincerely,



Michael Roddy  
Executive Officer

**Attachment**

cc: Hon. William R. Ridgeway, Presiding Judge  
Hon. Charles Kobayashi, Presiding Judge, Family Court Services  
Michael Curtis, Assistant Executive Officer  
Robbie Johnson, Director of Family Law and Probate  
Robert Thomas, County Executive  
Kiri Torre, Administrative Office of the Courts  
Martin Moshier, Administrative Officer of the Courts

**STAFFING COSTS**

**STAFFING COSTS & Revenue**

Based on FY 97-98 Personnel Budget Report dtd 1/3/97

FTE	Position	Salary	Incentive	Retirement	FICA	Insurance	Total Salary/Benefit	% charged to BFS	FY 97-98 BFS TOTAL	
<b>ADMIN. SUPPORT</b>										
.15	Director Family Court Services/Probate	60,651	2,032	6,569	4,796	5,628	79,676	15%	11,951	
.15	Supervising Ct. Clerk	46,475	0	5,033	3,556	5,907	60,971	15%	9,146	
.20	Ct Process Analyst	41,120	0	3,948	3,146	6,459	54,673	20%	10,935	
<b>COURTROOM</b>										
1.00	Commissioner	94,026	3,150	11,603	5,445	5,628	119,852	100%	119,852	
1.00	Ct Clerk	37,957	0	3,644	2,904	6,279	50,784	100%	50,784	
1.00	Ct Clerk	39,464	0	4,274	3,018	6,281	53,037	100%	53,037	
1.00	Electronic Recording Monitor	32,237	0	3,419	2,466	6,300	44,422	100%	44,422	
<b>PROCESS SUPPORT</b>										
1.00	Ct Clerk (Lead Worker)	37,957	0	3,644	2,904	6,279	50,784	100%	50,784	
1.00	DC III (Sustain Input Clk)	30,948	0	3,352	2,368	6,281	42,949	100%	42,949	
1.00	DC III (Limited term)	32,625	0	3,533	2,496	6,294	44,948	100%	44,948	
1.00	DC IV (Limited term)	30,348	0	3,287	2,322	6,279	42,236	100%	42,236	
1.00	County Temp						25,462	100%	25,462	
1.00	Agency Temp						17,916	100%	17,916	
1.00	Agency Temp						21,586	100%	21,586	
1.00	Records	27,571	0	2,647	2,110	6,281	38,609	100%	38,609	
.10	Accounting Tech	36,572	0	3,511	2,798	5,924	48,805	10%	4,881	
.10	Account Clerk III	32,086	0	3,616	2,455	6,290	44,447	10%	4,445	
.25	Warrants	30,948	0	3,352	2,368	6,281	42,949	25%	10,737	
<b>12.95</b>	<b>TOTAL FY 97-98 BFS STAFFING COSTS</b>									<b>604,679</b>
									<b>\$605,000</b>	

**2. COURT SECURITY**

1.50 Deputy Sheriff's (incl. .5 for Hall Security)  
 (amount shown is based on 96-97 hrly rate of \$53.60 (no COLA added for 97-98) times 2,700 hrs.  
 (which is based on 1,800 billable hours per year per bailiff FTE)

**3. SUPPLIES AND SERVICES**

(Based on 96-97 revised BFS spreadsheet which includes \$27,000 direct 2000's + \$100,000 allocated indirect)

(rounded)

\$145,000

127,000

**\$877,000**

**TOTAL ESTIMATED FY 97-98 BFS COSTS AND REVENUE**



## JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 23, 2015

---

Title	Agenda Item Type
Judicial Council Report to the Legislature: Annual Report of Court Facilities Trust Fund Expenditures	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	N/A
Recommended by	Date of Report
Judicial Council staff Martin Hoshino, Administrative Director	April 23, 2015
	Contact
	Burt Hirschfeld, 415-865-4040 burt.hirschfeld@jud.ca.gov Angela Guzman, 916-643-8041 angela.guzman@jud.ca.gov

---

### Executive Summary

Judicial Council staff recommends approving the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2013–2014 Report to the Legislature*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

### Recommendation

Judicial Council staff recommends that the Judicial Council:

1. Approve the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2013–2014 Report to the Legislature*; and
2. Direct Judicial Council staff to submit the report to the Legislature. The annual report is attached at pages X–XX.

## **Previous Council Action**

No previous action has been taken by the council. These reports formerly were submitted by Judicial Council staff directly to the Legislature. Because of policy changes, the report now requires Judicial Council approval. Previous reports can be found at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

## **Rationale for Recommendation**

The annual submission of this report to the Legislature is required under Government Code section 70352(c). The statute requires that the Judicial Council submit to the Legislature annually the actual expenditures from the Court Facilities Trust Fund.

## **Comments, Alternatives Considered, and Policy Implications**

The information contained in the report to the Legislature was obtained from the staff to the Judicial Council of California. Because the submission of this report is required under Government code section 70352, no alternatives were considered.

## **Implementation Requirements, Costs, and Operational Impacts**

No costs or operational impacts result from implementing the recommendations in this report.

## **Attachments**

1. *Annual Report of Fiscal Year 2013–2014 Court Facilities Trust Fund Expenditures*
2. Legislative Report Summary





# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
www.courts.ca.gov

HON. TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

HON. DOUGLAS P. MILLER  
*Chair, Executive and Planning Committee*

HON. DAVID M. RUBIN  
*Chair, Litigation Management Committee*

HON. KENNETH K. SO  
*Chair, Policy Coordination and Liaison Committee*

HON. HARRY E. HULL, JR.  
*Chair, Rules and Projects Committee*

HON. JAMES E. HERMAN  
*Chair, Technology Committee*

Hon. Marla O. Anderson  
Hon. Judith Ashmann-Gerst  
Hon. Brian John Back  
Hon. Richard Bloom  
Mr. Mark G. Bonino  
Hon. James R. Brandlin  
Hon. Ming W. Chin  
Hon. David De Alba  
Hon. Emilie H. Elias  
Mr. James P. Fox  
Ms. Donna D. Melby  
Hon. Gary Nadler  
Ms. Debra Elaine Pole  
Hon. David Rosenberg  
Hon. Dean T. Stout  
Hon. Martin J. Tangeman

#### ADVISORY MEMBERS

Hon. Daniel J. Buckley  
Mr. Richard D. Feldstein  
Hon. David E. Gunn  
Hon. Morris D. Jacobson  
Hon. Brian L. McCabe  
Mr. Frank A. McGuire  
Hon. Marsha G. Slough  
Ms. Mary Beth Todd  
Hon. Charles D. Wachob  
Hon. Joan P. Weber

MR. MARTIN HOSHINO  
*Administrative Director,*  
*Judicial Council*

April 23, 2015

Ms. Diane F. Boyer-Vine  
Legislative Counsel  
State Capitol, Room 3021  
Sacramento, California 95814

Mr. E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California 95814

Mr. Daniel Alvarez  
Secretary of the Senate  
State Capitol, Room 400  
Sacramento, California 95814

Re: *Annual Report of Court Facilities Trust Fund Expenditures: FY 2013–2014 Report to the Legislature*, as required under Government Code section 70352(c)

Dear Ms. Boyer-Vine, Mr. Alvarez, and Mr. Wilson:

The Judicial Council respectfully submits the following report of Court Facilities Trust Fund expenditures for fiscal year 2013–2014, as required under the provisions of Government Code section 70352(c).

If you have any questions related to this report, please contact Mr. Burt Hirschfeld, Assistant Director, Judicial Council Real Estate and Facilities Management, at 415-865-4040.

Sincerely,

Martin Hoshino  
Administrative Director  
Judicial Council of California

Ms. Diane F. Boyer-Vine  
Mr. Daniel Alvarez  
Mr. E. Dotson Wilson  
April 23, 2015  
Page 2

MH/AG/ma  
Attachment

cc: Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin León  
Fredericka McGee, Special Assistant to Assembly Speaker Toni G. Atkins  
Anita Lee, Senior Fiscal and Policy Analyst, Legislative Analyst's Office  
Tina McGee, Executive Secretary, Legislative Analyst's Office  
Madelynn McClain, Program Budget Analyst, Department of Finance  
Peggy Collins, Principal Consultant, Joint Legislative Budget Committee  
Julie Salley-Gray, Consultant, Senate Budget and Fiscal Review Committee  
Matt Osterli, Consultant, Senate Republican Fiscal Office  
Marvin Deon, Consultant, Assembly Budget Committee  
Allan Cooper, Consultant, Assembly Republican Fiscal Office  
Jolie Onodera, Consultant, Senate Appropriations Committee  
Chuck Nicol, Principal Consultant, Assembly Appropriations Committee  
Benjamin Palmer, Chief Counsel, Senate Judiciary Committee  
Mike Petersen, Consultant, Senate Republican Policy Office  
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee  
Paul Dress, Consultant, Assembly Republican Policy Office  
Cory Jasperson, Director, Judicial Council Governmental Affairs  
Zlatko Theodorovic, Director, Judicial Council Finance  
Peter Allen, Senior Manager, Judicial Council Communications  
Gwendolyn D. Arafiles, Manager, Judicial Council Finance  
Angela Guzman, Supervising Budget Analyst, Judicial Council Capital Program  
Yvette Casillas-Sarcos, Administrative Coordinator, Judicial Council Governmental Affairs



# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
[www.courts.ca.gov](http://www.courts.ca.gov)

HON. TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

HON. DOUGLAS P. MILLER  
*Chair, Executive and Planning Committee*

HON. DAVID M. RUBIN  
*Chair, Litigation Management Committee*

HON. KENNETH K. SO  
*Chair, Policy Coordination and Liaison Committee*

HON. HARRY E. HULL, JR.  
*Chair, Rules and Projects Committee*

HON. JAMES E. HERMAN  
*Chair, Technology Committee*

*Hon. Marla O. Anderson*  
*Hon. Judith Ashmann-Gerst*  
*Hon. Brian John Back*  
*Hon. Richard Bloom*  
*Mr. Mark G. Bonino*  
*Hon. James R. Brandlin*  
*Hon. Ming W. Chin*  
*Hon. David De Alba*  
*Hon. Emilie H. Elias*  
*Mr. James P. Fox*  
*Ms. Donna D. Melby*  
*Hon. Gary Nadler*  
*Ms. Debra Elaine Pole*  
*Hon. David Rosenberg*  
*Hon. Dean T. Stout*  
*Hon. Martin J. Tangeman*

#### ADVISORY MEMBERS

*Hon. Daniel J. Buckley*  
*Mr. Richard D. Feldstein*  
*Hon. David E. Gunn*  
*Hon. Morris D. Jacobson*  
*Hon. Brian L. McCabe*  
*Mr. Frank A. McGuire*  
*Hon. Marsha G. Slough*  
*Ms. Mary Beth Todd*  
*Hon. Charles D. Wachob*  
*Hon. Joan P. Weber*

MR. MARTIN HOSHINO  
*Administrative Director,*  
*Judicial Council*

Report title: *Annual Report of Court Facilities Trust Fund Expenditures: FY 2013–2014 Report to the Legislature*

Statutory citation: Government Code section 70352(c)

Date of report: April 23, 2015

The Judicial Council has submitted a report to the Legislature in accordance with Government Code section 70352(c), which requires the council to report annually on actual expenditures from the Court Facilities Trust Fund.

The following summary of the report is provided under the requirements of Government Code section 9795.

Funds deposited in the Court Facilities Trust Fund, as county facility payments, provide for the operation and maintenance of court facilities that have transferred to state responsibility. In fiscal year 2013–2014, \$112,725,148 was expended from the Court Facilities Trust Fund for operation and maintenance costs for 379 court facilities that transferred to state responsibility as of June 30, 2014.

The full report can be accessed here: [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

A printed copy of the report may be obtained by calling 415-865-7553.

**JUDICIAL COUNCIL OF CALIFORNIA**

**Hon. Tani G. Cantil-Sakauye**  
*Chief Justice of California and  
Chair of the Judicial Council*

**Martin Hoshino**  
*Administrative Director  
Judicial Council*

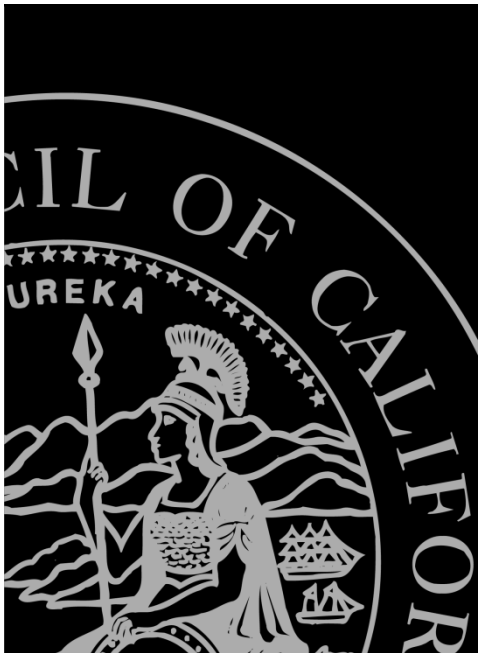
**Curt Soderlund**  
*Chief Administrative Officer*  
**ADMINISTRATIVE DIVISION**

**REAL ESTATE AND FACILITIES MANAGEMENT**

**Burt Hirschfeld**  
*Assistant Director*

**Angela Guzman**  
*Supervising Budget Analyst*

**Michele Allan**  
*Senior Budget Analyst  
Primary Author of Report*



# Annual Report of Court Facilities Trust Fund Expenditures

---

FY 2013-2014 Report to the Legislature  
Pursuant to Government Code 70352(c)

April 23, 2015



JUDICIAL COUNCIL  
OF CALIFORNIA

---

ADMINISTRATIVE DIVISION  
REAL ESTATE AND FACILITIES MANAGEMENT

Money deposited in the Court Facilities Trust Fund and appropriated by the Legislature shall be administered by the Judicial Council for operation, repair, and maintenance of court facilities and other purposes provided by statute. In fiscal year 2013–2014, the fund expended \$112,725,148 for these purposes.

<i>Superior Court</i>	<i>No. of Court Facilities Incurring Expenses</i>	<i>FY 2013–2014 Expenditures</i>
Alameda	10	\$5,036,890
Amador	1	154,262
Butte	4	572,115
Calaveras	3	202,217
Colusa	2	73,265
Contra Costa	15	2,143,469
Del Norte	2	111,615
El Dorado	5	488,701
Fresno	10	3,296,330
Glenn	1	185,971
Humboldt	1	339,079
Imperial	5	327,521
Inyo	3	105,770
Kern	16	1,086,464
Kings	6	300,220
Lake	2	166,347
Lassen	1	351,629
Los Angeles	72	37,432,317
Madera	4	596,562
Mendocino	2	214,019
Merced	5	554,206
Modoc	1	61,830
Mono	3	356,655
Monterey	7	1,181,481
Napa	3	586,453
Nevada	3	230,321
Orange	12	7,955,465

<i>Superior Court</i>	<i>No. of Court Facilities Incurring Expenses</i>	<i>FY 2013–2014 Expenditures</i>
Placer	4	879,304
Plumas	4	95,354
Riverside	15	3,773,878
Sacramento	7	7,649,096
San Benito	2	241,734
San Bernardino	20	4,842,913
San Diego	17	7,682,647
San Francisco	4	2,469,437
San Joaquin	10	1,129,429
San Luis Obispo	6	432,756
San Mateo	6	1,681,633
Santa Barbara	14	683,384
Santa Clara	15	7,320,907
Santa Cruz	6	720,353
Shasta	7	662,077
Sierra	1	42,049
Siskiyou	4	222,227
Solano	4	1,368,428
Sonoma	5	1,439,989
Stanislaus	6	1,133,595
Sutter	3	255,866
Tehama	2	115,731
Tulare	8	1,185,398
Ventura	3	2,359,660
Yolo	6	180,697
Yuba	1	39,315
Statewide		\$6,117
<b>Totals</b>	<b>379</b>	<b>\$112,725,148</b>



## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 17, 2015

---

Title	Agenda Item Type
Subordinate Judicial Officers: Complaints and Notice Requirements	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 10.603 and 10.703	January 1, 2016
Recommended by	Date of Report
Trial Court Presiding Judges Advisory Committee	March 20, 2015
Hon. Marsha G. Slough, Chair	Contact
	Mark Jacobson, 415-865-7898
	<a href="mailto:mark.jacobson@jud.ca.gov">mark.jacobson@jud.ca.gov</a>

---

### Executive Summary

The Trial Court Presiding Judges Advisory Committee recommends amending rules 10.603 and 10.703 of the California Rules of Court to (1) simplify the procedures a presiding judge must follow while reviewing and investigating complaints against subordinate judicial officers (SJOs); (2) clarify a presiding judge's authority in conducting an investigation and determining the appropriate action to be taken; and (3) clarify the circumstances under which discipline against an SJO must be reported to the Commission on Judicial Performance (CJP). The proposed amendments were prompted in part by a suggestion from Victoria B. Henley, Director–Chief Counsel of the CJP, that the rule be amended to address ambiguity as to what types of disciplinary action a presiding judge can impose after an investigation and what types of action must be reported to the CJP.

### Recommendation

The Trial Court Presiding Judges Advisory Committee recommends that the Judicial Council, effective January 1, 2016, amend rule 10.703 of the California Rules of Court to:

1. Replace the two-tier investigation process in subdivisions (i) and (j) with one investigation;

2. Delete from subdivision (j)(3) the list of possible actions available to the presiding judge and replace it with a provision (proposed subdivision (i)(4)) that a presiding judge must, in his or her discretion, close the complaint, impose discipline, or take other appropriate corrective action, which may include oral counseling, oral reprimand, or warning;
3. Add new subdivision (f)(3) to provide that a presiding judge has discretion to investigate anonymous complaints;
4. Amend subdivision (h)(3) to provide that when a presiding judge closes a complaint after initial review under subdivision (h)(1) without having contacted the SJO, it is optional to advise the SJO in writing of the disposition;
5. Add subdivision (i)(5) to clarify that when a presiding judge closes a complaint after investigation without having contacted the SJO, the presiding judge must give the SJO written notice of the final action taken on the complaint only if the presiding judge is aware that the SJO knows about the complaint;
6. Delete from subdivision (j)(2)(B) the phrase “sufficient to allow a meaningful response to the allegations” because at that stage of the process, the SJO is responding only to the proposed discipline, not to the allegations;
7. Add to subdivision (j)(4)(A) the phrase “to the intended final action” to clarify that, at that stage of the process, the SJO is responding to the intended final action, not to the allegations;
8. Amend subdivision (j)(5) to provide that if the SJO requests an opportunity to respond to the intended final action, the presiding judge “must” (rather than “should”) allow the SJO an opportunity to respond during the investigation, and amend subdivision (j)(7) to eliminate the reference to denying the SJO an opportunity to respond;
9. Amend subdivisions (g)(1) and (3) to provide that in exceptional circumstances, a presiding judge may ask the presiding judge of another court to investigate a complaint and provide the results of the investigation to the court for adjudication;
10. Add a provision as new subdivision (a)(4) stating that the procedures in the rule do not restrict the discretion of the presiding judge in taking appropriate corrective action;
11. Add a definition of “written reprimand” as new subdivision (b)(4);
12. Amend subdivisions (f)(4) and (l)(1) to clarify that a presiding judge must give written notice to the complainant of receipt of the complaint and the final court action only if the complainant is known;



13. Add “hearing officer” to the definition of “subordinate judicial officer” in subdivision (b)(1);
14. Delete from subdivision (l)(1) the words “and the subordinate judicial officer” because the requirement that the presiding judge notify the SJO of the final court action is also stated in subdivisions (i)(5) and (j)(6).

The Trial Court Presiding Judges Advisory Committee also recommends that the council, effective January 1, 2016, amend rule 10.603(c)(4)(C)(ii) to modify the cross-reference to rule 10.703(k) to reflect the renumbering of that subdivision as rule 10.703(j).

The committee recommends setting the effective date of the amendments to January 1, 2016, to give presiding judges, SJOs, and court administrators time to adjust to the new procedures in the rule. Courts may wish to schedule trainings on the revised procedures, and courts that have developed manuals on handling SJO complaints will need to revise those materials.

The text of amended rules 10.603 and 10.703 is attached at pages 13–20.

### **Previous Council Action**

At its April 23, 2010 meeting, the Judicial Council amended rule 10.703 to clarify the circumstances under which a report to the CJP must be made by the presiding judge.

### **Rationale for Recommendation**

The amendments to rules 10.603 and 10.703 simplify the procedures a presiding judge must follow while reviewing and investigating complaints against SJOs. They also clarify (1) a presiding judge’s authority and options in investigating and resolving a complaint, and (2) the circumstances under which a report must be filed with the CJP. Finally, some of the proposed amendments would make the procedures consistent with those used by the CJP in processing complaints about judges.

### **Replacing two-tier investigation process with one investigation**

The current rule requires a presiding judge to review each complaint to determine whether it should be closed or investigated further. The rule provides that if initial review by the presiding judge shows that a basis for further investigation exists, the presiding judge must conduct a preliminary investigation. (Rule 10.703(i).) If the presiding judge, after conducting the preliminary investigation, “finds a basis for proceeding with the investigation,” he or she must then conduct a formal investigation. (Rule 10.703(j).)

Under the proposed amendments, there would be just one investigation if the presiding judge determines after initial review that there is a basis for an investigation. As with subdivision (i)(3), the presiding judge would be required to give the SJO an opportunity to respond to the allegations before the presiding judge takes any disciplinary action. After reviewing the response and completing the investigation, the presiding judge would close the matter, impose discipline,

or take any other appropriate action. The actual investigation procedure would not change except that there would be one investigation instead of two.

### **Clarifying the presiding judge's authority and options in resolving complaints**

The rule as it is currently written is unnecessarily complicated. It provides that after a preliminary investigation, the presiding judge may close the matter, proceed to a formal investigation, or take “appropriate informal action, which may include a reprimand or warning . . . .” (Rule 10.703(i)(4).) After a formal investigation, if the presiding judge decides to take action, the rule lists various types of final action a presiding judge may take, including no action, an oral or written warning, a private or public reprimand, suspension, termination, or any other action the court deems appropriate. (Rule 10.703(j)(3).)

To simplify the rule and clarify the presiding judge's authority in determining the appropriate action, the amendments eliminate the list of possible actions available to the presiding judge. Instead, the amended rule simply provides that after an investigation, the presiding judge “must, in his or her discretion: [¶] (A) Close action on the complaint if the presiding judge finds the complaint lacks merit; [¶] (B) Impose discipline; or [¶] (C) Take other appropriate corrective action, which may include, but is not limited to, oral counseling, oral reprimand, or warning of the subordinate judicial officer.” (Rule 10.703(i)(4).) This change would diminish the perception that a presiding judge is limited by the list of possible actions or that the SJO is entitled to progressive discipline.

### **Investigating anonymous complaints**

The amendments also add a provision specifying that a presiding judge has discretion to investigate complaints that are anonymous. (Rule 10.703(f)(3).) This new provision does not alter a presiding judge's obligation to investigate allegations of serious misconduct brought to his or her attention. Rather, it clarifies the notion that a presiding judge is not required to investigate an anonymous complaint that provides insufficient facts to launch an investigation or that does not allege conduct that violates any ethical principles. This amendment is consistent with the CJP policy regarding anonymous complaints.

### **Advising SJO of the disposition of the complaint**

When a presiding judge closes a complaint after initial review under subdivision (h)(1) without having contacted the SJO, subdivision (h)(3) provides that the presiding judge “must advise the subordinate judicial officer in writing of the disposition.” Under the current rule, a presiding judge is required to notify an SJO that a complaint has been filed only if the presiding judge intends to take some type of “informal action” or to impose discipline. (Rules 10.703(i)(3) and (j)(1)(B).) Therefore, an SJO may not even know a complaint has been filed until the presiding judge advises the SJO that the matter has been closed—for example, when the essence of a complaint is that the SJO ruled against the complainant and the presiding judge closes the matter without contacting the SJO. Similarly, a presiding judge could investigate a complaint and close the matter without asking the SJO to respond to the allegations. For example, the presiding judge could listen to a recording of a hearing and determine, without contacting the SJO, that an

allegation of poor demeanor was unmeritorious. In both examples, the committee's view is that the presiding judge should not be required to advise the SJO of the disposition of the complaint.

This proposed revision eliminates the requirement in subdivision (h)(3) that a presiding judge *must* advise the SJO in writing of the disposition and instead gives the presiding judge discretion to notify the SJO. The committee also recommends amending subdivision (j)(2) (proposed subdivision (i)(6)) and adding a new subdivision (i)(5) to require a presiding judge to give to the SJO written notice of the final action taken only if the presiding judge is aware that the SJO knows about the complaint. These amendments are consistent with the CJP policies regarding notifying judges of complaints filed against them. If a complaint to the CJP does not result in an investigation, or if the investigation reveals facts that warrant dismissal of the complaint without contacting the judge, the CJP does not inform judges about those complaints.

#### **Allowing opportunity to respond to intended final action**

The rule provides that within 10 days or as soon as reasonably possible after completion of the investigation, the presiding judge must give the SJO notice of the intended final action on the complaint and must advise the SJO that he or she may request an opportunity to respond to the intended final action. (Rule 10.703(j)(2), (4), and (5).) Subdivision (j)(5) currently states that if the SJO requests an opportunity to respond to the intended final action, the presiding judge “should” allow it. The committee recommends changing “should” to “must” to make subdivision (j)(5) consistent with subdivision (j)(7). Otherwise, a presiding judge could deny an opportunity to respond after advising the SJO that he or she may request such an opportunity. This amendment also necessitates removal of the phrase “or has not been given” in subdivision (j)(7). That subdivision directs a presiding judge to give written notice of the final action to the complainant if the SJO “does not request or has not been given an opportunity to respond.”

#### **Asking CJP to investigate and adjudicate complaints**

Current subdivision (g)(3) states: “In exceptional circumstances a presiding judge may request the commission to investigate a complaint on behalf of the court and provide the results of the investigation to the court for action.” The amendment allows a presiding judge the option of asking a presiding judge of another court to investigate a complaint on behalf of the court and providing the results of the investigation to the court for adjudication. This amendment permits a presiding judge to ask for another court's help if, for example, the court lacks the resources to conduct an investigation. Allowing a presiding judge the option of asking another court, rather than the CJP, to handle the investigation avoids unnecessary involvement by the CJP.

#### **Other amendments**

The proposed amendments add several other provisions to the rule. First, subdivision (a)(4) states specifically that the procedure for addressing complaints does not restrict the discretion of the presiding judge in taking appropriate corrective action.

Second, the proposed amendments add a definition of “written reprimand” to the rule. (Proposed rule 10.703(b)(4).) That term is used currently in subdivision (k)(1), which requires a presiding

judge to report an SJO to the commission when the presiding judge disciplines the SJO by written reprimand, suspension, or removal.

Third, current subdivision (*l*), which states what the presiding judge must tell the complainant and the SJO after the matter is resolved, is amended to state that if the complainant is unknown, either because the matter did not come to the attention of the presiding judge as a result of a complaint or because the complainant is anonymous, the presiding judge need not notify the complainant. A similar revision is added to proposed subdivision (f)(4), which requires written notice to a complainant of receipt of a complaint. The revision adds the words “if known” to clarify that notice is required only if the complainant is known.

Fourth, subdivision (b)(1) defines “subordinate judicial officer” as an attorney employed by a court to serve as a commissioner or referee. The amendments add “hearing officer” to that definition. (See Cal. Rules of Court, rule 10.701(a).)

Fifth, subdivision (j)(2)(B) provides that a presiding judge who has completed an investigation and has decided to take disciplinary action must give the SJO, in writing, “[t]he facts and other information forming the basis for the proposed action and the source of the facts and information, sufficient to allow a meaningful response to the allegations.” The committee recommends deleting the phrase “sufficient to allow a meaningful response to the allegations” because at this stage of the process, the SJO is being given an opportunity to respond to the proposed discipline; the SJO has already had an opportunity to respond to the allegations of misconduct. For the same reason, the committee proposes clarifying in subdivision (j)(4)(A) that this is an opportunity to respond “to the intended final action.”

Sixth, subdivision (i)(3) provides that a presiding judge may give the SJO a copy of a complaint or a summary of its allegations and allow the SJO to respond. The committee recommends adding the phrase “to the allegations during the investigation” to clarify that the SJO has an opportunity to respond to the allegations while the investigation is pending.

Seventh, subdivision (i)(3) also provides that the presiding judge *must* give the SJO an opportunity to respond to the allegations before taking any disciplinary action. The committee recommends adding the phrase “decides to” before “take any disciplinary action” to clarify that a presiding judge must give the SJO an opportunity to provide his or her explanation of what occurred before the presiding judge decides to take any disciplinary action.

Finally, in subdivision (*l*)(1), the amendments delete the phrase “and the subordinate judicial officer” so that the presiding judge would be required to notify only the complainant, not the SJO, of the final court action. This notification to the SJO in this provision is duplicative because subdivision (j)(6) (proposed subdivision (i)(9)) and new subdivision (i)(5) already require such notification to the SJO.

### **Rule 10.603**

Rule 10.603 of the California Rules of Court—Authority and duties of presiding judge—contains two cross-references to rule 10.703. Subdivision (c)(4)(C)(ii) requires a presiding judge to notify the CJP if an SJO “is disciplined or resigns, consistent with rule 10.703(k).” If the Judicial Council adopts the proposed amendments to rule 10.703, subdivision (k) would be renumbered as subdivision (j). Therefore, the Trial Court Presiding Judges Advisory Committee (TCPJAC) recommends that the council amend rule 10.603(c)(4)(C)(ii) to conform to the amendments of rule 10.703. The cross-reference to rule 10.703(k) is amended to reflect the renumbering of that subdivision as rule 10.703(j).

In addition, there are several references in rule 10.603 to the “Administrative Office of the Courts” and to the “Administrative Director of the Courts.” Because the name of the organization and the title of the director have been changed, those references in rule 10.603 are amended to refer to the “Judicial Council” and the “Administrative Director.”

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was circulated for comment as part of the spring 2013 invitation-to-comment cycle. Twenty-six individuals or organizations submitted comments.<sup>1</sup> Eighteen of those commentators are court commissioners who objected to the proposed revisions. (One commissioner, Rebecca Wightman, commented twice.) Several of those commissioners merely indicated support for the positions taken in the comment from the California Court Commissioners Association (CCCA), submitted by then-President Matthew C. St. George. Others reiterated comments in the CCCA response (discussed below). In addition to the comments from the CCCA, attorney Edith Matthai was asked by the CCCA to review and comment on the proposed revisions. She submitted a comment on September 25, 2014, after the comment period closed. Ms. Matthai’s remarks are included in the comment chart. In response to her letter, the committee agreed to rescind one proposed amendment and revert to the original language. That proposal is discussed below as an alternative considered by the committee. The committee also agreed to recommend adoption of other language proposed by Ms. Matthai.

The CCCA submitted another comment, dated November 20, 2014, after Ms. Matthai submitted her comment. This comment, written by President Jeri Hamlin, is discussed below and is included in the comment chart. The committee agreed to recommend additional revisions based on the letter from Commissioner Hamlin.

One commentator—Presiding Judge Colette M. Humphrey, Superior Court of Kern County—also disagreed with the proposed amendments. She reiterated comments in the CCCA response (discussed below).

Three superior courts (from Los Angeles, San Diego, and Tulare Counties) submitted comments indicating support for the proposed amendments.

---

<sup>1</sup> A chart providing the full text of the comments and the committee responses is attached at pages 21–57.

Finally, two members of the public submitted comments that did not address proposed amendments to rule 10.703. The committee did not consider those comments.

In its first comment, the CCCA addressed several aspects of the proposed amendments. All of the concerns raised by the other commentators are addressed in the CCCA response to some extent. Therefore, this section discusses the objections of the CCCA with additional reference to specific comments from other commentators. The CCCA also drafted its own version of the rule that reflects its concerns. The CCCA version of the rule is attached to the comment chart.

### **General comments**

First, the CCCA expressed disappointment that it was not asked to participate in the discussions leading to the proposed amendments to rule 10.703. In response to this comment, the Rules and Projects Committee (RUPRO) deferred action on the proposal at its September 9, 2013 meeting pending a discussion between a subcommittee of TCPJAC and representatives of the CCCA. Representatives of the two groups met twice by conference call to discuss the CCCA's concerns. RUPRO deferred action again on November 5, 2014, referring the matter back to the Trial Court Presiding Judges Advisory Committee for further consideration. Representatives of the two groups met in person for two hours on January 29, 2015, and reached agreement on proposed language.<sup>2</sup> The committee's representatives appearing at the meeting in person were Presiding Judge Marsha G. Slough, chair, and former Presiding Judge Brian J. Back. Presiding Judge Brian L. McCabe participated by telephone. The CCCA was represented by Commissioner Glen Mondo, president-elect of the CCCA; Commissioner Matthew C. St. George, past president of the CCCA; and Commissioner Rebecca L. Wightman.

Second, the CCCA asserted, and many individual commentators agreed, that the current procedure for handling complaints about SJOs works well, so there is no need to amend the rule. (Several commentators used the maxim, "If it ain't broke, don't fix it.") They suggested that there is no evidence that the rule is confusing or complicated for presiding judges, so the proposed revisions are unnecessary. The committee's response was that just because a rule may be working does not mean it cannot be improved.

Third, the CCCA and some other commentators contended that the proposed revisions go beyond both the scope of the original request for a rule amendment by the CJP<sup>3</sup> and the intent of the proposal as stated in the invitation to comment, i.e., to "(1) simplify the procedures a presiding judge must follow while reviewing and investigating complaints against [SJOs]; (2) clarify a presiding judge's authority in conducting an investigation and determining the appropriate action

---

<sup>2</sup> The CCCA submitted a letter in support of the proposed amendments to the rule (see Attachment A). Even though the two groups have reached consensus on the proposed revisions, this report addresses the comments submitted by the CCCA before the January 29, 2015 meeting.

<sup>3</sup> In March 2010, Victoria B. Henley, Director–Chief Counsel of the CJP, sent a letter to then–Administrative Director of the Courts William C. Vickrey suggesting that rule 10.703 be amended to address an ambiguity in the rule as to what types of disciplinary action a presiding judge can impose after a preliminary and a formal investigation and what types of action must be reported to the CJP.

to be taken; and (3) clarify the circumstances under which discipline against an SJO must be reported to the [CJP].” The committee’s response was that its review of rule 10.703 is not limited to the scope of the issues raised by the CJP. In addition, the committee believes the amendments advance the goals of simplifying the procedures and clarifying a presiding judge’s authority and options in handling complaints about SJOs.

### **Notifying SJO of closed complaints**

One proposed amendment that generated substantial opposition was the deletion of the requirements that when a presiding judge closes a complaint after initial review (subdivision (h)(3)) or a preliminary investigation (subdivision (i)(5)(B)) without having contacted the SJO, the presiding judge “must advise the subordinate judicial officer in writing of the disposition.” Because the current rule does not require the presiding judge to notify an SJO of a complaint unless the presiding judge intends to take some type of disciplinary action, the proposed amendments would give the presiding judge discretion to advise the SJO of the decision to close the matter rather than requiring it.

The CCCA, joined by several commissioners, objected to the elimination of this requirement because a complainant is entitled to ask the CJP to review the court’s disposition of the complaint, and if the SJO is unaware of the complaint, the SJO “would lose the opportunity to make notes or otherwise preserve relevant testimony or documents should the SJO be required to respond to a CJP inquiry.” Presiding Judge Colette Humphrey added:

[I]f there really is a basis for some action, the SJO should have the opportunity to correct the conduct as needed. For example, when an SJO receives a complaint that a judgment was pending signature for far too long, the complaint may be justified, and the SJO has an opportunity to alter procedures to avoid a recurrence.

Commissioner Vincent T. Lechowick agreed with the CCCA and specified the types of evidence that may be lost if the presiding judge does not inform the SJO about the closed complaint: exhibits returned to the parties or lost or destroyed, deleted tape or video recordings, erased hard drives, employees who no longer work for the court, and loss of memories by the SJOs, clerks, and bailiffs.

As noted in Commissioner Wightman’s comments, of the complaints reviewed by the CJP after disposition by the presiding judge, more than 95 percent are closed without further action because the presiding judge’s action is deemed adequate. That statistic plus the fact that a complainant must seek review by the CJP within 30 days of the presiding judge’s resolution of the complaint led the committee to conclude that the CJP would rarely open an investigation in which the SJO would have destroyed or returned evidence needed to refute the allegations. In addition, the committee observed that to notify an SJO in writing every time a complaint is closed would be burdensome, particularly in large courts that receive many complaints,. The committee also noted that the proposed amendment would give the presiding judge discretion to notify the SJO of the closed complaint. Finally, this change would be consistent with the CJP’s

practice of not informing judges about complaints that are closed without contacting the judge who is the subject of the complaint.

Representatives of the CCCA and the committee discussed this issue at the January 29, 2015 meeting and agreed that this amendment is acceptable.

### **Elimination of two-tiered investigation**

Another concern was the proposed elimination of the two-tiered investigation model. The CCCA contended that the proposed revisions would require a formal investigation once the decision is made to investigate. In agreement, Commissioner Diana Baker stated that “[m]any complaints may be resolved by an informal preliminary investigation saving everyone a lot of time. The option of conducting an informal preliminary investigation should be left to the sound discretion of the Presiding Judge.” She contended that the proposed change to a single investigation “results in one less option for the Presiding Judge. We should preserve the Presiding Judge’s flexibility in dealing with a complaint by preliminary investigation if that is his or her choice.” Commissioner Ronald Creighton also objected, stating that the proposed amendment “takes away discretion and flexibility from the presiding judge by requiring a formal investigation once a decision to investigate is made.” And Commissioner Wightman asserted that “by collapsing the existing, orderly process (initial review, preliminary investigation if needed, or formal investigation as needed), the proposed rule will actually limit presiding judges’ discretion and authority to treat and resolve the complaint at the level it deserves.”

The proposed revisions do not limit a presiding judge’s options. Rather, the presiding judge will be able to conduct any type of investigation he or she deems appropriate to resolve the complaint. The revised rule does not require the presiding judge to conduct a “formal investigation.”

### **Asking CJP to investigate and adjudicate complaints**

The committee originally proposed amending subdivision (g)(2) and (3) to expand the circumstances under which a presiding judge may ask the CJP to investigate and adjudicate a complaint about an SJO. The CCCA objected to the proposed amendments as unnecessary and “beyond the scope of the proposal (which is to clarify the type of disciplinary action a presiding judge may impose and what types of action must be reported to the CJP) . . . .” Commissioner Wightman added that the proposed amendment “actually *takes away* the PJ’s authority to adjudicate if they turn it over entirely to the CJP (and may very well lead to disparate results if some counties routinely turn over to the CJP to adjudicate while others keep their investigations and dispositions in house).” (Emphasis original.)

In response to the CCCA’s concerns, the committee proposed amending subdivisions (g)(1)(C) and (g)(2) to allow a presiding judge to ask a presiding judge of another court to investigate and adjudicate a complaint or to investigate and turn the results over to the referring court for disposition. In the November 20, 2014 letter from Commissioner Hamlin, the CCCA questioned whether a presiding judge has the authority to refer a personnel matter regarding a court



employee to another court for investigation and/or disposition. Although the committee concluded that a presiding judge does have such authority, the committee agreed to revert to the existing language in subdivision (g)(2), which provides that a presiding judge may request that the CJP investigate and adjudicate a complaint “if a local conflict of interest or disqualification prevents the court from acting on the complaint.” In subdivision (g)(3), which provides that in exceptional circumstances, a presiding judge may request the CJP to investigate a complaint on behalf of the court and provide the results of the investigation to the court for adjudication, the committee proposes adding the presiding judge of another court as an alternative to the presiding judge asking the CJP to do the investigation.

### **Elimination of progressive discipline**

The committee originally proposed adding to subdivision (a) a statement that the procedures in rule 10.703 do not “[e]ntitle a subordinate judicial officer to receive progressive levels of discipline.” The CCCA opposed this revision as “unnecessary” and commented that the association “strenuously object[s] to the abandonment of the concept of progressive discipline when considering prospective discipline of a SJO.” The comment states: “[O]ne must question why there is any need to completely eliminate the concept of progressive discipline as it currently exists in this rule.” The CCCA suggested replacing the proposed language with a statement that the procedures in the rule do not “[r]estrict the discretion of the presiding judge in taking appropriate informal or formal action.” The committee agreed to modify its proposal by adopting the suggested language with one revision. Hence, rule 10.703(a) now provides that the procedures in the rule do not “[r]estrict the presiding judge in taking appropriate corrective action.” The CCCA accepts this amendment.

### **Mission creep**

Finally, the CCCA expressed concern that the amendments would lead to “‘mission creep,’ which would unnecessarily expand the nature and number of proceedings which fall within the jurisdiction of the CJP.” The association added:

The SJOs who comprise the CCCA share all the same concerns which judges have recently expressed through recent written correspondence by the CJA and ACJ [Alliance of California Judges] regarding CJP positions on issues such as the expansion of defined misconduct (including legal error) and procedural fairness issues such as discovery.

It is unclear how the proposed amendments to rule 10.703 would fuel any concern the CCCA has about perceived overreaching by the CJP.

### **Alternatives Considered**

The committee considered eliminating entirely the provisions in subdivisions (j)(2), (4), and (5) providing that within 10 days after the completion of the investigation, the presiding judge must give the SJO notice of the intended final action on the complaint and must advise the SJO that he or she may request an opportunity to respond to the proposed discipline. The committee

originally recommended eliminating this opportunity to respond because, as at-will employees, SJOs have no right to respond to proposed discipline. (Gov. Code, § 71650(d)(1).) In addition, removing this provision would streamline the complaint review process.

The CCCA and many other commentators, including several commissioners and the presiding judge from Kern County, argued that the elimination of this important due process provision is unwarranted. One commentator, Commissioner Rebecca Wightman, stated:

With PJs rotating in counties every two years, there may very well be instances in which a discussion or an opportunity to respond to an intended final action (whether the action to be taken is informal or formal) can assist the PJ in reaching a better solution, or in making sure that similar cases in the past (when the person was not PJ) are dealt with similarly, for example.

After discussion of this issue with representatives of the CCCA, the committee agreed to recommend retention of the provision, but to limit the SJO's response to seeking correction of an error of fact or law or both. The commissioners expressed opposition to this limiting language, contending that it eviscerates the provision allowing SJOs an opportunity to respond. After receiving a letter from attorney Edith Matthai explaining the commissioners' position, the committee agreed to rescind its proposal and to retain the existing language.

The committee also considered and rejected a suggestion by CJP Director–Chief Counsel Henley that the rule be amended to specifically permit courts to commence an investigation based on oral complaints. The committee noted that if an oral complaint alleges conduct that constitutes a violation of the California Code of Judicial Ethics, a presiding judge would be obligated under canon 3D(1) of the code to investigate the complaint and take appropriate corrective action if the presiding judge has reliable information that the SJO violated any provision of the code. Therefore, an amendment “permitting” a presiding judge to consider an oral complaint is unnecessary.

### **Implementation Requirements, Costs, and Operational Impacts**

The amendments will result in slight operational costs because courts that have developed manuals on handling complaints about SJOs will need to revise those manuals. Replacing the current two-tiered investigation with a single investigation will reduce the burden on presiding judges.

### **Attachments**

1. Cal. Rules of Court, rules 10.603 and 10.703, at pages 13–20
2. Comment chart, at pages 21–57
3. Attachment A: Letter dated February 23, 2015, from Jeri Hamlin, President, CCCA

Rules 10.603 and 10.703 of the California Rules of Court are amended, effective January 1, 2016, to read:

1 **Rule 10.603. Authority and duties of presiding judge**

2  
3 (a)–(b) \* \* \*

4  
5 (c) **Duties**

6  
7 (1)–(2) \* \* \*

8  
9 (3) *Submitted cases*

10  
11 The presiding judge must supervise and monitor the number of causes under submission  
12 before the judges of the court and ensure that no cause under submission remains undecided and  
13 pending for longer than 90 days. As an aid in accomplishing this goal, the presiding judge must:

14  
15 (A)–(E) \* \* \*

16  
17 (F) Consider requesting the services of ~~the Administrative Office of the Courts~~ Judicial  
18 Council staff to review the court’s calendar management procedures and make recommendations  
19 whenever either of the following condition exists in the court for the most recent three months:

20  
21 (i)–(ii) \* \* \*

22  
23 (4) *Oversight of judicial officers*

24  
25 The presiding judge must:

26  
27 (A)–(B) \* \* \*

28  
29 (C) *Commissioners*

30  
31 (i) Prepare and submit to the judges for consideration and adoption procedures for receiving,  
32 inquiring into, and resolving complaints lodged against ~~court commissioners and referees~~  
33 subordinate judicial officers, consistent with rule 10.703; and

34  
35 (ii) Notify the Commission on Judicial Performance if a ~~commissioner or referee~~ subordinate  
36 judicial officer is disciplined or resigns, consistent with rule 10.703(k)(j).

37  
38 (D) \* \* \*

39  
40 (E) *Assigned judges*

1 For each assigned retired judge:

2  
3 (i) Complete a confidential evaluation form;

4  
5 (ii) Submit the form annually to the Administrative Director ~~of the Courts~~;

6  
7 (iii) Direct complaints against the assigned judge to the Chief Justice, by forwarding them to  
8 the attention of the Administrative Director ~~of the Courts~~, and provide requested information in  
9 writing to the Administrative Director ~~of the Courts~~ in a timely manner; and

10  
11 (iv) Assist the Administrative Director in the process of investigating, evaluating, and making  
12 recommendations to the Chief Justice regarding complaints against retired judges who serve on  
13 assignment.

14  
15 (5)–(7) \* \* \*

16  
17 (8) *Liaison*

18  
19 The presiding judge must:

20  
21 (A) Provide for liaison between the court and the Judicial Council, ~~the Administrative Office~~  
22 ~~of the Courts~~ Judicial Council staff, and other governmental and civic agencies;

23  
24 (B)–(C) \* \* \*

25  
26 (d) \* \* \*

1 **Rule 10.703. Subordinate judicial officers: complaints and notice requirements**

2  
3 (a) **Intent**

4  
5 The procedures in this rule for processing complaints against subordinate judicial officers  
6 do not:

- 7  
8 (1) Create a contract of employment;
- 9  
10 (2) Change the existing employee-employer relationship between the subordinate  
11 judicial officer and the court; ~~or~~
- 12  
13 (3) Change the status of a subordinate judicial officer from an employee terminable at  
14 will to an employee terminable only for cause; ~~or~~
- 15  
16 (4) Restrict the discretion of the presiding judge in taking appropriate corrective action.

17  
18 (b) **Definitions**

19  
20 Unless the context requires otherwise, the following definitions apply to this rule:

- 21  
22 (1) “Subordinate judicial officer” means an attorney employed by a court to serve as a  
23 commissioner, ~~or~~ referee, or hearing officer, whether the attorney is acting as a  
24 commissioner, referee, hearing officer, or temporary judge. The term does not  
25 include any other attorney acting as a temporary judge.
- 26  
27 (2)–(3) \* \* \*
- 28  
29 (4) “Written reprimand” means written disciplinary action that is warranted either  
30 because of the seriousness of the misconduct or because previous corrective action  
31 has been ineffective.

32  
33 (c) **Application**

- 34  
35 (1) \* \* \*
- 36  
37 (2) If a complaint against a subordinate judicial officer as described in (f) does not allege  
38 conduct that would be within the jurisdiction of the commission, the ~~court must~~  
39 ~~process the complaint following~~ local procedures adopted under rule 10.603(c)(4)(C)  
40 apply. The local process may include any procedures from this rule for the court’s  
41 adjudication of the complaint other than the provisions for referring the matter to the  
42 commission under (g) or giving notice of commission review under ~~(h)(k)(2)(B)~~.

1 (3) \* \* \*

2  
3 (d)–(e) \* \* \*

4  
5 (f) **Written complaints to presiding judge**

6  
7 (1) A complaint about the conduct of a subordinate judicial officer must be in writing  
8 and must be submitted to the presiding judge.

9  
10 (2) \* \* \*

11  
12 (3) The presiding judge has discretion to investigate complaints that are anonymous.

13  
14 (4) The presiding judge must give written notice of receipt of the complaint to the  
15 complainant, if known.

16  
17 (g) **Initial review of the complaint**

18  
19 (1) The presiding judge must review each complaint and determine if the complaint:

20  
21 (A) May be closed after initial review;

22  
23 (B) ~~Needs preliminary investigation~~ Requires investigation by the presiding judge;  
24 or

25  
26 (C) ~~Requires formal investigation~~ Should be referred to the commission or to the  
27 presiding judge of another court for investigation or for investigation and  
28 adjudication.

29  
30 (2) A presiding judge may request that the commission investigate and adjudicate the  
31 complaint if a local conflict of interest or disqualification prevents the court from  
32 acting on the complaint.

33  
34 (3) In exceptional circumstances, a presiding judge may request the commission or the  
35 presiding judge of another court to investigate a complaint on behalf of the court and  
36 provide the results of the investigation to the court for ~~action~~ adjudication.

37  
38 (4) \* \* \*

39  
40 (h) **Closing a complaint after initial review**

41  
42 (1) After an ~~preliminary~~ initial review, the presiding judge may close without further  
43 action any complaint that:

1 (A)–(B) \* \* \*

- 2
- 3 (2) If the presiding judge decides to close the complaint under (h)(1), the presiding judge  
4 must notify the complainant in writing of the decision to close the investigation on  
5 the complaint. The notice must include the information required under ~~(k)~~(k).
- 6
- 7 (3) The presiding judge ~~must~~ may, in his or her discretion, advise the subordinate  
8 judicial officer in writing of the ~~disposition~~ decision to close the complaint.
- 9

10 (i) **Complaints requiring preliminary investigation**

- 11
- 12 (1) If after an initial review of the complaint the presiding judge finds a basis for further  
13 inquiry, the presiding judge must conduct an preliminary investigation appropriate to  
14 the nature of the complaint.
- 15
- 16 (2) \* \* \*
- 17
- 18 (3) The presiding judge may give the subordinate judicial officer a copy of the complaint  
19 or a summary of its allegations and allow him or her an opportunity to respond to the  
20 allegations during the investigation. The presiding judge must give the subordinate  
21 judicial officer a copy of the complaint or a summary of its allegations and allow the  
22 subordinate judicial officer an opportunity to respond to the allegations before the  
23 presiding judge decides to ~~takes appropriate informal~~ any disciplinary action as  
24 described in (i)(4)(B) against the subordinate judicial officer.
- 25
- 26 (4) After completing the ~~preliminary~~ investigation, the presiding judge must, in his or  
27 her discretion:
- 28
- 29 (A) ~~Terminate the investigation and~~ Close action on the complaint if the presiding  
30 judge finds the complaint lacks merit; or
- 31
- 32 (B) ~~Terminate the investigation and close action on the complaint by taking~~  
33 ~~appropriate informal action, which may include a reprimand or warning to the~~  
34 ~~subordinate judicial officer, if the presiding judge finds a basis for taking~~  
35 ~~informal action~~ Impose discipline; or
- 36
- 37 (C) ~~Proceed with a formal investigation under (j) if the presiding judge finds a~~  
38 ~~basis for proceeding further.~~ Take other appropriate corrective action, which  
39 may include, but is not limited to, oral counseling, oral reprimand, or warning  
40 of the subordinate judicial officer.
- 41 (5) ~~If the presiding judge terminates the investigation and closes action on the complaint,~~  
42 ~~the presiding judge must:~~

- 1 (A) Notify the complainant in writing of the decision to close the investigation on  
2 the complaint. The notice must include the information required under (I); and  
3  
4 (B) Advise the subordinate judicial officer in writing of the disposition.  
5

6 **(j) Complaints requiring formal investigation**  
7

- 8 (1) ~~If after a preliminary investigation the presiding judge finds a basis for proceeding~~  
9 ~~with the investigation, the presiding judge must conduct a formal investigation~~  
10 ~~appropriate to the nature of the complaint.~~  
11  
12 (A) ~~The investigation may include interviews of witnesses and a review of court~~  
13 ~~records.~~  
14  
15 (B) ~~As soon as practicable, the presiding judge must give the subordinate judicial~~  
16 ~~officer a copy of the complaint or a summary of its allegations and allow the~~  
17 ~~subordinate judicial officer an opportunity to respond.~~  
18  
19 (5) If the presiding judge closes action on the complaint under (i)(4)(A) and the presiding  
20 judge is aware that the subordinate judicial officer knows of the complaint, the  
21 presiding judge must give the subordinate judicial officer written notice of the final  
22 action taken on the complaint.  
23  
24 ~~(2)(6)~~ If the presiding judge decides to impose discipline or take other appropriate  
25 corrective action under (i)(4)(B) or (C), within 10 days after the completion of the  
26 investigation or as soon thereafter as is reasonably possible, the presiding judge must  
27 give the subordinate judicial officer the following in writing:  
28  
29 (A) Notice of the intended final action on the complaint; and  
30  
31 (B) The facts and other information forming the basis for the proposed action and  
32 the source of the facts and information, ~~sufficient to allow a meaningful~~  
33 ~~response to the allegations.~~  
34  
35 (3) ~~Final action on the complaint may include:~~  
36  
37 (A) ~~A finding that no further action need be taken on the complaint;~~  
38  
39 (B) ~~An oral or written warning to the subordinate judicial officer;~~  
40  
41 (C) ~~A private written reprimand to the subordinate judicial officer;~~  
42  
43 (D) ~~A public written reprimand to the subordinate judicial officer;~~



- (E) ~~Suspension of the subordinate judicial officer;~~
- (F) ~~Termination of the subordinate judicial officer; and~~
- (G) ~~Any other action the court may deem appropriate.~~

~~(4)(7)~~ The notice of the intended final action on the complaint in ~~(j)(2)(i)(6)(A)~~ must include the following advice:

- (A) The subordinate judicial officer may request an opportunity to respond to the intended final action within 10 days after service of the notice; and
- (B) If the subordinate judicial officer does not request an opportunity to respond within 10 days after service of the notice, the proposed action will become final.

~~(5)(8)~~ If the subordinate judicial officer requests an opportunity to respond, the presiding judge ~~should~~ must allow the subordinate judicial officer an opportunity to respond to the notice of the intended final action, either orally or in writing as specified by the presiding judge, in accordance with local rules.

~~(6)(9)~~ Within 10 days after the subordinate judicial officer has responded, the presiding judge must give the subordinate judicial officer ~~and the complainant~~ written notice of the final action taken on the complaint. ~~The notice to the complainant must include the information required under (l).~~

~~(7)(10)~~ If the subordinate judicial officer does not request ~~or has not been given~~ an opportunity to respond, the presiding judge must promptly give written notice of the final action to the complainant. The notice must include the information required under ~~(l)~~ (k).

~~(k)(j)~~ **Notice to the Commission on Judicial Performance**

- (1) If a court disciplines a subordinate judicial officer by written reprimand ~~under (i)(4)(B) or (j)(3)(C) or (D)~~, suspension, or ~~removal~~ termination for conduct that, if alleged against a judge, would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution, the presiding judge must promptly forward to the commission a copy of the portions of the court file that reasonably reflect the basis of the action taken by the court, including the complaint or allegations of misconduct and the subordinate judicial officer's response. This provision is applicable even when the disciplinary action does not result from a written complaint.

1 (2) If a subordinate judicial officer resigns (A) while an ~~preliminary or formal~~  
2 investigation under (i) ~~or (j)~~ is pending concerning conduct that, if alleged against a  
3 judge, would be within the jurisdiction of the commission under article VI, section  
4 18 of the California Constitution, or (B) under circumstances that would lead a  
5 reasonable person to conclude that the resignation was due, at least in part, to a  
6 complaint or allegation of misconduct that, if alleged against a judge, would be  
7 within the jurisdiction of the commission under article VI, section 18 of the  
8 California Constitution, the presiding judge must, within 15 days of the resignation  
9 or as soon thereafter as is reasonably possible, forward to the commission the entire  
10 court file on any pending complaint about or allegation of misconduct committed by  
11 the subordinate judicial officer.

12  
13 (3) \* \* \*

14  
15 **(k) Notice of final court action**

16  
17 (1) When the court has completed its action on a complaint, the presiding judge must  
18 promptly notify the complainant, if known, and the subordinate judicial officer of the  
19 final court action.

20  
21 (2) \* \* \*

**SPR13-31****Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Abby Abinanti Former Commissioner San Francisco, CA	N	No further comment.	No response necessary.
2.	Trilla Bahrke Commissioner Tahoe City, CA	N	I would like to add my endorsement to the letter written by Commissioner St. George on behalf of our organization. It appears that this proposed modified rule of court is attempting to fix a system that is not broken but is actually working extremely efficiently. I would object to the proposed changes. They are unfair to subordinate judicial officers and, frankly, unnecessary.	See response to comments by the California Court Commissioners Association.
3.	Diana C. Baker Commissioner Marina, CA	N	<p>I have been a Superior Court Commissioner since 1998. I am writing to oppose the proposed change to the court’s initial review of a complaint about an SJO. Many complaints may be resolved by an informal preliminary investigation saving everyone a lot of time. The option of conducting an informal preliminary investigation should be left to the sound discretion of the Presiding Judge.</p> <p>Since 2008 (not including 2010), the CJP approved the Presiding Judge’s handling of SJO complaints 96.42% of the time. There is no reason to change the current procedure – especially since it results in one less option for the Presiding Judge. We should preserve the Presiding Judge’s flexibility in dealing with a complaint by preliminary investigation if that is</p>	The amended rule would allow a presiding judge to conduct any type of investigation he or she deems appropriate to resolve the complaint. But it would not require two different investigations “[i]f after a preliminary investigation the presiding judge finds a basis for proceeding with the investigation.”

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			his or her choice.  I urge you not to adopt this unnecessary change.	
4.	California Court Commissioners Association by Matthew St. George President Santa Monica, CA	N	<p>On behalf of the Board of the California Court Commissioners Association (CCCA), I am providing the following comments on the proposed amendments to CRC 10.703. This public comment letter was reviewed and endorsed unanimously at our June 12, 2013 Board meeting.</p> <p>As a preliminary matter, I must relay the concern and disappointment expressed by my membership that the CCCA was not requested to participate earlier in the process as the proposed amendments would substantially alter the procedural and substantive rights of every subordinate judicial officer in the State. As requested in the invitation to comment circulated by your committee, the CCCA has focused its comments on the question of “Does the proposal reasonably achieve the stated purpose?” For the reasons set forth below, we believe that in several significant respects it does not.</p> <p><b>OVERREACH</b> As stated in your committee’s invitation to comment, the genesis of the proposed amendments was a letter from Victoria Henley of the CJP to William Vickery of the AOC</p>	<p>Consideration of the rule proposal was deferred pending a meeting between the Trial Court Presiding Judges Advisory Committee and representatives of the CCCA. The two groups then met twice by telephone conference call and once in person.</p> <p>The committee, in its review of rule 10.703, is not limited by the scope of the issues addressed by the Commission on Judicial Performance. The committee believes the proposed amendments</p>

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>	
		<p>suggesting that Rule 10.703 be amended “<i>to address an ambiguity in the rule as to what types of disciplinary action a presiding judge can impose after a preliminary hearing and a formal investigation and what types of action must be reported to the CJP</i>” (emphasis added). As also stated in your committee’s invitation to comment, the Trial Court Presiding Judges Advisory Committee concluded that it could address this issue “<i>by eliminating the current two-tiered preliminary/formal investigation process and replacing it with one investigation</i>” (emphasis added). Despite the limited scope of the conceptual amendments summarized above, and the limited scope of the proposed revisions as summarized in the invitation to comment, the CCCA and its membership are surprised and greatly concerned by the actual language proposed. The proposal as stated in the invitation to comment is to “simplify the procedures a presiding judge must follow while reviewing and investigating complaints against SJO’s” and to “clarify a presiding judge’s authority and options in investigating and resolving a complaint” and to “clarify under what circumstances a report must be filed with the CJP.” However, several of the proposed amendments are far outside the scope of the proposal or are simply unnecessary given the present language of the rule.</p> <p>The two key points we wish to stress are 1) SJO discipline under the current rule is working as</p>	<p>advance the goals of simplifying the procedures and clarifying a presiding judge’s authority and options in handling complaints about SJOs.</p>	<p>The committee believes that although the rule may be working, there is room for improvement</p>

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>	
		<p>shown by the CJP’s own statistics (If it ain’t broke, don’t fix it!), and 2) the proposed amendments will deprive presiding judges of discretion and flexibility in the imposition of discipline by requiring a formal investigation once the decision is made to investigate.</p> <p><b>NOTICE TO SJO OF COMPLAINT</b> Specifically, the CCCA strongly objects to the proposed deletion of the current requirement that the presiding judge must give the SJO notice of the intended final action on the complaint and an opportunity to respond (Rule 10.703(j)(2), (4) and (5)). While it is true the SJO would still have the opportunity under subdivision (i)(3) to respond to the alleged misconduct, this addresses a completely different issue: whether the punishment fits the conduct as opposed to whether there was misconduct. The proposal to move from a two-tier investigation to a single investigation simply does not require and should not include the loss or removal of this right.</p> <p><b>AUTHORITY OF PRESIDING JUDGE</b> The CCCA also believes that the deletion of subdivision (g)(2) and the amendment of (g)(3) are both unnecessary and beyond the scope of the proposal. These subdivisions currently grant the authority to a presiding judge to request the CJP investigate and adjudicate a complaint against an SJO in the event of conflict of interest, disqualification, or other exceptional</p>	<p>through amending the rule.</p> <p>The proposed amendments do not require a formal investigation once a decision is made to investigate. The amended rule would allow a presiding judge to conduct any type of investigation he or she deems appropriate to resolve the complaint. But it would not require two different investigations “[i]f after a preliminary investigation the presiding judge finds a basis for proceeding with the investigation.”</p> <p>The committee agreed that the provision requiring a presiding judge to advise the SJO that he or she may request an opportunity to respond to the intended final action should be retained.</p> <p>The committee agreed to retain the language of subdivision (g)(2). In subdivision (g)(3), which requires “exceptional circumstances,” the committee added an alternative under which a presiding judge may ask a presiding judge of another court to investigate a complaint on behalf of the court and provide the results of the investigation to the court for adjudication.</p>	

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>circumstances. The sole example of circumstances put forth in the invitation to comment which might lead a presiding judge to exercise the discretion to refer the matter to the CJP under the proposed amendment to the rule is if a court lacks the resources to conduct an investigation. Obviously, the entire judicial branch is currently under tremendous financial pressure. However, that is exactly the sort of “exceptional circumstance” under which a presiding judge could refer a matter to the CJP under the present rule. The proposed amendment is both beyond the scope of the proposal (which is to clarify the type of disciplinary action a presiding judge may impose and what types of action must be reported to the CJP) and, as clarified above, unnecessary.</p> <p><b>NOTICE OF CLOSED INVESTIGATION</b>                      The CCCA also objects to the proposed amendment to subdivision (h)(3) removing the requirement that a presiding judge advise an SJO in writing of the decision to close an investigation, instead granting discretion to the presiding judge as to whether to do so. The CCCA’s concern with this proposed amendment is that any complainant who is dissatisfied with the action by the presiding judge has the right to then demand redress from the CJP, and subdivision (l) requires the presiding judge to so advise the complainant. Absent notification by the presiding judge, the SJO would not be aware</p>	<p>The CJP opens investigations on very few complaints about SJOs and the time frame for a complainant to seek review by the CJP is very limited. Therefore, the risk of evidence being lost is minimal. This amendment is consistent with the CJP’s practice regarding complaints about judges that are closed without contacting the judge.</p>

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>	
		<p>of the complaint, and would lose the opportunity to make notes or otherwise preserve relevant testimony or documents should the SJO be required to respond to a CJP inquiry.</p> <p><b>ELIMINATION OF PROGRESSIVE DISCIPLINE</b></p> <p>Another unnecessary proposed change to Rule 10.703 is to place within subdivision (a), which delineates the intent of the rule, an additional line stating that nothing in this rule would “[e]ntitle a subordinate judicial officer to receive progressive levels of discipline”. Other proposed changes within the current rule would eliminate any language stating the types of discipline which could be progressively imposed should disciplinary action be taken. Nowhere was this substantive change mentioned previously. At no time was its proposed implementation discussed with those individuals whom would be impacted by the change. All SJOs are painfully aware that our employment is at will, as recent events have demonstrated. However, one must question why there is any need to completely eliminate the concept of progressive discipline as it currently exists in this rule. As our numbers diminish due to budget constraints, there is all the more reason to retain the experience and expertise of those who remain. Consider the many hours spent with judicial colleagues at New Judges Orientation, Judges College, and subsequent CLE and substantive law courses as the major</p>	<p>The committee agreed to replace its proposed language with the CCCA’s suggested provision that the procedures in the rule do not “[r]estrict the discretion of the presiding judge in taking appropriate corrective action.”.</p>	



**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>investment they represent in developing a SJO into a capable and competent member of the judiciary. As an institution, our rules of conduct should encourage presiding judges to cultivate and mentor SJOs in our mission to provide equal justice without prejudice to the citizens of our State. The concept of progressive discipline, long established in procedure and practice, is designed to accomplish just that. Nothing in the current rule prohibits imposition of a level of discipline equal to the misconduct committed by a SJO which requires it. The CCCA would not object to additional language in the appropriate section of the rule which would make this clear. However, we strenuously object to the abandonment of the concept of progressive discipline when considering prospective discipline of a SJO.</p> <p><b>ROLE OF THE CJP</b>                      Last but not least, much of the CCCA membership also belongs to the CJA, the ACJ or both. The CCCA (like the CJA and the ACJ) is concerned with “mission creep,” which would unnecessarily expand the nature and number of proceedings which fall within the jurisdiction of the CJP. The SJOs who comprise the CCCA share all the same concerns which judges have recently expressed through recent written correspondence by the CJA and ACJ regarding CJP positions on issues such as the expansion of defined misconduct (including legal error) and procedural fairness issues such as discovery.</p>	<p>It is not clear how the proposed amendments to rule 10.703 would fuel any concern the CCCA has about perceived overreaching by the CJP.</p>

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>In summary, the CCCA questions the scope and necessity of many of the proposed amendments. Rather than approve and forward the proposed amendments to the Judicial Council for implementation on January 1, 2014, the CCCA implores the Trial Court Presiding Judges Advisory Committee to reject the above-referenced proposed amendments or, alternatively, send them back to committee for further review and discussion. In furtherance of this goal, an alternative version of an amended rule 10.703, which incorporates some revisions, but which leaves the rule as currently stated largely intact, is attached. The CCCA would be pleased to participate in such a discussion, and would happily have done so had its input been requested earlier.</p> <p>[Proposed revisions by the CCCA are attached to this comment chart]</p>	
5.	<p>California Court Commissioners Association by Jeri Hamlin President Red Bluff, CA</p>	AM	<p>I am the President of the California Court Commissioner’s Association (CCCA), and am writing on behalf of our Association regarding proposed revisions to Rule 10.703. The CCCA represents all commissioners and other SJO’s in California. The CCCA was disappointed, to say the least, when it was not consulted initially regarding this proposed rule change, especially since it not only directly affects our members, but also because it affects <u>only</u> our members.. We were pleased and grateful when, at our September board meeting, the Chief Justice and</p>	<p>Consideration of the rule proposal was deferred pending a meeting between the Trial Court Presiding Judges Advisory Committee and representatives of the CCCA. The two groups then met twice by telephone conference call and once in person.</p>

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>	
		<p>Justice Miller acknowledged that we deserved to be involved in the process, beyond that of merely being given an opportunity to respond to a request for public comment. We also greatly appreciate that, after the Chief met with us, some revisions were made to the proposed rule. Unfortunately, our membership was again disappointed that we had no opportunity to discuss the most recent version of the proposed rule, or the reason why some proposed revisions were not adopted, before the matter was set for the RUPRO agenda.</p> <p>We understand from your conversation with CCCA’s former President, David Gunn, that SJO’s were intended to be included in the process prior to the proposed rule change going forward; and that, toward that end, you are willing to meet with a subcommittee of our Board. We are anxious to do so, and appreciate your willingness to make the time to hear and consider our comments and concerns. We understand that reasonable minds may differ on the final wording of the proposed changes, but cannot emphasize strongly enough our belief that when a proposed action directly affects our colleagues on the bench, we deserve to be involved in the process and heard just as much as judges would expect to be involved (through the CJA or Alliance), if a proposed action directly affected the interests of judges.</p> <p>As previously stated, we appreciate the most</p>		

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
Commentator	Position	Comment	Committee Response	
		<p>recent revisions to the proposed rule. However, we look forward to discussing additional items, two of which were addressed in Edith Matthai’s letter, which was coordinated with the CCCA.</p> <p>FIRST, in paragraph 1(a) regarding intent, we propose subparagraph 4 state: “<i>The procedures in this rule for processing complaints . . . do not (4) Restrict the discretion of the presiding judge in taking appropriate informal or formal action.</i>” This language gives to the PJ full and unrestricted authority to take appropriate action. There is some concern that the existing proposed language may be misconstrued, and potentially cause an unintended conflict with local trial court contracts.</p> <p>SECOND, as the language in the new (i)(3) (relating to complaints requiring further investigation) we are not sure why some, but not all, of Ms. Matthai’s proposed changes were adopted. Her proposal was to include the phrase “<i>at the beginning of the investigation</i>” which we felt did not unduly restrict the PJ given the “may” language in the first sentence. As an alternative, the phrase “<i>during the investigation</i>” could be added to the first sentence, which would serve to recognize that a PJ may want further investigation that might resolve the matter, short of having to get the SJO’s input “at the beginning.”</p>	<p>The committee agreed to replace its proposed language with the CCCA’s suggested provision, with one minor revision, so that the rule provides that the procedures in the rule do not “[r]estrict the discretion of the presiding judge in taking appropriate corrective action.”</p> <p>The committee agreed to add the phrase “during the investigation” to subdivision (i)(3), as suggested by the CCCA.</p>	

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>	
		<p>THIRD, as to the language in the new (i)(4), for unknown reasons, Ms. Matthai’s language describing potential corrective action was not adopted. We believe the resulting singular example could be considered misleading or unclear. To make clear the full range of a PJ’s discretion, we suggest utilizing some existing language from the current rule, modified to state: <i>“which may include, but is not limited to, oral counseling, oral reprimand, or warning to the subordinate judicial officer.”</i></p> <p>FOURTH, we believe further discussion and consideration is appropriate on the proposal in (g)(1)(C) and (g)(2) regarding a PJ being able to transfer the matter to the PJ of another county. While we see potential pluses and minuses to this proposal, we are not sure the significant underlying issue of jurisdiction has been addressed. I.e., regardless of this rule, does a PJ have the authority to refer a personnel matter of an individual employed in one county, to the jurisdiction of a different county? We would be interested to know if the Judicial Council staff has researched this issue.</p> <p>As a point of privilege, many of our board members have asked me to pass along how offended they were by the statement in the Judicial Council Staff’s report that it is unknown if CCCA still opposes the proposed rule change. If staff did not know, it is because no one contacted the CCCA to ask.</p>	<p>The committee agreed to add the suggested language.</p>	<p>The committee agreed to retain the language of subdivision (g)(2). In subdivision (g)(3), which requires “exceptional circumstances,” the committee added an alternative under which a presiding judge may ask a presiding judge of another court to investigate a complaint on behalf of the court and provide the results of the investigation to the court for adjudication.</p>

**SPR13-31****Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			Unfortunately, the Staff has historically failed to include consulting with CCCA, even in matters directly affecting our segment of the judiciary.  [Details concerning meeting logistics are not included.]	
6.	Benjamin R. Campos Commissioner Los Angeles, CA	N	I join in the position outlined by Commissioner St. George, president of CCCA. Thank you for your consideration.	See response to comments by the California Court Commissioners Association.
7.	Ronald Creighton Commissioner Walnut Creek, CA	N	The proposed rule change takes away discretion and flexibility from the presiding judge by requiring a formal investigation once a decision to investigate is made. More importantly, the Rule as currently written is working fine. The CJP's own statistics show an overwhelming approval of how the presiding judges have conducted their investigations and impose discipline by simply closing each SJO disciplinary action reported to them with rare exception.	The proposed amendments do not require a formal investigation once a decision is made to investigate. The amended rule would allow a presiding judge to conduct any type of investigation he or she deems appropriate to resolve the complaint. But it would not require two different investigations "[i]f after a preliminary investigation the presiding judge finds a basis for proceeding with the investigation."  See response to comments by the California Court Commissioners Association.
8.	J. F. DeMelo Commissioner Visalia, CA	N	The current SJO discipline method works well. The proposed changes are unnecessary.	See response to comments by the California Court Commissioners Association.
9.	William D. Dodson Commissioner Los Angeles, CA	N	As I understand it, the current rule gives an SJO the right to notice and an opportunity to respond to a court's intended final action. As far as I can	The committee agreed that the provision requiring a presiding judge to advise the SJO that he or she may request an opportunity to respond

**SPR13-31****Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>tell, the new rule would eliminate this guarantee, which would eliminate the officer's right to be heard on a very critical issue. Such a change does not seem prudent.</p> <p>In reference to the proposed changes, it seems to me that there has not been a sufficient showing that any changes in the existing procedures are really desirable. When described as a change to simplify or clarify the procedures, the proposal sounds good in the abstract, but I do not see any real confusion or unnecessary complexity that would make the change desirable in practice.</p> <p>Thank you for the opportunity to comment.</p>	<p>to the intended final action should be retained.</p> <p>See response to comments by the California Court Commissioners Association.</p>
10.	Carol J. Hallowitz Commissioner Los Angeles, CA	N	I tend to believe in the old adage "If it ain't broke, don't fix it." The system we now have in place appears to be working just fine. If there are to be changes, I endorse the proposals submitted by the California Court Commissioners Association.	See response to comments by the California Court Commissioners Association.
11.	Jeffrey M. Harkavy Commissioner Chatsworth, CA	N	After having reviewed the proposed changes, I concur in the concerns and recommendations made by Commissioner Matthew St. George on behalf of the CCCA.	See response to comments by the California Court Commissioners Association.
12.	Colette M. Humphrey Presiding Judge Superior Court of Kern County	N	I would like to express my opposition to the proposed revision to Rule 10.703. While it seems intended to "streamline" the complaint	

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
	Bakersfield, CA		<p>process, it also creates a situation that may deprive SJOs of the opportunity to respond to complaints. Under the current rule, the SJO has a right to notice and an opportunity to respond to a court’s intended final action. The revision requires only that the SJO be notified AFTER the action is taken. The proposed revision also removes the requirement that the SJO be advised of the disposition when a complaint is closed. This is not helpful for at least two reasons. First, if there really is a basis for some action, the SJO should have the opportunity to correct the conduct as needed. For example, when an SJO receives a complaint that a judgment was pending signature for far too long, the complaint may be justified, and the SJO has an opportunity to alter procedures to avoid a recurrence. Secondly, since a large portion of the complaints are not justified and since SJOs tend to have a lot of “repeat customers,” if the SJO is unaware of a disposition, they won’t know to keep records that might serve to refute future claims by the same litigant. The procedure that has been in place to address complaints regarding SJOs has remained virtually unchanged for 10 years, and it seems to have worked adequately for the benefit of the court, the public and the SJOs. The proposed revision does not seem designed to help SJOs do the right thing, but rather makes it harder for them to modify their conduct if needed. Thank you for your consideration of my thoughts.</p>	<p>The committee agreed that the provision requiring a presiding judge to advise the SJO that he or she may request an opportunity to respond to the intended final action should be retained.</p> <p>See response to comments by the California Court Commissioners Association.</p>



**SPR13-31****Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
13.	Patricia M. Ito Commissioner Lancaster, CA	N	I concur with the position taken by the California Court Commissioners Association.	See response to comments by the California Court Commissioners Association.
14.	Vince Lechowick Commissioner Lakeport, CA	N	Further points on the loss of due process from lack of timely notice of a pending complaint (beyond even the simple preservation of judicial notes) include: Exhibits returned to the parties (or otherwise made unavailable, lost or destroyed); Erasures or deletions of tape recordings, videos or hard drives (routine, accidental or otherwise); Retiring and exiting employees from court staffs (who may have favorable observations to add); Loss of memories of the specifics of the case by the Commissioners, clerks, bailiffs and others involved as they move on to many other days of high volume pro per calendars, etc.  “Streamlined” sounds more like “taking the easy way out” rather than doing justice or providing defense of SJOs’ work. Remember, discipline can now extend to simple “errors” (“should have known or so decided”), and adequate defense of decisions can require basically a “retrial.”	See response to comments by the California Court Commissioners Association.
15.	Chris Martin Commissioner Salinas, CA	N	The appropriate changes, if any, that should be made are listed in Matt St. George’s posted comment, which reflects the well-thought out and well-reasoned position of the CCCA. An	See response to comments by the California Court Commissioners Association.

**SPR13-31****Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			alternate Amended Rule 10.703 is also attached to Mr. St. George's comment. I speak on my behalf only and not on behalf of the Superior Court.	
16.	Edith R. Matthai Robie & Matthai Los Angeles, CA	N	<p>I have been asked by the California Court Commissioner's Association to review and comment on the proposed changes to Rule 10.703.</p> <p>It is my opinion that further limited revisions need to be made to the currently proposed version of the rule. The changes will clarify the process both for the protection of the presiding judges charged with the obligation to administer the rule, and the subordinate judicial officers who may face investigations under the rule. I greatly appreciate the tremendous amount of work that has been done, to date, by the Presiding Judges and others who have crafted the proposed new rule and certainly do not intend my comments to be critical of those efforts. It simply appears that in the laudatory effort to streamline and simplify the process, there were a few areas in which the resulting proposal is either unclear or resulted in an unintended consequence.</p> <p>The California Commissioner's Association now agrees that streamlining the process by eliminating the two levels of a preliminary and a formal investigation is appropriate if adopted in</p>	

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
Commentator	Position	Comment	Committee Response	
		<p>combination with the recommended changes in this letter. [T]he following changes would resolve areas in which the new rule as written is unclear. I have underlined the proposed additional language below.</p> <p>• (i) <b>Complaints requiring further investigation</b></p> <p>(3) The presiding judge may give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow him or her an opportunity to respond to the allegations <u>at the beginning of the investigation</u>. The presiding judge must give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow the subordinate judicial officer an opportunity to respond to the allegations before the presiding judge <u>decides to</u> takes any disciplinary action against the subordinate judicial officer.</p> <p>This change in language would clarify that no judge should decide to take disciplinary action until the subordinate judicial officer has had an opportunity to provide his or her explanation of what occurred. The section would still allow the presiding judge to begin an investigation, decide that discipline was not warranted and close the matter without notifying the subordinate judicial officer of the investigation.</p>	<p>The committee disagreed with the proposed addition of the phrase “at the beginning of the investigation” but agreed with the proposed addition of the phrase “decides to.” The committee also agreed to add the phrase “during the investigation” instead of “at the beginning of the investigation.”</p>	

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
Commentator	Position	Comment	Committee Response	
		<p>• (i) <b>Complaints requiring further investigation</b></p> <p>(4) After completing the investigation, the presiding judge must, in his or her discretion:</p> <p>(C) Take other appropriate <u>corrective action, which may include, but is not limited to, an oral reprimand or counseling of the subordinate judicial officer.</u></p> <p>This language makes it clear that a presiding judge may in appropriate circumstances, decline to impose written discipline and instead counsel or verbally reprimand the subordinate judicial officer.</p> <p>Of additional concern is that the limitation in Section (i)(8) of the SJO's response to a Notice of Intended Final Action to matters "based on correction of an error of fact or law or both" eliminates the ability of an SJO to address the appropriate level of discipline that should be imposed.</p> <p>It is presumed that the language "based on correction of an error of fact or law or both" was intended to mirror the language of Rule 111.5 of the Rules of the Commission on Judicial Performance. However that Rule applies only to advisory letters, the lowest level of discipline issued by the commission. When an advisory letter has been issued, the level of</p>	<p>The committee agreed with the proposed revision as proposed in the CCCA's November 20, 2014 letter. The committee proposes amending the provision as follows: "Take other appropriate corrective action, which may include, but is not limited to, oral counseling, oral reprimand, or warning of the subordinate judicial officer."</p>	<p>The committee agreed to recommend retaining this provision, but rejected the proposed language. Instead the committee recommends reverting to the existing language in subdivision (i)(5), which will be renumbered (j)(8).</p>

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>discipline has been set at the lowest level available if discipline is to be imposed.</p> <p>The limitation of the SJO's response in proposed Rule 10.703(i)(8) applies no matter what level of discipline the presiding judge has imposed, which eliminates the ability of the SJO to address the appropriate level of discipline.</p> <p>Although the SJO is able to give an initial response under (i)(3), that response would address the facts and circumstances surrounding the allegations. It is anticipated that in most circumstances the SJO will ask that discipline not be imposed for the reasons set forth in that response and would not address the level of discipline to be imposed.</p> <p>The change requested below should not be viewed as a desire to reargue or reiterate the response previously provided under (i)(3). I would suggest that the language be changed to read:</p> <p>“but the response to the intended final action must be based on new matter, which the SJO could have not known at the time a response was submitted pursuant to (i)(3) or to a statement objecting to the level of discipline or to a correction of an error of fact or law or both.”</p> <p>Finally, in what I understood to be the currently</p>	

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>proposed version of the rule, Section (i)(10) states: “The notice must include the information required under (1).” “(1)” should be changed to “(k)” since there is no longer a section (1) in the rule.</p> <p>Both the California Commissioner's Association and I appreciate your attention to these requested changes. If you have any changes or would like to discuss this matter further, please do not hesitate to contact me.</p>	
17.	Elizabeth Munisoglu Commissioner Los Angeles, CA	N	<p>I agree wholeheartedly with the comment and suggestions proposed and posted by the CCCA in behalf of all subordinate judicial officers.</p> <p>The proposed changes, both facially and substantively, seem to presume that SJOs are inherently less deserving of the same procedural due process as are judges. There is NO evidence that the current system is flawed, nor is there any evidence that any County’s Presiding Judge has been, or in the future would be, unable to effectively implement the existing disciplinary processes.</p> <p>I strongly urge that, if any changes are made, they be limited to the sensible suggestions offered by the CCCA.</p>	See response to comments by the California Court Commissioners Association.
18.	Ronald Pierce Squaw Valley, CA	N/A		Comment does not address proposed amendments to rule 10.703.

**SPR13-31****Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
19.	Scott Retired Investigator San Luis Obispo, CA	N/A		Comment does not address proposed amendments to rule 10.703.
20.	Phyllis Shibata Commissioner Pomona, CA	N	There is no need for these changes.	See response to comments by the California Court Commissioners Association.
21.	Superior Court of Los Angeles County Los Angeles, CA [Comment on behalf of the court]	A	Rule 10.703 requires revision. In broad terms, it seeks to create a process by which courts respond to external complaints about its subordinate judicial officers (SJOs). However, the existing process is duplicative and imposes unnecessary work on presiding judges. To the extent the proposed changes streamline the process of investigating external complaints against SJOs, they are useful.	No response necessary.
22.	Superior Court of San Diego County by Mike Roddy Executive Officer San Diego, CA [Comment on behalf of the court]	A	No further comment.	No response necessary.
23.	Superior Court of Tulare County by Sherry Pacillas Court Operations Manager Visalia, CA [Comment on behalf of the court]	A	In agreement with the proposed updated policies and Judicial Council forms.	No response necessary.
24.	Rebecca Wightman	N	I am submitting this comment as an individual	See response to comments by the California

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	Commissioner San Francisco, CA		<p>who, by virtue of my position, is subject to discipline under existing CRC Rule 10.703. I also agree with the comments previously submitted by the CCCA, as well as the CCCA’s alternative suggested rule revision to address any and all concerns previously identified by the CJP letter referenced in the write up to the original proposed rule change.</p> <p><b>Does the proposal reasonably achieve the stated purpose?</b> Answer: <b>NO</b>, for all of the reasons and comments stated below, including, but not limited to the fact that there appears to be <b>no credible data that PJs are confused or feel constrained, or that there is a need to “simplify”</b> the existing process that has been in place for years, and <b>there appears to be no credible reason for eliminating a perfectly good model (which is successfully used by CJP), including elimination of due process provisions regarding notification to SJOs.</b></p> <p><u>Comments</u> The background to the proposed rule change – the letter from the CJP (Victoria Henley) – identified two very specific, limited, concerns: one regarding consideration of oral complaints, the other regarding clarifying that the informal actions that can be taken after a preliminary investigation regarding “a reprimand or warning” are <i>oral</i> warnings and <i>oral</i> reprimands. The proposed rule revision goes WAY BEYOND addressing such concerns,</p>	Court Commissioners Association.



**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>claiming – without actual evidence or clear justification – that the existing rule is “unnecessarily complicated” and/or somehow limits the discretion of presiding judges.</p> <p>A review of public data regarding complaints against SJOs from CJP’s own annual reports reveals that presiding judges do not seem to be having any problems in utilizing the existing procedures in Rule 10.703, and further, that they are adequately addressing complaints against the SJOs in their respective counties. The CJP’s annual reports that I examined revealed the following astonishing information:</p> <ul style="list-style-type: none"> <li>o <b>2009</b> – 153 new complaints; CJP reviewed <b>154</b> (incl. from prior year): a whopping <b>149</b> were closed after initial review [that’s 96.7%] – to use the <u>CJP’s own words</u> in its annual report: “...because it determined that <b>the superior court’s handling and disposition of the complaints were adequate and that no further proceedings were warranted.</b>” And, of the remaining five, three were closed without discipline following CJP’s investigation, one concluded with an advisory letter, and one concluded with a public censure (this latter one was for an SJO who failed to complete submitted matters in a timely fashion).</li> </ul>	

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
Commentator	Position	Comment	Committee Response	
		<ul style="list-style-type: none"> <li>○ <b>2010 (I didn't have the report handy)</b></li> <li>○ <b>2011</b> – 163 new complaints; CJP reviewed <b>162</b>: a whopping <b>157</b> were closed after initial review [that's 96.9%] – to use the <u>CJP's own words</u> in its annual report: <b>"...because it determined that the superior court's handling and disposition of the complaints were adequate and that no further proceedings were warranted."</b> And, of the remaining five, four of them were closed without discipline following CJP's investigation; one closed when the SJO resigned with an agreement not to serve in a judicial capacity.</li> <li>○ <b>2012</b> – 160 new complaints; CJP reviewed <b>161</b> (incl. one from prior year): and a whopping <b>152</b> were closed after initial review [that's 95% or 94.4% if you incl. case from prior year] – to use the <u>CJP's own words</u> in its annual report: <b>"...because it determined that the superior court's handling and disposition of the complaints were adequate and that no further proceedings were warranted."</b> And, of the remaining nine, three were closed without discipline following CJP's investigation; one was closed where SJO resigned and agreed not to serve in a judicial capacity; one led to a public</li> </ul>		

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>admonishment, and four led to issuance of advisory letters.</p> <ul style="list-style-type: none"> <li>○ I even found a CJP annual report from <b>2005</b>: 155 new complaints; CJP reviewed <b>154</b>: a whopping <b>153</b> were closed after initial review!!</li> </ul> <p><b>This data appears to contradict any unsubstantiated statement that the current CRC Rule 10.703 is unnecessarily complicated and/or needs to be simplified. Indeed, PJs appear to be quite successfully following the procedures in the current rule.</b> This raises the age-old question: “If it ain’t broke, why “fix” it?”</p> <p>SUGGESTION: If, indeed, there is any concern regarding either the need to clarify that the phrase in subdivision (i) pertaining to “a reprimand or warning”, then by all means, let’s clarify it by inserting the word “oral” in front of both “reprimand” and “warning.”</p> <p>The proposed rule also simply makes the unsubstantiated statement that the existing rule somehow restricts presiding judges’ discretion. This is simply an incorrect <i>opinion</i>. Indeed, it is my opinion that by collapsing the existing, orderly process (initial review, preliminary investigation if needed, or formal investigation as needed), the proposed rule will actually limit presiding judges’ discretion and authority to</p>	

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>	
		<p>treat and resolve the complaint at the level it deserves.</p> <p>SUGGESTION: To the extent there is any conception or belief that the existing rule somehow limits a presiding judges’ discretion, then a simple added provision to explicitly state that the rule does no such thing would be sufficient to address any such concern. This would include removing any barriers to the discretion of a PJ to refer the matter to the CJP for investigation and report back to the PJ.</p> <p>Finally, there are indeed impacts from the proposed rule – proposed eliminations of certain provisions – that are not justified or adequately explained. The most glaring one has to do with the elimination of due process provisions in the existing rule regarding notifications to SJOs. The elimination – without any good reason – appears to be “overkill” under the guise of trying to “simplify” the rule. Why is elimination of such an important provision necessary????? It isn’t, and should be restored. In sum, the alternative suggested revisions that were submitted by the CCCA are ones that I believe would adequately address any real concerns with the existing rule.</p> <p>Please take the time to reconsider the need for such a drastic revision to a rule that PJs have been quite successfully navigating for years. Minor changes, if any, will more than</p>		

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			adequately address any true concerns.	
75	Rebecca Wightman Commissioner San Francisco, CA	N	<p>I previously submitted some comments, along with indicating my support for the alternative proposed revision of CRC 10.703; however, I realized that perhaps some of my comments were not specific enough – i.e., I alluded to the problematic due process issues, but did not mention specific provisions. Please consider the following additional comments as an augmentation to my prior comments.</p> <p><b>There is at least one very critical due process provision that was completely removed in the “streamlining” attempt for absolutely no stated good reason:</b></p> <ul style="list-style-type: none"> <li>• In the current rule, an SJO has the right to notice and an opportunity to respond to a court’s intended final action – see (j)(2), with specific advice required in the notice – see (j)(4). <ul style="list-style-type: none"> <li>○ The “streamlined” proposed rule <u>COMPLETELY ELIMINATES this due process procedure</u>, and merely states that if the PJ is aware that the SJO knows of the complaint (and who knows how someone will keep track of that), then the PJ must give the SJO written notice of the final action taken—i.e., after it is a done deal.</li> </ul> </li> </ul>	The committee agreed to retain this provision.

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>○ If adopted, SJOs will no longer have an opportunity to address concerns regarding any proposed intended final action. With PJs rotating in counties every two years, there may very well be instances in which a discussion or an opportunity to respond to an intended final action (whether the action to be taken is informal or formal) can assist the PJ in reaching a better solution, or in making sure that similar cases in the past (when the person was not PJ) are dealt with similarly, for example.</li> <li>○ Why was this provision taken out?? If there is no good reason, then it should at the very least be added back in to any revised rule.</li> </ul> <p>There are other changes that put an SJO at a disadvantage (particularly with regard to difficult pro pers who file multiple complaints), and may wind up causing problems and inconsistencies in treatment for SJOs down the road, including causing problems for CJP if the case is refiled with the CJP down the road:</p> <ul style="list-style-type: none"> <li>• The “streamlined” rule removes the mandate currently in (h)(3) [and also currently in (i)(5)(B)] that the PJ advise the SJO of the disposition when closing</li> </ul>	<p>The CJP opens investigations on very few complaints about SJOs and the time frame for a complainant to seek review by the CJP is very limited. Therefore, the risk of evidence being lost is minimal. This amendment is consistent with</p>

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>a complaint. This provision currently puts an SJO on notice that there may be a need to keep notes (or jot some down) should the litigant refile with the CJP and/or raise the same or similar complaints (as we all know that can happen) with the court down the road.</p> <ul style="list-style-type: none"> <li>○ By <u>removing</u> the mandate, and making it “discretionary,” the SJO may never know about a complaint, and may not therefore save any notes, etc., related to a litigant where the PJ decided not to advise. This change is not a “matter of semantics.”</li> <li>○ If SJOs are not consistently (mandatorily) given notice of the closure of a complaint, irrespective of at what stage of investigation it closes, not only may notes not get preserved, but recordings may get erased, and other evidence may not be preserved (including other witnesses, court staff that may move on) – which evidence and information may be very helpful to both SJOs and the CJP should a litigant decide to pursue the matter further by filing a complaint with the CJP.</li> <li>○ By making it “discretionary” there will be a disparate effect throughout the state, with some SJOs and the</li> </ul>	<p>the CJP’s practice regarding complaints about judges that are closed without contacting the judge.</p>

**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
Commentator	Position	Comment	Committee Response	
		<p>CJP having a better record to work with, depending upon which county/PJs decide to give notice upon closing a complaint.</p> <ul style="list-style-type: none"> <li>• <b>The “streamlined” rule radically changes the nature of who initially not only investigates, but also who adjudicates local complaints against SJOs:</b> <ul style="list-style-type: none"> <li>○ In the current rule, subdivision (g)(2), trial courts/PJs can seek the assistance of the CJP if there is a conflict, or if, in exceptional circumstances, the PJ wants CJP to investigate and provide the results back to the trial court.</li> <li>○ HOWEVER, by “collapsing” (g)(2) and (g)(3) into a new (g)(3), and adding the words “and adjudicate” – this changes the nature of the existing process tremendously – and actually <i>takes away</i> the PJs authority to adjudicate if they turn it over entirely to the CJP (and may very well lead to disparate results if some counties routinely turn over to the CJP to adjudicate while others keep their investigations and dispositions in house).                             <ul style="list-style-type: none"> <li>▪ The suggested alternative put forth by the CCCA was to</li> </ul> </li> </ul> </li> </ul>	<p>The committee agreed to retain the language of subdivision (g)(2). In subdivision (g)(3), which requires “exceptional circumstances,” the committee added an alternative under which a presiding judge may ask a presiding judge of another court to investigate a complaint on behalf of the court and provide the results of the investigation to the court for adjudication.</p>	



**SPR13-31**

**Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>simply remove the “exception circumstance” phrase, so that PJs can freely refer to CJP for investigation, <b>but there is absolutely no reason to allow CJP to adjudicate local complaints that would never arise to the level of CJP reporting.</b> In some respects, the proposed provision – without clarification or if not eliminated – may very well interfere with existing employer/employee processes in existence in the various counties.</p> <p>Bottom line: <u>Courts – and their respective HR divisions – have for years operated under the existing process and procedures without any problems.</u> (I previously sent in some statistics on this aspect of complaint resolution). The proposed “overhaul” is simply unnecessary and not just a matter of semantics. Please consider the alternative proposed revisions submitted by CCCA, <u>or at a minimum</u> put back the various due process notice provisions (both regarding final intended action, and closures), and take out the “adjudicate” provision of the new proposed rule.</p> <p>I do not support the rule as proposed for the reasons above.</p>	

**SPR13-31****Subordinate Judicial Officers: Complaints and Notice Requirements** (Amend Cal. Rules of Court, rules 10.603 and 10.703)

All comments are verbatim unless indicated by an asterisk (\*).

<b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b>				
	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			Thank you for considering these comments, which are my own, and not on behalf of any organization.	
26.	Cynthia A. Zuzga Commissioner Los Angeles, CA	N	Please maintain the current investigative model to afford all parties involved a complete and fair process. I urge the advisory committee to adopt the recommendations of the California Commissioners Court Association.	See response to comments by the California Court Commissioners Association.

1 **PROPOSED RULE CHANGES BY CCCA**

2  
3 **Rule 10.703. Subordinate judicial officers: complaints and notice requirements**

4  
5 **(a) Intent**

6  
7 The procedures in this rule for processing complaints against subordinate judicial  
8 officers do not:

- 9  
10 (1) Create a contract of employment;
- 11  
12 (2) Change the existing employee-employer relationship between the subordinate  
13 judicial officer and the court; or
- 14  
15 (3) Change the status of a subordinate judicial officer from an employee terminable at  
16 will to an employee terminable only for cause, ~~or~~
- 17  
18 (4) Restrict the discretion of the presiding judge in taking appropriate informal or  
19 formal action.
- 20

21 **(b) Definitions**

22  
23 Unless the context requires otherwise, the following definitions apply to this rule:

- 24  
25 (1) "Subordinate judicial officer" means an attorney employed by a court to serve as a  
26 commissioner, ~~or~~ referee, ~~or~~ hearing officer, whether the attorney is acting as a  
27 commissioner, referee, hearing officer, or temporary judge. The term does not  
28 include any other attorney acting as a temporary judge.

29  
30 (2)-(3) \*\*\*

31  
32 **(c) Application**

33  
34 (1) \*\*\*

- 35  
36 (2) If a complaint against a subordinate judicial officer as described in (f) does not  
37 allege conduct that would be within the jurisdiction of the commission, the ~~court~~  
38 ~~must process the complaint following~~ local procedures adopted under rule  
39 10.603(c)(4)(C) apply. The local process may include any procedures from this  
40 rule for the court's adjudication of the complaint other than the provisions for  
41 referring the matter to the commission under (g) or giving notice of commission  
42 review under (l)(2)(B).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

(3) \*\*\*

(d)–(e) \*\*\*

**(f) Written complaints to presiding judge**

(1) A complaint about the conduct of a subordinate judicial officer must be in writing and must be submitted to the presiding judge.

(2) \*\*\*

(3) The presiding judge has discretion to investigate complaints that are anonymous.

(4) The presiding judge must give written notice of receipt of the complaint to the complainant, if known.

**(g) Initial review of the complaint**

(1) The presiding judge must review each complaint and determine if the complaint:

(A) May be closed after initial review;

(B) Needs preliminary investigation; or

(C) Requires formal investigation.

(2) A presiding judge may request that the commission investigate and adjudicate the complaint if a local conflict of interest or disqualification prevents the court from acting on the complaint.

(3) In ~~exceptional circumstances~~ his or her discretion, a presiding judge may request the commission to investigate a complaint on behalf of the court and provide the results of the investigation to the court for action.

(4) The court must maintain a file on every complaint received, containing the following:

(A)–(D) \*\*\*

**(h) Closing a complaint after initial review**

1 (1) After a preliminary review the presiding judge may close without further action  
2 any complaint that:

3  
4 (A)-(B) \*\*\*  
5

6 (2) If the presiding judge decides to close the complaint after initial review, ~~t~~The  
7 presiding judge must notify the complainant, if known, in writing of the decision  
8 to close the complaint. The notice must include the information required under  
9 (l).  
10

11 (3) The presiding judge must advise the subordinate judicial officer in writing of the  
12 ~~disposition~~ decision to close the complaint.  
13

14 **(i) Complaints requiring preliminary investigation**

15  
16 (1)-(2) \*\*\*  
17

18 (3) The presiding judge may give the subordinate judicial officer a copy of the  
19 complaint or a summary of its allegations and allow him or her an opportunity to  
20 respond to the allegations. The presiding judge must give the subordinate judicial  
21 officer a copy of the complaint or a summary of its allegations and allow the  
22 subordinate judicial officer an opportunity to respond to the allegations before the  
23 presiding judge takes appropriate informal action as described in (i)(4)(B).  
24

25 (4) After completing the preliminary investigation, the presiding judge must, in his or  
26 her discretion:

27  
28 (A) Terminate the investigation and close action on the complaint if the  
29 presiding judge finds the complaint lacks merit; or

30  
31 (B) Terminate the investigation and close action on the complaint by taking  
32 appropriate informal action, which may include an oral reprimand or oral  
33 warning to the subordinate judicial officer, if the presiding judge finds a  
34 basis for taking informal action; or  
35

- 1 (A) The subordinate judicial officer may request an opportunity to respond  
2 within 10 days after service of the notice; and  
3  
4 (B) If the subordinate judicial officer does not request an opportunity to  
5 respond within 10 days after service of the notice, the proposed action  
6 will become final.  
7  
8 (5) If the subordinate judicial officer requests an opportunity to respond, the presiding  
9 judge should allow the subordinate judicial officer an opportunity to respond to  
10 the notice of the intended final action, either orally or in writing as specified by  
11 the presiding judge, in accordance with local rules.  
12  
13 (6) Within 10 days after the subordinate judicial officer has responded, the presiding  
14 judge must give the subordinate judicial officer and the complainant, if known,  
15 written notice of the final action taken on the complaint. The notice to the  
16 complainant must include the information required under (l).  
17  
18 (7) If the subordinate judicial officer does not request or has not been given an  
19 opportunity to respond, the presiding judge must promptly give written notice of  
20 the final action to the complainant, if known. The notice must include the  
21 information required under (l).  
22

23 **(k) Notice to the Commission on Judicial Performance**  
24

- 25 (1) If a court disciplines a subordinate judicial officer by written reprimand under  
26 (i)(4)(B) or (j)(3)(C) or (D), suspension, or ~~removal~~ termination for conduct that,  
27 if alleged against a judge, would be within the jurisdiction of the commission  
28 under article VI, section 18 of the California Constitution, the presiding judge  
29 must promptly forward to the commission a copy of the portions of the court file  
30 that reasonably reflect the basis of the action taken by the court, including the  
31 complaint or allegations of misconduct and the subordinate judicial officer's  
32 response. This provision is applicable even when the disciplinary action does not  
33 result from a written complaint.  
34  
35 (2) If a subordinate judicial officer resigns either (A) while a preliminary or formal  
36 investigation under (i) or (j) is pending concerning conduct that, if alleged against a  
37 judge, would be within the jurisdiction of the commission under article VI, section 18  
38 of the California Constitution, or (B) under circumstances that would lead a  
39 reasonable person to conclude that the resignation was due, at least in part, to a  
40 complaint or allegation of misconduct that, if alleged against a judge, would be  
41 within the jurisdiction of the commission under article VI, section 18 of the  
42 California Constitution, then the presiding judge must, within 15 days of the  
43 resignation or as soon thereafter as is reasonably possible, forward to the commission

1 the entire court file on any pending complaint about or allegation of misconduct  
2 committed by the subordinate judicial officer.

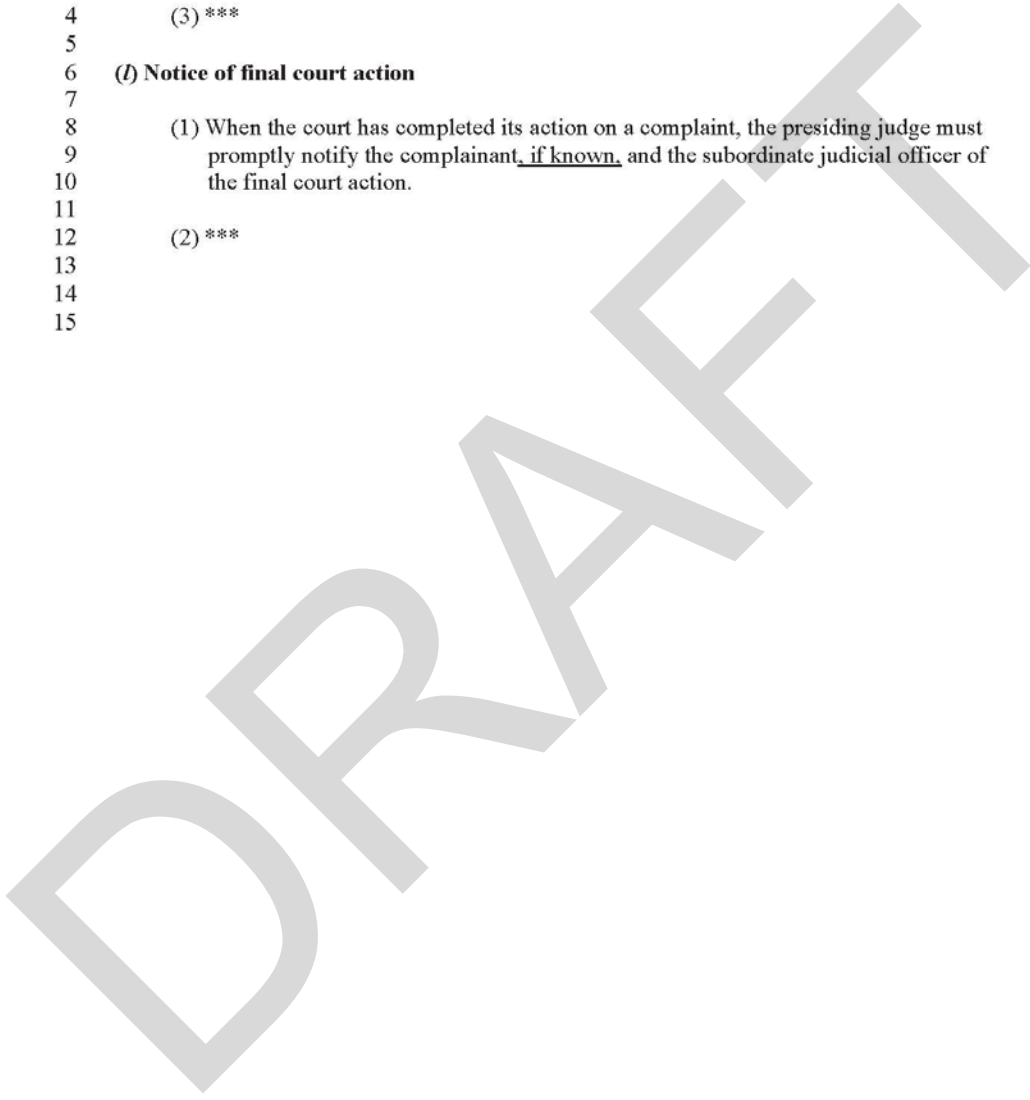
3  
4 (3) \*\*\*

5  
6 **(f) Notice of final court action**

7  
8 (1) When the court has completed its action on a complaint, the presiding judge must  
9 promptly notify the complainant, if known, and the subordinate judicial officer of  
10 the final court action.

11  
12 (2) \*\*\*

13  
14  
15





California Court Commissioners Association

**JERI M. HAMLIN**

President

**Tehama Superior Court  
633 Washington St, PO Box 278  
Red Bluff, CA 95080  
530-515-3560  
Hamlin@snowcrest.net**

SENT BY EMAIL TO AVOID DELAY

February 23, 2015

Judge Marsha Slough  
Chair, TCPJAC

Re: Letter of support for proposed revision to Rule 10.703 (version revised 1-29-15)

Dear Judge Slough:

Our organization would like to take this opportunity to sincerely thank you for providing a meaningful opportunity to participate in discussions to further modify the pending proposed revisions to California Rules of Court, Rule 10.703. We consider the January 28, 2015 meeting between our CCCA subcommittee members and yourself, along with your TCPJAC subcommittee members, to have been pivotal in making a positive difference as to CCCA's position on the Rule change.

We continue to believe that, had we been included at the very outset, in discussions about a rule that only affects subordinate judicial officers, the result would have been a different, and even better rule. However, under the circumstances of how long it took to get this far, and particularly as a result of the meeting you facilitated on January 28<sup>th</sup>, CCCA now wishes to provide this letter of support.

The further revised proposed Rule (revised 1-29-15, after our joint TCPJAC/CCCA meeting on 1-28-15) that we understand will go to the Judicial Council at its April 17, 2015 meeting (after passing review through RUPRO), contains changes that essentially address many of the concerns we had raised when submitting comments to the original proposal. As a result, we believe that this matter, once approved by RUPRO, can be placed on the Judicial Council's consent Agenda with our support.

Thank you again for your assistance in this matter. Please let us know if our organization can be of assistance in any other matters affecting our membership or the work that we do in the courts.

Sincerely,

Jeri Hamlin  
President, CCCA





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

---

Title	Agenda Item Type
Judicial Council Report to the Legislature and the Department of Finance: 2 Percent Set-Aside in the Trial Court Trust Fund for FY 2014–2015	Action Required
	Effective Date
	April 17, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	March 26, 2015
Recommended by	Contact
Zlatko Theodorovic, Director, Judicial Council Finance	Patrick Ballard, Supervisor Finance 818-558-3115 <a href="mailto:patrick.ballard@jud.ca.gov">patrick.ballard@jud.ca.gov</a>

---

### Executive Summary

Judicial Council staff recommend approval of the attached *Report on the Allocation of the 2 Percent Set-Aside in the Trial Court Trust Fund for fiscal year (FY) 2014–2015*. Government Code section 68502.5(c)(2)(C) requires that the Judicial Council report to the Legislature and the Department of Finance each fiscal year regarding all requests and allocations made from the 2 percent set-aside in the Trial Court Trust Fund to the superior courts.

### Recommendation

Judicial Council staff recommend that the Judicial Council, effective April 17, 2015:

1. Approve the *Report on the Allocation of the 2 Percent Set-Aside in the Trial Court Trust Fund for fiscal year (FY) 2014–2015*; and
2. Direct the staff to submit the report to the Legislature and the Department of Finance.

## **Previous Council Action**

Options for allocations of the 2 percent set-aside in the Trial Court Trust Fund (TCTF) in fiscal year 2014–2015 were presented to the Judicial Council during the fiscal year. The attached report to the Legislature describes the actions taken during those meetings.

These reports are submitted to the Legislature on an annual basis. Previous reports can be found at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

## **Rationale for Recommendation**

The submission of this report to the Legislature and the Department of Finance (DOF) is required under Government Code section 68502.5(c)(2)(C). The statute requires that the Judicial Council provide information regarding all requests and allocations made from the set-aside of 2 percent of the total funds appropriated in the TCTF in the annual Budget Act to trial courts for:

- Unavoidable funding shortfall requests submitted by the trial courts to the Judicial Council no later than October 1 of the current fiscal year;
- Unforeseen emergencies or unanticipated expenses for existing program requests submitted after October 1 and before March 15 of the current fiscal year; and
- Unexpended funds distributed to the trial courts on a prorated basis after March 15.

## **Comments, Alternatives Considered, and Policy Implications**

This report was not circulated for comment. The information contained in the report to the Legislature and the DOF was obtained from the trial courts. The attached report summarizes actions previously taken by the Judicial Council.

## **Implementation Requirements, Costs, and Operational Impacts**

Implementing the recommendations in this report results in no costs or operational impacts.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

The recommendations contained in this report pertain to statutory requirements.

## **Attachments and Links**

1. *Report on the Allocation of the 2 Percent Set-Aside in the Trial Court Trust Fund for FY 2014–2015*



# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
www.courts.ca.gov

HON. TANI G. CANTIL-SAKAUYE  
*Chief Justice of California  
Chair of the Judicial Council*

HON. DOUGLAS P. MILLER  
*Chair, Executive and Planning Committee*

HON. DAVID M. RUBIN  
*Chair, Litigation Management Committee*

HON. KENNETH K. SO  
*Chair, Policy Coordination and  
Liaison Committee*

HON. HARRY E. HULL, JR.  
*Chair, Rules and Projects Committee*

HON. JAMES E. HERMAN  
*Chair, Technology Committee*

*Hon. Marla O. Anderson  
Hon. Judith Ashmann-Gerst  
Hon. Brian John Back  
Hon. Richard Bloom  
Mr. Mark G. Bonino  
Hon. James R. Brandlin  
Hon. Ming W. Chin  
Hon. David De Alba  
Hon. Emilie H. Elias  
Mr. James P. Fox  
Ms. Donna D. Melby  
Hon. Gary Nadler  
Ms. Debra Elaine Pole  
Hon. David Rosenberg  
Hon. Dean T. Stout  
Hon. Martin J. Tangeman*

#### ADVISORY MEMBERS

*Hon. Daniel J. Buckley  
Mr. Richard D. Feldstein  
Hon. David E. Gunn  
Hon. Morris D. Jacobson  
Hon. Brian L. McCabe  
Mr. Frank A. McGuire  
Hon. Marsha G. Slough  
Ms. Mary Beth Todd  
Hon. Charles D. Wachob  
Hon. Joan P. Weber*

MR. MARTIN HOSHINO  
*Administrative Director,  
Judicial Council*

April 21, 2015

Ms. Diane F. Boyer-Vine  
Legislative Counsel  
State of California  
State Capitol, Room 3021  
Sacramento, California 95814

Mr. Daniel Alvarez  
Secretary of the Senate  
California State Senate  
State Capitol, Room 400  
Sacramento, California 95814

Mr. E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California 95814

Mr. Michael Cohen  
Director of Finance  
California Department of Finance  
State Capitol, Room 1145  
Sacramento, California 95814

Re: Report on the Allocation of the 2 Percent Set-Aside in the Trial Court Trust Fund for FY 2013–2014 as required by Government Code section 68502.5(c)(2)(C)

Dear Ms. Boyer-Vine, Mr. Schmidt, Mr. Wilson, and Mr. Cohen:

The Judicial Council respectfully submits this report, as required by Government Code section 68502.5(c)(2)(C), detailing all requests and allocations made by the Judicial Council from the set-aside of 2 percent of the total funds appropriated in Program 45.10 of Item 0250-101-0932 of the annual Budget Act. As required in Government Code section 68502.5(c)(2)(B), these funds are set aside in the Trial Court Trust Fund (TCTF) for trial courts to be allocated by the Judicial Council and to be

Ms. Diane F. Boyer-Vine  
Mr. Danny Alvarez  
Mr. E. Dotson Wilson  
Mr. Michael Cohen  
April 21, 2015  
Page 2

used by the trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls.

Government Code section 68502.5(c)(2)(B) requires requests for unavoidable funding shortfalls be submitted by the trial courts to the Judicial Council no later than October 1 of each year. In response, the Judicial Council, by October 31 of each year, will review and evaluate the requests, select trial courts to receive funds, and notify those selected trial courts. No more than 75 percent of the total set-aside shall be distributed during this period. By March 15, the Judicial Council will distribute from the remaining funds if there has been a request from a qualifying trial court for unforeseen emergencies or unanticipated expenses. If there are unexpended funds after March 15, they shall be distributed to the trial courts on a prorated basis.

#### **Requests Related to Unavoidable Funding Shortfall**

The 2 percent set-aside in the TCTF for fiscal year (FY) 2013–2014 was \$35.2 million. Government Code section 68502.5(c)(2)(B) permits only up to 1.5 percent—or \$26.4 million—to be allocated by the Judicial Council by October 31 for unavoidable funding shortfall requests. No courts requested funding related to unavoidable funding shortfalls by that date.

#### **Requests Related to Unforeseen Emergencies or Unanticipated Expenditures for Existing Programs**

Government Code section 68502.5(c)(2)(B) requires that the Judicial Council, after October 31 and before March 15 of each fiscal year, distribute from the remaining funds for requests from any of the trial courts due to unforeseen emergencies or unanticipated expenses for existing programs. Both the Superior Courts of Kings and Napa Counties requested funding, related to unanticipated expenses and an unforeseen emergency, respectively. Under the council's policy, the courts' requests may be for amounts exceeding their respective contributions to the 2 percent set-aside of the TCTF. The Superior Courts of Kings and Napa Counties qualified for funding under the council-approved criterion of projecting a negative fund balance for the current fiscal year for unanticipated expenses.

The total amount requested by the Superior Court of Kings County was \$509,000. Information about this request follows:

- In 2012–2013, the Superior Court of Kings County was facing a current year estimated negative ending fund balance of \$1.97 million, which was comprised of a budget shortfall for an expenditure of \$2.11 million for a soon-to-be-unsupported, antiquated county case management system. The Judicial Council, at its February 26, 2013 business meeting,

Ms. Diane F. Boyer-Vine  
Mr. Danny Alvarez  
Mr. E. Dotson Wilson  
Mr. Michael Cohen  
April 21, 2015  
Page 3

considered the court's request and approved an allocation of up to \$2.11 million over a five-year period, starting with \$733,000 in 2012–2013. The Judicial Council also stipulated that in order to receive a future distribution from the Trial Court Trust Fund 2 percent state-level reserve for 2013–2014 through 2016–2017 for the project, the court must provide to the council a projection of all project costs and detailed financial information demonstrating why it is unable to address those costs within existing resources. In 2013-2014, the Judicial Council considered the court's second year request for deployment of a new case management system second year request at its February 20, 2014, business meeting and approved an allocation of \$130,000. In FY 2014-2015, the Superior Court of Kings County submitted all the required financial information in October 2014, which projected a negative fund balance due to the \$509,000 in additional funding needed for the expenses related to the third and final year deployment cost for the new case management system to replace a failing system. The Judicial Council considered the court's third year and final request at its October 28, 2014, business meeting and approved an allocation of \$509,000. The total amount that the Judicial Council has allocated to the Superior Court of Kings County over three fiscal years is \$1.37 million.

The total amount requested by the Superior Court of Napa County was \$187,000. Information about this request follows:

- The Superior Court of Napa County projected a negative fund balance from unanticipated relocation costs due to the American Canyon earthquake on August 24, 2014. The earthquake required the immediate closure of the court's historic courthouse, which was red tagged (severely damaged to the degree that the building is too dangerous to occupy). The total cost incurred of moving judges and staff to another facility was \$187,000. The Judicial Council considered the court's request at its February 19, 2015, business meeting and approved an allocation of \$187,000.

### **Distribution of the 2 Percent Funds**

The total amount allocated by the Judicial Council for all FY 2014–2015 requests through March 15 was \$695,000. The balance of unallocated funds from the 2 percent set-aside in the TCTF was \$37.2 million. A proportionate share of the \$37.2 million was distributed to all 58 superior courts by March 15, 2015.

Ms. Diane F. Boyer-Vine  
Mr. Danny Alvarez  
Mr. E. Dotson Wilson  
Mr. Michael Cohen  
April 21, 2015  
Page 4

If you have any questions related to this report, please contact Zlatko Theodorovic, Director, Judicial Council Finance, at 916-263-1397.

Sincerely,

Martin Hoshino  
Administrative Director  
Judicial Council

MH/PB

cc:

Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin de León  
Fredericka McGee, Special Assistant to Assembly Speaker Toni G. Atkins  
Anita Lee, Senior Fiscal and Policy Analyst, Legislative Analyst's Office  
Tina McGee, Executive Secretary, Legislative Analyst's Office  
Madelynn McClain, Program Budget Analyst, Department of Finance  
Peggy Collins, Principal Consultant, Joint Legislative Budget Committee  
Julie Salley-Gray, Consultant, Senate Budget and Fiscal Review Committee  
Matt Osterli, Consultant, Senate Republican Fiscal Office  
Marvin Deon, Consultant, Assembly Budget Committee  
Allan Cooper, Consultant, Assembly Republican Fiscal Office  
Jolie Onodera, Consultant, Senate Appropriations Committee  
Chuck Nicol, Principal Consultant, Assembly Appropriations Committee  
Benjamin Palmer, Chief Counsel, Senate Judiciary Committee  
Mike Petersen, Consultant, Senate Republican Policy Office  
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee  
Paul Dress, Consultant, Assembly Republican Policy Office  
Zlatko Theodorovic, Director, Finance, Judicial Council  
Cory Jaspersen, Director, Governmental Affairs, Judicial Council  
Peter Allen, Senior Manager, Communications, Judicial Council  
Yvette Casillas-Sarcos, Administrative Coordinator, Governmental Affairs, Judicial Council



# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
www.courts.ca.gov

HON. TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

HON. DOUGLAS P. MILLER  
*Chair, Executive and Planning Committee*

HON. DAVID M. RUBIN  
*Chair, Litigation Management Committee*

HON. KENNETH K. SO  
*Chair, Policy Coordination and  
Liaison Committee*

HON. HARRY E. HULL, JR.  
*Chair, Rules and Projects Committee*

HON. JAMES E. HERMAN  
*Chair, Technology Committee*

*Hon. Marla O. Anderson*  
*Hon. Judith Ashmann-Gerst*  
*Hon. Brian John Back*  
*Hon. Marvin R. Baxter*  
*Hon. Richard Bloom*  
*Mr. Mark G. Bonino*  
*Hon. James R. Brandlin*  
*Hon. David De Alba*  
*Hon. Emilie H. Elias*  
*Hon. Noreen Evans*  
*Mr. James P. Fox*  
*Ms. Donna D. Melby*  
*Hon. Gary Nadler*  
*Ms. Debra Elaine Pole*  
*Hon. David Rosenberg*  
*Hon. Dean T. Stout*  
*Hon. Martin J. Tangeman*

#### ADVISORY MEMBERS

*Hon. Daniel J. Buckley*  
*Mr. Richard D. Feldstein*  
*Hon. David E. Gunn*  
*Hon. Morris D. Jacobson*  
*Hon. Brian L. McCabe*  
*Mr. Frank A. McGuire*  
*Hon. Marsha Slough*  
*Ms. Mary Beth Todd*  
*Hon. Charles D. Wachob*  
*Hon. Joan P. Weber*

MARTIN HOSHINO  
*Administrative Director,*  
*Judicial Council*

## Report Summary

**Report title: Report on the Allocation of the 2 Percent Set-Aside in the Trial Court Trust Fund for FY 2014–2015**

**Statutory citation: Government Code section 68502.5(c)(2)(C)**

**Date of report: April 17, 2015**

The Judicial Council has submitted a report to the Legislature in accordance with Government Code section 68502.5(c)(2)(C), which requires the Judicial Council to report to the Legislature and the Department of Finance, no later than April 15 of each year, all requests and allocations made from the 2 percent set-aside of the Trial Court Trust Fund (TCTF) to trial courts.

The following summary of the report is provided under the requirements of Government Code section 9795.

Government Code section 68502.5(c)(2)(B) requires requests for unavoidable funding shortfalls be submitted by the trial courts to the Judicial Council no later than October 1 of each year. The Judicial Council, by October 31 of each year, will review and evaluate all such requests, select trial courts to receive funds, and notify those selected trial courts. No more than 1.5 percent of the 2 percent shall be distributed during this period. By March 15, the Judicial Council shall allocate from the remaining funds if there have been requests from trial courts, to cover unforeseen emergencies or unanticipated expenses. After such distributions, any remaining unexpended funds shall be distributed to the trial courts on a prorated basis.

September 19, 2014

Page 2

For the period of October 1, 2014 through March 15, 2015, two courts, the Superior Courts of Kings and Napa Counties, met the Judicial Council criterion of projecting a current year negative fund balance, and received an allocation totaling \$695,000 in funding from the 2 percent set-aside of the TCTF for unavoidable funding shortfalls and unanticipated expenditures.

The full report can be accessed here: [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm). A printed copy of the report may be obtained by calling 818-558-3115.





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

---

Title	Agenda Item Type
Judicial Council Report to the Legislature: Electronic Recording Equipment	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	April 17, 2015
Recommended by	Date of Report
Zlatko Theodorovic, Director, Judicial Council Finance	March 25, 2015
	Contact
	Patrick Ballard, 818-558-3115 <a href="mailto:patrick.ballard@jud.ca.gov">patrick.ballard@jud.ca.gov</a>

---

### Executive Summary

Judicial Council staff recommend approval of the attached *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2014)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

### Recommendation

Judicial Council staff recommend that the Judicial Council, effective April 17, 2015:

1. Approve the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2014)*; and
2. Direct the staff to submit the report to the Legislature.

## **Previous Council Action**

These reports have routinely been approved by the council and submitted to the Legislature on a semiannual basis. Previous reports can be found at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

## **Rationale for Recommendation**

The semiannual submission of this report to the Legislature is required under Government Code section 69958. The statute requires that each superior court report to the Judicial Council about all purchases and leases of electronic recording equipment that will be used to record superior court proceedings, specifying all of the following:

- (a) The Superior Court in which the equipment will be used.
- (b) The types of trial court proceedings in which the equipment will be used.
- (c) The cost of purchasing, leasing, or upgrading the equipment.
- (d) The type of equipment purchased or leased.

## **Comments, Alternatives Considered, and Policy Implications**

This report was not circulated for comment. The information in the report to the Legislature was reported to the Judicial Council staff by the superior courts.

## **Implementation Requirements, Costs, and Operational Impacts**

Implementing the recommendations in this report results in no costs or operational impacts.

## **Attachments and Links**

1. *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2014)*



# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
www.courts.ca.gov

HON. TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

HON. DOUGLAS P. MILLER  
*Chair, Executive and Planning Committee*

HON. DAVID M. RUBIN  
*Chair, Litigation Management Committee*

HON. KENNETH K. SO  
*Chair, Policy Coordination and Liaison Committee*

HON. HARRY E. HULL, JR.  
*Chair, Rules and Projects Committee*

HON. JAMES E. HERMAN  
*Chair, Technology Committee*

*Hon. Marla O. Anderson*  
*Hon. Judith Ashmann-Gerst*  
*Hon. Brian John Back*  
*Hon. Richard Bloom*  
*Mr. Mark G. Bonino*  
*Hon. James R. Brandlin*  
*Hon. Ming W. Chin*  
*Hon. David De Alba*  
*Hon. Emilie H. Elias*  
*Mr. James P. Fox*  
*Ms. Donna D. Melby*  
*Hon. Gary Nadler*  
*Ms. Debra Elaine Pole*  
*Hon. David Rosenberg*  
*Hon. Dean T. Stout*  
*Hon. Martin J. Tangeman*

#### ADVISORY MEMBERS

*Hon. Daniel J. Buckley*  
*Mr. Richard D. Feldstein*  
*Hon. David E. Gunn*  
*Hon. Morris D. Jacobson*  
*Hon. Brian L. McCabe*  
*Mr. Frank A. McGuire*  
*Hon. Marsha G. Slough*  
*Ms. Mary Beth Todd*  
*Hon. Charles D. Wachob*  
*Hon. Joan P. Weber*

MR. MARTIN HOSHINO  
*Administrative Director,*  
*Judicial Council*

April 21, 2015

Ms. Diane F. Boyer-Vine [email to [agency.reports@lc.ca.gov](mailto:agency.reports@lc.ca.gov)]  
Legislative Counsel  
State of California  
State Capitol, Room 3021  
Sacramento, California 95814

Mr. Daniel Alvarez  
Secretary of the Senate  
California State Senate  
State Capitol, Room 400  
Sacramento, California 95814

Mr. E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California 95814

Re: Report on Purchase or Lease of Electronic Recording Equipment  
by Superior Courts (July 1–December 31, 2014) as Required by  
Government Code section 69958

Dear Ms. Boyer-Vine, Mr. Alvarez, and Mr. Wilson:

The Judicial Council respectfully submits this report, as required by Government Code section 69958, to provide information to the Legislature regarding superior court purchases and leases of electronic recording equipment during the period of July 1, 2014, through December 31, 2014. As required by statute, for each purchase or lease of equipment, the report specifies the name of the court, the types of proceedings for which the equipment will be used, the cost of the equipment, and the types of equipment purchased or leased.

Government Code section 69957 requires the courts to obtain advance approval from the Judicial Council before purchasing or leasing any electronic recording technology or equipment. Approval for purchase or lease of the equipment is subject to the equipment's being used only in

Ms. Diane F. Boyer-Vine  
Mr. Daniel Alvarez  
Mr. E. Dotson Wilson  
April 21, 2015  
Page 2

the manner and for the purposes authorized under that section. All 58 superior courts were surveyed regarding their purchase or lease of the equipment to ensure that all purchases were made with the required authorization. During the July 1 through December 31, 2014, period, one court made purchases of electronic equipment or related items for use in court proceedings. This court submitted a Request to Purchase form between July 1 and December 31, 2014, received authorization for its purchases, and subsequently made purchases. In addition to this court, one court submitted a request, but it was submitted only a week before the end of the period and so did not make the purchase the period. Another court submitted a request, but authorization was not approved as the request did not meet the criteria.

The Superior Court of Tehama County spent \$5,405 to purchase 4 Dell Optiplex Workstations. The purchase was a replacement or upgrade to existing equipment. The equipment will be used to make an official record in small claims, limited civil, infractions, and misdemeanor cases.

If you have any questions related to this report, please contact Zlatko Theodorovic, Director, Judicial Council Finance, at 916-263-1397.

Sincerely,

Martin Hoshino  
Administrative Director  
Judicial Council

MH/VM

cc: Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin de León  
Fredericka McGee, Special Assistant to Assembly Speaker Toni G. Atkins  
Anita Lee, Senior Fiscal and Policy Analyst, Legislative Analyst's Office  
Tina McGee, Executive Secretary, Legislative Analyst's Office  
Madelynn McClain, Program Budget Analyst, Department of Finance  
Peggy Collins, Principal Consultant, Joint Legislative Budget Committee  
Julie Salley-Gray, Consultant, Senate Budget and Fiscal Review Committee  
Matt Osterli, Consultant, Senate Republican Fiscal Office  
Marvin Deon, Consultant, Assembly Budget Committee  
Allan Cooper, Consultant, Assembly Republican Fiscal Office  
Jolie Onodera, Consultant, Senate Appropriations Committee

Ms. Diane F. Boyer-Vine

Mr. Daniel Alvarez

Mr. E. Dotson Wilson

April 21, 2015

Page 3

Chuck Nicol, Principal Consultant, Assembly Appropriations Committee

Benjamin Palmer, Chief Counsel, Senate Judiciary Committee

Mike Petersen, Consultant, Senate Republican Policy Office

Alison Merrilees, Chief Counsel, Assembly Judiciary Committee

[Alison.merrilees@asm.ca.gov]

Paul Dress, Consultant, Assembly Republican Policy Office

Zlatko Theodorovic, Director, Finance, Judicial Council

Cory Jaspersen, Director, Governmental Affairs, Judicial Council

Peter Allen, Senior Manager, Communications, Judicial Council

Yvette Casillas-Sarcos, Administrative Coordinator, Governmental Affairs, Judicial Council



# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
[www.courts.ca.gov](http://www.courts.ca.gov)

HON. TANI G. CANTIL-SAKAUYE  
Chief Justice of California  
Chair of the Judicial Council

HON. DOUGLAS P. MILLER  
Chair, Executive and Planning Committee

HON. DAVID M. RUBIN  
Chair, Litigation Management Committee

HON. KENNETH K. SO  
Chair, Policy Coordination and  
Liaison Committee

HON. HARRY E. HULL, JR.  
Chair, Rules and Projects Committee

HON. JAMES E. HERMAN  
Chair, Technology Committee

Hon. Marla O. Anderson  
Hon. Judith Ashmann-Gerst  
Hon. Brian John Back  
Hon. Marvin R. Baxter  
Hon. Richard Bloom  
Mr. Mark G. Bonino  
Hon. James R. Brandlin  
Hon. David De Alba  
Hon. Emilie H. Elias  
Hon. Noreen Evans  
Mr. James P. Fox  
Ms. Donna D. Melby  
Hon. Gary Nadler  
Ms. Debra Elaine Pole  
Hon. David Rosenberg  
Hon. Dean T. Stout  
Hon. Martin J. Tangeman

#### ADVISORY MEMBERS

Hon. Daniel J. Buckley  
Mr. Richard D. Feldstein  
Hon. David E. Gunn  
Hon. Morris D. Jacobson  
Hon. Brian L. McCabe  
Mr. Frank A. McGuire  
Hon. Marsha Slough  
Ms. Mary Beth Todd  
Hon. Charles D. Wachob  
Hon. Joan P. Weber

MARTIN HOSHINO  
Administrative Director,  
Judicial Council

## Report Summary

Report title: *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2014)*

Statutory citation: Government Code section 69958

Date of report: April 21, 2015

The Judicial Council has submitted a report to the Legislature in accordance with Government Code section 69958, which requires the Judicial Council to report to the Legislature, on a semiannual basis, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings. The report must specify the name of the court, the types of proceedings for which the equipment will be used, the cost of the equipment, and the types of equipment purchased.

The following summary of the report is provided under the requirements of Government Code section 9795.

For the period of July 1, 2014, through December 31, 2014, one court purchased or leased electronic recording equipment or related items at a total cost of \$5,405 to create an official record in various court proceedings or to monitor subordinate judicial officers in certain types of cases as authorized by law. Information about this transaction is discussed in the report.

The full report can be accessed here: [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

A printed copy of the report may be obtained by calling 415-865-7553.



## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 17, 2015

---

Title	Agenda Item Type
Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund and the Trial Court Trust Fund for 2015–2016	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	July 1, 2015
Recommended by	Date of Report
Trial Court Budget Advisory Committee	March 27, 2015
Hon. Laurie M. Earl, Chair	Contact
	Steven Chang, 415-865-7195
	<a href="mailto:steven.chang@jud.ca.gov">steven.chang@jud.ca.gov</a>

---

### Executive Summary

The Trial Court Budget Advisory Committee is recommending 2015–2016 allocations for various programs and projects funded from the State Trial Court Improvement and Modernization Fund (\$59.372 million) and the Trial Court Trust Fund (\$139.371 million); the elimination of IMF funding starting in 2015–2016 or 2016–2017 for various programs and projects; the shift of IMF costs for various programs either to other judicial branch funds, the courts, or other sources; and other funding related proposals. Depending on the outcome of the Budget Act of 2015, the advisory committee might propose changes to these recommendations for the council’s consideration at its July 2015 meeting.

### Recommendation

With the exception of one, two, or three no votes on a few items, on March 23, 2015, the Trial Court Budget Advisory Committee (TCBAC) unanimously adopted the following recommendations for consideration by the Judicial Council:

1. Allocate \$59.372 million from the State Trial Court Improvement and Modernization Fund (IMF) in 2015–2016, including:
  - a) a net reduction of \$10.848 million from the total 2014–2015 allocation level approved by the council,
  - b) the total elimination of funding for 9 programs (\$7.4 million) and partial elimination (\$122,000) for one program,
  - c) for 2 programs whose funding from the IMF is recommended to be fully eliminated or eliminated for a specific position, if the council believes it is a priority, fund from one or more of the state construction funds what is currently paid for from the Trial Court Security Grants program and a facility related procurement position in the Trial Court Procurement program,
  - d) the elimination of funding for the court investigation program (\$94,500) and having courts, which choose to use Judicial Council staff assistance and a JC master agreement, pay for their costs from the Trial Court Trust Fund (also part of recommendation 5),
  - e) the elimination of funding for the California Law Enforcement Telecommunications Systems (CLETS) program (\$433,400) and, as an exception to the council’s statewide administrative infrastructure funding policy, have courts that choose to participate in the program pay for their participation from the Trial Court Trust Fund (also part of recommendation 5),
  - f) having the council reconsider its February 2015 decision to not allocate any funding in 2015–2016 for the Jury Management Systems program, and from 2015–2016 jury royalties allocate \$19,000 to the Jury System Improvement Projects and any remaining royalties to the Jury Management Systems program,
  - g) allowing the Governing Committee of the Center for Judicial Education and Research to determine how to assign the recommended \$1.202 million allocation for education programs managed by the education office among the five education program categories, and
  - h) direct that Judicial Council staff of the litigation management program bring before the TCBAC Revenue and Expenditure Subcommittee any claims whose costs cannot be covered within the amount allocated for funding consideration from the IMF.
2. Eliminate IMF funding for the JusticeCorps program starting in 2016–2017, direct JC staff to work with all interested courts for possible participation in the JusticeCorps program starting in 2016–2017, and require courts to fund their share of the cost of the program.
3. Consider shifting costs away the IMF starting in 2016–2017 as follows:
  - a) Shift the costs of translating domestic violence forms under the Domestic Violence - Family Law Interpreter Program to the TCTF Program 45.45 Court Interpreter appropriation and advise the TCBAC of the council’s decision by the council’s October 2015 meeting, and
  - b) Shift the “core central office” costs of the CIP - Testing, Development, Recruitment and Education, Treasury Services - Cash Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group programs to the Judicial Council’s General Fund appropriation and advise the TCBAC of the council’s decision by the council’s October 2015 meeting, and



- c) Have JC staff determine whether the costs of the Trial Court Transactional Assistance Program can be provided on a fee-for-service basis, having the courts reimburse the applicable state fund for services used, and have JC staff advise the TCBAC of their determination by October 1, 2015.
4. Determine the viability of cost recovery for two programs by:
  - a) Directing JC staff to determine if a cost recovery model with justice partners that share the materials can be established for the CFCC Publications program beginning in 2016–2017 and report back to the TCBAC by October 1, 2015, and
  - b) Directing JC staff to explore a reimbursable option for the California Courts Protective Orders Registry (CCPOR) program in 2016–2017 and onward, evaluate the effects of the recommendation to have courts fund the CLETS program instead of the IMF on the CCPOR program, and report back to the TCBAC by October 1, 2015.
5. Allocate \$139.37 million from the Trial Court Trust Fund for specific programs and projects, including a reduction of \$1.5 million for reimbursement of courts' eligible jury costs, and \$1.259 million in allocations for three programs previously paid for from the IMF: court investigations (see recommendation 1d), CLETS program (see recommendation 1e), and Other Post-Employment Benefits Valuations. These recommended allocations are at the level that Judicial Council staff have stated are required at this time to maintain these programs.
  - a) For the reimbursement of jury costs, direct JC staff to make, if eligible jury costs exceed the total allocation, a year-end allocation adjustment so that each court receives a share of the approved allocation based on their share of the statewide allowable jury expenditures.
6. Require that any new proposal that would rely on Trial Court Trust Fund or State Trial Court Improvement and Modernization Fund funding or any proposal for new costs of an existing program above the program's 2014–2015 level shall include information regarding alternative funding options and shall be reviewed by the Trial Court Budget Advisory Committee prior to presentation to the Judicial Council for consideration.
7. Direct the Workload Assessment Advisory Committee to include in the Resource Assessment Study computation of workload need, the paid complex case fee filings, and assign to them the asbestos weighting of about 3,546 minutes, until such time as the advisory committee reviews the validity of the weighting.

See Attachment 1 for a summary of the recommendations related to 2015–2016 allocations from the IMF. See Attachment 4 for a summary of the recommendations related to 2015–2016 allocations from the TCTF.

### **Previous Council Action**

Since the inception of state trial court funding in 1996, every year the Judicial Council or the Executive and Planning Committee has allocated trial court related funding from the IMF (or its predecessor funds, the Judicial Administration Efficiency and Modernization Fund and the Trial Court Improvement Fund) and the TCTF.

At its February 2015 meeting, the council approved postponing non-critical Sustain projects for a projected savings of \$100,000 in 2015–2016, delaying deployment of CCPOR to 4-6 courts if grant funds not available for a projected savings of \$334,000 in 2015–2016, and postponing spending of IMF monies on jury management systems for a projected savings of \$600,000 in 2015–2016.

To address the imbalance between revenue and expenditures in the IMF, on June 27, 2014 the council adopted a recommendation of the TCBAC to submit a Budget Change Proposal requesting that the Budget Act language requiring a transfer \$20 million from the IMF to the TCTF be removed, and, if removed, to shift the cost of the V3 case management system to the IMF from the TCTF. The Governor is proposing the discontinuance of the transfer and it is reflected in the current Budget Bill for 2015–2016 (AB 103).

At its August 23, 2013, business meeting, the council exercised its authority provided by statute and delegated to the Administrative Director the limited authority to transfer allocations between projects and programs that are funded from the IMF, subject to the following criteria:

1. The sum of allocation transfers cannot exceed 20 percent of the allocation to be reduced or 20 percent of the allocation to be augmented.
2. The Administrative Director must notify the chair of the council's Executive and Planning Committee and the co-chairs of the TCBAC in advance of any transfer.
3. The Administrative Director must report back to the council on the rationale for and amounts of any approved adjustments after the end of the fiscal year.

The council adopted its policy on statewide administrative infrastructure funding on April 14, 2006 (see Attachment 9).

## **Rationale for Recommendations**

### *Background*

At its March 23, 2015 public meeting, the TCBAC considered the recommendations of its Revenue and Expenditure Subcommittee, which adopted recommendations related to the IMF and TCTF during its March 10-11, 2015 public meeting. The TCBAC deferred taking action on the subcommittee's recommendation to reduce the amount paid from the IMF for the V3 civil case management system and the Intermediate Case Management Systems by a total of \$1.381 million from their 2014–2015 allocation levels and to have the participating courts assume those costs. The subcommittee reviewed all planned project and program allocations for 2015–2016, reduction options and impacts provided by the Judicial Council staff for IMF-funded programs and projects (see pages 108-189 of Attachment 8), the results of survey responses from 56 superior courts regarding the projects and programs funded by the IMF (see pages 28-107 of Attachment 8), and the statutes that authorize the IMF and that authorized its predecessor funds (see Attachment 11). In considering the allocation levels for projects and programs funded from the IMF, the subcommittee identified the following criteria or principles to help guide the

decision-making process: are programs/projects mandated, the number of courts served, value to the courts and the branch according to the survey results, the appropriateness of the IMF as the fund source, and the impact program and project funding reductions would have on individual courts and the judicial branch. Recommendations regarding allocations and reductions were developed based on this review. The subcommittee formed a six-member ad hoc group to meet in the next few months to further review in detail the California Courts Technology Center (CCTC), Enterprise Policy and Planning, and Phoenix programs and report back to the subcommittee with any recommendations.

#### *Rationale for Recommendation 1*

Attachment 1 provides a summary of the recommendations related to 2015–2016 allocations from the IMF, totaling \$59.372 million, and assumes a zero allocation for the V3 case management system and the Intermediate Case Management Systems (ICMS), which is still pending a TCBAC recommendation. To address an estimated negative \$11.1 million fund balance due to an estimated \$15.9 million deficit in the IMF by the end of FY 2015–2016, based on estimated 2015–2016 revenue and 2014–2015 allocation levels (see column B of Attachment 1), the TCBAC recommends a net reduction of \$10.848 million or a 15.2% decrease from the allocation level approved by the council for 2014–2015. The current Budget Bill for 2015–2016, which discontinues the \$20 million to the TCTF from the IMF, provides sufficient state operation and local assistance expenditure authority for the recommended allocations (see Attachment 2). The allocations being recommended thus far will result in an estimated \$7.25 million fund balance by the end of 2015–2016 (see column E of Attachment 3).

The net reduction includes the elimination of \$7.525 million in allocations for 10 programs, a reduction of \$3.948 million in allocations for 16 programs, an increase of \$625,300 in allocations for 4 programs, maintaining 14 programs at their 2014–2015 levels, and deferring a recommendation on the allocation levels for the V3 and ICMS programs.

For 2 of the 10 programs for which IMF funding elimination is recommended, the council is also being asked to consider shifting the costs for those programs to one or more of the state construction funds, to the extent that they are a council priority: shift \$1.2 million of costs related to the Trial Court Security Grants program, which purchases and maintains court video surveillance (cameras), access systems, duress alarm systems and other security enhancements, such as ballistic glass, critical fencing, and secured parking for bench officers, and shift \$122,000 of costs of the facility related position within the Trial Court Procurement program, but maintain the other position, which works on statewide master contracts that can be used by the trial courts. For 2 of the 10 programs for which IMF funding elimination is recommended, the council is also being asked to require courts that elect to participate in those programs to pay for their cost of participation through the TCTF. For the human resource court investigation program, which covers the costs related to court investigations stemming from courts' personnel issues, the recommendation is to eliminate the \$94,500 allocation and have courts, which choose to use Judicial Council (JC) staff assistance and a JC master agreement to reimburse the TCTF for the costs of the services provided. For the CLETS program, which supports access to the statewide

law enforcement network provided by the California Department of Justice, the recommendation is to eliminate the \$433,400 allocation, and, as an exception to the council's statewide administrative infrastructure funding policy, require courts that choose to participate in the program to reimburse the TCTF for the cost of their participation in the program. The remaining 6 programs for which IMF funding elimination is recommended are the following:

- Workers' Compensation Reserve (\$1.231 million)
- Audit Contract (\$150,000)
- Justice Partner Outreach / e-Services (\$200,700)
- Alternative Dispute Resolution Centers (\$75,000)
- Complex Civil Litigation Program (\$4 million)
- Subscription costs – Judicial Conduct Reporter (\$17,100)

The Workers' Compensation Reserve is no longer needed as there is unlikely to be any more workers' compensation tail claims settlements with counties. If a settlement does occur, JC staff will work with the Judicial Branch Workers' Compensation Program Advisory Committee to determine whether the Judicial Branch Workers' Compensation Fund can and should be used to pay for any settlement. The JC Audit Services office has not used the audit contract allocation for a number of years, and JC audit staff will continue to perform audits of trial courts. The purpose of the Justice Partner Outreach / e-Services program is to implement the Judicial Council's objectives for court e-services and e-filing initiatives by supporting the planning and implementation of electronic filing of court documents, as well as electronic service of court documents, to all 58 California Superior Courts and local and state justice/integration partners. In addition, the program provides ongoing communication and support for the courts as it relates to exchanges and information sharing with local and state justice/integration partners. The Alternative Dispute Resolution Centers program contracts for the development of materials to help support court-connected ADR programs across the state. The Complex Civil Litigation Program mainly funds court staff of complex civil litigation departments in Alameda, Contra Costa, Los Angeles, Orange, San Francisco, and Santa Clara superior courts. The Subscription Costs – Judicial Conduct Reporter program provides for four quarterly issues of the Judicial Conduct Reporter. Each of the four editions is distributed to every judicial officer electronically through court administration.

Sixteen programs are recommended to be reduced, some on a one-time basis, by a total of \$3.948 million, with the reduction amounts ranging from 1% of 100% of the 2014–2015 level, as displayed in Table 1.

**Table 1 – Recommended One-Time and Possible Ongoing Reductions in 2014–2015**

<b>Program</b>	<b>2014-15 Allocation</b>	<b>Recommended Reduction</b>	<b>% of 2014-15 Allocation</b>	<b>Note</b>
Data Integration	3,903,600	(54,000)	-1%	
Enterprise Policy/Planning (Statewide Development)	5,268,500	(48,000)	-1%	
Telecommunications Support	11,705,000	(1,055,000)	-9%	One-time
Phoenix Program	13,885,300	(1,389,000)	-10%	One-time
Litigation Management Program	4,500,000	(500,000)	-11%	
Mandated, Essential & Other Education for Judicial Officers	841,000	(126,000)	-15%	
Faculty and Curriculum Development	288,000	(43,000)	-15%	
CIP - Testing, Development, Recruitment and Education	168,000	(25,000)	-15%	Shift costs in 16-17
Distance Learning	147,000	(22,000)	-15%	
Essential/Other Education for Court Personnel	92,000	(14,000)	-15%	
Essential/Other Education for Court Management	46,000	(7,000)	-15%	
Domestic Violence - Family Law Interpreter Program	20,000	(3,000)	-15%	Shift costs in 16-17
Court-Ordered Debt Task Force	25,000	(6,000)	-24%	
CFCC Educational Programs	90,000	(23,000)	-26%	
Trial Court Labor Relations Academies and Forums	34,700	(9,000)	-26%	
Testing Tools – Enterprise Test Management Suite	624,300	(624,300)	-100%	One-time

Fourteen programs are recommended to be maintained at their 2014–2015 allocation level, totaling \$19.872 million:

- Trial Court Performance Measures Study (\$13,000)
- Jury System Improvement Projects (\$19,000)
- CFCC Publications (\$20,000)
- Budget Focused Training and Meetings (\$50,000)
- Interactive Software - Self-Rep Electronic Forms (\$60,000)
- Self-represented Litigants Statewide Support (\$100,000)
- Treasury Services - Cash Management (\$238,000)
- JusticeCorps (\$347,600)
- Trial Courts Transactional Assistance Program (\$451,000)

- Audit Services (\$660,000)
- Judicial Performance Defense Insurance (\$966,600)
- Regional Office Assistance Group (\$1,460,000)
- Self-Help Center (\$5,000,000)
- California Courts Technology Center (CCTC) (\$10,487,200)

Four programs are recommended to be increased from their 2014–2015 allocation level by a total of \$625,300. The cost of the Adobe LiveCycle Reader Service Extension license is expected to increase by \$7,300 to about \$141,000 in 2015–2016. The Uniform Civil Fees system needs a one-time increase of \$23,000 for an upgrade to the system. The CCPOR program needs a one-time increase of \$130,000 for a hardware refresh in 2015–2016. The Jury Management System was not funded in 2014–2015, and at its February 2015 meeting, the council approved not providing an allocation from the IMF for the program in 2015–2016. The committee believes the council was likely unaware that 2015–2016 jury royalties, which under Government Code section 77209 must be used for jury system improvements, will be available for the Jury Management System program when it approved a recommendation to postpone funding in 2015–2016 at its February 2015 meeting. The royalties in 2015–2016 are estimated to be about \$485,000. The committee recommends that the royalties first be used for the Jury System Improvement Projects, which funds the costs of the two advisory committees that prepare the official jury instructions that are used by all courts, and that the remainder of the royalties be allocated towards the Jury Management Systems program, which provides funds for jury management systems in the trial courts.

The TCBAC recommends a reduction of 15 percent from the 2014–2015 allocation level for education programs managed by the Center for Judicial Education and Research (CJER), from \$1.414 million to \$1.202 million and allowing the CJER Governing Committee to determine how to assign the allocation among the five education program categories:

- Distance Learning
- Essential/Other Education for Court Management
- Essential/Other Education for Court Personnel
- Faculty and Curriculum Development
- Mandated, Essential & Other Education for Judicial Officers

#### *Rationale for Recommendation 2*

The TCBAC recommends that the IMF contribution for the JusticeCorps program be continued only through 2015–2016, since 2015–2016 is final year of the current 3-year grant, and that, apart from any grant funding from AmeriCorps, courts fund their share of the cost of the program. There currently is no formal application process for courts to request participation. Interested courts contact the JC program staff and are briefed on the requirements for participation.

#### *Rationale for Recommendation 3*

The TCBAC recommends that the council consider shifting costs for various programs away from the IMF to other funds or to the courts starting in 2016–2017. The committee believes the costs of translating domestic violence forms under the Domestic Violence - Family Law Interpreter Program can be paid for from the TCTF Program 45.45 Court Interpreter appropriation. The TCBAC would like to know by the council’s October 2015 meeting of the council’s decision, as the TCBAC’s Revenue and Expenditure Subcommittee will likely begin their work on developing recommendations on 2016–2017 IMF allocation levels in October 2015. The committee believes the costs of “core central office” functions, namely the functions provided by JC staff in the CIP - Testing, Development, Recruitment and Education, Treasury Services - Cash Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group programs, should be paid for out of the Judicial Council’s General Fund appropriation. The TCBAC believes it might be too disruptive to attempt this in 2015–2016, so it is recommending that the council continue to fund these programs from the IMF allocation in 2015–2016, as indicated in the rationale for recommendation 1. The TCBAC would like to know by the council’s October 2015 meeting of the council’s decision regarding the shifting of core central office function costs.

Similar to its recommendation to have courts pay for their cost of participating in the CLETS program and for the cost of court investigations, the TCBAC is requesting that the council have JC staff determine whether the costs of the Trial Court Transactional Assistance Program can be provided on a fee-for-service basis, having the courts reimburse the applicable state fund for services used, and have JC staff advise the TCBAC of their determination by October 1, 2015.

#### *Rationale for Recommendation 4*

The TCBAC believes that cost recovery is desirable and a possibility for two justice partner related programs, namely the CFCC publications and CCPOR programs, and, as such, the committee recommends the committee direct JC staff to determine the feasibility and report back to the TCBAC by October 1, 2015. The TCBAC’s Revenue and Expenditure Subcommittee will likely begin their work on developing recommendations on 2016–2017 IMF allocation levels in October 2015.

#### *Rationale for Recommendation 5*

Attachment 4 provides a summary of the recommendations related to 2015–2016 allocations from the TCTF, totaling \$137.371 million. The recommendations related to the Judicial Council (Program 30.05) state operations appropriation, which is used to fund the costs of Judicial Council staff, and the Trial Court Operations (Program 30.15) state operations appropriation, which is used to fund non-JC-staff operational costs, represent the universe of proposed allocations. The recommended allocations related to the Support for Operation of the Trial Courts (Program 45.10) local assistance appropriation, which is used primarily to distribute allocations and reimbursements to the trial courts, are limited to those programs that reimburse trial court costs or pay dependency counsel vendors. The current Budget Bill for 2015–2016, provides sufficient expenditure authority for the recommended allocations (see Attachments 5 and 6). The new allocations being recommended have no impact on the TCTF fund balance, as

the costs will be reimbursed by trial courts, and the reduction to the jury reimbursement will increase fund balance by \$1.5 million. Assuming any additional revenue shortfall to the TCTF is backfilled from the General Fund, the \$20 million transfer to the TCTF from the IMF is discontinued, and the costs of the V3 programs is shifted to the IMF, there is estimated to be a total fund balance of \$20.6 million and unrestricted fund balance of \$3.67 million by the end of 2015–2016 (see row 41 of column F of Attachment 7). The unrestricted fund balance is projected to decline by \$5.57 million due to a structural deficit of revenues to expenditures (see row 43 of Attachment 7).

Of the recommended \$139.37 million allocation from the TCTF, the TCBAC recommends the following changes from 2014–2015. First, allocate \$1.259 million and require courts that choose to participate to reimburse the TCTF for the cost of their participation for the following three programs previously paid for from the IMF: court investigations (see recommendation 1d), CLETS program (see recommendation 1e), and Other Post-Employment Benefits Valuations, which is required by the Government Accounting Standard Board Statements 43 and 45 to be reported at least every other year. Second, reduce the allocation for jury reimbursement by \$1.5 million, from \$16 million to \$14.5 million. Recent jury reimbursement activity indicates that this reduced allocation amount would still be sufficient to reimburse all eligible trial court jury costs. The reimbursement for 2013–2014 was \$13.9 million and the 2014–2015 reimbursement is estimated to be \$14.0 million. The latest five year average of program expenditures is \$15.1 million and the latest three year average is \$14.5 million. Third, if statewide allowable jury expenditures exceed the approved allocation, a year-end adjustment can be made to courts' allocations to ensure each court receives a share of the approved allocation based on their share of the statewide allowable jury expenditures. This would allow courts to be reimbursed at the same proportion from the allocation regardless of when their jury expenditures are incurred in the event that statewide costs exceed the amount allocated.

The TCBAC is not recommending any changes related to allocations from statutorily restricted revenues, estimated to be \$9.165 million, for the Sargent Shriver Civil Counsel Pilot Program, Equal Access Fund (for the State Bar), and the Court-Appointed Dependency Counsel Collections (see column B of Attachment 4). The allocations will be adjusted to reflect the actual revenues received. Nor is the TCBAC recommending any changes to the council's statewide administrative infrastructure funding policy for the Phoenix human resource and virtual buyer program and the V3 and ICMS programs. Excluding the new allocations, the estimated total reimbursement is \$4.54 million. The TCBAC deferred taking action on the Revenue and Expenditure Subcommittee's recommendation to have courts on the V3 and Sustain case management systems pay for \$1.381 million in costs currently paid from the IMF through the TCTF. Lastly, the TCBAC recommends maintaining the 2014–2015 allocation levels for 7 programs, totaling \$109.9 million:

- California State Auditor Reimbursement (\$325,000)
- Court-Appointed Dependency Counsel (\$103,725,000)
- Children in Dependency Case Training (\$113,000)



- Statewide Support for Collections Programs (\$650,000)
- Replacement Screening Stations Reimbursements (\$2,286,000)
- Self-Help Center Reimbursements (\$2,500,000)
- Elder Abuse Reimbursements (\$332,000)

The current budget bill (Assembly Bill 103) includes provisional language that “\$325,000 shall be allocated by the Judicial Council in order to reimburse the California State Auditor for the costs of trial court audits” and a provision stating that “\$103,700,000 is available to support Court-Appointed Dependency Counsel workload.” The TCTF received a General Fund transfer increase in 2007–2008 to fund the Children in Dependency Case Training program to help the Judicial Branch comply with Assembly Bill 2480 (Stats. 2006, ch. 385), which concerns the appointment of counsel for children in appeals of dependency court orders. The council approved the move of the Statewide Support for Collections Programs allocation to the TCTF from the IMF starting in 2014–2015 at its April 2014 meeting. The Replacement Screening Stations Reimbursements covers the cost of replacing and maintain, through service agreement, x-ray machines and magnetometers in the trial courts. The Self-Help Center Reimbursements is part of the \$6.2 million allocated from the TCTF, of which \$3.7 million is in courts’ base allocation, and \$5 million from the IMF. When combining the two fund sources, the minimum allocation for any court is \$34,000, with the remainder distributed according to population size in the county where the trial court is located. Elder Abuse Reimbursements distributes to trial courts \$185 per elder or dependent adult protective order filing (EA-100). Although the distribution amount was not intended to cover the actual cost to a court of processing an order, the allocation level will likely result in courts being reimbursed at about 45 percent of eligible reimbursements.

*Rationale for Recommendation 6*

Given the declining revenues to the IMF and TCTF and the depletion of fund balance, the TCBAC recommends that any new proposal that would rely on TCTF or IMF funding or any proposal for new costs of an existing program above the program’s 2014–2015 level shall include information regarding alternative funding options and shall be reviewed by the TCBAC prior to presentation to the Judicial Council for consideration.

*Rationale for Recommendation 7*

The TCBAC recommends that the council direct the Workload Assessment Advisory Committee (WAAC) to include in the Resource Assessment Study computation of workload need, the paid complex case fee filings, and assign to them the asbestos weighting of about 3,546 minutes, until such time as the advisory committee reviews the validity of the weighting. This recommendation is made in the context of the recommendation to eliminate IMF funding for the complex civil litigation program, as part of recommendation 1, and is proposed as an interim solution. When computing workload need, the committee believes it is more accurate to use the caseweight of one of the specifically measured unlimited civil case types, asbestos cases, for complex case filings, rather than the overall caseweight applied to all unlimited civil cases. The difference of 2,750 minutes in the caseweights (3,546 minutes for asbestos and 796 minutes for unlimited civil) is significant and could make a material difference in the computation of courts’

workload and funding need. The asbestos caseweight is only intended as an interim caseweight solution for computing workload related to complex civil cases until the WAAC is able to review the validity of the weighting.

## **Comments**

Three written comments related to the Revenue and Expenditure Subcommittee's recommendations for the TCBAC's March 23, 2015 meeting were received (see Attachment 10). Fifty-six courts responded to a survey regarding IMF funded programs and projects, which was a joint effort of the chairs of Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee and JC staff (see pages 28-107 of Attachment 8).

## **Alternatives Considered**

The Revenue and Expenditure Subcommittee reviewed 15% and 25% reduction options provided by the JC offices that manage programs and projects funded from the IMF (see pages XX-XX of Attachment 8).

## **Attachments**

1. Attachment 1: Recommended 2015–2016 IMF Allocations
2. Attachment 2: Recommended 2015–2016 IMF Allocations and Appropriations: State Operations vs. Local Assistance
3. Attachment 3: IMF -- Fund Condition Statement
4. Attachment 4: Recommended 2015–2016 TCTF Allocations
5. Attachment 5: TCTF Judicial Council and Trial Court Operations Appropriations vs. Allocations
6. Attachment 6: Estimated and Recommended 2015-16 TCTF Program 45.10 Allocations vs. Budget Bill Appropriation Level
7. Attachment 7: TCTF -- Fund Condition Statement
8. Attachment 8: Meeting Materials of the TCBAC Revenue and Expenditure Subcommittee's March 10-11, 2015 Meeting
9. Attachment 9: April 14, 2006 report to the council regarding "Approval of Statewide Administrative Infrastructure Services Funding Process and Delegation of Authority to Allocate funds from the Trial Court Trust fund and the Trial Court Improvement Fund"
10. Attachment 10: Written public comments related to the IMF submitted for the TCBAC's March 23, 2015 Meeting
11. Attachment 11: Statutes that Established the State Trial Court Improvement and Modernization Fund and its Predecessor Funds

## Recommended 2015-2016 State Trial Court Improvement and Modernization Fund Allocations

#	Project/Program Title	2014-15				Assumed 2016-17 Base Allocation	2015-16				2016-17			
		Judicial Council Allocation	Adjustment	% of 2014-15 Allocation	Recommended 2015-16 Allocation		Court Pay	Eliminate Funding	Move to Other Fund	Jury Royalty	Court Pay	Eliminate Funding	Move to Other Fund	Possible Cost Recovery
		A	B	B1	C (A+B)	D	E	F	G	H	I	J	K	
1	CFCC Educational Programs	90,000	(23,000)	-25.6%	67,000	67,000								
2	Interactive Software - Self-Rep Electronic Forms	60,000	0	0.0%	60,000	60,000								
3	CFCC Publications	20,000	0	0.0%	20,000								Y	
4	Domestic Violence - Family Law Interpreter Program	20,000	(3,000)	-15.0%	17,000							JC decision		
5	Self-Help Center	5,000,000	0	0.0%	5,000,000	5,000,000								
6	Self-represented Litigants Statewide Support	100,000	0	0.0%	100,000	100,000								
7	Distance Learning	147,000	(22,000)	-15.0%	125,000	125,000								
8	Essential/Other Education for Court Management	46,000	(7,000)	-15.2%	39,000	39,000								
9	Essential/Other Education for Court Personnel	92,000	(14,000)	-15.2%	78,000	78,000								
10	Faculty and Curriculum Development	288,000	(43,000)	-14.9%	245,000	245,000								
11	Mandated, Essential & Other Education for JOs	841,000	(126,000)	-15.0%	715,000	715,000								
13	CIP - Testing, Development, Recruitment and Education	168,000	(25,000)	-14.9%	143,000							JC decision		
14	JusticeCorps (Court Access and Education)	347,600	0	0.0%	347,600					Y	Y	Y		
15	Trial Court Performance Measures Study	13,000	0	0.0%	13,000	13,000								
16	Trial Court Security Grants	1,200,000	(1,200,000)	-100.0%	0	0		Y	JC decision			Y		
17	Budget Focused Training and Meetings	50,000	0	0.0%	50,000	50,000								
18	Treasury Services - Cash Management	238,000	0	0.0%	238,000							JC decision		
19	Trial Court Procurement	244,000	(122,000)	-50.0%	122,000	122,000		Y	JC decision					
20	Human Resources - Court Investigation	94,500	(94,500)	-100.0%	0	0	Y	Y	Y					
21	Trial Court Labor Relations Academies and Forums	34,700	(9,000)	-25.9%	25,700	25,700								
22	Workers' Compensation Reserve	1,231,000	(1,231,000)	-100.0%	0	0		Y						
23	Audit Contract	150,000	(150,000)	-100.0%	0	0		Y						
24	Audit Services	660,000	0	0.0%	660,000							JC decision		
25	CLETS Services/Integration	433,400	(433,400)	-100.0%	0	0	Y	Y	Y					
26	Data Integration	3,903,600	(54,000)	-1.4%	3,849,600	3,849,600								
27	Justice Partner Outreach / e-Services	200,700	(200,700)	-100.0%	0	0		Y						
28	Adobe LiveCycle Reader Service Extension	133,700	7,300	5.5%	141,000	141,000								
29	California Courts Technology Center (CCTC)	10,487,200	0	0.0%	10,487,200	10,487,200								
30	CCPOR (ROM)	585,600	130,000	22.2%	715,600	585,600							Y	
31	Civil, Small Claims, Probate and Mental Health (V3) CMS	5,658,137	pending	pending	pending	pending								
32	Enterprise Policy/Planning (Statewide Development)	5,268,500	(48,000)	-0.9%	5,220,500	5,220,500								

	2014-15 Judicial Council Allocation	Adjustment	% of 2014- 15 Allocation	Recommended 2015-16 Allocation	Assumed 2016- 17 Base Allocation	Court Pay	Eliminate Funding	Move to Other Fund	Jury Royalty	Court Pay	Eliminate Funding	Move to Other Fund	Possible Cost Recovery
#	Project/Program Title	A	B	B1	C (A+B)	D	E	F	G	H	I	J	K
33	Interim Case Management Systems	1,246,800	pending	pending	pending								
34	Jury Management System	0	465,000	n/a	465,000				Y				
35	Telecommunications Support	11,705,000	(1,055,000)	-9.0%	10,650,000								
36	Testing Tools - Enterprise Test Management Suite	624,300	(624,300)	-100.0%	0								
37	Uniform Civil Fees	343,000	23,000	6.7%	366,000							JC decision	
38	Alternative Dispute Resolution Centers	75,000	(75,000)	-100.0%	0		Y						
39	Complex Civil Litigation Program	4,001,000	(4,001,000)	-100.0%	0		Y						
40	Judicial Performance Defense Insurance	966,600	0	0.0%	966,600								
41	Jury System Improvement Projects	19,000	0	0.0%	19,000				Y				
42	Litigation Management Program	4,500,000	(500,000)	-11.1%	4,000,000								
43	Regional Office Assistance Group	1,460,000	0	0.0%	1,460,000							JC decision	
44	Subscription Costs - Judicial Conduct Reporter	17,100	(17,100)	-100.0%	0		Y						
45	Trial Courts Transactional Assistance Program	451,000	0	0.0%	451,000					Pending	Pending	Pending	
46	Court-Ordered Debt Task Force	25,000	(6,000)	-24.0%	19,000								
47	Phoenix Program	13,885,300	(1,389,000)	-10.0%	12,496,300								
48	<b>Total</b>	<b>71,466,600</b>	<b>(10,847,700)</b>	<b>-15.2%</b>	<b>59,372,100</b>	<b>2</b>	<b>10</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>9</b>	<b>2</b>

5658000  
1246800

65,512,600  
65,479,600  
33,000

**Recommended 2015-2016 State Trial Court Improvement and Modernization Fund Allocations: State Operations vs. Local Assistance**

#	Project/Program Title	Office	2015-16 Recommendation		
			State Operations	Local Assistance	2015-16 Allocation
		A	B	C	D (B+C)
1	CFCC Educational Programs	CFCC		67,000	<b>67,000</b>
2	Interactive Software - Self-Rep Electronic Forms	CFCC		60,000	<b>60,000</b>
3	CFCC Publications	CFCC		20,000	<b>20,000</b>
4	Domestic Violence - Family Law Interpreter Program	CFCC	-	17,000	<b>17,000</b>
5	Self-Help Center	CFCC	-	5,000,000	<b>5,000,000</b>
6	Self-represented Litigants Statewide Support	CFCC	-	100,000	<b>100,000</b>
7	Distance Learning	CJER	-	125,000	<b>125,000</b>
8	Essential/Other Education for Court Management	CJER	-	39,000	<b>39,000</b>
9	Essential/Other Education for Court Personnel	CJER	-	78,000	<b>78,000</b>
10	Faculty and Curriculum Development	CJER	-	245,000	<b>245,000</b>
11	Mandated, Essential & Other Education for JOs	CJER	-	715,000	<b>715,000</b>
13	CIP - Testing, Development, Recruitment and Education	COSSO	-	143,000	<b>143,000</b>
14	JusticeCorp (Court Access and Education)	COSSO	-	347,600	<b>347,600</b>
15	Trial Court Performance Measures Study	COSSO	-	13,000	<b>13,000</b>
16	Trial Court Security Grants	COSSO	-	0	<b>0</b>
17	Budget Focused Training and Meetings	Finance	-	50,000	<b>50,000</b>
19	Treasury Services - Cash Management	Finance	238,000	-	<b>238,000</b>
20	Trial Court Procurement	Finance	122,000	-	<b>122,000</b>
21	Human Resources - Court Investigation	HR	-	0	<b>0</b>
22	Trial Court Labor Relations Academies and Forums	HR	-	25,700	<b>25,700</b>
23	Workers' Compensation Reserve	HR	-	0	<b>0</b>
24	Audit Contract	AS	-	0	<b>0</b>
25	Audit Services	AS	660,000		<b>660,000</b>
26	CLETS Services/Integration	IT			<b>0</b>
27	Data Integration	IT	577,100	3,272,500	<b>3,849,600</b>
28	Justice Partner Outreach / e-Services	IT		-	<b>0</b>
29	Adobe LiveCycle Reader Service Extension	IT		141,000	<b>141,000</b>
30	California Courts Technology Center (CCTC)	IT	1,892,200	8,595,000	<b>10,487,200</b>
31	CCPOR (ROM)	IT	116,300	599,300	<b>715,600</b>
32	Civil, Small Claims, Probate and Mental Health (V3) CMS	IT	pending	pending	<b>pending</b>
33	Enterprise Policy/Planning (Statewide Development)	IT	-	5,220,500	<b>5,220,500</b>
34	Interim Case Management Systems	IT	-	pending	<b>pending</b>
35	Jury Management System	IT	-	465,000	<b>465,000</b>
36	Telecommunications Support	IT	-	10,650,000	<b>10,650,000</b>
37	Testing Tools - Enterprise Test Management Suite	IT	-	0	<b>0</b>
38	Uniform Civil Fees	IT	343,000	23,000	<b>366,000</b>
39	Alternative Dispute Resolution Centers	LSO	-	0	<b>0</b>
40	Complex Civil Litigation Program	LSO	-	0	<b>0</b>
41	Judicial Performance Defense Insurance	LSO	-	966,600	<b>966,600</b>
42	Jury System Improvement Projects	LSO	-	19,000	<b>19,000</b>
43	Litigation Management Program	LSO	-	4,000,000	<b>4,000,000</b>
44	Regional Office Assistance Group	LSO	1,460,000		<b>1,460,000</b>
45	Subscription Costs - Judicial Conduct Reporter	LSO	-	0	<b>0</b>
46	Trial Courts Transactional Assistance Program	LSO	-	451,000	<b>451,000</b>
47	Court-Ordered Debt Task Force	TCAS	-	19,000	<b>19,000</b>
48	Phoenix Program	TCAS	8,719,014	3,777,286	<b>12,496,300</b>
49	<b>Total</b>		<b>14,127,614</b>	<b>45,244,486</b>	<b>59,372,100</b>

Appropriation in Current Budget Bill (AB 103)	9,533,000	54,850,000
Provisional Language Adjustment Authority	9,140,000	
<b>Total Appropriation</b>	<b>18,673,000</b>	<b>54,850,000</b>
Appropriation Less Allocation	4,545,386	9,605,514

## IMF -- Fund Condition Statement

#	Description					Estimated 2015-16	
		2012-2013 (Year-end Financial Statement)	2013-2014 (Year-end Financial Statement)	Estimated 2014-15	No Reduction to 14-15 Allocation Level <sup>1</sup>	Based on Subcommittee Recommended Allocations	
		A	B	C	D	E	
1	Beginning Balance	48,128,575	44,827,741	26,207,006	4,659,586	4,659,586	
2	Prior-Year Adjustments	11,547,967	4,410,172	2,654,362	150,000	150,000	
3	<b>Adjusted Beginning Balance</b>	<b>59,676,542</b>	<b>49,237,913</b>	<b>28,861,368</b>	<b>4,809,586</b>	<b>4,809,586</b>	
4	<i>Revenues</i>						
5	50/50 Excess Fines Split Revenue	31,920,133	26,873,351	23,384,535	22,898,778	22,898,778	
6	2% Automation Fund Revenue	15,753,200	15,242,700	14,471,411	13,916,340	13,916,340	
7	Jury Instructions Royalties	518,617	445,365	484,063	484,063	484,063	
8	Interest from SMIF	201,201	124,878	89,244	89,244	89,244	
9	Other Revenues/SCO Adjustments	2,875	24,476	3,097	-	-	
10	<i>Transfers</i>						
11	From State General Fund	38,709,000	38,709,000	38,709,000	38,709,000	38,709,000	
12	To Trial Court Trust Fund (Budget Act)	(23,594,000)	(20,594,000)	(20,594,000)	(594,000)	(594,000)	
13	To TCTF (GC 77209(k))	(13,397,000)	(13,397,000)	(13,397,000)	(13,397,000)	(13,397,000)	
14	<b>Net Revenues and Transfers</b>	<b>50,114,026</b>	<b>47,428,770</b>	<b>43,150,350</b>	<b>62,106,425</b>	<b>62,106,425</b>	
15	<b>Total Resources</b>	<b>109,790,568</b>	<b>96,666,683</b>	<b>72,011,718</b>	<b>66,916,011</b>	<b>66,916,011</b>	
16	<i>Expenditures</i>						
17	Allocation	71,923,000	73,961,680	71,466,600	77,724,737	59,372,100	
18	Less: Unused Allocation	(7,123,067)	(4,082,985)	(4,412,049)	-	-	
19	Pro Rata and Other Adjustments	162,894	580,982	297,581	297,581	297,581	
20	<b>Total Expenditures</b>	<b>64,962,827</b>	<b>70,459,677</b>	<b>67,352,132</b>	<b>78,022,318</b>	<b>59,669,681</b>	
21	<b>Fund Balance</b>	<b>44,827,741</b>	<b>26,207,006</b>	<b>4,659,586</b>	<b>(11,106,307)</b>	<b>7,246,330</b>	
22	Revenue/Transfers Over/(Under) Exp	(14,848,801)	(23,030,907)	(24,201,782)	(15,915,893)	2,436,744	

1. Includes non-reimbursed civil case management system allocation that is being funded out of the TCTF in 2014-15 and the planned allocation for other post-employment benefit costs.

## Recommended 2015-2016 Trial Court Trust Fund Allocations

			2015-2016						
			2014-2015 Allocation	Estimated Restricted Revenue	Reimbursement by Courts	Recommended Maximum Allocation	Total Recommended Allocation	New Item	Recommended to be Funded from the IMF in 2015-16
Program or Project	Appropriation*	State Operations or Local Assistance	A	B	C	D	E (B+C+D)	F	G
Sargent Shriver Civil Counsel Pilot Program	1	SO	500,000	500,000			500,000		
Equal Access Fund	1	SO	262,000	194,000			194,000		
Court-Appointed Dependency Counsel Collections	1	SO	260,000	260,000			260,000		
Statewide Support for Collections Programs	1	SO	625,000			625,000	625,000		
Civil, Small Claims, Probate and Mental Health (V3) CMS	1	SO	1,478,521	-		-	-		Y
Phoenix Financial Services	1	SO	106,434		107,000		107,000		
Phoenix Human Resources Services	1	SO	1,349,000		1,360,000		1,360,000		
CLETS Services/Integration	1	SO	-		114,000		114,000	Y	
Children in Dependency Case Training	2	SO	113,000			113,000	113,000		
Sargent Shriver Civil Counsel Pilot Program	2	SO	7,738,000	7,686,000			7,686,000		
Civil, Small Claims, Probate and Mental Health (V3) CMS	2	SO	4,179,616				-		Y
Civil, Small Claims, Probate and Mental Health (V3) CMS (reimbursed by courts)	2	SO	804,863		625,000		625,000		
California Courts Technology Center	2	SO	1,602,750		1,606,000		1,606,000		
Interim Case Management System	2	SO	956,207		843,000		843,000		
Human Resources – Court Investigation	2	SO	-		94,500		94,500	Y	
CLETS Services/Integration	2	SO	-		400,000		400,000	Y	
Other Post Employment Benefits Valuation	2	SO	-		650,000		650,000	Y	
Court-Appointed Dependency Counsel	3	LA	103,725,445			103,725,000	103,725,000		
Jury Reimbursements	3	LA	16,000,000			14,500,000	14,500,000		
Replacement Screening Stations Reimbursements	3	LA	2,286,000			2,286,000	2,286,000		
Self-Help Center Reimbursements	3	LA	2,500,000			2,500,000	2,500,000		
Elder Abuse Reimbursements	3	LA	332,000			332,000	332,000		
California State Auditor Reimbursement	3	LA	325,000			325,000	325,000		
CAC Dependency Counsel Collections Reimbursement	3	LA	996,574	525,200			525,200		
<b>Total</b>			<b>146,140,410</b>	<b>9,165,200</b>	<b>5,799,500</b>	<b>124,406,000</b>	<b>139,370,700</b>		

\*1 = Judicial Council (Program 30.05); 2 = Trial Court Operations (Program 30.15); 3 = Support for Operation of the Trial Courts (Program 45.10).

Recommended Allocations vs. Estimated Available Appropriation

Attachment 5

#	Project and Program Title	2014-15 JC- Approved Allocation	2014-15 Reimbursed by Courts	2014-15 Approved Total Allocation	FY 2015-16 TCBAC Allocation Recommendations		
		Col. A	Col. B	Col. C (Col A + B)	Judicial Council (Staff) <sup>1</sup>	Trial Court Operations <sup>1</sup>	Total
					Col. D	Col. E	Col F (Col. D + E)
1	Children in Dependency Case Training	113,000		113,000	-	113,000	113,000
2	Sargent Shriver Civil Counsel Pilot Program	8,238,000		8,238,000	500,000	7,686,000	8,186,000
3	Equal Access Fund	262,000		262,000	194,000	-	194,000
4	Court-Appointed Dependency Counsel Collections	260,000		260,000	260,000	-	260,000
5	Statewide Support for Collections Programs	625,000		625,000	625,000	-	625,000
6	Civil, Small Claims, Probate and Mental Health (V3) CMS	5,658,137	804,863	6,463,000	-	625,000	625,000
7	Criminal and Traffic (V2) CMS	647,916	326,947	974,863	-	-	-
8	California Courts Technology Center		1,602,750	1,602,750	-	1,606,000	1,606,000
9	Interim Case Management System		956,207	956,207	-	843,000	843,000
10	Phoenix Financial Services		106,434	106,434	107,000	-	107,000
11	Phoenix HR Services		1,349,000	1,349,000	1,360,000	-	1,360,000
12	Human Resources - Court Investigation			-	-	94,500	94,500
13	Other Post Employment Benefits Valuation			-	-	650,000	650,000
14	CLETS Services/Integration			-	114,000	400,000	514,000
15	<b>Total, Program/Project Allocations</b>	<b>15,804,053</b>	<b>5,146,201</b>	<b>20,950,254</b>	<b>3,160,000</b>	<b>12,017,500</b>	<b>15,177,500</b>
16	<b>Estimated State Controller's Office services charges</b>				<b>1,719,000</b>	-	<b>1,719,000</b>
18	<b>Estimated Budget Act Appropriation and Changes Using Provisional Language Authority<sup>1</sup></b>	N/A	N/A	N/A	<b>4,879,000</b>	<b>13,025,000</b>	<b>17,904,000</b>
19	<b>Appropriation Balance</b>	N/A	N/A	N/A	-	<b>1,007,500</b>	<b>1,007,500</b>

1. Both are state operations appropriations. Provisional language in the State Budget Bill for 2015 (Assembly Bill 103) allows the Judicial Council appropriation authority to be increased for increased revenues that support the Sargent Shriver Civil Counsel Pilot, Equal Access Fund, and Court-Appointed Dependency Counsel Collections. Provisional language also allows up to \$11.274 million to be transferred to the Judicial Council and Trial Court Operations appropriation authority for the recovery of costs for administrative services provided to the trial courts.



## Estimated and Recommended 2015-16 TCTF Program 45.10 Allocations vs. Budget Bill Appropriation Level

#	Description	Type	Estimated 2014-15	Estimated 2015-16	TCBAC Recommendation
			Col. A	Col. B	Col. C
1	<b>I. Prior-Year Ending Baseline Allocation</b>	Base	1,518,726,356	1,591,880,055	
3	<b>II. Adjustments</b>				
4	Reduction for Appointed Converted SJO Positions	Base	-702,811	-818,121	
6	<b>III. FY 2014-2015 Allocations</b>				
7	\$86.3 Million in New Funding	Base	86,300,000		
8	\$42.8 Million in Benefits Cost Changes Funding	Base	41,034,166		
9	\$22.7 Million Revenue Shortfall	Base	-22,700,000		
10	2.0% Holdback	Non-Base	-37,882,840	-39,810,420	
11	1.5% & 0.5% Emergency Funding & Unspent Funding Allocated Back to Courts	Non-Base	37,882,840	39,810,420	
12	Final 1% Fund Balance Cap Reduction	Non-Base	-1,711,712		
13	Adjustment for Funding to be Distributed from ICNA	Non-Base	-10,000,000	-50,000,000	
14	Criminal Justice Realignment Funding	Non-Base	9,223,000	9,223,000	
15	Criminal Justice Realignment Funding (FY 2012-13 costs)	Non-Base	130,450		
16	FY 2012-13 Benefits Cost Changes Funding	Base	-29,405,750		
17	Reduction for Appointed Converted SJO Positions	Base	-1,371,906		
19	<b>IV. FY 2015-2016 Allocations (Governor's Budget)</b>				
20	\$41.0 Million in Benefits Cost Changes Funding	Base		41,008,000	
21	\$90.1 Million in New Funding	Base		90,060,000	
22	\$26.9 Million Prop 47 workload	Base		26,900,000	
24	<b>V. Allocation for Reimbursements</b>				
25	Court-Appointed Dependency Counsel	Non-Base	103,725,445	103,725,000	103,725,000
26	Jury	Non-Base	16,000,000	14,500,000	14,500,000
27	Replacement Screening Stations	Non-Base	2,286,000	2,286,000	2,286,000
28	Self-Help Center	Non-Base	2,500,000	2,500,000	2,500,000
29	Elder Abuse	Non-Base	332,000	332,000	332,000
30	CSA Audits <sup>1</sup>	Non-Base	325,000	325,000	325,000
31	CAC Dependency Collections Reimbursement	Non-Base	996,574	525,200	525,200
33	<b>VI. Estimated Revenue Distributions</b>				
34	Civil Assessment	Non-Base	98,050,601	113,845,294	
35	Fees Returned to Courts	Non-Base	24,132,589	23,015,939	
36	Replacement of 2% automation allocation from TCIF	Non-Base	10,907,494	10,907,494	
37	Children's Waiting Room	Non-Base	3,126,882	2,948,108	
38	Automated Recordkeeping and Micrographics	Non-Base	2,464,384	2,323,487	
39	Telephonic Appearances Revenue Sharing	Non-Base	943,840	943,840	
41	<b>VII. Miscellaneous Charges</b>				
42	Repayment of FY 2013-14 Cash Advance	Non-Base	-1,734,355		
43	Infrastructure Charges Prior Year Adjustment- Phoenix Services	Non-Base	1,205,668		
44	Judicial Branch Worker's Compensation Fund Premiums	Non-Base	-16,536,015	-16,536,015	
45	Statewide Administrative Infrastructure Charges	Non-Base	-5,146,201	-5,799,500	
46	<b>Total</b>		<b>1,833,101,698</b>	<b>1,964,094,781</b>	<b>124,193,200</b>
48	Support for Operation of the Trial Courts Appropriation Budget Act		1,894,142,000	1,990,521,000	
49	Transfer to Compensation of Superior Court Judges appropriation due to conversion of subordinate judicial officer positions to judgeships		-2,755,000	-3,573,000	
50	Transfer to Court Interpreters appropriation due to court interpreter portion of \$42.8 million for new benefits funding		-1,766,000	-1,766,000	
51	Transfer to JBWCF		-16,536,015	-16,536,015	
52	<b>Adjusted Appropriation</b>		<b>1,873,084,985</b>	<b>1,968,645,985</b>	
54	<b>Estimated Remaining Appropriation</b>		<b>39,983,287</b>	<b>4,551,204</b>	

<sup>1</sup> Provision 12 of the 2014 Budget Act requires that \$325,000 be allocated by the Judicial Council in order to reimburse the California State Auditor for the costs of trial court audits.

## Trial Court Trust Fund -- Fund Condition Statement

		FY 2012-13 (Year-End Financial Statement)	FY 2013-14 (Year-End Financial Statement)	FY 2014-15 (Estimated) - Without Savings	FY 2014-15 Estimated Savings	FY 2014-15 (Estimated) - With Savings (C + D)	FY 2015-16 (Estimated)
#	Description	Col. A	Col. B	Col. C	Col. D	Col. E	Col. F
1	Beginning Balance	105,535,205	82,346,997	21,218,232	-	21,218,232	26,203,582
2	Prior-Year Adjustments	19,260,408	(2,688,884)	-	2,319,271	2,319,271	-
3	<b>Adjusted Beginning Fund Balance</b>	<b>124,795,613</b>	<b>79,658,114</b>	<b>21,218,232</b>	<b>2,319,271</b>	<b>23,537,503</b>	<b>26,203,582</b>
4	Revenue	1,400,425,164	1,374,450,890	1,329,580,637	-	1,329,580,637	1,333,991,351
5	<i>Maintenance of Effort Obligation Revenue</i>	<i>658,893,532</i>	<i>658,755,572</i>	<i>659,050,502</i>	-	<i>659,050,502</i>	<i>659,050,502</i>
6	<i>Civil Fee Revenue</i>	<i>408,289,141</i>	<i>384,474,327</i>	<i>358,115,125</i>	-	<i>358,115,125</i>	<i>355,545,183</i>
7	<i>Court Operations Assessment Revenue</i>	<i>156,455,686</i>	<i>149,578,279</i>	<i>140,834,114</i>	-	<i>140,834,114</i>	<i>131,251,329</i>
8	<i>Civil Assessment Revenue</i>	<i>149,100,873</i>	<i>154,784,402</i>	<i>146,573,331</i>	-	<i>146,573,331</i>	<i>162,148,023</i>
9	<i>Parking Penalty Assessment Revenue</i>	<i>25,194,026</i>	<i>25,360,674</i>	<i>23,582,039</i>	-	<i>23,582,039</i>	<i>24,682,669</i>
10	<i>Interest from SMIF</i>	<i>218,660</i>	<i>94,882</i>	<i>61,232</i>	-	<i>61,232</i>	<i>61,232</i>
11	<i>Sanctions and Contempt Fines</i>	<i>1,484,984</i>	<i>1,237,263</i>	<i>1,178,372</i>	-	<i>1,178,372</i>	<i>1,140,809</i>
12	<i>Miscellaneous Revenue</i>	<i>788,263</i>	<i>165,492</i>	<i>185,923</i>	-	<i>185,923</i>	<i>111,604</i>
13	General Fund Transfer	263,691,000	742,319,017	922,649,000	-	922,649,000	1,048,915,000
14	General Fund Transfer - Revenue Backfill	-	-	30,900,000	-	30,900,000	50,700,000
15	Reduction Offset Transfers	86,709,000	26,080,000	26,080,000	-	26,080,000	6,080,000
16	Net Other Transfers/Charges/Reimbursements	(1,639,392)	(4,256,953)	(4,427,415)	-	(4,427,415)	(3,886,415)
17	<b>Total Revenue and Transfers/Charges/Reimbursements</b>	<b>1,749,185,772</b>	<b>2,138,592,954</b>	<b>2,304,782,222</b>	<b>-</b>	<b>2,304,782,222</b>	<b>2,435,799,935</b>
18	<b>Total Resources</b>	<b>1,873,981,385</b>	<b>2,218,251,067</b>	<b>2,326,000,454</b>	<b>2,319,271</b>	<b>2,328,319,725</b>	<b>2,462,003,517</b>
19	<b>Expenditures/Encumbrances/Allocations</b>						
20	Program 30 - Expenditures/Allocations	23,610,313	22,672,123	21,679,128	-	21,679,128	16,896,500
21	Program 30.05 - Judicial Council (Staff)	3,692,227	3,764,788	4,418,152	-	4,418,152	4,879,000
22	Program 30.15 - Trial Court Operations	19,918,086	18,907,335	17,260,976	-	17,260,976	12,017,500
24	Program 45 - Expenditures/Allocations	1,767,802,888	2,174,214,014	2,287,787,016	(7,600,000)	2,280,187,016	2,424,473,105
25	Program 45.10 - Support for Operation of the Trial Courts	1,344,726,911	1,737,394,306	1,833,101,698	(2,000,000)	1,831,101,698	1,964,094,781
26	Program 45.25 - Comp. of Superior Court Judges	304,004,469	310,788,986	325,831,000	(5,600,000)	320,231,000	330,011,000
27	Program 45.35 - Assigned Judges	24,624,238	25,496,371	26,047,000	-	26,047,000	26,047,000
28	Program 45.45 - Court Interpreters	84,483,339	90,983,918	94,560,000	-	94,560,000	96,296,000
29	Program 45.55 - Grants	9,963,931	9,550,433	8,247,318	-	8,247,318	8,024,325
30	Item 601 - Redevelopment Agency Writ Case Reimbursements	221,186	146,697	250,000	-	250,000	-
31	<b>Total, Expenditures/Encumbrances/Allocations</b>	<b>1,791,634,387</b>	<b>2,197,032,835</b>	<b>2,309,716,144</b>	<b>(7,600,000)</b>	<b>2,302,116,144</b>	<b>2,441,369,605</b>
32	<b>Ending Fund Balance</b>	<b>82,346,997</b>	<b>21,218,232</b>	<b>16,284,311</b>	<b>9,919,271</b>	<b>26,203,582</b>	<b>20,633,912</b>
34	<b>Fund Balance Detail</b>						
35	Restricted Fund Balance	16,219,124	18,564,478	16,963,659	-	16,963,659	16,963,659
36	<i>Court Interpreter Program</i>	<i>12,924,808</i>	<i>14,734,148</i>	<i>14,734,148</i>	-	<i>14,734,148</i>	<i>14,734,148</i>
37	<i>Court-Appointed Dependency Counsel Collections</i>	<i>2,315,264</i>	<i>1,003,276</i>	<i>820,910</i>	-	<i>820,910</i>	<i>820,910</i>
38	<i>Redevelopment Agency Writ Case Reimbursements</i>	<i>1,778,814</i>	<i>1,632,117</i>	<i>1,382,117</i>	-	<i>1,382,117</i>	<i>1,382,117</i>
39	<i>Refund to courts of overcharges for JCC services</i>	-	<i>1,168,453</i>	-	-	-	-
40	<i>Sargent Shriver Civil Counsel</i>	<i>(799,762)</i>	<i>26,484</i>	<i>26,484</i>	-	<i>26,484</i>	<i>26,484</i>
41	Unrestricted Fund Balance	66,127,873	2,653,755	(679,348)	9,919,271	9,239,923	3,670,253
43	<b>Revenue and Transfers Annual Surplus/(Deficit)</b>	<b>(42,448,616)</b>	<b>(58,439,881)</b>	<b>(4,933,922)</b>	<b>7,600,000</b>	<b>2,666,078</b>	<b>(5,569,670)</b>



## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

### REPORT TO THE JUDICIAL COUNCIL For business meeting on April 17, 2015

---

Title	Agenda Item Type
Trial Court Allocation: Restoration of Benefits Funding in 2015–2016	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	April 17, 2015
Recommended by	Date of Report
Trial Court Budget Advisory Committee, Hon. Laurie Earl, Chair Zlatko Theodorovic, Director, Judicial Council Finance	March 30, 2015
	Contact
	Patrick Ballard, Supervisor Finance 818-558-3115 <a href="mailto:patrick.ballard@jud.ca.gov">patrick.ballard@jud.ca.gov</a>

---

#### **Executive Summary**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the allocation of \$10.8 million included in the 2015 Governor's Budget for trial courts that made progress towards meeting the Public Employees' Pension Reform Act of 2013 standard. The 2014 Budget Act included an augmentation of \$42.8 million specifically for the benefit cost changes in 2012–2013 and 2013–2014, which took into account a reduction in the amount of \$22 million, based on the Department of Finance estimate of what the trial courts were spending to cover the employee share of cost for retirement. The 2015 Governor's Budget proposes restoring \$10.8 million of this \$22 million reduction in 2015–2016.

## Recommendation

Allocate by prorating 50 percent of the \$10.4 million<sup>1</sup> in restored benefits funding to all the trial courts. The additional 50 percent would be prorated: (1) to trial courts that do not subsidize the employee share of costs for retirement in 2015–2016; or (2) to trial courts where only 10 percent or less is paid towards the employee share of retirement of total costs increases; and (3) for trial courts in which the subsidized portion of the employee share of costs for retirement has been reduced by at least 30 percent would receive half of the 50 percent allocation it would have received if it no longer subsidized the employee share. This 50/50 methodology would be done on a one-time basis for 2015–2016. Beginning in 2016–2017, courts that continue to provide employee retirement subsidies would not share in an allocation for any funding provided from trial court's that made progress towards meeting the Public Employees' Pension Reform Act of 2013 standard (PEPRA). This methodology would be applied to the restored funding provided in the final 2015 Budget Act.

## Previous Council Action

The Judicial Council, at its July 29, 2014 meeting, approved allocating the new benefits funding by prorating \$41.0 million (non-interpreters) to the trial courts based on each court's percentage of the total 2012–2013 and 2013–2014 benefits cost change of \$61.3 million (non-interpreters). Staff was directed to coordinate with the Department of Finance (DOF) to augment the TCTF Program 45.45 (Court Interpreters) appropriation with the remaining \$1.8 million in new benefits funding for court interpreter benefits.

## Rationale for Recommendation

**Background.** In fall of 2013, a BCP in the amount of \$64.8 million was submitted to the DOF to address the ongoing cost to the trial courts in 2014–2015 of the retirement, employee health, and retiree health cost changes that occurred in 2012–2013 and were anticipated to occur in 2013–2014. After the release of the 2014 Governor's January Budget proposal, the DOF performed an analysis of court retirement costs and determined that \$22.1 million was the amount trial courts could save by not covering the current employee share of costs for retirement. The 2014 Budget Act included an augmentation of \$42.8 million specifically for the benefit cost changes in 2012–2013 and 2013–2014, which took into account a reduction in the amount of \$22 million, based on the DOF estimate of what the trial courts were currently spending to cover the employee share of cost for retirement.

The Trial Court Budget Advisory Committee (TCBAC) recommended prorating the \$42.8 million in new funding to the courts based on each court's percentage of the total funding need of \$63.9 million. At its July 29, 2014 meeting, the council approved allocating the new benefits funding by prorating \$41.0 million (non-interpreters) to the trial courts based on each court's

---

<sup>1</sup> The remaining \$400,000 in restored benefits funding is for court interpreter benefits, and would be appropriated to Trial Court Trust Fund (TCTF) (Court Interpreter) Program 45.45).

percentage of the total 2012–2013 and 2013–2014 benefits cost change of \$61.3 million (non-interpreters).

At the September 9, 2014 TCBAC meeting, Judge Earl, chair of TCBAC, announced that she had appointed a working group to look at addressing retirement cost issues and whether the employer paid portion of employee retirement costs should be addressed in the Workload Allocation Funding Model (WAFM). The Benefits Working Group met twice to consider options to address whether the employer paid portion of employee retirement costs should be addressed in WAFM. At the working group's first meeting, it was decided that no options would be considered until the 2015 Governor's Budget was released in January 2015 to see if there was to be any return of the \$22 million for courts that had negotiated a change in the portion paid of the employee retirement share. At the group's January meeting, the members considered options for the allocation of the \$10.4 million for non-interpreters augmentation to the TCTF Program 45.10 Court Operations appropriation included in the 2015 Governor's Budget. The remaining \$400,000 would augment the TCTF Court Interpreter Program 45.45 appropriation which is allocated by region and not by individual trial court. The working group decided that since there appeared to be a significant number of courts negotiating reductions to the employer paid retirement subsidy there was no reason at this time for employee retirement cost issues to be addressed in WAFM. In addition, since an updated benefits request was to be submitted in mid-February 2015 which would reflect final confirmed benefits costs, it was decided by the working group that if there were changes to the subsidy amounts the approved option could be updated after the release of the May Revise.

***Allocation options considered at the March 23, 2015, TCBAC meeting.*** The TCBAC reviewed the options presented by the working group and **voted unanimously** to recommend the approval of option 5 to the Judicial Council (see Appendix A). The following six options for allocating the restored benefits augmentation among the courts were considered by the TCBAC. Options 5 and 6 were added by the working group after they had decided to recommend option 3 based on feedback from the courts. The description of how each allocation would work and its impact on the courts is provided. All options below refer to 2012–2013 and 2013–2014 benefits cost increases and exclude interpreters. The total amount to be allocated for non-interpreters is \$10.4 million.

1. Allocate 100 percent pro-rata to all courts. All courts are funded at 84 percent of their 2012–2013 and 2013–2014 benefits cost increases.
2. Allocate 100 percent pro-rata to courts that provide no employee retirement subsidy. Courts that do not subsidize the employee share of costs for retirement would receive 95 percent of their 2012–2013 and 2013–2014 benefits cost increases. Courts that do subsidize the employee share of costs for retirement would continue to receive 67 percent of their 2012–2013 and 2013–2014 benefits cost increases.
3. Allocate 50 percent to all courts and an additional 50 percent to courts that provide no employee retirement subsidy in 2015–2016. This 50/50 methodology would be done on

a one-time basis for 2015–2016. Beginning in 2016–2017, courts that continue to provide employee retirement subsidies would not share in an allocation for any funding provided from trial court’s that made progress towards meeting the (PEPRA) standard. Courts that do not subsidize the employee share of costs for retirement would receive 90 percent of their 2012–2013 and 2013–2014 benefits cost increases. Courts that do subsidize the employee share of costs for retirement would receive 75 percent of their 2012–2013 and 2013–2014 benefits cost increases.

4. In 2015–2016, allocate 75 percent to all courts and an additional 25 percent to courts that provide no employee retirement subsidy. In 2016–2017, any funding for trial court’s that made progress toward meeting the PEPRA standard would be allocated 50 percent to all courts and 50 percent to those courts that do not provide a subsidy. Beginning in 2017–2018, courts that continue to provide employee retirement subsidies would not share in an allocation for any funding for trial court’s that made progress toward meeting the PEPRA standard. Courts that do not subsidize the employee share of costs for retirement would receive 87 percent of their 2012–2013 and 2013–2014 benefits cost increases. Courts that do subsidize the employee share of costs for retirement would receive 80 percent of their 2012–2013 and 2013–2014 benefits cost increases.
5. Allocate 50 percent to all courts of the \$10.4 million and the additional 50 percent would be would be prorated (1) to courts that do not subsidize the employee share of costs for retirement in 2015–2016; or (2) to courts where only 10 percent or less is paid towards the employee share of retirement of total costs increases; and (3) for courts in which the subsidized portion of the employee share of costs for retirement had been reduced by at least 30 percent would receive half of the 50 percent allocation it would have received if it no longer subsidized the employee share. This 50/50 methodology would be done on a one-time basis for 2015–2016. Beginning in 2016–2017, courts that continue to provide employee retirement subsidies would not share in an allocation for any funding provided from trial court’s that made progress towards meeting the PEPRA standard. Courts that do not subsidize the employee share of costs for retirement or courts with subsidy amounts of 10 percent or less than cost increases would receive 86 percent of their 2012–2013 and 2013–2014 benefits cost increases. Courts that have reduced the employee share of costs for retirement by 30 percent but less than 100 percent would receive 80 percent of their 2012–2013 and 2013–2014 benefits cost increases. Courts that do subsidize employee share of costs for retirement and do not fall into the other categories would receive 75 percent of their 2012–2013 and 2013–2014 benefits cost increases.
6. Allocate 75 percent of the \$10.4 million to all courts and the additional 25 percent would be would be prorated (1) to courts that do not subsidize the employee share of costs for retirement in 2015–2016; or (2) to courts where only 10 percent or less is paid towards the employee share of retirement of total costs increases; and (3) for courts in which the subsidized portion of the employee share of costs for retirement has been reduced by at

least 30 percent would receive half of the 25 percent allocation it would have received if it no longer subsidized the employee share. In 2016–2017 any funding for trial court’s that made progress towards meeting the PEPRA standard would be allocated 50 percent to all courts and 50 percent using the same methodology as in prior year to those courts that do not provide a subsidy; or to courts where only 10 percent or less is paid towards the employee share of retirement of total costs increases; or to courts in which the subsidized portion of the employee share of costs for retirement has been reduced by at least 30 percent. Courts that do not subsidize the employee share of costs for retirement or courts with subsidy amounts of 10 percent or less than cost increases would receive 85 percent of their 2012–2013 and 2013–2014 benefits cost increases. Courts that have reduced the employee share of costs for retirement by 30 percent would receive 82 percent of their 2012–2013 and 2013–2014 benefits cost increases. Courts that do subsidize the employee share of costs for retirement and do not fall into the other categories would receive 80 percent of their 2012–2013 and 2013–2014 benefits cost increases. Beginning in 2017–2018 courts that continue to provide employee retirement subsidies would not share in an allocation for any funding for court’s that made progress towards meeting the PEPRA standard.

***Discussion.*** There was a brief discussion by the benefits working group members on the two options added (5 and 6) to address concerns expressed by some courts that their original recommended option 3, would unfairly penalize courts that had only a minute portion of the employee share of costs for retirement remaining and leave out courts that had made progress on reducing the subsidy. Both options 5 and 6 would now provide some of the additional 50 percent funding to these courts. The main difference in these two options would be the amount of time given to courts that still subsidize a portion of the employee share of costs for retirement to negotiate a change. Option 5 gives courts that subsidize the employee share of costs for retirement one additional year. Whereas, option 6 is a phased-in approach and gives courts that provide employee retirement subsidies two years to work with the unions to reduce the subsidy. Some members felt that either option was agreeable. However, other members expressed the belief that extending the period of time represented in option 6, would only delay the inevitable and that this action was a rather easy way to show progress to the Governor. Prior to voting, it was also pointed out by working group members that the methodology approved would be applied to the final 2015 Budget Act restored funding. This was to address the anticipated amount in the May Revision which included an adjustment for courts’ reported negotiated changes that had occurred in the months since the submission in early October 2014 request for the Governor’s budget in January that is estimated to be \$2.6 million in addition to the previous adjustment of \$10.8 million for a total of \$13.4 million.

***Court Interpreter Funding.*** The allocation of the \$400,000 in restored benefits augmentation for 2012–2013 and 2013–2014 benefits cost increases would be appropriated to TCTF (Court Interpreter) Program 45.45 in the 2015 Budget Act. The

interpreter benefits funding will augment the \$94.5 million Program 45.45 appropriation, which will increase to \$94.9 million. However, per Judicial Council policy as approved at the council's February 26, 2013, meeting, this additional benefits funding would be allocated to courts only if the \$94.5 million annual appropriation, which reimburses courts for eligible interpreter costs including staff interpreter retirement and health costs, is insufficient to reimburse courts for all their eligible court interpreter costs. For the past six years (from 2009–2010 to 2013–2014), after all eligible court interpreter costs were reimbursed, there have been savings from the Program 45.45 appropriation. However, with the passage of AB 1657 in 2014–2015 which expanded the case types for which interpretive services can now be reimbursed, savings from the Program 45.45 appropriation may no longer occur. As of the date of this council report, the final eligible reimbursable costs for 2014–2015 are not known.

## **Implementation Requirements, Costs, and Operational Impacts**

### **Attachments**

1. Attachment A: 50/50 Allocation of \$10.4 Million in Restored Benefits Funding Included in Governor's Budget



## Option 5 - 50/50 Allocation of \$10.4 Million in Restored Benefits Funding Included in Governor's Budget (Excludes Interpreters)

	2012-2013 and 2013-2014 Benefit Cost Increases	Allocate 50% Pro-Rata All Courts of \$10.4 Million	Allocate Additional 50% Pro-Rata to Courts (No Subsidy or 10% Subsidy of Increases or 30% Subsidy Reduction)	Allocation Approved by Judicial Council July 29, 2014	Total Allocation with \$10.4 Million in Restored Benefits Funding
Court	A	B	C	D	E
Alameda	2,404,882	203,612	244,543	1,609,137	2,057,291
Alpine	9,334	790	949	6,245	7,985
Amador	35,611	3,015	3,621	23,828	30,464
Butte	236,868	20,055	-	158,491	178,546
Calaveras	68,405	5,792	3,478	45,771	55,040
Colusa	23,919	2,025	1,216	16,004	19,245
Contra Costa	1,524,425	129,067	-	1,020,012	1,149,079
Del Norte	68,299	5,783	6,945	45,700	58,428
El Dorado	28,321	2,398	2,880	18,950	24,227
Fresno	1,379,806	116,823	140,307	923,246	1,180,375
Glenn	35,960	3,045	1,828	24,061	28,934
Humboldt	205,112	17,366	20,857	137,243	175,466
Imperial	305,765	25,888	31,092	204,591	261,571
Inyo	48,932	4,143	2,488	32,741	39,372
Kern	824,430	69,801	-	551,636	621,438
Kings	33,089	2,802	3,365	22,140	28,306
Lake	4,780	405	486	3,199	4,089
Lassen	8,339	706	424	5,580	6,710
Los Angeles	18,086,349	1,531,303	1,839,127	12,101,803	15,472,233
Madera	67,969	5,755	6,911	45,479	58,145
Marin	535,883	45,371	27,246	358,566	431,183
Mariposa	5,321	450	-	3,560	4,011
Mendocino	351,518	29,762	35,744	235,205	300,711
Merced	463,597	39,251	47,141	310,199	396,591
Modoc	5,296	448	539	3,544	4,531
Mono	16,922	1,433	1,721	11,323	14,476
Monterey	395,286	33,467	40,195	264,491	338,153
Napa	271,633	22,998	27,621	181,753	232,372
Nevada	179,790	15,222	18,282	120,300	153,804
Orange	8,646,423	732,060	879,219	5,785,430	7,396,709
Placer	425,144	35,995	43,231	284,469	363,695
Plumas	8,989	761	-	6,015	6,776
Riverside	2,455,806	207,924	-	1,643,210	1,851,134
Sacramento	3,433,576	290,708	349,146	2,297,449	2,937,303
San Benito	25,173	2,131	2,560	16,844	21,535
San Bernardino	1,993,070	168,746	202,667	1,333,588	1,705,001
San Diego	6,159,623	521,512	313,173	4,121,481	4,956,167
San Francisco	2,235,743	189,292	227,344	1,495,964	1,912,599
San Joaquin	800,849	67,805	81,435	535,858	685,098
San Luis Obispo	182,698	15,468	-	122,246	137,714
San Mateo	901,455	76,323	-	603,175	679,497
Santa Barbara	182,310	15,436	18,538	121,986	155,960
Santa Clara	1,233,654	104,449	125,445	825,453	1,055,347
Santa Cruz	230,629	19,526	23,452	154,317	197,295
Shasta	274,996	23,283	27,963	184,003	235,249
Sierra	13,363	1,131	679	8,941	10,752
Siskiyou	88,816	7,520	9,031	59,428	75,979
Solano	743,044	62,911	37,779	497,180	597,869
Sonoma	921,983	78,061	93,753	616,911	788,724
Stanislaus	1,223,925	103,625	124,456	818,944	1,047,025
Sutter	107,922	9,137	5,487	72,212	86,836
Tehama	37,162	3,146	3,779	24,866	31,791
Trinity	29,858	2,528	3,036	19,978	25,543
Tulare	154,445	13,076	15,705	103,341	132,122
Tuolumne	28,768	2,436	2,925	19,249	24,610
Ventura	810,216	68,598	82,388	542,126	693,111
Yolo	251,806	21,319	-	168,486	189,806
Yuba	98,968	8,379	10,064	66,221	84,664
<b>Total</b>	<b>61,326,254</b>	<b>5,192,262</b>	<b>5,192,262</b>	<b>41,034,166</b>	<b>51,418,690</b>





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 17, 2015

---

Title	Agenda Item Type
Juvenile Dependency: Court-Appointed– Counsel Funding Reallocation	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	April 17, 2015
Recommended by	Date of Report
Trial Court Budget Advisory Committee	March 24, 2015
Hon. Laurie M. Earl, Chair	Contact
	Don Will, 415-865-7557 <a href="mailto:don.will@jud.ca.gov">don.will@jud.ca.gov</a>

---

### Executive Summary

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve changes to the method used to allocate annual funding for court appointed dependency counsel among the courts. The revised allocations will be based on the caseload-based calculation of funding need for each court provided by the caseload funding model approved by the Judicial Council in 2007. The method will also adjust the calculation of total funding required to the amount of funding that is currently available statewide, and provide a 4-year reallocation process to bring all courts to an equivalent percentage of need met by available funding. The work group also recommends: a method to allocate any new funding provided for court appointed dependency counsel through the state budget process; methods to be used for allocating unspent funds and funds derived from collections; and finally recommends that a joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be formed to review the current caseload funding model for possible updates and revisions.

## Recommendation

The Trial Court Budget Advisory Committee recommends, effective April 17, 2016, that:

1. That the Judicial Council approve a process to allocate dependency court appointed counsel funds to the courts that is based on each court's funding need as calculated by the caseload funding model for juvenile dependency, and adjusted to available funding statewide.
2. That the new allocations be phased with annual increases or decreases in FY 2015-2016, FY 2016-2017, and FY 2017-2018, and that in FY 2018-2019 all courts will receive an equivalent percentage of their calculated need. The allocations should be phased in by basing each court's annual allocation on a percentage of its base funding in FY 2014-2015, and a percentage of its calculated need in the current fiscal year; and the percentages should change annually as follows:
  - a. FY 2015-2016: court receives 10% of need and 90% of base
  - b. FY 2016-2017: 40% of need and 60% of base
  - c. FY 2017-2018: 80% of need and 20% of base
  - d. FY 2018-2019: 100% of need.
3. That any court appointed dependency counsel funding that is estimated to remain unspent at the end of the year be reallocated by Judicial Council staff to courts with a funding need as early in the fiscal year as is possible, using the formula and method approved by the Judicial Council for this purpose on January 22, 2015 , and that this be made a permanent policy.
4. That revenue received from the juvenile dependency counsel collections program continue to be allocated by Judicial Council staff to courts using the needs based methodology approved by the Judicial Council in August 2013 .
5. That any state funds designated for court appointed dependency counsel in addition to the current \$103.7 million budget be allocated to courts with an allocation of less than 76% percent of need as calculated by the caseload funding model.
6. That the Judicial Council staff develop a process to reimburse courts for unexpected caseload increases that includes reserving up to \$100,000 of the court appointed dependency counsel budget for that purpose and implementing guidelines with an application and reimbursement process; that the unspent funds in this reserve be available in the following year; and that this process be approved by the Judicial Council by April 2016.
7. That the Superior Court of California, Colusa County be provided with an allocation for court appointed dependency counsel equal to 75.7 percent of its calculated need.

8. That a joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be established to review the caseload funding model for court appointed dependency counsel and include in its review the following issues:
  - a. Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries;
  - b. Whether the attorney salaries used in the model should be updated;
  - c. Whether the calculation for benefits costs in the model is accurate or if it should be changed;
  - d. Whether the calculation for overhead costs in the model is accurate or if it should be changed;
  - e. Whether the state child welfare data reported through U.C. Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data be used;
  - f. Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed;
  - g. Whether a modified methodology be used for funding small courts; and
  - h. Whether dependency counsel funding should be a court or county obligation.

Recommendations from the working group will be brought to the respective committees in time for consideration by the Judicial Council at its April 2016 meeting.

### **Previous Council Action**

The Judicial Council approved a process to reallocate dependency court-appointed-counsel funds that are estimated to remain unspent in fiscal year 2014-2015 at its January 22, 2015 meeting.

### **Rationale for Recommendations**

#### *Recommendation 1*

Court-appointed dependency counsel became a state fiscal responsibility in 1989 through the Brown-Presley Trial Court Funding Act (SB 612/AB 1197; Stats. 1988, ch. 945), which added section 77003 to the Government Code, defined “court operations” in that section as including court-appointed dependency counsel, and made an appropriation to fund trial court operations. In 1997 the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233; Stats. 1997, ch. 850) provided the funding for, and delineated the parameters of, the transition to state trial court funding that had been outlined in the earlier legislation. In the transition to state funding, most trial court systems maintained the existing dependency counsel service delivery models of their respective counties.

In 2004 the Judicial Council and the American Humane Association conducted a time study of all dependency attorneys in California. From this study, a review of best practices, and input from attorneys, judicial officers, researchers, and others, the Council in 2007 set a workload standard of 188 cases per attorney when the attorney has access to a part-time (50%) investigator.

In 2007 the Judicial Council approved a methodology to calculate the funding required in a court to achieve the target attorney caseload of 188 cases per attorney . The methodology uses the number of children in foster care in the county, the regional salary averages for attorneys, and investigator and overhead costs to calculate a total funding need. Overall, the caseload funding model calculates a statewide need of \$137.1 million, \$33.4 million more than the base budget of \$103.7 million (see Attachment 1).

The \$103.7 million annual base funding for court appointed juvenile dependency counsel represents approximately 75 percent of the \$137.1 million need. Courts do not receive base funding for court appointed counsel in proportion to their dependency caseloads. Allocations for court appointed counsel are primarily based on the local level of spending when the service was still a county function. For that reason, individual court allocations vary widely when the court's juvenile dependency caseload is taken into account: 26 courts receive an allocation of more than 100 percent of their need, 16 courts receive an allocation ranging from 50 percent to 100 percent of their need, 14 courts receive an allocation of less than 50 percent of their need, and two courts do not receive an allocation.

The committee recommends that each court's allocation of court appointed dependency counsel funding be based on its need as calculated by the caseload funding model. Since funds do not exist to fully fund the total need, each court will receive an equal percentage of its funding need. The percentage will be the available funding statewide divided by the total need statewide, or 75.7 percent at this time.

#### *Recommendation 2*

The committee recommends that the recommended funding allocation process be phased in over a period of four years. See Attachment 2 for an estimate of how each court's annual allocation would change over the four years. Since over a period of four years the foster care caseloads in each county are liable to change, this recommendation provides for a recalculation of need each year. The caseload funding model uses an average of the previous three years of available child welfare caseload data by county to reduce sharp annual fluctuations, especially in smaller courts.

#### *Recommendations 3-5*

The committee recommends that if new funds are provided for court appointed dependency counsel through the state budget process, they be allocated to courts with a funding need. This allocation should be made after the annual increase/reduction methodology described in recommendation 2 is applied. At that point, courts with less than 76 percent of caseload funding need will receive an allocation based on their proportion of unmet need, using the same methodology approved by the Judicial Council for the allocation of unspent funds. These funds will remain in each court's base funding and be part of the allocation process described in recommendation #2 in the following years. The goal remains that by FY 2018-2019, all courts will receive an allocation that is based 100 percent on need, whether or not the funding base increases.

#### *Recommendation 6*

The committee recognizes that in the dependency process, a complex dependency trial can lead to an increase in court appointed counsel costs that the court's budget cannot absorb. The committee recommended that staff develop a program to reimburse courts for costs related to complex trials and other events.

#### *Recommendation 7*

Colusa Superior Court contacted Judicial Council staff in FY 2014-2015 to inform them that Colusa County continued to fund court appointed dependency counsel after most courts transitioned to state funding, but had told the court that this funding would cease in FY 2015-2016. Colusa has an annual funding need calculated through the caseload funding model of \$50,570. The work group recommends that Colusa be funded at 75.7 percent of its need, or the funding it would receive when all courts reach parity in FY 2018-2019.

#### *Recommendation 8*

Committee recommendations are focused solely on topics of allocating court appointed dependency counsel funding. However, in its review of the estimates of need generated by the current caseload funding model, a number of issues about the assumptions of the model were raised which the committee recommends be addressed by a joint working group with the Family and Juvenile Law Advisory Committee. The model was developed between 2005 and 2007, and many of the financial assumptions could be usefully revisited.

### **Comments**

Fourteen comments on the committee report were received prior to the meeting:

*Hon. Joyce D. Hinrichs, Superior Court of California, County of Humboldt:* Respectfully disagrees with the recommendations in the agenda item, and points out that the court's own count of dependency caseload is much higher than the number provided by the Judicial Council.

*Hon. Cindee Mayfield, Superior Court of California, Mendocino County.* Comments that reducing all courts to 75 percent of need would decimate the constitutionally mandated provision of court-appointed counsel to families served by the dependency court. Comments that a responsible approach to resolving the funding disparity involves first increasing the overall amount of dependency counsel funding to something approaching the current need.

*Hon. Stephen O. Hedstrom, Superior Court of California, Lake County.* Comments that implementing the recommendations in the next fiscal year will be extremely difficult, given that multi-year contracts are already in place, and that reducing funding will make recruitment and retention of qualified attorneys extremely difficult.

*Hon. Winifred Y. Smith, Superior Court of California, Alameda County.* In support of immediate implementation of recommendation #8, so that any reallocations will be based on a revised caseload funding model.



*Dependency Legal Group of San Diego:* In support of the majority of recommendations but in strong opposition to recommendation #2.

*Dependency Legal Services: Humboldt, Mendocino, Lake, Sonoma, Marin, and Stanislaus counties:* In support of the majority of recommendations but in strong opposition to recommendation #2.

*East Bay Children's Law Offices: Alameda County:* In strong support of many of the recommendations, but strongly opposed to the recommendation regarding the reallocation of the budget over the next four years (recommendation #2).

*Legal Advocates for Children & Youth, Santa Clara County:* Supports recommendation #8 to review the caseload funding model. Not in support of recommendations to reallocate funding.

*The Bar Association of San Francisco:* Requests additional time to provide comments.

*San Francisco Counsel for Families & Children:* Urges delaying action on recommendations. Urges committee to reject recommendations #1 and #2; approve recommendations #4, #6, and #8; approve modified formula for recommendation #5.

*Dependency Advocacy Center, Santa Clara County:* Supports recommendations #3 through #8. Strongly opposes recommendations #1 and #2.

*Los Angeles Dependency Lawyers.* In support of all recommendations.

*Juvenile Dependency Counselors, Alameda County.* In support of recommendations #3 through #8. Not in support of recommendations #1 and #2.

*Children Law Center, Los Angeles and Sacramento County.* In support of all recommendations.

## **Alternatives Considered**

Alternatives were considered to recommendations 2, 5 and 6.

For recommendation 2, the committee considered two additional phase-in proposals for funding reallocation. Both proposals concerned the first year of reallocation, fiscal year 2015-2016. The first proposal was to base 20 percent of the first year's allocation on need, and 80 percent on historical funding. The second proposal was to base none of the first year's allocation on need, but to continue in the first year to base 100 percent of the allocation on historical funding. After discussion the committee approved the proposal that is recommendation 2 of this report.

For recommendation 5, the committee considered a proposal to base a court's eligibility for allocation of any new funding on whether the funding it receives is less than 100 percent of its



calculated need. The committee approved a proposal to base the eligibility on 75.7 percent of need since the program is funded statewide at that percentage of need.

For recommendation 6, the committee considered a proposal to develop a process for reimbursing only the smallest courts for unbudgeted costs of complex dependency trials. The committee approved a proposal to reserve funding and develop a process for all courts to seek reimbursement.

### **Attachments**

1. Attachment 1: Dependency Counsel Funding
2. Attachment 2: Four-Year Reallocation Recommendation: 10%-40%-80%-100%
3. Attachment 3: Written Comments Submitted for the TCBAC Meeting on March 23, 2015

DRAFT



## Dependency Counsel Funding

Statewide Implementation Costs			
Court	Caseload Funding Model Estimated Funding Need	FY 2014-2015 Base CAC Funding Level	Base/CFM
Alameda	\$3,450,970.68	\$4,171,032.46	120.9%
Alpine*	\$0.00	\$0.00	
Amador	\$85,336.77	\$120,146.93	140.8%
Butte	\$833,636.96	\$664,759.00	79.7%
Calaveras	\$226,026.98	\$76,519.00	33.9%
Colusa†	\$50,569.89	\$0.00	0.0%
Contra Costa	\$2,716,647.74	\$3,120,151.00	114.9%
Del Norte	\$168,566.70	\$223,089.81	132.3%
El Dorado	\$614,078.75	\$819,764.99	133.5%
Fresno	\$2,937,650.85	\$2,958,296.00	100.7%
Glenn	\$166,060.64	\$55,250.00	33.3%
Humboldt	\$458,193.85	\$562,460.00	122.8%
Imperial	\$545,032.34	\$607,371.00	111.4%
Inyo	\$34,019.37	\$76,990.00	226.3%
Kern	\$3,108,447.52	\$2,023,943.00	65.1%
Kings	\$686,524.56	\$199,672.35	29.1%
Lake	\$239,288.90	\$307,076.27	128.3%
Lassen	\$115,953.18	\$108,374.00	93.5%
Los Angeles	\$57,151,311.87	\$32,782,704.00	57.4%
Madera	\$586,978.22	\$53,030.50	9.0%
Marin	\$247,454.02	\$408,418.72	165.0%
Mariposa	\$51,591.50	\$32,243.00	62.5%
Mendocino	\$518,939.79	\$742,022.00	143.0%
Merced	\$1,064,521.71	\$593,861.37	55.8%
Modoc	\$20,432.28	\$16,064.00	78.6%
Mono	\$17,874.58	\$12,329.00	69.0%
Monterey	\$667,373.42	\$329,570.00	49.4%
Napa	\$294,546.52	\$176,430.00	59.9%
Nevada	\$202,963.00	\$232,799.00	114.7%
Orange	\$6,056,115.22	\$6,583,082.00	108.7%
Placer	\$743,663.62	\$418,422.00	56.3%
Plumas	\$82,240.12	\$163,290.96	198.6%
Riverside	\$10,235,491.48	\$4,171,897.50	40.8%
Sacramento	\$4,443,854.42	\$5,378,189.72	121.0%
San Benito	\$209,882.19	\$31,884.50	15.2%
San Bernardino	\$7,983,595.68	\$3,587,297.00	44.9%
San Diego	\$7,678,774.64	\$9,749,950.36	127.0%
San Francisco	\$2,951,118.03	\$3,907,633.00	132.4%
San Joaquin	\$2,542,228.38	\$3,081,900.92	121.2%
San Luis Obispo	\$781,869.29	\$707,000.04	90.4%
San Mateo	\$1,050,915.74	\$323,021.73	30.7%
Santa Barbara	\$1,318,162.00	\$1,610,017.00	122.1%
Santa Clara	\$3,340,629.23	\$4,700,130.81	140.7%
Santa Cruz	\$703,196.64	\$894,764.81	127.2%
Shasta	\$940,395.62	\$569,416.00	60.6%
Sierra	\$3,575.65	\$14,898.00	416.7%
Siskiyou	\$173,163.56	\$256,552.00	148.2%
Solano	\$847,816.33	\$896,319.14	105.7%
Sonoma	\$1,274,378.06	\$1,150,195.00	90.3%
Stanislaus	\$1,100,152.36	\$1,130,985.52	102.8%
Sutter	\$272,154.93	\$84,082.75	30.9%
Tehama	\$313,635.48	\$93,909.01	29.9%
Trinity	\$119,528.83	\$83,204.00	69.6%
Tulare	\$1,598,825.80	\$658,892.25	41.2%
Tuolumne	\$210,458.79	\$63,980.75	30.4%
Ventura	\$2,010,744.36	\$755,357.00	37.6%
Yolo	\$565,644.04	\$333,430.00	58.9%
Yuba	\$264,659.14	\$199,732.00	75.5%
Unallocated		\$651,641.31	
<b>Total</b>	<b>\$137,077,862.19</b>	<b>\$103,725,444.48</b>	

Four-Year Reallocation Recommendation: 10%-40%-80%-100%								
Court	CFM Estimated Funding Need	FY 2014-2015 Base CAC Funding Level	Base/CFM	Court at 75.7% need	FY 2015-2016: Total	FY 2016-2017: Total	FY 2017-2018: Total	FY 2018-2019 allocated by need
	Total need	Total base			Total 10% need	Total 40% need	Total 80% need	Total 100% need
	\$137,077,862	\$103,725,444						
Alameda	\$3,450,970.68	\$4,171,032.46	120.9%	2,611,315	4,038,793	3,562,967	2,928,532	2,611,315
Alpine*	\$0.00	\$0.00		0	0	0	0	0
Amador	\$85,336.77	\$120,146.93	140.8%	64,573	115,273	98,373	75,840	64,573
Butte	\$833,636.96	\$664,759.00	79.7%	630,805	665,146	653,699	638,436	630,805
Calaveras	\$226,026.98	\$76,519.00	33.9%	171,032	86,406	114,615	152,226	171,032
Colusa†	\$50,569.89	\$0.00	0.0%	38,266	3,827	15,306	30,613	38,266
Contra Costa	\$2,716,647.74	\$3,120,151.00	114.9%	2,055,660	3,031,455	2,706,190	2,272,503	2,055,660
Del Norte	\$168,566.70	\$223,089.81	132.3%	127,553	214,805	185,721	146,942	127,553
El Dorado	\$614,078.75	\$819,764.99	133.5%	464,667	788,920	680,835	536,723	464,667
Fresno	\$2,937,650.85	\$2,958,296.00	100.7%	2,222,891	2,901,588	2,675,356	2,373,712	2,222,891
Glenn	\$166,060.64	\$55,250.00	33.3%	125,656	62,605	83,622	111,645	125,656
Humboldt	\$458,193.85	\$562,460.00	122.8%	346,711	544,085	478,294	390,572	346,711
Imperial	\$545,032.34	\$607,371.00	111.4%	412,421	591,332	531,695	452,179	412,421
Inyo	\$34,019.37	\$76,990.00	226.3%	25,742	72,303	56,783	36,089	25,742
Kern	\$3,108,447.52	\$2,023,943.00	65.1%	2,352,131	2,068,278	2,162,896	2,289,053	2,352,131
Kings	\$686,524.56	\$199,672.35	29.1%	519,486	232,790	328,355	455,776	519,486
Lake	\$239,288.90	\$307,076.27	128.3%	181,068	296,223	257,838	206,658	181,068
Lassen	\$115,953.18	\$108,374.00	93.5%	87,741	106,927	100,532	92,004	87,741
Los Angeles	\$57,151,311.87	\$32,782,704.00	57.4%	43,245,825	34,015,545	37,092,305	41,194,652	43,245,825
Madera	\$586,978.22	\$53,030.50	9.0%	444,161	92,445	209,684	366,002	444,161
Marin	\$247,454.02	\$408,418.72	165.0%	187,246	388,625	321,499	231,997	187,246
Mariposa	\$51,591.50	\$32,243.00	62.5%	39,039	33,106	35,084	37,720	39,039
Mendocino	\$518,939.79	\$742,022.00	143.0%	392,677	711,309	605,098	463,484	392,677
Merced	\$1,064,521.71	\$593,861.37	55.8%	805,513	618,406	680,775	763,933	805,513
Modoc	\$20,432.28	\$16,064.00	78.6%	15,461	16,095	15,884	15,602	15,461
Mono	\$17,874.58	\$12,329.00	69.0%	13,526	12,519	12,854	13,302	13,526
Monterey	\$667,373.42	\$329,570.00	49.4%	504,995	348,988	400,990	470,327	504,995
Napa	\$294,546.52	\$176,430.00	59.9%	222,880	182,079	195,679	213,813	222,880
Nevada	\$202,963.00	\$232,799.00	114.7%	153,580	226,202	201,994	169,718	153,580
Orange	\$6,056,115.22	\$6,583,082.00	108.7%	4,582,602	6,420,491	5,807,861	4,991,021	4,582,602
Placer	\$743,663.62	\$418,422.00	56.3%	562,723	435,233	477,729	534,392	562,723
Plumas	\$82,240.12	\$163,290.96	198.6%	62,230	154,114	123,486	82,649	62,230
Riverside	\$10,235,491.48	\$4,171,897.50	40.8%	7,745,094	4,552,955	5,617,001	7,035,730	7,745,094
Sacramento	\$4,443,854.42	\$5,378,189.72	121.0%	3,362,620	5,207,234	4,592,363	3,772,534	3,362,620
San Benito	\$209,882.19	\$31,884.50	15.2%	158,816	44,759	82,778	133,470	158,816
San Bernardino	\$7,983,595.68	\$3,587,297.00	44.9%	6,041,107	3,853,089	4,582,428	5,554,881	6,041,107
San Diego	\$7,678,774.64	\$9,749,950.36	127.0%	5,810,452	9,411,476	8,211,135	6,610,679	5,810,452
San Francisco	\$2,951,118.03	\$3,907,633.00	132.4%	2,233,081	3,762,412	3,252,635	2,572,933	2,233,081
San Joaquin	\$2,542,228.38	\$3,081,900.92	121.2%	1,923,679	2,983,614	2,630,302	2,159,220	1,923,679
San Luis Obispo	\$781,869.29	\$707,000.04	90.4%	591,633	699,486	663,535	615,600	591,633
San Mateo	\$1,050,915.74	\$323,021.73	30.7%	795,217	372,079	513,125	701,187	795,217
Santa Barbara	\$1,318,162.00	\$1,610,017.00	122.1%	997,440	1,557,920	1,371,093	1,121,991	997,440
Santa Clara	\$3,340,629.23	\$4,700,130.81	140.7%	2,527,821	4,509,643	3,849,036	2,968,226	2,527,821
Santa Cruz	\$703,196.64	\$894,764.81	127.2%	532,102	863,590	753,094	605,766	532,102
Shasta	\$940,395.62	\$569,416.00	60.6%	711,588	586,873	628,445	683,874	711,588
Sierra	\$3,575.65	\$14,898.00	416.7%	2,706	13,764	10,078	5,163	2,706
Siskiyou	\$173,163.56	\$256,552.00	148.2%	131,031	245,460	207,317	156,460	131,031
Solano	\$847,816.33	\$896,319.14	105.7%	641,534	875,941	797,805	693,624	641,534
Sonoma	\$1,274,378.06	\$1,150,195.00	90.3%	964,309	1,138,151	1,080,204	1,002,941	964,309
Stanislaus	\$1,100,152.36	\$1,130,985.52	102.8%	832,474	1,107,570	1,015,871	893,607	832,474
Sutter	\$272,154.93	\$84,082.75	30.9%	205,937	96,747	133,143	181,672	205,937
Tehama	\$313,635.48	\$93,909.01	29.9%	237,325	108,785	151,632	208,760	237,325
Trinity	\$119,528.83	\$83,204.00	69.6%	90,446	84,402	86,417	89,103	90,446
Tulare	\$1,598,825.80	\$658,892.25	41.2%	1,209,815	717,734	881,761	1,100,464	1,209,815
Tuolumne	\$210,458.79	\$63,980.75	30.4%	159,252	73,872	102,332	140,279	159,252
Ventura	\$2,010,744.36	\$755,357.00	37.6%	1,521,510	836,270	1,064,683	1,369,235	1,521,510
Yolo	\$565,644.04	\$333,430.00	58.9%	428,017	344,786	372,530	409,521	428,017
Yuba	\$264,659.14	\$199,732.00	75.5%	200,265	200,922	200,703	200,411	200,265
Unallocated		\$651,641.31						
<b>Total</b>	<b>\$137,077,862.19</b>	<b>\$103,725,444.48</b>		<b>103,725,444</b>	103,725,444	103,725,444	103,725,444	103,725,444

*Candi M. Mayes, JD, MJM, CWLS*  
*CEO & Executive Director*

*Brian Blackwood, JD*  
*Chief of Operations*



*Dependency Legal Group of San Diego*

*A Non-Profit Public Benefit Corporation*

*1660 Hotel Circle North, Suite 200, San Diego, CA 92108*

March 19, 2015

To: Trial Court Budget Advisory Committee

Re: Meeting on March 23, 2015, Agenda Item: Court Appointed Dependency Counsel Allocation

Dear Committee Members,

My name is Candi Mayes and I am the CEO and Executive Director of Dependency Legal Group of San Diego (DLG). We are a 501(c)(3) non-profit public benefit corporation created to provide legal representation to indigent families involved in juvenile dependency court in San Diego County. DLG employs 58 full-time staff attorneys and 18 full-time investigators dedicated to representing the parents and children in San Diego's six full-time dependency courtrooms.

We are very appreciative of the attention being paid to court appointed dependency counsel and the budget needs of everyone in the state who does this work. The work that this committee is putting into these issues is important to us and to the families we serve; thank you.

We are in strong support of this group adopting the majority of the recommendations in the report prepared for the March 23, 2015 meeting and in strong opposition to the recommendation to the Council regarding the reallocation of the budget over the next four years. Some parts of the state have been in crisis for too long, some are newly entering into a critical time, and with this four year plan, others will plunge there as well. Specifically, we support:

- All unspent funds being reallocated to counties currently in crisis;
- All new monies being reallocated to first serve counties historically underfunded and with the greatest current need;

- All recommendations regarding the creation of a working group and development of a new funding methodology.

A little over a million dollars of the unspent money currently in the fund is from San Diego. This is money that has been allocated to us but for which we have not been allowed to invoice the Judicial Counsel. While it has not been easy, we have made the reductions necessary to continue to function at this lower funding level this year. I understand that there are court appointed dependency programs in other counties in California who have critical unmet needs and I fully support the reallocation of that money to those counties – it is the right thing to do for California’s families.

What I cannot support, however is the drastic cuts proposed in the four-year plan outlined in Attachment 2. Parity and equity are essential elements of any just judicial system, but creating problems for some while trying to address the needs of others does not actually accomplish anything but moving the problem around. I ask you to please consider the following:

1. The DRAFT program was created to address attorney compensation and caseloads to improve outcomes for families. During the years of its formation, its participants, some of whom are here today, have developed sophisticated new models of practice which have indeed led to better outcomes for families. Dependency courts now have dedicated, trained, and supervised attorneys appearing on these matters as a result. Today’s proposed four-year plan will erode these advancements.
2. Acknowledging that the current methodology needs to be reviewed and changed but then using it to recommend a budget allocation plan for the next four years is fundamentally flawed. We are in this position of crisis management because of the process currently in use and implementing the four-year plan based on it will make a bad situation even worse. The costs of doing business continue to rise, the cases continue to get more complicated and difficult, and we are already working with budget numbers established in 2007-2008; no business person would endorse this as a sound, stable model. Further cutting counties may have drastic consequences. In San Diego, if this plan is adopted, our firm will not survive – we simply will not have enough money to continue to operate and we will be forced to close our doors. While I am confident this is not the intention of this proposal, I want to ensure that this committee understands that it will be the result for San Diego and probably other counties as well.
3. DLG’s current contract ends in August 2015 so an RFP is expected to issue and that may give the Judicial Council an opportunity to change the nature of court appointed dependency representation in San Diego. There are other counties however who have existing contracts that are not ending this year. Those contracts must be honored as providers have detrimentally relied upon the terms of the contracts. Breach of these contracts would not only undoubtedly lead to lawsuits, more refusals to accept cases, and lack of competent, timely

representation for children and families, but it will also impact others ability to secure and maintain support from financial institutions. If our contracts with the Judicial Council become insecure and unreliable we will not be able to continue to secure financial support – a key component to operation under our contracts because of the invoice and payment process.

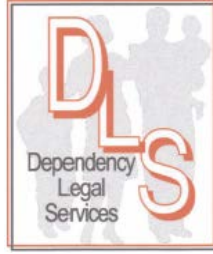
4. Finally, the notion that any county is “overfunded” is inconsistent with the reality that those of us who work in this field know to be true. Our attorneys throughout the state make far less than their agency counterparts sitting at the other end of counsel table and only a fraction of what their colleagues make on other appointed work. My staff has never had any increase, not even a cost-of-living adjustment. In fact, I have attorneys who are taking second jobs at nights and on the weekends as Uber© drivers and in retail department stores to make ends meet. They do this work because they are dedicated to the families we serve and they don’t expect to get rich working for a non-profit but it is difficult to attract and retain bright, competent attorneys when they can make twice the salary at the agency or doing other public interest work. Cutting our budgets further will make a difficult task impossible.

I urge this committee to adopt all of the recommendations relating to unspent and new monies. I fully support the regular and systematic reallocation of unspent funds every year to counties with critical needs. I welcome the opportunity to participate in the development of a new methodology that takes into consideration current caseload standard sources as well as the pending legislation in California, SB316. This is important work that is long overdue.

I also implore this committee not to adopt the four-year plan proposed in today’s report. I understand that there are counties right now in dire need and that this committee must find ways to manage that crisis immediately but this recommendation is not the way to solve the problem because it will simply move it from one county to another. While the negative consequences may be unintended they are not unknown or unanticipated. Please do not eliminate us in your efforts to help court appointed dependency counsel.

Thank you,

Candi M. Mayes, JD, MJM, CWLS



107 West Perkins Street, Suite 12 Ukiah, California 95482  
Every Client Empowered. Every Family Strengthened. Every Right Defended.

March 23, 2015

Re: Item 3, Court-Appointed Dependency Counsel Allocation

Ladies and Gentlemen of the Committee:

My name is David Meyers, and I am the Chief Operating Officer of Dependency Legal Services. DLS is a non-profit law firm built to represent children and families in California's child welfare system. We currently have personnel working in six Northern California counties: Humboldt, Mendocino, Lake, Sonoma, Marin and Stanislaus. In addition, from 2005-2012, I served here at the Judicial Council, as the senior attorney for the DRAFT program.

We have been paying extremely close attention to the many issues surrounding the Court-Appointed Counsel budget, and first would like to thank each of you for taking the time to consider these issues. And while our most vulnerable children and families throughout the state won't have any idea what is happening, they are the ones most impacted by your decisions today.

To that end, we are in strong support of this group adopting the majority of its recommendations, and in strong opposition to this group's recommendation to the Council regarding the reallocation of the budget over the next four years. Some counties in our state have been in crisis for a long time, some are newly entering, and with this recommendation, others will plunge into crisis as well.

Specifically, we fully support:

- All unspent funds being reallocated to historically underfunded counties;
- All new monies being allocated to first serve historically underfunded counties
- All recommendations regarding the development of a working group and new methodology

What we cannot support, however, is the notion of robbing Peter to pay Paul. Parity and equity are essential elements of any just judicial system, but creating problems for others to address problems for some does not accomplish this goal. The quality of dependency representation in our state can only move in one direction: forward.



Here is some information to support our request that we would ask you to consider:

1. The DRAFT program was created to address attorney compensation and caseloads and to improve outcomes. During the years of its formation, its participants, some of whom are here today, have developed sophisticated new models of practice which have indeed led to better outcomes for families. Today's proposed amendments will erode these advancements. For example:
  - a. Accountability and Supervision Infrastructure will disappear in small counties. In a large county, attorneys begin work with a large case load, but they are also greeted by a supervisor, firm director, and Executive Director, all of whom have years of experience, and are capable of meeting any clients' needs. In our small counties, I often function as all three of those individuals. In Marin, my compensation is less than .1 FTE and in Sonoma, it is roughly .3FTE. With these cuts, that infrastructure vanishes, because the money will have to be spent on case-carrying attorneys, leaving inexperienced attorneys isolated and forced to make decisions that could detrimentally impact their clients. The current methodology has always failed to take this into account, and these cuts would be the equivalent of funding courts to staff courtroom clerks only;
  - b. Small county recruitment and retention: Attracting quality dependency lawyers to work in Lakeport, Eureka or Ukiah is no easy task, and these lawyers not only need financial support, they also need access to the experts, investigators and mentors that their counterparts in the larger counties are able to have on staff in order to provide a comparable level of service.
2. Making a recommendation to develop a new methodology that works better along with a recommendation to reallocate based upon the existing one is fundamentally flawed. The existing methodology is based on outdated data and inaccurate numbers. None of the existing case-counting methods are said to produce accurate results, and circumstances change daily. In Humboldt, for example, the reported baseline is inaccurate and new leadership in child welfare has caused our filings to increase by more than 30%. Our Court already supplements their allotment to meet the demand, and this proposal would not only decimate these efforts, but would result in layoffs, refusals to accept appointments, and force us to once again face the biggest challenge we have there: finding qualified, competent attorneys to do this work.
3. Existing contracts must be honored. Some counties slated for these cuts are operating under existing, multi-year contracts. Providers have detrimentally relied upon the terms of these contracts and cancellation could result in lawsuits, more refusals to accept cases, and most importantly: the services to children and families will suffer.
4. Finally, the notion that any county is "overfunded" is inconsistent with the reality that those of us who work in this field know to be true. Attorneys throughout the state make far less than their counterparts who represent social services, and only a fraction of what their colleagues make on other appointed work. There are three

federal sources for caseload standards for children: The National Association of Counsel for Children, the American Bar Association, and a reported Federal decision from Georgia. All of these sources cite a significantly lower standard, and we now face pending legislation, SB 316, designed to bring us in accord with these federal sources.

Again, we urge this committee to adopt all recommendations relating to unspent and new monies, and welcome the opportunity to participate in the development of a new methodology. Instead of a wholesale reallocation based upon old data and inaccurate case counts, however, we recommend the committee do the following:

1. Re-evaluate the funding need over the next four years on a county-by-county basis. This happens naturally as contracts expire, and in counties where contracts are year-to-year, we recommend that Council staff be directed to develop an evaluation schedule and a fair process to include the providers and court staff in these discussions;
2. Continue the mid-year reallocation process every year to insure unspent funds are being directed to counties in crisis;
3. Continue to advocate for new money for Court-Appointed Counsel and commit to spending those new dollars to bring parity;
4. Supplement with additional funds from the Branch to fully fund this critically needed service and give children and their families just and equitable representation throughout the state.

Thank you for your time and for the opportunity to be heard.

Sincerely,

/s/

David M. Meyers, JD  
Chief Operating Officer  
Dependency Legal Services  
(916) 220-2853

March 19, 2015



*Transmitted by email to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov)*

Re: Trial Court Budget Advisory Committee  
March 23, 2015 Meeting  
Item 3, Court-Appointed Dependency Counsel Allocation

Dear Trial Court Budget Advisory Committee Members:

I am the Executive Director of East Bay Children's Law Offices (EBCLO), a nonprofit children's law firm. EBCLO has been the DRAFT provider of court-appointed legal representation of children in Alameda County Juvenile Dependency Court since July 1, 2009. Thank you for your time and attention to the critical issues involved in the court-appointed counsel budget. At stake is access to effective legal services for all California children and parents involved in the juvenile dependency court.

Along with Dependency Legal Services and others, we are in strong support of many of the Work Group's recommendations, but we are strongly opposed to the recommendation regarding the reallocation of the budget over the next four years. While we can agree that children and parents should have equal access to competent counsel in every county, the proposed reallocation plan is essentially "robbing Peter to pay Paul."

We join in support of:

- All unspent funds being reallocated to courts with a funding need.
- All new funds added to the budget being first allocated to courts with an allocation of less than 100% of need.
- Developing a joint working group to review the caseload funding model.

However, we have significant concerns about the proposed reallocation plan. Prior to making any reallocation, the Judicial Council should first and foremost ensure that it is relying on an accurate picture of each county's estimated funding need based on a current and updated funding model. It is not.

First, as indicated in the recommendations, there are a number of assumptions in the Caseload Funding Model (CFM) that need review and require the creation of a joint working group. Determining an equitable reallocation based on an unreliable funding model will wreak havoc on the ability to provide competent legal services to parents and children throughout the state.

Second, the 2007 CFM is based on out-of-date information that results in some counties being currently misclassified by funding region. The CFM must be updated before a meaningful reallocation can occur. Alameda County, for example, is the only contiguous bay area county placed in the lower funded DRAFT Region 3 instead of Region 4 (Contra Costa, Marin, San

Francisco, San Mateo, and Santa Clara). This seemed unusual and so I raised the issue prior to assuming the DRAFT contract for Alameda County, and several times since in the past five years. In 2011, I was informed that the 2007 methodology would be reviewed every five years. Then in October 2013, I was informed again by Judicial Council staff that the region classifications would be reviewed (or perhaps were already reviewed). If this has occurred, it has not been released publicly nor is it reflected in the current Estimated Funding Need as presented to this Subcommittee. Alameda County is probably not the only county for whom the CFM is out-dated.

Third, the workload for dependency attorneys has changed since 2007. For children's attorneys, our duties to our clients have only increased over the past five years. From receiving notice of a dependent child's suspension from school, to ensuring appointment of educational rights holders, to monitoring the appropriate usage of psychotropic medications, to participating in 241.1 crossover youth hearings, to simply visiting a child in their home environment, a child's attorney is required to do more than attend court hearings.

It is important to note that no provider of dependency legal representation is flush with funds and those counties that moved the services from a county function to a private function did so at a considerable reduction in costs borne by the private provider.

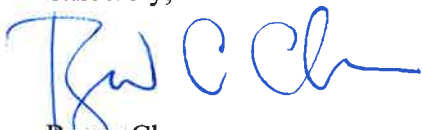
While we understand the need to reallocate funds in this difficult budgetary period, the current Statewide Implementation Costs data is misleading. As a result, implementation of the recommended reallocation will be devastating to counties like Alameda. Access to legal services for children and parents will be severely reduced, caseloads will increase, and court calendars will be impacted. The reallocation will essentially become a "race to the bottom" instead of fulfilling the goals and ethical obligations to provide quality legal representation to children and parents in juvenile dependency cases.

As stated in the comment by David Meyers and DLS, "parity and equity are essential elements of any just judicial system, but creating problems for others to address problems for some does not accomplish this goal." Likewise, we join in the other comments by Mr. Meyers and DLS.

We urge this committee to reject the recommendation for reallocation based upon old data and inaccurate caseload assessments. Any reallocation decision should be informed by an updated funding formula that provides the Judicial Council with a complete and accurate picture of the needs in each county.

Thank you for your consideration.

Sincerely,



Roger Chan  
Executive Director  
East Bay Children's Law Offices  
(510) 496-5201  
Roger.chan@ebclo.org



## SUPERIOR COURT OF CALIFORNIA COUNTY OF HUMBOLDT

Chambers of  
**Joyce D. Hinrichs**  
Presiding Judge

March 19, 2015

**RE:** Court Appointed Juvenile Dependency Counsel Funding Allocation

Dear Members of the Trial Court Budget Advisory Committee:

We are corresponding with the members of this Committee to express our concerns regarding Item 3 – Court Appointed Juvenile Dependency Counsel Funding Allocation.

We agree the funding methodology needs to be revisited and most likely revised. This program has been underfunded for years. Most courts are supplementing actual expenditures from their general fund because the baseline funding is insufficient. For example, in Attachment 2, the Four-Year Reallocation Recommendation, Humboldt's CFM Estimated Need is \$458,193.85 using the current methodology. However, going back as far as FY 09-10 Humboldt spent \$600,800 for this program. This is when the County Public Defender's Office was still representing children and contracting for the representation of parents. At that time, we were on pace to spend approximately \$800,000 by FY 14-15. In FY 11-12 we discontinued working with the County and entered in to multiple contracts for a total annual cost of \$600,000. Four years later, we are still spending \$600,000. And, this includes a \$40,000 contribution from our general fund each year.

The current funding model calculates the CFM Estimated Need by taking an average of children in dependency for the last three years, and then multiplying that number by a parent factor of .82. This results in a client caseload of 544 for Humboldt. Our actual client caseload is 729. One of the flaws in this methodology is using averages. The number of clients fluctuates from year to year. In fact, using this methodology Humboldt had 274 child clients in 2012 and 346 child clients in 2014. This is a 26% increase over three years. These are actual children and parents who require, and deserve, to be represented in our judicial system. And, this assumes the data from the California Department of Social Services is accurate. Currently, we are in the process of validating our child and parent caseload using our own data from our case management system. We anticipate this will be completed by the end of March and we will be



Members, Trial Court Budget Advisory Committee  
March 19, 2015  
Page 2 of 2


happy to share this data with the Committee. We are confident it will exceed the averages used to calculate our funding need.

If Humboldt's funding is decreased by the recommended \$40,000 in FY 15-16 the Court will be spending \$80,000 from our general fund to support this non-discretionary program. We do not have an extra \$40,000 in our general fund. Even if we receive new funding in FY 15-16, as it is proposed in the Governor's budget, it will not be enough to address all the funding shortfalls we have experienced over the last six years. More important, this is the impact in one fiscal year, and it becomes progressively worse over the next three years of the four year reduction strategy before you today.

In closing, Humboldt respectfully disagrees with the recommendations in this agenda item. Funding for dependency counsel has been a quagmire for many years and it truly is a complicated issue. There are many other funding models that might work better, and for this reason we do support convening a representative group of individuals and organizations to develop a model that is more responsive to the needs of children and parents. There are a number of reasons why the client number fluctuates from year to year and those reasons are out the Court's control.

If there is any additional information we can provide to the Committee please let us know. Thank you for considering this point of view while trying to make a difficult decision.

Very truly,



Honorable Joyce D. Hinrichs  
Presiding Judge

*(by Keenan)*



Kerri L. Keenan  
Court Executive Officer

# LEGAL ADVOCATES FOR CHILDREN & YOUTH

*Law Foundation of Silicon Valley*

152 N. Third St., 3<sup>rd</sup> Floor

San Jose, California 95112

[www.lawfoundation.org](http://www.lawfoundation.org)

Fax (408) 288-8850 • Telephone (408) 280-2440

March 23, 2015

Re: Item 3, Court-Appointed Dependency Counsel Allocation

Ladies and Gentlemen of the Committee:

My name is Jennifer Kelleher. I am the Directing Attorney of Legal Advocates for Children and Youth, a program of the non-profit organization Law Foundation of Silicon Valley. LACY provides legal services to youth throughout Santa Clara County, including court-appointed representation to juvenile dependents. We have provided juvenile dependency services under a contract with the Judicial Council since July, 2009.

The Judicial Council created the DRAFT program with a vision of implementing a statewide network of high-quality legal advocates for the most vulnerable children and their parents throughout California. This model assumed equitable compensation, reasonable caseloads, standards for supervision and training, and the support of the Judicial Council for the providers. This committee's investment of time into the issue of resource allocation for this vital work demonstrates your continued interest in meeting those promised standards.

It has become clear for a number of years that these standards cannot be met without an influx of resources. However, the pending proposal to cut dollars from a long list of counties only "spreads the suffering" to all of the agencies who have dedicated themselves to this difficult work. The figures and formulas used to determine these cuts in each county have significant flaws including inaccurate caseload counts, courtroom demands, and rudimentary estimates about the ratio of parents to children in any given case. The additional recommendations fail to reconcile how potential new funding garnered from the budget will impact these cuts.

The Council acknowledges that the current funding formula has resulted in inequities. As such, it seems near-sighted to make decisions that will necessarily result in lay-offs, caseload increases, and less favorable outcomes for children based upon it. For these reasons, my office asks the committee to reject Recommendations 1 and 2 in today's report.

Recommendation 8 in the report calls for the formation of a joint working group to review this model. In the course of conducting this review, the working group will have a great number of factors to consider. The report captures a number of these factors, all of which are important. In addition to considering those six factors, which include a review of the appropriateness of using regional indices, certain cost estimates and measurements for tracking caseloads, I urge the working group to consider the following:

- Calling for a new study to determine appropriate caseload levels for attorneys that recognizes the evolution in practice models, including the distinction in roles between law office social workers and investigators.

## LEGAL ADVOCATES FOR CHILDREN & YOUTH

*Law Foundation of Silicon Valley*

152 N. Third St., 3<sup>rd</sup> Floor

San Jose, California 95112

[www.lawfoundation.org](http://www.lawfoundation.org)

Fax (408) 288-8850 • Telephone (408) 280-2440

- Inclusion of annual adjustments to a county's estimated need based on changes to cost of living.
- Regular adjustments, whether annual or otherwise, to a county's estimated need based on substantial changes to workload.
- Whether estimates for benefits and overhead costs should vary geographically.

My office agrees in an allocation of funds that prioritizes fairness and equity. The only way to ultimately reach this goal will be to adopt a funding model that is comprehensive and accurate. As this model is being developed, we look forward to continuing this dialogue with the Council and working with our colleagues to urge the Legislature take the steps necessary to fully fund the court-appointed counsel budget.

Sincerely,



Jennifer Kelleher  
Directing Attorney





THE BAR ASSOCIATION OF  
SAN FRANCISCO

March 20, 2015

2015 OFFICERS AND  
BOARD OF DIRECTORS

Timothy W. Moppin  
President

Michael F. Tubach  
President-Elect

Merri A. Baldwin  
Treasurer

Malcolm A. Heinicke  
Secretary

Marvin K. Anderson  
Teresa Caffese  
Joseph J. Catalano  
Alicia M. Gámez  
Teresa Johnson  
Karen G. Johnson-McKewan  
Kwixuan H. Maloof  
Peter C. Meier  
Theodore B. Miller  
Mike Moye  
Ann N. Nguyen  
Natalie Pierce  
Teresa Renaker  
Maulik G. Shah  
Charlene (Chuck) Shimada  
Quyên Ta  
William F. Tarantino  
John S. Worden

BARRISTERS CLUB  
OFFICERS

Valerie A. Uribe  
President

Blair K. Walsh  
President-Elect

Jason J. Galek  
Treasurer

Diana Kruze  
Secretary

EXECUTIVE DIRECTOR AND  
GENERAL COUNSEL

Yolanda Jackson

Judicial Council of California  
Trial Court Budget Advisory Committee  
ATTN: Bob Fleshman at [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov)

Re: March 23, 2015 Meeting of Trial Court Budget Advisory Committee,  
Item 3, Court-Appointed Dependency Counsel Allocation (Action Item)

Dear Members of the Trial Court Budget Advisory Committee:

I write as chair of the Lawyer Referral and Information Service (LRIS), a California State Bar certified program and the oldest and largest public service program of The Bar Association of San Francisco, an 8,000 member organization.

The LRIS is committed to providing access to quality legal services, and consistent with the mission of BASF, annually provides legal services to many thousands of disadvantaged and underserved individuals in San Francisco. The LRIS also oversees the administration of the Dependency Representation Program of San Francisco, the sole provider of highly qualified legal representation to children and families in our Dependency courts.

We write to request additional time to provide comments to the Judicial Council's Trial Court Budget Advisory Committee which meets Monday, March 23, 2015.

I am in receipt of the materials for the March 23<sup>rd</sup> meeting and I am advised that the materials were distributed on Wednesday, March 18<sup>th</sup>, calling for comment by close of business Friday, March 20<sup>th</sup>. As adoption of Action Item 3 and its subparts will create profound impact on the delivery of services to families served not only by our Superior Court and dependency counsel in San Francisco, but also throughout the state, I urge you to delay the deadline for comment so that organizations dedicated to serving our neediest citizens are provided with a meaningful opportunity to consider the implications and outcomes of the numerous recommendations outlined in Item 3.

Grave and irreparable consequences must be avoided and thoughtful consideration to any proposed changes must be given ample time for meaningful consideration. Surely more than two days should be provided.



THE BAR ASSOCIATION OF  
SAN FRANCISCO

Letter to Trial Court Budget Advisory Committee  
March 20, 2015  
Page 2

On behalf of the LRIS, I urge you to expand the period of time for comment on these multifaceted proposals, and thus delay action on this agenda item accordingly.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'David Otsuka'.

David Otsuka  
Chair, Lawyer Referral and Information Service

Direct Contact Information:  
David Otsuka  
Managing Counsel  
Wells Fargo Law Department  
45 Fremont Street, 27<sup>th</sup> Floor  
San Francisco, CA 94105  
(415) 222-4951  
Otsukady@wellsfargo.com

# San Francisco Counsel for Families & Children

459 Fulton Street, Suite 208

San Francisco, CA 94102

Tel: 415-310-6048

Fax: 415-653-0036

[www.sfcfc.org](http://www.sfcfc.org)

March 20, 2015

Judicial Council of California  
Trial Court Budget Advisory Committee  
ATTN: Bob Fleshman at [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov)

Re: Item 3, Court-Appointed Juvenile Dependency Counsel Funding Allocation

Members of the Committee:

San Francisco Counsel for Families & Children (SFCFC) is a policy organization comprised of juvenile dependency attorneys working in the City and County of San Francisco. Each of us has independently gained admission to the San Francisco Dependency Panel which is administered through the Bar Association of San Francisco (BASF). BASF's Lawyer Referral and Information Service engages in a vigorous application and evaluations system to ensure that attorneys appointed by our court are highly experienced and efficient.<sup>1</sup> Attorneys on this panel average 17 years in experience. Twenty-five percent of our attorneys have obtained or are studying for the Child Welfare Legal Specialist certification. These knowledgeable, efficient attorneys are cost effective and dedicate countless volunteer hours to collaborate with our Court to continually assure efficiencies due to the very limited funding available. Because we are independent attorneys, we have joined together to create SFCFC to speak with one voice on policy issues that affect our community.

We urge the Trial Court Budget Advisory Committee to delay action on Item 3 at this time. The recommendations made by the Court Appointed Dependency Counsel Funding Allocation Work Group will bring profound change to dependency courts throughout the state – some courts will receive modest increases to their annual funding while others will incur comparatively significant reductions. Providing the dependency legal community, the Trial Courts, and most importantly, the families and youth of the state only two days to analyze and prepare comments for such drastic reductions to many counties' funding is fundamentally unfair.

---

<sup>1</sup> Please note the rigorous application found at:

<http://www.sfbar.org/lawyerreferrals/> and the evaluation procedure in the Superior Court's Policies and Procedures Manual on the Dependency (<http://www.sfbar.org/lawyerreferrals/att-drp.aspx>). Each attorney must re-qualify his or her experience and fully satisfy the evaluation process every three (3) years.

If the Committee nonetheless acts today, we urge the Committee as follows:

- Reject recommendations #1 and #2 from the Work Group.
- Approve recommendations #4, #6, and #8.
- Approve a modified version of recommendation #5, whereby any supplemental funds received from the State Legislature apply immediately to the Trial Courts most in crisis, while leaving the budgets of other counties intact. *See attached Proposal of Distribution of 33M.*

We are asking the Committee to FIRST, DO NO HARM. There are no *overfunded* counties. Taking money away from counties that are working hard and struggling to provide adequate representation based on their current budgets so that other counties can achieve a slightly improved budget will only result in a greater number of counties statewide providing inadequate representation for their clients.

That said, the undeniable truth is that some counties are in far deeper crisis than others. The Legislature is currently contemplating a supplemental allocation for dependency counsel in the amount of \$33,352,748. This money is desperately needed, and the energy of the Judicial Council and dependency attorneys statewide should be focused on ensuring that this supplemental money is fully authorized. Although the methodology is flawed, SFCFC agrees that the counties calculated to be under 90% of CFM need more funding immediately. Once allocated, this money should be distributed according to need-based funding formula urged in the January 5, 2015 report to the Trial Court Budget Advisory Committee called "Formula 3" so that the counties with the greatest need receive additional funding as quickly as possible. Attachment 1 to this letter provides for the specific allocation of these additional funds to the highest needs courts – all in one year.

Funding should not be taken away from any county without first developing a methodology that the Council and all stakeholders can trust. For that reason, we urge the Committee to approve recommendation #8. While we agree with the workgroup's finding that the "financial assumptions [within the current caseload funding model] could be usefully revisited," this vastly understates the need for an updated methodology:

- Accurate numbers of dependent children are necessary: UC Berkeley's numbers of children in each county's dependency system are not accurate and do not fully capture the work of our dependency courts.
- Accurate numbers of appointed counsel for parents are necessary: The multiplier of 1.77 clients per child used to determine the number of clients receiving appointed counsel, under-reports the number of clients receiving court-appointed counsel. In San Francisco, the number of clients based on UC Berkeley numbers amounts to 2200 clients while



BASF reports 3000 clients. San Francisco appoints counsel at a rate of 2.5 per child.

- Court Funding Models must be updated: The Work Group is relying on Judicial Council's Oct. 26, 2007 Report in determining 2015 funding levels. Since 2007, the Consumer Price Index rose by 14% statewide, and by 16% in San Francisco. The cost of commercial real estate rose by 100% in San Francisco. Moreover, the Court Funding Model fails to follow the State Bar Guidelines on the Delivery of Services in Indigent Defense (2006).
- Workload Time-Studies Must be Updated: The data relied upon in the 2004 time-study report was collected in 2002. Attorney representation models, local court practices, and statutory obligations of counsel have evolved and increased substantially in the past 13 years. Data supporting funding cannot be based solely on inaccurate case counts premised on assumptions out of date. Currently, and statewide, funding models for legal services are based on case-weighting analysis and should apply with equal force to dependency courts.

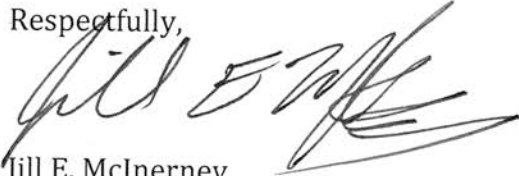
The Judicial Council has determined San Francisco's Court Funding Need to be \$2.9 million, which is approximately \$1 million less than its current budget. That number was developed by relying on data from the 2002 time-study, published in 2004, based on market conditions as they existed in 2007. Reliance on an outdated methodology will not only result in irreparable harm to the clients served in San Francisco, it's simply wrong to do so.

The proposed cuts to San Francisco represent a potential 46% cut to our dependency counsel budget within the next four years. The Committee should not cut funding to any county by using inaccurate case count, outdated economic models, and stale time-study methodologies.

We implore the Committee to delay action on this item so that the Work Group can receive further input from all stakeholders before making recommendations that will eradicate meaningful representation of our most vulnerable children and parents in so many counties. The state's children and families should not be pitted against one another by county. All counties deserve full funding, utilizing current conditions, accurate data, and updated standards of practice given the current statutory requirements of counsel.

Thank you for your careful consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Jill E. McInerney". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jill E. McInerney  
Executive Director  
San Francisco Counsel for Families & Children

COUNTY	Formula 3 Share of Net	\$33,352,418 allocated proportional to share of net \$ needed	CFM Estimated Funding Need	Base CAC Funding Level	Total new Funding after Allocation of Supplemental Funding Based on Formula 3	New Base/CFM
Alpine	0.00%	\$0	\$0	\$0	\$0	
Butte	0.39%	\$130,074	\$833,637	\$664,759	\$794,833	95.35%
Calaveras	0.35%	\$116,733	\$226,027	\$76,519	\$193,252	85.50%
Colusa	0.12%	\$40,023	\$50,570	\$0	\$40,023	79.14%
Glenn	0.26%	\$86,716	\$166,061	\$55,250	\$141,966	85.49%
Kern	2.52%	\$840,481	\$3,108,448	\$2,023,943	\$2,864,424	92.15%
Kings	1.13%	\$376,882	\$686,525	\$199,672	\$576,554	83.98%
Los Angeles	56.60%	\$18,877,469	\$57,151,312	\$32,782,704	\$51,660,173	90.39%
Madera	1.24%	\$413,570	\$586,978	\$53,031	\$466,601	79.49%
Mariposa	0.04%	\$13,341	\$51,592	\$32,243	\$45,584	88.35%
Merced	1.09%	\$363,541	\$1,064,522	\$593,861	\$957,402	89.94%
Modoc	0.01%	\$3,335	\$20,432	\$16,064	\$19,399	94.95%
Mono	0.01%	\$3,335	\$17,875	\$12,329	\$15,664	87.63%
Monterey	0.78%	\$260,149	\$667,373	\$329,570	\$589,719	88.36%
Napa	0.27%	\$90,052	\$294,547	\$176,430	\$266,482	90.47%
Placer	0.76%	\$253,478	\$743,664	\$418,422	\$671,900	90.35%
Riverside	14.08%	\$4,696,020	\$10,235,491	\$4,171,898	\$8,867,918	86.64%
San Benito	0.41%	\$136,745	\$209,882	\$31,885	\$168,630	80.35%
San Bernadino	10.21%	\$3,405,282	\$7,983,596	\$3,587,297	\$6,992,579	87.59%
San Mateo	1.69%	\$563,656	\$1,050,916	\$323,022	\$886,678	84.37%
Shasta	0.86%	\$286,831	\$940,396	\$569,416	\$856,247	91.05%
Sutter	0.44%	\$146,751	\$272,155	\$84,083	\$230,834	84.82%
Tehama	0.51%	\$170,097	\$313,635	\$93,909	\$264,006	84.18%
Trinity	0.08%	\$26,682	\$119,529	\$83,204	\$109,886	91.93%
Tulare	2.18%	\$727,083	\$1,598,826	\$658,892	\$1,385,975	86.69%
Tuolumne	0.34%	\$113,398	\$210,459	\$63,981	\$177,379	84.28%
Ventura	2.92%	\$973,891	\$2,010,744	\$755,357	\$1,729,248	86.00%
Yolo	0.54%	\$180,103	\$565,644	\$333,430	\$513,533	90.79%
Yuba	0.15%	\$50,029	\$264,659	\$199,732	\$249,761	94.37%
TOTALS	99.98%	\$33,345,748			\$81,736,651	

Formula 3 is an allocation formula recommended in the Trial Court Budget Advisory Committee's January 5, 2015 Report to the Judicial Council titled: "Juvenile Dependency: Court-Appointed Counsel Funding Reallocation"



## **DEPENDENCY ADVOCACY CENTER**

111 W. St. John Street, Suite 333 · San Jose, CA 95113 · 408.995.0714

March 23, 2015

Re: Item 3, Court-Appointed Dependency Counsel Allocation

Ladies and Gentlemen of the Committee:

My name is AnnaLisa Chung and I am a founder and the Chief Executive Officer of Dependency Advocacy Center. DAC is a non-profit legal services organization created to provide court-appointed counsel to parents and conflict children in Santa Clara County. As a DRAFT program provider since October 2008, DAC utilizes a multi-pronged approach to advocacy incorporating a team of attorneys, social workers and mentor parents who work in concert to give our clients and their families the best possible chance for success. DAC's ability to continue providing this innovative approach will be jeopardized if the Committee adopts the full slate of recommendations today.

Access to justice has and continues to be a very real concern for our dependency court children and families and we are grateful for this Committee's commitment to making statewide improvements in this area. In early 2008, the San Jose Mercury News published a series of articles that resulted from a yearlong investigation of California's Dependency Courts. Overwhelming caseloads, high staff turnover, inexperienced attorneys, and the inability to attain justice for families as a consequence of these deficiencies were among the many criticisms raised. I was asked specifically how DAC was going to address these concerns, if selected to be the DRAFT provider in Santa Clara County, and our model, with its unique approach that elevated representation for both parents and children, was viewed as a strength. DAC was not "overfunded" in 2008, but rather appropriately funded to implement this model and to meet the goals of the DRAFT program in our county. In 2011, this budget was reduced by 20%, resulting in layoffs and further widening the gap between our attorneys and their counterparts who represent social services and who are among the highest paid County Counsel in the state.

Despite flaws in the current caseload funding methodology, it is evident that there are a number of counties in California who are desperately in need of additional funding now. The reallocation of unspent funds approved by the Judicial Council on January 22, 2015, is a mere step toward bringing parity to these historically underfunded counties. In furtherance of this goal, DAC supports recommendations 3 through 8, as well as legislative efforts currently underway to increase the overall pot of available funding for court-appointed dependency counsel. Additionally, we are in full support of any new monies being first allocated to counties with the greatest need.

While it is imperative that the Judicial Council and the Legislature prioritize a plan for parity and equity to be achieved throughout the State, DAC strongly opposes the approach being proposed in recommendations 1 and 2, which would have a devastating impact on counties like Santa




March 23, 2015  
Page 2 of 2

Clara. The practice of dependency law is continuously evolving, case counting methods are imprecise, and the data used to develop the existing funding methodology is outdated. To approve a four-year budget reduction plan based on inaccurate data is a dangerous proposition and may result in many counties taking a step back in the depth and quality of representation that they have been providing. Moreover, and more importantly, it is our dependency court children and their families who will feel the greatest impact of these changes. A thoughtful and comprehensive approach to the reallocation of existing court-appointed dependency counsel funding must precede any action that would drastically reduce funding to any of our counties.

DAC fully supports the immediate implementation of recommendation 8 and would encourage the Committee to ensure that a cross-section of DRAFT and non-DRAFT providers be given the opportunity to join or provide input to the joint working group. We recognize the urgency to assist our counterparts throughout the State and look forward to participating in these efforts.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "AnnaLisa Chung".

AnnaLisa Chung  
Chief Executive Officer  
Dependency Advocacy Center

**From:** [Judge Cindee Mayfield](#)  
**To:** [TCBAC](#)  
**Subject:** Dependency funding re-allocation  
**Date:** Friday, March 20, 2015 10:54:51 AM

---

Dear Members of the Trial Court Budget Advisory Committee:

I write to you as a former Presiding Judge, former member of the Trial Court Budget Advisory Committee, and current Juvenile Court judge in the Mendocino County Superior Court. I understand the difficult recommendation you have been asked to make to the Judicial Council about how to fairly allocate funding to the 58 California counties to provide for court-appointed dependency counsel. While I understand the need to achieve parity in state funding, I am very concerned about the unintended consequences of the re-allocation which you have been asked to approve at your meeting on March 23, 2015.

Mendocino County was one of the first ten counties in California to adopt the DRAFT program. I was serving as the Juvenile Court judge when DRAFT was initiated. I lobbied to be included in the program in order to address chronic problems which plagued our dependency court. Prior to DRAFT, the Public Defender accepted appointments to indigent parents in dependency court. Usually the most junior members of the office were assigned; these attorneys received inadequate training; and, for the most part, they quickly rotated out of this assignment into other jobs in counties where the pay was higher, or to more “prestigious” felony assignments. Court clerks would have to make telephone calls to local attorneys almost daily to find attorneys willing to represent children or other parents. Few local attorneys wanted to undertake the difficult work in dependency court for the very low hourly rate of pay which the court was able to offer. As you can imagine, the quality of representation was low.

DRAFT immediately changed the situation in the Mendocino County Juvenile Court. The Judicial Council staff contracted directly with subject matter experts to provide dependency representation, offered additional training for DRAFT attorneys, and contracted for support staff. The pool of 4 DRAFT attorneys in Mendocino County has been stable for many years. These quality of representation is currently good to excellent. The recommendation to reduce by almost half state funding for dependency counsel in Mendocino County will devastate this highly successful program.

The charts provided to the TCBAC depict a shocking imbalance in dependency funding state-wide which cannot be ignored. However, the premise upon which the proposed re-allocation is founded—that 26 counties are “over-funded” for dependency counsel services—is fundamentally flawed. In Mendocino County, the DRAFT contracts take into account workload based upon the state-wide caseload study, comparable hourly rates of pay in the region, and cost of living. The contracts are reasonable, not lavish. Should court-appointed attorneys for indigent parents be called upon to accept *significant* (25-50%) reductions in funding over a four year period because the State has decided to “cap” dependency funding at 75% of what the State acknowledges is actually needed? It is insulting to call this a “solution” to the problem.

Yet if the TCBAC adopts the proposed four-year funding re-allocation this will undoubtedly be the outcome. Trial courts no longer have fund balances to draw from to pay unexpected expenses or

unfunded mandates. The Legislature's decision to limit trial courts to fund balances which cannot exceed 1% of annual budget assures that this court has absolutely no way to pay the 25% (or higher) deficit should state-funding of dependency counsel be reduced to 75% of need. Since the court will not be able to fund dependency counsel at anything approaching the current rates, I expect the dependency court to regress to what it was like pre-DRAFT: the current attorneys will either leave field for better paid full time legal positions or may try to practice dependency part-time while working in other courts in order to support themselves and their families. I expect more delays in time-sensitive dependency cases, more stress, and an overall decline in the quality of representation as attorneys limit their services to the bare essentials. Is this what parents trying to reunify with their children deserve? Is this what children seeking permanency deserve?

On paper, funding all courts at 75% of need may appear "fair." This is merely an illusion. Artificially capping dependency funding at \$103 million and re-distributing the funds so that each court receives 75% of need would decimate the constitutionally mandated provision of court-appointed counsel to families served by the dependency court. The issues at stake in dependency cases are monumental and the system is complex. If the Judicial Council is genuinely concerned about families and access to justice, the most significant investment it can make is the provision of adequate numbers of qualified dependency counsel state-wide. A responsible approach to resolving the funding disparity involves first increasing the overall amount of dependency counsel funding to something approaching the current need.

Thank you for considering my comments,

Cindee Mayfield  
Judge of the Juvenile Court



*Superior Court*  
State of California  
County of Lake  
255 N. Forbes Street  
Lakeport, California 95453  
707-263-2374

STEPHEN O. HEDSTROM

\_\_\_\_\_  
PRESIDING JUDGE

\_\_\_\_\_  
KRISTA D. LeVIER

\_\_\_\_\_  
COURT EXECUTIVE/CLERK  
JURY COMMISSIONER

March 20, 2015

Trial Court Budget Advisory Committee

Re: Item 3 Court-Appointed Dependency Counsel

Dear Committee Members:

We are writing to express our concern with the recommendation to reallocate Court-Appointed Dependency Counsel funding over the next four years, beginning in Fiscal Year 2015/16.

First, the attorneys in our County have signed multi-year contracts to provide dependency counsel services to our Court. These contracts are with the Judicial Council, as we participate in the DRAFT program. Given how close we are to the beginning of the next Fiscal Year, there is not enough time to renegotiate current contracts or go out to bid for new contracts.

The second concern is recruitment and retention of qualified attorneys. We are a small rural County and it is extremely difficult to recruit and retain experienced, qualified attorneys. Reducing the funding available for dependency counsel in our court will reduce the quality of representation to children and parents.

Lastly, it seems pre-mature to make such drastic reductions in funding allocations based on a funding methodology that is outdated and scheduled to be reviewed. We urge you to wait to make any allocation decisions until such time as the funding methodology can be reviewed and validated. Thank you for your time.

Sincerely,

Handwritten signature of Stephen O. Hedstrom in cursive.

Stephen O. Hedstrom  
Presiding Judge

Handwritten signature of Krista LeVier in cursive.

Krista LeVier  
Court Executive Officer



Superior Court of California  
COUNTY OF ALAMEDA

Executive Office  
René C. Davidson Courthouse  
1225 Fallon Street, Oakland, CA 94612  
Telephone: (510) 891-6012


---

## Memorandum

---

**Date:** March 20, 2015      **Action Requested:** Review and accept other changes

**To:** Members of the Trial Court Budget Advisory Committee      **Deadline:** March 20, 2015

**From:** Winifred Y. Smith, Presiding Judge       **Contact:** wsmith@alameda.courts.ca.gov  
Ph: (510) 891-6040

**Subject:** Dependency Counsel Caseload Funding Recommendation

Dear Members of the Trial Court Budget Advisory Committee:

As you know, I participated in the Court Appointed Dependency Counsel Working Group that generated the recommendation being considered as Item 3 on your March 23, 2015, agenda, Court-Appointed Dependency Counsel Allocation. My comment pertains to a narrow issue not directly addressed by either the Working Group or the recommendations being considered, and specifically relates to Recommendation 8:

*That a joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be established to review the caseload funding model for court appointed dependency counsel*

No timeframe for the establishment and activity of the joint working group is articulated; in my view, the working group must be convened immediately and must conclude its work in time to inform the planned FY 15-16 reallocation. To institute a reduction of the magnitude proposed, 20 percent, based on data that has not been updated since 2007, would be unwise and unfair. Updated data may result in a very different picture of funding need, necessitating a reallocation in FY 16-17 simply to correct what was done the previous year. Further, irrespective of the impact on any particular court or courts, sound public policy suggests that, if current data is available (which it is), that data should be used as the basis for any allocation methodology.

cc: Leah T. Wilson, Executive Officer

WYS/LTW/gal

**From:** [Krekorian, Kenneth](#)  
**To:** [TCBAC](#)  
**Subject:** Committee Meeting of March 23, 2015-Action Item 3  
**Date:** Friday, March 20, 2015 1:30:24 PM

---

Judge Earl and Members of the Trial Court Budget Advisory Committee:

I am the Executive Director of Los Angeles Dependency Lawyers. Los Angeles County is identified as an underfunded county. Our Base/CFM is presently at 57.4%. As a result of being significantly underfunded, our caseload/workload is significantly higher than most of the state. As the county with the largest child and parent dependency population the effect of continued underfunding on clients and our attorneys has been extremely negative. Outcomes for children and the families have been negatively affected.

I have read the Summary and Recommendations of the TCBAC Subcommittee on Juvenile Dependency Representation and dependency funding, specifically Item 3, 'Court Appointed Juvenile Dependency Counsel Funding Allocation (Action Item).' After review of Item 3's analysis, I support the recommendations, specifically recommendations 1-7 included in the report. I believe the way in which the reallocation of existing dependency funding is being proposed is fair and properly measured. It allows the overfunded counties to have funding slowly reduced to the appropriate level, allowing them to gradually adjust to the change, and, at the same time, it immediately begins giving the needed relief to the underfunded counties starting with this next fiscal year.

Resolution of all of the issues contained in Recommendation 8 are, in themselves, critical to the health of dependency representation. I request the recommendation that a joint working group be immediately formed to consider the questions posed in this recommendation be approved. Eight a.- c. of this recommendation must be immediately reviewed. In Los Angeles County there is a huge inequity of salaries between attorneys in the government sphere and dependency child and parent lawyers. I have heard this is also a state-wide issue. In Los Angeles salaries for government lawyers start out about 15% higher than dependency lawyers and within a year can rise to as much as 40% higher. Thereafter, the salary and benefit differential widens further. Something must be done to reach one of the Blue Ribbon Commission's goals of making dependency representation attractive enough so that attorneys who enter the employment of dependency representation then wish to make it their career goal.

Thank you, for your consideration.

Kenneth Krekorian

**From:** [Cheryl Hicks](#)  
**To:** [TCBAC](#)  
**Subject:** Item 3, court Appointed Dependency counsel funding allocation  
**Date:** Friday, March 20, 2015 12:13:21 PM

---

Members of the Committee:

I am the executive director of Juvenile Dependency Counselors, (JDC), and we are contracted to provide representation to parents, legal guardians and conflict minors for the Alameda County Superior Court. We at JDC were surprised to find out our county is considered overfunded for dependency representation. Our contract began in 2010 and at that time we were instructed that the new funding for dependency representation would be reduced by ten percent. Our attorneys all took cuts in pay to continue provide representation to the families of Alameda County. We have received no increases in our contract amount since its inception. Our attorneys are paid far less than their counter parts with similar experience and training. Most are forced to supplement their income from other sources.

We were also deeply disturbed by the budgetary numbers provided to us recently that show how poorly funded other counties in California are for dependency representation. Therefore we support the recommendations that all unspent funds be reallocated to counties in crisis, all new monies be reallocated to first serve counties with the greatest need, and the creation of a working group and development of new funding methodology.

We want to join with our colleagues and encourage the committee to seek proper funding for all California counties so that each party in a juvenile dependency case, parents and children, receives the quality representation they are statutorily entitled to. This cannot be achieved by the adoption of the four year plan proposed in the report.

Additional funding for court appointed dependency representation must be allocated.

Thank you for your time and attention.

Cheryl Hicks  
President/Executive Director  
Juvenile Dependency Counselors  
Sent from my iPad



# Children's Law Center of California

Excellence In Advocacy

March 20, 2015

Trial Court Budget Advisory Committee  
Judicial Council of California  
Attn: Bob Fleshman  
tcbac@jud.ca.gov

*SENT VIA ELECTRONIC MAIL*

**RE: Court Appointed Juvenile Dependency Counsel Funding Allocation**

Dear Honorable Members:

Children's Law Center of California ("CLC") submits this statement in support of the recommendations of the Court Appointed Dependency Counsel Funding Allocation Work Group ("the work group") of the Trial Court Budget Advisory Committee. We also want to recognize the commitment and diligence demonstrated by the work group since its creation in the fall of 2014. The steps being recommended today to address the highly troubling inequities in dependency counsel funding are critical to securing a permanent solution to this longstanding problem.

By way of background, CLC, formerly known as Dependency Court Legal Services, was founded in 1990 as a non-profit public interest law corporation designed to serve as dependency court appointed counsel for parents and children. In an effort to improve the quality of legal representation for children, the Los Angeles County Superior Court created a policy designating CLC as the first choice for representation of children. Accordingly, CLC focused on representing children in abuse and neglect proceedings and improved resources tailored to that goal. In 2011, CLC expanded to Sacramento, where we now also represent the foster children of Sacramento County. With a staff currently numbering over 275, CLC serves as the "voice" for over 32,000 abused and neglected children in California.

**Support for Equitable Distribution According to Workload**

With inadequate funding and in some counties unconscionably high caseloads, court appointed dependency counsel throughout California are struggling to meet their legal mandates. Currently, 30 counties do not receive sufficient funding to meet even the *maximum* American Humane Society caseload recommendation of 188 clients per attorney. In many of these counties, including Los Angeles, dependency attorneys are representing more than 300 clients each. This is a travesty of justice for the families involved in the foster care system. Without access to high quality legal representation, children have no voice, their trauma is compounded and the promise of a fair and just legal system is broken.

To address this critical issue, the work group has recommended that the current funds earmarked for California's court appointed dependency counsel be reallocated and distributed according to workload. The recommendation suggests a 4-year implementation plan, which will eventually provide



each county with 75.7% of the funds needed to achieve the target attorney caseload of 188 cases per attorney. CLC supports this recommendation and plan for implementation.

Undoubtedly there will be opposition to the recommendation. Reliance on historical allocations has resulted in huge discrepancies in caseloads throughout California. In addition, the entire allocation for California's court appointed dependency counsel is significantly less than the demonstrated need. While we sympathize with those counties who will, without new funding, suffer reductions, there is no way to reallocate pursuant to workload without decreasing certain distributions. Any "solution" that does less for the most impacted counties than what is proposed today or that relies exclusively on new money is not a solution.

We understand this will result in difficult adjustments for some counties. In fact, according to the estimates in the work group's recommendation, funds allocated for CLC in Sacramento will be decreased as a result of the reallocation.<sup>1</sup> However, the plan to implement over a period of 4 years allows us time to plan and adjust for these changes. Furthermore, without an increase in overall funding, there is no other way to address the dire caseload crisis impacting many California counties. The work group recommendation is the most equitable methodology of distributing the funds that exist today. Consistent with a fair and just state wide judicial system, counties throughout the state must equally share the burden of the shortfall in funding.

### **The Work Group's Recommendations Should be Adopted Forthwith**

There has been a suggestion that the Trial Court Budget Advisory Committee hold off on implementation of the work group's recommendations. We strongly oppose any delays for several reasons. First, the current situation should not be sustained. A difference of over 200 clients per attorney in similarly structured organizations is not justifiable. Crushing caseloads in Los Angeles and other underfunded counties, for example, have forced attorneys to take a triage approach to representation, jeopardize compliance with federal time lines and are causing experienced attorneys to seek employment elsewhere. Interestingly, it is not low pay – but rather the frustration and stress of not being able to meet their legal and ethical mandates and responsibilities is the number one reason given for resignation.

Second, and importantly, both the Executive and Legislative branches have made it clear that until there is a demonstrated commitment to reducing the current inequities it is highly unlikely that the overall shortfall in court appointed dependency counsel funding will be addressed through the state budget process. For the past two years, CLC has asked the Legislature and Governor Brown to increase the current allocation by \$33.4 million so that the goal of 188 clients per attorney can be actualized. We are consistently asked about the current inequities in distribution, and have been told that the requested increase is extremely unlikely unless and until this issue is resolved. Thus, we strongly urge the Trial Court Budget Advisory Committee to act now.

---

<sup>1</sup> CLC's does note that our data as to the Sacramento caseload differs from the data presented in Attachments 1 and 2. See Areas for Additional Consideration #3 below.

## **Areas for Additional Consideration**

1. *The importance of the Judicial Council's Commitment to Increase the Overall Allocation to \$137.1 Million as recommended by the Chief Justice cannot be overstated.*

Though the recommendation acknowledges that the goal of 188 clients per dependency attorney cannot be met without an overall allocation of \$137.1 million; there is no suggestion to provide any increase to the allocation without a specific increase in the state budget. We urge the Judicial Council will consider a commitment to increase the allocation *regardless* of the actions of the state. We also urge the Judicial Council to continue to work closely with Legislative and Executive Branches to ensure that the need for an increased allocation gets the attention it deserves.

2. *Remove Any Suggestion that the Current Proposal Would Fulfill "100% Need" of Any County*

Throughout the recommendation and in the attachments, there are notations which indicate that at the conclusion of the 4 year plan counties will be funded at "100% need." This nomenclature is misleading, as it suggests that the methodology will eventually address the overall shortage in funding. While we understand that this refers to the proportions/percentages of base funding and percentage of need funding the wording can be easily misunderstood to mean that 100% of actual need rather than 75.7% of need will be met. This confusion has the potential to unintentionally disrupt current efforts to increase the allocation in the state budget.

3. *Ensure Data Accurately Represents Dependency Cases in Each County*

Several agencies have expressed concern over the data reflected in the charts. We share these concerns, as the Sacramento County data regarding court-supervised cases is not consistent with our current numbers. This data and the method for determining the workload must be revisited and clarified, ideally with vendor/stakeholder input prior to implementation, as a plan to distribute equitably according to workload must presume accurate data. This need for corrected data should not be a bar to approving this proposal.

In sum, CLC respectfully requests that the recommendations of the work group be adopted and implemented over the next four years. CLC would like to thank the Trial Court Budget Advisory Committee for their hard work and for this proposal. I will be in attendance at Monday's meeting and look forward to answering any questions that you might have.

Sincerely,



Leslie Starr Heimov  
Executive Director



## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 16 or 17, 2015

---

Title	Agenda Item Type
Court Facilities: Declaration of San Pedro Courthouse as Surplus Property	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
	April 16 or 17, 2015
Recommended by	Date of Report
Facilities Policies Working Group	March 20, 2015
Hon. Douglas P. Miller, Chair	Contact
Hon. Marla O. Anderson, Vice Chair	Eunice Calvert-Banks, 415-865-4048 <a href="mailto:eunice.calvert-banks@jud.ca.gov">eunice.calvert-banks@jud.ca.gov</a>
	Charles Martel, 415-865-4967 <a href="mailto:charles.martel@jud.ca.gov">charles.martel@jud.ca.gov</a>

---

### Executive Summary

In connection with the Judicial Council's authority and responsibility to dispose of surplus court facilities under Government Code section 70391(c) and rule 10.183 of the California Rules of Court, the Facilities Policies Working Group (FPWG) recommends that the council declare the San Pedro Courthouse to be surplus property.

The FPWG further recommends that the council direct Judicial Council staff to notify the Legislature that the court facility is surplus and take all actions necessary to obtain the Legislature's authorization to dispose of the surplus facility in accordance with Government Code sections 70391(c) and 11011.<sup>1</sup>

---

<sup>1</sup> All future references to "section" refer to the Government Code, unless otherwise noted.

## **Recommendation**

The FPWG recommends that the council:

1. Declare the San Pedro Courthouse to be surplus property;
2. Direct staff to report to the Legislature that the court facility is a surplus court facility and take all actions necessary to obtain the Legislature's authorization to dispose of the facility in accordance with sections 70391(c) and 11011;
3. Authorize the sale of the surplus facility to the County of Los Angeles; and
4. Delegate to the Administrative Director the authority to sign a real property sales agreement, contingent upon staff obtaining legislative authorization for the sale of the surplus property

## **Previous Council Action**

None.<sup>2</sup>

## **Rationale for Recommendation**

The state of California, acting by and through the Judicial Council of California, Administrative Office of the Courts<sup>3</sup> is the record title holder of the San Pedro Courthouse (referred to herein at times as the "facility" or "courthouse"). The state holds a 95.15% equity interest in the facility, with Los Angeles County (county) holding the remaining 4.85% equity interest. The Los Angeles Superior Court (court) closed the facility to the public as of June 30, 2013, and the courthouse has since been vacated by the court. The court has notified the FPWG that it does not have any future plans to re-open the facility, is supportive of staff efforts to dispose of it, and would like staff to move forward as quickly as possible with a sale of the facility back to the county.

---

<sup>2</sup> On August 22, 2014 the council heard a request to declare three facilities in Fresno County to be surplus property. The item was continued to a later date, with direction given to staff to return at a later date.

<sup>3</sup> The Judicial Council in the past referred to its staff as "the Administrative Office of the Courts." Rule 10.81(b)(4) of the California Rules of Court provides as follows:

The Judicial Council will continue to perform all duties, responsibilities, functions, or other obligations, and bear all liabilities, and exercise all rights, powers, authorities, benefits, and other privileges attributed to the "Administrative Office of the Courts" or "AOC" arising from contracts, memorandums of understanding, or other legal agreements, documents, proceedings, or transactions. The Judicial Council may be substituted for the "Administrative Office of the Courts" or "AOC" wherever necessary, with no prejudice to the substantive rights of any party.

Although the facility has been closed for more than 20 months, the council continues to remain responsible for the costs of operations and maintenance under the provisions of section 70343(a)(2).<sup>4</sup> Once the facility is disposed of, the judicial branch will realize financial savings on maintenance costs (utilities, landscaping, vandalism prevention/cleanup, etc.).

The Chairs of the Judicial Council's internal committees asked for assistance from a small group of Judicial Council members to support the Executive and Planning Committee in its role overseeing the council's policies and procedures regarding court facilities under rule 10.11(c). This Facilities Policies Working Group currently is reviewing practices and considering policies in various areas related to facility management. Pending the development and implementation of new facility related policies, at its March 20, 2015 meeting, the FPWG reviewed the status of the courthouse, determined that this facility was not being utilized by the court, and would not in the foreseeable future be utilized, for court operations. The court is in favor of having the council declare the facility as surplus, obtain legislative authorization for the sale, and sell the facility back to the county at fair market value in accordance with statute. The FPWG voted to recommend that the council declare the San Pedro Courthouse as surplus as the initial step towards disposition.

### **Declaration of Courthouse as Surplus Property**

The Judicial Council has never declared a property "surplus" or requested legislative to dispose of surplus property and has no established policy and procedure for doing so.<sup>5</sup> The process described below is based on existing law, and existing practice within and without the judicial branch.<sup>6</sup>

---

<sup>4</sup> Section 70343(a)(2) provides as follows:

(2) Unless otherwise specifically provided by agreement between the Judicial Council and the county, the Judicial Council and the county shall share operation and maintenance costs in a shared use building as follows:

(A) Each entity is responsible for the operation and normal day-to-day maintenance costs of that space in the building exclusively used by the entity.

(B) Each entity shall share the operating and normal day-to-day maintenance costs for the common space in the building based on the proportionate amount of space exclusively used by each entity.

(C) Each entity shall share the major building repairs and maintenance affecting the entire building, including, but not limited to, common areas, based on the proportionate amount of space exclusively used by each entity.

<sup>5</sup> In August, 2014, the Judicial Council considered a staff recommendation to declare three court facilities in Fresno County to be surplus. The council declined to act on the recommendation at that time in the absence of policies governing the determination, declaration, and disposition of surplus court facilities. The council's request for further information and development of policies led, in part, to formation of the Facilities Policies Working Group.

<sup>6</sup> In addition, though not expressly required by statute, because each court facility represents a capital asset to the state, the Department of Finance (DOF) would expect to be given notice of the proposed transaction. If, as described below in more detail, legislative authorization for sale of the Courthouse is sought through budget trailer bill language, DOF approval and support would be necessary because language gets added to a budget trailer bill only by the DOF.

(a) Authority and Process. Section 70391 vests in the Judicial Council the authority to dispose of surplus court facilities acquired through the SB 1732 transfer process (of which the Courthouse is an example) in compliance with section 11011.

Section 70391 states, in pertinent part:

The Judicial Council, as the policymaking body for the judicial branch, shall have the following responsibilities and authorities with regard to court facilities, in addition to any other responsibilities or authorities established by law:

[¶] . . . [¶]

(c) Dispose of surplus court facilities following the transfer of responsibility under Article 3 (commencing with Section 70321), subject to all of the following:

1. If the property was a court facility previously the responsibility of the county, the Judicial Council shall comply with the requirements of Section 11011 . . . .

Section 11011 provides the general statutory framework and process for disposition of surplus state-owned property by the Department of General Services (DGS). In general that process requires DGS to report annually to the Legislature the real property it has declared excess and to request legislative authorization to dispose of that excess process by sale or otherwise.<sup>7</sup> Carrying that process over to the judicial branch, the first step in disposing of a surplus court facility is for the Judicial Council<sup>8</sup> to declare that property to be surplus and to request legislative authorization to then dispose of it by sale or otherwise.

(b) The Courthouse as “Surplus” Under Section 70391(c). By generally requiring compliance with section 11011, section 70391(c) imposes on the Judicial Council the obligation to determine whether a given court facility is “surplus” and thus eligible for disposal. Neither section, however, specifically defines “surplus.” This lack of a specific definition is mitigated by

---

<sup>7</sup> Section 11011(c).

<sup>8</sup> See California Rule of Court Rule 10.183(c)(2):

The Judicial Council must determine the following issues concerning transfer of responsibility of court facilities, except in the case of a need for urgent action between meetings of the council, in which case the Executive and Planning Committee is authorized to act under rule 10.11(d).

[¶] . . . [¶]

- (2) A decision to dispose of a surplus court facility under Government Code section 70391(c).

reference to the legislative history of section 11011. Specifically, a 1994 amendment to section 11011 provided guidance as to the definition of an “excess” state-owned property by listing three non-exclusive examples of lands that would be “in excess of” an agency’s foreseeable needs.<sup>9</sup> Those examples, codified at sections 11011(a)(1)-(3), include:

- (1) Land not currently being utilized, or currently being underutilized, by the state agency for any existing or ongoing state program.
- (2) Land for which the state agency has not identified any specific utilization relative to future programmatic needs.
- (3) Land not identified by the state agency within its master plans for facility development.

Under this standard, the Judicial Council must report to the Legislature as surplus any court facility that is not being utilized, is underutilized, or is not identified within the judicial branch’s master plans for facility development, so that the Legislature can authorize the council to dispose of the facilities.

---

<sup>9</sup> According to the sponsor of the 1994 amendment, the three examples addressed the need to provide state agencies with guidance in determining what properties within their purview were “in excess of” their foreseeable needs, and thus subject to section 11011(a)’s reporting requirement. (Sen. Newton R. Russell, letter to Governor Pete Wilson re Sen. Bill 403 (1993–1994 Reg. Sess.) Aug. 31, 1994, chaptered bill file, ch. 978.) Citing reports by the California Office of the Auditor General, Senator Russell contended that state agencies habitually under-reported their excess lands, causing the state to lose millions of dollars that it could collect if the lands were used more productively. (*Ibid.*) This under-reporting, Senator Russell surmised, resulted in part from the vague language of the statute:

[T]he statutory term in Section 11011, “in excess of [an agency’s] foreseeable needs,” was too vague, and needed further clarification in order to give agencies less “wobble-room” by which they could ignore or misinterpret the intent of this provision of law and continue to hoard lands *that were not being used for any practical purpose.*

(*Ibid* [italics added].)

Hence, Senator Russell proposed the amendment to “give guidance to agencies as to what shall realistically be construed as ‘excess lands’” by setting forth, in section 11011, “three clear, concise, and commonsense examples of land nonutilization or underutilization that obviously should apply to excess properties.” (*Ibid.*) His intent, however, was that the three examples in the amendment would not be the exclusive criteria for determining whether or not a state-owned property is “excess.”

Opponents of the amendment pointed out that ambiguity remained in section 11011, notwithstanding the exemplars proposed by Senator Russell. Specifically, although the amendment added the concept of underutilized land to the definition of “excess,” it failed to define the term “underutilized.” (Cal. State and Consumer Services Agency, Enrolled Bill Rep. on Sen. Bill 403 (1993-1994 Reg. Sess) Sep. 2, 1994 , p. 3.) No authority has since defined that term. Likewise, there is no authority defining “existing or ongoing state program,” “specific utilization relative to future programmatic needs,” or “within its master plans for facility development.” Accordingly, the statutory changes that resulted from the 1994 amendment reflect the only controlling legal authority to offer guidance in determining whether a state-owned property is excess.

In this case, the LASC has reported that the Courthouse is not now being utilized and that it has no foreseeable plans to use this facility for court operations. The Courthouse is not identified within the judicial branch's facility master plans for future facility development. Accordingly, it is recommended that the Courthouse be reported to the Legislature as a surplus facility so that the Legislature can authorize the Judicial Council to dispose of it.

### **County's Right of First Refusal**

Under section 70391(c)(2), the Judicial Council is required to consult with the county concerning the disposition of the facility, and the county has the right to request that the facility be offered to the county at fair market value prior to being offered to another government agency. Section 70391(c)(2) provides:

The Judicial Council shall consult with the county concerning the disposition of the facility. Notwithstanding any other law, including [s]ection 11011, when requested by the transferring county, a surplus facility shall be offered to that county at fair market value prior to being offered to another state agency or local government agency.

### **Legislative Authorization**

This section addresses when legislative authorization for the proposed transaction might actually be obtained assuming the Judicial Council submits its request for that legislative authorization at some point before July 1, 2015 as required by the county's timeline, and taking into account the fact that the deadline for introduction of new bills for consideration this year already passed on February 28, 2015.

(a) Regular Legislative Process: January 1, 2017 Effective Date. Each year, all new bills to be considered that year must be introduced by the bill introduction deadline, generally the end of February. Those bills then work their way through the Assembly and Senate and, if they make it through that process, are voted on at some point during the year and signed by the Governor and have an effective date of the next January 1 of the following year.<sup>10</sup>

In this case, because the deadline for new bills for 2015 has already passed, a bill authorizing the sale would be drafted and introduced by the 2016 bill introduction deadline. Following the typical pattern of bills authorizing sales of surplus property by the Department of General Services, have to pass out of both houses by August 2016 and be signed by the Governor with an effective date of January 1, 2017. This process might be the easiest and most straightforward to accomplish, but the timeline would not accommodate the county's desire to close the transaction by November 2016.

---

<sup>10</sup> An urgency bill is effective the day it is signed into law by the governor. An urgency bill must affect the public peace, health, or safety. A two-thirds vote in each house is required for passage. The proposed sale of the Courthouse would likely not qualify as a proper subject for an urgency bill.



(b) “Gut and Amend” Process: January 1, 2016 Effective Date. Each year, a number of bills that had been introduced by the end of February deadline are re-purposed by amending the text as introduced to a wholly new subject (referred to as the “gut and amend” process). Once amended, such a bill follows the basic legislative process.

In this case, the “gut and amend” process would require the Judicial Council staff (and/or county staff) to identify an already introduced bill (and its author) that might be a candidate to be amended to authorize sale of the Courthouse. If a bill were successfully identified, that amended bill would have to pass both houses by September 11, 2015, be signed by the Governor and have an effective date of January 1, 2016. The “gut and amend” process requires more effort, but would allow a close of escrow by November 2016.

(c) Budget Trailer Bill Process: July 1, 2015 Effective Date. Finally, each year, a number of blank bills are introduced by the end-of-February deadline with the understanding that these bills will be filled-in during the budget process with budget-related matters and are what are referred to as “budget trailer bills.” Because they contain budget-related matters, budget trailer bills are passed along with the annual budget by the end of June, and like the budget, have an effective date of July 1. Language is added to budget trailer bills only through the DOF.

Because the substantive language of budget trailer bills is added by DOF staff, in order to take advantage of this option, Judicial Council staff (and/or county staff) must secure their early support and cooperation. If DOF’s support and cooperation could be secured in May/June 2015, then a budget trailer bill with an effective date of July 1, 2015 could be obtained.<sup>11</sup> Under this option, the county’s desire for a closing before November 2016 could be met.

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

This proposal was not circulated for comment. Staff has received written communication from the Los Angeles Superior Court stating that the facility is no longer being used for court operations, the court does not intend to resume court operations at this location, and the court supports the disposition of the facility through a sale to Los Angeles County.

### **Alternatives**

Under sections 70391(c) and 11011, if the Judicial Council determines that a facility is no longer being used, and there is no current or foreseeable use of the facility for court operations, the Judicial Council is required to report that as a surplus facility to the Legislature so that it can obtain legislative approval to dispose of the facility. As the Los Angeles Superior Court has informed the FPWG that it was not using, and did not have a foreseeable use for the facility,

---

<sup>11</sup> Language could be added to a trailer bill for the 2016-2017 budget with an effective date of July 1, 2016, which would also meet the County’s goal of a November, 2016 closing.

there are no legally authorized alternatives to consider, and the FPWG concluded it must recommend to the council that the council declare the facility as surplus.

### **Implementation Requirements, Costs, and Operational Impacts**

In moving forward with the disposition of a surplus court facility, in accordance with sections 11011(c) and 70391(c), staff will report to the Legislature that the council has declared this court facility as surplus, and request authorization from the Legislature to dispose of it as authorized by law. Because the listed court facility was transferred from Los Angeles County, staff will, in compliance with section 70391(c)(2), consult with the county concerning the disposition, and if requested by the county, the surplus facility shall be offered to that county at fair market value prior to being offered to any other state or local government agency. In informal discussions with the county, staff has been informed that the county is very interested in reacquiring the facility. If for some reason the county changes its position and is no longer interested in reacquiring the facility after staff has obtained legislative authorization, the facility will then be offered to other state and local government agencies before staff considers other methods of disposition.

Costs will be incurred in the disposition process, including items such as an appraisal, and title and escrow fees. Costs incurred will, however, be offset by the sale proceeds. Per the provisions of Article III, Section 9 of the California Constitution, the remaining sale proceeds will be deposited in the Deficit Recovery Bond Retirement Sinking Fund.

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.183
2. Government Code section 70391
3. Government Code section 11011
4. Correspondence from Los Angeles Superior Court



SHERRI R. CARTER  
EXECUTIVE OFFICER / CLERK

111 NORTH HILL STREET  
LOS ANGELES, CA 90012-3014

*Superior Court of California*  
*County of Los Angeles*

March 17, 2015

Eunice Calvert-Banks  
Manager, Real Estate  
Judicial Council of California - Administrative Services Division  
Real Estate and Facilities Management  
455 Golden Gate Avenue, 8th floor  
San Francisco, CA 94102

Dear Ms. Banks,

I am writing on behalf of the Los Angeles Superior Court to inform you that the Court has closed the San Pedro courthouse at 505 South Centre Street, San Pedro, CA 90731 and has no foreseeable future plans to reopen it. We support a Judicial Council decision to declare this courthouse to be surplus property. The County of Los Angeles has an interest in acquiring the courthouse, so prompt action by the council would hasten that process.

Sincerely,

A handwritten signature in blue ink that reads "Sherri R. Carter".

Sherri R. Carter  
Executive Officer/Clerk





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 16 or 17, 2015

---

Title	Agenda Item Type
Court Facilities: Lease of Plumas-Sierra Courthouse to Third Party	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
	April 16 or 17, 2015
Recommended by	Date of Report
Facilities Policies Working Group	March 23, 2015
Hon. Douglas P. Miller, Chair	Contact
Hon. Marla O. Anderson, Vice Chair	Eunice Calvert-Banks, 415-865-4048 <a href="mailto:eunice.calvert-banks@jud.ca.gov">eunice.calvert-banks@jud.ca.gov</a>
	Charles Martel, 415-865-4967 <a href="mailto:charles.martel@jud.ca.gov">charles.martel@jud.ca.gov</a>

---

### Executive Summary

The Facilities Policies Working Group recommends (1) the Plumas-Sierra Courthouse be leased to a third party; and (2) delegation of authority to the Administrative Director to sign a lease and any associated documents. The short term lease of the closed courthouse will assist in reducing judicial branch facility expenditures.

### Recommendation

The Facilities Policies Working Group recommends that the council:

1. Authorize staff to negotiate with third parties in order to lease the Plumas-Sierra Courthouse.

2. Delegate to the Administrative Director the authority to sign a lease and any associated documents in order to complete a lease transaction.

### **Previous Council Action**

None.

### **Rationale for Recommendations**

The internal chairs asked for assistance from a small group of Judicial Council members to support the Executive and Planning Committee in its role to oversee the council's policies and procedures regarding court facilities under rule 10.11(c). This group, referred to as the Facilities Policies Working Group (FPWG), is currently reviewing practices and considering policies in various areas related to court facility management. Pending the development and implementation of new facility related policies, at its March 20, 2015 meeting, the FPWG reviewed the status of the Plumas-Sierra Regional courthouse (the Courthouse), determined that the facility was not being utilized by the courts, and would not in the near future be utilized, for court operations.

The prospective lease of the Courthouse in its entirety is the first lease transaction involving (a) an entire court facility and grounds, and (b) a court facility constructed by the Judicial Council as part of its Capital Program. In November 2014, the Plumas-Sierra Regional Courthouse in the city of Portola was closed by both the Plumas and Sierra Superior Courts, and their respective court staffs were relocated. The Plumas and Sierra Courts have indicated that they intend to re-open the Courthouse as their budgets permit in the next 3-5 years. In the past several months Judicial Council staff (staff) received proposals from both the City of Portola and the Long Valley Charter School to lease the facility.

### **Legal Authority**

With the enactment of the Trial Court Facilities Act in 2002 (as amended, the Act), the Legislature granted the Judicial Council broad authority over trial court facilities. Specifically, Government Code section 70391(a)<sup>1</sup> provides that the Judicial Council shall “[e]xercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities the title of which is held by the state, including, but not limited to, the acquisition and development of facilities.”

This broad and unqualified language confers an authority coextensive with that of an owner upon the Judicial Council, except where expressly limited by statute. Other than the requirement that the Judicial Council dispose of surplus court facilities [section 70391(c)], nothing in the Act or elsewhere expressly prohibits the Judicial Council from entering into a lease of all or a portion of a court facility with an unrelated third party while it carries out its disposition duty or when, as in

---

<sup>1</sup> All future code references in this report are to the Government Code, unless otherwise noted.

the case of the Courthouse, the court facility has been temporarily closed due to budget constraints.

The Legislature's use of the phrase "as an owner would have" to describe the nature and scope of the Judicial Council's authority over court facilities is significant. Under California's Civil Code, "[t]he ownership of a thing is the right of one or more persons to possess and use it to the exclusion of others" (Civ. Code, § 654). Ownership is qualified when it is shared with one or more persons; when the time of enjoyment is deferred or limited; and when the use is restricted. (Civ. Code, § 680). Otherwise, it is absolute, meaning the owner "has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general laws." (Civ. Code, §§ 678-679). "Ownership is a bundle of rights and privileges," and an owner may enter into a lease agreement conferring on the tenant the rights of exclusive possession of the property "against all the world," including the owner (*Union Oil Co. v. State Bd. of Equal.* (1963) 60 Cal.2d 441, 447).

Based on the foregoing, the Judicial Council has the requisite authority under California law to grant rights to an unrelated third party to occupy and use the Courthouse through a lease agreement.

### **Implementation of Legal Authority**

Under section 70392(a), the Administrative Office of the Courts (now Judicial Council staff) is given the authority to "provide the ongoing oversight, management, operation, and maintenance of facilities used by the trial courts," and to "[c]arry out the Judicial Council's policies with regard to trial court facilities, except as otherwise expressly limited by law."

### **Judicial Council as Landlord**

At its March 20 meeting, the Facilities Policies Working Group discussed whether the Judicial Council should be a landlord. The FPWG determined that in this circumstance, with the appropriate contractual protections, it would be beneficial to lease the Courthouse. The Judicial Council controls a vast amount of real property statewide almost entirely occupied and used for the administration of justice. Barring a major change in the state's budget priorities, there is, and will continue to be, a shortfall in the amount of funds needed to operate and adequately maintain the court facilities controlled by the Judicial Council. With no express prohibition against the Judicial Council leasing out the property it controls, it might be deemed imprudent to not explore lawful opportunities to reduce that shortfall by shifting some operations and maintenance costs to a tenant and to realize some rental income.

### **Risks and Liabilities of Acting as Landlord**

Ownership of real property carries certain real risks and liabilities that to a large extent may be shifted to the lessee through a properly drafted lease.

## **Ownership Liabilities**

The Judicial Council's risks and liabilities as owner of the Courthouse include the following (Ownership Liabilities):

- Costs associated with operating and maintaining the property, including insurance, utilities, repairs, replacement, and other operating costs.
- Tort liabilities arising from claims, losses, damages, and costs associated with personal injuries or property damage, e.g. "slip and fall" claims.
- Property liabilities arising from claims, losses, damages, and costs associated with fires, floods, earthquakes, and other casualty events.
- Property losses arising from eminent domain or condemnation, although this risk should be minimal given that the Judicial Council is the chief policy-making body to a branch of state government.

## **Landlord Liabilities**

If the Courthouse were leased to a third party, the Ownership Liabilities would be allocated between the Judicial Council and lessee in the lease agreement to the greatest extent possible. Bearing in mind the need to deal with only a creditworthy and stable lessee, under a standard, commercial, triple-net lease agreement, the parties would agree to the following customary provisions to shift the risks, liabilities, responsibilities, and obligations associated with the Premises from the owner to the lessee:

- The lessee would pay rent in advance to secure the full and timely performance of its obligations under the lease agreement. Requiring advance payments would reduce the Judicial Council's risk that it may be required to cover costs that the lessee agreed to pay under the lease agreement.
- The lessee would be responsible for all expenses associated with operating and maintaining the Courthouse, including insurance, utilities, maintenance, repairs, and other operating costs and any possessory interest taxes. Because the entire Courthouse would be leased to a single lessee, the Judicial Council would shift to the lessee responsibility to operate, repair, and maintain the building structure, the roof, base building equipment (e.g., the HVAC system and life safety equipment), common areas, and the land surrounding the Courthouse.
- The lessee would be responsible for repairing all damage to the Courthouse as a result of its occupancy and use and restoring it to its pre-lease condition, ordinary wear and tear excepted.
- The lessee would be responsible for the cost of complying with any applicable accessibility improvements that may be required because of lessee's proposed use of the Courthouse.



- The lessee would only have the right to assign the lease agreement or sublet any portion of the Courthouse with the prior, written consent of the Judicial Council, and in the event that the lessee does not vacate the Courthouse at the end of the term of the lease agreement, but holds over after the term expires, the monthly base rent would increase steeply (typically to 150 percent to 200 percent of the then-current base rent amount). Such provisions provide the Judicial Council with control of the lessee entities that occupy and use the Courthouse, and provide a clear economic incentive to the lessee to vacate the Courthouse at the end of the term of the lease agreement.

- The lessee would occupy and use the Courthouse only for the specific purposes identified in the lease agreement's "use clause," and would take occupancy of the Courthouse on an "as-is" basis. Furthermore, the lease agreement should contain additional disclaimers, such as a Judicial Council disclaimer of any responsibility for personal injury, death, or property damage occurring at the Courthouse. Such disclaimers will limit the lessee's recourse under the lease agreement and reduce the risk that the lessee could claim that the Courthouse is unsuitable for its use and occupancy.

- The lease would limit the lessee's remedies against the Judicial Council following any breach or default of the lease agreement that is not corrected within the applicable notice and cure period provided in the lease agreement. Such limitations will include: (a) full and complete waiver of any and all rights to consequential, punitive, or special damages; (b) full and complete waiver of the lessee's right of specific performance or injunctive relief; (c) waiver of lessee's right to exercise any "self-help" remedies and all rights to set off amounts that are at any time owed by the lessee under the lease agreement against any claims that the lessee alleges against the Judicial Council or amounts that the lessee alleges are owed to it by the Judicial Council; and (d) agreement that lessee's only relief shall be monetary damages in an amount equal to lessee's actual losses.

- The lessee would indemnify, defend, and hold the Judicial Council harmless from and against any and all claims, losses, damages, and costs arising from the lessee's occupancy and use of the Courthouse including all accessibility-related claims. To support these indemnity obligations, the lessee would be required to maintain adequate insurance covering commercial general liabilities and property damage, with the Judicial Council being named as an additional insured thereunder, and having the right to acquire such additional insurance (at lessee's cost) if determined necessary. Furthermore, such insurance policies will be primary with respect to all claims covered thereby, and lessee and lessee's insurers will be required to waive any rights to subrogation and contribution.

- In the event of a material casualty loss, the Judicial Council will have the option either to repair the Courthouse or terminate the lease agreement.

- In addition, the lease agreement would contain the typical appropriations and budget-delay provisions applicable to any financial obligations of the Judicial Council under the lease agreement.

Although the provisions of the lease agreement described above can minimize the Judicial Council's risks and liabilities that may arise from leasing the Courthouse, the Judicial

Council should anticipate that disputes under the lease agreement might arise and (to some degree) be unavoidable. Due diligence should be undertaken in order to determine the creditworthiness and stability of the lessee. In leasing the Courthouse, the Judicial Council would be trading off the risks and costs of such disputes and the creditworthiness of the lessee for the benefits of lessee's rental payments and the lessee paying all or virtually all of the costs of operating and maintaining the Courthouse during the term of the lease agreement.

### **Summary of Pros and Cons to Leasing the Courthouse**

Assuming a creditworthy and stable lessee, and a triple-net lease agreement with the owner-friendly provisions outlined above, below are lists of some of the pros and cons of leasing the Courthouse:

#### **Pros:**

- Judicial branch receives revenue to offset statewide operations and maintenance expenses.
- Ongoing operation of building systems (HVAC, plumbing, etc.) by a lessee is better for the systems than shutting them down, especially in Portola's mountain climate.
- Ongoing occupancy is beneficial for the community because it helps prevent blight.
- Ongoing occupancy assists in keeping the facility secure (deters presence of the homeless, less vandalism, graffiti, etc.).
- Transfers financial liability for most system and infrastructure failures from the branch to a third party.
- Transfers some legal liability (e.g., for tort claims) to a third party.
- Potential public perception that the Judicial Branch is finding a solution to a financial problem that serves a local need while maintaining the option of keeping the courthouse available for the local courts in the future.

#### **Cons:**

- Lessee may damage the facility, does not meet its repair obligation and could prove to be judgment-proof.
- Potential lack of flexibility for the courts should their program needs change abruptly.
- Potential public perception issues since the facility was constructed as a courthouse but is not being utilized for that purpose for the immediate future.

### **Comments, Alternatives Considered, and Policy Implications**

#### **Comments**

This request was not circulated for comment as it is specific to the Plumas and Sierra courts. Staff has received written communication from both the Plumas and Sierra Superior Courts stating that the facility is not currently being used for court operations; however, the courts do intend to re-occupy the Courthouse when their budget situations improve.

## **Alternatives Considered**

The recommended alternative is for the Judicial Council to exercise its rights as an owner and lease the Courthouse to a third party on a short-term basis in order to offset ownership costs and prevent blight in the local community.

Another alternative is for the Judicial Council to retain the Courthouse in its vacant state, and continue to be responsible for all ongoing operation and maintenance costs. Although the Courthouse is not occupied, the Judicial Council continues to incur property ownership expenses such as utilities, landscaping, and trash removal. This alternative is not recommended.

## **Implementation Requirements, Costs, and Operational Impacts**

Staff will need to check the creditworthiness of the prospective lessees and negotiate final lease terms; these activities are routine tasks for Real Estate staff. No out of pocket costs will be incurred in order to enter into a lease. The Plumas and Sierra courts ceased operations at this location in November 2014; therefore, there are no operational impacts.

## **Attachments and Links**

1. [Cal. Rules of Court, rule 10.11\(c\)](#)
2. [Government Code section 70391](#)
3. [Government Code section 70392](#)
4. Correspondence from Portola Superior Court
5. Correspondence from the Sierra Superior Court

## Bustamante, Mary

---

**From:** Norrie, Deborah [Deborah.Norrie@plumas.courts.ca.gov]  
**Sent:** Tuesday, January 27, 2015 4:35 PM  
**To:** Bustamante, Mary  
**Cc:** Kaufman, Ira; Hilde, Janet; Kennelly, John; Kirby, Lee  
**Subject:** Re: the Plumas/Sierra Regional Courthouse

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mary –

The judges and CEO's of the Plumas and Sierra Courts appreciate the opportunity you provided to review a proposed lease agreement for the Plumas/Sierra Regional Courthouse. We appreciate your specifically identifying that the A/V equipment is to be maintained (Term #10(b)) and that an early termination clause is included in Term #4. The goal of both courts is to re-open and occupy that courthouse when the courts' budget pictures improve. An early termination clause allows the courts that option.

Beyond our appreciation for considering the Court's long term goal of re-occupying the regional courthouse in developing a lease agreement, we leave the choice of lessee and maintenance of this courthouse in the capable charge of Judicial Council staff under the direction of the Judicial Council and its internal and advisory committees.

Deborah W. Norrie  
Court Executive Officer  
Plumas Superior Court  
520 Main St., Room 104  
Quincy, CA 95971  
530-283-6016

## Bustamante, Mary

---

**To:** Lee Kirby  
**Cc:** Norrie, Deborah; Johannaber, Emily  
**Subject:** RE: Portola Courthouse

---

**From:** Lee Kirby [<mailto:lkirby@sierracourt.org>]  
**Sent:** Thursday, January 22, 2015 10:11 AM  
**To:** Bustamante, Mary; Johannaber, Emily  
**Cc:** Norrie, Deborah  
**Subject:** RE: Portola Courthouse

Hi Mary & Emily –

Judge Kennelly has discussed this with Debbie Norrie during my absence and has indicated that she will approve.

We will defer to Plumas Superior Court's decision in this matter and concur that this potential lease can be taken to the Facilities Policies Working Group for approval.

If you need anything further from Sierra, please let me know.

Lee

*Lee Kirby, Court Executive Officer  
Sierra Superior Court  
100 Courthouse Square, 2nd Floor  
P.O. Box 476  
Downieville, CA 95936  
Voice: (530)289-2902  
Fax: (530)289-0205  
[lkirby@sierracourt.org](mailto:lkirby@sierracourt.org)*

*"This electronic message may contain information that is confidential and/or legally privileged. It is intended only for the use of the individual(s) and entity named as recipients in the message. If you are not an intended recipient of the message, please notify the sender immediately and delete the material from any computer. Do not deliver, distribute, or copy this message, and do not disclose its contents or take action in reliance on the information it contains. Thank you."*





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 16, 2015

---

Title	Agenda Item Type
Judicial Branch Workers' Compensation Program: Origins and Information	Information Only
Submitted by	Date of Report
Judicial Branch Workers' Compensation Advisory Committee	April 1, 2015
Tania Ugrin-Capobianco, Chair	Contact
	Linda Cox, Senior Manager, Human Resources, 415-865-4290
	<a href="mailto:linda.cox@jud.ca.gov">linda.cox@jud.ca.gov</a>

---

### **Executive Summary**

The following is an informational report on the origins of the Judicial Branch Workers' Compensation Program (JBWCP), its Advisory Committee, and the current status of the program. Included is an explanation of the share of cost (allocation) model for the program.

### **Previous Council Action**

On October 29, 2010, the Council approved adjusting the cost allocation model so that administrative program fees, that include costs for a third party claims administrator (TPA) and risk consultant, were evenly distributed among all member participants.

### **Methodology and Process**

In fiscal year 2003–2004, the Judicial Branch created and implemented the Judicial Branch Workers' Compensation Program (JBWCP). The development of the program initially focused on developing a process for providing workers' compensation coverage to the trial courts. During that first year, 47 trial courts voluntarily joined the program and, since fiscal year 2012–2013, 57 trial courts participate in the program.

In 2004, the Trial Court Budget Working Group, now known as the Trial Court Budget Advisory Committee (TCBAC) formed a subcommittee to establish the process for the administration of the workers' compensation program.

Initially there were three different workers' compensation third party claims administrator (TPA) vendors servicing the trial court employees, the trial court judges, and the state judiciary, which includes the Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, the Judicial Council, and the Commission on Judicial Performance. In 2004, one vendor was engaged to service all three.

In fiscal year 2004-2005, the subcommittee, in coordination with the broker-consultant Driver-Alliant, developed the current cost allocation methodology.

### **Evolution of the Cost Allocation Process**

As the JBWCP evolved into one unified structure due to the consolidation of claims administration services, it grew in size and scope. This necessitated a review of the program's funding and costs, which was becoming more complex as individual courts joined the program. To ensure continuity of funding and ease of administration, a report was developed to determine how to manage a consolidated statewide program.

In 2009, the report was submitted to the TCBAC, where it was determined that JBWCP financial decisions should be brought before the Judicial Council due to the growing scope of the program and its potential impact on the branch-wide finances. The costs and expenditures of the program are incurred by the entire judicial branch--excluding only the employees of the Superior Court of California, Los Angeles, whose employees are covered under a separate workers compensation program. Shortly after, the program evolved into a consolidated, statewide program governed by an advisory committee and administered by the Judicial Council's Human Resources staff in coordination with the TPA and the risk consultant.

***Allocation of claims costs.*** The broker consultant, Driver Alliant, developed the allocation method. Various methodologies were considered by the advisory committee. With the exception of the change made in October of 2010, the allocation model has been consistently applied since its development in 2005.

The claims cost is allocated to each member for each program entity; for example, the largest court by three-year payroll size has a cost weighting of 80 percent of loss experience and 20 percent payroll. The smallest court by payroll size has a cost weighting of at least 10 percent loss experience. All other courts are weighted by payroll and loss experience along that continuum. This ensures that the larger courts with more predictable losses are subject to an allocation that emphasizes losses, while the smaller courts' allocations are more reliant upon payroll to ensure more year-to-year budget stability.



This method is also applied to the administrative cost of the program and the fees for excess insurance as further defined below.

**Allocation of administrative costs.** The program has administrative costs necessary to ensure its viability. There are administrative fees for claims handling services provided by the TPA, actuarial services provided by the risk consultant, and excess insurance coverage for the trial courts. Government Code section 68114.10 states that, “the [Judicial Branch Workers’ Compensation] fund shall be used by the Administrative Office of the Courts to pay workers’ compensation claims of judicial branch employees and administrative costs.” However, the salaries of the Judicial Council staff assigned to administer the program, per Rule of Court 10.350, including any travel and meal reimbursements for the annual Committee meeting, are not charged to the JBWCP fund. These costs are absorbed by the Judicial Council’s Human Resources office.

**Allocation of insurance costs.** The cost of excess insurance fees is distributed to each trial court member based on each court’s current budgeted and projected payroll. The state judiciary and trial court judges are fully self-insured for this component of the program.

The chart below provides the total annual cost for the program for the past five fiscal years based on the cash flow method of funding and the distribution of cost among the three entities:

**Table 1. Total Historical Annual Program Costs**

	<b>Trial Courts</b>	<b>State Judiciary</b>	<b>Trial Court Judges</b>	<b>Total Annual Program Cost</b>	<b>% Change</b>
<b>FY2010-2011</b>	\$17,229,539	\$521,037	\$345,031	\$18,095,607	
<b>FY2011-2012</b>	\$17,479,555	\$437,568	\$380,363	\$18,297,486	1.12%
<b>FY2012-2013</b>	\$16,516,037	\$591,355	\$462,314	\$17,569,706	-3.98%
<b>FY2013-2014</b>	\$15,693,833	\$412,812	\$591,230	\$16,697,875	-4.96%
<b>FY2014-2015</b>	\$16,536,018	\$544,369	\$562,692	\$17,643,079	5.66%

**The Funding Methodology**

The current funding process applied to the JBWCP is a cash flow funding methodology. The annual funding for the program is calculated based on expected annual payments. As of June 30, 2014, assets (reserve) for the program were approximately \$50.6 million. The expected liability for the program is \$80.5 million.

Currently, the funding model does not allow for reserve building that would bring the fund closer to fully funding the projected unpaid liability of the program. However, it is important to note that the assets are sufficient to cover expected cash flow for the year by a substantial margin. If a catastrophic year were to occur and cost increases to the courts were not feasible, the program would need to borrow from the current fund balance to offset the fiscal impact to members. The use of the fund to offset these types of increases would necessitate consideration for increasing the following year’s share of cost necessary to restore the balance of the fund.

The advisory committee intends to return to the Judicial Council at its June 2015 meeting to discuss options for consideration to increase the funding and therefore reduce financial risk to the JBWCP.

### Policy and Cost Implications

Over the past five years, the total claims for the JBWCP each year have remained relatively flat. The average cost per claim over the previous five years, excluding fiscal year 2014-2015 has remained relatively stable, ranging from \$15,109 to an average cost of \$21,768 for fiscal year 2013-2014. By comparison, the average cost per claim for all State of California Public Sector Self-insured Programs, per the Self-insurer’s Annual Reports filed with the Department of Industrial Relations for the same five-year period ranged from 20,260 to 25,251.

**Table 2. Historical Actuarial Estimates of Unpaid Liabilities**

<b>Evaluation Date</b>	<b>Trial Courts</b>	<b>Judiciary and Trial Court Judges</b>	<b>Total</b>
At 12/31/13	\$69,555,656	\$5,238,662	\$74,794,318
At 12/31/12	\$68,719,529	\$4,808,994	\$73,528,523
At 12/31/11	\$66,223,108	\$4,563,295	\$70,786,403
At 12/31/10	\$72,742,212	\$4,529,402	\$77,271,614
At 12/31/09	\$70,424,532	\$4,253,277	\$74,677,809
At 12/31/08	\$75,425,564	\$3,027,477	\$78,453,041
At 12/31/07	\$71,167,551	\$2,776,260	\$73,943,811

### Next Steps

The JBWCP Advisory Committee will convene in April 2015, and will provide the Council at its June 2015 meeting the actuarial report, allocation information, and a options for consideration of next fiscal year’s funding allocation--with the intent to reduce liability and fully fund the program.



## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 17, 2015

---

Title	Agenda Item Type
Trial Courts: Quarterly Investment Report for Fourth Quarter of 2014	Information Only
Submitted by	Date of Report
Judicial Council	March 9, 2015
Zlatko Theodorovic, Chief Financial Officer and Director, Finance	Contact
	Gregory Keil, Manager
	415-865-7956
	<a href="mailto:gregory.keil@jud.ca.gov">gregory.keil@jud.ca.gov</a>

---

### Executive Summary

This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2014* provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of October 1, 2014, through December 31, 2014.

### Previous Council Action

On February 27, 2004, the Judicial Council approved several resolutions on investment activities for the trial courts. The resolutions direct that the Judicial Council develop an investment program for the trial courts, name the director of the Judicial Council's Finance Division<sup>1</sup> as the treasurer of invested trial court funds, and authorize the investment of trial court funds into (1) the State of California's Local Agency Investment Fund (LAIF), (2) Bank of America, N.A., investment funds, (3) or other investments as approved by the Judicial Council Administrative

---

<sup>1</sup> Effective October 1, 2012, the Judicial Council's Finance Division was renamed the Fiscal Services Office and was part of the Judicial and Court Administrative Services Division. The office has since been renamed Finance and remains in the (renamed) Administrative Division.

Director. They also provide for quarterly reporting of investment results by the director of the Judicial Council’s Finance office to the Judicial Council, the Administrative Director, and the senior manager of the Judicial Council’s Audit Services.<sup>2</sup>

On June 1, 2009, the Judicial Council’s Executive and Planning Committee, acting on behalf of the council, approved the investment of trial court monies in any share class of the two previously approved money market funds—the Bank of America Cash Reserves Fund (CRF; formerly Columbia Cash Reserves Fund) and the Bank of America Treasury Reserves Fund (TRF; formerly Columbia Treasury Reserves Fund)—and the addition of another money market fund, the Bank of America Government Reserves Fund (GRF; formerly Columbia Government Reserves Fund).

### Summary of Findings

In table 1, CRF is the capital share class of the Bank of America Cash Reserves money market fund, TRF is the capital share class of the Bank of America Treasury Reserves money market fund, LAIF is the Local Agency Investment Fund, and PFIC (Public Funds Interest Checking) represents the Bank of America PFIC accounts.

### Funds held in the judicial branch treasury: total investment portfolio

As of the close of business on December 31, 2014, total investment balances held by the trial courts purchased from bank accounts—directly managed by the Judicial Council’s Trust and Treasury Unit of Finance—were as specified in table 1.

**Table 1. Trial Court Investment Balances Managed by the Finance Office**

Investment Description	CRF	TRF	LAIF	PFIC	Total
	All dollar amounts reported in thousands (\$000)				
<b>Section A, Book Values</b>					
Beginning Balance–10/01/14	\$180,105	\$0	\$453,861	\$150,283	\$784,249
Net Purchases/(Sales) <sup>3</sup>	(13,733)	137,686	(81,525)	(150,333)	(107,905)
Interest Paid <sup>4</sup>	22	2	201	50	275
Total Change	(13,711)	137,688	(81,324)	(150,283)	(107,630)
Ending Balance–12/31/14	\$166,394	\$137,688	\$372,537	\$0	\$676,619

<sup>2</sup> As of February 2013, the Judicial Council’s Audit Services is no longer part of Finance and is now a separate office in the Leadership Services Division.

<sup>3</sup> “Net Purchases/(Sales)” is the net amount of court investment principal purchases and sales completed during the quarterly period.

<sup>4</sup> “Interest Paid” is the total amount of interest paid to the investment account during the quarterly period and is included in the Ending Balance.

<b>Investment Description (cont.)</b>	<b>CRF</b>	<b>TRF</b>	<b>LAIF</b>	<b>PFIC</b>	<b>Total</b>
<b>Section B, Fair Values– 12/31/14</b>					
Ending Balance	\$166,394	\$137,688	\$372,530	\$0	\$676,612
Net Unrealized Gain/(Loss) in Fair Value <sup>5</sup>	0	0	(7)	0	(7)
Ending Balance Plus Unpaid Interest Earned <sup>6</sup>	\$166,394	\$137,688	\$372,802	\$0	\$676,884
<b>Section C, Earnings and Statistics</b>					
Interest Earned <sup>7</sup>	\$22	\$2	\$272	\$50	\$346
Unpaid Interest Earned <sup>8</sup>	\$0	\$0	\$272	\$0	\$272
Average Yield <sup>9</sup>	0.03%	0.01%	0.25%	0.20% <sup>10</sup>	0.15%
Dollar-Weighted Maturity (Days)	45	36	200	N/A	129
Credit Quality	First Tier <sup>11</sup>	First Tier <sup>11</sup>	GC 16430 <sup>12</sup>	N/A	
Percentage of Investment Portfolio <sup>13</sup>	24.59%	20.35%	55.06%	0.00%	100.00%

<sup>5</sup> “Net Unrealized Gain/(Loss)” is the difference between the investment balance’s book value and its fair value at the end of the period. The net gain or loss is “unrealized” because the valuation at fair value is only for assets held by the fund at the end of the period. This Net Unrealized Gain/(Loss) would be “realized” or become an actual gain or loss only in the event that all participants’ holdings in each portfolio were liquidated by the end of the period. *Realized* gains and losses are included in the Average Yield of the investment for the period.

<sup>6</sup> “Ending Balance Plus Unpaid Interest Earned” is the ending balance at fair value plus interest earned that is unpaid as of the end of the period. This figure represents the liquidation value including unpaid interest earned only in the event all participants’ holdings in each portfolio were liquidated at the end of the period.

<sup>7</sup> “Interest Earned” is the total amount of interest earned during the quarterly reporting period.

<sup>8</sup> “Unpaid Interest Earned” is the amount of interest earned during the period that is unpaid as of the end of the quarterly reporting period.

<sup>9</sup> “Average Yield” is the simple average of the 30-day yields for each calendar month during the period, including any realized gains and losses, net of the investment’s operating expenses. The total Average Yield is a dollar-weighted average of the investment components.

<sup>10</sup> The interest rate earned on the PFIC accounts was 0.25 percent per annum through October 2014 and 0.15 percent per annum for November 2014, which was the last month PFIC interest rates applied. Since PFIC account balances are insured by the Federal Deposit Insurance Corporation (FDIC), they are subject to FDIC insurance assessments of 0.13 percent per annum. As a result, PFIC balances earned a net rate return per annum after FDIC assessments of 0.12 percent through October 2014 and 0.02 percent for November 2014.

<sup>11</sup> “First Tier” money market debt securities receive a short-term rating from a nationally recognized statistical rating organization in the highest short-term rating category for debt obligations.

<sup>12</sup> LAIF may invest the fund money only in debt obligations as prescribed in Government Code (GC) section 16430.

<sup>13</sup> The portfolio balance percentages are calculated using the book values at the end of the quarterly period.

The ratio of each investment's fair value to its book value (Fair Value Factor) as of December 31, 2014, was as follows:

CRF	1.000000000
TRF	1.000000000
LAIF	0.999980380
PFIC	1.000000000

The Fair Value Factor is 1.000 for CRF and TRF because all holdings in CRF and TRF are valued at fair value daily, and fair value is the price for all daily redemptions and reinvestment transactions. Because LAIF's operating rules permit the redemption, at any time, of all or a portion of any participating court's LAIF balance at its original purchase price, the court's redemption price is not affected by unrealized gains or losses.

Section A of table 1 provides the investment balances and activity for the period at book value or at original cost, plus or minus the straight-line amortization of any applicable discount or premium.

Section B provides the investment balances at their fair value at the end of the period. *Fair Value* is defined as the value at which an asset could be bought or sold in a current transaction between willing parties, other than in a liquidation.

Section C provides the investment earnings, the dollar-weighted average maturity, the credit quality, and each investment's percentage of the total investment portfolio.

The investment balances presented in the table include the combined balances of both trial court operating funds and agency funds.<sup>14</sup>

#### **Investment portfolio components**

**CRF.** The CRF is an overnight money market mutual fund registered with the Securities and Exchange Commission under the federal Investment Company Act of 1940 and operated in accordance with Commodity and Securities Exchanges, 17 Code of Federal Regulations part 270.2a-7. Investment purchases and redemptions of capital shares are transacted when Bank of America's system reviews the account balance daily at 1:30 p.m. PST and invests or returns funds as appropriate to maintain the bank account's established target balance. A purchase transaction takes place if the cash balance in the account exceeds the target balance, and a redemption transaction takes place when the cash balance is less than the target balance.

---

<sup>14</sup> "Agency funds" are balances held in trust pending resolution of civil or criminal court proceedings, as well as funds held on behalf of state and local agencies before their statutory distribution. Agency funds include the following categories: civil trust, criminal bail trust, Uniform Civil Fees, and criminal fines, fees, and penalties.

In accordance with the aforementioned Code of Federal Regulations, the CRF must maintain a dollar-weighted average maturity consistent with its objective of maintaining a stable net asset value per share, not to exceed 60 days, and must contain only “First Tier” money market debt obligations receiving a short-term rating from a nationally recognized statistical rating organization in the highest short-term rating category for debt obligations.

The CRF invests only in high-quality money market instruments, which include bank obligations (including certificates of deposit and time deposits issued by domestic and foreign banks or their subsidiaries or branches), commercial paper, corporate bonds, extendible commercial notes, asset-backed securities, funding agreements, municipal securities, repurchase agreements, and other high-quality, short-term obligations. As of December 31, 2014, the CRF portfolio composition was as shown in table 2.

**Table 2. CRF Portfolio Composition as of December 31, 2014**

<b>High-Quality Instruments</b>	<b>Percentage of Portfolio</b>
Certificate of deposit	29.36
Asset-backed commercial paper	13.60
Financial company commercial paper	13.24
Other repurchase agreement	13.24
Other note	12.35
Other commercial paper	6.85
U.S. treasury repurchase agreement	4.92
U.S. government agency repurchase agreement	3.81
Variable-rate demand note	1.94
U.S. government agency debt	0.68

Bank of America has determined that iMoneyNet’s Prime Category Average money market mutual fund is a good proxy of the CRF portfolio composition and performance. Included as Attachment A is the monthly fact sheet for the Bank of America Cash Reserves capital class shares reported as of December 31, 2014.

**TRF.** Effective December 1, 2014, the master trust account was converted from a PFIC account to a noninterest-bearing account and the funds were invested in the capital share class of the TRF. Like the CRF, the TRF is an overnight money market mutual fund registered with the Securities and Exchange Commission under the federal Investment Company Act of 1940 and operated in accordance with Commodity and Securities Exchanges, 17 Code of Federal Regulations part 270.2a-7. Investment purchases and redemptions of capital shares are transacted when Bank of America’s system reviews the account balance daily at 1:30 p.m. PST and invests or returns funds as appropriate to maintain the bank account’s established target balance. A

purchase transaction takes place if the cash balance in the account exceeds the target balance, and a redemption transaction takes place when the cash balance is less than the target balance.

In accordance with the aforementioned Code of Federal Regulations, the TRF must maintain a dollar-weighted average maturity consistent with its objective of maintaining a stable net asset value per share, not to exceed 60 days, and must contain only “First Tier” money market debt obligations receiving a short-term rating from a nationally recognized statistical rating organization in the highest short-term rating category for debt obligations. The TRF is in the highest fund rating category of Moody’s at Aaa-mf, S&P at AAAM, and Fitch at AAAMmf.

The TRF invests only in high-quality money market instruments and invests at least 80 percent of its net assets in U.S Treasury obligations and repurchase agreements secured by U.S. Treasury obligations. As of December 31, 2014, the TRF portfolio composition was as shown in table 3.

**Table 3. TRF Portfolio Composition as of December 31, 2014**

<b>High-Quality Instruments</b>	<b>Percentage of Portfolio</b>
U.S. treasury debt	55.11
U.S. treasury repurchase agreement	37.06
U.S. government agency repurchase agreement	7.82

Bank of America has determined that iMoneyNet’s Government Category Average money market mutual fund is a good proxy of the TRF portfolio composition and performance. Included as Attachment B is the monthly fact sheet for the Bank of America Treasury Reserves capital class shares reported as of December 31, 2014.

**LAIF.** LAIF is a money market fund held and managed by the State Treasurer’s Office and is part of the Pooled Money Investment Account (PMIA). The PMIA is the short-term investment pool for the state General Fund; special funds held by state agencies; and monies deposited by cities, counties, and other entities into the LAIF. LAIF is a voluntary program created by statute; it began in 1977 as an investment alternative for California’s local governments and special districts. The enabling statute for the LAIF is section 16429.1 et seq. of the Government Code.

By law, PMIA moneys can be invested only in the following categories: U.S. government securities; securities of federally sponsored agencies; domestic corporate bonds; interest-bearing time deposits in California banks, savings and loan associations, and credit unions; prime-rated commercial paper; repurchase and reverse repurchase agreements; security loans; bankers’ acceptances; negotiable certificates of deposit; and loans to various bond funds.

LAIF’s primary objectives are to maintain the safety of principal and provide daily liquidity. These objectives are met by investing in high-credit-quality debt instruments, maintaining an



average maturity between 120 days and 18 months, and providing daily availability of the entire invested balance. LAIF's investment yield is consistent with these very conservative objectives.

The *LAIF Performance Report*—including the portfolio's composition as of December 31, 2014, as reported by the State Treasurer's Office—is included as Attachment C. The State Treasurer's Office has not identified a money market fund suitable for benchmark comparison to LAIF.

**PFIC.** As of November 1, 2014, Bank of America reduced the interest rate on the PFIC account from 0.25 percent per annum to 0.15 percent per annum. This resulted in the PFIC account earning a net return of 0.02 percent per annum, net of the applicable FDIC<sup>15</sup> assessment rate of 0.13 percent per annum. Before this reduction in the PFIC rate, the net return was 0.12 percent per annum (0.25 percent less the FDIC assessment of 0.13 percent). Offering PFIC accounts has become uneconomic for the bank due to the combination of greater reserve requirements all banks are required to implement under new U.S. Federal Reserve requirements based on Basel III<sup>16</sup>, in addition to the existing collateralization requirements for all public deposits under Government Code 53652. Accordingly, investment of the master trust account balance was moved effective December 1, 2014, to the capital class shares of the TRF currently earning 0.01 percent per annum. FDIC assessment fees did not apply to the trust investment balance after November 30, 2014, because the trust balance was invested in the TRF outside of a bank deposit account.

Public Funds Interest Checking accounts are Bank of America interest-bearing checking accounts. PFIC accounts are insured by the FDIC and are fully collateralized at 110 percent of PFIC balances with securities (per Gov. Code, § 53651), purchased by Bank of America, and held in a collateral pool pledged to public deposits. Since PFIC accounts are FDIC insured, they are subject to FDIC insurance assessments of 0.13 percent per annum.<sup>17</sup>

## Attachments

1. Attachment A: *BofA Cash Reserves: Capital Class Shares as of December 31, 2014*
2. Attachment B: *BofA Treasury Reserves: Capital Class Shares as of December 31, 2014*
3. Attachment C: *PMIA and LAIF Performance Reports as of December 31, 2014*

---

<sup>15</sup> Federal Deposit Insurance Corporation (FDIC) assessment rate applies to all insured bank deposits, including deposits in interest-bearing bank accounts. The FDIC assessment rate is 0.13 percent per annum applied to the monthly average ledger balance on deposit with the bank.

<sup>16</sup> Basel III (or the Third Basel Accord) is a global, voluntary regulatory standard on bank capital adequacy, stress testing, and market liquidity risk. It was agreed upon by the members of the Basel Committee on Banking Supervision in 2010–2011. The U.S. Federal Reserve announced in December 2011 that it would implement substantially all of the Basel III rules.

<sup>17</sup> The FDIC assessment fee is the direct result of maintaining PFIC balances on deposit with Bank of America. FDIC fees are assessed on the average PFIC balance for the period.

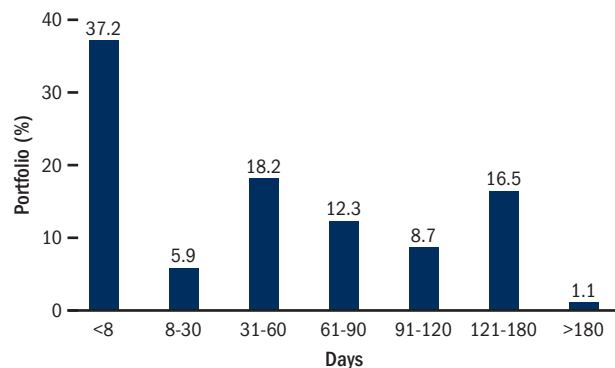
# BofA Cash Reserves

Capital class shares as of December 31, 2014

ATTACHMENT A

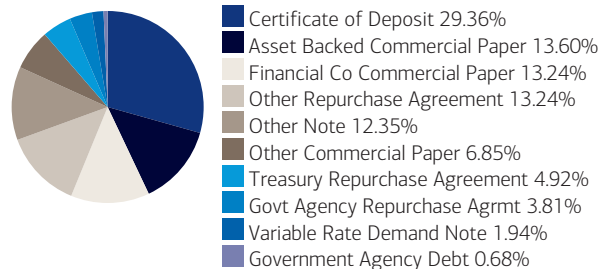
**BofA® Global Capital Management**

## Maturity Distribution



Due to rounding, totals may not equal 100.

## Portfolio Composition



## Fund Objective:

The fund seeks current income, consistent with capital preservation and maintenance of a high degree of liquidity.

## Investment Strategy:

The fund invests in high-quality money market instruments, including primarily short-term debt securities of U.S. and foreign issuers. The fund purchases only first-tier securities, which include bank obligations (including certificates of deposit and time deposits issued by domestic or foreign banks or their subsidiaries or branches), commercial paper, corporate bonds, extendible commercial notes, asset-backed securities, funding agreements, municipal securities, repurchase agreements and other high-quality, short-term obligations. These securities may have fixed, floating or variable rates of interest.

## Fund Performance versus Index

	7-Day Yield						30-Day Yields						
	12/31/14	Dec-14	Nov-14	Oct-14	Sep-14	Aug-14	Jul-14	Jun-14	May-14	Apr-14	Mar-14	Feb-14	Jan-14
Current	0.03	0.03	0.03	0.02	0.02	0.02	0.02	0.02	0.03	0.05	0.03	0.02	0.03
Unsubsidized	-0.05	-0.05	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.06	-0.04	-0.05	-0.06	-0.06
Benchmark†	—	0.02	0.02	0.02	0.01	0.02	0.02	0.01	0.02	0.01	0.02	0.01	0.02

†iMoneyNet Prime Category Average

The 7-day current yield is net of all fees and expenses and represents an annualization of dividends declared and payable to shareholders for the last seven days of investment as of the date listed.

The 30-day current yield is net of all fees and expenses and represents an annualization of dividends declared and payable to shareholders for the last 30 days of investment as of the dates listed.

The National Association of Insurance Commissioners (NAIC) is the organization of insurance regulators from the 50 states, the District of Columbia and the five U.S. territories. The NAIC provides a forum for the development of uniform policy when uniformity is appropriate. A fund listed on the NAIC List of Approved Mutual Funds meets conditions in the Purposes and Procedures Manual of the NAIC Securities Valuation Office, qualifying them for more favorable reserve treatment.

The unsubsidized yield is the gross yield that does not reflect any waivers or reimbursement arrangements.

**Performance data quoted represents past performance and current performance may be lower or higher. Past performance is no guarantee of future results. The investment return and principal value will fluctuate so that shares, when redeemed, may be worth more or less than the original cost. Please visit [www.bofacapital.com](http://www.bofacapital.com) for daily and most recent month-end performance updates.**

**Must be preceded or accompanied by a prospectus.**

Advisory services provided by BofA Advisor, LLC,  
Securities offered through BofA Distributors, Inc.  
nonbank subsidiaries of



<b>NOT FDIC INSURED</b>	<b>May Lose Value</b>
<b>NOT BANK ISSUED</b>	<b>No Bank Guarantee</b>

©2015 Bank of America Corporation. All rights reserved.  
BofA Distributors, Inc.  
100 Federal Street, Boston, MA 02110  
[www.bofacapital.com](http://www.bofacapital.com)

MMF-0115 14/ARLS7Q5N

# BofA Cash Reserves

Capital class shares as of December 31, 2014

ATTACHMENT A  
**BofA® Global Capital  
Management**

**An investment in money market mutual funds is not a bank deposit and is not insured or guaranteed by Bank of America, N.A. or any of its affiliates or by the Federal Deposit Insurance Corporation or any other government agency. Although money market mutual funds seek to preserve the value of your investment at \$1.00 per share, it is possible to lose money by investing in money market mutual funds.**

Please see the prospectuses for a complete discussion of the risks of investing in money market mutual funds.

Source: iMoneyNet, Inc. is an independent mutual fund performance monitor. The iMoneyNet, Inc. averages are not intended to represent the past performance of the funds, but do represent the past performance of funds managed in a similar manner and having similar investment objectives and policies. The iMoneyNet Prime Category Average includes all Prime Retail and Prime Institutional funds.

BofA® Global Capital Management is an asset management division of Bank of America Corporation. BofA Global Capital Management entities furnish investment management services and products for institutional and individual investors. BofA Funds are distributed by **BofA Distributors, Inc.**, member FINRA and SIPC. BofA Distributors, Inc. is part of BofA Global Capital Management and an affiliate of Bank of America Corporation. Merrill Lynch, Pierce, Fenner & Smith Incorporated, a subsidiary of Bank of America Corporation, makes available investment products managed, distributed, or provided by BofA Global Capital Management.

BofA Advisors, LLC is an SEC-registered investment advisor and indirect, wholly owned subsidiary of Bank of America Corporation and is part of BofA Global Capital Management.

---

Advisory services provided by BofA Advisor, LLC,  
Securities offered through BofA Distributors, Inc.  
nonbank subsidiaries of



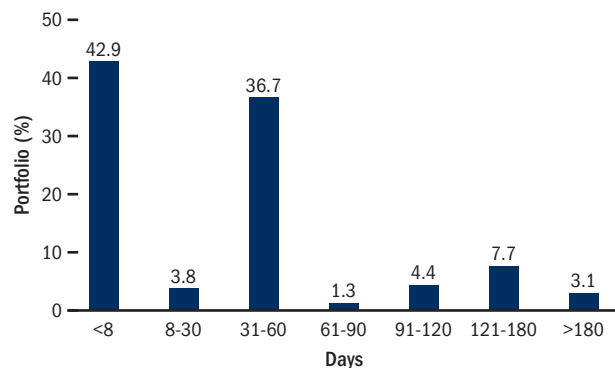
# BofA Treasury Reserves

Capital class shares as of December 31, 2014

ATTACHMENT B

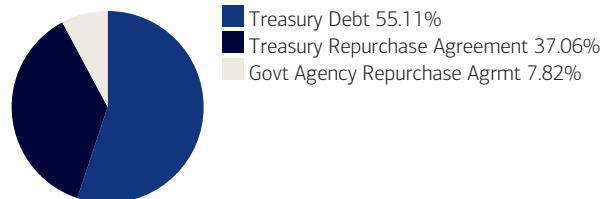
**BofA® Global Capital Management**

## Maturity Distribution



Due to rounding, totals may not equal 100.

## Portfolio Composition



## Fund Objective:

The fund seeks current income, consistent with capital preservation and maintenance of a high degree of liquidity.

## Investment Strategy:

The fund invests in high-quality money market instruments. The fund invests at least 80% of its net assets in U.S. Treasury obligations and repurchase agreements secured by U.S. Treasury obligations.

## Fund Facts: NAIC-Listed <sup>1</sup>

Inception date	01/11/91
CUSIP number	097101307
Ticker symbol	CPLXX
Fund number	4232
Weighted average maturity (days)	36
Weighted average life (days)	53
Total assets (all shares)	\$9,480m
Moody's Investors Service*	Aaa-mf
Standard & Poor's*	AAAm
Fitch*	AAAmf

Portfolio holdings and characteristics are subject to change periodically and may not be representative of current holdings and characteristics. Current and future holdings are subject to risk, including, but not limited to, market and credit risk.

## Fund Performance versus Index

	7-Day Yield		30-Day Yields										
	12/31/14	Dec-14	Nov-14	Oct-14	Sep-14	Aug-14	Jul-14	Jun-14	May-14	Apr-14	Mar-14	Feb-14	Jan-14
Current	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Unsubsidized	-0.19	-0.19	-0.20	-0.20	-0.20	-0.19	-0.19	-0.18	-0.20	-0.20	-0.20	-0.22	-0.21
Benchmark <sup>†</sup>	—	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01

<sup>†</sup>MoneyNet Government Category Average

The 7-day current yield is net of all fees and expenses and represents an annualization of dividends declared and payable to shareholders for the last seven days of investment as of the date listed.

The 30-day current yield is net of all fees and expenses and represents an annualization of dividends declared and payable to shareholders for the last 30 days of investment as of the dates listed.

The National Association of Insurance Commissioners (NAIC) is the organization of insurance regulators from the 50 states, the District of Columbia and the five U.S. territories. The NAIC provides a forum for the development of uniform policy when uniformity is appropriate. A fund listed on the NAIC List of Approved Mutual Funds meets conditions in the Purposes and Procedures Manual of the NAIC Securities Valuation Office, qualifying them for more favorable reserve treatment.

The unsubsidized yield is the gross yield that does not reflect any waivers or reimbursement arrangements.

**Performance data quoted represents past performance and current performance may be lower or higher. Past performance is no guarantee of future results. The investment return and principal value will fluctuate so that shares, when redeemed, may be worth more or less than the original cost. Please visit [www.bofacapital.com](http://www.bofacapital.com) for daily and most recent month-end performance updates.**

**Must be preceded or accompanied by a prospectus.**

Advisory services provided by BofA Advisor, LLC,  
Securities offered through BofA Distributors, Inc.  
nonbank subsidiaries of



<b>NOT FDIC INSURED</b>	<b>May Lose Value</b>
<b>NOT BANK ISSUED</b>	<b>No Bank Guarantee</b>

©2015 Bank of America Corporation. All rights reserved.  
BofA Distributors, Inc.  
100 Federal Street, Boston, MA 02110  
[www.bofacapital.com](http://www.bofacapital.com)

MMF-0115 14/ARXSW46K

**An investment in money market mutual funds is not a bank deposit and is not insured or guaranteed by Bank of America, N.A. or any of its affiliates or by the Federal Deposit Insurance Corporation or any other government agency. Although money market mutual funds seek to preserve the value of your investment at \$1.00 per share, it is possible to lose money by investing in money market mutual funds.**

Please see the prospectuses for a complete discussion of the risks of investing in money market mutual funds.

<sup>1</sup> The National Association of Insurance Commissioners (NAIC) is the organization of insurance regulators from the 50 states, the District of Columbia and the five U.S. territories. The NAIC provides a forum for the development of uniform policy when uniformity is appropriate. A fund listed on the NAIC List of Approved Mutual Funds meets conditions in the Purposes and Procedures Manual of the NAIC Securities Valuation Office, qualifying them for more favorable reserve treatment.

\* The credit quality ratings represent those of Moody's Investors Service, Inc. ("Moody's"), Standard & Poor's Corporation ("S&P") or Fitch, Inc. ("Fitch") credit ratings. The ratings represent their opinions as to the quality of the securities they rate. Ratings are relative, subjective and are not absolute standards of quality. The security's credit quality does not eliminate risk. According to Moody's, Aaa money market ratings are judged to be of the best quality. AAAM is the highest principal stability fund rating assigned by S&P. AAAMmf ratings denote extremely strong capacity to achieve a money market fund's investment objective of preserving principal and providing shareholder liquidity through limiting credit, market, and liquidity risk by Fitch. For information regarding the methodology used to calculate the ratings, please visit Moody's at [www.moody.com](http://www.moody.com), S&P at [www.standardandpoors.com](http://www.standardandpoors.com) or Fitch at [www.fitchratings.com](http://www.fitchratings.com).

Source: iMoneyNet, Inc. is an independent mutual fund performance monitor. The iMoneyNet, Inc. averages are not intended to represent the past performance of the funds, but do represent the past performance of funds managed in a similar manner and having similar investment objectives and policies. The iMoneyNet Government Category Average includes all retail and institutional funds: Treasury, Treasury and Repo, Government and Government Agencies.

BofA® Global Capital Management is an asset management division of Bank of America Corporation. BofA Global Capital Management entities furnish investment management services and products for institutional and individual investors. BofA Funds are distributed by **BofA Distributors, Inc.**, member FINRA and SIPC. BofA Distributors, Inc. is part of BofA Global Capital Management and an affiliate of Bank of America Corporation. Merrill Lynch, Pierce, Fenner & Smith Incorporated, a subsidiary of Bank of America Corporation, makes available investment products managed, distributed, or provided by BofA Global Capital Management.

BofA Advisors, LLC is an SEC-registered investment advisor and indirect, wholly owned subsidiary of Bank of America Corporation and is part of BofA Global Capital Management.



**JOHN CHIANG  
TREASURER  
STATE OF CALIFORNIA**



**PMIA Performance Report**

**LAIF Performance Report**

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
01/08/15	0.27	0.27	211
01/09/15	0.27	0.27	213
01/10/15	0.27	0.27	213
01/11/15	0.27	0.27	213
01/12/15	0.27	0.27	212
01/13/15	0.27	0.27	212
01/14/15	0.27	0.27	212
01/15/15	0.26	0.27	211
01/16/15	0.26	0.27	211
01/17/15	0.26	0.27	211
01/18/15	0.26	0.27	211
01/19/15	0.26	0.27	211
01/20/15	0.26	0.27	208
01/21/15	0.26	0.26	212

**Quarter Ending 12/31/14**

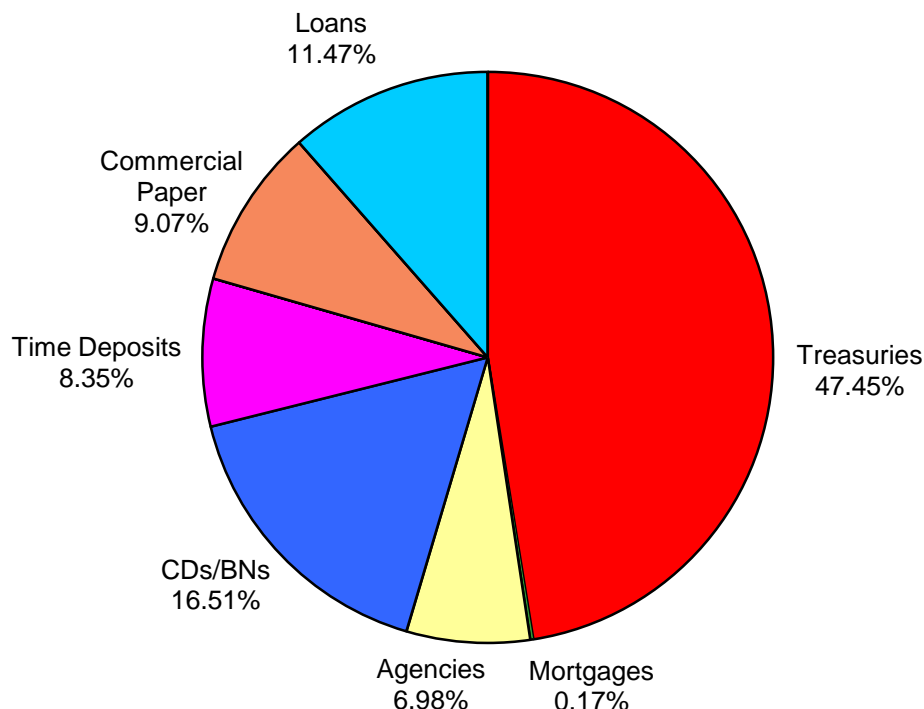
Apportionment Rate: 0.25%  
 Earnings Ratio: 0.00000696536180771  
 Fair Value Factor: 0.99998038  
 Daily: 0.26%  
 Quarter To Date: 0.26%  
 Average Life: 200

**PMIA Average Monthly Effective Yields**

**DEC 2014 0.267%**  
 NOV 2014 0.261%  
 OCT 2014 0.261%

\*Daily yield does not reflect capital gains or losses

**Pooled Money Investment Account  
Portfolio Composition  
\$60.3 billion  
12/31/14**





## Judicial Council of California

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 16-17, 2015

---

Title	Agenda Item Type
Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 2 of Fiscal Year 2014–2015	Information Only
	Date of Report
	March 4, 2015
Submitted by	Contact
Trial Court Facility Modification Advisory Committee	Patrick McGrath, 916-643-8051
Hon. David Edwin Power, Chair	<a href="mailto:patrick.mcgrath@jud.ca.gov">patrick.mcgrath@jud.ca.gov</a>

---

### Executive Summary

The Trial Court Facility Modification Advisory Committee has completed its facility modification funding for the second quarter of fiscal year 2014–2015. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2014–2015* as information for the council. This report summarizes the activities of the Trial Court Facility Modification Advisory Committee from October 1, 2014 to December 31, 2014.

### Previous Council Action

The Trial Court Facility Modification Working Group was established by Judicial Council policy in 2005. The working group first met in April 2006 and operated under the *Trial Court Facility Modifications Policy*,<sup>1</sup> adopted by the Judicial Council in 2005 and revised on December 12, 2014. The working group's primary oversight responsibilities included reviewing statewide facility modification requests and approving facility modification funding.

---

<sup>1</sup> As adopted in 2005, the policy was known as the *Prioritization Methodology for Modifications to Court Facilities*. When it was revised in 2012, the name also changed. See [www.courts.ca.gov/documents/jc-20120727-itemG.pdf](http://www.courts.ca.gov/documents/jc-20120727-itemG.pdf).

The working group's charge was formalized by the Judicial Council on December 14, 2012, and the working group was assigned additional oversight responsibility for the operations and maintenance of existing facilities, noncapital-related real estate transactions, energy management, and environmental management and sustainability. On April 25, 2013, the working group's status was elevated to that of advisory committee.

An updated Court-Funded Facilities Request approval process was submitted and approved by the Judicial Council on August 23, 2013, requiring all Court-Funded Facilities Requests to be reviewed and approved by the Trial Court Facility Modification Advisory Committee (TCFMAC). These submittals may include lease-related costs (e.g., lease payments and operating costs, repairs, or modifications required by a lease); allowable court operations expenditures under rule 10.810 of the California Rules of Court (e.g., equipment, furnishings, interior painting, flooring replacement or repair, furniture repair, or records storage); and other facility improvements that are not allowable court operations expenditures under rule 10.810 (e.g., facilities operations, maintenance, repairs, and modifications, but not capital projects), if they would improve a court's functioning or reduce ongoing court operating costs.

Reports previously approved by the Judicial Council are available at [www.courts.ca.gov/2567.htm](http://www.courts.ca.gov/2567.htm) under Research and Reports: Conditions in Our Courts.

## **Methodology and Process**

Funding decisions were based on the prioritization and ranking methodologies in accordance with the *Trial Court Facility Modifications Policy*. Facility modifications are assigned one of six priority categories: Priority 1—Immediate or Potentially Critical; Priority 2—Necessary, But Not Yet Critical; Priority 3—Needed; Priority 4—Does Not Meet Current Codes or Standards; Priority 5—Beyond Rated Life, But Serviceable; and Priority 6—Hazardous Materials, Managed But Not Abated. These categories are based on methods commonly used by private-sector facility management firms. Facility modifications that are determined to be Priority 1 are to be addressed immediately and regardless of whether the court occupies a shared-use facility. With current budget constraints, the TCFMAC primarily limits approvals of facility modification projects to Priority 1 and Priority 2 projects. Delaying TCFMAC approval of these projects would cause continued court closures, operational failures, and undue risk to continued court operations.

## **Policy and Cost Implications**

During the second quarter of fiscal year 2014–2015, the TCFMAC reviewed and approved a total of 386 facility modifications for a total projected cost of \$27,066,997. The Facility Modification Program's share of these projects totals \$23,396,856. These approved projects are limited to Priority 1 emergency projects and Priority 2 critical needs projects. Please see Attachment A for a detailed list of all approved projects.

During this quarter, eight projects required additional funds in excess of \$50,000 over their original estimates. The Facility Modification Program's share of these cost increases totals



\$1,128,963. Projects that require excess costs of this magnitude are typically Priority 1 emergency projects that do not have a full scope and cost estimate developed at the onset of the project and for which significantly more work or testing is discovered after commencement.

During this quarter, three Court-Funded Facilities Requests (CFRs) were reviewed and approved by the TCFMAC, including requests from Glenn, Los Angeles, and San Joaquin courts. As stated above, CFR submittals may include lease-related costs, allowable court operations expenditures under rule 10.810 of the California Rules of Court, and other facility improvement costs that are not allowable under rule 10.810. See Attachment B for a detailed list of CFRs approved by the TCFMAC during the second quarter of fiscal year 2014–2015.

### **Implementation Efforts**

The TCFMAC conducted an in person meeting on November 3, 2014, at the Sacramento office, and a teleconference on December 15, 2014, to review facility modification funding requests and to discuss the following topics:

- Regular review of facility modification projects lists: A (Emergency and Priority 1), B (FMs Less than \$50K), C (Cost Increases Over \$50K), D (FMs Greater than \$50K Eligible for Funding), and F (Court-Funded Facilities Requests).
- Discussion and review of facility modification requests for Priority 3 projects received from Courts.
- Status updates on the Department of Finance denial response to the FY 15-16 Budget Change Proposals.
- Informational presentation from Judicial Council staff to review expenditures from FY 13-14 relative to the operational budget.
- Reviewed and approved a utility cost outreach letter that was sent to all presiding judges.
- Informational presentation from Judicial Council staff to review the process involved in obtaining a solar power purchase agreement.
- Discussion and review of the Department of Finance deferred maintenance report.
- Informational presentation from Judicial Council staff to review current staffing status and constraints.
- Discussed comments received from Merced, Nevada, Placer, Santa Barbara, Solano, and Tulare Superior Courts.
- Discussion and review of the proposed California Rule of Court 10.65 (Trial Court Facility Modification Advisory Committee).
- Discussion and review of the *Annual Report of the Trial Court Facility Modification Advisory Committee for Fiscal Year 2013-2014*.
- Judge David Edwin Power visited the Napa County Historic Courthouse and Napa County Criminal Courthouse to examine the earthquake damage and the ongoing repairs at both facilities.
- Ms. Christina Volkers, court executive officer of the San Bernardino Superior Court, conducted a site visit at both the Placer Superior Court Auburn jail arraignment courtroom and the shelled facility at the new Placer jail.

## **Next Steps**

The *Trial Court Facility Modification Quarterly Activity Report, Quarter 3 of Fiscal Year 2014–2015* will be submitted to the Judicial Council in June 2015.

## **Attachments**

1. Attachment A: *TCFMAC Funded Project List: Quarter 2, Fiscal Year 2014–2015*
2. Attachment B: *Court-Funded Facilities Requests (CFRs): Quarter 2, Fiscal Year 2014–2015*

DRAFT



#	FM NUMBER	LOCATION	FACILITY NAME	BUILDING ID	PRIORITY	SHORT TITLE	PRELIMINARY ESTIMATE	FACILITY MODIFICATION PROGRAM SHARE OF PRELIMINARY ESTIMATE	FACILITY MODIFICATION PROGRAM SHARE % OF COST
1	FM-0023333	Alameda	Fremont Hall of Justice	01-H1	2	Exterior Grounds - Flood prevention - Storm Drains (20) - Restore the storm drains to the original engineered design capacity, remove mud, vegetation and debris within the basins and pipes, pressure flush drain pipes and install carbon filters - Storm water drains are clogged and prone to flooding.	\$ 26,530	\$ 21,065	79.40
2	FM-0052860	Alameda	Wiley W. Manuel Courthouse	01-B3	2	Fire Protection - Fire Alarm System - Correct deficiencies found while performing a level IV PM - Replace failed water flow device located on the 3rd floor stairway #1 and Fireman's phone jack on the 1st floor	\$ 2,114	\$ 1,772	83.80
3	FM-0052881	Alameda	Fremont Hall of Justice	01-H1	2	HVAC - Replace the failed slide valve piston and lip seal bypass kit on compressor #1 on Chiller #1.	\$ 6,746	\$ 5,356	79.40
4	FM-0052952	Alameda	Berkeley Courthouse	01-G1	2	Exterior window flashing - Replace two missing window head flashings on the front and rear second floor windows for wet weather proofing to match existing	\$ 3,225	\$ 3,225	100.00
5	FM-0053024	Alameda	Wiley W. Manuel Courthouse	01-B3	2	Fire Sprinkler - Replace leaking fire sprinkler system weld-o-let on the second floor, welding required. Isolate fire sprinkler system riser on the south stairwell to allow all sprinklers to be feed from the north side riser. (Full building coverage overnight) Drain and fill system checking all floors and floor isolation valves for leaks.	\$ 8,569	\$ 7,181	83.80
6	FM-0053469	Alameda	Wakefield Taylor Courthouse	07-A2	2	HVAC - Remove and dispose of existing cooling tower; Re-slope and re-roof 800 sq ft of roofing; Install one (1) new 227 ton cooling tower. Provide and install 40 LF of 8 steel piping and 20 LF of 1 copper piping including fittings, valves and supports; Provide a new VFD; Connect cooling tower to the existing BAS. Work requires a crane and is to be done off hours - Existing Cooling tower is rotting and leaking. The water pools on the roof due to slope problems.	\$ 429,416	\$ 429,416	100.00
7	FM-0054040	Alameda	Fremont Hall of Justice	01-H1	2	Remove and replace failed twenty five horsepower motor for the pneumatic tube transport system blower - Work to be performed after hours.	\$ 14,845	\$ 11,787	79.40
8	FM-0054046	Alameda	Hayward Hall of Justice	01-D1	2	Exterior Shell - Replace the failed outdoor steel staircase, guardrails, and hand rails, with an industrial aluminum staircase, guardrails, and hand rails, located outside of the basement mechanical room - Rusted to a point of being unsafe	\$ 52,822	\$ 46,642	88.30
9	FM-0052948	Butte	Butte County Courthouse	04-A1	2	HVAC - Replace 2 Condenser Fan Motors, Fan Blades and Motor Speed Controls - The 2 motors have quit working and the Chiller runs high pressures on warm days. Putting heavy load on compressors.	\$ 6,521	\$ 6,521	100.00
10	FM-0054066	Calaveras	New San Andreas Courthouse	05-C1	2	Elevator - Elevator #4 stuck in basement with entrapment, replace failed vane behind rotor.	\$ 2,812	\$ 2,812	100.00
11	FM-0053025	Colusa	Courthouse Annex	06-A2	1	COUNTY MANAGED - HVAC - Replace 22 year old, 60 ton HVAC unit that has completely failed. Repair is not economically prudent. Crane will be utilized to replace the unit.	\$ 80,000	\$ 80,000	100.00
12	FM-0052942	Contra Costa	George D. Carroll Courthouse	07-F1	2	HVAC - Restore AHU-11 to manufacturers specifications, work includes the installation of one new high efficiency motor with a VFD. This unit serves public areas that are presently not getting air. The VFD is required to lower air flow because the unit originally served a much a larger area.	\$ 14,841	\$ 11,129	74.99



13	FM-0052943	Contra Costa	George D. Carroll Courthouse	07-F1	2	Vandalism - Graffiti removal in six restrooms - Replace 2 - 5 x 3 etched restroom mirrors; Remove multiple instances of graffiti in clerks area and public spaces; Replace 24 defaced ceiling tiles.	\$ 9,073	\$ 6,804	74.99
14	FM-0052992	Contra Costa	Bray Courts	07-A3	2	Fire Protection - Install 80 ft 1-1/2 steel pipe; Install 7 new sprinkler heads with escutcheon; Re-plaster 36 sq ft ceiling plaster; Install straps (8), fittings (20), Replace 3 pre-action gauges; Drain and recharge 3 floors 3 times; Perform fire watch; off hours work - Deficiencies found during annual Fire Inspections by the SFM.	\$ 57,155	\$ 48,879	85.52
15	FM-0053468	Contra Costa	Danville District Courthouse	07-C1	2	HVAC - Remove and dispose of (4) failing rooftop AHUs; Install (4) new units, (1) 7.5 ton, and (3) 12.5 ton; Install 4 new roof curbs; Install (4) economizers and (4) smoke detectors; Install and wire (4) new thermostats (200 ft of wire); Modify 240 sq ft of ductwork to fit new units; Requires a crane and off hours installation.	\$ 294,518	\$ 294,518	100.00
16	FM-0053473	Contra Costa	Arnason Justice Center	07-E3	2	Fire Protection - Provide and install one (1) upgraded fire beam detector in the atrium; Provide Start-up, testing, and verification of operation; Work to be performed by a specialty fire alarm company; Work to be done off hour and requires a lift to access the detector location - Present beam detector creates false alarm conditions. System adjustments completed since construction have not resolved initial design deficiency.	\$ 14,238	\$ 14,238	100.00
17	FM-0053477	Contra Costa	George D. Carroll Courthouse	07-F1	2	HVAC - Remove and replace one (1) 40 Ton roof top condenser, (1) 40 Ton indoor condenser, and (4) 10 ton scrolls and heat exchanger; removal and replacement of (16) seismic spring isolators, (2) water pumps, (2) 3 triple duty valves and suction diffusers and (6) 3 flex connections, (2) thermometers and pressure gauge valve kits, (2) 1 1/4 and 1 3/8 flex connections, (1) Pot Feeder, (100) LF of 3 chilled water piping and (100) LF of refrigerant piping; New refrigerant Leak detection system	\$ 567,603	\$ 425,645	74.99
18	FM-0054085	Contra Costa	George D. Carroll Courthouse	07-F1	2	HVAC - Replace Qty 1 failing burning on boiler #2 - The burner is a safety issue	\$ 4,616	\$ 3,462	74.99
19	FM-0053412	Del Norte	Del Norte County Superior Court	08-A1	2	HVAC - Install new stainless steel outside air and return air dampers, linkages, and actuators for nine (9) economizers (AH-1, AH-2, AH-3, AH-4, AH-5, AH-6, AH-8, AH-9, AH-11). Remove existing ductwork and install new dampers, insulation, and sheet metal. Reinstall existing ductwork and seal new dampers. Remove and dispose of existing dampers, linkages, and actuators.	\$ 75,881	\$ 66,775	88.00
20	FM-0053450	El Dorado	Johnson Bldg.	09-E1	2	Exterior Shell - Replace 5 single glazed window & 2 door panes with opaque dual glazed units and install 2 dual glazed doors/fame. Current conditions leave room too cold even after repeated HVAC adjustments that cannot overcome thermal loss from the exterior conditions.	\$ 11,000	\$ 11,000	100.00
21	FM-0052876	Fresno	B.F. Sisk Federal Courthouse	10-O1	2	Grounds and Parking Lot - Replace slat, bottom rail and adjust - Judges' parking lot gate was hit with a vehicle and damaged, requiring parts replacement to operate properly.	\$ 4,070	\$ 4,070	100.00
22	FM-0053039	Fresno	Fresno County Courthouse.	10-A1	1	Fire Protection - Replace 2 stolen post indicator valve heads and secure as necessary them to prevent them from being removed in the future. Order 4 new Knox covers and install them on the 4 fire department connections. Paint the new valves fire red and secure them with new padlocks - Fire Protection equipment must be maintained properly to insure it is ready when required for life safety.	\$ 4,758	\$ 4,563	95.91
23	FM-0053461	Fresno	B.F. Sisk Federal Courthouse	10-O1	2	Security - (1) Install Windows 8.1 software on the two existing security camera system workstations, replacing Windows XP; (2) Upgrade existing ViconNet software to v. 6.7SP1; update software, drivers or firmware as necessary for existing Nucleus, 167 cameras, NVRs, storage; (3) Replace one failed encoder. - Windows XP is no longer a supported operating system, and is a security risk on the Courts network. The ViconNet software needs to be upgraded to support Windows 8.1.	\$ 8,253	\$ 8,253	100.00



24	FM-0053522	Fresno	B.F. Sisk Federal Courthouse	10-O1	3	Energy Efficiency - HVAC - Install 30 smart room sensors, add building pressure controls to AHU-6 along with transfer duct in Jury Assembly Room; reconfigure BAS software to maximize operational and program efficiencies relative to set points, temperature dead bands, fan control functions and temperature dead bands.	\$ 61,604	\$ 61,604	100.00
25	FM-0054064	Fresno	Firebaugh Court	10-K1	2	Interior Finishes - Remove approximately 270 sq. ft. of lead-based and non-lead-based paint at areas of efflorescence and wall damage in Library and DCSS office. Perform clearance test of abated areas to ensure no lead paint left behind. Patch and paint approximately 350 sq. ft. of wall space - Moisture intrusion through outside wall from sprinkler system has caused efflorescence and wall damage. Environmental tests have been conducted and are attached.	\$ 6,575	\$ 3,815	58.02
26	FM-0054073	Fresno	JJC Delinquency Court	10-P1	2	Security - Replace power supply and one hard drive in Multiplexer #1 - Multiplexer #1 has failed and is inoperable.	\$ 2,675	\$ 1,565	58.50
27	FM-0054093	Fresno	Fresno County Courthouse.	10-A1	2	HVAC - Remove pump and pump motor for heating water system. Install new viton pump seal, sleeve the seal race and remove grease from the motor. Reinstall pump and pump motor - Pump had failed and was badly leaking.	\$ 2,895	\$ 2,777	95.91
28	FM-0052947	Glenn	Historic Courthouse	11-A1	1	HVAC - Replace condensing unit - Unit has dumped all refrigerant and will need to be replaced	\$ 3,500	\$ 1,715	49.00
29	FM-0052859	Humboldt	Humboldt County Courthouse (Eureka)	12-A1	2	Interior - Remediate Sound Issue - Supply and install forty-eight (48) sound emitters to mask the noise transfer issues in family law mediators office, safety issues when family members can hear conversations with mediators outside in waiting rooms. Set up and training included.	\$ 13,105	\$ 13,105	100.00
30	FM-0052861	Humboldt	Humboldt County Courthouse (Eureka)	12-A1	2	HVAC - Install Mini Split Unit - Install 1 recessed ceiling mounted Mini Split heat pump in Court IT, the house system cannot control air temperature in this room due to heat load from Computers, it is connected to Court Finance so we either keep one group hot or the other group cold. Including core drilling and roof penetrations, roofing patching at roof top compressor location, modification to T-bar ceiling in IT room to allow recess unit to be installed, all electrical connection and wireless	\$ 52,322	\$ 52,322	100.00
31	FM-0052741	Kern	Delano/North Kern Court	15-D1	2	HVAC - Install two new 5 ton rooftop high efficiency gas electric package units: AC Units PKU #8 and PKU #9 including new Seismic Vibration Isolation Roof Curbs. A 90 ton crane will be used to remove the (2) package units from the roof and lift the new units into place. Two rooftop HVAC units (5 ton each) no longer provide sufficient cooling to Judge's Chambers and the Deliberation room. Both units have had multiple parts replaced to no avail and units are operating at less than 60% capacity.	\$ 39,293	\$ 39,293	100.00
32	FM-0052831	Kern	Delano/North Kern Court	15-D1	1	HVAC - Compressors were replaced returning cooling to Court exclusive (critical) areas. Replace faulty compressors (2) that are both grounded and not providing cooling to Courtroom - failed compressors have rendered unit servicing Courtroom inoperable.	\$ 8,656	\$ 8,656	100.00
33	FM-0052841	Kern	Bakersfield Superior Court	15-A1	2	COUNTY MANAGED - Electrical - P2/PHASE 2 of P1 Electrical Work - Replace 50yr old cabling/conductors/breakers/disconnects. The existing electrical panel has been in service for fifty years and parts can no longer be replaced, this is a 12000 volt system.	\$ 485,210	\$ 485,210	100.00
34	FM-0052904	Kern	Bakersfield Juvenile Center	15-C1	1	HVAC - Replace failed Compressor #2 on Chiller #1. Chiller working below capacity due to failed Compressor #2 on Chiller #1.	\$ 42,791	\$ 28,567	66.76
35	FM-0052907	Kern	Bakersfield Juvenile Center	15-C1	2	Plumbing - Replace approximately 5' of leaking 3" chilled water pipe and multiple fittings. Chilled water line has small leak and must be replaced.	\$ 3,304	\$ 2,206	66.76
36	FM-0052985	Kern	Shafter/Wasco Courts Bldg.	15-E1	1	Plumbing - Restore leaking pipe in Men's public restroom: Area scrubbed and dried out, drywall removed and replaced in lobby and men's public restroom. Patch and paint to match existing. Court staff reported wet wall and floor tile in restroom.	\$ 31,918	\$ 28,710	89.95



37	FM-0053037	Kern	Bakersfield Superior Court Modular	15-A2	2	HVAC - HVAC Bard unit compressor has failed. Installation of replacement (Energy Efficient) HVAC unit to service Superior Court Modular.	\$ 5,328	\$ 3,337	62.64
38	FM-0053453	Kern	Bakersfield Superior Court	15-A1	1	Plumbing - Water line restored, judge's chambers and clerk's offices scrubbed/dried out over 48 hour period. Small paint touch up to Clerk's office wall. In custody in Holding Cell #2 damaged water line to toilet (clean water) causing water intrusion to judge's chambers and clerk's offices.	\$ 3,047	\$ 1,909	62.64
39	FM-0053487	Kern	Bakersfield Superior Court	15-A1	2	HVAC - Replace burnt out supply fan motor, pulley w/hub and 2 new belts. Reconnect wiring to new motor. Burnt out supply fan motor not providing cooling to AHU 04.	\$ 2,699	\$ 1,691	62.64
40	FM-0053951	Kern	Arvin/ Lamont Branch	15-H1	2	Fire Protection - Fire curtain door at window 5 tension wheel assembly replaced and installed onto shutter. Fire curtain at window # 5 in clerk's office will not open.	\$ 2,731	\$ 1,663	60.91
41	FM-0047471	Lake	South Civic Center	17-B1	2	Exterior Grounds - Asphalt - Remove and replace approximately 13 Cubic Yards of damaged asphalt, fill 800 LF of cracks and seal the parking lot (approx 38000 SF ). Work includes the installation of 20 lf concrete curb, 16 sf truncated domes, 1 bollard and striping	\$ 55,421	\$ 55,421	100.00
42	FM-0052963	Lassen	New Susanville Courthouse	18-C1	2	Safety - Bullet Resistant Glazing - Remove and replace one (1) 4' x 2' Cracked Bullet Resistant Glass window in Judges Conference Room - A Bullet Resistant glass window is cracked and has lost its structural integrity, therefore can no longer perform its design function.	\$ 3,873	\$ 3,873	100.00
43	FM-0054087	Lassen	New Susanville Courthouse	18-C1	1	HVAC - Boiler 1 & 2 will not stay online, control boards have failed and the building cannot be heated. Replace control boards and add heat tape and windshield to unit housing to protect and help prevent reoccurrence.	\$ 2,000	\$ 2,000	100
44	FM-0054111	Lassen	New Susanville Courthouse	18-C1	1	Grounds and Parking Lot - Potential Hazardous Material Leak- contain and mitigate environmental hazard. Saw cut and hand demo 8'x8' area of concrete where the Glycol is seeping through concrete fissures and determine the source of the leak. Replace the leaking PVC couplers with Shark Bite brass couplers. Retrieve and properly dispose of ponded Glycol. Restore concrete to existing conditions	\$ 10,000	\$ 10,000	100
45	FM-0035537	Los Angeles	Pasadena Superior Court	19-J1	2	Elevator - Elevator Renovation - Complete renovation of five (5) traction and two (2) hydraulic elevators. Work will include but not be limited to, car frames and platforms, buffers and safeties, hoist way entrance frames, doors and pit equipt., new AC gearless machines, micro-processor control systems, regenerative VVVF AC drives, fly ball governors, closed loop heavy duty high speed operators, current code required wiring, interior and lobby control panels, counterweights and roller guides, hoist and governor ropes, cab ceilings with LED down lights, rope compensation, new submersible pump units and underground cylinders encased in PVC for hydraulic elevators, and seismic provisions. Provide new air conditioning to the machine rooms.	\$ 3,893,560	\$ 3,163,518	81.25
46	FM-0036206	Los Angeles	El Monte Courthouse	19-O1	2	Plumbing - Replace Leaking 250 Gallon Water Heater in Rm. B27 - Needed to maintain the buildings potable hot water supply to all restrooms and entire facility for the comfort and cleanliness of the court	\$ 40,828	\$ 23,729	58.12
47	FM-0047040	Los Angeles	Torrance Courthouse	19-C1	2	Grounds-Replace broken curb (35 lf) and concrete (350 sf) causing trip hazard in parking lot, caused by tree roots which need to be addressed during construction.	\$ 9,264	\$ 7,887	85.14



48	FM-0049106	Los Angeles	Stanley Mosk Courthouse	19-K1	2	Elevator - Elevator Renovation - Complete renovation of eight (8) gearless traction elevators, six 3,000 lb capacity and two 8,000 lb capacity. Work will include but not be limited to, car frames and platforms, buffers and safeties, hoist way entrance frames, doors and pit equipt., new AC gearless machines, micro-processor control systems, regenerative VVVF AC drives, fly ball governors, closed loop heavy duty high speed operators, current code required wiring, interior and lobby control panels, counterweights and roller guides, hoist and governor ropes, cab ceilings with LED down lights, rope compensation and seismic provisions.	\$ 3,851,000	\$ 3,745,483	97.26
49	FM-0050722	Los Angeles	Airport Courthouse	19-AU1	2	Interior Finish - Grind chipped and irregular floor and apply elastomeric filler to recessed areas to bring floor to flush condition (Approximately 80 SF) Work is needed to prevent possible tripping hazard and maintain clean floor surface.	\$ 8,810	\$ 6,799	77.17
50	FM-0052807	Los Angeles	Stanley Mosk Courthouse	19-K1	2	Fire Protection - Replace 1,811 sprinkler heads throughout the 736,000 SF. facility that are painted over, some are more than 50 yrs old and found deficient during latest Fire Marshals inspection. The sprinkler heads have failed U/L testing.	\$ 215,621	\$ 209,713	97.26
51	FM-0052811	Los Angeles	Chatsworth Courthouse	19-AY1	1	Electrical - Replace 120 UPS Batteries for Alarm System. Batteries failed and put system into alarm status.	\$ 66,495	\$ 55,723	83.80
52	FM-0052813	Los Angeles	Stanley Mosk Courthouse	19-K1	2	Interior Finishes - Frame and install a secured door to the back hallway to Judge's chambers #421. Currently the hallway is not secured to the public and the public waits by the chamber doors while in line for the restroom, creating a safety situation.	\$ 3,561	\$ 3,561	100.00
53	FM-0052817	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Clear out main line to stop overflow onto cells, remove all debris from floor and disinfect entire area due to sewage water. 8th Floor main line back up causing sewage water to come out floor drains on 4-cells.	\$ 2,740	\$ 1,885	68.79
54	FM-0052818	Los Angeles	Alhambra Courthouse	19-I1	2	Plumbing - Replace cracked porcelain sink with stainless steel sink that complies with public and safety standards. The porcelain sink in the holding cell is cracked presenting safety hazard for the inmates and sheriff deputies if it breaks.	\$ 4,795	\$ 4,795	100.00
55	FM-0052819	Los Angeles	Compton Courthouse	19-AG1	2	Grounds - Cut and remove concrete that is causing the uneven surface. Pour new concrete and smooth out walkway area. Currently the concrete walkway and expansion joint is uneven causing a safety and trip hazard.	\$ 5,281	\$ 3,492	66.13
56	FM-0052823	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Replace failed and angle stop to cell. Leaking down to 3rd floor public hallway. Secure water supply, contain area. Installed Add-a-valve to secure water supply and changed out damage angle stop, seal pipe chase floor to prevent future leaks to lower floor.	\$ 6,809	\$ 4,684	68.79
57	FM-0052825	Los Angeles	Van Nuys Courthouse West	19-AX2	2	Elevators, Escalators, & Hoists - Obstruction in Comteeth - Isolate the cause of the loud grinding sound at the 1st to 2nd floor escalator, found and removed a metal object wedged in the comteeth, put the escalator back into operation.	\$ 3,924	\$ 3,158	80.48
58	FM-0052827	Los Angeles	Van Nuys Courthouse West	19-AX2	1	Elevators, Escalators, & Hoists - Found F11 and F12 fuses open, elevator trips loop overloaded due to brake pick failure. Renovate 2TR relay, adjusted 2TR timer, tested operation and returned elevators to normal service. Public Elevator 1 & 2 not responding, sitting on main ground floor.	\$ 3,182	\$ 2,561	80.48
59	FM-0052828	Los Angeles	Hall of Records- County Records Center	19-AV3	1	COUNTY MANAGED - ELEVATOR - Replace Hydraulic elevator pump motor and starters Y and Delta at Archives 222 N. Hill St., Los Angeles 90012. This is the Freight Elevator (1of 1). Non-operating elevator is impacting Archive operations.	\$ 6,500	\$ 6,500	100.00
60	FM-0052834	Los Angeles	Stanley Mosk Courthouse	19-K1	2	Interior Finishes - Frame and install a secured door to the back hallway to Judge's chambers #321. Currently the hallway is not secured to the public and the public waits by the chamber doors while in line for the restroom, creating a safety situation.	\$ 5,433	\$ 5,433	100.00





61	FM-0052836	Los Angeles	Compton Courthouse	19-AG1	2	Elevator - Furnish and install new fire rated door with laminate wood grain to match existing doors and test for proper operation. Currently the elevator lobby is damaged and needs to be replaced due to the current condition does not present any fire rating.	\$ 2,886	\$ 1,909	66.13
62	FM-0052839	Los Angeles	Van Nuys Courthouse West	19-AX2	1	Interior Finishes - Install safety straps tight around columns to prevent from falling. Columns will be strapped every 5-8 feet. 50 ft columns have panels falling and some ready to fall causing a huge safety issue.	\$ 12,762	\$ 10,271	80.48
63	FM-0052852	Los Angeles	Beverly Hills Courthouse	19-AQ1	2	Elevators, Escalators, & Hoists - Restore default memory, reset microprocessor and re-sync position system by driving elevator to its lowest level to regain its default memory. Elevator #2 has lost its memory and the hoist way door keeps on cycling at the 4th floor.	\$ 3,197	\$ 2,542	79.52
64	FM-0052854	Los Angeles	Parking Lot-San Fernando Courthouse Jury-	19-AC6	2	Parking Lot / Resurface Jury parking lot. Currently the pavement/concrete throughout the parking lot is damaged, with numerous cracks and potholes scattered throughout the parking lot, creating tripping hazards along with tire damage to the cars.	\$ 5,225	\$ 4,358	83.41
65	FM-0052855	Los Angeles	Van Nuys Courthouse East	19-AX1	1	Elevators, Escalators, & Hoists - Clean contacts on selector, overload and dashpot oil low. Refilled oil and tested car and returned to service. Judges elevator #6 is stuck on 2nd floor not responding, no entrapment.	\$ 2,634	\$ 2,634	100.00
66	FM-0052856	Los Angeles	Pomona Courthouse South	19-W1	2	Elevators, Escalators, & Hoists - Shorten the hoist ropes and test operation under seismic or emergency conditions. The elevator did not pass the annual inspection and a preliminary order was written.	\$ 4,578	\$ 4,172	91.14
67	FM-0052864	Los Angeles	Bellflower Courthouse	19-AL1	1	Plumbing - Drained and isolated water pipe system, removed a 2" and 1-1/2" water valve that were rusted/corroded. Installed new valves and re-filled system, checked for any leaks. Two water valves were leaking water constantly in lock up pipe chases, water was penetrating to the floor below. Water was accumulating in pipe chases creating slipping and safety hazard.	\$ 3,795	\$ 2,958	77.94
68	FM-0052865	Los Angeles	Metropolitan Courthouse	19-T1	2	Electrical - Remove existing batteries and install lead acid batteries 8D. Install 24v charger in the generator and replace existing cable. Currently the batteries and cable are originals and need to be replaced.	\$ 4,938	\$ 4,668	94.54
69	FM-0052866	Los Angeles	Burbank Courthouse	19-G1	2	Fire Protection - Replace fire-fly IV (dropping device) on the fire door. Currently the fire door has failed to drop when the fire alarm is on, creating a safety situation.	\$ 4,834	\$ 4,387	90.76
70	FM-0052868	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	2	Exterior Finishes - Remove and replace one (1) 4'x4' damaged piece of glass. High reach equipment will be required to complete this work.	\$ 2,360	\$ 1,623	68.79
71	FM-0052875	Los Angeles	Metropolitan Courthouse	19-T1	2	Elevators - Relays - Isolate the failures identified during the Reg 4 test on elevators 1-9, found that multiple relays were failing and were replaced .	\$ 3,724	\$ 3,521	94.54
72	FM-0052880	Los Angeles	Pasadena Courthouse	19-J1	2	HVAC - Failing Return Fan Motor - Remove and replace return blower motor and bearings, AHU #6 is not operating due to the faulty return fan motor affecting the air flow on the 5th and 6th floors.	\$ 4,345	\$ 3,013	69.35
73	FM-0052882	Los Angeles	Metropolitan Courthouse	19-T1	2	HVAC - Bypass water on the chilled water system for the drinking fountains and recover refrigerant. Floor#2, 3, 5, and 7. Currently there is no way to by-pass the failed chillers.	\$ 5,616	\$ 5,309	94.54
74	FM-0052891	Los Angeles	Metropolitan Courthouse	19-T1	2	Electrical - Replace the single wall day tank with a double wall tank and anchor it down to the roof, install a monitoring device to insure no over flow or loss of fuel, replace all piping with new stainless steel flex lines to bring the system up to code. Currently the day tank is a single wall tank with no alarm for high or low fuel and no leak detector. If the tank cracks it will leak fuel on the roof creating a safety situation.	\$ 10,585	\$ 10,007	94.54
75	FM-0052893	Los Angeles	Torrance Courthouse	19-C1	2	Vandalism - Strip doors and frames, sand and remove graffiti off doors, stain to match existing and apply clear finish coat. Total of 25 doors and 5 frames.	\$ 7,753	\$ 6,601	85.14





76	FM-0052894	Los Angeles	Long Beach Courthouse	19-Y1	2	Fire Protection - Fire Alarm Wiring - Isolate and remove multiple shorts and ground faults in the wiring for the fire alarm panel. Currently there is intermittent trouble alarms due to the faulty wiring.	\$ 4,944	\$ 3,737	75.59
77	FM-0052896	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	1	Interior Finishes - Water remediation, set up containments, installed new waterproof panel in the janitorial mop sink area, install new drywall and repaint area. Water leaking through the 5th floor ceiling in the secure hallway between the restrooms, water coming from the 6th floor janitorial mop sink.	\$ 5,858	\$ 4,100	69.99
78	FM-0052897	Los Angeles	Torrance Courthouse	19-C1	1	Plumbing - Replace faulty water valve under the women's jury restroom sink. Water remediation, set up ACM containment. Water impacted 2nd floor and down to Dept. H and judges chamber.	\$ 6,616	\$ 6,616	100.00
79	FM-0052899	Los Angeles	Metropolitan Courthouse	19-T1	2	Electrical - Drain coolant from Generator, re-core radiator, replace, all hoses and connectors to generator, and refill with new coolant. Currently the generator radiator is leaking coolant which is causing a safety situation when the generator were to be used in an emergency and it over heats due to the coolant being low.	\$ 31,711	\$ 29,980	94.54
80	FM-0052900	Los Angeles	Santa Monica Court Annex	19-AP3	1	Elevator - Remove and replace defective solid state starter. Currently the broken solid state starter is disabling the elevator, leaving the court with no working elevators for the public causing a ADA compliance issue.	\$ 2,565	\$ 2,013	78.49
81	FM-0052906	Los Angeles	Pasadena Courthouse	19-J1	1	Plumbing - Replace failed piping and remediate ACM contamination. Replace 5 ft of 3 inch cast iron waste pipe and coupling and 2 ft of 2 inch waste pipe, comby and coupling. Water remediation, set up containments, HEPA vacuum, disinfect. Dehumidifiers and fans were placed to remove moisture in the leak affected areas. 3rd floor men's restroom drain line leaked into 2nd floor.	\$ 46,782	\$ 32,443	69.35
82	FM-0052908	Los Angeles	Chatsworth Courthouse	19-AY1	2	Plumbing - Replace punctured backflow to Cooling Tower #1. Currently the backflow has a hole in the body and could leak at anytime, which would affect the water flow to the cooling tower effecting major operation of cooling.	\$ 4,944	\$ 4,143	83.80
83	FM-0052917	Los Angeles	Bellflower Courthouse	19-AL1	1	HVAC - Remove and replace (2) leaking 4" gate valves in the AHU room. This work was completed as a P1 emergency due to the floor being constantly wet with pool water, creating a slipping and safety hazard.	\$ 3,371	\$ 2,627	77.94
84	FM-0052918	Los Angeles	Downey Courthouse	19-AM1	2	HVAC - Replace leaking pipes and valves on Cooling Towers #1 and #2. Return and supply lines have rust spots on the pipes which could spring a leak at any moment. Valves need to be replaced, they are almost frozen, very hard to turn, safety concern, possible flooding.	\$ 21,598	\$ 18,078	83.70
85	FM-0052920	Los Angeles	Parking Structure-Lot 53 Pasadena Court-	19-J3	2	Grounds and Parking Lot - Replace leaking 3" dry control valve. Dry standpipe control valve is leaking, not holding pressure.	\$ 5,146	\$ 3,569	69.35
86	FM-0052924	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	2	Parking Lot / Replace broken cables and straighten bent panels on the Sheriff's sally port gate. One of the cables broke causing one side of the door to fall, damaging the panels.	\$ 3,933	\$ 2,753	69.99
87	FM-0052926	Los Angeles	Norwalk Courthouse	19-AK1	2	HVAC - Remove and replace damages parts (bearings, blower wheels, shaft, & B85 belts) from Air Handler Unit. Currently the basement exhaust fan has a broken drive shaft and is non-operational. Air in the basement is not being exhausted properly and this is a safety and health hazard.	\$ 9,399	\$ 7,992	85.03
88	FM-0052937	Los Angeles	Parking Structure-El Monte Courthouse-	19-O2	2	Plumbing - Replace malfunctioning floats and remove the debris from the sewage injector pumps. The sewage injector pumps were operating continuously due to malfunctioning floats and high amount of debris in the sewage pit.	\$ 4,579	\$ 2,661	58.12
89	FM-0052940	Los Angeles	Chatsworth Courthouse	19-AY1	2	HVAC - Replace Worn Gear Reducing Transmission. Gear Reducing Transmission causing vibration, might break down and fail, effecting cooling system.	\$ 43,174	\$ 36,180	83.80



90	FM-0052953	Los Angeles	Pasadena Courthouse	19-J1	1	Elevators, Escalators, & Hoists - Remove worn out bearings and install new bearings sheave. Judge's elevator #5 was out of service, bearing sheave worn out need to be replace/repair	\$ 14,960	\$ 14,960	100.00
91	FM-0052954	Los Angeles	Burbank Courthouse	19-G1	1	Plumbing - Install water heater. Currently there is no hot water in over 50 percent of the courthouse which is a safety and health concern.	\$ 6,181	\$ 5,610	90.76
92	FM-0052955	Los Angeles	Inglewood Courthouse	19-F1	1	Electrical - Door detector edge on elevator #1 - Remove and replace the failed door detector edge, damaged cable and transformer in the control monitor mother board. Currently the elevator is not working due to the cable for the door edge snapped causing the door edge to fail and the mother board to short out.	\$ 5,618	\$ 4,189	74.56
93	FM-0052956	Los Angeles	Van Nuys Courthouse West	19-AX2	1	Plumbing - Set up containment, repair 2' cast-iron drain line that is cracked and leaking into the 10th floor D.A.'s secure hallway (southeast corner), which is creating a slip hazard.	\$ 8,000	\$ 6,438	80.48
94	FM-0052958	Los Angeles	Parking Structure Lot 94 Airport Courthouse	19-AU2	1	Elevators, Escalators, & Hoists - Replace failed seal and pressure test the system. Elevator has a bad packing seal to piston.	\$ 6,904	\$ 5,328	77.17
95	FM-0052960	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Set up containment, test, and secure water supply with add-a-valve and replace damaged plumbing. Water leaking through the Dept 33 ceiling.	\$ 7,978	\$ 5,488	68.79
96	FM-0052961	Los Angeles	Metropolitan Courthouse	19-T1	2	HVAC - Replace two existing pneumatic valves and associated piping on the 3rd and 8th floor. Currently the existing valves are leaking water in the AHU rooms, creating a slip hazard.	\$ 7,119	\$ 6,730	94.54
97	FM-0052964	Los Angeles	Airport Courthouse	19-AU1	2	Elevator - Remove and replace with new elevator entry doors. Currently the stainless steel door skin is failing and its delaminating causes the doors to get hung up on the hoist way and will cause entrapments.	\$ 8,231	\$ 6,352	77.17
98	FM-0052987	Los Angeles	Torrance Courthouse	19-C1	1	HVAC - Replace exhaust fan motor on kitchen hood. Currently the kitchen is very hot due to the kitchen exhaust is not functioning properly.	\$ 5,000	\$ 4,257	85.14
99	FM-0052989	Los Angeles	Pasadena Courthouse	19-J1	1	HVAC - Replaced failed VAV controls in Dept K. Currently the supply air is a 77 degrees for the 4th floor and not dropping to a cooler temperature which is creating a uncomfortable work environment for the court employees.	\$ 5,000	\$ 5,000	100.00
100	FM-0052990	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Replace failed hardware for hot water supply to Air Handling Unit 14-3. Currently there is water dripping from the pneumatic actuator valve. Set up containment, abatement of ACM insulation and wrapping.	\$ 20,000	\$ 13,758	68.79
101	FM-0052991	Los Angeles	Van Nuys Courthouse West	19-AX2	1	Plumbing - Replace failed drain line. Contain ACM area and repair water damaged areas required for court access. Currently water is dripping into the 10th floor District Attorney hallway.	\$ 10,000	\$ 8,048	80.48
102	FM-0052993	Los Angeles	Airport Courthouse	19-AU1	2	Elevators - Replace bad S10 Board and Bad Power Supply. Elevator #1 is not function without a new S10 board and power supply.	\$ 7,467	\$ 5,762	77.17
103	FM-0052997	Los Angeles	Van Nuys Courthouse West	19-AX2	1	HVAC - Replace fan motor on Cooling Tower #1. Currently cooling tower is not functioning which is making the courthouse temperatures rise.	\$ 10,000	\$ 8,048	80.48
104	FM-0052998	Los Angeles	Bellflower Courthouse	19-AL1	1	HVAC - Replace Variable Frequency Drive (VFD) for Air Handler Unit #1. Currently the circuit board for the supply VFD is faulty and the drive will not ramp up or down causing high air flow from the air duct.	\$ 10,000	\$ 7,794	77.94
105	FM-0052999	Los Angeles	Stanley Mosk Courthouse	19-K1	1	HVAC - Replace a failing seam on the ductwork insulation. Contain and abate ACM contaminants. Condensation was leaking above the ceiling tile on the 4th floor in room 425C.	\$ 10,000	\$ 9,726	97.26



106	FM-0053000	Los Angeles	Norwalk Courthouse	19-AK1	1	HVAC - Replace condenser pump for the split system in the communication room. Currently the split system is not functioning causing the server room to become hot which could affect the computer equipment for the courthouse.	\$ 5,000	\$ 5,000	100.00
107	FM-0053001	Los Angeles	Inglewood Courthouse	19-F1	1	HVAC - Replace the motor and motor starter on Air Compressor #1. Currently the motor contactor and motor grounded out on the pneumatic air compressor. The dampers on all AHUs are closed and no cooling can be provided to the courthouse.	\$ 10,000	\$ 7,456	74.56
108	FM-0053014	Los Angeles	Compton Courthouse	19-AG1	1	Plumbing - Replace 7 feet of 4" cracked drain pipe inside pipe chase of Department O lock-up on the 12th floor, ACM and bacterial clean up of floors 7-12, and build back affected areas. Water dripping from the 12 floor all the way down to the 7th floor.	\$ 17,723	\$ 11,720	66.13
109	FM-0053015	Los Angeles	Compton Courthouse	19-AG1	1	Plumbing - Replace 2 failed toilets, replace damaged ceiling tiles, set up and maintain ACM containment on the 9th - 12th floors. System failure on the 12th floor caused leaking all the way down to the 9th floor causing a health and safety hazard throughout the courthouse.	\$ 19,091	\$ 12,625	66.13
110	FM-0053016	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Electrical - Remove head assembly, replace gasket seals, fuel filters, Rocker Arms and Rocker stand. Rebuild fuel injectors and governor, perform load test. Emergency diesel generator #2 has coolant leaking into head assembly and in oil sump, governor not regulating speed.	\$ 42,226	\$ 41,069	97.26
111	FM-0053023	Los Angeles	Pasadena Courthouse	19-J1	1	Exterior Finishes / Replace sally port entrance gate. The sally port gate was struck by a police vehicle and is badly damaged. The gate will not secure which a security issue.	\$ 10,000	\$ 10,000	100.00
112	FM-0053027	Los Angeles	Van Nuys Courthouse West	19-AX2	2	Interior Finishes - Renovate court clerk stations in departments 101 and 102. Court IT changes require work station renovation to facilitate additional hardware for court clerk. Work will also eliminate existing ergonomic issues related to document transfer between the judges and clerks.	\$ 4,719	\$ 3,798	80.48
113	FM-0053028	Los Angeles	Compton Courthouse	19-AG1	1	HVAC - Chiller #1 is shutting down on high head pressure - Descaled all corroded chiller tubes, replaced the head gaskets and returned chiller into service. The non operating chiller has caused temperatures in the courthouse rise.	\$ 6,000	\$ 3,968	66.13
114	FM-0053029	Los Angeles	East Los Angeles Courthouse	19-V1	1	HVAC / Replace failed and leaking pressure relief valves to comfort heating boilers. ACM containment and disposal. Currently water is dripping from the 5th floor mechanical room down to the 4th floor Judge's chamber 418C and Deputies Gym room 417.	\$ 10,000	\$ 7,772	77.72
115	FM-0053423	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing / replace cracked 2" waste line utilizing lift, includes ACM containment and environmental testing.	\$ 20,000	\$ 13,758	68.79
116	FM-0053424	Los Angeles	Compton Courthouse	19-AG1	1	Electrical - Emergency Generator Fuel Leak - Replaced a defective gaskets and tightened all fuel lines. Diesel fuel was discovered inside the generator engine block and oil pan during the emergency generator PM.	\$ 10,000	\$ 6,613	66.13
117	FM-0053426	Los Angeles	Michael D. Antonovich Antelope Valley Courthouse	19-AZ1	1	Plumbing / Snake and clean out main line due to blockage. Currently sewage is coming up from the floor drains and causing slip hazard to the kitchen workers.	\$ 10,000	\$ 7,351	73.51
118	FM-0053432	Los Angeles	Glendale Courthouse	19-H1	1	HVAC - Replace Shaft Seals, Head Gaskets and O-Rings on compressor. Remove and replace Motor Control Center (MCC). AHU #3 has refrigerant leak, no signal from MCC, not cooling.	\$ 79,300	\$ 71,798	90.54
119	FM-0053436	Los Angeles	Stanley Mosk Courthouse	19-K1	2	Elevators, escalators, & hoist - Public elevator #3 - Remove and replace bad bearings on the generator set, the elevator is out of service due to leveling issues.	\$ 35,651	\$ 34,674	97.26



120	FM-0053445	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	2	Electrical - Replace 2500 amp breaker - Currently a 2500 amp breaker at the main panel is not resetting properly, this breaker controls the power to the penthouse on the roof where the chiller plant and boiler plants are located. If the breaker trips there is high probability that it will not reset and the court will lose the cooling and heating to the building.	\$ 18,285	\$ 12,798	69.99
121	FM-0053446	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	2	Fire Protection - Replace one set of fire doors with new 45 min rated fire doors to meet code. Currently the fire doors have a crack on the side of the doors and they do not meet the fire code.	\$ 5,301	\$ 3,710	69.99
122	FM-0053454	Los Angeles	Pomona Courthouse South	19-W1	2	HVAC - Disassemble Chiller #1 and replace seals, gaskets, and O-rings. Chiller #1 leaks thru deteriorated seals, gaskets, and O-rings. Chiller #1 is not operational due to the refrigerant leaks.	\$ 25,031	\$ 22,813	91.14
123	FM-0053465	Los Angeles	Pasadena Courthouse	19-J1	2	HVAC - Replacement of the (2) existing chillers at the Pasadena Court. Includes: new VFD drives, design/engineering, plan check, permits, inspections, new Refrigerant Monitoring System, exhaust fans, ACM abatement, interim P1 chiller maintenance, and engineering is being completed.	\$ 899,772	\$ 623,992	69.35
124	FM-0053466	Los Angeles	Downey Courthouse	19-AM1	1	Plumbing - Repair leaking hot water domestic pipe (3/4" Copper Pipe) includes ACM containment and environmental testing. Currently there is water leaking from the ceiling into the 1st floor clerk's area.	\$ 10,000	\$ 8,370	83.7
125	FM-0053467	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	1	Plumbing / Cracked water pipe. Currently water is dripping from the ceiling into the 2nd floor secured hallway causing a hazard the employees.	\$ 10,000	\$ 6,999	69.99
126	FM-0053471	Los Angeles	Inglewood Courthouse	19-F1	1	HVAC - Replace return shaft and front and back bearings on AHU #2 and balance return fan. Currently the 3rd floor has no return air and it is affecting the temperature on the entire floor.	\$ 10,000	\$ 7,456	74.56
127	FM-0053472	Los Angeles	West Covina Courthouse	19-X1	2	County Managed - HVAC - Install four ductless air-conditioning systems in hallway to ensure the court with adequate cooling in a consistent warm part of the building throughout the year.	\$ 84,255	\$ 84,255	100.00
128	FM-0053478	Los Angeles	Compton Courthouse	19-AG1	2	HVAC - Replace defective VFDs to the return fans on the 10th and 12th floors. Currently both of the return fans are running at 100% causing air flow to be unbalanced and wasting energy.	\$ 5,883	\$ 3,890	66.13
129	FM-0053479	Los Angeles	Chatsworth Courthouse	19-AY1	2	HVAC - Remove and Replace (1) 15 HP VFD. Currently the VFD drive is tripping on common lose and DC over load, effecting major operation of cooling for all floors in the southeast side of the building.	\$ 5,460	\$ 4,575	83.80
130	FM-0053480	Los Angeles	Michael D. Antonovich Antelope Valley Courthouse	19-AZ1	1	Plumbing - Failing Sewage Pump - Replace discharge piping on Pump #1 & #2 and replace floats. Sewage ejector pump went into high level alarm; Sewage pit pumps not working and sewage is building up in the pit	\$ 14,392	\$ 10,580	73.51
131	FM-0053481	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	2	Plumbing - Shut off and drain entire building, replace duel backflow preventers and isolation valves, restore water service to the building and restart buster pumps. The duel domestic water backflow preventers did not pass annual inspection and the isolation valves are bypassing water when in the close position.	\$ 24,032	\$ 16,532	68.79
132	FM-0053483	Los Angeles	Van Nuys Courthouse East	19-AX1	1	Plumbing - Demo and build back of wall after replacing cracked pipe, includes ACM containment and environmental testing. Currently water is dripping from the angle-stop in the wall of the woman's restroom onto the floor under the sink in the restroom creating a slip hazard.	\$ 12,000	\$ 10,769	89.74



133	FM-0053484	Los Angeles	Pasadena Courthouse	19-J1	1	HVAC - Replace failed piping on condensate for the AHU includes ACM containment, leak remediation equipment and environmental testing. Currently there is condensate water leaking through the roof into room 209.	\$ 10,000	\$ 6,935	69.35
134	FM-0053486	Los Angeles	Compton Courthouse	19-AG1	2	Exterior Shell - Repair concrete and sure railing. Currently the exterior ledge railing located on the Westside of the building has broken concrete causing a safety hazard.	\$ 4,944	\$ 3,269	66.13
135	FM-0053488	Los Angeles	Chatsworth Courthouse	19-AY1	2	Plumbing - Remove and replace all defective wye strainer and pressure reducer valves. Currently the water pressure is not regulated throughout the building and could cause the main pipes to break down, causing a flood.	\$ 7,763	\$ 6,505	83.80
136	FM-0053489	Los Angeles	Compton Courthouse	19-AG1	2	Interior Finishes - Replace defective vinyl floor tiles approx. 60 sq ft. Currently the vinyl tile flooring is breaking and coming up off the floor. It is causing a trip and safety hazard on occupants.	\$ 3,017	\$ 1,995	66.13
137	FM-0053490	Los Angeles	Edmund D. Edelman Children's Court	19-Q1	2	Exterior Shell - Replace (2) 9' 11" x 9'7" heavy duty steel rolling doors with double angle foot piece and new motor operators with eclectic miller safety edges. Currently the rolling doors have broken spring and are not working properly.	\$ 13,239	\$ 9,266	69.99
138	FM-0053491	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	2	Fire Protection - Repair (35) pull stations that failed to activate alarm during annual test and (1) fire bell that sounded poorly. This repairs must be completed before the annual fire alarm test can be completed due to it being a safety issue.	\$ 16,375	\$ 11,264	68.79
139	FM-0053498	Los Angeles	Compton Courthouse	19-AG1	2	Plumbing - Replace defective sump pump and test for proper operation. Currently one of the sump pumps for storm water has failed and must be replaced. Heavy rain or any other form of heavy water going into basement area could cause flooding in Basement.	\$ 14,634	\$ 9,677	66.13
140	FM-0053499	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	2	Elevator - Install generator start up controls to all 23 elevators. This installation must be completed to make sure the generator transfers power to the elevators in case of an emergency as per the State Inspector and Fire Marshall. (Compliance Issue)	\$ 6,573	\$ 4,522	68.79
141	FM-0053500	Los Angeles	Compton Courthouse	19-AG1	2	Parking Lot - Install up to 50 feet of new 6" no hub piping. Currently the storm drain is cracked and the water drips on the cars parked in the parking garage.	\$ 5,570	\$ 3,683	66.13
142	FM-0053501	Los Angeles	Metropolitan Courthouse	19-T1	2	HVAC - Replace shaft and bearing on Air Handler Unit #9. Currently the Air Handler is being controlled manually and the motor had to be ramped down so no further damage would take place. This repair is necessary due to this air handler provides air to the entire 8th floor.	\$ 11,845	\$ 11,198	94.54
143	FM-0053504	Los Angeles	Santa Monica Courthouse	19-AP1	2	Elevators - Replace chicken legs for elevator #2 at the 2nd & 3rd floors and elevator #3 at the 3rd floor. This repair must be completed to ensure the doors close as intended per DIR preliminary orders.	\$ 4,581	\$ 3,596	78.49
144	FM-0053506	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	HVAC - Install new bearings and sleeve on the blower shaft, remove deteriorated piping and replace with new copper piping. Remove frozen isolation valves and replace with new butterfly valves. Replace Chilled Water line and insulation on the Chilled Water line. AHU 14-2 Vibrating due to worn shaft and bearings on the blower, vibration caused water leak on Chilled Water piping, 2 isolation valves found seized and replaced.	\$ 35,500	\$ 24,420	68.79
145	FM-0053507	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Replace failed and corroded flush valve assembly & pipe from above ceiling area. Water remediation, set up containments, disinfect area. Dehumidifiers and fans were placed to remove moisture in the leak affected area. Install new 1-1/2" Pneumatic Flush Valve Assembly, new pipe with fittings. Remove damage ceiling and build back. Water Leak/Flood on 3rd fl Dept. 41.	\$ 21,987	\$ 15,125	68.79
146	FM-0053508	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Install (3) VFDs, Pump Repairs, Pressure Sensors. Hot water pumps are leaking, pumps run 100% due to no VFD's. If pumps not repaired there will be no hot water to entire building.	\$ 47,144	\$ 32,430	68.79
147	FM-0053509	Los Angeles	Compton Courthouse	19-AG1	1	HVAC - Clean tubes on Chiller #2, repair leaks, install new purge pump. Chiller is not working, building is hot.	\$ 58,602	\$ 38,754	66.13





148	FM-0053510	Los Angeles	Bellflower Courthouse	19-AL1	1	HVAC - Replace leaking valve on reheat coil above ceiling includes ACM containment and environmental testing. Demo and rebuild failing ceiling areas . Water was dripping through the ceiling into the Woman's public restroom creating a slip hazard.	\$ 10,000	\$ 7,794	77.94
149	FM-0053511	Los Angeles	Stanley Mosk Courthouse	19-K1	1	HVAC / Rebuild leaking chilled water pump #23 includes ACM containment and environmental testing and abatement. Currently water is leaking through the seals and this is the second of the three pumps available to circulate chilled water through the cooling loop for the HVAC.	\$ 10,000	\$ 9,726	97.26
150	FM-0053512	Los Angeles	Bellflower Courthouse	19-AL1	1	HVAC - Replace leaking valve on reheat coil above ceiling includes ACM containment and environmental testing and abatement. Water was dripping through the ceiling into the court reporters office creating a safety hazard.	\$ 10,000	\$ 10,000	100
151	FM-0053513	Los Angeles	Van Nuys Courthouse West	19-AX2	1	Plumbing / Set-up containment, drying equipment, and conduct environmental testing. Currently water is dripping from the ceiling into the secure hallway on the 10 floor creating a safety hazard	\$ 10,000	\$ 8,048	80.48
152	FM-0053514	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Plumbing / Replace failed 90 degree elbow behind the wall of the sink includes ACM containment and environmental testing. Currently water is dripping down from the 7th floor to the 5th floor, room 546 court counsel room, damaging the ceiling tiles.	\$ 10,000	\$ 10,000	100
153	FM-0053515	Los Angeles	Inglewood Courthouse	19-F1	1	Plumbing - Replace failed seal on janitors sink area on the second floor and replace damaged/fallen ceiling tiles includes ACM containment and environmental testing. Water spilled from Janitor's sink and the water leaked through to the 1st floor ceiling causing ceiling tiles to fall on the lobby floor.	\$ 10,000	\$ 7,456	74.56
154	FM-0053516	Los Angeles	Norwalk Courthouse	19-AK1	1	Plumbing - Replace cracked drain pipe includes ACM containment and environmental testing. Janitor closet on the 4th floor has cracked drain pipe, leaking water into 3rd floor secured hallway.	\$ 10,000	\$ 8,503	85.03
155	FM-0053524	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Set up sump pumps in tunnel to drain water, set up containment in lower gym, test for ACM, repairs were completed by County ISD. Steam leak (Flex line) in tunnel causing leak in lower gym room B-302	\$ 4,836	\$ 3,327	68.79
156	FM-0053526	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Plumbing / Set-up containment & drying equipment, conduct environmental testing, and insulate vent duct that is sweating causing a leak in the ceiling. This work was completed as a P1 emergency due to water leaking through the ceiling tiles above the entrance of room 258.	\$ 8,937	\$ 8,692	97.26
157	FM-0053527	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing / Replace failed Sloan valve assembly includes ACM containment and environmental testing, vacuum all water in Dept.121 and sanitize carpet dry. Toilet continuously flushing causing water to flood the jury room, courtroom, and water to leak down to the 12 floor hallway.	\$ 10,087	\$ 6,939	68.79
158	FM-0053530	Los Angeles	Compton Courthouse	19-AG1	1	Fire Protection - Replace fire pump motor, batteries, wiring, battery cables, and auto relays 3D5 & 4D2. This work was completed as a P1 emergency due to the motor starter failing (burning up) causing the batteries and battery cables to fail as well as other wiring inside fire pump control cabinet.	\$ 14,994	\$ 9,916	66.13
159	FM-0053531	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Holding Cell - Set-up containment and drying equipment, conduct environmental testing, secure water to cell #8, and auger/clear clogged toilet to stop water from overflowing. This work was completed as a P1 due to an inmate clogging his cell toilet causing water to overflow and leak down to the 13th floor public hallway.	\$ 10,225	\$ 7,034	68.79
160	FM-0053532	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Grounds and Parking Lot - Isolated control valve and replaced valve, pumped area to prevent water from entering the building. Landscaping control valve stuck open over the weekend flooding area, causing water to enter the building rm-119	\$ 3,900	\$ 3,793	97.26



161	FM-0053533	Los Angeles	Compton Courthouse	19-AG1	1	Plumbing - Flood Remediation - Set-up containment and drying equipment, conduct environmental testing, and replaced 40' of 4" cast iron sewer drain pipe, no-hub couplings, and miscellaneous fittings. Water is leaking into the basement from the cracked pipe.	\$ 16,765	\$ 11,087	66.13
162	FM-0053534	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Interior Finishes / Set-up containment and drying equipment, perform environmental testing, remove ceiling tiles, and check for leak above cubicle. This work was completed as a P1 emergency due to an employee stating a leak was coming from the ceiling above her.	\$ 5,406	\$ 3,719	68.79
163	FM-0053535	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	HVAC - 3 HP Exhaust Fan - Remove and replace the failing kitchen exhaust fan, the new fan will include a timer, for more efficient operation. The kitchen exhaust fan has a high vibration causing the exhaust fan to not work properly.	\$ 14,998	\$ 10,317	68.79
164	FM-0053536	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Drain building cold water to 5th floor to stop leak, once secure Cut out section 2-1/2 copper that was leaking, installed ball valve with new 2-1/2 copper line and pro press secure. . Re-fill entire building and check all toilets, urinals for proper operation and repair as needed. Checked new plumbing for leaks, once cold water was filled. 5th Floor Women's public restroom had leak in ceiling, located source leaking coming from 2-1/2 copper pipe cold water supply.	\$ 19,350	\$ 13,311	68.79
165	FM-0053537	Los Angeles	Inglewood Juvenile Court	19-E1	1	Interior Finishes - Water remediation, set up containments, dry areas with proper drying equipment. Build back, replace ceiling tiles, floor tiles, drywall ceiling. Remove all debris associated within scope of work. Water leak from roof to 2nd flr court room # 241, 2nd flr men's public restroom and the 1st flr court room # 240.	\$ 29,051	\$ 23,467	80.78
166	FM-0053539	Los Angeles	Van Nuys Courthouse West	19-AX2	1	Interior Finishes - Water remediation, set up containments, disinfect areas. Dehumidifiers/fans were placed to remove moisture in the leak affected areas. Remove drywall for access to drain pipe, remove and replace damaged drain pipe. Install drywall after pipe installation and complete finish work (painting and cove base). Tear out wet ceiling tile and replace ceiling tile (108 pcs). Cracked 2" black steel pipe leaking through walls on 10th floor down to the 9th floor ceiling.	\$ 36,811	\$ 29,625	80.48
167	FM-0053541	Los Angeles	Santa Monica Courthouse	19-AP1	2	Interior Finishes - Set-up containment and drying equipment due to water leaking into Room 202B file storage room, conduct environmental testing, replaced 2 ft of 1 1/2" piping and fitting, replaced one 90 and coupling, repaired hangers and supports, and installed new ceiling tiles.	\$ 18,356	\$ 14,408	78.49
168	FM-0053543	Los Angeles	Compton Courthouse	19-AG1	2	Interior Finishes - Removal and disposal of loose and flaky paint and plaster from the 12th floor N/E stairwell, replaster approximately 30 sq ft. and color match paint. This is a slip hazard at the stairway	\$ 2,889	\$ 1,910	66.13
169	FM-0053544	Los Angeles	Compton Courthouse	19-AG1	2	Interior Finishes - Build containment 11X6 feet and removed and replace VCT floor tiles 12x12. Repair a piece of concrete on the 9th floor 4x4 feet. Currently there are floor tiles missing and some that are ready to break causing a trip hazard. Also, a small piece of concrete has broken off causing a trip hazard.	\$ 2,774	\$ 1,834	66.13
170	FM-0053553	Los Angeles	Compton Courthouse	19-AG1	1	Plumbing / Set-up containment, conducted environmental testing, create larger access panel in restroom wall, and replaced the hot & cold isolation valve. This work was completed as a P1 emergency due to the valves breaking in the off position and the restroom having no access to water.	\$ 9,249	\$ 6,116	66.13
171	FM-0053556	Los Angeles	Bellflower Courthouse	19-AL1	1	HVAC - Removed the old, faulty External Float Switch and installed a New External Float Switch. Checked the Cooling Towers, Chillers, and Condenser Water Pumps to ensure the system is in normal working conditions. Building was very hot due to a faulty External Float Switch on the Cooling Towers. Chillers #1 and #2 were tripped due to restricted condenser water flow. This was a health and safety issue.	\$ 2,348	\$ 1,830	77.94



172	FM-0053557	Los Angeles	East Los Angeles Courthouse	19-V1	1	HVAC - Replace Chilled Water Valve and piping, new insulation was wrapped on the new sections of piping. The chilled water valve for AHU # 4 seized up and would stroke properly. This caused the AHU to not cool properly. The chilled water piping adjacent to the unit was deteriorated and leaked water.	\$ 10,961	\$ 8,519	77.72
173	FM-0053560	Los Angeles	Van Nuys Courthouse West	19-AX2	1	Plumbing - Drain building cold water to 5th floor to stop leak, once secure Cut out a 3' section of 2-1/2" copper line that was leaking, installed ball valve with new 2-1/2" copper line and pro press secure. Re-fill entire building and check all toilets, urinals for proper operation and repair as needed. Checked new plumbing for leaks, once cold water was filled. 5th Floor Women's public restroom had leak at the ceiling, isolated the leak coming from a 2-1/2" copper cold water supply pipe. Extract water from bathroom floor, remove and replace approximately 16SF of damaged drywall and seal and paint approximately 80 SF of the ceiling	\$ 19,588	\$ 15,764	80.48
174	FM-0053562	Los Angeles	Pomona Courthouse South	19-W1	1	Plumbing - Water remediation, set up containments, abated insulation from the pipes. Replaced deteriorated sections of pipe. New fiberglass insulation was wrapped on the new sections of pipes. Water supply and return water lines from buildings boiler system have multiple leaks, leaking is from deterioration of lines. This caused safety issues with electrical panels and slippery floor surfaces.	\$ 66,361	\$ 60,481	91.14
175	FM-0053565	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Set-up Containment, drying equipment, and conduct environmental testing. Currently water is dripping from the ceiling into the public hallway in front of the entrance Dept 32 courtroom causing a slip hazard.	\$ 10,000	\$ 6,879	68.79
176	FM-0053566	Los Angeles	Whittier Courthouse	19-AO1	2	Parking Structure - Replacement and installation of 20 gate drains in the upper parking structure. The homeless have stolen the floor drain covers for the upper levels of the parking area. This leaves a 10 inch by 24 inch gap for each one that is missing on the floor. This is a safety hazard.	\$ 4,745	\$ 4,101	86.43
177	FM-0053573	Los Angeles	Norwalk Courthouse	19-AK1	1	HVAC - Failing AHU #7 - Replace supply fan motor, variable frequency drive, pulleys, and fan belts. AHU #7 had a faulty bearing and the variable frequency drive is tripping on the ground fault protection. If the unit had failed completely, there would have been no air conditioning to the entire seventh floor, impacting the courts operations.	\$ 14,071	\$ 11,965	85.03
178	FM-0053577	Los Angeles	Stanley Mosk Courthouse	19-K1	2	HVAC / Replace Pneumatic Air Compressor #3. Currently the air compressor has a seized which supplies air to the HVAC system and the building will not be able to control the air to the air handlers used to maintain comfort throughout the building.	\$ 18,870	\$ 18,353	97.26
179	FM-0053578	Los Angeles	Downey Courthouse	19-AM1	1	Grounds and parking lot - Restored operation to (1) Hy-Security HRG swing riser gate operators. Removed and installed new hydraulic hoses, bled the system, removed and installed the new flow control valves, furnished and installed (2) new Reno AX-3 safety loop detectors, adjusted & checked for proper operation. The Sally port gates would not swing open and the custody bus could not leave the sally port.	\$ 7,595	\$ 7,595	100
180	FM-0053579	Los Angeles	Norwalk Courthouse	19-AK1	1	Plumbing - Ran fiber optic camera through the drain line in order to locate the stoppage and clear the drain line. Removed all debris and pumped water from sump pits to prevent water from backing up and causing a flood in the basement. The floor drain line in the basement got clogged not allowing water to drain properly. Water is pooling in the basement presenting a safety hazard to damage our electrical panels and a slipping hazard to ABM personnel.	\$ 6,162	\$ 5,240	85.03
181	FM-0053580	Los Angeles	Norwalk Courthouse	19-AK1	1	Elevators, Escalators, & Hoists - Control Panel - Replaced bad circuit that had a short and restored elevators 1-4 back to normal working conditions. Call Stations for Elevators 1-4 were not responding. The public as well as court employees were overcrowding and congesting public elevator lobbies on all floors. This was a safety and security hazard.	\$ 2,239	\$ 1,904	85.03





182	FM-0053581	Los Angeles	El Monte Courthouse	19-O1	1	HVAC - Remove, rebuild, then re-install fuel injector pump and reseal oil return line. The generator has leaks at both the oil return line and the fuel injector pump while under load. Hazards include possible fire due to the fuel igniting.	\$ 11,801	\$ 6,859	58.12
183	FM-0053945	Los Angeles	Van Nuys Courthouse West	19-AX2	1	HVAC / Repair supply trunk lines and install new VFDs to AHU #21. Currently there is no A/C to the 2nd floor Clerk's area creating uncomfortable work conditions for the employees.	\$ 15,000	\$ 12,072	80.48
184	FM-0053946	Los Angeles	Glendale Courthouse	19-H1	2	Roof - Perform a minor renovation to the buildings roof which will include repairing the following components. Membrane, Blister & Drain Repairs -Main Deck. Blister & Penetration Repairs -Penthouse. Pitch Pocket & Drain Repairs -Lower Decks. Membrane Repair, Condensate Drain -Rear Lower Deck. Clear Leaves -Lower Canopy. Insert Membrane Blanket - Penthouse/Rear Lower Deck. Approx. 2,850 SQ/FT of repairs	\$ 19,010	\$ 17,212	90.54
185	FM-0053947	Los Angeles	Torrance Courthouse	19-C1	2	Roof - A minor roof renovation will be done to the following areas (Main Deck & Lower Deck). Main Deck-Coated Area of Repair, Caulk Metal Laps, Caulk Stucco, Three-Course Ceramic Roof Drain, Reset Ladders. Lower Decks- Three-Course Hole in Membrane, Re-Caulk Perimeter Edge Metal, Re-Caulk Counter-Flashing. Approx. 2,300 SQ/FT of repairs.	\$ 15,145	\$ 12,894	85.14
186	FM-0053949	Los Angeles	Santa Monica Courthouse	19-AP1	2	Elevators, Escalators, & Hoists - Remove and replace worn out packing. Install new hydraulic packing on the jack and make sure that all leaks are addressed properly. Replace and properly disposed off old oil/fill system with fresh hydraulic oil. Elevator #3 has a worn out/leaking hydraulic jack packing. Oil is leaking on the floor and will burn out the motor if leak is not corrected.	\$ 6,921	\$ 5,432	78.49
187	FM-0054037	Los Angeles	Stanley Mosk Courthouse	19-K1	1	HVAC - Rebuild failed CW Pump #22, replace CW Pump motor, remediate ACM pipe insulation and replace. #22 Chilled water pump motor has bad bearings and pump does not provide proper discharge pressure.	\$ 27,382	\$ 26,632	97.26
188	FM-0054038	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Grounds and Parking Lot - Motor Failure - Remove and replace damaged Sally Port Door with new Custom Built Door (The door is not of typical size). Install new tubing, hardware and re-wire controls/push button/card reader and assured door work for proper operation. Sally Port door motor failed and the door dropped and was damaged beyond repair.	\$ 106,109	\$ 72,992	68.79
189	FM-0054039	Los Angeles	Inglewood Courthouse	19-F1	1	Elevator / Replace selector tape and sheave on elevator #1. Currently Elevator #1 is stuck on the 3rd floor with the doors closed and is not functioning.	\$ 10,000	\$ 7,456	74.56
190	FM-0054042	Los Angeles	Chatsworth Courthouse	19-AY1	2	Roof - A minor roof renovation will be done to the following areas Pitch Pan Repairs, Roof Drain Repairs & Remove Loose Granules. Approx. 3,500 SQ/FT of repairs / Roof is in fair condition at best.	\$ 23,482	\$ 19,678	83.80
191	FM-0054047	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Exterior - Install and secure metal grills so the homeless will not enter areas beneath the facility. The homeless have accessed an area under the building leaving hazardous materials and trash, under and around the building, creating contamination risks on the east side of the building.	\$ 23,794	\$ 16,368	68.79
192	FM-0054048	Los Angeles	Pomona Courthouse South	19-W1	1	Electrical - Water remediation, dehumidifiers and fans were placed to remove moisture in the affected area. HVAC -Restore Chiller operations; Plumbing - Restore pumps to full operations; Electrical - Replace Control Transformer, replace electrical wiring to compressor. An electrical transformer short circuited causing power failure to the injector pumps to the building drainage system that the current cooling tower drains into. As a result of loss of power the injector pumps were not online.	\$ 46,931	\$ 42,773	91.14
193	FM-0054051	Los Angeles	Beverly Hills Courthouse	19-AQ1	1	Plumbing / Set-up containment, Conduct Environmental Testing, and replace fittings for the 2 1/2" domestic cold water supply line that is leaking. Water leak has been isolated and contained.	\$ 10,000	\$ 7,952	79.52



194	FM-0054054	Los Angeles	Alhambra Courthouse	19-I1	1	Plumbing / Set-up Containment, drying equipment, shampoo carpet, clean upholstery, & replace ceiling tiles. Currently there is water dripping from the snack bar into the basement call center.	\$ 10,000	\$ 8,600	86
195	FM-0054055	Los Angeles	Inglewood Courthouse	19-F1	1	Plumbing / Set-up containment, conduct environmental testing, and replace cracked 4" main cast iron drain pipe in ceiling. Water dripping from the ceiling into the self help center on the 1st floor. Currently the leak from the ceiling has been contained.	\$ 12,500	\$ 9,320	74.56
196	FM-0054057	Los Angeles	Van Nuys Courthouse West	19-AX2	1	Electrical - Trace electrical wires to assure there are not shorts in system. Currently the lights in Rooms 233, 237, & 238 will not function even though there is electrical power going to the space.	\$ 7,500	\$ 7,500	100
197	FM-0054058	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing / Set-up Containment, disinfect area, set-up Drying equipment, and conduct environmental testing. Currently water is dripping into the 15th floor, public hallway from the employee's Men's restroom on the 16th floor.	\$ 10,000	\$ 6,879	68.79
198	FM-0054059	Los Angeles	Pasadena Courthouse	19-J1	1	Plumbing - Water remediation, set up containments, contain leaking, and dried leak affected areas. Water leaking from 4th floor through to the ceiling on 3rd floor, Room 319 Public Defender's Office.	\$ 10,000	\$ 10,000	100
199	FM-0054060	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Grounds / Replace burnt out motor, bottom guide rail, and bent/broken rods. The gate came down on top of the bus transporting the in-custodies creating a safety situation since the gate no longer opens correctly.	\$ 10,000	\$ 10,000	100
200	FM-0054061	Los Angeles	Torrance Courthouse	19-C1	1	Plumbing / Replace broken toilet, replace telephone, and repair holes in wall. Currently an inmate has torn out the phone for the holding cell, broken the toilet, and punched holes in the wall creating a safety situation for all deputies.	\$ 10,000	\$ 10,000	100
201	FM-0054068	Los Angeles	Alhambra Courthouse	19-I1	2	Roof - Replace Missing Vent Caps. Approx. 200 SQ/FT of repairs. / Roof is in poor condition. Immediate removal & replacement is recommended. IF removal & replacement is not done, immediate maintenance is strongly recommended.	\$ 2,247	\$ 1,932	86.00
202	FM-0054069	Los Angeles	Airport Courthouse	19-AU1	2	Roof - Perform a minor renovation to the buildings roof which will include repairing the following components. Re-Caulk Lead Flashings, Clear Loose Granules From Roof Surface, Repair Expansion-Joint Hole & Re-Tighten Roof Drains. Approx. 1,500 SQ/FT of repairs / Roof system is in poor to fair condition at best.	\$ 10,011	\$ 7,725	77.17
203	FM-0054076	Los Angeles	Michael D. Antonovich Antelope Valley Courthouse	19-AZ1	1	HVAC - Replaced vane actuator shaft control pre-rotation device, vane actuator and associated linkages. Installed (3) new gaskets and (3) new O-ring seals, and recharged Chiller. Compressor on the chiller not functioning due to a failed vane actuator to the vane linkage arm.	\$ 36,461	\$ 26,802	73.51
204	FM-0054077	Los Angeles	Metropolitan Courthouse	19-T1	1	Elevators, Escalators, & Hoists - Replace bearings, motor shaft and Exciter Armature, restore elevator to normal operations. Judge's elevator #12 bearings over heated. Elevator was on the 8th floor and out of service.	\$ 40,730	\$ 40,730	100
205	FM-0054078	Los Angeles	Burbank Courthouse	19-G1	1	Plumbing - Excavate concrete around meter vaults and planter in front of the courthouse to expose water line. Sidewalk removed. Installed new copper piping, valves, and regulators. New sidewalk poured, dirt removed is replaced. Water Main Leak under sidewalk and into planter, vault containing the water meters was flooded. Additional leak located in the planter area coming from a clay-valve and gate valve.	\$ 43,324	\$ 39,321	90.76
206	FM-0054079	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Interior Finishes - Water remediation, set up containments, dehumidifiers and fans were placed to remove moisture in the leak affected areas. ACM & Bacterial testing & clearance. Install new Cast iron pipe with fittings and install support hangers for pipes to meet current building codes. Major drain line water leak on the 7th floor; areas affected due to this water leak include secured hallways, court rooms, judge's chambers, restrooms, and clerk's areas.	\$ 46,803	\$ 32,196	68.79



207	FM-0054080	Los Angeles	Metropolitan Courthouse	19-T1	1	Interior Finishes - Water remediation, set up containments, restroom wall opened up to make repairs, wall repaired to match existing. Replaced failed valve with copper pipe and fittings. Replace damaged ceiling tiles and install access panel. Water leak in Judges rest room on the 6th floor, water leak also affected Dept. #66 on the 5th floor.	\$ 29,852	\$ 28,222	94.54
208	FM-0054081	Los Angeles	Norwalk Courthouse	19-AK1	1	HVAC - Water remediation, set up containment, contain leaking, and dried leak affected area. Replace floor drain and pipe in ceiling. Replace 2 custom Chilled Water Coils including copper piping. Build back of Snack Bar area including drywall and paint to match existing paint. 2nd floor Mechanical Room floor drain is cracked and leaking into the ceiling below. Also the coils on AHU-2 have deteriorated and are leaking on the floor of the Mechanical Room and seeping through to the ceiling below.	\$ 75,210	\$ 63,951	85.03
209	FM-0054084	Los Angeles	Glendale Courthouse	19-H1	1	Plumbing - Set-up containment, conduct environmental testing, and replace leaking portion of domestic hot water pipe. Currently water is dripping from the ceiling of the traffic clerk's area creating a safety hazard.	\$ 12,500	\$ 11,318	90.54
210	FM-0054088	Los Angeles	Metropolitan Courthouse	19-T1	1	Plumbing - Set-up containment, conduct environmental testing, and replace cracked drain pipe. Currently water is dripping from the ceiling into the 8th floor Jury office room causing a safety hazard.	\$ 10,000	\$ 9,454	94.54
211	FM-0054089	Los Angeles	Compton Courthouse	19-AG1	1	Parking Lot - Restore bent grill and rods on main roll-up gate. The gate was hit by a car and is not operational which is a safety hazard for the employees and staff of the courthouse. The vehicle has not been identified at this time.	\$ 10,000	\$ 6,613	66.13
212	FM-0054091	Los Angeles	Van Nuys Courthouse West	19-AX2	2	HVAC - Repair (3) non-functioning domestic hot water boilers. Currently there is no hot water supply throughout the entire building. This includes showers and faucets, not allowing judges and employees to shower.	\$ 4,999	\$ 4,023	80.48
213	FM-0054094	Los Angeles	Torrance Courthouse	19-C1	1	Elevator / Replace malfunctioning door edge sensor. Door edge sensor not sensing when someone was in the door way and closing which was causing a safety situation.	\$ 2,474	\$ 2,106	85.14
214	FM-0054095	Los Angeles	Van Nuys Courthouse East	19-AX1	1	Electrical - Replaced failed generator 3/8" fuel line and placed generator back into service. Fuel line broke while generator was running (outage due to DWP power issues).	\$ 2,606	\$ 2,339	89.74
215	FM-0054096	Los Angeles	Bellflower Courthouse	19-AL1	1	Elevator - Replace buffer circuit boards on top of the elevator car. Currently the elevator is not stopping on the designated floors which is causing a safety situation.	\$ 10,000	\$ 7,794	77.94
216	FM-0054097	Los Angeles	Metropolitan Courthouse	19-T1	1	Plumbing - Water Leak - Set-up containment, conduct environmental testing, and located the source of leak, removed and replaced a 15' section of 4" cast iron that had cracked. Removed and replaced approximately 10 wet ceiling in storage room 3 and where water dripped through the ceiling tiles in storage room 4.	\$ 10,000	\$ 9,454	94.54
217	FM-0054098	Los Angeles	Airport Courthouse	19-AU1	1	Exterior Finishes / Replace panic hardware on ADA front entrance doors. Currently the doors are not securing at night making the courthouse unsafe.	\$ 5,000	\$ 3,859	77.17
218	FM-0054099	Los Angeles	Torrance Courthouse	19-C1	2	Plumbing / Replace malfunctioning toilet in 5th floor lock up area. Inmate clogged the toilet and flooded the lock up area on the 5th floor and water ran down to the 4th floor Dept P courtroom.	\$ 2,325	\$ 2,325	100.00
219	FM-0054100	Los Angeles	Van Nuys Courthouse West	19-AX2	1	HVAC - Replace (3) Variable Frequency Drives to the cold deck, hot deck and return fan. This work was completed as a P1 emergency due to the 9th floor not having any heating which made it uncomfortable for the visitors and employees.	\$ 9,646	\$ 7,763	80.48
220	FM-0054102	Los Angeles	Van Nuys Courthouse East	19-AX1	1	Plumbing - Set-up containment, conduct environmental testing and drying equipment, replace angle stops from the 5th floor Jury restroom. This work was completed as a P1 emergency due to water leaking from the 5th floor Depart 420, Jury Restroom into the 4th floor lawyer's interview room, the audience seating adjacent to the lawyer's interview room, and the jury room.	\$ 15,851	\$ 15,851	100



221	FM-0054104	Los Angeles	Airport Courthouse	19-AU1	1	Plumbing - Replace leaking cap for the 4" domestic cold water supply pipe. Water leaking into the pump room which could become a flood if the work is not completed immediately.	\$ 2,466	\$ 1,903	77.17
222	FM-0054105	Los Angeles	Van Nuys Courthouse West	19-AX2	1	Plumbing / Set-up containment, conduct environmental testing, replace 3" cracked pipe leaking from ceiling into the secure hallway adjacent from the DA's office, replace damaged drywall, and ceiling tiles. This work was completed as a P1 emergency due to a sewage pipe cracking and leaking water into the secure hallway creating a slip and safety hazard.	\$ 12,800	\$ 10,301	80.48
223	FM-0054107	Los Angeles	Santa Clarita Courthouse	19-AD1	1	Plumbing - Replace faulty control valve to toilet in the men's lock-up area. Water leaking from the base of the toilet and sink creating a slip hazard.	\$ 2,320	\$ 2,320	100
224	FM-0054112	Los Angeles	Compton Courthouse	19-AG1	2	Interior Finishes / Replace broken and loose floor tiles in the 1st floor snack bar. Currently the floor tiles are beginning to break and loosen up from the floor creating a trip hazard to the staff and the public.	\$ 4,844	\$ 3,203	66.13
225	FM-0054115	Los Angeles	Pomona Courthouse South	19-W1	1	HVAC - Water remediation, set up containments, contain leaking, disinfect and dried leak affected area. ACM testing. 8 sq. ft. of ceiling tiles were removed and replaced. Installed new custom manufactured hot water and chilled water coils along with new piping, and a new custom manufactured stainless steel drain pan and pipe. Replace 4 gate valves and replace insulation from piping. Water leak from 2nd floor air handler room, is going into 1st floor lobby affecting employee entrance. Condensate	\$ 72,689	\$ 66,249	91.14
226	FM-0054116	Los Angeles	Compton Courthouse	19-AG1	1	HVAC - Replace Pneumatic control valves and actuators AHU-1 & AHU-2. Control valves are broken and non-operational. There is no way of controlling the cooling at these units because of this issue. Also the chilled water isolation valves and bypass valves are non-operational at this unit and will have to be replaced.	\$ 44,313	\$ 29,304	66.13
227	FM-0054118	Los Angeles	Pasadena Courthouse	19-J1	1	Exterior Shell - Replace sally port door. The gate was struck by a vehicle and found on the ground off of the track which causes a security concern due it being where they drop off the in custody visitors.	\$ 10,000	\$ 6,935	69.35
228	FM-0054119	Los Angeles	San Fernando Courthouse	19-AC1	1	Plumbing - Water Leak - Set-up containment, drying equipment, and conduct environmental testing. Removed and replaced one broken hose bib, remove and replace approximately 35 sf of damaged plaster ceiling and 100sf of plaster walls. Water from the janitorial sink ran down from the 4th floor to the 2nd floor effecting rooms 4046, 4045, 3096, 3095, 2102, & 2104.	\$ 10,000	\$ 8,341	83.41
229	FM-0054120	Los Angeles	Compton Courthouse	19-AG1	1	Plumbing / Construct containment, set-up drying equipment, conduct environmental testing, and replace fallen ceiling tiles. Initial work will be conducted under hot conditions until testing results are received. Water leaked from the janitorial hose from the 11th floor down to the 8th floor.	\$ 12,500	\$ 8,266	66.13
230	FM-0054121	Los Angeles	Norwalk Courthouse	19-AK1	1	Exterior Shell / Replace closing mechanism on exit doors. Currently the doors are not retracting and locking automatically which is causing a security concern.	\$ 5,000	\$ 4,252	85.03
231	FM-0054122	Los Angeles	Stanley Mosk Courthouse	19-K1	1	Plumbing - Flood Water Mitigation - Construct containment, conduct environmental testing, and replaced a 5 foot section of 2 inch cracked drain line and replaced one 2x2 ceiling tile in room 106 which has a 14 foot ceiling.	\$ 10,000	\$ 9,726	97.26
232	FM-0054123	Los Angeles	Norwalk Courthouse	19-AK1	1	Plumbing / Set-up containment, drying equipment, conduct environmental testing, and replace ceiling tiles. Water leaked from an overflowing toilet in the 3rd floor men's public restroom through the ceiling into the 2nd floor room 206R which created a safety situation.	\$ 10,000	\$ 8,503	85.03



233	FM-0054124	Los Angeles	Pasadena Courthouse	19-J1	1	HVAC - Set Up Containment, heppa Vacuum, change out filters, and abate loose fire proofing. Loose fire proofing was found in the air filters of AHU #2 which could have caused a health and safety issue.	\$ 10,000	\$ 6,935	69.35
234	FM-0054128	Los Angeles	Alhambra Courthouse	19-I1	2	Elevator - Install (1) emergency battery back-up power supply unit for the 110 volt elevator cab lighting circuit on each elevator. The installation will entail the mounting of the power supply unit on the elevator car top, piping and wiring between the power supply unit and the emergency light fixture mounted in the ceiling area of the elevator cab, and piping and wiring to the car top alarm bell. This unit will activate during loss of supply power to the emergency light and emergency alarm bell	\$ 15,819	\$ 13,604	86.00
235	FM-0054130	Los Angeles	Clara Shortridge Foltz Criminal Justice Center	19-L1	1	Plumbing - Water remediation, set up containments, secure water supply and disassemble Sloan assembly, re-build removed all calcium, installed new 3.5 master re-build kit with master vacuum break re-build kit. 4th floor Cell #1 Sloan assembly has calcium build up causing leak when flushed in pipe chase. causing flood to 3rd floor in front Dept.32.	\$ 11,400	\$ 7,842	68.79
236	FM-0054131	Los Angeles	Pasadena Courthouse	19-J1	1	Elevators, Escalators, & Hoists - Build containment and enclose basement elevator door area, wiped clean and set up negative air machine. Replace brake coil Judge's elevator #5. Brake coil in Judge's elevator has failed. Elevator was shut down for safety reasons and locked out.	\$ 7,679	\$ 5,325	69.35
237	FM-0054132	Los Angeles	East Los Angeles Courthouse	19-V1	1	HVAC - Water remediation, set up containments, vacuumed carpets to remove water and dried leak affected rooms. Replace ceiling tiles. Water leaked on the floor of the central plant from chiller. The water seeped thru the concrete floor and leaked into the 3rd floor offices 301S and 301T. The water damaged ceiling tiles in both offices.	\$ 5,635	\$ 4,380	77.72
238	FM-0054133	Los Angeles	Inglewood Courthouse	19-F1	1	HVAC - Remove defective 15HP motor. Installed new 15HP motor, drive pulley, bushing and 3 new B79 belts. Cooling tower fan motor not operational.	\$ 3,493	\$ 2,604	74.56
239	FM-0054134	Los Angeles	Van Nuys Courthouse East	19-AX1	1	Plumbing - Water remediation, set up containment, and remove existing failed copper water supply line and replace it. Water leaking from pipe within space between floors above women's restroom.	\$ 12,186	\$ 10,936	89.74
240	FM-0054135	Los Angeles	Norwalk Courthouse	19-AK1	1	HVAC - Replace compressors, condenser fan motor, and evaporator coil. Repair leak in the 1st stage and charge with refrigerant. This work was completed as a P1 emergency due to Package Unit #1 had a grounded compressor, the other had bad valves, and a faulty condenser fan motor. The first stage refrigerant was also flat. The evaporator coil had an internal restriction inside the metering devise. The unit was not supplying cooling to the elevator mechanical room.	\$ 15,610	\$ 13,273	85.03
241	FM-0054138	Los Angeles	Torrance Courthouse	19-C1	2	Plumbing - Replace cracked 3 bolt toilet with 4 bolt toilet. The toilet was cracked and was about to break off the wall and needed to be replaced for the safety of the visitors to the restroom.	\$ 4,821	\$ 4,105	85.14
242	FM-0054179	Los Angeles	Inglewood Courthouse	19-F1	1	Plumbing - Replace failed domestic hot water heater, no hot water to all public restrooms. Need to restore hot water.	\$ 4,800	\$ 3,579	74.56
243	FM-0054180	Los Angeles	Downey Courthouse	19-AM1	2	Elevators, Escalators, & Hoists - Dismantle generator, remove, rebuild, and reassemble. Elevator #3, generator #2 failed and needs to be rebuilt.	\$ 37,042	\$ 31,004	83.70
244	FM-0054181	Los Angeles	East Los Angeles Courthouse	19-V1	1	HVAC / Replace motor for cooling tower #2 and diagnose VFDs for Cooling Towers 1 & 2. Currently the motor has failed and could affect the cooling for the courthouse. The VFDs have been placed out of auto due to the trouble that must be diagnosed.	\$ 10,000	\$ 7,772	77.72
245	FM-0054183	Los Angeles	Monrovia Training Center	19-N1	2	Roof - Install guardian roof railing system including (30) ground plates, (15) 10 safety rails, (11) 6 safety rails & painted safety striping to comply with Cal-OSHA fall protection / Current roof is missing guard rails for fall protection.	\$ 24,539	\$ 17,248	70.29





246	FM-0054188	Los Angeles	Pasadena Courthouse	19-J1	1	HVAC - Abate ACM Fireproofing and restore valve to allow water flow into the cooling towers. Chiller #2 when off line due to high head pressure. The cause of the high head pressure was low water level in the cooling towers.	\$ 9,263	\$ 6,424	69.35
247	SWO-1368822	Los Angeles	Edmund D. Edelman Children's Court - Parking Structure	19-Q2	2	Elevator - Elevator Renovation - Complete renovation of two (2) traction and one (1) hydraulic elevators. Work will include but not be limited to, car frames and platforms, buffers and safeties, hoist way entrance frames, doors and pit equipt., new AC gearless machines, micro-processor control systems, regenerative VVVF AC drives, fly ball governors, current code required wiring, interior and lobby control panels, car and hall door panels with new doors, counterweights and roller guides, hoist and governor ropes, cab ceilings with LED down lights, rope compensation, new submersible pump units and underground cylinders encased in PVC for hydraulic elevators, and seismic provisions. Install new machine room air conditioning.	\$ 934,670	\$ 747,736	80.00
248	FM-0054129	Madera	Madera County Superior Court	20-A1	1	HVAC - Remove the two defective fire tubes and install two new tubes in their place. Once the new tubes are in place they will be rolled to create the seal. After the tubes have been rolled and the seal created; a Hydro-static test will be performed to insure that the new tubes and the remaining tubes will hold pressure and the boiler has no further leaks. The price will include the ASME documentation and the installation of a new fire gasket on the main access panel.	\$ 4,075	\$ 2,934	72
249	FM-0053032	Mendocino	County Courthouse	23-A1	2	HVAC - Replace failed blower motor on boiler #2 and replace pump #2 on the vacuum condensate return.	\$ 7,078	\$ 4,786	67.62
250	FM-0053570	Mendocino	County Courthouse	23-A1	2	Electrical - Change Lighting - change 6 recessed 8"x8" lights to new single tube 4' florescent fixture in ground floor Hallways, fixture to be security type as this hallway is used for transportation of in-custody individuals. Current lighting not compliant with holding standards.	\$ 5,365	\$ 3,628	67.62
251	FM-0051815	Merced	Old Court	24-A1	2	Safety - Prep and patch any areas of spalled concrete under building eaves, prime and finish paint the entire area under the soffits and the fascia/front face of the roof overhangs - The underside of the existing eaves have several areas that are showing signs of the concrete spalling that could fall onto passers-by below.	\$ 42,611	\$ 42,611	100.00
252	FM-0052867	Merced	New Downtown Merced Courthouse	24-A8	2	Security - Replace the Hirsch Velocity computer, update software, provide new PC server, flash memory to all control panels - The control access computer Hirsch velocity is outdated, damaged and needs to be replaced. Computer has been damaged throughout the years and software is not working correctly.	\$ 16,193	\$ 16,193	100.00
253	FM-0052916	Merced	New Downtown Merced Courthouse	24-A8	1	Exterior Shell - Saw cut and jack hammer concrete, replace failed pipe and fittings. - There is a very large water leak on the system	\$ 2,405	\$ 2,405	100.00
254	FM-0053019	Merced	Old Court	24-A1	2	Exterior Shell - Remove existing entryway storefront doors size 9-51/2 w x 9-2 H with a single emergency exit storefront door size 76 W x 86 H. The New door will be equipped with emergency exit hardware. The existing door has a long history of sticking open when exiting and causing a security breach to the courthouse. Work would include build side and top area with CMU block to replace the existing glass size 9-51/2 w X 9-2 T. SMW	\$ 21,437	\$ 21,437	100.00
255	FM-0053429	Monterey	Salinas Courthouse- North Wing	27-A1	2	Electrical - Install (3) 2 X 4, T-8 3-LAMP 18CELL FIXTURES in judges chamber. Judge is experiencing headaches from eye strain - doctors note and light readings indicate inadequate lighting in room.	\$ 3,191	\$ 3,191	100.00
256	FM-0053433	Monterey	Marina Courthouse	27-B1	2	Roof - Replace failed built up roof (8500 sq ft), steep slope shingled roof (7500 sq ft), and rotted gutters (600 sq ft) - due to deterioration and blisters, there is evidence of water intrusion into the building.	\$ 533,940	\$ 533,940	100.00



257	FM-0053944	Monterey	Salinas Courthouse-North Wing	27-A1	2	Fire Protection - Replace failed NAC 4 unit on Fire Annunciator Panel. Program and perform operational testing of new NAC.	\$ 3,565	\$ 3,565	100.00
258	FM-0052913	Napa	Criminal Court Building	28-A1	2	HVAC - AC Unit/Compressor #1 - Remove and replace the failed discharge gasket and O-ring on Compressor #1	\$ 4,074	\$ 4,074	100.00
259	FM-0053463	Napa	Napa Historic Courthouse	28-B1	1	Earthquake Remediation - Work includes; Lead and mold remediation, restoring operating systems to their original condition, document restoration, perimeter fencing, fire watch, fire alarm and fire sprinkler assessments, domestic water restoration and isolation valves installed between buildings 28-B1 and 28-A1, replace failed fire alarm panel and sentry-one (71) devices, utilities restoration; install isolation valve on the natural gas line to separate buildings 28-A1 and 28-B1, restoration of the buildings plumbing infrastructure, re-secure the existing water heater, verify the operating systems of the mechanical units, replace or provide new damaged light fixtures, damaged switch gear and replace the hydraulic jack packing on the hydraulic passenger elevator.	\$ 1,000,000	\$ 939,900	93.99
260	FM-0053464	Napa	Criminal Court Building	28-A1	1	Earthquake Remediation - Work includes; Isolate and remediate three water leaks within the building, replace multiple damaged light fixtures, secure loose wiring, relocate court equipment, fixtures and materials to new location for Court Operations and restore elevators to proper operation.	\$ 500,000	\$ 500,000	100.00
261	FM-0054065	Napa	Juvenile Court	28-C1	1	Earthquake Restoration - Interior Finishes - Replace damaged fire sprinkler heads, carpet and ceiling tile. Patch, paint and seal cracked wall, ceiling and baseboard surfaces throughout building.	\$ 50,000	\$ 50,000	100
262	FM-0052810	Orange	Central Justice Center	30-A1	2	Fire Protection - Annual PM of stand pipe and sprinklers did not pass due to failed equipment elements. The project requires replacement of 19 missing escutcheons, inspector butterfly valve with chain lock (space 80), 90 fire hoses, and tamper switch at inspector butterfly valve (space 62/63).	\$ 9,097	\$ 8,294	91.17
263	FM-0052845	Orange	North Justice Center	30-C1	2	HVAC - Remove and replace failed AHU-2 motor with new 40 HP 1730 RPM 324 Frame 460V Motor.	\$ 7,434	\$ 6,714	90.31
264	FM-0052846	Orange	North Justice Center	30-C1	2	HVAC - Remove and replace failed AHU-1 motor with new 40 HP 1730 RPM 324 Frame 460V Motor.	\$ 7,434	\$ 6,714	90.31
265	FM-0052847	Orange	North Justice Center	30-C1	2	HVAC - Cooling Tower on roof does not have a Variable Frequency Drive (VFD). It has a manual Mag Starter. Replace the Mag Starter with a 20 HP ABB 3R VFD. New VFD to be installed in a weather-tight enclosure. The VFD will be more efficient and will save energy as it can be programmed to the BAS system.	\$ 10,141	\$ 9,158	90.31
266	FM-0052848	Orange	North Justice Center	30-C1	2	Electrical - Replace 5 failed high-pressure sodium wall-pak lighting fixtures in the secured judicial parking lots with 64W LED Wall-Pak lighting fixtures. The LED lighting will give more hours of light than the standard bulb currently used.	\$ 4,787	\$ 4,323	90.31
267	FM-0052849	Orange	North Justice Center	30-C1	2	HVAC - Remove and replace failed AHU-6 motor with a new 25 HP 1775 RPM 284 T Frame motor.	\$ 5,015	\$ 4,529	90.31
268	FM-0052853	Orange	Harbor Justice Center-Newport Beach Facility	30-E1	2	Fire Protection - Fire Alarm Panel - Replace power supply resulting from over 20 recorded trouble instances, perform follow-up system inspection, and return to service.	\$ 10,799	\$ 9,106	84.32
269	FM-0052879	Orange	West Justice Center	30-D1	2	Remove eroded soil from drainage field along the South side of the building (approximately 1009 sq. ft.) and replace with 1" gravel, Two inches thick, to prevent ground and surface water from penetrating and damaging the building.	\$ 6,120	\$ 5,550	90.68
270	FM-0052929	Orange	Betty Lou Lamoreaux Justice Center	30-B1	2	HVAC - Air Handler #8 - Remove and replace failed 60hp supply fan motor that services all floors of the South West section of the building. There was loss of cooling in this area that required immediate replacement.	\$ 4,920	\$ 3,934	79.95



271	FM-0052930	Orange	Central Justice Center	30-A1	2	Fire Protection - Fire Hoses - Replace 10 each of 1 1/2" by 75' fire hoses, during annual inspection fire hoses failed hydro test and need to be replaced before annual and 5 year certification can be completed.	\$ 4,100	\$ 3,738	91.17
272	FM-0052944	Orange	West Justice Center	30-D1	2	Conveyances - Remove and replace non-functioning detention chairlift; replacement parts are no longer available for the current lift. The project will include a new inclined wheelchair lift to be installed in place of the existing lift along with a new battery backup and hydraulic drive. This is a noted safety and ADA deficiency; specifications and proposals are attached.	\$ 43,155	\$ 43,155	100.00
273	FM-0052994	Orange	North Justice Center	30-C1	2	Conveyances - Elevator #1 hydraulic feed line is leaking. Work will include shutting off oil line and replacing damaged sections of pipe and pipe joint, reopen oil line, and testing operation of elevator before placing back in service.	\$ 6,323	\$ 5,710	90.31
274	FM-0053009	Orange	North Justice Center	30-C1	2	Fire/Life/Safety - "Knox" Key - Install code required "Knox" key override into gate system for secured parking areas per State Fire Marshals inspection.	\$ 3,900	\$ 3,522	90.31
275	FM-0053419	Orange	West Justice Center	30-D1	2	HVAC - replace two near failure roof mounted economizer fans with new Domex belt driven centrifugal units. Both are prone to frequent failure requiring excessive maintenance to retain operational condition.	\$ 9,384	\$ 8,509	90.68
276	FM-0053420	Orange	West Justice Center	30-D1	2	Grounds & Parking Lot - Remediate and treat the metal gates to the Secure Parking Lot to prevent further deterioration and failure due to rust. Evidence of invasive rust is present throughout	\$ 8,429	\$ 8,429	100.00
277	FM-0053449	Orange	West Justice Center	30-D1	2	Grounds - Raised Concrete - Saw cut and remove approximately 105 sq. ft. of concrete sidewalk that became uneven as a result of tree roots. Remove tree roots as necessary, construct new sidewalk and apply broom finish. Trip hazard/safety risk to employees and court tenants who use sidewalk to gain access to courthouse.	\$ 3,007	\$ 2,727	90.68
278	FM-0053517	Orange	Betty Lou Lamoreaux Justice Center	30-B1	2	HVAC - Variable Frequency Drive (VFD) - Replace the existing 20 HP Return Fan VFD with a new ABB 20 HP VFD. The existing VFD has three blown fuses and has ceased to function properly in automatic mode. The VFD is currently in bypass mode to run at 100% capacity all the time. The VFD controls the Return Fan for AHU #8 and needs to be replaced to avoid disruption to operations and prolong the life of the equipment. Related JO 1361775.	\$ 6,933	\$ 5,543	79.95
279	FM-0053545	Orange	North Justice Center	30-C1	2	HVAC - Replace failing cooling tower manual Mag Starter with 40 HP ABB 3R VFD in a weather-proof enclose.	\$ 13,946	\$ 12,595	90.31
280	FM-0053546	Orange	North Justice Center	30-C1	2	Vandalism - Remove existing window film where necessary, clean interior glass surface, and install high performance window film to 433 panels of glass on south, east, and west facing exterior windows. The window tinting throughout the building is faded, torn in places, has etched graffiti in places, and is in generally poor shape. Installation of new window tint is an energy-cost saving project.	\$ 52,563	\$ 47,470	90.31
281	FM-0053564	Orange	West Justice Center	30-D1	2	HVAC - Replace the failing A/C Package Unit that serves the Sheriffs locker room and basement areas. Deterioration of the coils and indoor fan motor/compressor makes system unable to maintain space temperature.	\$ 6,628	\$ 6,010	90.68
282	FM-0054067	Orange	North Justice Center	30-C1	2	HVAC- Replace the failed Variable Frequency Drive (VFD) for Air Handler Unit #5 with a new 20 HP ABB VFD with Johnson NE, Siemens FLN, MODBUS RTU, and BACNET Controls embedded in drive.	\$ 6,222	\$ 5,619	90.31
283	FM-0054127	Orange	West Justice Center	30-D1	2	Holding Cells - Rehabilitate a large section of wall in the detention hallway that exhibits large cracks. There are approximately 32LF of large random cracks that need to be filled with Sikka 31 Epoxy Grout. This work is to be completed during non-working	\$ 3,500	\$ 3,500	100.00





284	FM-0054185	Orange	North Justice Center	30-C1	2	Grounds and Parking Lot - Remove approximately 1,620 SF of existing 6 inch concrete, re-grade for bus clearance and water flow, pour new 6 inch thick concrete with No. 4 rebar at 18 inch on center in both directions at 4,000 PSI. Existing Driveway is steep and uneven. The Sheriff bus scrapes along the driveway every day as it drives into/out of the bus bay. Water run-off from the street pools along the bottom of the driveway contributing to the deficiency.	\$ 33,818	\$ 30,541	90.31
285	FM-0002953	Placer	Historic Courthouse	31-A1	2	Exterior Shell - Replace 54 wood windows - 80% of the windows in the historic courthouse have failed due to dry rot and wear, and are beyond repair. The balance of the windows are showing signs of wear and will soon be in disrepair. Window replacement will prevent further damage to the interior finishes and the courthouse structure related to water and pest intrusion. Replacement windows will reduce impact to courts operations.	\$ 1,025,200	\$ 789,404	77.00
286	FM-0053448	Placer	South Placer Justice Center	31-H1	2	HVAC - Install new 3 ton Split HVAC system for Electrical room E0034 - Reduce run time on 27 ton chiller by 108 hours per week	\$ 11,708	\$ 11,708	100.00
287	FM-0053470	Placer	South Placer Justice Center	31-H1	2	Fire Protection - Correct deficiencies identified during 5 year system inspection and Fire Marshal inspection - Remove and replace three (3) 300psi gauges, five (5) non compliant sprinkler heads, five escutcheons, fire caulk two (2) areas of wall penetration and install a hydraulic placard at the fire riser. Current installation does not meet code requirements	\$ 14,451	\$ 14,451	100.00
288	FM-0054063	Placer	South Placer Justice Center	31-H1	1	HVAC - Burnt Compressor - Remove and replace Air Handler #1 compressor, the existing compressor grounded out and was smoking causing the system to go into alarm and shutting down.	\$ 28,932	\$ 28,932	100
289	FM-0052983	Plumas	Portola/Loyalton Court	32-B2	2	Grounds and Parking lot- Irrigation system is leaking and flooding grounds in several areas. Replace failed valves and piping. Add valves if required.	\$ 8,147	\$ 8,147	100.00
290	FM-0052822	Riverside	Hall of Justice	33-A3	1	HVAC - Cooling Tower - Remove and replace drift eliminators of the building's cooling tower in cells 1 & 2. The existing eliminators are beyond their lifecycle and if not replaced will result in failure of the HVAC system. Due to the failed eliminators water coming from the condensers is getting to the chillers at a higher temperature than needed, resulting in the chillers working harder and tripping off on high condenser temperature. Install new CTPC150 Counter Flow Eliminators, 20 new NK-23	\$ 27,473	\$ 27,473	100.00
291	FM-0053421	Riverside	Hall of Justice	33-A3	2	Lighting - Main Lobby - Arch Ceiling - Remove and retrofit 18 canned 400w mercury vapor bulbs and ballasts with new 100w LED, 5500k cluster. Currently nearly half of the bulbs are dead and in need of replacement. The lights are housed in the second floor arched ceiling and require a lift to replace the mercury vapor bulbs. LED replacement would allow change out from above lights via a catwalk. Mercury bulbs and ballasts last approx. 20k hours, while LED will increase the life to 50k	\$ 7,369	\$ 7,369	100.00
292	FM-0054044	Sacramento	Carol Miller Justice Center	34-D1	2	HVAC - Replace pillow block bearings for cooling tower fan - Chillers cannot run without cooling tower fan, chillers trip out on high head	\$ 3,583	\$ 3,502	97.75
293	FM-0054090	Sacramento	Juvenile Courthouse	34-C2	2	HVAC - Removed damaged Variable Frequency drive for cooling tower #1 50 HP fan motor. Replace with new Drive ABB Model # ACH550-UH-072A-4 - Variable Frequency drive controls fan speed which regulates the water temperature required for chillers to function correctly.	\$ 8,211	\$ 8,211	100.00
294	FM-0052402	San Bernardino	Needles Courthouse-Dept. N-1	36-K2	2	COUNTY MANAGED- Parking Lot - Demo approximately 56,265 SF of existing asphalt paving that is beyond repair, re-grade demo area, and resurface with new asphalt paving. The parking lot is severely cracked and with several pot holes creating a trip hazard to the public.	\$ 100,431	\$ 100,431	100.00



295	FM-0052883	San Bernardino	Victorville Courthouse-Dept. N-1	36-L1	2	Electrical - Install power receptacles in 14 locations with additional empty data receptacles next to each power receptacle. Power and data receptacles are needed to accommodate new kiosks and monitors that are due to be installed by the Court. New self help kiosks and monitors will help improve check-in processes caused by increased traffic due to nearby court closures and reduced staff.	\$ 3,868	\$ 3,868	100.00
296	FM-0052890	San Bernardino	San Bernardino Courthouse	36-A1	2	Elevators, Escalators, & Hoists - Replace the failed selector switch in public elevator #1 as well as the selector switch in public elevator #2 which is problematic and near failure. This work is necessary to return public elevator #1 to service and to increase both elevators reliability to prevent possible future entrapments.	\$ 8,863	\$ 8,477	95.64
297	FM-0052909	San Bernardino	Barstow Courthouse	36-J1	2	Roof - Remove and Replace Roof - Remove and replace approximately 26,000 SF of existing ACM roof material. Scope includes a 3rd party Hygienist to monitor the abatement, removing damaged seal around building, replacing counter flashing and pipe / vent flashing at various locations.	\$ 580,000	\$ 451,994	77.93
298	FM-0052945	San Bernardino	Rancho Cucamonga Courthouse	36-F1	2	Electrical - Install power receptacles in 14 locations with additional empty data receptacles. Power and data are needed to accommodate self-help kiosks and monitors. Equipment will alleviate significant check-in processes backlog caused by increased traffic stemming from court closures and staff reductions.	\$ 9,940	\$ 9,940	100.00
299	FM-0052946	San Bernardino	San Bernardino Courthouse	36-A1	2	Interior Finishes - Replace failed lights. Remediate lead dust containing debris from the back of a horizontally suspended stained glass window. The grand stairwell is dimly lit creating a safety hazard. Scaffolding required.	\$ 5,669	\$ 5,422	95.64
300	FM-0053005	San Bernardino	Joshua Tree Courthouse	36-E1	2	COUNTY MANAGED- Parking Lot- Saw cut, demo and replace approximately 30,000 SF, 4 inch depth, of asphalt, slurry seal and re-stripe. Construct concrete sidewalks, curbs and drainage for proper egress and rain run-off. Currently the asphalt in the parking lot has numerous cracks, pot holes, and uneven areas that pose a tripping hazard.	\$ 120,000	\$ 120,000	100.00
301	FM-0053007	San Bernardino	Needles Courthouse-Dept. N-1	36-K2	2	COUNTY MANAGED- Exterior Shell- Reseal & repaint the exterior of the building approx- 15,400SF. Existing paint is dull, cracking and exposing the block. Work is necessary to prevent water intrusion in the rainy season. Scope includes clean & pressure wash walls, seal & repair cracks, and paint.	\$ 12,100	\$ 12,100	100.00
302	FM-0053011	San Bernardino	San Bernardino Courthouse	36-A1	1	Exterior Shell - Replace and seal failed roofing material which occurred during recent rains affecting Department 50. Replace damaged ceiling tiles and extract water from carpets in affected areas.	\$ 4,682	\$ 4,478	95.64
303	FM-0053418	San Bernardino	San Bernardino Courthouse	36-A1	2	Roof - Seal under interior counter flashing of (3) existing roof drain sumps, seal the outside of the scuppers, install new down spouts, and install 5 roof vent caps and tighten 5 existing. 3 existing roof drains are leaking, work is needed to prevent additional roof leaks which were observed during recent torrential rains	\$ 5,169	\$ 4,944	95.64
304	FM-0053422	San Bernardino	Rancho Cucamonga Courthouse	36-F1	2	Interior Finishes - Restore damaged concrete sub floor - Perform initial ACM testing, remove a 6' X 9' section of carpet over the affected area. Remove the failing concrete section of sub floor in the 6' X 9' area. Level concrete sub floor and install approximately 54SF of new carpet. All work to be performed after-hours. The damaged floor patch beneath the carpet is near the attorney's table and is a trip hazard.	\$ 5,817	\$ 5,817	100.00
305	FM-0053447	San Bernardino	San Bernardino Courthouse - Annex	36-A2	2	Roof - Cut and reseal roof blisters. Seal multiple roof penetrations, fabricate and install (3) drain baskets, and install vent covers on 11 roof vents. This work is necessary in order to prevent future roof leaks.	\$ 3,558	\$ 3,401	95.58
306	FM-0053452	San Bernardino	Fontana Courthouse	36-C1	2	HVAC - Install a new 1.5 ton split system that serves the 2nd floor A/V room. The current split system has failed, has a bad compressor as well as an un-repairable leak on the evaporator coil.	\$ 7,241	\$ 7,241	100.00



307	FM-0053482	San Bernardino	San Bernardino Courthouse - Annex	36-A2	2	COUNTY MANAGED - Grounds- Remove dead grass, trees, plants, and old landscape materials, level mounds & holes in dirt area, and replace with gravel / dryscape to meet current city water restrictions. Existing area is currently a trip hazard due to the unevenness of the dirt & debris and also a fire hazard due to the dead landscape and dryness of the area as a result of missing irrigation.	\$ 16,375	\$ 16,375	100.00
308	FM-0053518	San Bernardino	Fontana Courthouse	36-C1	2	Roof - Leak remediation. Replace pipe seals, fabricate and install 12 drain screens, seal and coat white (2) splits, install 360LF of walk pads around mechanical equipment, vents, and drains. Replace old asphalt repairs/coat with white coating at N&S wall tie-in, 80' tie-in, (3) vent flashings, and 3 pipe flashings.	\$ 11,934	\$ 9,921	83.13
309	FM-0053558	San Bernardino	San Bernardino Courthouse	36-A1	2	HVAC - Correct inadequate airflow resulting from additional heat load (staff and IT equipment) following court reductions and realignment of resources. Tie into ductwork after existing VAV. Install 35' of rigid 12" ductwork, 80' of flexible 12" ductwork, 25' of 10" flexible duct work, (1) balancing damper, (1) new VAV box with Belimo actuator, and (1) thermostat. Provide and install power from existing 120V junction box and connect to transformer. Insulate all ductwork and support all rigid duct	\$ 16,634	\$ 15,909	95.64
310	FM-0054056	San Bernardino	Fontana Courthouse	36-C1	2	Grounds and Parking Lot - Relocate (3) irrigation controllers (currently without power). Install (1) new 24 zone controller to serve all zones and tie to JCC controlled electrical circuit. The existing controllers are located in County managed areas and are powered by County circuits. Power has been disrupted for almost 4 weeks as a result of County work. The landscaping is currently dying and will result in significant replacement costs if the irrigation system is not restored soon.	\$ 4,475	\$ 3,720	83.13
311	FM-0011923	San Diego	East County Courthouse	37-I1	2	Elevator - Elevator Renovation - Complete renovation of Nine (9) gearless traction elevators. Work will include but not be limited to, car frames and platforms, buffers and safeties, hoist way entrance frames, doors and pit equip., new AC gearless machines, micro-processor control systems, regenerative VVVF AC drives, governors (elevators 1,2&3 only), closed loop heavy duty high speed operators, current code required wiring, interior and lobby control panels, counterweights and roller guides (Elevators 7&9 only), hoist and governor ropes, cab ceilings with LED down lights, rope compensation and seismic provisions.	\$ 3,494,260	\$ 2,817,422	80.63
312	FM-0052821	San Diego	County Courthouse	37-A1	1	Elevators, Escalators, & Hoists - Check encoder, Hoist motor brushes, tighten all I/O, Drive 23 faults. Change out card rack. Operational problems with elevator responding to service calls	\$ 4,963	\$ 3,842	77.42
313	FM-0052840	San Diego	North County Regional Center - Vista Center	37-F2	2	HVAC - Replace chilled water valve, and back flush evaporator coil. AHU S-11 is not producing cool air. Court staff feels uncomfortable at times.	\$ 3,977	\$ 2,674	67.24
314	FM-0052850	San Diego	County Courthouse	37-A1	2	Elevators, Escalators, & Hoists - Elevator technician to adjust controller, drive and door operating equipment. This work will enhance the overall operation of both elevators. On going issues with the operation of number seven and eight Judge's elevators.	\$ 5,178	\$ 5,178	100.00
315	FM-0052858	San Diego	County Courthouse	37-A1	2	Elevators, Escalators, & Hoists - Refurbish escalators 1-2 and 2-1 to bring back into service by replacing the worn step rollers.	\$ 7,766	\$ 6,012	77.42
316	FM-0052872	San Diego	East County Regional Center	37-I1	2	Elevators, Escalators, & Hoists - Remove and replace the existing elevator hoist, the hoist is worn and the elevator could become disabled due to current condition.	\$ 14,791	\$ 10,015	67.71
317	FM-0052878	San Diego	South County Regional Center	37-H1	2	Interior Finishes - Repair and replace various area of carpet. Carpets are worn, torn, have snags and is separating from concrete flooring. This is a trip hazard. (Jury Lounge, Public waiting)	\$ 4,937	\$ 1,769	35.84



318	FM-0052951	San Diego	County Courthouse	37-A1	1	HVAC - Replace number one and two condensate return pumps. Waste make up water and chemicals, cause excessive make up water for the boiler feed system. Condensate leaking all over the floor, Safety hazard.	\$ 5,350	\$ 4,142	77.42
319	FM-0052957	San Diego	Hall of Justice	37-A2	2	COUNTY MANAGED - Grounds - A condition assessment has shown that the underground parking garage is in need of restriping. There are approximately 478 parking spaces to restripe.	\$ 4,520	\$ 1,819	40.24
320	FM-0052959	San Diego	South County Regional Center	37-H1	2	COUNTY MANAGED - Fire Protection - The existing fire suppression system's post indicator valve (PIV) is badly deteriorated and needs to be replaced along with the addition of a tamper switch and replacement of fire main shut off valve and check valve.	\$ 26,377	\$ 26,377	100.00
321	FM-0052965	San Diego	County Courthouse	37-A1	2	HVAC - Replace complete pump end. Boiler two feed pump is leaking from both ends, wasting chemicals. Number two boiler is the main boiler. and no back up feed pump.	\$ 4,944	\$ 3,828	77.42
322	FM-0052995	San Diego	County Courthouse	37-A1	2	Fire Protection - Fire Alarm System-system has code required upgrades based on State Fire Marshal Correction Notice. Install four (4) pull station installations; tie-in two (2) existing tamper switches to Notifier panel; install two (2) enunciators ( 1 each) for Sheriff and Engineering office; install two (2) new smoke detectors in lobby of North tower and two (2) horns / strobes in holding areas.	\$ 29,049	\$ 22,490	77.42
323	FM-0052996	San Diego	North County Regional Center - South	37-F1	2	COUNTY MANAGED - Grounds - Gate Failure - Restore the failing motorized gate back to normal operating standards.	\$ 3,599	\$ 3,599	100.00
324	FM-0053012	San Diego	East County Regional Center	37-I1	1	HVAC - Replace Chiller #1 600 amp main breaker. Breaker supporting Chiller #1 is worn out and not operational.	\$ 13,735	\$ 9,300	67.71
325	FM-0053021	San Diego	East County Regional Center	37-I1	1	Elevators, Escalators, & Hoists - Removed worn out sheave bearings and installed new sheave bearings in place. Elevator is making too much noise and disrupting court.	\$ 14,748	\$ 9,986	67.71
326	FM-0053033	San Diego	Juvenile Court	37-E1	1	HVAC - Removed and replaced 15 HP Variable Frequency Drive and Variable Frequency Drive enclosure fan. AHU #1 not working and affecting depts. 6, 7 and 8.	\$ 5,428	\$ 4,050	74.62
327	FM-0053425	San Diego	County Courthouse	37-A1	2	Plumbing - Replace failed Sloan Flushometer. Water remediation, set up containments, Extract water from carpets throughout affected area. Disinfect/deodorize area. Set multiple dehumidifiers throughout chambers until dry. Test carpet/walls before final clean up and returned furniture back in place. Flooding occurred throughout Judges' chambers 51 and 50 and entering chambers' 38 restroom ceiling.	\$ 12,164	\$ 12,164	100.00
328	FM-0053438	San Diego	East County Regional Center	37-I1	2	Elevators, Escalators, & Hoists - Remove existing generator, rewire and rebuild, install back into place. Elevator #3 generator needs to be rebuilt, stopped working.	\$ 13,131	\$ 8,891	67.71
329	FM-0053441	San Diego	Juvenile Court	37-E1	2	Elevators, Escalators, & Hoists - Failing Motor Starter - Install new Solid State Starter, reducing potential damaging high inrush current and starting torque. Motor starter is worn and failing.	\$ 4,337	\$ 3,236	74.62
330	FM-0053455	San Diego	North County Regional Center - Department 34 Trailer	37-F4	2	Roof - Install fall protection/guardrail system in areas of fall risk. The rooftop air conditioners are too close to the edge of the roof. Roof requires fall protection rails.	\$ 4,489	\$ 4,489	100.00
331	FM-0053457	San Diego	North County Regional Center - Department 35 Trailer	37-F5	2	Roof - Install fall protection/guardrail system in areas of fall risk. The rooftop air conditioners are too close to the edge of the roof. Roof requires fall protection rails.	\$ 4,489	\$ 4,489	100.00
332	FM-0053497	San Diego	County Courthouse	37-A1	2	Plumbing - Replace 20 section of failed cast iron pipe and a 10 section of copper pipe, fittings and bands.	\$ 4,173	\$ 3,231	77.42
333	FM-0053503	San Diego	County Courthouse	37-A1	1	HVAC - Replace Power Modular Equipment Controller (MEC). Units will not operate in automatic. Departments 4 and 5 temperature was too warm.	\$ 8,753	\$ 6,777	77.42



334	FM-0053525	San Diego	County Courthouse	37-A1	2	Electrical - Lights and Ballast - Remove and properly dispose of 15 burnt out lights and failed ballast, and replace with new T-8 lights and ballast. Various lights are burned out in Department 28, Safety and trip hazard.	\$ 6,232	\$ 6,232	100.00
335	FM-0053528	San Diego	North County Regional Center - Vista Center	37-F2	2	Holding Cell - Replace touch screen "in custody" door control monitor - The touch screen operation of the door monitoring system is not functioning/freezes. This prevents automatic opening and closing of certain holding cell doors.	\$ 10,349	\$ 10,349	100.00
336	FM-0053529	San Diego	East County Regional Center	37-I1	2	HVAC - Remove and replace evaporator and condenser with new. Split unit in Civil Business Office IT room non-functional. IT equipment could be damaged due to excessive heat in room.	\$ 5,612	\$ 3,800	67.71
337	FM-0053540	San Diego	Juvenile Court	37-E1	2	Exterior Shell - Repair the exterior damaged grout of 4 existing carrot wood brick planters. Damaged or loose bricks on planters need to be repaired to prevent bodily injury, this is an immediate safety risk.	\$ 2,262	\$ 1,688	74.62
338	FM-0053568	San Diego	North County Regional Center - Traffic Annex	37-F3	2	Fire Protection - Refurbish 5 Fire Doors, re-wire and re-string, tighten all loose mountings and fasteners, lube all points of friction, balance and align doors. The fire curtains are not operating. Curtains will not drop in a fire alarm event.	\$ 4,699	\$ 4,699	100.00
339	FM-0054049	San Diego	Juvenile Court	37-E1	2	HVAC - Secure HVAC vent with additional ceiling hangers and replace broken ceiling tiles in grid. The ceiling air vent outside of D-5 in public corridor are loose and at risk of falling, this is a safety concern.	\$ 2,682	\$ 2,001	74.62
340	FM-0054050	San Diego	County Courthouse	37-A1	1	Exterior Shell - Elevator 4B replaced Power Supply Board, ran car and verified, tested okay. Elevator not responding to call, stuck on 2nd floor, getting stuck on random floors.	\$ 2,965	\$ 2,296	77.42
341	FM-0054071	San Diego	County Courthouse	37-A1	2	HVAC - Replace failing blower motor and place system back in service. Motor is failing and needs to be replaced before it fails. This units supplies D-24 and D-25.	\$ 3,434	\$ 3,434	100.00
342	FM-0054092	San Diego	Kearny Mesa Traffic Court	37-C1	1	Interior Finishes - Set up containment, ACM testing/clearance, replace drywall, and remount the light fixture. Suspended ceiling light fixture fell in northwest end of basement. A portion of the plaster from ceiling's hard lid broke loose, due to potential ACM disturbance a containment was set-up and environmental testing performed.	\$ 4,498	\$ 4,498	100
343	FM-0054117	San Diego	County Courthouse	37-A1	2	Elevators, Escalators, & Hoists - Replaced step roller wheels and tightened up guide plates. Escalator 2-3 is thumping in operation, step roller wheels need replacement. Loose guide plates are tearing up step rollers.	\$ 2,252	\$ 1,743	77.42
344	FM-0054198	San Diego	Kearny Mesa Traffic Court	37-C1	1	HVAC - Replace condenser fan motors and blades, also installed new wires to motors for AHU #2. Tested and placed unit back in operation. HVAC #2 not providing cool air. Two condenser fans went out at the same time, need to replace.	\$ 3,413	\$ 3,413	100
345	FM-0053948	San Francisco	Civic Center Courthouse	38-A1	2	HVAC - Replace the upper section of the heating hot water (HHW) and chilled water (CHW) coils on AHU #4, balance the supply fan (SF) on air handler (AHU) #3, increase the max CFM from 75% to 100%, achieve duct static pressure from 1.13" to 1.5", and provide vibration analysis report.	\$ 57,707	\$ 57,707	100.00
346	FM-0052936	San Joaquin	Manteca Branch Court	39-C1	2	Safety- Install handrails along main entry handicap ramp. Court customers are currently stepping off high points at middle and end of upper ramp into flower beds. (this is a safety issue). Drop at mid-point is >24", Drop at end of upper ramp into flower bed is >12"	\$ 4,242	\$ 4,242	100.00
347	FM-0053462	San Joaquin	Manteca Branch Court	39-C1	2	Plumbing - Cut out all old solder fittings and failed fittings and replace with pro press fittings - Old fittings are failed and causing leaks throughout older section of courthouse.	\$ 10,706	\$ 10,706	100.00
348	FM-0052815	San Mateo	Hall of Justice	41-A1	2	COUNTY MANAGED - Roofing - Remove existing multilayer roofing, including ACM substrate, under Cooling Tower and Pumps; install 3 layer, urethane/glass mat fabric roofing system, approx 900 Sq/Ft and apply masonry damp-proofing to existing stucco walls - Continuing roofing patches have failed to correct multiple location leaks resulting in Court operation disruptions.	\$ 65,875	\$ 65,875	100.00





349	FM-0054074	San Mateo	Municipal Court Building - Northern Branch	41-C1	2	HVAC - Replace Ten (10) failed hot water reheat coils, associated valves and piping at New Wing side - Active and temporarily remediated leaks at (7) coils; (3) additional coils clogged and inactive	\$ 88,703	\$ 73,810	83.21
350	FM-0052824	Santa Barbara	Santa Maria Courts Building G	42-F5	2	Roof - Installation of roof rail system for lower section (North) of Building G - safety concern for roof access to skylight and exhaust fans (1, 15 & 16). Parapet walls do not comply with OSHA requirements for safe access to the work space.	\$ 9,775	\$ 9,432	96.49
351	FM-0052832	Santa Barbara	Santa Maria Clerks Building	42-F7	2	Exterior Shell - Reapply Water Sealant is required to maintain non-slip texture of footpath: Clean, pressure wash, and tape off stain concrete areas. Re-stain and coat exterior stained concrete. Outside new construction warranty period. Heavy foot traffic causes concrete's water sealant to wear and create slipping hazard.	\$ 8,326	\$ 8,326	100.00
352	FM-0052984	Santa Barbara	Santa Maria Courts Building G	42-F5	2	Plumbing - Water Intrusion and Microbial Remediation of Secured stairwell, men's and women's public restroom and water membrane correction of North exterior wall - 3000 square feet of drywall replacement in secured stairwell, men's and women's public rest room damaged as a result of Water Intrusion caused by faulty water membrane on exterior of facility.	\$ 16,171	\$ 15,603	96.49
353	FM-0053017	Santa Barbara	Santa Maria Courts Building C + D	42-F1	1	Plumbing - Replace ceiling in lobby of Building C due to Water Intrusion - SB County condenser leak caused damage to 925 sq. ft. of ceiling in lobby adjacent to Dept. 4 entrance.	\$ 14,128	\$ 7,728	54.70
354	FM-0053036	Santa Barbara	Lompoc Municipal Court	42-D1	1	Plumbing - Replace failed main water line, pinhole leak capped, wall tile removed and replaced; Restroom restored to pre-water intrusion conditions. Water leaking in wall between Men's and Women's public restroom	\$ 6,110	\$ 2,155	35.27
355	FM-0053038	Santa Barbara	Santa Barbara Figueroa Division	42-B1	2	Roof - Installation of copper angle to existing gutter, current system allows water to run off from roof (open skylight design) onto the screening area. Gutters are unable to contain all run-off causing water to leak onto Security Screening equipment.	\$ 12,792	\$ 12,792	100.00
356	FM-0053519	Santa Barbara	Santa Maria Courts Building G	42-F5	2	HVAC - Replace failing 8.5 Ton HVAC unit (PKU 11) - PKU servicing Department 7 Courtroom is failing and no longer functioning as designed.	\$ 16,207	\$ 16,207	100.00
357	FM-0053523	Santa Barbara	Santa Barbara Jury Assembly Bldg.	42-G1	2	Elevator - Restore elevator, replace seal and install to hydraulic system casing for elevator to function properly. Elevator has a seal that broke and detached from the casing of the hydraulic system.	\$ 2,636	\$ 2,636	100.00
358	FM-0053567	Santa Barbara	Santa Maria Courts Building C + D	42-F1	2	Plumbing - Remove material surrounding elbow joint in contained environment and area to be cleared per JCC/ABM protocol. Once cleared, replace leaking section of hot water pipe and restore area to pre-leak conditions. Leaking pipe in Depart. 2 Courtroom above jurors box to be replaced. Questionable material wrapping elbow joint.	\$ 10,946	\$ 10,946	100.00
359	FM-0054125	Santa Barbara	New Santa Barbara Criminal Courthouse	42-M1	2	Grounds and Parking Lot - Parking Lots A, B & C - Install Safety Lighting - Safety/Security for Court Staff in JCC-managed Parking Lots	\$ 4,000	\$ 4,000	100.00
360	FM-0020267	Santa Clara	Historic Courthouse	43-B2	2	Exterior Shell - Replace 87 wood windows - Remove and replace 87 wood windows in the historic courthouse. 50% of the windows have failed due to wear, termite damage and dry rot. The remaining balance of the windows are starting to fail. The cost delta between 100% replacement and 50% replacement is \$200k. Recommend 100% replacement as most cost effective - long term solution.	\$ 1,634,710	\$ 1,634,710	100.00
361	FM-0049249	Santa Clara	Palo Alto Courthouse	43-D1	2	Exterior Shell - Exterior windows at stairwells (120 ea) - Remove and replace the existing interior and exterior failing window gasket seals. The existing vinyl seals will be replaced with a silicone based liquid sealant. Water is leaking into the building under heavy rains, Work will require the use of high reach equipment, aerial lift and scaffolding.	\$ 84,427	\$ 55,756	66.04



362	FM-0052835	Santa Clara	Sunnyvale Courthouse	43-F1	2	HVAC - Restore Air Handler Unit 4 and nine (9) coils to manufacturers specifications - The cooling to the building has not been sufficient and is affecting operations. Cutting through existing ductwork is needed to gain access to the coils. Replace and Patch ductwork sheet metal. HVAC will be shut down during the work over the weekend.	\$ 14,239	\$ 14,239	100.00
363	FM-0052869	Santa Clara	Morgan Hill Courthouse	43-N1	2	Holding Cell - Replace (1) door window 25 1/4 x 7 1/2 x 1/2 Tempered laminate. Repair lock operation to avoid lock outs.	\$ 4,411	\$ 4,411	100.00
364	FM-0052870	Santa Clara	Morgan Hill Courthouse	43-N1	2	HVAC - Replace failed pump seal and bearing assembly to the leaking heating hot water pump #1	\$ 3,136	\$ 3,136	100.00
365	FM-0052938	Santa Clara	Hall of Justice (West)	43-A2	1	Elevators, Escalators, & Hoists - Rebuild failed generator motor for elevator #2 - This is the only public elevator in building and is not operational at this time.	\$ 28,599	\$ 28,599	100.00
366	FM-0052966	Santa Clara	Downtown Superior Court	43-B1	2	Plumbing - Replace (1) Failed check valve and (1) failed cleanout in 4 inch sewer line in basement file room to eliminate leak	\$ 7,713	\$ 7,713	100.00
367	FM-0052975	Santa Clara	Hall of Justice (East)	43-A1	2	Fire Protection - Code Compliance Issue - Replace failed internal parts (bolts and gaskets to (2) FDC 8" check valve - check valve deficiencies were found during the 5 year inspection located in the valve box - removal of the internal check parts are required to bring the fire system to code compliance.	\$ 4,423	\$ 4,423	100.00
368	FM-0053026	Santa Clara	Hall of Justice (East)	43-A1	2	Fire Protection - Replace failed 6" Fire main grooved coupling - Shutdown fire system and drain - remove steel ceiling panels in in-custody transfer tunnel to access failed fire main coupling - disassemble and remove failed coupling and piping - install approx. 8' of new 6" piping with 2 new 6" Victaulic couplings - re-charge fire system and leak test - re-install steel ceiling panels - clean and remove debris from site	\$ 8,659	\$ 8,659	100.00
369	FM-0053428	Santa Clara	Downtown Superior Court	43-B1	2	Vandalism - Replace 7x 3 shattered safety laminated glass at public entry.	\$ 1,571	\$ 1,571	100.00
370	FM-0053440	Santa Clara	Downtown Superior Court	43-B1	2	Plumbing - Replace (1) failed ejector pump motor and check valves. Pump is overflowing and flooding the basement area.	\$ 8,106	\$ 8,106	100.00
371	FM-0053442	Santa Clara	Palo Alto Courthouse	43-D1	2	Roof - Replace 22,000 sq. ft of deteriorated roof, coping metal (1000 sq ft), Gravel stops (250 sq ft), Surface mount (450 sq ft) and deteriorated over flow drains. The roof is showing signs of cracking and ponding. Roof leaks are evident in the building.	\$ 824,415	\$ 544,444	66.04
372	FM-0052863	Santa Cruz	Main Courthouse	44-A1	2	HVAC - Replace failed re-heat coils (13), valve train from isolation valve to VAV's including pipe, strainers, belimo valve, temp sensors and thermostats - Re-heat coils failing due to corrosion from service without dialectic pipe connections; issue discovered during isolation valve replacement modification.	\$ 60,503	\$ 59,965	99.11
373	FM-0053417	Santa Cruz	Jury Assembly Room	44-A3	2	Pest Control - Full building termite fumigation, tenting required - termites found in several locations causing structural damage.	\$ 7,105	\$ 7,105	100.00
374	FM-0051922	Solano	Hall of Justice	48-A1	2	Electrical - Storm water and sewage discharge pumps - Replace four (4) 480 volt 7.5 horsepower pumps with four (4) 200 volt 7.5 pumps and two (2) 480 volt 5 horsepower pumps with two (2) 200 volt 5 horsepower pumps, so their motor voltage matches the emergency generator output voltage - connect the new pumps to the emergency power panel so they function during a power outage.	\$ 258,000	\$ 187,876	72.82
375	FM-0052814	Solano	Solano Justice Building	48-B1	2	Interior finishes - Replace failed fire shutter at transaction window number seven in the criminal division. Code Required.	\$ 13,505	\$ 13,505	100.00
376	FM-0052862	Solano	Hall of Justice	48-A1	2	Fire Alarm System - Correct deficiencies found while performing a level IV PM - Replace failed duct detector, LED enunciator, and horn strobe	\$ 3,054	\$ 2,224	72.82
377	FM-0052873	Solano	Hall of Justice	48-A1	2	Electrical - Sump pump - Install electrical feed from emergency panel so the pump functions during a power outage	\$ 4,123	\$ 3,002	72.82
378	FM-0053439	Solano	Solano Justice Building	48-B1	2	HVAC - Replace failed two ton split air-conditioning unit that cools Court IT (MDF) room 118 - Work to be performed afterhours	\$ 14,950	\$ 14,950	100.00



379	FM-0053950	Solano	Hall of Justice	48-A1	2	Electrical - Replace failed secure door lock control relay - Remove and replace control panel for the secure door lock entering the secured stairwell, the relay has failed and cannot be replaced without replacing the control panel all together. The door is currently in the "Fail Open" position. Work to be performed after hours with escort.	\$ 6,729	\$ 6,729	100.00
380	FM-0046916	Sonoma	Hall of Justice	49-A1	2	COUNTY MANAGED - Elevators Renovation - Renovate South Common Area - Single elevator in south lobby is beyond useful life	\$ 156,741	\$ 156,741	100.00
381	FM-0053435	Stanislaus	Modesto Main Courthouse	50-A1	1	HVAC - Replace supply and return fan VFD and Chiller #1 upgrades to Circuit A	\$ 50,000	\$ 38,910	77.82
382	FM-0053456	Stanislaus	Hall of Records	50-A2	2	HVAC - Replace Failed Mini-split unit for Tech Print Room. Existing condenser unit has failed beyond repair. Replacement parts not feasible and replacement condensing unit not available with R-22 refrigerant (replacement is required).	\$ 8,154	\$ 8,154	100.00
383	FM-0053458	Stanislaus	Modesto Main Courthouse	50-A1	2	Plumbing - Replace failed hot water heater for main courthouse. Main tank is cracked and unable to be repaired.	\$ 5,310	\$ 4,132	77.82
384	FM-0054075	Stanislaus	Modesto Main Courthouse	50-A1	2	Safety - Carpet: Remove knock down strips - re-stretch carpeting in courtrooms 1 and 2 and replace knockdown with rubber molding - The carpet is bunching up causing a potential trip hazard	\$ 3,276	\$ 3,276	100.00
385	FM-0053548	Tehama	Annex No. 2	52-A3	2	Fire Protection - Replace four fire sprinkler heads (two corroded fire sprinkler heads, two painted fire sprinkler heads), replace the drain valve with an approved valve, and relocation of the gauges on the riser to an approved location - Annual FMS PM failed	\$ 3,152	\$ 3,152	100.00
386	FM-0053013	Yolo	Traffic Court	57-A3	2	Fire Protection - Remove and replace fire alarm panel with failing communicator. The failing communicator is causing a loss of communication with fire alarm monitoring company.	\$ 3,055	\$ 3,055	100.00

\$ 27,066,997 \$ 23,396,856

DRAFT





JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT FACILITY MODIFICATION  
ADVISORY COMMITTEE

Attachment B

Court-Funded Facilities Requests (CFR)  
Quarter 2, Fiscal Year 2014-2015

ITEM #	CFR NUMBER	COUNTY	BUILDING ID	FACILITY NAME	LEASE, LICENSE, OR FM	REQUEST TYPE	CFR DESCRIPTION	CFR TERM	FUND SOURCE	ESTIMATED CURRENT YEAR COSTS (Includes existing costs prior to CFR term)	ESTIMATED BUDGET YEAR COSTS	TOTAL ESTIMATED CFR COMMITMENT (CFR Term)	REVIEW NOTES - OREFM, JBCPO, & FSO
1	11-CFR003	Glenn	11-C1	Resource Center	Lease	One-Time	(Utility costs are court funded) Lease extension from 5/1/2015-12/31/2016. The leased space houses the Family Court Facilitator, FCS Mediator, Self Help Center and court records storage. This request is considered urgent because this space is needed until the new courthouse is completed, estimated completion date is 10/31/16.	7 Months	CCF for Lease Costs, Operating Budget for Utility Costs	\$ 74,666	\$ 77,105	\$ 129,533	No Concerns
2	19-CFR024	Los Angeles	Multiple	Multiple	FM	One-Time	Electrical upgrades at El Monte Courthouse and Stanley Mosk Courthouse. These upgrades are deemed urgent because they are needed to support the new case management system.	NA	Operating Budget	\$ 225,000	\$ -	\$ 225,000	No Concerns
3	39-CFR002	San Joaquin	39-C1	Manteca Branch Court	FM	One-Time	The existing T1 & DSL line is not sufficient for the new Court's case management system that is currently in the implementation stage. This project will increase bandwidth capacity from 1.5 MBS to 20 MBS, significantly improving computing capacity and faster computing response times. This request is deemed urgent because the new case management system requires this additional bandwidth. This project will also reduce the Court's monthly services cost from \$940 per month to \$250 per month.	NA	Operating Budget	\$ 9,156	\$ -	\$ 9,156	No Concerns





## JUDICIAL COUNCIL OF CALIFORNIA

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 16, 2015

---

**Title**

Judicial Council Restructuring: Policy 8.9,  
Working Remotely (Telecommuting)  
Program: Status Update

**Agenda Item Type**

Information Only

**Date of Report**

March [ ], 2015

**Submitted by**

Curt Soderlund  
Chief Administrative Officer

**Contact**

Wesley Downing, 415-865-8947  
[wesley.downing@jud.ca.gov](mailto:wesley.downing@jud.ca.gov)

---

### Executive Summary

The Judicial Council's Human Resources office (HR) has prepared this annual status report on the progress of Judicial Council Directive 26, which states that:

...the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy.

This report provides a one-year update on the telecommuting program that officially began on July 1, 2014, following the council's April 24, 2014 decision to convert the program from the original 12-month pilot program. It also includes information on how the program has responded to council directive concerning appropriate performance management for the ad hoc program. The report also provides details regarding employee usage, how accountability has been monitored, and next steps in the process.

### Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director to ensure that the Judicial Council was consistently adhering to its existing policy on telecommuting (working remotely) (Policy 8.9, *Judicial Council Personnel Policies and Procedures*; Attachment A), and to identify and correct any deviation from or violation of the existing policy.

On December 14, 2012, the council further directed the Administrative Director to review the original policy and make recommendations on any proposed amendments.

The council subsequently asked the Administrative Director to consider alternatives to telecommuting-- including whether telecommuting should be eliminated -- and to return with a report and recommendations for council consideration at its February 2013 meeting.

In the February 2013 report, the Judicial Council was presented with and considered the following options:

1. To eliminate all forms of telecommuting;
2. To eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or
3. To permit both regular and ad hoc telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The council approved Option 3 as a 12-month pilot program. The program was implemented, allowing employees authorized by the Administrative Director to work remotely when consistent with business needs and the employee's job functions. As a part of the pilot program, the council also approved the use of ad hoc remote work arrangements in the event of unforeseen business or personal needs, and is limited to no more than two workdays per month.

The council requested that an interim report on program implementation be prepared for the Executive and Planning Committee after six months, and a full report after one year, to enable the council to identify a course of action. The November 25, 2013 six-month report and the March 20, 2014 one-year update report are attached hereto as Attachments B and C, respectively.

On April 24, 2014, HR presented the aforementioned one-year report on the pilot- telecommute program to the Judicial Council. At that time, the council considered the following options:

1. Approve the pilot program as a regular telecommute program (Attachment D)<sup>1</sup>, with the current additional controls for approving, monitoring, and rescinding participation;
2. Extend the current pilot telecommute program an additional year;
3. Eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or
4. Eliminate all forms of telecommuting.

---

<sup>1</sup> The document included here as Attachment D is the current telecommute program which contains more robust, specific controls on approval, monitoring, etc.

The council approved Option 1 and directed the Administrative Director to provide an annual status update at its April 2015 meeting.

### Participant Data – Past and Present

The original pilot telecommuting policy allowed for up to eight days per month of telecommuting, and provided each office leader with discretion regarding any exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the Working Remotely (Telecommuting) Program. The telecommuting benefit for supervisors and managers was eliminated when the amended pilot program was implemented in March 2013, with an effective start date of June 3, 2013. The amended pilot program also greatly restricted the opportunities for regularly scheduled telecommuting, and placed a new, lower ceiling on the amount of possible ad hoc telecommuting.

Under the amended pilot telecommuting program (June 2013 - June 2014), there were 69 individuals who had been approved to telecommute on a one-day-per-week basis. In comparison with the prior telecommuting program, this represented a 30 percent decrease in telecommute approvals and about a 40 percent decrease in the number of telecommute days actually used per month utilizing the criteria established by the Administrative Director.

Currently (July 2014 to date), under the regular telecommute program; 76 individuals have been approved to telecommute on a one-day-per-week basis. This is illustrated in the office-by-office comparison chart directly below<sup>2</sup>.

Office	2012 Participation	(Pilot) 2013 Participation	(Regular) 2014 Participation
Center for Families, Children & the Courts	28	16	15
Center for Judiciary Education and Research	12	10	5
Court Operations Services	17	4	5
Criminal Justice Services	2	4	5
Human Resources	0	1	1
Information Technology	23	14	23
Judicial Council Support	0	1	1
Legal Services	15	8	6
Trial Court Administrative Services	0	9	14
Executive Office	1	0	0
Trial Court Liaison	0	2	1
<b>Totals</b>	<b>98<sup>3</sup></b>	<b>69</b>	<b>76</b>

<sup>2</sup> Nine offices do not have a single employee participating in the telecommuting program. They are Audit Services, Communications, Special Projects, Appellate Court Services, Capital Program, Finance, Governmental Affairs, Administrative Support, and Real Estate & Facilities Management.

## Summary of Findings

### Pilot Telecommute Program (June 3, 2013 to June 30, 2014)

- In the initial application period (March 1, 2013, through March 29, 2013), the Judicial Council received 105 applications from employees with a desire to telecommute one day per week.
- Upon review of those applications, the Administrative Director made certain policy determinations, as outlined in the *Policy and Cost Implications* section below, resulting in the approval of 63 of the applications for participation in the program and the denial of 42.
- As a result of feedback from the Management Council (the individual office directors), the Administrative Director directed HR to provide all offices with an updated application process—incorporating the policy determinations that would be utilized moving forward. HR sent application packets to all members of the Management Council on May 29, 2013.
- All new and resubmitted applications included a detailed job description listing the job duties that could be effectively performed remotely.

As a result of this amended process, one new application was submitted and five employees<sup>4</sup> resubmitted their applications to telecommute. Based on the application materials, recommendations from the supervisor, office leader, and HR, all six individuals were approved by the Administrative Director for one day per week telecommuting, in accordance with the pilot program parameters. These additional approvals resulted in a total of 106 applicants, 69 approvals, and 37 denials.

### Regular Telecommute Program (July 1, 2014 to June 30, 2015)

During the current fiscal year, 82 employees applied for participation in the regular telecommute program.

- Upon review of these applications, the Administrative Director approved 80 applications to telecommute one day per week.
- Of the 80 approved applications; 59 were pilot program participants and 9 are newly eligible participants. Newly eligible participants include employees who have been promoted, demoted (no longer in a supervisory position), or reached one year of service

---

<sup>3</sup> 2012 participants were allowed to telecommute twice a week, whereas 2013 and 2014 participants were allowed to telecommute once a week.

<sup>4</sup> These five employees were originally denied from participating in the Pilot Program.

with the Judicial Council. The remaining 12 employees are employees with new interests in the program, who have been eligible since the inception of the pilot telecommuting program in 2013.

- There are currently 76 active regular telecommute participants. This number differs from the 80 approvals due to one promotion resulting in ineligibility and three separations from employment.

## **Additional Controls: Methodology and Process**

### **Ad Hoc Telecommute Program Changes**

The council requested that HR add a performance management component to the ad hoc telecommute program. In response, HR developed a new *Ad Hoc Telecommute Request Form* that incorporated performance management into ad hoc telecommuting. The new form requires supervisors to monitor that day's ad hoc productivity and accomplishments by completing a "Supervisor's Comments" box in the Ad Hoc Work Log section on the form.

Additionally, to guard against and limit frivolous requests, HR added a box to the *Ad Hoc Telecommute Request Form* that requires employees to identify the reason for their telecommute request.

Once the ad hoc request has been approved, employees are required to complete a work log and submit to their supervisor for review. The supervisor must review and comment on all work performed before submitting to their office leadership and ultimately HR for review.

These two very important aspects have improved monitoring of the ad hoc telecommute program. Employees seeking to utilize an ad hoc telecommute day must first make a request to their supervisor and office leadership at least one day prior to the requested ad hoc telecommute day. Emergency situations are handled on a case by case basis and may be approved the same day of the ad hoc request if the employee has sufficient work that can be completed.

*Ad Hoc Telecommute Request Forms* have been collected for all ad hoc requests since July 1, 2014, when the form was first introduced to Judicial Council staff. The most common reasons for telecommute requests include:

- Personnel medical appointments for a portion of the work day;
- Waiting for service calls for home repairs or installations;
- Child care – child appointments, ill children, and nanny issues;
- Personnel emergency/matter –emergency, minor injuries that precluded the ability to commute, but not the ability to work from home;
- Other appointments –parent teacher conference, mortgage appointment, delivery, and emergency veterinarian appointment.

Following the changes, both supervisors and managers with participating ad hoc telecommute employees expressed satisfaction with both the quality and quantity of work provided during the ad hoc remote work day.

Furthermore, to promote better understanding of the ad hoc telecommuting rules, Management Council and HR developed the *Ad Hoc Telecommute Remote Work Program Frequently Asked Questions* (Ad Hoc FAQs) guide. This guide has been extremely helpful for supervisors and office leadership as a reference point when management is faced with approving or denying an ad hoc request. The Ad Hoc FAQs outline different request scenarios that could be appropriate for ad hoc telecommuting, those requests that are not appropriate, and the recommended responses.

If HR receives notice of an ad hoc usage that may be questionable, HR informs the applicable office leadership that the stated reason for the request is not acceptable under the Ad Hoc FAQs and HR notes the situation on the tracking spreadsheet. HR then instructs the affected office leaders to consult with their supervisors, and provide them proper direction about appropriate ad hoc use.

### **Ad Hoc Telecommuting Results**

The chart below details the usage of ad hoc telecommuting by office from July 1, 2014 to January 30, 2015:

<b>Office</b>	<b>July</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>TOTAL</b>
Information Technology	2	2	2	5	0	4	2	<b>17</b>
Center for Families, Children and the Courts	3	2	2	1	1	2	0	<b>11</b>
Center for Judiciary Education and Research	3	0	3	3	3	0	1	<b>13</b>
Trial Court Administrative Services	1	0	1	1	2	4	3	<b>12</b>
Court Operations Services	1	0	2	1	1	0	0	<b>5</b>
Legal Services	3	2	3	5	3	5	3	<b>24</b>
Human Resources	0	2	2	0	1	4	3	<b>12</b>
Real Estate and Facilities Management	0	0	1	1	0	0	1	<b>3</b>
Council Support Services	0	0	0	0	0	0	2	<b>2</b>
Trial Court Liaison	0	0	0	0	0	0	0	<b>0</b>
Criminal Justice Services	0	0	1	2	0	3	0	<b>6</b>
Communications	1	1	0	0	0	3	0	<b>5</b>
Audit Services	0	1	0	0	0	0	0	<b>1</b>
Finance	1	0	1	0	1	0	0	<b>3</b>
Judicial Council Support	0	0	0	0	0	0	0	<b>0</b>
Executive Office	0	0	0	0	0	0	0	<b>0</b>
<b>Totals</b>	<b>15</b>	<b>10</b>	<b>18</b>	<b>19</b>	<b>12</b>	<b>25</b>	<b>15</b>	<b>114</b>



The average ad hoc telecommute usage among the entire Judicial Council has averaged approximately 16 days per month, representing less than 1 percent of staff work time spent ad hoc telecommuting.

### **Human Resources' Monitoring of Ad Hoc Program**

Since the inception of the regular telecommuting program on July 1, 2014, HR has encountered three occasions of inappropriate ad hoc usage. Two of these involved inappropriate reasons to ad hoc telecommute and appropriate actions were taken to notify the office leadership.

Human Resources learned of a third problem when it received an ad hoc report of an individual utilizing seven ad hoc days in one month. Human Resources first contacted the office director, who admitted to mistakenly signing the request without fully reviewing it. The director further noted that the approving supervisor is a new supervisor; the director indicated that s/he would counsel the supervisor regarding the error.

In addition, Human Resources contacted the supervisor to educate him/her regarding the ad hoc program, the parameters of policy 8.9, Working Remotely (Telecommuting) Program, and the Ad Hoc FAQs.

Finally, HR took steps to ensure that the employee who took the excessive ad hoc telecommute days would not enjoy greater ad hoc privileges over the year as compared with other staff. Human Resources, with the direction of the Executive Office, took action, suspending the individual's ad hoc privileges for three months (a total of six instances) equivalent to the overused amount. Since HR took this action, there have not been any issues with this employee, supervisor, or division.

### **Special Ad Hoc Telecommutes: Unusual Circumstances Affecting Employees' Commutes**

In previous years, at the direction of the Administrative Director, HR provided special relief to employees when unusual circumstances arose that might affect employees' commutes, such as the Bay Bridge closures or the Bay Area Rapid Transit (BART) strike. In those instances, employees were offered special one-time only telecommute options, such as additional ad hoc approval days and the ability to switch a regularly scheduled telecommute day to the affected commuting day.

This year, only the powerful December 11, 2014 Bay Area storm adversely affected Judicial Council employee work commutes. Unlike the prior years, in this instance, the Executive Office advised office leadership that special telecommuting would not be acceptable or permitted. Employees were required to come to work despite the heavy rain; if an employee could not make it to work, management required staff to utilize available leave credits instead of working from home.

## **The Regular Telecommuting Program**

To strengthen the regular telecommute program, all supervisors and managers have agreed to “review all work performed from a remote location to ensure it is at least of the quality and quantity of work performed in the office work location,” as well as adding “quality and quantity of work performed from a remote location” as a goal for the first annual performance management review.

## **Use of Work Logs**

Consistent with this approach, individuals who participate in the regular telecommute program are required to submit a weekly remote work log to the supervisor of the unit. This log includes a listing of the duties/tasks completed during the designated remote workday. Supervisors keep the work logs to assist with the annual performance review of each individual.

## **Sample Duties and Tasks Reported on Work Logs**

Work logs have been collected from participants of the regular program. The most common remote work duties or tasks reported include:

- Reviewing documents, researching (project based, legal research, and data collection), analyzing data;
- Preparing for projects (presentations, timeline development, and curriculum development);
- Responding to communications (email and phone);
- Participating in conference calls; and
- Writing and editing reports.

Duties specific to a particular office were also listed, but were less common on the logs. Supervisors and managers who had participants in the regular telecommute program were satisfied with both the quality and quantity of work provided during the remote work periods.

## **Telecommuting Program Principles**

### **Policy and Cost Implications**

At the outset of the June 2013 pilot telecommuting program, it was determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring direct supervision were not allowed to participate in the regular telecommuting program, as the essential duties of their positions required their presence at the workplace. For all three categories, regular telecommuting is not appropriate. These principles continue to apply to the ongoing program which started in July 2014.

### **Part-time Employees**

For employees on a part-time schedule<sup>5</sup>—as they are already unavailable one to three days per week—any additional time out of the workplace would further affect productivity.

### **Employees Acting in a Senior-level or Lead Capacity**

Employees in a senior-level role—which involves regularly interacting with staff, sharing their knowledge and skills, and providing guidance—are critical to the daily operations of the Judicial Council. Working remotely inhibits the ability of a person in this role to provide onsite guidance and face-to-face interaction.

### **Employees Requiring Direct Supervision**

Most classifications identify the amount of supervision expected during the workday. If the phrase “works under direct supervision” is listed in an employee’s job classification, then that employee is expected to be present in the workplace to provide support under the guidance of the lead or supervisor. Additionally, if an employee’s regular presence in the workplace is integral to the functions of the unit, the Administrative Director will deny the application.

### **Next Steps**

HR has developed for approval a revised Policy 8.9 – Working Remotely (Telecommuting) Policy (Attachment E). The proposed changes to Policy 8.9 directly reference the Ad Hoc FAQs and Ad Hoc Telecommuting Request Form.

HR will continue to review the ad hoc telecommute request forms to monitor appropriate requests and the types of duties/tasks performed.

HR will continue to review and make recommendations to the Chief Administrative Officer for any new applications requesting to participate in the regular remote work (telecommute) program.

After the conclusion of the classification and compensation study conducted by Fox Lawson and Associates, HR will review all of the classifications and recommend to the Chief Administrative Officer any necessary telecommute changes based on the new classifications of current telecommute participants.

### **Attachments**

- A. Policy 8.9 – Working Remotely (Original Policy) – Pre 2013
- B. Six-Month Interim Report to Executive and Planning Committee
- C. February 2014 One Year Report to Judicial Council
- D. Policy 8.9 - Working Remotely (Telecommuting) Program – July 1, 2014
- E. REVISED Policy 8.9 – Working Remotely (Telecommuting) Program – July 1, 2015

---

<sup>5</sup> Any employee working less than forty (40) hours in a week is defined as “part time” pursuant to the Judicial Council Personnel Policies and Procedures Manual, Policy 3.3(C)(2).

**Policy Number: 8.9**

**Title: Working Remotely (Telecommuting)**

**Contact: Human Resources Division, Policy Development Unit**

**Policy**

**Statement: The AOC's Remote Work Program provides employees the opportunity to work from home when doing so is consistent with business needs and the employee's job functions, as authorized by the employee's division director.**

**Contents:**

- (A) Purpose of Remote Work Program**
- (B) Applicability**
- (C) Request and Approval Process**
- (D) Remote Work Schedules**
- (E) The Home Office**
  - (1) Work Environment**
  - (2) Office Equipment**
  - (3) Information Security**
  - (4) Health and Safety**
- (F) Other Employee Rights and Responsibilities**
- (G) Termination and Renewal of Remote Work Assignment**

**(A) Purpose of Remote Work Program**

The AOC recognizes the potential management and personal benefits available through a carefully planned and managed remote work program. When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. This policy does not intend to cover employees working remotely due to work-related travel.

**(B) Applicability**

Only AOC employees ([regular or temporary, full-time or part-time, exempt or non-exempt](#)) may apply to participate in the remote work program.

**(C) Request and Approval Process**

An employee may initiate a request to participate in the remote work program by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the division director to approve or decline the request. Approval of a remote work arrangement is at the discretion of the division director. In making this determination, the division director will consider work-related criteria, including:

- The employee's job functions and feasibility of performing work away from the office;
- Degree of supervision required;
- The performance and work habits of the employee;
- Business needs, including work demands of the employee's unit; and
- Suitability of proposed home work environment.

A request to participate in the remote work program may be approved only when the division director determines that, while working remotely, the employee can perform all the duties and responsibilities of the position in a productive, efficient, and satisfactory manner that is consistent with the needs of the organization. Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Requests to work remotely as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor or the Human Resources Division, Integrated Disability Management Unit.

The Remote Worker's Agreement and Remote Work Checklist must be signed as indicated before remote working begins.

#### **(D) Remote Work Schedules**

Employees (including supervisors and managers) may be approved to work remotely as follows:

- During the first three months of employment, employees are not eligible to participate in the remote work program.
- After three months of employment, employees are eligible to request to work remotely up to a maximum of four days per month.
- After six successful months of participation in the remote work program, employees are eligible to request to work remotely up to a maximum of eight days per month.

Any exceptions to the above scheduling guidelines are at the discretion of the division director, in advance consultation with the Director of Human Resources. The remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday ([Hours of Work, policy 4.4\(A\)](#)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- Remote workers may request approval for time off in the same manner as if not working remotely.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing ([Hours of Work, policy 4.4\(C\)\(1\)](#)).
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day.

An employee may also be approved to work remotely on an “ad hoc” basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs.

## **(E) The Home Office**

### **(1) Work Environment**

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee’s [primary work location](#).

### **(2) Office Equipment**

The AOC will provide a laptop, subject to availability, for purposes of working remotely. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. ([Use of AOC Property, policy 8.8\(B\)](#)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.
- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Services Division does not provide technology support for use of personal equipment for working remotely.
- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.
- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Services Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the [AOC Service Portal](#), or contacting the HelpDesk at (415) 865-4080 or [helpdesk@jud.ca.gov](mailto:helpdesk@jud.ca.gov).

### **(3) Information Security**

Network and information security are important considerations when working remotely. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security [procedures](#).
- Remote workers must restrict access to confidential and personal information from family members and others. ([Use of AOC Property, policy 8.8\(D\)](#)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Services HelpDesk.

### **(4) Health and Safety**

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work remotely or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working remotely, workers' compensation law and rules apply. Consistent with AOC's [Workers' Compensation Insurance, policy 6.6](#), employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Division, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

**(F) Other Employee Rights and Responsibilities**

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with [Technology Use, policy 8.6](#), and [AOC Computer Use Best Practices](#). In addition to AOC requirements on time reporting ([Hours of Work, policy 4.4\(D\)](#)), remote workers may be required to submit work logs of time spent and work performed while working remotely, at the discretion of their supervisor.

**(G) Termination and Renewal of Remote Work Assignment**

Participation in the remote work program is voluntary. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason. Failure to abide by the policies and procedures set forth in this policy may result in immediate termination of an employee's remote work assignment.

The Remote Work Application should be discussed and renewed annually, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. A remote work arrangement must not be continued when it is not in the best interests of the AOC or the employee.

Participation in the remote work program is approved based on specific criteria considered by the division director on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.





**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

---

MEMORANDUM

---

**Date**

November 25, 2013

**Action Requested**

For Your Information

**To**

Members of the Executive and Planning  
Committee

**Deadline**

N/A

**From**

Steven Jahr, Administrative Director of the  
Courts

**Contact**

Kenneth R. Couch, Director  
Human Resources Services Office  
415-865-4271 phone  
415-865-4582 fax  
[kenneth.couch@jud.ca.gov](mailto:kenneth.couch@jud.ca.gov)

**Subject**

Six-Month Update on AOC Pilot  
Telecommuting Program

Michael Guevara, Senior Manager  
415-865-7586 phone  
415-865-8873 fax  
[michael.guevara@jud.ca.gov](mailto:michael.guevara@jud.ca.gov)

---

**Executive Summary**

The Administrative Office of the Courts (AOC), Human Resources Services Office (HRSO) has prepared this six-month interim status report on the progress of Judicial Council Directive 26, which states that:

...the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy.

This report includes a six-month update of the pilot telecommuting program. It includes information on how the program was implemented, details on employee usage, how accountability has been monitored, and next steps in the process.

## **Previous Council Action**

On August 31, 2012, the Judicial Council directed the Administrative Director of the Courts to ensure that the AOC consistently adhered to its existing telecommuting (working remotely) policy. The council also requested that the Administrative Director identify and correct all existing deviations from and violations of the existing policy.

On December 14, 2012, the council directed the Administrative Director to review Policy 8.9 (attachment 1), Working Remotely (Telecommuting), of the *AOC Personnel and Policies Procedures Manual* and provide the council with a report proposing any recommendations and amendments to the policy. The council also directed the Administrative Director to consider and report on alternatives—including whether this policy should remain in force—and return with a report and recommendations for the council’s February 2013 meeting.

During the February 2013 meeting, the Administrative Director requested, in his report, that the Judicial Council consider and approve one of the following options:

1. Eliminate all forms of telecommuting;
2. Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or
3. Permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The Judicial Council approved a twelve-month pilot of the proposed amended Policy 8.9 (attachment 2), Working Remotely (Telecommuting) Pilot Program, authorizing employees to work from home only when doing so is consistent with business needs and the employee’s job functions, as authorized by the Administrative Director. Included with the new pilot program, the council approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, when unknown business or personal needs arise.

The council directed that an interim report be provided to the Executive and Planning Committee (E&P) following six months of implementation, and a full report be presented to the Judicial Council at the completion of the one-year pilot program.

## **Participant Data – Past and Present**

The original policy allowed for up to eight days per month of telecommuting, and provided each office leader with discretion regarding any exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the Working Remotely (Telecommuting) Program, representing 454 remote working days per month. The telecommuting benefit for supervisors and managers was eliminated when the amended pilot program was implemented in March 2013.

Currently, under the pilot telecommute program, there are 69 individuals who have been approved to telecommute on a one-day-per-week basis, representing 276 remote workdays per month. This represents a 30 percent decrease in telecommute approvals and about a 40 percent decrease in the number of telecommute days utilized per month utilizing the criteria established by the Administrative Director.

Office	2012 Participation	# days per month	2013 Participation	# days per month
Center for Families, Children and the Courts	28	104	16	64
Center for Judiciary Education and Research	12	54	10	40
Court Operations Special Services Office	17	80	4	16
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	14	56
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	8	32
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaisons Office	0	0	2	8
<b>Totals</b>	<b>98</b>	<b>454</b>	<b>69</b>	<b>276</b>

## Methodology and Process

### Pilot Remote Work (Telecommute) Program Application Process

1. A transitional period was granted by the Administrative Director through May 31, 2013, to allow for an application period and to allow individuals on prior telecommute schedules time to adjust to the new policy parameters;
2. Employees were asked to submit applications to a central email account ([pilot.telecommute@jud.ca.gov](mailto:pilot.telecommute@jud.ca.gov)) for tracking and monitoring by HRSO;
3. The HRSO reviewed applications and submitted to the Administrative Director for final review and approval; and
4. If approved, employees began their one-day-per-week telecommute after June 3, 2013, on a date approved by their supervisors. Employees were also required to submit weekly logs describing work performed during their telecommute days.

All other aspects of the pilot program, such as ad hoc telecommuting, became effective on March 1, 2013.

### Ad hoc Telecommute Program

The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. The ad hoc telecommute program is only available to individuals who do not participate in the regular pilot telecommute program.

## **Special Circumstances Affecting Employees' Commutes**

### **Ad hoc Telecommuting Related to the BART Strike**

In early July 2013, a special circumstance occurred when the employees of the Bay Area Rapid Transit (BART) went on strike, which resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. During this period, the AOC Executive Office authorized individuals who were directly impacted by the strike to ad hoc telecommute on the first two days of the BART closure.

This exception also applied to individuals who participated in the regular pilot telecommute program; however, no individual employee was allowed to telecommute more than two days during this particular week. Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

### **Ad hoc Telecommuting Related to the Bay Bridge Closure**

In early September 2013, a special circumstance occurred when the Bay Bridge was closed due to the road changes related to the opening of the new eastern span of the bridge. The closure was expected to create heavy traffic and congested public transit. During this period, the AOC Executive Office provided individuals with options that would meet the work needs of the AOC while trying to alleviate the commute during the period of the bridge closure.

The options provided during the bridge closure included: 1) the ability to allow up to two ad hoc telecommute days for those individuals not participating in the pilot program; 2) the ability to shift the regular telecommute day to a day impacted by the bridge closure (for those participating in the pilot program); 3) the ability to work a flexible work schedule to avoid heavy commute periods; or 4) the ability to utilize available accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special Bridge Closure telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

### **Ad hoc Telecommuting Related to the Second BART Strike**

In late October 2013, BART employees participated in a second strike, which, once again, resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. This closure of the public transportation system was anticipated and the AOC Executive Office authorized the following options to ease the commute burden on employees: 1) the use of the two ad hoc telecommute days, as allowed by policy to those individuals who were not participating in the pilot telecommute program; 2) allow those on the pilot telecommute program to shift their one telecommute day within that same week; 3) allow employees to adopt a flexible work schedule as permitted by business needs and supervisor approval; or 4) allow employees to use available accrued leave as permitted by business need and supervisor approval.

During the second BART strike, supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

### **Use of Work Logs**

Individuals who participate in the pilot program are required to submit a weekly remote work log to the supervisor of the unit. This log includes a listing of the duties/tasks completed during the designated remote workday.

### **Sample Duties and Tasks Reported on Work Logs**

Work logs have been collected from participants of the pilot program and those who worked remotely on an ad hoc basis during any of the special circumstances previously listed. The most common remote work duties or tasks reported included:

- Reviewing documents, researching (project based, legal research and data collection), analyzing data;
- Preparing for projects (presentations, timeline development, and curriculum development);
- Responding to communications (email and phone);
- Participating in conference calls; and
- Writing and editing reports.

Duties specific to a particular office were also listed, but were less common on the logs. The HRSO reviews the logs regularly and contacts individual supervisors with any questions or concerns regarding the content of the log or the duties/tasks performed. Supervisors and managers who had participants in either the pilot program or the ad hoc program were satisfied with both the quality and quantity of work provided during the remote work periods.

### **Policy and Cost Implications**

It was determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring direct supervision were not allowed to participate in pilot telecommute program, as the essential duties of their positions required their presence at the workplace.

#### **Part-time Employees**

For employees on a part-time schedule—as they are already unavailable one to three days per week—any additional time out of the workplace would further affect productivity.

#### **Employees Acting in a Senior-level or Lead Capacity**

Employees in a senior-level role—which involves regularly interacting with staff, sharing their knowledge and skills, and providing guidance—are critical to the daily operations of the AOC. Working remotely inhibits the ability of a person in this role to provide onsite guidance and face-to-face interaction.

## Employees Requiring Direct Supervision

Most classifications identify the amount of supervision expected during the workday. If the phrase “works under direct supervision” is listed in an employee’s job classification, then that employee is expected to be present in the workplace to provide customer support under the guidance of the lead or supervisor. Additionally, if an employee’s regular presence in the workplace is integral to the functions of the unit, it is likely that the application will be denied by the Administrative Director.

## Summary of Findings

- In the initial application period (March 1, 2013, through March 29, 2013) there were 105 applications received from employees, with a desire to telecommute one day per week.
- Upon review of those applications, the Administrative Director made certain policy determinations, as outlined in the *Policy and Cost Implications* section above, resulting in the approval of 63 of the applications for participation in the program and the denial of 42.
- As a result of feedback from the Management Council, the Administrative Director directed the HRSO to provide all offices with an updated application process—incorporating the policy determinations that would be utilized moving forward. Application packets were sent to all members of the Management Council on May 29, 2013.
- All new and resubmitted applications included a detailed job description listing the job duties that could be effectively performed remotely.

As a result of this amended process, one new application was submitted and five employees<sup>1</sup> resubmitted their applications to telecommute. Based on the application materials, recommendations from the supervisor, office leader and the HRSO, all six individuals were approved by the Administrative Director for one day per week telecommuting, in accordance with the pilot program parameters. These additional approvals resulted in a total of 106 applicants, 69 approvals and 37 denials.

---

<sup>1</sup> These five employees were originally denied from participating in the Pilot Program.

### Pilot Remote Work (Telecommute) Program Results

As of September 3, 2013, 69 individuals have been approved to telecommute through the pilot program, representing approximately 9.6 percent of current AOC staff. The chart below illustrates the number of participants from the various AOC offices:

OFFICE	# OF APPLICATIONS	APPROVED	DENIED
Center for Families, Children and the Courts	29	16	13
Center for Judiciary Education and Research	12	10	2
Court Operations Special Services Office	8	4	4
Criminal Justice Court Services Office	5	4	1
Human Resources Services Office	1	1	0
Information Technology Services Office	23	14	9
Judicial Council Support Services	1	1	0
Legal Services Office	10	8	2
Office of Real Estate and Facilities Management	2	0	2
Trial Court Administrative Services Office	12	9	3
Trial Court Liaison Office	3	2	1
<b>TOTALS</b>	<b>106</b>	<b>69</b>	<b>37</b>

### Ad hoc Telecommuting Results

The chart below details the usage of ad hoc telecommuting by office over the first six months of the program:

Office	March	April	May	June	July	Aug	TOTAL
Information Technology Services Office	2	3	2	5	4	6	<b>22</b>
Center for Families, Children and the Courts	2	5	1	9	9	9	<b>35</b>
Center for Judiciary Education and Research	6	7	3	1	3	7	<b>27</b>
Trial Court Administrative Services Office	0	5	6	7	14	8	<b>40</b>
Court Operations Special Services Office	0	2	2	5	4	6	<b>19</b>
Legal Services Office	1	3	4	2	5	5	<b>20</b>
Human Resources Services Office	3	3	5	2	0	6	<b>19</b>
Trial Court Liaison Office	0	0	0	2	0	0	<b>2</b>
Criminal Justice Court Services Office	0	1	0	0	0	0	<b>1</b>
Internal Audit Services	0	0	2	0	0	0	<b>2</b>
Fiscal Services Office	1	1	0	0	0	1	<b>3</b>
Judicial Council Support Services	0	1	0	0	0	0	<b>1</b>
Executive Office	0	0	1	0	0	0	<b>1</b>
<b>Totals</b>	<b>15</b>	<b>31</b>	<b>26</b>	<b>33</b>	<b>39</b>	<b>48</b>	<b>192</b>

The average ad hoc telecommute usage among the entire AOC has averaged approximately 32 days per month, representing less than 1 percent of staff work time spent ad hoc telecommuting.

## Ad hoc Telecommuting Related to the BART strikes and Bay Bridge Closure

The chart below shows the utilization of the special ad hoc remote workdays during the BART strikes and the Bay Bridge Closure:

Office	Special BART Strike (July 2013) Ad Hoc	Special Bay Bridge Closure Ad Hoc	Special BART Strike (Oct 2013) Ad Hoc <sup>2</sup>
Information Technology Services Office	48	3	12
Center for Families, Children and the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
<b>Totals</b>	<b>168</b>	<b>19</b>	<b>51</b>

### Next Steps

The HRSO will continue to review the telecommute logs to monitor appropriate quantities of work and the types of duties/tasks performed.

The HRSO will continue to review and make recommendations to the Administrative Director for any new applications requesting to participate in the pilot program.

Regular reports will be provided to the Administrative Director on the number of employees participating in the program, both on the Remote Work (Telecommute) Program and the Ad Hoc Telecommute Program.

Future reports will include any special circumstances affecting employees' commutes.

### Attachments

1. Policy 8.9 - Working Remotely (Telecommuting)
2. REVISED Policy 8.9 - Working Remotely (Telecommuting) Pilot Program

---

<sup>2</sup> Offices with zero instances did not have any reportable data submitted by the October 31, 2013 deadline.





## Judicial Council of California · Administrative Office of the Courts

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

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 24, 2014

---

**Title**

AOC Restructuring: Policy 8.9, Working Remotely (Telecommuting) Pilot Program: One-Year Update

**Agenda Item Type**

Action Required

**Effective Date**

April 24, 2014

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

March 20, 2014

**Recommended by**

Steven Jahr  
Administrative Director of the Courts

**Contact**

Kenneth R. Couch, 415-865-4271  
[kenneth.couch@jud.ca.gov](mailto:kenneth.couch@jud.ca.gov)  
Michael Guevara, 415-865-7586  
[michael.guevara@jud.ca.gov](mailto:michael.guevara@jud.ca.gov)

---

## Executive Summary

Recognizing the benefits of telecommute programs, legislation at the federal level and in the state of California encourages telecommute programs for government employees in positions where telecommuting is viable.<sup>1</sup>

The Administrative Director of the Courts recommends that the Judicial Council consider and select one of four options concerning telecommuting for employees of the Administrative Office of the Courts (AOC).

## Recommendation

The options presented for consideration by the Judicial Council are as follows:

1. Approve the pilot program as a regular telecommute program, with the current additional controls for approving, monitoring, and rescinding participation;

---

<sup>1</sup> U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012), and California Government Code section 14200.1.

2. Extend the current pilot telecommute program an additional year;
3. Eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or
4. Eliminate all forms of telecommuting.

The Administrative Director of the Courts recommends that the Judicial Council approve Option 1: to remove the pilot restriction from the program and retain the additional controls put in place by the Executive Office. These additional controls are as follows:

- Employees who serve in a lead capacity may not participate in the remote work program on a regularly scheduled basis (managers and supervisors were already precluded from participating);
- Employees working part time may not participate in the remote work program on a regularly scheduled basis;
- Employees requiring general supervision may not participate in the remote work program on a regularly scheduled basis;
- The Administrative Director has the discretion to suspend the use of regular and ad hoc remote work assignments at any time;
- Renewals must be made annually and approved by the Administrative Director before the commencement of the remote work schedule; and
- At the conclusion of the classification and compensation study, the Human Resources Services Office (HRSO) will conduct an additional review of participation to ensure consistency with any recommendations made as a result of the study.

### **Previous Council Action**

On August 31, 2012, the Judicial Council directed the Administrative Director to ensure that the AOC was consistently adhering to its existing policy on telecommuting (working remotely) (Policy 8.9, *AOC Personnel Policies and Procedures*; Attachment A), and to identify and correct any deviation from or violation of the existing policy.

On December 14, 2012, the council further directed the Administrative Director to review the original policy and make recommendations on any proposed amendments.

The council subsequently asked the Administrative Director to consider alternatives to telecommuting, including whether telecommuting should be eliminated, and to return with a report and recommendations for council consideration at its February 2013 meeting.

In the February 2013 report (Attachment B), the Judicial Council was presented with and considered the following options:

1. To eliminate all forms of telecommuting;
2. To eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or

3. To permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The council approved Option 3 as a 12-month pilot program. The program was implemented, allowing employees authorized by the Administrative Director to work remotely when consistent with business needs and the employee's job functions. As a part of the pilot program, the council also approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, in the event of unforeseen business or personal needs (Pilot Telecommute Program Policy; Attachment C).

The council requested that an interim report on program implementation be prepared for the Executive and Planning Committee after six months (Attachment D), and a full report after one year, to enable the council to identify a course of action.

### **Rationale for Recommendation**

Following council approval of the pilot program, the Executive Office added the additional controls to ensure consistent and equitable application of the policy. With these controls in place, and based on the monitoring process implemented, the AOC has demonstrated that a remote work program can be effectively and efficiently implemented in a manner that supports employees in the performance of their duties without any negative impacts on customers or colleagues. A summary of the changes to the policy is provided in Attachment E.

### **The regular program**

***Defined eligibility requirements for regularly scheduled remote work.*** The original telecommute policy allowed for up to eight days of telecommuting per month, and provided each office leader with discretion to make exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the program, representing a total of 454 remote work days per month.

Under the pilot program initiated in 2013, a structural control limiting telecommuting to one day per week was established to address any question of a diminution in service to customers. The Executive Office determined that in addition to management staff, part-time employees, employees acting in a senior or lead capacity, and employees requiring general supervision would not be permitted to participate because the primary essential duties of their positions required their on-site presence at the workplace.

Exactly 109 applications were received. Using the revised criteria for participation, 69 employees were approved to telecommute regularly one day per week. The current number of employees participating in the program has dropped from the original 69 to 65, for a total of 260 remote workdays per month. This figure represents a 33 percent reduction in the number of participants from 2012, and a 42 percent reduction in the total number of telecommute days per month.

Approximately 40 percent of applications were denied. Unsuccessful applicants were informed of the reasons for denial. Additional information concerning eligibility was communicated to all employees.

Table 1 reflects changes in the number of telecommuting employees since 2012.

**Table 1. Change in Number of Telecommuting Employees**

Office	2012 Participation	Days per Month	2013–2014 Pilot Program Participation	Days per Month
Center for Families, Children & the Courts	28	104	17	68
Center for Judiciary Education and Research	12	54	8	32
Court Operations Special Services Office	17	80	3	12
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	15	60
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	5	20
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaison Office	0	0	2	8
<b>Total</b>	<b>98</b>	<b>454</b>	<b>65</b>	<b>260</b>

**Note:** Offices without employees participating in regularly scheduled telecommuting are not included.

**Use of work logs.** The original telecommute policy did not require work logs. The pilot program does. The work log lists the duties performed and work produced while an employee works remotely. Under the pilot program, work logs are submitted to the employee’s supervisor for review and approval, and subsequently to the Human Resources Services Office (HRSO). Work logs are audited by the HRSO to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day’s work and consistent with the pilot program.

The most common remote tasks reported include:

- Reviewing documents and researching and analyzing data (project-based work, legal research, and data collection);
- Preparing projects (presentations, timeline development, and curriculum development);
- Responding to communications (e-mail and phone);
- Participating in conference calls;
- Writing and editing reports; and
- Performing duties specific to particular offices and positions.

HRSO contacts individual supervisors with questions or concerns regarding the content of the work log or the duties/tasks performed. Commonly asked questions are as follows:

1. Is the nature of work consistent with the business needs of the AOC?
2. Is the employee effectively managing time?
3. Is the employee's work satisfactory and timely?
4. Has there been a reduction in quantity of work produced?

Supervisors and managers with participants in the pilot program reported satisfaction with both the quality and the quantity of work carried out during the remote work periods. Work logs have been effective in supporting program monitoring and adherence to high service standards.

### **The ad hoc program**

***Tracking and reporting.*** The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. It is available only to employees who do not participate in the regular pilot telecommute program.

Before the pilot program, instances of ad hoc telecommuting were not accounted for, and the AOC lacked a methodology to assess and determine usage. There were no restrictions on the number of ad hoc days an employee could be approved to take, effectively creating a situation that could be employed to distort the original regular telecommuting rule. According to the SEC report, this freedom led to instances in which some employees worked in their AOC offices only infrequently. Regular telecommute program participants could also seek additional telecommute days through the ad hoc process. Since the pilot program was established, HRSO receives monthly ad hoc telecommuting data from each office and reviews it for trends or areas of concern. Table 2 below details the use of ad hoc telecommuting, by office, between March 2013 and January 2014.

**Table 2. Ad Hoc Telecommuting, by Office**

Office	Average Usage per Month (Days)	Total Days
Information Technology Services Office	6.1	67
Center for Families, Children & the Courts	6.1	68
Center for Judiciary Education and Research	4.5	49
Trial Court Administrative Services Office	7.1	78
Court Operations Special Services Office	3.1	34
Legal Services Office	2.9	32
Human Resources Services Office	3.1	35
Trial Court Liaison Office	1.1	12
Criminal Justice Court Services Office	0.5	5
Internal Audit Services	0.2	2
Fiscal Services Office	0.5	6
Judicial Council Support Services	0.2	2
Office of Real Estate and Facilities Management	0.5	5
Executive Office	0.1	1
<b>Total</b>	<b>36</b>	<b>396</b>

**Note:** Offices that did not have employees telecommuting on an ad hoc basis are not included.

The average ad hoc telecommuting usage among the entire AOC for this period was 36 days per month, representing less than one percent of staff work time. (This figure does not account for ad hoc days resulting from the special events outlined below.)

***Expanded management toolkit in addressing three disruptive events.*** The level of flexibility afforded by the ad hoc telecommute program provided a valuable management tool during three major commute-related special circumstances that affected the Bay Area: two transit strikes and a bridge closure.

***BART strikes.*** In July 2013, and again in October 2013, Bay Area Rapid Transit (BART) employees went on strike, shutting down one of the main public transportation services for staff commuting to and from the San Francisco office. The Executive Office authorized employees directly affected by the strike to telecommute on an ad hoc basis the first two days of the BART closure. The exception also applied to employees participating in the regular pilot telecommute program to shift one of their telecommute days to the week of the strike; however, no employee was allowed to telecommute more than two days during that week. Employees were also allowed to use a flexible work schedule (earlier start and end times) or accrued leave as permitted by business need and with supervisor approval.

***Bay Bridge closure.*** In September 2013, the Bay Bridge was closed pending the opening of its new eastern span. The closure was expected to create heavy traffic and congested public transit. During this period, the Executive Office provided employees with options that would meet the work needs of the agency while trying to alleviate commuting challenges. These options included:

- Allowing up to two ad hoc telecommute days for those employees not participating in the regular pilot program;
- Shifting a regular telecommute day to a day when the bridge was closed;
- Having a flexible work schedule to avoid heavy commute periods; and
- Using available leave accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that employees who worked remotely during these days had sufficient assignments for the full period. Employees who participated in any of the special-circumstance days were required to submit to their supervisors a remote work log, which was, in turn, submitted to HRSO.

Prior to implementation of the new pilot program, in instances where such special circumstances occurred, office heads had the discretion to offer commute options for their respective offices. Since the implementation of the pilot program, the Executive Office instead establishes consistent, agencywide commute alternatives that include both telecommuting and non-telecommuting options.

Ad hoc remote usage rates during the BART strikes and the Bay Bridge closure are illustrated in table 3.

**Table 3. Ad Hoc Telecommuting During Transit Troubles**

Office	BART Strike (July 2013)	Bay Bridge Closure	BART Strike (Oct 2013)
Information Technology Services Office	48	3	12
Center for Families, Children & the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
<b>Total</b>	<b>168</b>	<b>19</b>	<b>51</b>

**Note:** Offices without ad hoc telecommuters during these events are not reflected in the table. The numbers in the table are distinct from the ongoing ad hoc telecommute totals.

### Comments, Alternatives Considered, and Policy Implications

With the implementation of and strict adherence to guidelines during the pilot year, and with continued oversight and monitoring by the HRSO under the direction of the Administrative Director, four options are presented for consideration by the council.

**Option 1: Adopt as an ongoing program the pilot telecommute policy, including the additional controls put in place during the implementation of the pilot program.**

Should the Judicial Council approve this option, the “pilot” terminology would be removed from the policy. Participation would still be based on the fiscal year cycle, and employees would reapply annually to ensure that job duties are still appropriate to telecommuting.

The telecommute program would continue to be implemented through a centralized process managed by the HRSO. This process involves a review of each new application by office leadership using the following parameters:

1. **Nature of Work.** What is the type of work being performed by the employee, and is the telecommuting arrangement conducive to the duties necessary to perform the work?
2. **Quantity of Work.** Can a sufficient number of work activities be performed at home?
3. **Quality of Work.** Has the employee demonstrated an ability to carry out high-quality work with minimal supervision?

4. **Timeliness.** Has the employee consistently shown that he or she is able to work within established deadlines?
5. **Ability to handle multiple priorities.** Has the applicant demonstrated a strong ability to manage multiple, competing priorities?

Once office leadership completes its initial review, a recommendation is made to the HRSO. HR then conducts a second review of each application against these same parameters, as well as the following additional criteria:

1. **Current division and unit balance.** What is the requested telecommute day, and do other employees in the office also telecommute on that day? If so, what is the potential impact to scheduling and workload?
2. **Ability to handle scheduled and unexpected leaves.** Will the office have coverage in times of scheduled days off or unexpected absences?
3. **Performance Improvement Plan (PIP).** Is the employee currently on a PIP? Has the employee had past performance issues?

The HRSO then forwards its review and recommendation to the Administrative Director for a final decision on participation

See Proposed Policy 8.9, Working Remotely (Telecommuting) Program; Attachment F.

**Option 2: Extend the current pilot program for an additional year.**

Should the Judicial Council approve this option, the pilot program would be extended for one year, with further review by the Judicial Council in April 2015. All current controls would remain in place, and all interested employees would need to resubmit applications before current participant agreements end on June 30, 2014.

**Option 3: Eliminate regular telecommuting and allow only limited ad hoc telecommuting under special circumstances.**

Should the Judicial Council approve this option, regular telecommuting would no longer be permitted at the AOC. However, to allow for management flexibility in special circumstances, the Administrative Director would have discretion to allow employees to telecommute on an ad hoc basis with the approval of their supervisors or managers and office leadership.

**Option 4: Eliminate all forms of telecommuting.**

Should the Judicial Council approve this option, telecommuting on a regular and an ad hoc basis would no longer be permitted at the AOC. Such a decision could present employee retention issues, in that the agency would be unable to offer comparable employee benefits in a competitive labor market. Further, elimination of the program could also affect employee morale and performance.

Should the council approve Option 1 or 2, amended job descriptions resulting from the classification and compensation study will be reviewed against the telecommuting criteria and could potentially change employee eligibility during 2014–2015.



## **Implementation Requirements, Costs, and Operational Impacts**

Implementation of the pilot telecommute program is centralized under the oversight of HRSO; ultimate authority to approve or deny participation in the program rests with the Administrative Director of the Courts.

All regular pilot telecommuting schedules will conclude during the week of June 30, 2014. Should the program continue, employees wishing to participate in the program would be required to (re)submit applications. HRSO staff would review and submit the applications to the Administrative Director for final review and approval or denial. Approved employees would commence their one-day-per-week telecommute on a date approved by their supervisors.

Participating employees would be required to submit weekly logs describing work performed on telecommute days. A human resources analyst would expend approximately 24 hours per month tracking and documenting program usage, in addition to conducting initial reviews of any new applications.

### **Attachments**

1. Attachment A: Original Telecommute Program Policy (Pre 2013)
2. Attachment B: Report to Judicial Council, February 26, 2013 (no attachments)
3. Attachment C: Pilot Telecommute Program Policy
4. Attachment D: Six-Month Interim Report on the Pilot Program to the Executive and Planning Committee, November 25, 2013
5. Attachment E: Summary of Changes to Policy 8.9
6. Attachment F: Proposed Telecommute Policy (Option 1)

**JUDICIAL COUNCIL OF CALIFORNIA  
PERSONNEL POLICIES AND PROCEDURES**

**Policy 8.9**

**Policy Number:** 8.9

**Title:** Working Remotely (Telecommuting) Program

**Contact:** Human Resources, [Labor and Employee Relations](#)

**Program Statement:** The Judicial Council's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.

**Contents:**

- (A) Purpose of Remote Work Program
- (B) Regularly Scheduled Remote Work
  - (1) Applicability
  - (2) Request and Approval Process
  - (3) Remote Work Schedules
  - (4) Remote Work Log
- (C) Ad Hoc Remote Work
- (D) The Home Office
  - (1) Work Environment
  - (2) Office Equipment
  - (3) Information Security
  - (4) Health and Safety
- (E) Other Employee Rights and Responsibilities
- (F) Termination and Renewal of Remote Work Assignment

**(A) Purpose of Remote Work Program**

When consistent with business needs and the employee's job functions, the Judicial Council provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely," "work remotely," and "remote worker" as used in this program refer to the performance of usual job duties at home. Home locations for purposes of this program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The Judicial Council recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally, remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This program covers two types of remote work options:

- (1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this program), and
- (2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple Judicial Council offices or court locations, are considered to be working in the office. This Remote Work Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by Human Resources (HR), Integrated Disability Management Program.

## **(B) Regularly Scheduled Remote Work**

### **(1) Applicability**

Only full-time Judicial Council employees (regular or temporary, exempt or non-exempt) not serving in a supervisory or lead capacity, or whose job description does not require general supervision, may apply to participate in the remote work program on a regularly scheduled basis. Additionally, individuals on a Performance Improvement Plan or with any rating of "Does Not Meet Expectations," will not be approved to participate in the program.

### **(2) Request and Approval Process**

Applications are accepted and reviewed each fiscal year. Approved applications will expire on June 30th of the fiscal year for which they were approved.

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed [Remote Work Program Application](#) to his or her supervisor. The supervisor will review the request, acknowledge that the duties identified for remote working are appropriate and can be measured effectively and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to HR. HR will review the request to ensure that the application meets all applicable program criteria. The HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

#### Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work  
The type of work performed by the employee.
- Quantity of work  
How much work can get done from home?
- Quality of work  
How well can the work be completed from home?
- Timeliness  
Can timelines be met when working from home?
- Ability to handle multiple priorities  
Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement. Individuals on a Performance Improvement Plan or having any areas on the Annual Performance Review with a "Does Not Meet Expectations," rating will be removed from the program until performance standards are met.

Office leaders are expected to review each application with the expectation that services will not be impacted as a result of telecommuting. As such, each office must strive to achieve a balance in ensuring that employees are readily available at all times.

#### Step 2 – Human Resources Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of Judicial Council policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously. HR will also consider the following when reviewing applications:

- Requested remote work day  
What is the requested remote work day and are there coworkers working remotely?
- Current division and unit balance  
How many program participants does the office currently have in relation to office and unit totals?
- Ability to handle scheduled and unexpected leaves  
Will the office have coverage in times of scheduled days off or unexpected absences?
- Performance Improvement Plan (PIP)  
Is the employee currently on a PIP? Has the employee had past performance

issues?

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

**Step 3 – Administrative Director or designee’s review**

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

**(3) Remote Work Schedules**

Full-time employees (excluding leads, supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment with the Judicial Council, employees are not eligible to participate in the remote work program.
- After 12 months of employment with the Judicial Council, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated HR work coordinator must be notified immediately.
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot “make up” missed remote work days.
- Remote workers must request approval for time off in the same manner as if not working from home.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing ([Hours of Work, policy 4.4\(C\)\(1\)](#)).

**(4) Remote Work Log**

Judicial Council employees approved for a regular remote work schedule must complete a [remote work log](#) for each day that they work from home. The remote work log must be provided at the end of each month to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership. Supervisors will be reviewing the logs to determine the quality and quantity of work completed when a participant is working remotely. Remote work logs will be audited by HR on a regular basis. The remote work log will be used to determine a performance rating during the annual performance review for telecommute participants.

**(C) Ad Hoc Remote Work**

An employee of the Judicial Council (including part-time employees, leads, managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to extenuating circumstances such as the demand for expedited work products, or other business or personal needs. The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B) (2) of this program and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are intended to provide an ability to work remotely during special circumstance situations and are not meant to supplant the remote working program. "Ad Hoc" remote work situations are limited to a maximum of two days per month in any given month. Quarterly reports are provided to the Executive Office for review. Unusually high utilization or patterns of usage by an office or an individual may result in suspension of the "Ad Hoc" opportunity at the discretion of the Administrative Director.

Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership shall submit a monthly usage report to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

**(D) The Home Office**

**(1) Work Environment**

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

**(2) Office Equipment**

The Judicial Council will provide a laptop, subject to availability, for purposes of

working from home. Maintenance, repair, and replacement of Judicial Council-owned equipment issued to remote workers is the responsibility of the Judicial Council. The remote worker, however, must provide adequate care and protection of the equipment ([Use of Judicial Council Property, policy 8.8\(B\)](#)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to Judicial Council-provided office equipment from family members and others.

The remote worker must also observe the following:

- The remote worker is responsible to provide appropriate internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.
- Judicial Council-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.
- Any software installed on Judicial Council-issued laptops remains the property of the Judicial Council and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.
- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all Judicial Council property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the Judicial Council Service Portal, or contacting the HelpDesk at (415) 865- 4080 or [helpdesk@jud.ca.gov](mailto:helpdesk@jud.ca.gov).

### **(3) Information Security**

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup, and security procedures.
- Remote workers must restrict access to confidential and personal information from family members and others. ([Use of Judicial Council Property, policy 8.8\(D\)](#)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some Judicial Council applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical

reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of Judicial Council information security immediately to the Information Technology Services Office HelpDesk.

#### **(4) Health and Safety**

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The Judicial Council may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the Judicial Council, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with [Judicial Council's Workers' Compensation Insurance, policy 6.6](#), employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources, Integrated Disability Management Program, of any work-related injury and complete all required documents.

#### **(E) Other Employee Rights and Responsibilities**

Remote workers maintain the rights and responsibilities set forth in Judicial Council policies and procedures to the same extent as if not working remotely. In particular, employees must comply with [Technology Use, policy 8.6](#) and [Judicial Council Computer Use Best Practices](#).

#### **(F) Termination and Renewal of Remote Work Assignment**

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the Judicial Council may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees work remotely, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Program Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the [Remote Work Program Application form](#) (Attachment I) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the Judicial Council.

All regularly scheduled remote work arrangements, including renewals, must be approved by the Administrative Director or designee prior to commencement of the remote work schedule. Approval to participate in the remote work program is based on specific criteria



considered by the employee's office leadership and the Human Resources, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

**Policy Number:** 8.9

**Title:** Working Remotely (Telecommuting) Program

**Contact:** Human Resources, [Labor and Employee Relations](#)

**Program Statement:**

The Judicial Council's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.

**Contents:**

- (A) Purpose of Remote Work Program
- (B) Regularly Scheduled Remote Work
  - (1) Applicability
  - (2) Request and Approval Process
  - (3) Remote Work Schedules
  - (4) Remote Work Log
- (C) Ad Hoc Remote Work
- (D) The Home Office
  - (1) Work Environment
  - (2) Office Equipment
  - (3) Information Security
  - (4) Health and Safety
- (E) Other Employee Rights and Responsibilities
- (F) Termination and Renewal of Remote Work Assignment

### (A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the Judicial Council provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely," "work remotely," and "remote worker" as used in this program refer to the performance of usual job duties at home. Home locations for purposes of this program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The Judicial Council recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally, remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This program covers two types of remote work options:

- (1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this program), and
- (2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple Judicial Council offices or court locations, are considered to be working in the office. This Remote Work Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by Human Resources (HR), Integrated Disability Management Program.

## **(B) Regularly Scheduled Remote Work**

### **(1) Applicability**

Only full-time Judicial Council employees (regular or temporary, exempt or non-exempt) not serving in a supervisory or lead capacity, or whose job description does not require general supervision, may apply to participate in the remote work program on a regularly scheduled basis. Additionally, individuals on a Performance Improvement Plan or with any rating of "Does Not Meet Expectations," will not be approved to participate in the program.

### **(2) Request and Approval Process**

Applications are accepted and reviewed each fiscal year. Approved applications will expire on June 30th of the fiscal year for which they were approved.

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed [Remote Work Program Application](#) to his or her supervisor. The supervisor will review the request, acknowledge that the duties identified for remote working are appropriate and can be measured effectively and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to HR. HR will review the request to ensure that the application meets all applicable program criteria. The HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

#### Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work  
The type of work performed by the employee.
- Quantity of work  
How much work can get done from home?
- Quality of work  
How well can the work be completed from home?
- Timeliness  
Can timelines be met when working from home?
- Ability to handle multiple priorities  
Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement. Individuals on a Performance Improvement Plan or having any areas on the Annual Performance Review with a "Does Not Meet Expectations," rating will be removed from the program until performance standards are met.

Office leaders are expected to review each application with the expectation that services will not be impacted as a result of telecommuting. As such, each office must strive to achieve a balance in ensuring that employees are readily available at all times.

#### Step 2 – Human Resources Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of Judicial Council policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously. HR will also consider the following when reviewing applications:

- Requested remote work day  
What is the requested remote work day and are there coworkers working remotely?
- Current division and unit balance  
How many program participants does the office currently have in relation to office and unit totals?
- Ability to handle scheduled and unexpected leaves  
Will the office have coverage in times of scheduled days off or unexpected absences?
- Performance Improvement Plan (PIP)  
Is the employee currently on a PIP? Has the employee had past performance

issues?

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

**Step 3 – Administrative Director or designee’s review**

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

**(3) Remote Work Schedules**

Full-time employees (excluding leads, supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment with the Judicial Council, employees are not eligible to participate in the remote work program.
- After 12 months of employment with the Judicial Council, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated HR work coordinator must be notified immediately.
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot “make up” missed remote work days.
- Remote workers must request approval for time off in the same manner as if not working from home.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing ([Hours of Work, policy 4.4\(C\)\(1\)](#)).

**(4) Remote Work Log**

Judicial Council employees approved for a regular remote work schedule must complete a [remote work log](#) for each day that they work from home. The remote work log must be provided at the end of each month to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership. Supervisors will be reviewing the logs to determine the quality and quantity of work completed when a participant is working remotely. Remote work logs will be audited by HR on a regular basis. The remote work log will be used to determine a performance rating during the annual performance review for telecommute participants.

**(C) Ad Hoc Remote Work**

An employee of the Judicial Council (including part-time employees, leads, managers and supervisors) may alternatively be approved to work from home on an "ad hoc" basis (i.e., not on a regular basis), which may arise due to extenuating circumstances such as the demand for expedited work products, or other business or personal needs [outlined in the Telecommuting Program \(Ad Hoc\) FAQs](#). The employee's office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to HR remote work coordinator [including the completed Ad Hoc Telecommute Request Form](#). Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B) (2) of this program and does not confer eligibility to work from home on a regularly scheduled basis.

"Ad hoc" remote work occurrences are intended to provide an ability to work remotely during special circumstance situations and are not meant to supplant the remote working program. "Ad Hoc" remote work situations are limited to a maximum of two days per month in any given month. Quarterly reports are provided to the Executive Office for review. Unusually high utilization or patterns of usage by an office or an individual may result in suspension of the "Ad Hoc" opportunity at the discretion of the Administrative Director.

Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an "ad hoc" basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership shall submit a monthly usage report to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

**(D) The Home Office**

**(1) Work Environment**

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

**(2) Office Equipment**

The Judicial Council will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of Judicial Council-owned equipment issued to remote workers is the responsibility of the Judicial Council. The remote worker, however, must provide adequate care and protection of the equipment ([Use of Judicial Council Property, policy 8.8\(B\)](#)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to Judicial Council-provided office equipment from family members and others.

The remote worker must also observe the following:

- The remote worker is responsible to provide appropriate internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.
- Judicial Council-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.
- Any software installed on Judicial Council-issued laptops remains the property of the Judicial Council and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.
- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all Judicial Council property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the Judicial Council Service Portal, or contacting the HelpDesk at (415) 865- 4080 or [helpdesk@jud.ca.gov](mailto:helpdesk@jud.ca.gov).

### **(3) Information Security**

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup, and security procedures.
- Remote workers must restrict access to confidential and personal information from family members and others. ([Use of Judicial Council Property, policy 8.8\(D\)](#)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some Judicial Council applications will be restricted to on-site access for security

reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of Judicial Council information security immediately to the Information Technology Services Office HelpDesk.

#### **(4) Health and Safety**

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The Judicial Council may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the Judicial Council, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with [Judicial Council's Workers' Compensation Insurance, policy 6.6](#), employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources, Integrated Disability Management Program, of any work-related injury and complete all required documents.

#### **(E) Other Employee Rights and Responsibilities**

Remote workers maintain the rights and responsibilities set forth in Judicial Council policies and procedures to the same extent as if not working remotely. In particular, employees must comply with [Technology Use, policy 8.6](#) and [Judicial Council Computer Use Best Practices](#).

#### **(F) Termination and Renewal of Remote Work Assignment**

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the Judicial Council may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees work remotely, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Program Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the [Remote Work Program Application form](#) (Attachment I) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the Judicial Council.

All regularly scheduled remote work arrangements, including renewals, must be approved by the Administrative Director or designee prior to commencement of the remote work



schedule. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.

