



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

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

## EXECUTIVE AND PLANNING COMMITTEE

### OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING RECORDED

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**Date:** November 17, 2016  
**Time:** 12:10 to 1:10 p.m.  
**Public Call-In Number** 877-820-7831; passcode 846-8947 (listen only)

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Meeting materials will be posted on the advisory body web page 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.

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

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

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

Approve minutes of the October 13, 2016, Executive and Planning Committee meeting, October 24, 2016, Executive and Planning Committee action by email, October 27, 2016 and November 10, 2016 Executive and Planning Committee closed meetings.

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

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##### **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](mailto: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, November 16, 2016, will be provided to committee members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS**

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**Item 1**

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

Review request from the Superior Court of Los Angeles County to convert three vacant subordinate judicial officer positions to judgeships.

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

**Item 2**

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

Review request from the Superior Court of San Mateo County for a temporary exception to the conversion of two vacant subordinate judicial officer positions to judgeships.

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

**Item 3**

**Government Code Section: 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code § 68106—Report No. 40) (Action Required)**

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

Presenter: Ms. Amber Barnett

**Item 4**

**Agenda Setting for the December 15-16 Judicial Council Meeting (Action Required)**

Presenters: Various

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**IV. ADJOURNMENT**

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**Adjourn**



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

Thursday, October 13, 2016

12:10 to 1:10 p.m.

Teleconference

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**Committee Members Present:** Justice Douglas P. Miller (Chair), Judge Marla O. Anderson (Vice Chair); Judges Jeffrey B. Barton, Daniel J. Buckley, Samuel K. Feng, Gary Nadler, and David M. Rubin; and Mr. Richard D. Feldstein

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**Committee Members Absent:** Justice Harry E. Hull, Jr. and Ms. Donna D. Melby

**Other Attendees:** Judges Kevin R. Culhane and Ted Weathers; and Mr. Jake Chatters

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

**Staff Present:** Mr. Brian Aho, Ms. Vickie Akers, Ms. Heather Anderson, Mr. Patrick Ballard, Mr. Chris Belloli, Ms. Deirdre Benedict, Mr. Bob Brow, Ms. Deborah Brown, Ms. Roma Cheadle, Ms. Diane Cowdrey, Ms. Shelly Curran, Ms. Kimberly DaSilva, Ms. Audrey Fancy, Ms. Deana Farole, Ms. Lucy Fogarty, Ms. Cristina Foti, Ms. Eve Hershcopf, Ms. Bonnie Hough, Ms. Donna Ignacio, Mr. Peter James, Mr. Doug Kauffroath, Ms. Susan McMullan, Mr. Douglas C. Miller, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Claudia Ortega, Mr. Daniel Richardson, Ms. Leah Rose-Goodwin, Ms. Katherine Sher, Ms. Christy Simons, Mr. Colin Simpson, Mr. David Smith, Mr. Zlatko Theodorovic, Ms. Adrienne Toomey, Mr. Don Will, and Ms. Josely Yangco-Frona

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#### OPEN MEETING

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##### Call to Order and Roll Call

The 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:

- August 11, 2016, Executive and Planning Committee meeting
- August 18, 2016, Executive and Planning Committee action by email

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**DISCUSSION AND ACTION ITEMS**

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**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.

***Action: The committee approved the request from the Superior Court of Sacramento County to convert one vacant subordinate judicial officer position.***

**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.

***Action: The committee approved the request from the Center for Judicial Education and Research Governing Committee to Amend 2016 Annual Agenda.***

**Item 3**

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

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

***Action: The committee approved the report listing the latest court notices received by the Judicial Council in accordance with Government Code Section 68106 and approved that it be included in the agenda for the Judicial Council meeting in October.***

**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.

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

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

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There being no further open meeting business, the meeting was adjourned at 12:55 p.m.

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**C L O S E D   S E S S I O N**

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**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.

***Action: The committee will continue to review materials prior to developing recommendations to be sent to the Chief Justice regarding the out-of-cycle appointment to the advisory body.***

Adjourned closed session at 1:10 p.m.

Approved by the advisory body on \_\_\_\_\_.



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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 *Criminal Law: Judicial Council Appointment to Sex Offender Management Board* for approval to be included on the October 27-28, 2016, Judicial Council business meeting agenda.

**Notice**

On October 21, 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**

Members voted unanimously to approve the report for the consent agenda of the October 28 council business meeting.

Approved by the advisory body on \_\_\_\_\_.



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

Thursday, October 27, 2016

4:45 to 4:55 p.m.

San Diego

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**Advisory Body Members Present:** Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Justice Harry E. Hull, Jr., Judges Jeffrey B. Barton, Daniel J. Buckley, and Samuel K. Feng; and Ms. Donna D. Melby

**Advisory Body Members Absent:** Judges David M. Rubin and Gary Nadler; and Mr. Richard D. Feldstein

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

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C L O S E D   S E S S I O N

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**Call to Order and Roll Call**

The chair called the meeting to order at 4:45 p.m. and committee staff took roll call.

**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 an out-of-cycle appointment to an advisory body.

***Action: The committee formulated a recommendation for submission to the Chief Justice.***

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A D J O U R N M E N T

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There being no further business, the meeting was adjourned at 4:55 p.m.

Approved by the advisory body on \_\_\_\_\_.



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

Thursday, November 10, 2016

1:00 to 1:30 p.m.

Teleconference

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**Advisory Body Members Present:** Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Justice Harry E. Hull, Jr., Judges Daniel J. Buckley, Samuel K. Feng and Gary Nadler; Ms. Donna D. Melby and Mr. Richard D. Feldstein

**Advisory Body Members Absent:** Judges Jeffrey B. Barton and David M. Rubin

**Committee Staff Present:** Ms. Amber Barnett

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C L O S E D   S E S S I O N

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**Call to Order and Roll Call**

The chair called the meeting to order at 1:00 p.m. and committee staff took roll call.

**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 an out-of-cycle appointment to an advisory body.

***Action: The committee reviewed the material and agreed that at this time, a recommendation will not be forwarded to the Chief Justice.***

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A D J O U R N M E N T

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There being no further business, the meeting was adjourned at 1:20 p.m.

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

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### MEMORANDUM

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**Date**

October 26, 2016

**Action Requested**

Approve Staff Recommendation

**To**

Members of the Executive and Planning  
Committee

**Deadline**

November 30, 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 Three Vacant Subordinate  
Judicial Officer Positions in the Superior  
Court of Los Angeles County

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**Executive Summary**

Court Operations Services staff recommend that the Judicial Council's Executive and Planning Committee (E&P) confirm the conversion of three vacant subordinate judicial officer (SJO) positions in the Superior Court of Los Angeles County. The court has notified council staff of these vacancies and requested that the positions be converted to judgeships. Confirming this request for 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**

Court Operations Services staff recommend that E&P confirm the conversion of three vacant SJO positions in the Superior Court of Los Angeles County. Two of these vacancies are a result of the retirement of the commissioners serving in these positions, and one reflects the former commissioner's elevation to a judgeship. On that basis, the conversion of these three vacant

commissioner positions to judgeships will take effect on the date on which E&P approves the court's request.

Council staff also recommend that E&P acknowledge that the Superior Court of Los Angeles County may treat these converted positions as positions that the court may temporarily fill until judges are named and sworn to fill them.

### **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.<sup>1</sup>

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.<sup>2</sup>

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

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<sup>1</sup> 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](http://www.courts.ca.gov/7476.htm).

<sup>2</sup> 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. 14, 2007), available at [www.courts.ca.gov/documents/022307item9.pdf](http://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](http://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.<sup>3</sup>

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.<sup>4</sup>

### **Rationale for Recommendation**

The Superior Court of Los Angeles County is eligible for a total of 79 of the 162 conversions authorized by the Legislature and has previously converted 58 positions, with the last conversion occurring in fiscal year (FY) 2015–2016. Los Angeles County is the sole member of Allocation Group 1, which is allotted 7 conversions each year. The confirmation of the present request would result in the conversion of 3 of the 7 SJO positions that this allocation group is currently eligible for in FY 2016–2017, and 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.

### **Attachment**

1. Attachment A: September 14, 2016, letter from Presiding Judge Carolyn B. Kuhl, Superior Court of Los Angeles County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, regarding the conversion of vacant SJO positions.

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<sup>3</sup> 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).

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



# The Superior Court

STANLEY MOSK COURTHOUSE  
111 NORTH HILL STREET  
LOS ANGELES, CALIFORNIA 90012  
CHAMBERS OF  
CAROLYN B. KUHL  
PRESIDING JUDGE

September 14, 2016

TELEPHONE  
(213) 633-0400

The Honorable Douglas P. Miller, Chair  
Judicial Council's Executive and Planning Committee  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

Re: Request for Conversion of Three Commissioner Positions

Dear Justice Miller:

I am writing to request that you forward to the Judicial Council's Executive and Planning Committee our request to approve the conversion of three vacant commissioner positions in the Los Angeles Superior Court (LASC) to judgeships in the 2016-2017 fiscal year, pursuant to Government Code Section 69615.

These vacancies were created by the following events:

Commissioner William Sadler	Appointed Judge on 06/28/16
Commissioner Patricia M. Ito	Retired 07/30/16
Commissioner Nancy S. Gast	Retired 07/30/16

LASC is scheduled to convert seven such vacancies this fiscal year. As the above positions are instantly available, and as we have a pressing need for judges, I hope and trust that the Committee will approve this request and promptly forward notice of the resulting vacancies to the Governor's office.

Thank you for your consideration and assistance.

Very truly yours,

A handwritten signature in blue ink that reads "Carolyn B. Kuhl".

CAROLYN B. KUHL  
Presiding Judge

CBK:BB:rm

c: Martin Hoshino, Administrative Director, Judicial Council of California  
Leah Rose Goodwin, Judicial Council, Office of Court Research



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### MEMORANDUM

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**Date**

October 26, 2016

**Action Requested**

Approve Staff Recommendation

**To**

Members of the Executive and Planning  
Committee

**Deadline**

November 30, 2016

**From**

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

**Contact**

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

**Subject**

Request for an Exception to the Conversion of  
Two Subordinate Judicial Officer Positions in  
the Superior Court of San Mateo County

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**Executive Summary**

Court Operations Services staff recommend that the Judicial Council's Executive and Planning Committee (E&P) confirm the request from the Superior Court of San Mateo County for a temporary exception to the conversion of two vacant subordinate judicial officer (SJO) positions to judgeships. The Superior Court of San Mateo County has informed council staff that the reduction in state trial court funding limits its ability to provide the necessary support to the new judgeships that would result from the conversion of these SJO positions.

**Recommendation**

Court Operations Services staff recommend that E&P confirm the request from the Superior Court of San Mateo County for an exception to the conversion of two vacant SJO positions to judgeships. To date, the court has not requested that E&P confirm a request for the conversion of vacant SJO positions. Confirming the court's current request for a temporary exception to the

conversion of these SJO positions will allow it to continue to manage its budget in a way that minimizes the impact that state budget cuts have had on its ability to provide services to the public and the timely processing of court cases.

### **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.<sup>1</sup>

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.<sup>2</sup>

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

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<sup>1</sup> 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](http://www.courts.ca.gov/7476.htm).

<sup>2</sup> 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. 14, 2007), available at [www.courts.ca.gov/documents/022307item9.pdf](http://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](http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf) (Aug. 11, 2015).

<sup>3</sup> 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).

In support of these actions, Judicial Council staff refreshed the workload data in 2015 in order to update and refine the allotment of SJO positions among eligible courts. A list of SJO positions was established as a result of the updated workload assessment, with all courts that were still eligible for SJO conversions notified of any changes in their status.<sup>4</sup>

In relation to the establishment of guidelines for use by E&P in confirming requests by courts to temporarily except SJO vacancies from conversion, the following criteria were adopted:<sup>5</sup>

- **Assessed judicial need** and the impact the deferral will have on it;
- **Vacancies and anticipated vacancies of judicial officers** and the impact that the deferral will have on the court's ability to manage its workload;
- **Workload growth in the court** and the impact the deferral will have on the court's ability to effectively manage it;
- **Economic hardship that is disruptive of court operations** and the impact the deferral will have on the court's ability to effectively manage its financial resources and workload; and
- **Operational hardship** and the impact the deferral will have on moderating its effects.

In addition to expanding the criteria under which an exception could be granted, council policy directs courts seeking a temporary exception to conversion to choose among three options for deferral. Courts with vacant SJO positions that are eligible for conversion may:

1. Request a permanent reduction in the number of authorized SJO positions rather than convert the position or fill it with another SJO.
  - Courts choosing this option have the opportunity, at some future date, to seek authority for an increase in the number of SJOs if justified by workload assessment that is based on existing council policies regarding the number and type of SJO positions.
2. Seek a deferral of the conversion and choose to fill the position with a subordinate judicial officer.

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

<sup>5</sup> 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).

- Courts choosing this option can convert a position at a later date if the court's workload qualifies it for such a conversion, the court has a vacant SJO position, and a conversion under Government Code section 69615 is available at that time.
3. Seek a one-year deferral of the conversion, leaving the SJO position vacant during that time.
- Courts choosing this option must report back to E&P at the end of the one-year deferral period to indicate whether they wish to convert the vacant position or seek a permanent reduction in the number of authorized SJO positions. The subsequent conversion of a deferred SJO position will depend on the availability of authorized conversions under Government Code section 69615.

### **Rationale for Recommendation**

The Superior Court of San Mateo County is eligible for a total of two of the 162 conversions authorized by the Legislature under Government Code 69615(b)(1)(A). San Mateo belongs to allocation group four, which is allotted four conversions each year. To date, the court has not requested that E&P confirm a request for the conversion of vacant SJO positions.

The Superior Court of San Mateo County indicates that due to state budget cuts their workforce has been reduced by over 30%, resulting in the reduction of many court services to the public, the shuttering of courtrooms, and the closing of two court branches. Operationally, the court indicates that it has had to consolidate the clerks' offices and court calendars, reduce public counter and telephone hours, and eliminate four of its seven budgeted SJO positions. Currently the court has four filled SJO positions, one of which is a federally-funded AB 1058 commissioner. The court explains that the conversion of the two vacant SJO positions for which it is eligible would result in additional cuts in court services, given the need to redirect limited resources to support the new judgeships resulting from these conversions. The court indicates that granting it a temporary exception from SJO conversions will assist it in meeting its fiscal challenges, while helping it to minimize negative impacts on court operations and the services it provides to the public.

Council policies concerning SJO conversions grant E&P the authority to confirm conversions, as well as evaluate and grant requests by courts to exempt vacancies from conversion. Because this request falls within the scope of the current policy on exceptions, yet is consistent with the spirit of the statute governing SJO conversions, it is staff's recommendation that the request be granted.

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

This proposal, which complies with council policy on SJO conversions, was not circulated for comment.



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

If the temporary exception to SJO conversions is granted by E&P, the court would incur no new costs, while the requirement for eventual conversion of the aforementioned positions would continue to be in effect. The granting of a temporary exception to SJO conversions in the court is designed to help minimize the adverse operational impact that state funding cuts have had on the court's budget. On that basis, the operational impact is projected to be minimal. The granting of a temporary exception is accompanied by an expectation by E&P that the court will report back at the end of the deferral year to indicate whether it wishes to convert the position or seek a permanent reduction in the number of authorized SJO positions.

### **Attachment**

1. Attachment A: December 18, 2015, letter from Chief Executive Officer Rodina L. Catalano, Superior Court of San Mateo County, to Justice Douglas Miller, Chair, Executive and Planning Committee, regarding an exception to the conversion of SJO positions to judgeships



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

HALL OF JUSTICE  
400 COUNTY CENTER  
REDWOOD CITY, CALIFORNIA 94063

RODINA M. CATALANO  
COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

(650) 261-5016  
FAX: (650) 261-5147  
[www.sanmateocourt.org](http://www.sanmateocourt.org)

December 18, 2015

Justice Douglas P. Miller, Chair  
Judicial Council's Executive and Planning Committee  
455 Golden Gate Avenue, Fifth Floor  
San Francisco, CA 94102-3688

Dear Justice Miller,

I am writing in response to the September 11, 2015 letter sent to San Mateo Superior Court Presiding Judge Grandsaert regarding the Judicial Council's action on the allocation of Subordinate Judicial Officer (SJO) positions. The San Mateo Superior Court has been identified as being eligible for two SJO conversions. We are respectfully requesting a temporary exception to conversion.

The unprecedented State budget cuts to trial court funding resulted in severe reductions in our court revenue. Our workforce had to be drastically reduced by over 30%. As a result, we were forced to reduce many of our court services. We were required to effectively close two court branches, and shutter many of our courtrooms. We had to consolidate our clerks' offices and court calendars. We had to reduce public counter and telephone hours. Additionally, in 2013 we reduced the number of budgeted SJO positions from seven to three, so that we could use the salary and benefits cost savings to maintain our already drastically reduced staffing levels. We could not have continued even our drastically reduced level of service had we not cut those SJO positions and used the salaries elsewhere.

We currently have four filled SJO positions, only three of which are funded with State trial court funding. SJO conversion would mean a further major reduction in our court's budget. That would mean potentially further staff reductions, and the elimination or reduction of additional court services. We would then be in the position of considering further and more drastic cuts in our ability to serve our public. Moreover, the conversion would not garner the expected benefits, in that we would not have sufficient funding to hire and provide the related support staff that would be required for the SJO positions that were converted to Judgeships.

It's for these reasons that the San Mateo Superior Court is requesting a temporary exception to the two identified SJO conversions. However, if any of our State trial court funded SJO positions become vacant, or the State allocates sufficient budget restoration to enable our court to fill any

Justice Douglas P. Miller, Chair  
December 18, 2015  
Page 2

of the remaining vacant SJO positions and the associated support staff, we will pursue conversion of the funded SJO positions up to the two positions identified for conversion.

Thank you for your consideration of our request. If you need any additional information, Presiding Judge Grandsaert and I are available to discuss this further.

Sincerely,



Rodina Catalano  
Court Executive Officer

cc: Hon. John L. Grandsaert, Presiding Judge  
Neal Taniguchi, Acting Deputy Court Executive Officer/Finance Director  
Leah Rose Goodwin, Manager, Office of Court Research



## Judicial Council of California

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

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

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on November 17, 2016

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**Title**

Government Code Section 68106: Public  
Notice by Courts of Closures or Reduced  
Clerks' Office Hours (Gov. Code, § 68106—  
Report No. 40)

**Agenda Item Type**

Information Only

**Date of Report**

November 9, 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](mailto:amber.barnett@jud.ca.gov)

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### 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 40th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **two** superior courts—Stanislaus and Alameda Counties—have issued new notices.

### 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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup> The Judicial Council has received 39 prior informational reports listing such notices as they have been received.

### **Notice Received From Two Courts Since Last Report**

This is the 40th report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received new notices from two trial courts:

1. The Superior Court of **Stanislaus County** provided public notice that offices will temporarily reduce service hours for the public filing windows and telephones the week of December 27, 2016. The service hours will be 8:00 a.m. to 2:00 p.m. daily for this week. Document drop boxes are located outside each Clerk's office for filing papers or submission of payments. Any document deposited in a court's drop box up to and including 4:00 p.m. on a court day is deemed to have been deposited for filing on that day. (**Attachment B**)
2. The Superior Court of **Alameda County** provided public notice of temporary closure of court locations:
  - With the exception of the Wiley W. Manuel courthouse located at 661 Washington Street in Oakland, all courthouses in Alameda County will be closed to the public from Friday, December 23, 2016, through Monday, January 2, 2017, reopening on Tuesday, January 3, 2017.
  - The courthouses that are closed during this period will offer no Court services to the public, including but not limited to drop box filing services. The sole exception to this is that certain cases will be heard at the Juvenile Justice Center (JJC) in San Leandro, and parties to those cases will be able to access the courthouse. However, the JJC will be closed to the public generally. During this period, limited staff will be on hand at Wiley W. Manuel courthouse from 8:30 a.m. to 2:30 p.m. on Friday, December 23, 2016, and from Tuesday, December 27, 2016, through Friday, December 30, 2016, to accept filings in all case types.
  - Drop boxes will be available at Wiley M. Manuel courthouse during this period for filings made after the clerk's office closes at 2:30 p.m. and before 4:00 p.m.
  - The Court's Self-Help Center and Family Law Facilitator's Office will be closed during this period.
  - A limited number of courtrooms will be staffed at Wiley M. Manuel courthouse during this period for the purposes of hearing time-sensitive criminal matters, reviewing restraining order applications, and other requests for emergency relief.

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<sup>2</sup> All courts' notices are listed and posted at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm). Some courts have given more than one notice.

- The Court’s Fax Filing service will continue to operate during the closure period. More information about Fax Filing can be found on the Court’s web site at <http://www.alameda.courts.ca.gov/Pages.aspx/Fax-Filing>.
  - Due to the anticipated reduced staffing level during the closure period, the time in which the Court is able to respond to phone calls, voicemail messages, and emails will be increased, and delays are likely. (**Attachment C**)
3. The Superior Court of **Alameda County** provided public notice of its intent to reduce clerk’s office hours indefinitely:
- Beginning on January 3, 2017, and continuing indefinitely thereafter, the clerk’s office hours in all Court locations and for all cases types except for Traffic will be from 8:30 a.m. to 2:30 p.m., Monday through Friday.
  - Drop boxes will be available at each clerk’s office location for filings made between 2:30 p.m. and 4:00 p.m. Filings deposited in any drop box after 4:00 p.m. will be deemed to have been deposited on the next court day.
  - The cutoff time for submitting a filing by fax under the Court’s “Premium Fax Filing” service will be reduced to 4:00 p.m., not 4:30 p.m.
  - Telephone hours in all clerk’s offices except for Traffic will be reduced to 8:30 a.m. to 2:30 p.m. Telephone hours for Traffic clerk’s offices, including the Jury Services Office, will be 8:30 a.m. to 4:00 p.m. (**Attachment D**)

### **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 section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.”<sup>3</sup> 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 . . . .”<sup>4</sup> 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.<sup>5</sup> Courts expressly

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<sup>3</sup> Gov. Code, § 68106(c).

<sup>4</sup> *Id.*, § 68106(b)(1).

<sup>5</sup> *Id.*, § 68106(b)(1), (2)(A).

are *not* obligated to respond to comments received.<sup>6</sup> 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.<sup>7</sup> The change in plan does not require notification, however, beyond the original 60-day period.<sup>8</sup>

- 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.<sup>9</sup>

### **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](http://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 Stanislaus, October 14, 2016

Attachment C: Notice from the Superior Court of Alameda, October 21, 2016

Attachment D: Notice from the Superior Court of Alameda, November 2, 2016

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<sup>6</sup> *Id.*, § 68106(b)(2)(B).

<sup>7</sup> *Id.*, § 68106(b)(3).

<sup>8</sup> *Id.*, § 68106(b)(2)(A).

<sup>9</sup> *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.

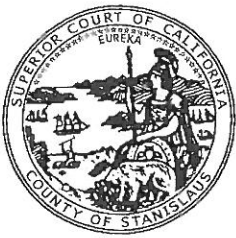
(2)(A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public 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 CALIFORNIA COUNTY OF STANISLAUS

*Rebecca J. Fleming*  
Executive Officer  
Jury Commissioner

800 - 11th Street  
Modesto, California 95354  
Telephone (209) 530-3111  
Fax (209) 236-7797  
[www.stanct.org](http://www.stanct.org)

## **PUBLIC NOTICE\***

### **REDUCED CLERK'S OFFICE HOURS**

October 14, 2016

All Stanislaus County Superior Court offices will temporarily reduce service hours for the public filing windows and telephones the week of December 27, 2016. The service hours will be 8:00 a.m. to 2:00 p.m. daily for this week.

Document drop boxes are located outside each Clerk's office for filing papers or submission of payments. Pursuant to California Rules of Court, rule 2.210(b) any document deposited in a court's drop box up to and including 4:00 p.m. on a court day is deemed to have been deposited for filing on that day.

\*Government Code §68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing hours of clerks' offices by conspicuous posting within its facilities and on its public website.

**Superior Court of California  
COUNTY OF ALAMEDA**



Morris Jacobson, Presiding Judge

Chad Finke, Executive Officer

René C. Davidson Courthouse  
1225 Fallon Street  
Oakland, California 94612

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

**For more information  
about this news release,  
please contact:**

Victoria King  
Principal Analyst for Communications  
Office of Planning, Research, Outreach  
[vking@alameda.courts.ca.gov](mailto:vking@alameda.courts.ca.gov)  
510-891-6208

**FOR IMMEDIATE RELEASE**

Friday, October 21, 2016

OAKLAND, CALIFORNIA: With the exception of the Wiley W. Manuel courthouse located in Oakland, all courthouses in Alameda County will be closed from Friday, December 23, 2016, through Monday, January 2, 2017.

**\*\*\* PUBLIC NOTICE \*\*\***

PURSUANT TO GOVERNMENT CODE SECTION 68106

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**NOTICE OF TEMPORARY CLOSURE OF COURT LOCATIONS**

For several years during the Recession, California's trial courts were subject to severe budget reductions. But while the State's economy has improved in recent years, only a small percentage of that funding has been restored. Further, certain courts—including the Superior Court of Alameda County (Court)—have been deemed to be "donor" courts, which means that large portions of the Court's ongoing funding and any "new" monies restored to the courts through the budget process are actually diverted to other courts that have been deemed to be more under-resourced.

In light of these factors, the Court began Fiscal Year 2016-2017 with a budget deficit of over \$5,000,000. The Court has engaged in ongoing efforts to balance the budget by reducing costs. The many cost-saving solutions implemented by the Court include—but are not limited to—the following:

- Eliminating a number of vacant staff positions;
- Instituting a "hard freeze" of no less than 12 months on filling other positions;
- Instituting a "soft freeze" on all other positions, meaning that any vacant position will be kept vacant for no fewer than 90 days after it opens up;
- Reducing the use of outside contractors and consultants;
- Eliminating the use of overtime or comp time for staff except in certain very narrow instances;
- Utilizing the entire 1% fund balance reserve that the Court is permitted to carry from year to year, thus eliminating any funding "safety net" for this year;
- Reducing expenditures on office supplies;

- Reducing printing costs by switching to a postcard format for jury summonses; and
- Deferring plans to move a juvenile courtroom from Oakland to San Leandro.

In addition, the Court has identified ways to save money on staff salaries—the Court’s largest item of expense—without having to resort to staff layoffs. Specifically, the Court is offering a Voluntary Time-Off Program (VTOP) for staff from December 23, 2016, through January 3, 2017. Staff who participate will take five business days off without pay, resulting in savings in the hundreds of thousands of dollars. While the Court regrets the impact these closures will have on the public’s access to justice, they represent the Court’s most viable option for addressing the dire economic circumstances imposed upon it and all other similarly situated “donor courts.”

**As required under Government Code section 68106, the details of the upcoming courthouse closures are as follows:**

- With the exception of the Wiley W. Manuel courthouse (WWM) located at 661 Washington Street in Oakland, all courthouses in Alameda County will be closed to the public from Friday, December 23, 2016, through Monday, January 2, 2017, reopening on Tuesday, January 3, 2017.
- The courthouses that are closed during this period will offer no Court services to the public, including but not limited to drop box filing services. The sole exception to this is that certain cases will be heard at the Juvenile Justice Center (JJC) in San Leandro, and parties to those cases will be able to access the courthouse. However, the JJC will be closed to the public generally.
- During this period, limited staff will be on hand at WWM from 8:30 a.m. to 2:30 p.m. on Friday, December 23, 2016, and from Tuesday, December 27, 2016, through Friday, December 30, 2016, to accept filings in all case types.
- As required under rule 2.210 of the California Rules of Court, drop boxes will be available at WWM during this period for filings made after the clerk’s office closes at 2:30 p.m. and before 4:00 p.m.
- The Court’s Self-Help Center and Family Law Facilitator’s Office will be closed during this period.
- A limited number of courtrooms will be staffed at WWM during this period for the purposes of hearing time-sensitive criminal matters, reviewing restraining order applications, and other requests for emergency relief.
- The Court’s Fax Filing service will continue to operate during the closure period. More information about Fax Filing can be found on the Court’s web site at <http://www.alameda.courts.ca.gov/Pages.aspx/Fax-Filing>.
- Because the Court anticipates having a significantly reduced staffing level during the closure period, the time in which the Court is able to respond to phone calls, voicemail messages, and emails will be increased, and delays are likely.

- The Court has established a dedicated web page for up-to-date information about the specifics of the upcoming closures, including which judicial officers will be presiding in which departments during that time. The web page is located at <http://www.alameda.courts.ca.gov/Pages.aspx/Notice-of-Temporary-Closure>.
- The public can also follow the Court on Twitter [@AlamedaSuperior](https://twitter.com/AlamedaSuperior) for additional up-to-date information regarding the closures.
- The public may provide public comment on these planned closures in writing, either (a) by mail, directed to Executive Office, 1225 Fallon Street, Room 209, Oakland, CA 94612, ATTN: PRO; or (b) via email at [pcomments@alameda.courts.ca.gov](mailto:pcomments@alameda.courts.ca.gov).

Superior Court of California  
COUNTY OF ALAMEDA



Morris Jacobson, Presiding Judge

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René C. Davidson Courthouse

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 @AlamedaSuperior

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

**For more information  
about this news release,  
please contact:**

Victoria King

Principal Analyst for Communications

Office of Planning, Research, Outreach

[vking@alameda.courts.ca.gov](mailto:vking@alameda.courts.ca.gov)

510-891-6208

## FOR IMMEDIATE RELEASE

Wednesday, November 2, 2016

OAKLAND, CALIFORNIA: Effective January 3, 2017, all clerk's offices in the Superior Court of Alameda County will close at 2:30 p.m., with dropbox service available from 2:30 p.m. until 4:00 p.m. at all filing locations.

### \*\*\* PUBLIC NOTICE \*\*\*

PURSUANT TO GOVERNMENT CODE SECTION 68106

### NOTICE OF REDUCTION IN CLERK'S OFFICE HOURS

For several years during the Recession, California's trial courts were subject to severe budget reductions. But while the State's economy has improved in recent years, only a small percentage of that funding has been restored. Further, certain courts—including the Superior Court of Alameda County (Court)—have been deemed to be "donor" courts, which means that large portions of the Court's ongoing funding and any "new" monies restored to the courts through the budget process are actually diverted to other courts that have been deemed to be more under-resourced.

In light of these factors, the Court began Fiscal Year 2016-2017 with a budget deficit of over \$5,000,000. The Court has engaged in ongoing efforts to balance the budget by reducing costs. The many cost-saving solutions implemented by the Court include—but are not limited to—the following:

- Eliminating a number of vacant staff positions;
- Instituting a "hard freeze" of no less than 12 months on filling other positions;
- Instituting a "soft freeze" on all other positions, meaning that any vacant position will be kept vacant for no fewer than 90 days after it opens up;
- Reducing the use of outside contractors and consultants;
- Eliminating the use of overtime or comp time for staff except in certain very narrow instances;
- Utilizing the entire 1% fund balance reserve that the Court is permitted to carry from year to year, thus eliminating any funding "safety net" for this year;
- Reducing expenditures on office supplies;

- Reducing printing costs by switching to a postcard format for jury summonses;
- Deferring plans to move a juvenile courtroom from Oakland to San Leandro; and
- Offering staff the ability to participate in a Voluntary Time-Off Program (VTOP), which will necessitate closing most of the courthouses in Alameda County from December 23, 2016, through January 2, 2017.

One significant effect of a number of the above money-saving solutions is that the Court will be operating with a significantly reduced workforce for the foreseeable future. In order to operate at this level and continue to provide critical services to the public, the Court will be required to reduce the operating hours of the clerk's offices in all case types, as detailed below. While the Court regrets the impact of the reduced hours on the public's access to justice, this represents the Court's most viable option for addressing the dire economic circumstances imposed upon it and all other similarly situated "donor courts."

**As required under Government Code section 68106, the details of the upcoming reduction in clerk's office hours are as follows:**

- Beginning on January 3, 2017, and continuing indefinitely thereafter, the clerk's office hours in all Court locations and for all case types except for Traffic will be from 8:30 a.m. to 2:30 p.m., Monday through Friday. In Traffic, the clerk's office hours will be from 8:00 a.m. to 2:30 p.m., Monday through Friday.
- As required under rule 2.210 of the California Rules of Court, drop boxes will be available at each clerk's office location for filings made between 2:30 p.m. and 4:00 p.m. Filings deposited in any drop box after 4:00 p.m. will be deemed to have been deposited on the next court day, per rule 2.210(c) of the California Rules of Court.
- The cutoff time for submitting a filing by fax under the Court's "Premium Fax Filing" service will be reduced to 4:00 p.m., not 4:30 p.m. as is the case currently. (More information about Fax Filing can be found on the Court's web site at <http://www.alameda.courts.ca.gov/Pages.aspx/Fax-Filing>.)
- Telephone hours in all clerk's offices except for Traffic will be reduced to 8:30 a.m. to 2:30 p.m. Telephone hours for Traffic clerk's offices—as well as the Jury Services Office—will remain as is, i.e., 8:30 a.m. to 4:00 p.m.
- The public can follow the Court on Twitter [@AlamedaSuperior](https://twitter.com/AlamedaSuperior) for additional up-to-date information regarding the Court.
- The public may provide public comment on these planned reductions in hours in writing, either (a) by mail, directed to Executive Office, 1225 Fallon Street, Room 209, Oakland, CA 94612, ATTN: PRO; or (b) via email at [pcomments@alameda.courts.ca.gov](mailto:pcomments@alameda.courts.ca.gov).



# Judicial Council of California

2860 Gateway Oaks Drive,  
Suite 400  
Sacramento, CA 95833

## Meeting Agenda

## Judicial Council

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

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Friday, December 16, 2016

Sacramento

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

**Session 8:30 – 8:55 a.m.**

**Break (8:55 – 9:05 a.m.)**

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

**Session 9:05 a.m. – 12:50 p.m.**

#### **Call to Order**

#### **Public Comment**

*30 minutes*

*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, December 13.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, December 14.

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

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

*Postal mail or delivery in person:*

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

**Approval of Minutes**

**16-246**            **Minutes of the October 27-28, 2016, Judicial Council Meeting.**

*5 minutes*

**Chief Justice's Report**

*10 minutes*

**Administrative Director's Report**

**16-247**            **Administrative Director's Report**

*10 minutes*

**Judicial Council Committee Presentations**

**16-248**            **Judicial Council Committee Reports**

**Summary:**

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

*30 minutes*

**Judicial Council Members' Liaison Reports**

**16-249**            **Judicial Council Members' Liaison Reports**

**Summary:**

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

*20 minutes*

**Break (10:50 – 11:05 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.*

### [16-207](#)

#### **Rules: Miscellaneous Technical Changes (Action Required)**

**Summary:**

Various Judicial Council advisory committees, members of the public, and Judicial Council staff have identified errors in rules resulting from typographical errors, and changes resulting from legislation and previous rule amendments. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

### [16-210](#)

#### **Court Facilities: Naming Request for the New Juvenile Courthouse in Murrieta (Action Required)**

**Summary:**

The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends approving the request to name the new juvenile courthouse in the Southwest Justice Center in the City of Murrieta as the *Southwest Juvenile Courthouse*. This approval provides a name for the new courthouse that is currently under construction and scheduled for completion in summer 2017.

### [16-211](#)

#### **Court Facilities: Judicial Branch AB 1473 Five-Year Infrastructure Plan for Fiscal Year 2017-2018 (Action Required)**

**Summary:**

The Court Facilities Advisory Committee recommends the submission of the annual update of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for fiscal year 2017-2018 to the state Department of Finance.

### [16-212](#)

#### **Uniform Bail and Penalty Schedules: 2017 Edition (Action Required)**

**Summary:**

The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2017. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation and make technical corrective changes.

### [16-213](#)

#### **Judicial Council Report to the Legislature: Insolvency of Senate Bill 1407's Immediate and Critical Needs Account (Action Required)**

**Summary:**

The Judicial Council Capital Program recommends approving the report to address the insolvency of Senate Bill 1407's Immediate and Critical Needs Account for the judicial branch courthouse construction program. This report is being submitted pursuant to language in the *Supplemental Report of the*

2016-17 Budget Act, Item 0250-301-3138 (as published by the Legislative Analyst's Office) and captures reporting requirements that were adopted during deliberations on the 2016-17 budget package.

[16-214](#)**Judicial Council-Sponsored Legislation: Authorize Electronic Delivery of Notices of Hearing in Proceedings Under the Probate Code (Action Required)****Summary:**

The Policy Coordination and Liaison Committee, Information Technology Advisory Committee and the Probate and Mental Health Advisory Committee recommend that the Judicial Council sponsor legislation to modernize the Probate Code and two notice provisions of the Welfare and Institutions Code that are connected to or analogous to probate notice provisions. The proposed legislation would authorize the delivery of notices and other papers in uncontested or not-yet-contested proceedings under the Probate Code to persons by electronic means if the persons to receive notice have consented to electronic notice in the proceeding before the court and have provided electronic addresses.

[16-215](#)**Trial Court Financial Policies and Procedures Manual - 8th Edition (Action Required)****Summary:**

Judicial Council staff recommends adoption of the *Trial Court Financial Policies and Procedures Manual (TCFPPM) - 8th edition*. The manual was last updated in 2011. The TCFPPM requires non-substantive revisions due to the unification of the Council and its staff under one name, as well as, substantive changes for clarity and improvement of the existing system of internal controls.

[16-217](#)**Judicial Council Report to the Legislature: Statewide Collection of Delinquent Court-Ordered Debt for Fiscal Year 2015-2016 (Action Required)****Summary:**

Judicial Council staff recommend approving the *Report on the Statewide Collection of Delinquent Court-Ordered Debt for Fiscal Year 2015-2016*. Penal Code section 1463.010(c) requires the Judicial Council to report the extent to which each court or county collections program is following best practices, the programs' performance, and any changes necessary to improve performance of collection programs statewide.

[16-218](#)**Judicial Council Report to the Legislature: Fee Revenue and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2015-2016 (Action Required)****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 2015-2016*. 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.

[16-219](#)      **Judicial Council Report to the Legislature: Status Update of  
Judicial Branch Courthouse Construction Program for Fiscal Year  
2015-2016 (Action Required)**

**Summary:** Judicial Council staff recommend approving the *Status Update of Judicial Branch Courthouse Construction Program for Fiscal Year 2015-2016*. Government Code section 70371.8 requires that the Judicial Council report to the Joint Legislative Budget Committee and chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget annually, by March 1, information on the status of each project established by the State Public Works Board under Section 70371.7. The report is also required to include an accounting of the revenues generated and expenditures made in the Immediate and Critical Needs Account.

[16-220](#)      **Judicial Council Report to the Legislature: State Trial Court  
Improvement and Modernization Fund Expenditures for Fiscal Year  
2015-2016 (Action Required)**

**Summary:** Judicial Council staff recommend approving the *Report of State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2015- 2016* for transmittal to the Legislature. Government Code section 77209(i) requires the Judicial Council to annually report to the Legislature on the use of the State Trial Court Improvement and Modernization Fund and include any appropriate recommendations.

[16-223](#)      **Judicial Council Report to the Legislature: Annual Report of Court  
Facilities Trust Fund Expenditures (Action Required)**

**Summary:** Judicial Council staff recommend approving the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2015-2016 Report to the Legislature Pursuant to Government Code Section 70352(c)*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

[16-224](#)      **Judicial Council-Sponsored Legislation: Court Records  
Destruction Reporting Requirement (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee and Court Executives Advisory Committee recommend that the Judicial Council sponsor legislation to amend Government Code section 68153, the statute governing the destruction of court records, to eliminate the requirement that superior courts must report destroyed court records to the Judicial Council. Current law requires superior courts to provide lists of the court records destroyed within the jurisdiction of the superior court to the Judicial Council in accordance with the California Rules of Court. By eliminating the requirement for courts to provide the lists to the council, the legislative proposal would reduce the courts' workload and simplify the reporting process.

[16-225](#)      **Judicial Branch Report to the Legislature: Receipts and**

**Expenditures from the Local Courthouse Construction Funds  
(Action Required)**

**Summary:** The Judicial Council Budget Services recommends approving *Receipts and Expenditures from Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for submission to the Legislature. The report provides information for the reporting period of July 1, 2015, through June 30, 2016, on receipts and expenditures from local courthouse construction funds, as reported by each county. The annual submission of this report is required under Government Code section 70403(d).

[16-226](#)**Jury Instructions: New and Revised Civil Jury Instructions and Verdict Forms (Action Required)**

**Summary:** The Advisory Committee on Civil Jury Instructions recommends approving for publication the new and revised civil jury instructions and verdict forms prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months.

[16-231](#)**Judicial Council: 2016 Legislative Policy Summary (Action Required)**

**Summary:** Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2016 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with strategic plan goals.

[16-232](#)**Judicial Council-Sponsored Legislation: Applying the Electronic Filing and Service Provisions of Code Civ. Proc., § 1010.6(a) and (b) to Criminal Actions (Action Required)**

**Summary:** The Information Technology Advisory Committee is leading a modernization project to amend the statutes and California Rules of Court to facilitate electronic filing and service and to foster modern e-business practices. The Policy Coordination and Liaison Committee, Information Technology Advisory Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to add Penal Code section 690.5 to provide express authority for permissive electronic filing and service in criminal proceedings by applying the electronic filing and service provisions of Code of Civil Procedure section 1010.6 to criminal actions.

[16-233](#)**Judicial Council-Sponsored Legislation (Criminal Procedure):  
Transfer Back to Receiving Court for Limited Purpose after  
Intercounty Transfer (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code section 1203.9 to authorize a receiving court to transfer a case of a person on probation or mandatory supervision back to the transferring court for a limited purpose when needed to best suit the needs of the court, the litigation at issue, or the parties. The proposal was developed at the request of criminal

judges who expressed concerns about the inability of transferring courts to do so under current law.

[16-234](#)**Judicial Council-Sponsored Legislation: Electronic Filing, Service, and Signatures (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend that the Judicial Council sponsor legislation to add Code of Civil Procedure section 1013b and amend sections 664.5, 1010.6, and 1011. This legislative proposal would (1) authorize the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents, (2) provide for a consistent effective date of electronic filing and service across courts and case types, (3) consolidate the mandatory electronic filing provisions, (4) clarify the application of section 1010.6's electronic service provisions in sections 664.5 and 1011, and (5) codify provisions that are currently in the California Rules of Court on mandatory electronic service, effective date of electronic service, protections for self-represented persons, and proof of electronic service.

[16-235](#)**Judicial Council-Sponsored Legislation: Electronic Filing and Service in Juvenile Proceedings (Action Required)****Summary:**

The Policy Coordination and Liaison Committee, Family and Juvenile Law Advisory Committee, the Information Technology Advisory Committee and the Judicial Council Technology Committee recommend adding section 212.5 and amending various sections of Welfare & Institutions Code to authorize electronic filing and electronic service in juvenile law proceedings and establish parameters for e-business in the juvenile court.

[16-236](#)**Judicial Council-Sponsored Legislation: Pre-Arrestment Own Recognizance Release Under Court-Operated or Approved Pretrial Programs (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend the Judicial Council sponsor legislation to amend Penal Code section 1319.5 to provide courts with discretion to approve own recognizance (OR) release for arrestees with three prior failures to appear (FTAs), without holding a hearing in open court, under a court-operated or court-approved pretrial program. Penal Code section 1319.5 requires a hearing in open court before an offender arrested for a felony offense who has previously failed to appear in court three or more times over the preceding three years may be granted OR release. This proposal was developed at the request of courts actively developing and expanding pretrial programs in an effort to address impacts on court calendars as well as the effects of jail overcrowding. The proposal is intended to provide judges with greater flexibility in ordering supervised release, and increase access to justice in the earliest stages of a criminal proceeding.

[16-237](#)**Judicial Council-Sponsored Legislation: Retention of Court Records in Gun Violence Cases (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee and Court Executives Advisory Committee recommend that the Judicial Council sponsor legislation to amend Government Code section 68152(a)(6) to specify the retention period for court records in gun violence cases. It also recommends a technical amendment to Government Code section 68150(a).

**16-238****Judicial Council-Sponsored Legislation (Subordinate Judicial Officers): Court Commissioners as Magistrates (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee, Trial Court Presiding Judges Advisory Committee and the Criminal Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend Penal Code section 808 to include “court commissioners,” a type of subordinate judicial officer (SJO), within the definition of those who may serve as a “magistrate.” Penal Code section 808 currently defines “magistrates” as the judges of the Supreme Court, Courts of Appeal, and Superior Courts. Since the duties of magistrates are easily distinguishable from the duties of judges, commissioner responsibilities could be increased to include magistrate duties without causing undue confusion. By expanding the pool of judicial officers who are authorized to exercise magistrate powers, the proposal is designed to promote court efficiencies, enhance access to justice, and provide court leadership with more flexibility to equitably address judicial workloads.

**16-239****Judicial Council-Sponsored Legislation (Criminal Procedure): Multiple County Sentencing Under Penal Code Section 1170(h) (Action Required)**

**Summary:** The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee propose amendments to Penal Code sections 1170 and 1170.3 to promote uniformity and clarify judicial sentencing authority when imposing concurrent or consecutive judgments under section 1170(h) implicating multiple counties. Specifically, the proposed amendment to section 1170 would direct that when the court imposes a judgment under section 1170(h) that is concurrent or consecutive to a judgment or judgments previously imposed in another county or counties, the court rendering the second or other subsequent judgment shall determine the county or counties of incarceration and supervision of the defendant. The proposed amendment to section 1170.3 would direct the Judicial Council to adopt rules providing criteria for courts to determine the appropriate county or counties of incarceration and supervision in such cases.

**16-243****Traffic: Installment Payment of Bail Forfeiture and Traffic Violator School Fees (Action Required)**

**Summary:** The Traffic Advisory Committee recommends revising forms TR-300 and TR-310 for installment payments for traffic infractions. These revisions would standardize and improve court procedures related to installment payment plans for infraction offenses and would expand the advisement of rights provided to defendants. The revised forms would inform defendants of their right to request a determination of their ability to pay at any time before their final payment. The committee developed the revised forms in response to Judicial Council



directives to consider recommendations to promote access to justice in all infraction cases.

[16-244](#)

**Court Facilities: Disposition of Vacant Courthouses (Action Required)**

**Summary:**

The Firebaugh, Reedley, and Clovis Courthouses in Fresno County and the Avenal and Corcoran Courthouses in Kings County have been permanently closed by their respective courts and are unsuitable to the needs of the judicial branch. To eliminate the Judicial Council's continuing liability and expense in holding permanently closed court facilities and to realize the value of the assets in fair market value dispositions, the Facilities Policies Working Group (FPWG) recommends authorizing and approving the disposition of these facilities. . The FPWG further recommends authorizing staff to lease or license all or a portion of the Clovis facility pending its final disposition.

[16-245](#)

**Judicial Council Report to the Legislature: Jobs and Economic Improvement Through Environmental Leadership Act (Action Required)**

**Summary:**

Legal Services recommends that the Judicial Council approve the report *Jobs and Economic Improvement Through Environmental Leadership Act: Report to the Legislature under Assembly Bill 900, Public Resources Code Section 21189.2*, and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Public Resources Code section 21189.2, which requires the Judicial Council to report to the Legislature on or before January 1, 2017, on the effects of the Jobs and Economic Improvement Through Environmental Leadership Act on the administration of justice.

[16-250](#)

**Juvenile Dependency: Proposed Allocation for Fiscal Year 2016-2017 for Juvenile Dependency Counsel Collections Program (Action Required)**

**Summary:**

Under the Juvenile Dependency Counsel Collections Program (JDCCP) and as directed in statute, courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The Trial Court Budget Advisory Committee recommends allocating \$629,077, the fiscal year 2015-2016 statutorily restricted funds remitted in excess of dependency counsel program administrative costs, to the trial courts calculated according to the methodology adopted by the Judicial Council at its August 23, 2013, business meeting.

[16-251](#)

**Traffic: Online Installment Payment of Bail Forfeiture and Traffic Violator School Fees (Action Required)**

**Summary:**

The Traffic Advisory Committee recommends new forms and a companion rule of court for online installment payments for traffic infractions. Forms TR-300 (online) and TR-310 (online) are designed for use in online interfaces that allow defendants to enter into installment payment agreements under Vehicle Code sections 40510.5 and 42007. New companion rule 4.108 of the California Rules of Court would allow for the use of online interfaces to form installment

payment agreements and would require that defendants be advised of their rights before entering into an agreement. It would also provide that forms TR-300 (online) and TR-310 (online) are alternative mandatory forms intended for use in these online interfaces. The committee developed this proposal as part of a larger effort to modernize rules and forms and in response to council directives to consider recommendations to promote access to justice in all infraction cases.

[16-252](#)**CEQA Actions: Technical Rule Amendments to Implement SB 836 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend amending the rules regarding expedited review of certain cases under the California Environmental Quality Act (CEQA). The amendments will fulfill the Judicial Council's obligation under legislation enacted earlier this year to adopt rules to implement procedures for the expedited resolution of CEQA cases challenging "capitol annex projects."

**EDUCATIONAL AGENDA****16-253****Judicial Branch Technology Update: Trial Court Case Management System Update (No Action Required. There are no materials for this item.)****Speakers:**

Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee  
Mr. Robert Oyung, Information Technology

*20 minutes*

**DISCUSSION AGENDA**[16-221](#)**Trial Court Allocations: Final Reduction Related to Statutory 1 Percent Cap on FY 2015-2016 Fund Balance Carryover (Action Required)****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 \$8,781,656 related to the fund balance in fiscal year (FY) 2015-2016 and prior-year excluded funds, as required by Government Code section 68502.5(c)(2)(A).

**Speakers:**

Mr. Zlatko Theodorovic, Budget Services

*10 minutes*

[16-222](#)**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 one request for Trial Court Trust Fund (TCTF) 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 that would be reduced from their fiscal year (FY) 2016-2017 allocations for exceeding the cap is \$732,981.

**Speakers:** Mr. Zlatko Theodorovic, Budget Services

*10 minutes*

[16-228](#)

**Judicial Branch Budget: Budget Change Proposal Process (Action Required)**

**Summary:** The state uses an “incremental” approach for creating its annual budget. This means, the state uses the previous fiscal year’s appropriation as a starting point for discussing the current year’s budget. In this environment, budget entities, like the judicial branch, use “budget change proposals” (BCPs) to advocate for additional appropriations. BCPs typically target a specific program or need and seek funding for that item. BCP’s assist the Department of Finance in understanding the budgeting entity’s fiscal priorities. On behalf of our branch, the Judicial Council submits BCPs on behalf of the Supreme Court, Courts of Appeal, Judicial Council, Judicial Branch Facilities Program, Trial Courts, and Habeas Corpus Resource Center. To promote the efficient, fiscally prudent, effective, and fair allocation of branch resources in advancing statewide judicial branch interests, the budget committee recommends the Judicial Council approve the proposed process for budget change proposal preparation, approval, and submission to the Department of Finance.

**Speakers:** Hon. David M. Rubin, Chair, Judicial Branch Budget Committee  
Hon. James M. Humes, Vice-Chair, Judicial Branch Budget Committee  
Mr. Zlatko Theodorovic, Budget Services

*25 minutes*

[16-240](#)

**Judicial Council: 2017 Legislative Priorities (Action Required)**

**Summary:** Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. For the 2017 legislative year, the Policy Coordination and Liaison Committee (PCLC) recommends an approach that follows the Chief Justice’s Access 3D framework: 1) Advocate for continued investment in the judicial branch to preserve and improve access to justice for all Californians; 2) Address the insufficient number of judgeships and judicial officers in superior courts with the greatest need; 3) Advocate for sufficient funding for the courthouse construction projects authorized by SB 1407 (Stats. 2008, ch. 311); 4) seek the required legislative authorization to dispose of the vacant courthouses previously approved by the Judicial Council and any remaining properties subsequently approved by the Council this year; 5) support of judicial branch operational efficiencies, cost savings and cost recovery measures; and 6) Support a three-branch solution to ensure fairness and efficiency of California’s penalty assessment structure; 7) (5) delegate to PCLC the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation, administrative rules or regulations.

**Speakers:** Mr. Cory Jaspersen, Governmental Affairs

*25 minutes*

**16-242      **Traffic and Criminal Procedure: Infraction Procedures Regarding Bail, Fines, Fees, and Assessments; Mandatory Courtesy Notices; and Ability-to-Pay Determinations (Action Required)****

**Summary:** The Traffic Advisory Committee and Criminal Law Advisory Committee recommend amending one rule and adopting three new rules of the California Rules of Court to standardize and improve court procedures and improve notice to defendants regarding procedures in infraction cases, including specifically failures to appear and failures to pay bail and court-imposed fines, fees, and assessments for infraction offenses and ability-to-pay determinations. These rules are designed to promote procedural fairness in infraction cases, enhance guidance for defendants and courts, improve notice to defendants, and clarify procedures regarding ability-to-pay determinations, while also minimizing the need for court appearances by providing for written petitions where possible.

**Speakers:** Hon. Gail Dekreon, Chair, Traffic Advisory Committee  
Hon. J. Richard Couzens, Vice-chair, Criminal Law Advisory Committee

*15 minutes*

## **INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

**16-205      **Child Support: AB 1058 Funding Allocation Joint Subcommittee Interim Report****

**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, Trial Court Budget Advisory Committee, Workload Assessment Advisory Committee, and California Department of Child Support Services-was charged to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting. At that meeting, the Judicial Council approved the subcommittee's recommendations, with modifications, to allocate funding using the historical funding methodology and to develop a workload-based funding methodology for implementation beginning in fiscal year (FY) 2018-2019. The Judicial Council additionally reconstituted the subcommittee and directed it to report back at the December 2016 council meeting on its progress in developing a recommendation for the Judicial Council on a workload-based funding methodology. This report is to provide an update to the council on the subcommittee's progress.

**16-206      **Trial Courts: Quarterly Investment Report for Third Quarter of 2016****

**Summary:** This Trial Courts: Quarterly Investment Report for Third Quarter of 2016

covers the period of July 1, 2016, through September 30, 2016, and 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.

[16-208](#)**Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 1 of Fiscal Year 2016-2017****Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the first quarter of fiscal year 2016-2017. In compliance with the Trial Court Facility Modifications Policy, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 1, Fiscal Year 2016-2017* as information for the council. This report summarizes the activities of the TCFMAC from July 1, 2016, to September 30, 2016.

[16-209](#)**Court Facilities: Trial Court Facility Modification Advisory Committee Fiscal Year 2015-2016 Annual Report****Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for fiscal year (FY) 2015-2016. In compliance with the *Trial Court Facility Modifications Policy* adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting the annual report for FY 2015-2016 as Attachment A.

[16-216](#)**Court Facilities: Lease Revenue Bond Issuance, Fall 2015, Spring and Fall 2016****Summary:**

The Administrative Director of the Courts presents this report on actions taken in connection with issuances of lease revenue bonds by the State Public Works Board for the financing of court facilities projects. The Judicial Council previously delegated to the Administrative Director of the Courts, the authority to execute bond documents on behalf of the Judicial Council and directed the Administrative Director of the Courts to report to the Judicial Council on actions taken pursuant to that delegation. This report updates the Judicial Council on actions taken in connection with the lease revenue bond issuance in fall 2015 and spring 2016, and refunding of bonds in fall 2016.

[16-229](#)**Court Records: Superior Court Sampling Program - Update to the Trial Court Records Manual****Summary:**

The Court Executives Advisory Committee presents the Judicial Council with the revised *Trial Court Records Manual*. The update to the manual contains the new superior court sampling program and the new rotation assignment that lists when court must retain sample court records. The amendments to California Rules of Court, rule 10.855, effective July 1, 2016, eliminated the systematic, subjective, and augmented samples, and revised the longitudinal sample and comprehensive records requirements. Lastly, the update also contains technical changes to align the manual with intervening legislative and rule changes.

[16-230](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 40)****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 40th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts-Stanislaus and Alameda Counties-have issued new notices.

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

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

**Adjournment (approx. 12:50 p.m.)**