



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

OPEN MEETING WITH CLOSED SESSION AGENDA

Open to the Public Unless Indicated as Closed Session (Cal. Rules of Court, rule 10.75(c)(1))

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: October 13, 2016
Time: 12:10 to 1:10 p.m.
Public Call-In Number 877-820-7831; passcode 846-8947 (listen only)

Meeting materials for open portions of the meeting will be posted on the advisory body webpage on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the August 11, 2016, Executive and Planning Committee meeting and the August 18, 2016, Executive and Planning Committee action by email.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to executiveandplanning@jud.ca.gov or mailed or delivered to Judicial Council of California, 2860 Gateway Oaks Drive, Suite 400, Sacramento, California, 95833, Attention: Donna Ignacio. Only written comments received by 12:10 p.m. on Wednesday, October 12, 2016, will be provided to committee members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

Subordinate Judicial Officer Conversion – Request from the Superior Court of Sacramento County (Action Required)

Review request from the Superior Court of Sacramento County to convert one vacant subordinate judicial officer position.

Presenter: Ms. Leah Rose-Goodwin and Mr. David Smith

Item 2

Request from Center for Judicial Education and Research Governing Committee to Amend 2016 Annual Agenda (Action Required)

Review request from the Center for Judicial Education and Research Governing Committee to Amend 2016 Annual Agenda.

Presenter: Dr. Diane E. Cowdrey

Item 3

Government Code Section: 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 39)

Review report listing the latest court notices received by the Judicial Council in accordance to Government Code Section 68106 and approve to be included in the Judicial Council meeting in October.

Presenter: Ms. Amber Barnett

Item 4

Agenda Setting for the October 27-28 Judicial Council Meeting (Action Required)

Review draft reports and set the agenda for the Judicial Council meeting in October.

Presenters: Various

IV. ADJOURNMENT

Adjourn to Closed Session

V. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(d))

Item 1

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

Recommendation for Advisory Body Appointment

Review materials and develop recommendations to be sent to the Chief Justice regarding out-of-cycle appointment to an advisory body.

Adjourn Closed Session



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

Thursday, August 11, 2016

12:10 to 1:02 p.m.

Teleconference

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

Committee Members Absent: Justice Douglas P. Miller (Chair), Justice Harry E. Hull, Jr., and Judge Gary Nadler

Other Attendees: Judges Steven K. Austin and David Rosenberg, and Mr. Jake Chatters

Committee Staff Present: Ms. Jody Patel and Ms. Amber Barnett

Staff Present: Ms. Heather Anderson, Mr. Bradford Boulais, Mr. Robert Cabral, Ms. Roma Cheadle, Ms. Diane Cowdrey, Ms. Jessica Craven, Ms. Maureen Dumas, Mr. Price Eres, Mr. Craig Evans, Ms. Lucy Fogarty, Ms. Cristina Foti, Mr. Jay Fraser, Ms. Bonnie Hough, Ms. Donna Ignacio, Ms. Hila Iorga, Mr. Doug Kauffroath, Mr. Greg Keil, Ms. Olivia Lawrence, Ms. Susan McMullan, Mr. Grant Parks, Ms. Robin Seeley, Mr. Brian Simeroth, Mr. Jagandeep Singh, Mr. David Smith, and Mr. Zlatko Theodorovic

OPENING MEETING

Call to Order and Roll Call

The vice chair called the meeting to order at 12:10 p.m. and committee staff took roll call.

Approval of Minutes

The committee voted to approve the following minutes:

- July 14, 2016, Executive and Planning Committee meeting
- July 22, 2016, Executive and Planning Committee action by email

DISCUSSION AND ACTION ITEMS

Item 1

Subordinate Judicial Officer Conversion – Request from the Superior Court of Contra Costa County (Action Required)

Review request from the Superior Court of Contra Costa County to eliminate four subordinate judicial officer positions.

Action: The committee approved the request from the Superior Court of Contra Costa County to eliminate four subordinate judicial officer positions.

Item 2

Subordinate Judicial Officer Conversion – Request from the Superior Court of Placer County (Action Required)

Review request from the Superior Court of Placer County to defer the conversion of one vacant subordinate judicial officer position to a judgeship.

Action: The committee approved the request from the Superior Court of Placer County to defer the conversion of one vacant subordinate judicial officer position to a judgeship.

Item 3

Agenda Setting for the August 25-26 Judicial Council Meeting (Action Required)

Review draft reports and set the agenda for the Judicial Council meeting in August.

Action: The committee reviewed draft reports and set the agenda for the Judicial Council meeting in August.

The committee also reviewed the non-final audit report during open session and determined that the proposed closed session was not needed.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:02 p.m.

Approved by the advisory body on _____.



JUDICIAL COUNCIL
OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

Minutes of Action by E-mail Between Meetings for
Executive and Planning Committee

E-mail Proposal

As part of the agenda setting for council meetings, the Executive and Planning Committee was asked to review the report *Court Facilities: Recommendation on the Active Senate Bill 1407 Courthouse Capital Projects* for approval to be included on the August 25-26, 2016, Judicial Council business meeting agenda.

Notice

On August 17, 2016, a notice was posted advising that the Executive and Planning Committee was proposing to act by email between meetings under California Rules of Court, rule 10.75(o)(1)(B).

Action Taken

A majority of members voted to approve the report for the discussion agenda of the August 26 council business meeting. One member was absent.

Approved by the advisory body on _____.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

September 26, 2016

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

October 31, 2016

From

Leah Rose-Goodwin, Manager
David Smith, Senior Research Analyst
Office of Court Research
Judicial Council Court Operations Services

Contact

David Smith
415-865-7696 phone
david.smith@jud.ca.gov

Subject

Conversion of One Vacant Subordinate
Judicial Officer Position in the Superior Court
of Sacramento County

Executive Summary

Judicial Council staff recommend that the Judicial Council's Executive and Planning Committee (E&P) confirm the conversion of one vacant subordinate judicial officer (SJO) position in the Superior Court of Sacramento County. The court has notified council staff of this impending vacancy and has requested that this position be converted to a judgeship. Confirming the conversion is consistent with established council policies of improving access to justice by providing constitutionally empowered judges who are accountable to the electorate in matters that are appropriately handled by judges.

Recommendation

Council staff recommend that E&P confirm the conversion of one vacant SJO position in the Superior Court of Sacramento County. The Superior Court of Sacramento County has notified council staff that a referee will vacate this position on October 11, 2016 and, on that basis, the

conversion would become effective on the date on which E&P approves the court's request or October 11, 2016, whichever date is later.

Council staff also recommend that E&P acknowledge that the Superior Court of Sacramento County may treat this converted position as a position that the court may temporarily fill until a judge is named and sworn to fill it.

Previous Council Action

The 2002 report of the Subordinate Judicial Officer Working Group led the Judicial Council to sponsor legislation to restore an appropriate balance between judges and SJOs in the trial courts. The 2002 report found that many courts had created SJO positions out of necessity in response to the dearth in the creation of new judgeships during the 1980s and 1990s. As a result, many SJOs were working as temporary judges. This imbalance between judges and SJOs was especially critical in the area of family and juvenile law.¹

In 2007, the Judicial Council approved a methodology for evaluating the workload appropriate to SJOs relative to the number of SJOs working in the courts. In the same year, the Legislature passed Assembly Bill 159, which adopted the Judicial Council's methodology. This resulted in a list of 25 courts in which a total of 162 SJO positions would be converted. Government Code section 69615(c)(1)(A) allows for the annual conversion of up to 16 SJO vacancies upon authorization by the Legislature in courts identified by the Judicial Council as having SJOs in excess of the workload appropriate to SJOs.²

Subsequent council action established and refined guidelines for expediting the conversion of SJO vacancies. These guidelines included:

- The adoption of four trial court allocation groups and a schedule that distributes the 16 annual SJO conversions across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible;
- The delegation of authority to E&P for confirming SJO conversions;
- The establishment of guidelines for courts to notify the council of SJO vacancies and timelines for the redistribution of SJO conversions across the allocation groups; and

¹ See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), www.courts.ca.gov/7476.htm.

² See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 23, 2007), available at www.courts.ca.gov/documents/022307item9.pdf, and the update of this report and SJO allocation list at www.courts.ca.gov/documents/jc-20150821-itemL.pdf (Aug. 11, 2015).

- The establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.³

In addition to the above policies to expedite conversions, in 2015 the council refreshed the workload data used to determine the courts with eligible conversions. A list of eligible positions to convert was established for the remaining conversions and courts were notified as to any changes in status based on the updated workload assessment.⁴

Rationale for Recommendation

The Superior Court of Sacramento is eligible for a total of six SJO conversions and has converted five of these positions in previous years. Conversion of the present position represents the final conversion for which the court is eligible. The referee position to be converted presides over juvenile dependency cases, with the judgeship to be created from this SJO conversion projected to hear a caseload that includes juvenile dependency matters as well. The court belongs to Allocation Group 3, which is eligible for a total of four conversions per year. To date the Sacramento court would be the first in this allocation group to have converted an SJO position in FY 2016-2017. Confirming this request would allow the court reasonable certainty and clarity concerning staffing and judicial workload over the next few years.

Comments, Alternatives Considered, and Policy Implications

This proposal, which complies with council policy on SJO conversions, was not circulated for comment. Confirming these conversions would be consistent with well-established council policy on SJO conversions.

Implementation Requirements, Costs, and Operational Impacts

To date, there have been minimal implementation costs for the trial courts. Upon appointment of a new judge to sit in a converted position, funding equal to the estimated judge's compensation—which includes salary and benefits but does not include retirement—is removed from the trial court's allocation where it previously funded the SJO position. This funding is then transferred to the statewide fund for judicial salaries and benefits, Program 45.25.

³ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships*, available at <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4> (Aug. 26, 2016).

⁴ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data*, available at www.courts.ca.gov/documents/jc-20150821-itemL.pdf (Aug. 21, 2015).

Members of the Executive and Planning Committee

September 26, 2016

Page 4

Attachment

1. Attachment A: September 13, 2016, Letter from Presiding Judge Kevin R. Culhane, Superior Court of Sacramento County, to Justice Douglas Miller, Chair, Executive and Planning Committee, Regarding Conversion of SJO Position to Judgeship



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

KEVIN R. CULHANE
PRESIDING JUDGE
DEPARTMENT 47

720 NINTH STREET
SACRAMENTO, CALIFORNIA 95814
(916) 874-5487

September 13, 2016

TO: Justice Douglas P. Miller,
Executive and Planning Committee, Judicial Council

FROM: Honorable Kevin R. Culhane, Presiding Judge
Sacramento Superior Court

SUBJECT: Request for Judgeship Conversion

In the fall of 2015, the Sacramento Superior Court was notified that we were eligible for an additional judgeship conversion based on updated filings and judicial case weights (memo dated 9/11/15). Subsequently, I received formal notice that Referee Natalie Lindsey intends to retire after 25 years of service, effective October 11, 2016.

I respectfully request that this Subordinate Judicial Officer position, once vacant, be converted to a judgeship which would qualify as the 6th SJO position converted for our court. We additionally learned that upon the creation of the new judgeship position that we would qualify for additional assigned judge monies given the number of current judgeship vacancies along with the number of judgeship shortages that our court is presently facing.

If you should have any questions, don't hesitate to contact me directly. Otherwise, I will await the committee's confirmation of this this request.

Very truly yours,

A handwritten signature in blue ink, appearing to read "K. Culhane", is written over a horizontal line.

Hon. Kevin R. Culhane
Presiding Judge
Sacramento Superior Court



JUDICIAL COUNCIL OF CALIFORNIA

LEGAL SERVICES

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-7446 • Fax 415-865-7664 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
September 13, 2016	Approve Addition to Annual Agenda
To	Deadline
Executive and Planning Committee	<i>October 13, 2016</i>
From	Contact
Governing Committee of the Center for Judicial Education and Research Judge Theodore Weathers, Chair	Diane Cowdrey, Director, Center for Judicial Education and Research (CJER) 415-865-7795 diane.cowdrey@jud.ca.gov
Subject	
Addition of Project to Annual Agenda	

Executive Summary

The CJER Governing Committee would like to explore the possibility of a certification program for court leaders. A certification program, based on the leadership competencies needed by California court leaders, would (a) support the judicial branch goal of excellence in administration; (b) support succession planning in courts; (c) develop skills and abilities that relate to specific leadership competencies; and (d) build connections among courts. The CJER Governing Committee's Judicial Branch Leadership Development Curriculum Committee has expressed interest in such a certification program and CJER staff have created a proposal for this curriculum committee to review. This project was inadvertently left off the 2016 Annual Agenda for the Governing Committee and we request to have it added to this year's agenda.

Action Requested

The CJER Governing Committee asks that Executive and Planning Committee:

1. Approve adding to the 2016 Annual Agenda of the CJER Governing Committee the *Court Leadership Certification Program*.

Basis for Request

Background

During this past year, the CJER Governing Committee's Judicial Branch Leadership Development Curriculum Committee (non-judicial members only) expressed interest in strengthening the leadership education provided to court leaders, with a particular interest in supporting succession planning for the trial courts. One way to accomplish this is through a specific certification program that leverages the education provided through the National Center for State Courts' Institute for Court Management (ICM) programs. The CJER Director requested that staff begin to explore options for such a leadership certification program and discuss ideas with the Judicial Branch Leadership Curriculum Committee Co-Chair, Tammy Grimm. At the time when the Annual Agenda process took place, the Director was out on medical leave and this fledging project was not included.

A certification program would provide a vehicle for court leaders to progress through a specified path but would not require new resources. The program would take advantage of CJER's current leadership and leadership preparation courses, as well as the twelve ICM programs. Any new courses that would need to be developed would be a part of the existing 2016-2018 Education Plan.

The Judicial Branch Leadership Development Curriculum Committee is highly supportive of the concept of a leadership certification program. It has also been discussed with the Chief Operating Officer, who is supportive. Finally, the concept was discussed with the Chair of the Court Executives Advisory Committee, Richard Feldstein, who was very supportive and who shared it with CEAC at their August 2016 meeting. It is anticipated that the Judicial Branch Leadership Development Curriculum Committee would take the lead in conceptualizing the certification program and work with CEAC to get their input. Three CEAC members have expressed their interest in working with the Curriculum Committee to develop the *Court Leadership Certificate Program*.

Annual Agenda

The CJER Governing Committee proposes that the *Court Leadership Certificate Program* be added to its Annual Agenda. The Specifications for the item would be:

- Judicial Council Direction: Goal V-Education for Branchwide Professional Excellence; Objective 1 – Provide relevant and accessible education and professional development for all judicial officers and court staff.
- Origin of Project: Proposal from Judicial Branch Leadership Development Curriculum Committee
- Resources: Kristine Van Dorsten, Rhonda Sharbono, Mary Ann Koory, Diane Cowdrey (CJER Staff resources); Rosa Junqueiro, Kim Bartleson, Nancy Eberhardt (CEAC)

Representatives); and Tammy Grimm, Lisa Bergman, Rebecca Fleming, Linda Romero Soles, Nora Sanchez, Bonnie Sloan, Brian Taylor, Cindy Van Schooten and Rheeah Yoo (Judicial Branch Leadership Development Curriculum Committee representatives)

Completion Date proposed would be February 2017 (to share draft proposal with CJER Governing Committee and CEAC). Once the draft proposal was reviewed and approved by these two advisory bodies, the proposal would be sent to Executive and Planning for their review, and determination if it should be shared with the Judicial Council.

CJER Governing Committee
Annual Agenda—2016
Approved by E&P: April 14, 2016

I. ADVISORY BODY INFORMATION

Chair:	Hon. Theodore Weathers, Superior Court of California, County of San Diego
Staff:	Diane Cowdrey, Director, Center for Judicial Education and Research
Committee's Charge: California Rules of Court, rule 10.50 The committee makes recommendations to the council for improving the administration of justice through comprehensive and quality education and training for judicial officers and other judicial branch personnel. The committee must: <ol style="list-style-type: none">(1) Recommend rules, standards, policies, and procedures for judicial branch education;(2) Recommend a strategic long-range plan for judicial branch education (last submitted in 2000-01; since then the committee has been required to submit a work plan/annual agenda);(3) Evaluate the effectiveness of judicial branch education, the quality of participation, the efficiency of delivery, and the impact on service to the public;(4) Review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court staff in order to ensure coordination, consistency, and collaboration in educational services;(5) Establish educational priorities for implementation of curricula, programs, publications, and delivery systems;(6) Identify the need for and appoint education committees to implement the priorities, long-range plan, and programs and products of judicial branch education; create and adopt procedures for their operation; and review and approve their projects and products;(7) Identify and foster collaborative opportunities with courts to promote and assure the availability of training at the local court level;(8) Identify, analyze, and implement systems to enhance the delivery of education and training statewide; and Identify and foster collaborative opportunities with internal and external partners to maximize the resources dedicated to education and training.	

Advisory Body Membership:

15 Voting Members

- 10 sitting judicial officers;
- 1 appellate court justice; and
- 4 judicial administrators.

Advisory Members:

- California Judges Association (CJA) President or designee
- Court Technology Advisory Committee designee
- Administrative Director or designee
- Dean, B.E. Witkin Judicial College or designee

Subcommittees/Working Groups:*Subcommittee or working group name:*

1. Appellate Practice Curriculum Committee
2. Civil Law Curriculum Committee
3. Criminal Law Curriculum Committee
4. Family Law Curriculum Committee
5. Judicial Branch Access, Ethics & Fairness Curriculum Committee
6. Judicial Branch Leadership Development Curriculum Committee
7. Juvenile Law Curriculum Committee
8. Probate Law Curriculum Committee
9. Trial and Appellate Court Operations Curriculum Committee
10. B.E. Witkin Judicial College Steering Committee

Committee's Key Objectives for 2016:

1. Ensure that the 2016 – 2018 Education Plan is submitted to and approved by the Judicial Council and launched on July 1, 2016.
2. Ensure that the educational needs of the judicial branch audiences served by the CJER Governing Committee are being met in a timely and effective manner.
3. Ensure that judicial branch members have appropriate and convenient access to relevant educational resources.
4. Promote public trust and confidence by establishing and maintaining high standards of professionalism and ethics.

ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>Education Plans</p> <p>The CJER Governing Committee will continue to successfully execute the 2014 – 2016 Education Plan and conclude it on June 30, 2016.</p>	1	<p><i>Judicial Council Direction</i> Goal V-Education for Branchwide Professional Excellence; Objective 1 – Provide relevant and accessible education and professional development for all judicial officers and court staff.</p> <p>Goal I – Access, Fairness, and Diversity; Objective 1 – ensure that all court users are treated with dignity and respect.</p> <p><i>Origin of Project</i> Required pursuant to the CJER Governing Committee’s education development model.</p> <p><i>Resources</i> CJER Contact: Bob Lowney</p> <p><i>Key Objective Supported</i> #1.Ensure that the educational needs of the judicial branch audiences served by the CJER</p>	June 30, 2016	<p>The 2014 – 2016 Education Plan will be complete on June 30, 2016 and a report will be submitted to the Judicial Council on the execution and completion of this education plan at a later date.</p>

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Governing Committee are being met in a timely and effective manner.		
2.	Launch the 2016 – 2018 Education Plan.	1	<p><i>Judicial Council Direction</i> Goal V-Education for Branchwide Professional Excellence; Objective 1 – Provide relevant and accessible education and professional development for all judicial officers and court staff.</p> <p>Goal I – Access, Fairness, and Diversity; Objective 1 – ensure that all court users are treated with dignity and respect.</p> <p><i>Origin of Project</i> Required pursuant to the CJER Governing Committee’s education development model.</p> <p><i>Resources</i> CJER Contact: Bob Lowney</p> <p><i>Key Objective Supported</i> # 1.Ensure that the educational needs of the judicial branch audiences served by the CJER Governing Committee are being</p>	July 1, 2016	<p>A draft 2 year education plan ready to submit to the Judicial Council for review and approval in June 2016. This education plan is dependent upon the availability of requisite staff and funding.</p> <p>The Governing Committee will ensure that the recommendations from the Mental Health Implementation Task Force as well as the Language Access Implementation Task Force will be implemented, as appropriate.</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			met in a timely and effective manner.		
3.	Enhance education for experienced judges through an Advanced Judicial College, which will contain education on electronic evidence, neuroscience, and other topics of interest to experienced judges.	1	<p><i>Judicial Council Direction</i> Goal IV – Quality of Justice and Service to the Public; Objective 3 – Develop and support collaborations to improve court practices.....</p> <p>Goal V-Education for Branchwide Professional Excellence; Objective 1 – Provide relevant and accessible education and professional development for all judicial officers and court staff.</p> <p>Origin of Project: Three factors contributed to the establishment of this effort. First, reductions to CJER’s budget and staffing levels over the past several years has had a disproportionate impact on the education dedicated to experienced judges. For example, the phasing out of CJER’s four CJSP programs as well as shifting most of the subject matter annual judicial Institutes to a biennial schedule.</p>	This program will be launched in calendar year 2016 depending upon the availability of staff and funding resources.	<p>A new multi-day stand-alone program in family law which will be hosted at the Advanced Judicial College.</p> <p>Roundtable sessions will also be included.</p> <p>But because of limited funding, participants will be required to pay for lodging and other costs without reimbursement.</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Second, results from a completed statewide survey to the judiciary on education indicated that there is a patent desire for expanding education for experienced judges.</p> <p>And third, a report from a workgroup appointed by the CJER Governing Committee to examine education provided to experienced judges concluded that a program dedicated to this audience needed to be developed and offered.</p> <p>CJER contacts: Karene Alvarado</p> <p>Key Objective Supported: 1. Ensure that the educational needs of the judicial branch audiences served by the CJER Governing Committee are being met in a timely and effective manner. #3. Promote public trust and confidence by establishing and maintaining high standards of professionalism and ethics.</p>		

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4.	Develop and launch new distance mediated education products, such as podcasts and use technology to more effectively enable judges to access and use CJER Online.	2	<p><i>Judicial Council Direction</i> Goal V-Education for Branchwide Professional Excellence; Objective 1 – Provide relevant and accessible education and professional development for all judicial officers and court staff.</p> <p>Origin: The Director and a member of the Governing Committee proposed developing a new podcast series for judicial education. This came about from a recommendation from the judicial education technology workgroup that was formed in late 2015.</p> <p>CJER Contacts: Gavin Lane, Gene Kim</p> <p><i>Key Objective Supported</i> 1. Ensure that judicial branch members have appropriate and convenient access to relevant educational resources.</p>	On or before July 1, 2016	<p>A series of podcasts will be launched and available to judges via CJER Online.</p> <p>Explore creating a listserve for judges in specific assignments.</p>
5.	Conduct needs assessments for local courts in the area of court staff education, to determine what CJER can directly provide, as well as	2	<p><i>Judicial Council Direction</i> Goal V-Education for Branchwide Professional Excellence; Objective 1</p>	Ongoing. CJER has contacted one court, Stanislaus Superior Court, and has begun this process.	Suggested language for outcome: Determine what assistance CJER can

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	determining how CJER can assist courts in establishing their own local administrative education.		<p><i>Origin of Project</i> This effort grows out of a need to find new ways to provide trial courts with administrative education opportunities, given budget reductions and the increasing challenges of attending live statewide and regional education events.</p> <p><i>Resources</i> CJER – Mary Ann Koory, Rhonda Sharbono</p> <p><i>Key Objectives Supported</i></p> <p>#6 - Continue to enrich the regional and local judicial education initiatives. #7. Promote public trust and confidence by establishing and maintaining high standards of professionalism and ethics.</p>	A second court, Santa Clara Superior Court, is under consideration.	provide to courts in establishing their own local administrative education.
6.	Expand judicial branch education in the area of unconscious bias.	1	Judicial Council Direction: Goal V-Education for Branchwide Professional Excellence; Objective 2 – Promote public trust and confidence by establishing and maintaining high standards of professionalism and ethics.	Implementation effective July 1, 2016 and ongoing thereafter	Teach this topic at CJER institutes such as the PJ CEO Institute, Criminal Law Institute, as well as more fully incorporated into court staff education.

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Goal I – Access, Fairness, and Diversity; Objective 1 – ensure that all court users are treated with dignity and respect. Objective 2 – Identify and eliminate barriers to court access at all levels of service; ensure that interactions with the courts are understandable, convenient, and perceived as fair.</p> <p>Origin of Project: During the development of the 2016 – 2018 education plan the Judicial Branch Access, Ethics, and Fairness Curriculum Committee recommended that the topic of unconscious bias be included in judicial education programs.</p> <p>Resources: CJER – Karene Alvarado, Rhonda Sharbono</p> <p><i>Key Objective Supported:</i> #4. Promote public trust and confidence by establishing and maintaining high standards of professionalism and ethics.</p>		

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
7.	Explore the development of a leadership certification program for court leaders. A certification program would (a) support the judicial branch goal of excellence in administration, (b) support succession planning in courts, (c) develop skills and abilities that relate to specific leadership competencies, and (d) build connections between courts.		<p><i>Judicial Council Direction:</i> Goal V-Education for Branch wide Professional Excellence; Objective 1 – Provide relevant and accessible education and professional development for all judicial officers and court staff; and Objective 2 – Promote public trust and confidence by establishing and maintaining high standards of professionalism and ethics.</p> <p><i>Origin of Project:</i> Suggested by the Judicial Branch Leadership Development Curriculum Committee (Governing Committee subcommittee)</p> <p><i>Resources:</i> CJER – Diane Cowdrey, Rhonda Sharbono, Mary Ann Koory, Kristine Van Dorsten</p> <p>CEAC – Kim Bartleson, Nancy Eberhardt, Rosa Junquero</p> <p>Judicial Branch Leadership Development Curriculum Committee (CJER Governing Committee subcommittee) – Tammy Grimm, Lisa Bergman,</p>	Draft by February 2017, to be reviewed by CJER Governing Committee and CEAC.	<p>Draft leadership certification program, to be reviewed by the CJER Governing Committee and CEAC</p> <p>If approved, implementation of the certification program would commence in calendar year 2017.</p> <p>Any new leadership broadcasts or courses needed for this certification program would be a part of the 2016-2018 Education Plan, using slots already allocated for leadership education.</p>

#	Project ¹	Priority ₂	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Rebecca Fleming, Linda Romero Soles, Nora Sanchez, Bonnie Sloan, Brian Taylor, Cindy Van Schooten, Rheeah Yoo</p> <p><i>Key Objective Supported:</i> #4. Promote public trust and confidence by establishing and maintaining high standards of professionalism and ethics.</p>		

II. STATUS OF 2015 PROJECTS:

[List each of the projects that were included in the 2015 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1	<p>Education Plans</p> <p>The CJER Governing Committee continues to oversee the successful execution of the 2014 – 2016 Education Plan.</p> <p>CJER staff has reported to the Governing Committee on the progress on and changes to the Education Plan.</p> <p>It is expected that the 2014 – 2016 education plan will be successfully concluded on June 30, 2016.</p>	<p><u>February 3, 2015</u> Six month update on the 2014 – 2016 Education Plan submitted to the CJER Governing Committee.</p> <p><u>May 5, 2015</u> Review and approval of changes to the 2014 – 2016 education plan.</p> <p><u>August 25, 2015</u> Six month review and approval of the 2014 – 2016 education plan.</p> <p>Initial discussions on developing the 2016 – 2018 education plan.</p> <p><u>November 3, 2015</u> Review and approval of 2014 – 2016 education plan changes</p>
2	<p>Begin developing the 2016 – 2018 Education Plan.</p>	<p>The 2016 – 2018 education plan is currently under review by the CJER Governing Committee and it is expected to be finally reviewed and approved in April and submitted to the Judicial Council in June.</p>
3	<p>Enhance education for experienced judges.</p>	<p>An Advanced Judicial Studies Institute is currently being planned. This program, subject to adequate funding, will contain education of particular interest to experienced judges, including topics on neuroscience, electronic evidence, and advanced family law topics.</p>
4	<p>Increase collaboration between CJER and the California Judges Association</p>	<p>The proposed Advanced Judicial Studies Institute is being done in collaboration with the CJA. In addition, CJER is</p>

		collaborating with CJA to launch a multi-day course in the area of domestic violence at the CJA annual program.
5	Conclude item 2 from the 2014 Annual Agenda concerning court staff education in the area of processing cases for appeal by consulting with the trial court executive officers to ensure that the education developed will meet the educational needs for this area.	<p>This agenda item was presented at a CEAC meeting in 2015 and there were no issues or concerns expressed regarding direction CJER took with respect to ameliorating this issue educationally.</p> <p>Programmatically, CJER launched a new one week course at the Court Clerk Training Institute on Appellate Procedures and has revised its course work on preparing the abstract of judgment for processing cases for appeal.</p>
5	Ensure that CJER continues to meet the educational needs of the judiciary, both in terms of accessing traditional education using distance technologies as well as providing education on emerging technologies which will impact the work of the judiciary.	The Judicial Technology workgroup is making recommendations to the CJER Governing Committee. Most immediately, CJER is in the process of developing judicial education podcasts and plans to launch this product on or before July 1, 2016.
6	Conduct needs assessments for local courts in the area of administrative education, to determine what CJER can directly provide, as well as determining how CJER can assist courts in establishing their own local administrative education.	A local court has been identified and CJER is currently working with that court to determine what its needs are and how best CJER can assist in meeting them.

Subgroups/Working Groups - Detail

Subcommittees/Working Groups:

Subcommittee or working group name: CJER Curriculum Committees, Judicial College Steering Committee

Purpose of subcommittee or working group: The curriculum committees all have the same broad responsibility to provide the Governing Committee with draft education recommendations for their target audiences in the development of the Education Plan. In addition, the Curriculum committees serve on various program and education product workgroups and

are consulted on a regular basis regarding any changes or revisions to the education plan that impacts their audiences. The Steering Committee develops the courses and curriculum for the B.E Witkin Judicial College.

Number of members: Ranging from 7 to 11

Date formed: The curriculum committees were initially formed in 2010 and are standing with rotating membership every year.

Ongoing or date work is expected to be completed: Ongoing



Judicial Council of California

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

www.courtinfo.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2016

Title

Government Code Section 68106: Public
Notice by Courts of Closures or Reduced
Clerks' Office Hours (Gov. Code, § 68106—
Report No. 39)

Agenda Item Type

Information Only

Date of Report

October 13, 2016

Submitted by

Jody Patel, Chief of Staff
Amber Barnett, Principal Manager
Leadership Services Division

Contact

Amber Barnett, 916-263-1398
amber.barnett@jud.ca.gov

Executive Summary

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 39th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **one** superior court—Kings County—has issued a new notice.

Previous Council Action

In 2010, the Legislature enacted a Judiciary Budget Trailer Bill with fee increases and fund transfers for the courts that also added section 68106 to the Government Code.¹ Section 68106 requires trial courts to notify the public and the Judicial Council in advance of any closures or reductions in service, and the council in turn to post all such notices on its website and report them to the Legislature. Since the enactment of section 68106, a total of 48 courts have issued

¹ Sen. Bill 857; Stats. 2010, ch. 720, § 13. Attachment A contains the full text of Government Code section 68106, as amended effective January 1, 2011, and June 27, 2012.

notice under its requirements.² The Judicial Council has received 38 prior informational reports listing such notices as they have been received.

Notice Received From Two Courts Since Last Report

This is the 39th report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received a new notice from one trial court:

1. The Superior Court of **Kings County** provided public notice of its intent to reduce staffing and temporarily limit the hours and operations of Divisions and Departments on the following dates and times:
 - Monday, December 26, 2016, the courthouse will be closed, in observance of Christmas.
 - The Jury Office will be closed from Tuesday, December 27, 2016 through Monday, January 2, 2017.
 - Tuesday, December 27, 2016 through Thursday, December 29, 2016, staffing of all trial departments of the Courthouse will be reduced resulting in a temporary closure of multiple courtrooms. Courthouse Clerk's Office hours of operation will remain the same (Tuesday through Thursday 8:00 a.m. to 4:00 p.m.).
 - Friday, December 30, 2016, the Courthouse business hours will remain the same (8:00 a.m. to 11:30 a.m.).
 - Monday, January 2, 2017, the Courthouse will be closed, in observance of New Year's.
 - Pre-December 26, 2016 operations and staffing levels will be restored to all Divisions of the Kings County Superior Court on Tuesday, January 3, 2017. (**Attachment B**)

Mandate in Government Code Section 68106

In providing fee increases and fund transfers for the courts in the Judiciary Budget Trailer Bill in 2010, the Legislature expressly declared its intention that trial courts remain open to the public on all days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. Statements in Government Code section 68106 affirmed this intent, and the recent amendment of the statute strengthened it.

Section 68106 imposes the following requirements on trial courts and the Judicial Council:

- Trial courts must provide written notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices, although "[n]othing in this

² All courts' notices are listed and posted at www.courts.ca.gov/12973.htm. Some courts have given more than one notice.

section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.”³ The trial court is to provide this notice “by conspicuous posting within or about its facilities, on its public Internet Web site, by electronic distribution to individuals who have subscribed to the court’s electronic distribution service, and to the Judicial Council”⁴ The notice must describe the scope of the closure or reduction in hours, state the financial constraints or other reasons that make the closure or reduction necessary, and invite public comment.⁵ Courts expressly are *not* obligated to respond to comments received.⁶ If a court changes its plan “as a result of the comments received or for any other reason” during the 60-day notice period, it must “immediately provide notice to the public” by posting and distributing “a revised notice” using the procedure previously described, including distribution to the council.⁷ The change in plan does not require notification, however, beyond the original 60-day period.⁸

- The Judicial Council must, within 15 days of receiving a notice from a trial court, “conspicuously” post the notice “on its Internet Web site” and forward a copy to the chairs and vice-chairs of both houses’ Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.⁹

Implementation Efforts

Judicial Council staff notified all trial court presiding judges and court executive officers of the enactment of this statutory mandate, and the Judicial Council Legal Services (LS) staff provided legal guidance to help courts comply with the requirements of the statute. Trial courts have been requested to e-mail such notices to Debora Morrison, LS Senior Attorney, who has provided legal review of the courts’ notices since Government Code section 68106 first took effect in 2010.

To fulfill the Judicial Council’s obligations under section 68106, the Judicial Council staff has placed on the home page of the California Courts website a prominent link to the Reduced Court Services page (www.courts.ca.gov/12973.htm), which contains a summary of Government Code section 68106 and all notices received from trial courts about closures of courtrooms or clerks’ offices or reductions in clerks’ office hours. Since the previous report to the council, the notices from the courts detailed above have been added to the web page. The Judicial Council staff has also forwarded the notices from these courts to the designated legislative leaders.

Attachments

Attachment A: Government Code section 68106

Attachment B: Notice from the Superior Court of Kings, September 29, 2016

³ Gov. Code, § 68106(c).

⁴ *Id.*, § 68106(b)(1).

⁵ *Id.*, § 68106(b)(1), (2)(A).

⁶ *Id.*, § 68106(b)(2)(B).

⁷ *Id.*, § 68106(b)(3).

⁸ *Id.*, § 68106(b)(2)(A).

⁹ *Id.*, § 68106(b)(3).

Government Code section 68106:

(a) (1) In making appropriations for the support of the trial courts, the Legislature recognizes the importance of increased revenues from litigants and lawyers, including increased revenues from civil filing fees. It is therefore the intent of the Legislature that courts give the highest priority to keeping courtrooms open for civil and criminal proceedings. It is also the intent of the Legislature that, to the extent practicable, in the allocation of resources by and for trial courts, access to court services for civil litigants be preserved, budget cuts not fall disproportionately on civil cases, and the right to trial by jury be preserved.

(2) Furthermore, it is the intent of the Legislature in enacting the Budget Act of 2010, which includes increases in civil and criminal court fees and penalties, that trial courts remain open to the public on all days except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115.

(b)(1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115. The notification shall include the scope of the closure or reduction in hours, and the financial constraints or other reasons that make the closure or reduction necessary.

(2)(A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public comments received. If the court plan for closing a courtroom, or closing or reducing the hours of clerks' offices, changes as a result of the comments received or for any other reason, the court shall immediately provide notice to the public by posting a revised notice within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council. Any change in the court's plan pursuant to this paragraph shall not require notification beyond the initial 60-day period.

(B) This paragraph shall not be construed to obligate courts to provide responses to the comments received.

(3) Within 15 days of receipt of a notice from a trial court, the Judicial Council shall conspicuously post on its Internet Web site and provide the chairs and vice chairs of the Committees on Judiciary, the Chair of the Assembly Committee on Budget, and the Chair of the Senate Committee on Budget and Fiscal Review a copy of any notice received pursuant to this subdivision. The Legislature intends to review the information obtained pursuant to this section to ensure that California trial courts remain open and accessible to the public.

(c) Nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.



Superior Court of the State of California
County of Kings

Attachment B

Steven D. Barnes
Presiding Judge
of the
Superior Court

Jeffrey E. Lewis
Clerk of Court
and
Jury Commissioner

* * * PUBLIC NOTICE * * *

Court limited hours during the holidays
September 29, 2016

Pursuant to California Government Code Section 68106, the Superior Court of Kings County hereby gives notice of its intent to reduce staffing and temporarily limit the hours and operations of its Divisions and Departments between December 26, 2016 and January 2, 2017, as follows:

1. Monday, December 26, 2016, the courthouse will be closed, in observance of Christmas.
2. The Jury Office will be closed from Tuesday, December 27, 2016 through Monday, January 2, 2017; any questions regarding jury service should be directed to the Clerk of the Court.
3. Tuesday, December 27, 2016 through Thursday, December 29, 2016, staffing of all trial departments of the Courthouse will be reduced resulting in a temporary closure of multiple courtrooms. During this period, the Courthouse Clerk's Office hours of operation will remain the same [Tuesday through Thursday 8:00 a.m. to 4:00 p.m.]; however, longer processing and response times may be experienced.
4. Friday, December 30, 2016, the Courthouse business hours will remain the same [8:00 a.m. to 11:30 a.m.]
5. Monday, January 2, 2017, the Courthouse will be closed, in observance of New Year's.
6. Pre-December 26, 2016 operations and staffing levels will be restored to all Divisions of the Kings County Superior Court on Tuesday, January 3, 2017.

The Superior Court Judges in Kings County have concluded that the temporary closure of the Jury Office, the limitation in operational trial departments, and the reduction of hours at our Courthouse as set forth above, is necessary in order to address the continued budget concerns and attendant personnel shortage that the Court faces. The limitation of hours and services set forth above is just one of many cost-saving steps taken by the Court to address continued trial court funding shortfalls.

Any interested person or entity wishing to comment on the Court's plan of action should direct the same on or before November 28, 2016 to Jeffrey E. Lewis, Court Executive Officer at Kings County Superior Court, 1640 Kings County Drive, Hanford, California, 93230. You may also send your comments via email to jlewis@kings.courts.ca.gov. All public input will be considered.



Judicial Council of California

Superior Court of
California
County of San Diego
Central Courthouse
220 West Broadway
San Diego, CA 92101

Meeting Agenda

Judicial Council

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

Thursday, October 27, 2016

1:30 PM

San Diego

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

20 minutes

Session 1:30 p.m.–1:50 p.m.

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

Session 1:50 p.m.–3:05 p.m.

DISCUSSION AGENDA

**16-201 Overview of 2016 Court Statistics Report (No Action Required.
There are no materials for this item.)**

Summary:

Article VI, section 6 of the California Constitution requires the Judicial Council to survey the condition and business of the California Courts; the annual Court Statistics Report fulfills that mandate. Office of Court Research staff will present an overview of the 2016 Court Statistics Report and discuss data trends in the California courts. Data from the court statistics report is used in various ways, including in the workload models that are used to inform the Executive and Legislature of the need for new judgeships and to identify branch funding need through the Resource Assessment Study (RAS) and Workload-based Allocation and Funding Model (WAFM).

Speakers:

Mr. Chris Belloli, Office of Court Research

45 minutes

16-161

**Judicial Workload Assessment: 2016 Update of Judicial Needs
Assessment (Action Required)**

Summary:

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the *Need for New Judgeships in the Superior Courts: 2016 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. This report, which fulfills the requirements of Government Code section 69614(c)(1), shows that nearly 190 new judicial officers are needed to meet the workload-based need for new judgeships. This report also includes information about the conversion of additional subordinate judicial officers to

fulfill the reporting requirement of Government Code section 69614(c)(3). And, while not part of the legislative report itself, this report to the Judicial Council shows how new judicial resources might be distributed if any new judgeships were authorized and funded using the Council-approved methodology described in Government Code section 69614(b).

Speakers:

Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee
Ms. Deana Farole, Office of Court Research
Mr. Peter James, Office of Court Research

30 minutes

Adjournment (approx. 3:05 p.m.)



Judicial Council of California

Superior Court of
California
County of San Diego
Central Courthouse
220 West Broadway
San Diego, CA 92101

Meeting Agenda

Judicial Council

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

Friday, October 28, 2016

8:30 AM

San Diego

Public Comment

Session 8:30–9:00 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, October 25.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, October 26.

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: Donna Ignacio*

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

Session 9:00 a.m.–12:00 p.m.

Approval of Minutes

16-156 Minutes of the August 25-26, 2016, Judicial Council Meeting.

5 minutes

Chief Justice's Report

10 minutes

Administrative Director's Report

16-157 **Administrative Director's Report**

10 minutes

Judicial Council Committee Presentations

16-158 **Judicial Council Committee Reports**

Speakers:

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
Judicial Council Technology Committee
Hon. Marsha G. Slough, Chair
Judicial Branch Budget Committee
Hon. David M. Rubin, Chair

25 minutes

Judicial Council Members' Liaison Reports

30 minutes

Break: 10:20–10:35 a.m.

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 Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[16-149](#)

Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)

Summary:

The Legal Services Trust Fund Commission of the State Bar reports in *Equal Access Fund: Distribution of Funding for IOLTA-Formula Grants and Partnership Grants Under the Budget Act of 2016* that the Budget Act of 2016 includes an estimated \$19,014,500 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access Fund monies are distributed primarily in two parts: IOLTA (Interest on Lawyer Trust Accounts) -formula grants and partnership grants (with a small amount also distributed for administration). The commission requests approval to distribute \$17,312,500 in IOLTA-formula grants for fiscal year 2016-2017, according to the statutory formula in the state Budget Act, and \$1,702,000 in partnership grants for 2017. It further requests approval of the commission's findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[16-163](#) Juvenile Law: Court Orders (Action required)

Summary: The Family and Juvenile Law Advisory Committee recommends that rule 5.504 of the California Rules of Court be amended to grant courts an extra two years to produce modified versions of mandatory juvenile forms for court orders. This change will help reduce the financial burden associated with changes to mandatory forms and ensure that courts continue to have the flexibility in the production of forms to meet local needs.

[16-164](#) Appellate Procedure: Privacy in Appellate Opinions (Action Required)

Summary: The Appellate Advisory Committee recommends adopting a new rule to provide guidance on the use of protective nondisclosure of names in appellate court opinions to protect the privacy of specific categories of individuals. To better highlight existing requirements for protecting the privacy of social security and financial account numbers in filed documents, the committee also proposes moving these existing requirements to a new rule and cross-referencing the requirements in the appellate rules. This proposal is based on concerns about privacy protection raised by appellate justices and individuals whose identity or personal information has been revealed in appellate opinions.

[16-165](#) Appellate Procedure: Juvenile Proceedings (Action Required)

Summary: The Appellate Advisory Committee recommends amending the rule that identifies the proceedings governed by the juvenile appellate rules to clarify that these rules apply to appeals of orders terminating parental rights under Probate Code section 1516.5 and Family Code section 7662 et seq. The committee also recommends amending the rule that lists what must be included in the normal record in juvenile appeals to clarify that the clerk's transcript must include various notices under the Indian Child Welfare Act and to add hearings at which certain advisements are to be given to the hearings that must be included in the reporter's transcript. This proposal, which originated from a suggestion submitted by an attorney at one of the appellate projects that assist the Courts of Appeal with appointed counsel in juvenile appeals, is intended to save time and costs for courts associated with requests to augment or receive copies of the record on appeal, and the costs associated with preparing and transmitting supplemental clerk's and reporter's transcripts when such requests are granted.

[16-166](#) Appellate Procedure: Transcripts of Marsden Hearings (Action Required)

Summary: The Appellate Advisory Committee recommends amending the advisory committee comment accompanying the rule that addresses the transmission of confidential records to clarify that a copy of the confidential reporter's transcript of any in-camera hearings conducted by the superior court under *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden* transcripts) must be transmitted to the appellate counsel for the party that participated in the hearing or, if such counsel has not yet been appointed, to the district appellate project. This change, which

is based on a suggestion received from the assistant clerk/administrator of a Court of Appeal, is intended to eliminate confusion about whether copies of *Marsden* transcripts should be provided to appellate counsel and should result in decreased costs associated with motions by counsel to receive a copy of any such transcripts.

[16-167](#)**Appellate Procedure: Amicus Curiae Briefs in Writ Proceedings (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the California Rule of Court governing writ proceedings to include a new procedure for submission of applications to file amicus curiae briefs in those writ proceedings in which an alternative writ or order to show cause is issued. This change, which is based on a suggestion received from an attorney, is intended to provide potential amicus curiae with guidance regarding applications to file amicus briefs in these writ proceedings, which may reduce questions about how to do this and also ensure that the court has the information it needs to consider such applications.

[16-168](#)**Appellate Procedure: Ensure Consistency Between E-filing Rules and Court Practices (Action Required)****Summary:**

The Information Technology Advisory Committee and the Appellate Advisory Committee propose changes to the appellate rules to reflect the e-filing practices used by the appellate courts. These changes will eliminate conflicts between appellate court local rules and the rules of court, and ensure consistency in the e-filing practices of the Courts of Appeal where such consistency is desirable.

[16-169](#)**Corrections to Judicial Council Forms Without Circulation for Public Comment (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends corrections to five Judicial Council forms (GV-116, SV-110, SV-130, WV-110, WV-130) without circulation for public comment. Form GV-116, *Notice of New Hearing Date (Gun Violence Prevention)* should be structured as a court order so that it can be entered into the California Law Enforcement Telecommunications System (CLETS). Orders for Private Postsecondary School Violence and Workplace Violence proceedings should be revised to provide legally correct information for law enforcement.

[16-170](#)**Small Claims: Plaintiff's Claim and Information Forms (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revising two small claims forms to conform to the recent change in the law regarding court interpreters in civil cases and further revising these forms and one other small claims form to improve their clarity, consistency with the law, and readability.

[16-171](#)**Civil Practice and Procedure: Order of Examination (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revising the forms used to order examination of a judgment debtor to clarify in the

instructions that, to be enforceable by the court, the order must be served by a law enforcement officer or a registered process server. This proposal, based on a suggestion from a superior court commissioner who handles small claims cases, will assist litigants and eliminate needless appearances by judgment creditors seeking court enforcement of orders that were not served in this manner and therefore are unenforceable. The committee also recommends revisions to these forms to improve clarity and readability.

[16-172](#)**Forms: Declarations of Demurring Party Regarding Meet and Confer (Action Required)****Summary:**

Senate Bill 383 (Stats. 2015, ch. 418) added to and amended statutes governing demurrers to pleadings. New Code of Civil Procedure section 430.41 requires a meet-and-confer session before a party can file a demurrer. The Civil and Small Claims Advisory Committee recommends two new optional forms to implement the meet-and-confer requirements that a demurring party must comply with before filing a demurrer, and to obtain an automatic 30-day extension of time to file a demurrer when the parties were unable to meet before the due date of the responsive pleading.

[16-173](#)**Criminal Procedure: Intercounty Probation and Mandatory Supervision Transfer (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.530 of the California Rules of Court, which provides courts with procedures for implementing intercounty transfers of persons on probation and mandatory supervision pursuant to Penal Code section 1203.9. The proposed amendment would (1) clarify file transfer requirements after intercounty transfer under section 1203.9, and (2) make the rule consistent with Assembly Bill 673's amendments to section 1203.9.

[16-174](#)**Criminal Law: Criminal Realignment and Military Service (Action Required)****Summary:**

The Criminal Law Advisory Committee proposes amendments to specified criminal sentencing rules of the California Rules of Court to (1) reflect statutory amendments enacted as part of the Criminal Justice Realignment Act, which made significant changes to the sentencing and supervision of persons convicted of felony offenses; (2) facilitate the court's determinations under Penal Code section 1170.9 for defendants with military service; and (3) make nonsubstantive technical amendments. The proposed amendments respond, in part, to recent legislation directing the Judicial Council to amend the rules to promote uniformity in sentencing under the Realignment Act.

[16-175](#)**Criminal Procedure: Petition and Order for Dismissal-Deferred Entry of Judgment (Action Required)****Summary:**

In response to legislation that provides a new statutory basis for dismissals, the Criminal Law Advisory Committee recommends revising the *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) to add data fields to facilitate dismissals under Penal Code section 1203.43 for defendants

who were granted deferred entry of judgment on or after January 1, 1997, who successfully completed a deferred entry of judgment program, and for whom the criminal charge(s) were dismissed under Penal Code section 1000.3, as well as to make related revisions to the format, advisements, and instructions on both forms.

[16-176](#)**Child Support: Statutory Relief for Incarcerated/Involuntarily Institutionalized Obligor (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising eight forms to remove outdated language regarding suspension of child support orders for obligors who are incarcerated or involuntarily institutionalized, which became effective on July 1, 2011 under Senate Bill 1355 (Wright; Stats. 2010, ch. 495) and sunsetted on June 30, 2015. In addition, the committee recommends implementing the mandates of Assembly Bill 610 (Jones-Sawyer; Stats. 2015, ch. 629), which became effective October 8, 2015, by revising the same eight forms and an additional five forms to incorporate current provisions regarding temporary suspension of child support obligations by operation of law for incarcerated and involuntarily institutionalized obligors (unless certain exceptions apply). These proposed form revisions also provide guidance regarding the adjustment of arrears for a suspended support order, the procedure to object to the local child support agency's adjustment, and the information needed by the court to consider and approve a request to adjust arrears.

[16-177](#)**Family Law: Child Support and Uniform Interstate Family Support Act (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule and revising five Judicial Council forms to accurately reflect updated code references, adopting three new Judicial Council forms, and revoking two forms in their entirety. These changes are required by modifications to the Uniform Interstate Family Support Act (Sen. Bill 646 [Jackson]; Stats. 2015, ch. 493, § 5), which was chaptered as Family Code sections 5700.101-5700.905.

[16-178](#)**Juvenile Law: Termination of Jurisdiction Over Nonminor (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes amending one rule of court and revising two Judicial Council forms to provide legally accurate information about available benefits to nonminors facing termination of juvenile court jurisdiction. The form revisions would implement amended statutory entitlements in response to recommendations received from the California Department of Social Services. The rule amendments would ensure consistency with the revised forms and with existing law. They would also make technical corrections to improve the rule's internal consistency and readability and to reduce the unnecessary repetition of statutory language.

[16-179](#)**Juvenile Law: Dependency Hearings (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending the

rules in title 5 of the California Rules of Court that set forth the procedures to be followed during dependency court hearings, from the initiation of the case through each of the status review hearings, to delete unnecessary repetitions of statutory text or replace them with references to the relevant code sections. These amendments will enhance the brevity and accuracy of the rules while also consolidating some shorter rules where appropriate and reduce the frequency with which the rules need to be amended to reflect changes in the statutory text. In addition, proposed amendments clarify and update provisions in the rules concerning case plan requirements, relative placement, notice of subsequent dependency guardianship proceedings, and the legal distinctions between admitting petition allegations and submitting on the facts set forth in the petition.

[16-180](#)**Juvenile Law: Intercountry Transfer (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting one new rule and two new mandatory Judicial Council forms to implement the transfer provisions for nonminor dependents in Assembly Bill 1712. The committee further recommends amending the current intercountry transfer rules and revising a mandatory form to include provisions that have streamlined the transfer process for counties involved in two transfer protocol pilot programs. Lastly, the committee recommends amending two of the California Rules of Court to require mandatory use of the forms.

[16-181](#)**Protective Orders: Requests for the Possession and Protection of Animals (Action Required)****Summary:**

To implement the recent statutory changes made by Assembly Bill 494 (Stats. 2015, ch. 401) to Code of Civil Procedure section 527.6 and Welfare and Institutions Code sections 213.5 and 15657.03, the Civil and Small Claims Advisory Committee recommends revisions to the Judicial Council forms for civil harassment and elder and dependent adult abuse protective orders to include orders regarding the possession and protection of animals; and the Family and Juvenile Law Advisory Committee recommends revisions to the Judicial Council juvenile protective order forms to include such orders.

[16-182](#)**Probate Conservatorship: Notice of the Conservatee's Death (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council respond to a direction from the Legislature by adopting a new Judicial Council form for a conservator of the person of a deceased conservatee to use to notify the court and persons interested in the conservatorship that the conservatee has died.

[16-183](#)**Probate: Decedent Estate Proceedings and a Substitute for Those Proceedings (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends revising the form that commences a decedent estate proceeding to inquire whether a

decedent was a citizen of a foreign country, whether the original of the decedent's will or a codicil offered for probate has been lost, and whether the proposed appointment of a personal representative is the appointment of a successor in that office. The committee also recommends revising the form used to convey title to a decedent's real and connected personal property when an estate proceeding is not required to require the petitioner to state facts showing the character of the subject property as separate, community, or quasi-community if his or her claim to the property is based on inheritance. These changes will ensure that courts and petitioners are alerted to issues that need to be addressed when these particular facts are present.

[16-184](#)**Technology: Modernization of the Rules of Court (Phase II of the Rules Modernization Project) (Action Required)****Summary:**

The Information Technology Advisory Committee recommends amending various rules in titles 2, 3, and 5 of the California Rules of Court as part of phase II of the Rules Modernization Project. These amendments are substantive changes to the rules that are intended to promote electronic filing, electronic service, and modern e-business practices. The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee also recommend the amendments to the rules in their respective subject-matter areas.

[16-185](#)**Technology: Modernization of the Appellate Rules of Court (Phase II of the Rules Modernization Project) (Action Required)****Summary:**

The Information Technology Advisory Committee (ITAC) and Appellate Advisory Committee (AAC) recommend adoption of changes to the appellate rules and forms to facilitate modern e-business practices, e-filing, and e-service. Last year, technical changes to the appellate rules were approved to eliminate rule language inconsistent with current e-filing, e-service, and other e-business practices of the appellate courts. This year, ITAC and the AAC recommend more substantive changes to the rules to facilitate and encourage use of modern e-business practices by the appellate courts, as well as further necessary technical changes to rules and forms.

[16-186](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Various Judicial Council advisory committee members, 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.

[16-187](#)**Judicial Council Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant (Action Required)****Summary:**

Court Operations Services and its Office of Court Research recommend that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant: 2016 Report to the California*

Legislature as Required by Penal Code Section 1170.45, and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Penal Code section 1170.45, which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to the defendants' race and ethnicity. Since 2001 the Judicial Council's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the California Department of Justice. The 2016 report indicates that when grouping defendants according to the extensiveness of their prior criminal records and types of offense, the data show a complex pattern in the severity of sentences that defendants receive. When directly comparing defendant groups in the context of the severity of their criminal offenses and prior criminal histories, sentencing outcomes are variable and appear to be primarily associated with defendants' prior criminal record and offense type. Due to data limitations that are outlined in the report and also highlighted by the Criminal Justice Statistics Center (CJSC) of the California Department of Justice (DOJ), we encourage the reader to exercise caution in attempting to attribute causes for the observed differences in sentencing among racial/ethnic groups.

[16-189](#)**Judicial Council Report to the Legislature: Standards and Measures that Promote the Fair and Efficient Administration of Justice (Action Required)****Summary:**

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the transmittal of the attached report to the Legislature, *Standards and Measures That Promote the Fair and Efficient Administration of Justice*. This report satisfies the requirements of Government Code section 77001.5, which requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.

[16-191](#)**Probate Conservatorships: Handbook for Conservators: 2016 Revised Edition (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council approve the *Handbook for Conservators: 2016 Revised Edition*, and authorize its publication by posting on the judicial branch website and production in print form by courts. This handbook updates the written information required by Probate Code section 1835 to be provided by the Judicial Council to the courts and by the courts to newly-appointed conservators.

[16-192](#)**Trial Courts: Recidivism Reduction Fund Court Grant Program, Annual Report, 2016 (Action Required)****Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive the *Recidivism Reduction Fund Court Grant Program, Annual Report 2016*; direct the Administrative Director to submit this annual report to the Joint

Legislative Budget Committee (JLBC) and the Department of Finance (DOF) as mandated by the Budget Acts of 2014 and 2015 (Sen. Bills 852 and 69, respectively); and authorize staff to continue to work with the courts to ensure that program funding is effectively allocated and utilized to support the operation of trial court programs and practices known to reduce adult offender recidivism and enhance public safety as directed by the Legislature.

[16-193](#)**Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in Fiscal Year 2015-2016 (Action Required)****Summary:**

Judicial Council staff recommends approval of the attached *Report on Allocation of Funding in Fiscal Year (FY) 2015-2016 for Support of New Judgeships Authorized in FY 2007--2008*. The Budget Act of 2007 requires that this report be submitted each year until all judgeships are appointed and new staff hired.

[16-194](#)**Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)****Summary:**

Judicial Council staff recommends approval of the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1-June 30, 2016)*. 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.

[16-196](#)**Juvenile Dependency: Proposed Allocation for Fiscal Year 2016-2017 for Court Appointed Special Advocate Local Assistance (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year 2016-2017. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at the August 2013 business meeting. Allocations will fund 45 programs serving 50 counties.

[16-197](#)**Judicial Council Report to the Legislature: Status of the Phoenix Program, 2015 (Action Required)****Summary:**

Staff recommends that the Judicial Council approve the report entitled *Status of the Phoenix Program, 2015*, to be sent to the chair of the Joint Legislative Budget Committee, the chair of the Senate Committee on Budget and Fiscal Review, and the chair of the Assembly Committee on Budget, as required by Government Code section 68511.8(a).

DISCUSSION AGENDA

[16-162](#)**Court Adoption and Permanency Month: Judicial Council Resolution (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency

Month. As it has since 1999, in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The proclamation will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

Speakers: Hon. Carolyn M. Caietti, Presiding Judge, Superior Court of California,
County of San Diego
Adoptive Family (TBD)

15 minutes

[16-195](#) **Trial Court Budget: \$10 Million State-Level Reserve Process (Action Required)**

Summary: Government Code section 68502.5(c)(2)(B) requires the Judicial Council to establish a process for trial courts to apply for emergency funding from the newly established \$10 million state-level reserve, which replaces the 2 percent state-level reserve. Government code section 68502.5(c)(2)(C) requires a report to the Legislature, pursuant to Section 9795, and to the Department of Finance no later than October 1 of each year detailing all requests and allocations made for the preceding year. The Judicial Branch Budget Committee recommends that the Judicial Council approve the updated process for requesting emergency funding.

Speakers: Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Hon. James M. Humes, Vice Chair, Judicial Branch Budget Committee
Ms. Kimberly Flener, Court Executive Officer, Superior Court of Butte County
Mr. Zlatko Theodorovic, Budget Services

25 minutes

[16-198](#) **Trial Court Allocations: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)**

Summary: The Trial Court Budget Advisory Committee's Fiscal Planning Subcommittee recommends that the Judicial Council approve two requests from two trial courts for Trial Court Trust Fund funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request funding reduced as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court. The total amount requested by the trial courts that would be reduced from their fiscal year (FY) 2016-2017 allocations for exceeding the cap is \$267,559. The subcommittee is also informing the council on the final adjustments to the estimated approved amounts after FY 2015-2016 year-end. Based on yearend closing of courts' financial records, the final amount of TCTF funds to be held on behalf of the courts for those requests that were approved in June and July 2016 has decreased from \$8.2 million to \$7.3 million.

Speakers: Mr. Zlatko Theodorovic, Budget Services

10 minutes

[16-199](#)

Trial Courts: Children's Waiting Room Fund Balance Cap Adjustments (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends the Judicial Council approve three requests to adjust the requesting trial courts' Children's Waiting Room fund balance cap. On June 26, 2015, the Judicial Council revised its Children's Waiting Room (CWR) Distribution Policy, adopting a revised policy that was recommended by the Trial Court Budget Advisory Committee (TCBAC) and places a cap on CWR fund balance. Under the Judicial Council-adopted process, courts wanting a cap adjustment must submit a request explaining the extenuating circumstance and including its CWR expenditure plan for consideration by the TCBAC and the Judicial Council. The total amount requested by the trial courts that would increase their CWR fund balance cap is \$1.1 million. Staff also are reporting the returned CWR fund balance amounts in FY 2016-2017 through one-time reductions to those courts' allocations.

Speakers:

Mr. Zlatko Theodorovic, Budget Services

20 minutes

[16-200](#)

Temporary Judges: Reporting on Use of Attorneys as Court-Appointed Temporary Judges (Action Required)

Summary:

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) recommend (1) the amendment of California Rules of Court, rule 10.742, to eliminate that rule's reporting requirements concerning the use of court-appointed temporary judges and (2) the amendment of subdivision (d) of rule 2.810 to delete the related reference to this reporting requirement. Rule 10.742 governs the use of attorneys as court-appointed temporary judges. Subdivision (c) of the rule requires each trial court that uses attorneys as temporary judges to report quarterly to the Judicial Council the number of attorneys used as temporary judges each month, the number and types of cases on which they were used, and whether any of the appointments were made under the exception in rule 2.810(d). This exception allows, in extraordinary circumstances, for appointment of an attorney as a temporary judge who has not met all of the requirements for such appointment. TCPJAC and CEAC recommend these changes because the information that rule 10.742(c) requires courts to report on is in part duplicative of information collected and reported to the council in another report, and thus the rule places an unnecessary burden on the courts.

Speakers:

Hon. Jeffrey B. Barton, Chair, Trial Court Presiding Judges
Advisory Committee

Mr. Jake Chatters, Chair, Court Executives Advisory Committee

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[16-190](#)**Court Security: Report on Trial Court Screening Equipment Replacement for Fiscal Year 2015-2016****Summary:**

The Screening Equipment Replacement Program has been in operation since fiscal year (FY) 2006-2007 and provides \$2.286 million in funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. Each year the Administrative Director approves the list of entrance screening equipment to be funded that year through this program. This report updates the council on the entrance screening equipment that was replaced in FY 2015-2016 using that funding.

[16-202](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 39)****Summary:**

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 39th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, one superior court-Kings County-has issued a new notice.

Circulating Orders since the last business meeting.**Appointment Orders since the last business meeting.**[16-188](#)**Appointment Orders since the last Judicial Council business meeting.****Adjournment (approx. 12:00 p.m.)**