



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

Monday, January 25, 2016

11:30 a.m. to 1:30 p.m.

Teleconference

Committee Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley and Samuel K. Feng; Mr. Richard D. Feldstein, Mr. Frank McGuire, and Ms. Donna D. Melby

Committee Members Absent: Judges Gary Nadler, David M. Rubin, and Charles D. Wachob

Committee Staff Present: Ms. Jody Patel

Staff Present (open meeting only): Mr. Cliff Alumno, Ms. Nancy Carlisle, Ms. Deirdre Benedict, Ms. Roma Cheadle, Mr. Patrick O'Donnell, Ms. Claudia Ortega, Ms. Marlene Smith

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 11:30 a.m. and committee staff took roll call.

Approval of Minutes

The committee approved the minutes of the following:

- November 19, 2015, meeting of the Executive and Planning Committee;
- December 3, 2015, action by e-mail of the Executive and Planning Committee; and
- December 18, 2015, action by e-mail of the Executive and Planning Committee.

DISCUSSION AND ACTION ITEMS

Item 1

2016 Annual Agendas of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (Action Required)

The committee reviewed drafts of the 2016 annual agendas of TCPJAC and CEAC.

Action: *The committee approved the 2016 annual agendas of TCPJAC and CEAC.*

A D J O U R N M E N T

There being no further open meeting business, the open meeting was adjourned at 11:50 a.m.

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

Item A

Recommendations for Advisory Body Appointments

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

The committee reviewed materials regarding out-of-cycle appointments to advisory bodies.

Action: The committee developed its recommendations to be sent to the Chief Justice for vacancies on the following advisory bodies:

- **Collaborative Justice Courts;**
- **CJER Governing Committee;**
- **Criminal Law Advisory Committee; and**
- **Judicial Branch Workers Compensation Advisory Committee.**

Item B

Recommendation for Interim Advisory Body Appointment

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

The committee reviewed materials regarding an interim appointment to the Trial Court Budget Advisory Committee to fill a position that will be vacated due to the retirement of a committee member in February.

Action: The committee developed its recommendation to be sent to the Chief Justice to fill the position that will be vacated in February.

Adjourned closed session at 12:45 p.m.

Approved by the advisory body on [insert date].



Judicial Council of California

Meeting Agenda

Judicial Council

Thursday, February 25, 2016

San Francisco

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

Session 2:00 – 3:30 p.m.

Break: 3:30 – 3:40 p.m.

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session: 3:40 – 4:25 p.m.

Chief Justice's Report

Presentation

16-005 **Presentation by the State Controller's Office: Recognition of Curt Soderlund, Chief Administrative Officer (Ret.) (No Action Required)**

Speakers: Mr. George Lolas, Chief Operating Officer, State Controller's Office

Administrative Director's Report

16-021 **Administrative Director's Report**

Summary: Mr. Martin Hoshino, Administrative Director, provides his report.

DISCUSSION AGENDA

Session: 4:25 – 4:55 p.m.

16-007 **Judging, Unconscious Bias and Decisionmaking (No Action Required)**

Summary: This presentation is intended to familiarize the Judicial Council with relatively new research in social psychology and cognitive science which suggests how judges, attorneys and justice partners might reduce the influence of unconscious bias on decision-making. Moreover, it is intended to highlight efforts to provide training and information within the judicial branch.

Speakers: Hon. Laurie D. Zelon, Chair, Advisory Committee on Providing Access and Fairness

Hon. Theodore Weathers, Chair, Governing Committee of the Center for
Judicial Education and Research
Mr. Michael Roosevelt, Criminal Justice Services

Adjournment (approx. 4:55 p.m.)



Judicial Council of California

Meeting Agenda

Judicial Council

Friday, February 26, 2016

San Francisco

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session: 8:30 – 10:05 a.m.

Chief Justice's Opening Remarks

Approval of Minutes

16-020 Minutes of the December 11, 2015, Judicial Council meeting.

Summary: Approve minutes from the last Judicial Council meeting.

Judicial Council Committee Reports

[16-018](#) **Judicial Council Committee Reports**

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. Marsha G. Slough, Chair

35 mins.

Judicial Council Members' Liaison Reports

[16-025](#) **Judicial Council Members' Liaison Reports**

Summary: Judicial Council Members report on their visits to the Superior Courts of California.

35 mins.

Public Comment (approx. 9:35 a.m.)

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, February 23, 2016.
- 2) Submit written comments for this meeting by 1:00 p.m., Wednesday, February 24, 2016.

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

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

*Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Nancy Carlisle*

Break: 10:05 – 10:20 a.m.

PRESENTATION

10:20 – 10:50 a.m.

**16-000 Tribal Court-State Court Forum: Honoring Former Chair Judge
Richard C. Blake and Presentation on First Five Years**

Summary: The Chief Justice honors inaugural forum cochair Judge Richard C. Blake, which will be followed by a presentation by the current cochairs and Judge Blake on the forum's accomplishments and its future.

Speakers: Hon. Abby Abinanti, Cochair, Tribal Court-State Court Forum
Hon. Dennis M. Perluss, Cochair, Tribal Court-State Court Forum
Hon. Richard Blake, Former Cochair, Tribal Court-State Court Forum
30 mins.

CONSENT AGENDA

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.

**16-001 Judicial Branch Administration: Audit Report for Judicial Council
Acceptance (Action Required)**

Summary: The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Tulare*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate

public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

[16-003](#)**Judicial Branch Report to the Legislature: California's Access to Visitation Grant Program for Federal Fiscal Years 2014-2016 (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve California's Access to Visitation Grant Program 2016 Report for submission to the Legislature. This report to the Legislature must be submitted on even-numbered years and is required by Family Code section 3204(d).

[16-008](#)**Judicial Council Forms: Technical Changes to Reflect Federal Poverty Guidelines (Action Required)****Summary:**

Four Judicial Council forms containing figures based on the federal poverty guidelines need to be revised to reflect the changes in those guidelines recently published by the federal government.

[16-010](#)**Child Support: Midyear Funding Reallocation for Fiscal Year 2015-2016 and Base Funding Allocation for Fiscal Year 2016-2017 for the Child Support Commissioner and Family Law Facilitator Program (Action Required)****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) 2015-2016. The committee also recommends that the Judicial Council approve the allocation of funding for this same program for FY 2016-2017, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). 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 may redistribute to courts with a documented need for additional funds any available up to the amount of funds available through the contract with the Department Child Support Services. 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.

[16-012](#)**Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments for the Period of July 1 through December 31, 2015 (Action Required)****Summary:**

Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts and (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of service or good provided, and judicial branch entity receiving the good or service. Therefore,

Judicial Council staff recommends submitting this eighth semiannual report, which lists all judicial branch entity contracts that were amended during the reporting period covering July 1 through December 31, 2015.

[16-016](#)**Jury Instructions: Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*. These changes will keep CALCRIM current with statutory and case authority.

[16-022](#)**Court Facilities: Disposition of Chico and Corning Courthouses (Action Required)****Summary:**

Two court facilities in northern California, the Corning Courthouse in Tehama County, and the Chico Courthouse in Butte County, have been permanently closed by their respective courts and are unsuitable to the needs of the judicial branch. In each case, local county government has expressed a strong interest in acquiring the closed court facility, and the local court supports such a disposition. To eliminate the council's continuing liability and expense in holding these permanently closed court facilities, and to realize the value of those assets in fair market value sales transactions, the Facilities Policies Working Group recommends that the council authorize and approve the sale of the Corning Courthouse to Tehama County and the Chico Courthouse to Butte County as non-surplus properties, or, in the alternative, as surplus properties depending on how the Legislature frames the disposition of the San Pedro Courthouse the disposition of which was approved by the Judicial Council in 2015.

[16-023](#)**Judicial Council Report to the Legislature: Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2014-2015 (Action Required)****Summary:**

Judicial Council staff recommends approving the Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2014-2015, as required by Government Code sections 68502.5(b) and 77202.5(b), to be sent to the chairs of the Senate Committee on Budget and Fiscal Review, the Senate Committee on Judiciary, and the Assembly Committees on Budget and Judiciary.

[16-028](#)**Judicial Council Report to the Legislature: Status Update of Judicial Branch Courthouse Construction Program, as required under Government Code 70371.8 (Action Required)****Summary:**

The Judicial Council Capital Program recommends approving the status update of the judicial branch courthouse construction program for fiscal year 2014-2015 for submission to the Legislature. This report includes actual fiscal year end revenues and expenditures for the Immediate and Critical Needs Account. The annual submission of this report is required under Government Code section 70371.8.

DISCUSSION AGENDA

Session: 10:50 a.m. – 1:20 p.m.

16-002 Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)

Summary: The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Yolo*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

Speakers: Hon. Kathleen E. O’Leary, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
Mr. John Judnick, Audit Services, Court Leadership Services Division
Mr. Robert Cabral, Audit Services, Court Leadership Services Division

25 mins.

[16-019](#) **Interim Report on Court-Appointed Dependency Counsel Workload and Funding Methodology (No Action Required)**

Summary: The Judicial Council approved recommendations of the Trial Court Budget Advisory Committee (TCBAC) to change the methodology used to allocate annual funding for court-appointed dependency counsel among the courts. One of the recommendations approved by the Judicial Council was 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 workload model for dependency counsel and recommend updates and revisions. The joint working group was charged with bringing recommendations to the Judicial Council for its April 2016 meeting. The working group formed is called the Subcommittee on Court-Appointed Dependency Counsel Workload and Funding Methodology. This report presents the draft recommendations of the subcommittee as an informational item.

Speakers: Hon. Jerilyn L. Borack, Cochair, Family and Juvenile Law Advisory Committee

20 mins.

[16-024](#) **Trial Court Trust Fund Allocations: 2 Percent Reserve (Action Required)**

Summary: 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 Tehama County’s application for supplemental funding. Under the current policy adopted by the Judicial Council,

from January 1 through March 15, 25 percent of the remaining Trial Court Trust Fund 2 percent state-level reserve is available for court requests due to unforeseen emergencies or unanticipated expenses. For 2015-2016, the 25 percent amount remaining in the 2 percent state-level reserve is \$9.4 million. The total amount requested by the Superior Court of Tehama County is \$498,000.

Speakers:

Hon. Brian McCabe, Co-chair, Trial Court Budget Advisory Committee:

2 Percent Funding Request Review Subcommittee

Mr. Richard Feldstein, Co-chair, Trial Court Budget Advisory Committee:

2 Percent Funding Request Review Subcommittee

Mr. Zlatko Theodorovic, Finance Office

35 mins.

16-014

California State Auditor Report: Judicial Branch Procurement (Action Required)

Summary:

On December 10, 2015, the California State Auditor, released a performance audit report entitled *Judicial Branch Procurement: Although the Judicial Council Needs to Strengthen Controls Over Its Information Systems, Its Procurement Practices Generally Comply With Applicable Requirements*. The audit was required to be performed by Public Contracting Code section 19210 to assess the implementation of the Judicial Branch Contract Law (Public Contract Code, §§ 19201-19210). The report contained two recommendations and identifies no new issues concerning procurement documentation, internal controls, and payments. This represents progress from the last audit in 2013. With respect to information security controls the report indicates that the judicial branch still needs to continue to enhance and build upon the policies and procedures previously approved and currently being implemented. The two recommendations were responded to by the Administrative Director and the responses were included in the report.

Speakers:

Hon. Kathleen E. O’Leary, Chair, Advisory Committee on Financial

Accountability and Efficiency for the Judicial Branch

Mr. Zlatko Theodorovic, Finance Office

Ms. Patricia Haggerty, Finance Office

Mr. Michael Derr, Information Technology Office

10 mins.

Break: 12:10 – 12:40 p.m.

16-029

Court Facilities: Scope, Budget, and Schedule Approval for Downtown Sacramento Capital Project (Action Required)

Summary:

The Court Facilities Advisory Committee (CFAC) recommends approving the scope, budget, and schedule for a new 53-courtroom courthouse in downtown Sacramento. This approval is predicated on two future conditions: the Judicial Council would not commit to move the project into Construction until construction-funding legislation has been enacted, and at the completion of construction, the Judicial Council will dispose of the vacated Gordon D.

Schaber Courthouse property. To the benefit of all county residents, this project will consolidate facilities including replacement of the Schaber Courthouse, and provide a modern, secure courthouse in downtown Sacramento for criminal and civil calendars and operations.

Speakers: Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee

15 mins.

16-009

Child Support: Child Support Commissioner and Family Law Facilitator Program Funding Allocation (Action Required)

Summary:

At its meeting on April 17, 2015, the Judicial Council approved the recommendation from the Family and Juvenile Law Advisory Committee that the AB 1058 Funding Allocation Joint Subcommittee be established to reconsider the allocation methodology developed in 1997 for the AB 1058 Child Support Commissioner and Family Law Facilitator Program. The subcommittee which included representatives from the Family and Juvenile Law Advisory Committee (FJLAC), the Trial Court Budget Advisory Committee (TCBAC), the Workload Assessment Advisory Committee (WAAC), and the California Department of Child Support Services (DCSS) was charged with reconsidering the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting. The joint subcommittee completed its work in November 2015 after extensive discussions and review of the relevant information.

The joint subcommittee was asked to report back to the Family and Juvenile Law Advisory Committee, the Trial Court Budget Advisory Committee, and the Workload Assessment Advisory Committee by December 31, 2015, and report back to the council at its February 2016 meeting. This report is being provided in response to that directive and includes the recommendation of the subcommittee as well as the report back from the three respective advisory committees.

Speakers: Hon. Mark A. Juhas, Co-Chair, Family and Juvenile Law Advisory Committee
Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

20 mins.

16-006

Judicial Branch Technology Update: Challenges and Successes (No Action Required and No Materials)

Summary:

An update on the implementation of the Judicial Council adopted Court Technology Governance and Strategic Plan including how technology can be used now and in the future to improve access to justice and address challenges. The report will highlight how technology is being used to meet current court business needs by improving business processes, operations, and service to the public.

Speakers: Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee
Ms. Deborah Norrie, Court Executive Officer, Superior Court of Plumas County
Mr. Snorri Ogata, Chief Information Officer, Superior Court of Los Angeles County

Mr. Mark W. Dusman, Information Technology

40 mins.

[16-004](#)

California's Language Access Plan: Model Notice for Limited English Proficient (LEP) Court Users; Video Remote Interpreting Pilot Project; Progress Report on Implementation of the Strategic Plan for Language Access in the California Courts (Action Required)

Summary:

To strengthen the California judiciary's capacity to meet the needs of millions of people with limited English-language skills, the Judicial Council charged the Language Access Plan Implementation Task Force with implementing the recommendations of the *Strategic Plan for Language Access in the California Courts*. The Task Force began work to implement the "Phase 1" recommendations in 2015. In this report we offer a brief description of the Task Force's progress on implementation. The Task Force seeks the Judicial Council's further approval of two projects that implement recommendations of the Language Access Plan (LAP).

Speakers:

Hon. Mariano-Florentino Cuellar, Chair, Language Access Plan Implementation Task Force

Hon. Terence L. Bruiniers, Chair, Technology Solutions Subcommittee, Language Access Plan Implementation Task Force

20 mins.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[16-011](#)

Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring

Summary:

The chair of the Executive and Planning Committee (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.

[16-013](#)

State Department of Finance, Office of State Audits and Evaluations, Performance Audit Report Entitled Judicial Council of California's Fiscal Compliance for the Fiscal Year July 1, 2013 through June 30, 2014

Summary:

In August 2015 the State Department of Finance, Office of State Audits and Evaluations, released a performance audit report entitled *Judicial Council of California's Fiscal Compliance for the Fiscal Year July 1, 2013 through June 30, 2014*. The audit was required to be performed by Government Code section 77206(i) (1). The report contained five recommendations which were responded to by the Administrative Director and the responses were included in the report. The audit concluded that the "revenues, expenditures, and fund balances subject to the

administration, jurisdiction, or control of Council staff complied with governing statutes, rules, regulations, and policies; were recorded accurately in accounting records, and were maintained in accordance with fund accounting principles.”

[16-015](#)**Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 2 of Fiscal Year 2015-2016****Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the second quarter of fiscal year 2015-2016. In compliance with the Trial Court Facility Modifications Policy, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2015-2016* as information for the council. This report summarizes the activities of the TCFMAC from October 1, 2015, to December 31, 2015.

[16-027](#)**Trial Courts: Quarterly Investment Report for Fourth Quarter 2016****Summary:**

This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2015* 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, 2015, through December 31, 2015.

Circulating Orders[16-030](#)**(CO-16-01) Probate Conservatorship: Conservatees' Capacity to Vote****Summary:**

In response to legislation that became effective on January 1, 2016, the *Order Appointing Probate Conservator* (form GC-340) must be revised to reflect changes in the standard for a conservatee's capacity to vote. The Judicial Council Rules and Projects Committee and the Administrative Director recommend this revision be made by circulating order rather than at the council's next business meeting to ensure that courts have the necessary conservatorship orders with the correct new legal standard for voting capacity as soon as possible after the effective date of the legislation.

[16-031](#)**(CO-16-02) Sargent Shriver Civil Counsel Act: Report to the Legislature****Summary:**

The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council accept the report to the Legislature on the Sargent Shriver Civil Counsel Act. The report is due to the Legislature on January 31, 2016. To expedite the council's review and submission of the report to the Legislature, voting is being conducted via circulating order memorandum.

Speakers:

[Enter Names Here]

[16-017](#)**(CO-15-05) Judicial Council Report to the Legislature: Fee Revenue and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2014-2015****Summary:**

Judicial Council staff recommend approving the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2014-2015*. Government Code section 68086(f) requires that the Judicial Council report to the Joint Legislative Budget Committee annually, by February 1, information concerning court reporter fees collected under Government Code sections 68086(a)(1), 68086(a)(2), and 68086.1 and expenditures on court reporter services in superior court civil proceedings statewide.

[16-032](#)**(CO-15-06) Trial Court Allocations: Final Reduction Related to Statutory 1 Percent Cap on FY 2014-2015 Fund Balance Carryover****Summary:**

Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The Judicial Council staff recommends approving a final reduction allocation of \$392,853 related to the fund balance in fiscal year (FY) 2014-2015 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A).

Appointment Orders**Adjournment (approx. 2:15 p.m.)**