



# 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:** April 27, 2017  
**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 March 23, 2017 Executive and Planning Committee meeting

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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, April 26, 2017, 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**

**Request to Amend Annual Agendas and Request to Approve Formation of a Joint Ad Hoc Subcommittee (Action Required)**

Review request from the Advisory Committee on Providing Access and Fairness and the Tribal Court-State Court Forum to approve adding to their 2017 Annual Agendas in collaboration with seven other advisory committees on the rules project of the *Tactical Plan for Technology, 2017–2018*. Also, review a request to approve formation of a joint ad hoc subcommittee that permits representatives from the nine advisory committees to provide input and work collaboratively on the project in 2017-2018.

Presenter: Andrea Jaramillo

**Item 2**

**Agenda Setting for the May 18-19 Judicial Council Meeting (Action Required)**

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

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, March 23, 2017

9:00 a.m. to 12:00 p.m.

San Francisco

**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; Mr. Richard D. Feldstein and Ms. Donna D. Melby

**Advisory Body Chairs and Vice Chairs Present:** Advisory Committee on Providing Access and Fairness  
Hon. Kathleen E. O'Leary and Hon. Laurie Zelon, Co-chairs

Collaborative Justice Courts Advisory Committee  
Hon. Richard Vlavianos, Chair, and Hon. Rogelio R. Flores, Vice-chair

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

Court Interpreters Advisory Panel  
Hon. Brian McCabe, Chair, and Mr. Shawn Landry, Vice-chair

Court Security Advisory Committee  
Hon. Thomas M. Maddock, Chair

Governing Committee of the Center for Judicial Education and Research  
Hon. Theodore M. Weathers, Chair

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

Shriver Civil Counsel Act Implementation Committee  
Hon. Earl Johnson, Jr. (Ret.), Chair

Tribal Court-State Court Forum  
Hon. Dennis M. Perluss, Co-chair

Trial Court Facility Modification Advisory Committee  
Hon. Donald C. Byrd, Chair, and Hon. William F. Highberger, Vice-chair

Workload Assessment Advisory Committee  
Hon. Lorna A. Alksne, Chair

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

**Staff Present:** Ms. Karene Alvarado, Ms. Francine Byrne, Ms. Roma Cheadle, Mr. Douglas Denton, Mr. Edward Ellestad, Ms. Ann Gilmour, Ms. Bonnie Rose Hough, Ms. Donna Ignacio, Ms. Olivia Lawrence, Mr. Bob Lowney, Mr. Chris Magnusson, Ms. Kristine Metzker, Mr. Patrick O'Donnell, Ms. Leah Rose-Goodwin, Ms. Sonia Sierra Wolf, Mr. Jagan Singh, Ms. Nancy Taylor, Ms. Millicent Tidwell, Ms. Kyanna Williams, Mr. John Wordlaw, and Ms. Josely Yangco-Frona

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## OPEN MEETING

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### Call to Order and Roll Call

The vice-chair called the meeting to order at 9:00 a.m. and committee staff took roll call.

### Approval of Minutes

The committee voted to approve the following minutes:

- March 2, 2017, Executive and Planning Committee meeting
- March 10, 2017, Executive and Planning Committee action by email

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## DISCUSSION AND ACTION ITEMS

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### Item 1

#### 2017 Advisory Body Annual Agenda Discussion (Action Required)

Review 2017 annual agendas with advisory body chairs and staff for the following advisory bodies for which it has oversight:

- Advisory Committee on Providing Access and Fairness
- Collaborative Justice Courts Advisory Committee
- Court Facilities Advisory Committee
- Court Interpreters Advisory Panel
- Court Security Advisory Committee
- Governing Committee of the Center for Judicial Education and Research
- Language Access Plan Implementation Task Force
- Shriver Civil Counsel Act Implementation Committee
- Trial Court-State Court Forum
- Trial Court Facility Modification Advisory Committee
- Workload Assessment Advisory Committee

**Action 1: The committee approved the 2017 annual agendas of the following advisory bodies as submitted:**

- **Advisory Committee on Providing Access and Fairness**
- **Collaborative Justice Courts Advisory Committee**
- **Court Facilities Advisory Committee**
- **Governing Committee of the Center for Judicial Education and Research**
- **Language Access Plan Implementation Task Force**
- **Shriver Civil Counsel Act Implementation Committee**
- **Trial Court-State Court Forum**
- **Trial Court Facility Modification Advisory Committee**

**Action 2: The committee approved the 2017 annual agendas of the following advisory bodies with amendments:**

- **Court Interpreters Advisory Panel**  
**Amend Project 1 description regarding Funding to read, "Costs of implementing this process may be substantial. The proposal will include an analysis of likely costs and potential funding sources, as well as additional staffing needs necessary to implement the proposal."**
- **Court Security Advisory Committee**  
**Amend Project 2, 3, and 5, End Product/Outcome of Activity to include information about costs associated with these projects and related Budget Change Proposals.**
- **Workload Assessment Advisory Committee**  
**Amend Project 1 and 2 descriptions to include, "When necessary, the chair will make presentations to TCPJAC and CEAC so that committee members can be apprised of the work of the committee."**

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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 11:45 a.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 appointments to an advisory body.

**Action: The committee developed recommendations for submission to the Chief Justice.**

Adjourned closed session at 11:50 a.m.

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



# JUDICIAL COUNCIL OF CALIFORNIA

## LEGAL SERVICES

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

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## MEMORANDUM

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Date	Action Requested
April 18, 2017	Approve:
To	(1) Additions to Annual Agendas, and
Executive and Planning Committee, Hon. Douglas P. Miller, Chair	(2) Formation of a Joint Ad Hoc Subcommittee
Rules and Projects Committee, Hon. Harry E. Hull, Chair	Deadline
Judicial Council Technology Committee, Hon. Marsha G. Slough, Chair	April 27, 2017 [E&P]
From	Contact
Information Technology Advisory Committee	Patrick O'Donnell, (415) 865-7665, patrick.o'donnell@jud.ca.gov, and
Hon. Sheila F. Hanson, Chair	Andrea L. Jaramillo, (916) 263-0991, andrea.jaramillo@jud.ca.gov
Advisory Committee on Providing Access and Fairness, Hon. Kathleen E. O'Leary and Hon. Laurie D. Zelon, Cochairs	
Appellate Advisory Committee, Hon. Louis R. Mauro, Chair	
Civil and Small Claims Advisory Committee, Hon. Raymond M. Cadei, Chair	
Criminal Law Advisory Committee, Hon. Tricia A. Bigelow, Chair	

Family and Juvenile Law Advisory  
Committee,  
Hon. Jerilyn Borack and Hon. Mark. A.  
Juhas, Cochairs

Probate and Mental Health Advisory  
Committee,  
Hon. John H. Sugiyama, Chair

Traffic Advisory Committee,  
Hon. Gail Dekreon, Chair

Tribal Court-State Court Forum,  
Hon. Abby Abinanti and Hon. Dennis M.  
Perluss, Cochairs

Subject  
Request to Approve (1) Additions to Annual  
Agendas, and (2) Formation of a Joint Ad  
Hoc Subcommittee

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## Executive Summary

The Judicial Council on March 24, 2017 adopted the *Tactical Plan for Technology, 2017–2018*. This two-year plan includes projects to promote rule and legislative changes, including a major project to develop rules, standards, and guidelines for online access to court records for parties, their attorneys, and justice partners. Currently, only two advisory bodies include in their Annual Agendas items expressly providing for the development of rules on online access for parties, their attorneys, and justice partners, although several other committees have items that are consistent with working on such a project.

This request asks the Judicial Council’s internal oversight committees to approve adding participation on this rules project to the Annual Agendas of seven additional advisory bodies so that they can assist on the project. Also, the request asks the oversight committees to approve the formation of a joint ad hoc subcommittee to permit representatives from the nine committees to provide input and work collaboratively on the project in 2017–2018.

## Action Requested

Five advisory bodies<sup>1</sup> ask RUPRO and two advisory bodies<sup>2</sup> ask E& P:

1. To approve adding to their 2017 Annual Agendas working on the project to develop rules, standards, and guidelines for online access to court records for parties, their attorneys, local justice partners, and other government agencies.<sup>3</sup>

In addition, nine advisory bodies<sup>4</sup> ask their oversight committees:

2. To approve the formation of joint ad hoc subcommittee to work on this project.

## Basis for Request

### Background: The Rules Gap

The California Rules of Court include a chapter on Public Access to Electronic Court Records. (See Cal. Rules of Court, title 2, division 4, chapter 2 [rules 2.500–2.507].) However, the rules in chapter 2 are limited in scope: “The rules in this chapter apply only to access to court records by the public. They do not limit access to court records by a party to an action or a proceeding, by the attorney of a party, or to other persons or entities that are entitled to access by statute or rule.” (Rule 2.501(b).)

The difficulty is that there is little existing law on what kinds of remote access are or should be made available to parties, their attorneys, and justice partners. Basically, there is a gap in the law. As technology has advanced and parties and justice partners increasingly want and need remote access to records, this gap has become more problematic. Courts are providing remote access to parties, attorneys, and justice partners on an ad hoc basis, with little guidance.

Recognizing this problem, the *Tactical Plan for Technology, 2017–2018* includes as a major task to be addressed in the next two years the development of “rules, standards, and guidelines . . . for online access to court records for parties and justice partners . . . .”<sup>5</sup> The plan recognizes that the

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<sup>1</sup> The Appellate Advisory Committee, the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, the Probate and Mental Health Advisory Committee, and the Traffic Advisory Committee.

<sup>2</sup> The Advisory Committee on Providing Access and Fairness and the Tribal Court–State Court Forum.

<sup>3</sup> Two advisory committees, the Information Technology Advisory Committee (ITAC) and the Criminal Law Advisory Committee (CLAC), have already obtained approval to work on this project in their 2017 Annual Agendas, and so do not need to join in this request.

<sup>4</sup> This second request is made by all nine committees identified in the caption of this memorandum. They ask their respective oversight committees to approve the formation of a joint ad hoc subcommittee and the participation of their members on the joint subcommittee.

<sup>5</sup> A link to the *Tactical Plan* is available at the end of this memorandum. The identification of the project on online access to records for parties and justice partners is on page 47 of the plan.



implementation of the major tasks identified in it will require action by various entities including the council's internal committees, advisory committees, external stakeholders, and the Legal Services office. A review of the project for justice partner access rules indicates that its implementation will require at least some involvement by nine advisory bodies and, to effectively carry out this project, the formation of a joint ad hoc subcommittee is desirable to coordinate the rule-making effort and obtain advice from experts and input from key stakeholders.

**Amending the Annual Agendas**

The seven committees identified in Request 1 above ask that their 2017 Annual Agendas be amended to include the project in the *Tactical Plan* to develop rules, standards, and guidelines for online access to court records for parties, their attorneys, local justice partners, and other government agencies. These committees will work with the Information Technology Advisory Committee (ITAC) and the Criminal Law Advisory Committee (CLAC), which already have this item on their agendas.<sup>6</sup>

It is anticipated that ITAC will take the lead in developing this rules proposal with the cooperation and assistance of the other committees.

The Specifications for the items on this project to be added to the agendas are as follows:

- **Judicial Council Direction:**  
“Develop rules, standards, and guidelines . . . for online access to court records for parties and justice partners . . . .” (*Tactical Plan for Technology, 2017–2018*, at page 47.)
- **Origin of Project:**  
This project was part of the *Tactical Plan for Technology, 2017–2018* prepared by ITAC, recommended by the Judicial Council Technology Committee, and adopted by the Judicial Council on March 24, 2017.
- **Resources:**  
*Committees:*  
Appellate Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee, Information Technology Committee, Probate and Mental Health Advisory Committee, and Traffic Advisory Committee.  
  
*Judicial Council staffing:*  
Legal Services  
Information Technology  
Advisory committees' staff

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<sup>6</sup> Links to the advisory committees' Annual Agendas are attached to the end of this memorandum. Explicit authorization to work in 2017 on rules for remote access to court records by justice partners is already included in the ITAC Annual Agenda (item 10, page 15) and the CLAC Annual Agenda (item 10, page 8).

The Completion Date proposed for the basic new rules on access for parties, their attorneys, and justice partners to be added to title 2, Trial Court Rules, is January 1, 2019. If additional rules, standards, or guidelines need to be developed, those may take a little longer to complete.

#### **The Formation of a New Joint Ad Hoc Subcommittee**

To develop a new set of rules on party, attorney, and justice partner access to records, the formation of a new joint ad hoc subcommittee for this purpose is desirable. Under the leadership of ITAC, the new subcommittee would be able to draw on the expertise of members of the various committees and coordinate their suggestions and comments. In this manner, a comprehensive and effective set of rules on access should be able to be developed in the next 18 months or so.

The new joint ad hoc subcommittee would be comprised of approximately 10-12 members from the advisory bodies whose agendas would be amended pursuant to this request. The members would provide input to ITAC on the development of the rules, standards and guidelines for justice partner access to records. In some instances, if contributing committees become substantially involved in specific rules proposals, they might become co-sponsors with ITAC in the final recommendations to the Judicial Council.

The subcommittee would draw not only on the expertise of its own members, but also consult with courts, justice partners, attorneys and other stakeholders. ITAC has noted that, under some of the recently awarded Innovations Grants, pilot courts plan to provide increased remote access to records for justice partners; it is important to learn from the experiences of these pilot courts. Likewise, a number of courts are in the midst of creating technologies and developing contractual agreements with their justice partners providing for access to court records; it is important to receive input from these courts about the working relationships that they are establishing.

Staffing will be provided chiefly by Legal Services and Information Technology, with the assistance of staff from the advisory committees who have the subject matter expertise necessary to draft rules and guidelines relating to particular types of records.

The joint ad hoc subcommittee would not hold any in-person meetings. All its meetings would be held by either telephone conferences or videoconferences. The subcommittee would remain in existence until the proposed rules and guidelines are developed. It is anticipated that the main set of rules would be completed and become effective by January 1, 2019.

#### **Links to Report and Annual Agendas**

1. Judicial Branch Administration: *Tactical Plan for Technology, 2017–2018*

(<https://jcc.legistar.com/View.ashx?M=F&ID=5005031&GUID=D7C3E004-2F31-4762-94D6-3A3406601FCC> )

2. Annual Agenda for the Information Technology Advisory Committee (ITAC)  
(<http://www.courts.ca.gov/documents/itac-annual.pdf> )
3. Annual Agenda for the Appellate Advisory Committee (AAC)  
(<http://www.courts.ca.gov/documents/aac-annual.pdf>)
4. Annual Agenda for the Civil and Small Claims Advisory Committee (CSCAC)  
(<http://www.courts.ca.gov/documents/cscac-annual.pdf> )
5. Annual Agenda for the Criminal Law Advisory Committee (CLAC)  
(<http://www.courts.ca.gov/documents/clac-annual.pdf> )
6. Annual Agenda for the Family and Juvenile Law Advisory Committee (Fam/Juv)  
(<http://www.courts.ca.gov/documents/famjuv-annual.pdf> )
7. Annual Agenda for the Probate and Mental Health Advisory Committee (PMHAC)  
(<http://www.courts.ca.gov/documents/pmhac-annual.pdf> )
8. Annual Agenda for the Traffic Advisory Committee (TAC)  
(<http://www.courts.ca.gov/documents/traffic-annual.pdf> )



# Judicial Council of California

455 Golden Gate Ave.  
San Francisco, CA  
94102-3688

## Meeting Agenda

## Judicial Council

Requests for ADA  
accommodation  
should be directed to  
cristina.foti@jud.ca.gov

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

*Meeting materials are now only available electronically  
through the hyperlinked reports on this agenda.*

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Thursday, May 18, 2017

1:15 PM

San Francisco

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

Session 1:15 – 1:45 p.m.

Transitional Break 1:45 – 1:55 p.m.

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

Session 1:55 – 3:20 p.m.

#### **Call to Order**

#### **Judicial Council Members' Liaison Reports**

##### **17-070 Judicial Council Members' Liaison Reports**

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

#### **DISCUSSION AGENDA**

##### **17-074 Language Access: Update on Language Access Plan Implementation and Report: *Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations (No Action Required)***

**Summary:** To strengthen the California judiciary's capacity to meet the needs of millions of people with limited-English language skills, the Judicial Council charged the Language Access Plan Implementation Task Force with implementing the *Strategic Plan for Language Access in the California Courts*. This report offers a brief description of progress on implementation of the plan. The task force also submits an informational report with recommendations for courts on "wayfinding" and signage strategies to assist limited-English-proficient (LEP)

court users. The report will be shared with the 58 superior courts and posted to the Language Access Toolkit.

**Speakers:**

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

Hon. Laurie D. Zelon, Co-Chair, Translation, Signage and Tools for Courts Subcommittee

*20 minutes*

[17-089](#)

**Court Facilities: Court Facilities Trust Fund - Utilities Usage in Courthouses (Action Required)**

**Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) recommends to adopt a resolution/policy acknowledging the need to reduce energy consumption in trial court facilities statewide. This resolution/policy emphasizes the implementation of a series of conservation and energy-efficiency strategies for facilities lighting, heating, ventilation, and air conditioning (HVAC), and plug load. The TCFMAC advocates facilities energy conservation and efficiency in order to protect funds that are critical to the ongoing operations, repair, and maintenance of trial court facilities.

**Speakers:**

Hon. Donald Cole Byrd, Chair, Trial Court Facility Modification Advisory Committee

Hon. William F. Highberger, Vice-chair, Trial Court Facility Modification Advisory Committee

Mr. Mike Courtney, Capital Program

*20 minutes*

**Adjournment (approx. 3:20 p.m.)**



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## Meeting Agenda

## Judicial Council

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Friday, May 19, 2017

9:00 AM

San Francisco

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

Session 9:00 – 11:40 a.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, May 16.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, May 17.

*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

**17-067**

**Minutes of the March 24, 2017, Judicial Council meeting.**

*5 minutes*

## Chief Justice's Report

10 minutes

## Administrative Director's Report

### 17-068 Administrative Director's Report

10 minutes

## Judicial Council Committee Presentations

### [17-069](#) 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

40 minutes

## 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.*

### [17-073](#) Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)

**Summary:**

Judicial Council staff recommends approval of the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1, 2016, through December 31, 2016)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

### [17-076](#) Jury Instructions: New, Revised, and Renumbered 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.

[17-078](#)**Judicial Branch Administration: Judicial Branch Workers' Compensation Program (Action Required)****Summary:**

The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year 2017-2018, approval of a statewide workers' compensation settlement authority policy, and initiation of cost containment projects to reduce the deficit of the workers' compensation program.

[17-079](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors, and changes resulting from legislation and previous rule amendments and form revisions. Judicial Council staff recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

[17-080](#)**Criminal Procedure and Juvenile Law: Judicial Council Forms Under Proposition 64 (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends that the Judicial Council revoke form CR- 187, and approve forms CR-400, CR-401, and CR-402, and renumber CR-188 as CR-403. The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revoke form JV-745; approve forms JV-744A, JV-745, and JV-746; and revise form JV-744. These forms are designed to implement the "Control, Regulate and Tax Adult Use of Marijuana Act" ("Proposition 64"). The Judicial Council approved the current forms effective January 23, 2017, while they circulated for public comment. In response to public comments received, the committees modified the current forms, which required renumbering and/or retitling in four instances; and, developed four additional forms. These eight proposed forms are intended to modify and replace the four forms that were approved in January 2017.

[17-081](#)**Juvenile Law: Implementation of Proposition 57, the Public Safety and Rehabilitation Act of 2016 (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend or repeal six California Rules of Court and revise five forms to be consistent with the recently enacted provisions of Proposition 57, the Public Safety and Rehabilitation Act of 2016. Proposition 57, which became effective on November 9, 2016, substantially amends the process by which juvenile offenders may be transferred to the jurisdiction of the criminal court by (1) eliminating the authority of prosecutors to directly file petitions in criminal court, and (2) requiring that the juvenile court hold a hearing and determine if a transfer is appropriate.



[17-082](#)**Juvenile Law: Commitment to Department of Corrections and Rehabilitation (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes revising the Judicial Council order form for the commitment of a person found to be a ward eligible for commitment to the California Department of Corrections and Rehabilitation's Division of Juvenile Facilities (DJF) to ensure that the form reflects legally accurate commitment procedures. The form revisions would ensure that the court provides complete and accurate information needed for the acceptance of youth by the Division of Juvenile Facilities, thus avoiding unnecessary delays in the court's disposition orders.

[17-083](#)**Juvenile Law: Sealing of Records (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising forms to conform to recently enacted statutory provisions concerning the sealing of juvenile records. The revisions would update recently adopted forms to implement sealing of records for cases sealed under Welfare and Institutions Code section 786 to include changes to that section that went into effect on January 1, 2017. In addition, two other forms with information on the sealing of juvenile records would be revised to be consistent with the current state of the law.

[17-084](#)**Family Law: Simplifying Limited Scope Representation Forms and Procedures (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending rule 5.425 of the California Rules of Court, approving two new forms, and revising four existing forms to simplify the procedures for an attorney to withdraw from limited scope representation upon completing the work agreed on with the client in a family law matter. The recommended simplified withdrawal procedures are likely to promote more limited scope representation in family law matters, reduce the number of hearings regarding withdrawal of counsel, and reduce the impact on case management systems in family courts.

[17-085](#)**Family Law: Request to Continue Hearing and Declaration Regarding Notice of Request for Temporary Emergency Orders (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising the form used to ask for an order to continue a hearing by expanding its use beyond cases in which temporary emergency (ex parte) orders had been previously issued. The committee also recommends revising the form used to show compliance with the notice and service requirements when requesting a temporary emergency (ex parte) order by including a new space for the date, time, and location of the proposed emergency hearing or submission of documents. The changes respond to specific suggestions from court professionals and help increase efficiencies in the way courts process requests to continue hearings and requests for temporary emergency orders.

[17-091](#)**Trial Court Allocation: Consideration of Continued Children's Waiting Room Distribution (Action Required)****Summary:**

Effective July 1, 2014, the Superior Court of California, Monterey County, began receiving funds to establish and maintain a Children's Waiting Room (CWR). The court anticipated that the CWR would open during 2015-2016. Due to less than expected collections, the court has insufficient funds to open the CWR. Monterey Superior Court is requesting to continue to receive CWR funds so that its balance can build to a sufficient level to begin operations.

[17-092](#)**Trial Court Allocation: Children's Waiting Room Distribution Request (Action Required)****Summary:**

The Superior Court of California, San Joaquin County is requesting a children's waiting room (CWR) distribution of \$5 per applicable paid first paper civil fee for filings within the county, effective July 1, 2017, to open a CWR in the new Stockton Courthouse beginning in 2017-2018. The court is requesting that the council consider its request at the council's May 18-19, 2017, business meeting.

**DISCUSSION AGENDA**[17-075](#)**Small Court Dependency Workload Working Group: Final Recommendations (Action Required)****Summary:**

In July 2016 the Judicial Council directed the Executive and Planning Committee to form a working group to consider changes to the court-appointed juvenile dependency counsel funding methodology as it relates to small courts. The working group recommends that the funding methodology be modified for the next two years to suspend reallocation related budget reductions for the 23 smallest courts, adjust the local economic index for all 30 small courts, and adjust the funding allocations of those larger courts receiving increases related to the reallocation to compensate for these increases. The working group notes that these are interim changes that expire in two years, and not permanent changes to the workload and funding methodology. The Judicial Council has directed the Family and Juvenile Law Advisory Committee to consider a comprehensive update of the attorney workload data and time standards used in the current workload model, and permanent revisions to the funding methodology could follow from that update and subsequent steps directed by the Judicial Council.

**Speakers:**

Hon. David Rosenberg, Chair, Small Court Dependency Workload Working Group

Mr. Don Will, Center for Families, Children & the Courts

*20 minutes*

[17-072](#)**Trial Court Allocations: Fiscal Year 2017-2018 Allocations from the State Trial Court Improvement and Modernization Fund (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial

Council approve \$73.457 million in allocations from the State Trial Court Improvement and Modernization Fund for fiscal year 2017-2018.

**Speakers:** Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Mr. Zlatko Theodorovic, Budget Services  
Ms. Donna Newman, Budget Services

25 minutes

[17-093](#)

**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 seven new requests from six trial courts and three amended requests from three trial courts for Trial Court Trust Fund funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request funding reduced as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court. The total estimated amount requested by the trial courts that would be reduced from their fiscal year (FY) 2017-2018 allocations for exceeding the cap is \$7.8 million. The council will be informed of any final adjustments to the estimated amounts after FY 2016-2017 year-end.

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

20 minutes

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

[17-063](#)

**California's Language Access Plan: Update on Language Access in the Courts of Appeal and Supreme Court**

**Summary:** Recommendation 67 of the Judicial Council's *Strategic Plan for Language Access in the California Courts* states that the "California Courts of Appeal and Supreme Court of California should discuss and adopt applicable parts of [the] Language Access Plan [LAP] with necessary modifications." The Language Access Plan Implementation Task Force and Judicial Council staff convened the Ad Hoc Working Group on Language Access in the Supreme Court and Appellate Courts, consisting of appellate court justices and appellate and supreme court staff, to identify LAP recommendations that would be suitable for adoption by the Courts of Appeal and Supreme Court. This update describes the group's findings and next steps.

[17-071](#)

**Trial Courts: Quarterly Investment Report for First Quarter of 2017**

**Summary:** This *Trial Courts: Quarterly Investment Report for First Quarter of 2017* covers the period of January 1, 2017, through March 31, 2017, 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.

[17-087](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 41)****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 41st report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts-Santa Clara and Yuba Counties-have issued new notices.

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

**Appointment Orders**[17-090](#)**Appointment Orders since the last business meeting.**

**Adjournment (approx. 11:40 a.m.)**