



# 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 WITH CLOSED SESSION AGENDA

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

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**Date:** October 26, 2017  
**Time:** 12:10–1:10 p.m.  
**Public Call-In Number** 877-820-7831; passcode 846-8947 (listen only)

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Meeting materials for the open portion of the meeting 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 August 24, 2017, Executive and Planning Committee open meeting with closed session and September 1, 2017, Executive and Planning Committee action by e-mail.

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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, October 25, 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**

**Review of Judicial Sabbatical Request (Action Required)**

Review request from Hon. John P. Doyle, Superior Court of Los Angeles County, for a judicial sabbatical and make a recommendation to the Judicial Council.

Presenter: Mr. Patrick Farrales

**Item 2**

**Update on Governance Policies (Action Required)**

Discussion of the review and revisions to the Governance Policies and make a recommendation to the Judicial Council.

Presenter: Hon. Marla O. Anderson

**Item 3**

**Agenda Setting for the November 16-17, 2017 Judicial Council Meeting (Action Required)**

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

Presenters: Various

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**IV. ADJOURNMENT**

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**Adjourn to Closed Session**

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

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**Item 1**

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

***Recommendation for Advisory Subcommittee Appointments***

Review materials and develop recommendations to be sent to the committee chair regarding subcommittee appointments.

**Item 2**

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

***Recommendation for Advisory Committee Appointment and Proposed Rule Amendment***

Review nominations and proposed rule amendment for an advisory body and develop recommendations to be submitted to the Chief Justice and the committee chair.

**Adjourn Closed Session**



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

Thursday, August 24, 2017

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); Presiding Judge Daniel J. Buckley; Judges Samuel K. Feng, Gary Nadler, and David M. Rubin; and Mr. Richard D. Feldstein

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**Committee Members Absent:** Hon. Harry E. Hull, Jr., Presiding Judge Jeffrey B. Barton, and Ms. Donna D. Melby

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**Other Attendees:** Hon. Dennis M. Perluss

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

**Staff Present:** Ms. Vickie Akers, Ms. Heather Anderson, Ms. Suzanne Blihovde, Ms. Mary Bustamante, Ms. Deborah Brown, Ms. Eunice Calvert-Banks, Ms. Christine Cleary, Ms. Roma Cheadle, Mr. Mike Courtney, Ms. Natalie Daniel, Mr. Douglas Denton, Ms. Charlene Depner, Mr. Robert Downs, Ms. Kerry Doyle, Mr. Edward Ellestad, Ms. Audrey Fancy, Ms. Sarah Fleischer-Ihn, Ms. Lucy Fogarty, Mr. Jay Fraser, Ms. Ann Gilmour, Ms. Angela Guzman, Mr. Bruce Greenlee, Ms. Eve Hershcopf, Ms. Bonnie Hough, Mr. Cory Jasperson, Mr. Mark Johnson, Mr. Doug Kauffroath, Mr. Greg Keil, Ms. Jennifer Kim, Ms. Shelly La Botte, Ms. Olivia Lawrence, Ms. Yolanda Leung, Ms. Andi Liebenbaum, Ms. Maria Lira, Ms. Rose Livingston, Ms. Tara Lundstrom, Mr. Chris Magnusson, Mr. Charles Martel, Ms. Anne Marx, Ms. Anna Maves, Ms. Susan McMullan, Mr. Grant Parks, Mr. Daniel Richardson, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Robin Seeley, Mr. Brian Simeroth, Ms. Christy Simons, Mr. Jagandeep Singh, Mr. David Smith, Ms. Laura Speed, Ms. Elizabeth Tam, Mr. Zlatko Theodorovic, Ms. Kyanna Williams, Mr. Catrayel Wood, Ms. Josely Yangco-Frona, and Ms. Carrie Zoller

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#### OPENING 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:

- July 6, 2017, Executive and Planning Committee open meeting with closed session
- July 13, 2017, Executive and Planning Committee action by e-mail

- July 20, 2017, Executive and Planning Committee closed meeting
- August 18, 2017, Executive and Planning Committee closed meeting

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## DISCUSSION AND ACTION ITEMS

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### Item 1

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

Review request from the Superior Court of Los Angeles County for an exception to the conversion of two vacant subordinate judicial officer positions to judgeships.

***Action: The committee voted to approve the request from the Superior Court of Los Angeles County for an exception to the conversion of two vacant subordinate judicial officer positions to judgeships.***

### Item 2

#### **Request to Amend Annual Agenda (Action Required)**

Review request from the Tribal Court-State Court Forum to approve amendment to its 2017 Annual Agenda.

***Action: The committee approved the request from the Tribal Court-State Court Forum to amend their 2017 Annual Agenda to add “Item 8H. (iii) Review the recommendations in the California ICWA Compliance Task Force Report to the California Attorney General’s Bureau of Children’s Justice 2017 and make recommendations for legislative and rules and forms revisions and other implementation steps as appropriate.”***

### Item 3

#### **Agenda Setting for the September 14-15 Judicial Council Meeting (Action Required)**

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

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

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## ADJOURNMENT

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There being no further open meeting business, the meeting was adjourned at 12:40 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)**

***Advisory Body Nominations Discussion***

Review nominations for an advisory body and develop recommendations to be submitted to the Chief Justice.

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

Adjourned closed session at 1:00 p.m.

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

DRAFT



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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 Judicial Council meetings, the Executive and Planning Committee was asked to review the report—Judicial Council Report to the Legislature: 18-month Statewide Infraction Amnesty Program—as a new information-only item and approve it to be included on the September 14-15 Judicial Council business meeting agenda.

**Notice**

On August 31, 2017, a notice was posted advising that the Executive and Planning Committee was proposing to act by email between meetings under California Rules of Court, rule 10.75(o)(1)(B).

**Action Taken**

A majority of the members voted to approve the new item for the information-only agenda of the September 14-15, 2017 Judicial Council business meeting.

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



## JUDICIAL COUNCIL OF CALIFORNIA

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

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

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: November 16-17, 2017

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Title	Agenda Item Type
Judicial Branch Administration: Sabbatical Request for Hon. John P. Doyle	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	August 6, 2018
Recommended by	Date of Report
Executive and Planning Committee	October 25, 2017
Hon. Douglas P. Miller, Chair	Contact
Hon. Marla O. Anderson, Vice-Chair	Patrick Farrales, 415-865-8806 <a href="mailto:patrick.farrales@jud.ca.gov">patrick.farrales@jud.ca.gov</a>

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### Executive Summary

The Executive and Planning Committee (E&P) recommends the approval of an unpaid sabbatical leave for Judge John P. Doyle of the Superior Court of California, County of Los Angeles, for the period of August 6, 2018, to December 3, 2018. During this sabbatical leave, Judge Doyle intends to teach classes at the Pepperdine Law School London Program, in London, England. As adjunct faculty, Judge Doyle's experience in this program will enhance his ability to continue serving effectively as a trial court judge and thereby benefit the administration of justice.

### Recommendation

The Executive and Planning Committee recommends that the Judicial Council approve the request for an unpaid sabbatical leave for the period August 6, 2018, through December 3, 2018, for Judge John P. Doyle.

### Previous Council Action

Rule 10.502, of the California Rules of Court, provides for a Judicial Sabbatical Pilot Program,

including eligibility criteria, application procedures, and evaluation standards. However, only a few requests for judicial sabbatical leaves have been submitted to the Judicial Council since the rule became effective January 1, 2003. As a consequence, the Judicial Sabbatical Review Committee, introduced in that rule, was never formed and the very few judicial sabbatical requests have instead been brought to the Judicial Council's Executive and Planning Committee, for its recommendation to the Judicial Council.

Government Code section 68554 authorizes the Judicial Council to grant a leave of absence for a period not to exceed one year:

“for the purpose of permitting study which will benefit the administration of justice and the individual's performance of judicial duties, upon a finding that the absence will not work to the detriment of the court. During a study leave, the judge shall receive no compensation, nor shall the period of absence count as service toward retirement, but the time of leave shall not toll the term of office.”

Based on our records, the last three judicial sabbatical requests submitted to the Judicial Council were in 2009, 2010, and 2016. These requests were reviewed and recommended by the Executive and Planning Committee and approved by the Judicial Council.

### **Rationale for Recommendation**

California Rules of Court, rule 10.502(b) outlines the eligibility requirements for a paid sabbatical under Government Code section 77213 and Government Code section 68554. Government Code section 77213, which authorizes the Judicial Council to grant a paid leave of absence for a period not to exceed 120 days was repealed in 2012, and replaced with the amended Government Code section 77209. The amendment created the State Trial Court Improvement and Modernization Fund (TCIMF). Under Government Code section 77209, the list of example projects (including judicial sabbaticals) that had been contained in former section 77213 was not retained.

Based on the language contained in Government Code section 77209 and a lack of available funding, the Judicial Council can no longer provide paid judicial sabbaticals. However, Judge Doyle is eligible for an unpaid sabbatical under Government Code section 68554.

Judge Doyle's participation in this program will allow him to teach a Trial Practice course at the Pepperdine Law School London Program in London, England. His letter also elaborates on the benefits of his participation in the faculty program, including professional development and enhancing protocols and practices currently employed in our system. Judge Doyle indicates that, after twenty-one years of uninterrupted service on the bench, he will gain new insights and perspectives on the administration of justice and revitalize his commitment to serving the Los Angeles legal and local communities in ways that will benefit the judicial branch and the public.



Judge Doyle's sabbatical proposal contains all the documentation required by Rule 10.502. Judge Doyle's attached letter elaborates on the benefit to the administration of justice in California and the performance of his duties. The presiding judge of the Superior Court of California, County of Los Angeles, Judge Daniel J. Buckley, has written a letter of support for Judge Doyle's sabbatical, which is also attached.

### **Comments from Interested Parties**

The presiding judge of the Superior Court of California, County of Los Angeles, states that the court fully supports Judge Doyle's request and recommends that the sabbatical request is granted. In his application letter, Judge Doyle notes that judicial coverage during his absence will be coordinated with the presiding judge and the Judicial Council of California.

### **Alternatives Actions Considered**

Judge Doyle has submitted his application for a paid sabbatical leave or an unpaid sabbatical leave.

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

In the case that the unpaid sabbatical leave is approved, Judge Doyle's cases will be reassigned to a retired judge assigned under the Assigned Judges Program (AJP) by the Chief Justice pursuant to article VI, section 6 of the California Constitution. Judge Doyle will draw no salary during his sabbatical and the Superior Court of California, County of Los Angeles, has sufficient funding for an assigned judge to handle Judge Doyle's caseload.

### **Attachments and Links**

1. California Rules of Court, Rule 10.502. Judicial sabbatical program
2. California Government Code section 77209
3. California Government Code section 68554
4. Request from Judge John P. Doyle to Martin Hoshino, dated October 4, 2017
5. Letter from Presiding Judge Daniel J. Buckley, Superior Court of California, County of Los Angeles to Martin Hoshino, dated October 4, 2017
6. Judicial sabbatical program application packet from Judge John P. Doyle to Martin Hoshino



# California Rules of Court

## Rule 10.502. Judicial sabbatical pilot program

### (a) Objective

Sabbatical leave is a privilege available to jurists by statute. The objective of sabbatical leave is to facilitate study, teaching, research, or another activity that will benefit the administration of justice and enhance judges' performance of their duties.

### (b) Eligibility

- (1) A judge or justice is eligible to apply for a paid sabbatical under Government Code section 77213 if:
  - (A) He or she has served for at least seven years as a California judicial officer, including service as a subordinate judicial officer;
  - (B) He or she has not taken a sabbatical within seven years of the date of the proposed sabbatical; and
  - (C) He or she agrees to continue to serve as a judicial officer for at least three years after the sabbatical.
- (2) Any judge is eligible to apply for an unpaid sabbatical under Government Code section 68554.

### (c) Application

- (1) An eligible judge may apply for a sabbatical by submitting a sabbatical proposal to the Administrative Director with a copy to the presiding judge or justice.
- (2) The sabbatical proposal must include:
  - (A) The judge's certification that he or she meets the eligibility requirements established in (b);
  - (B) The beginning and ending dates of the proposed sabbatical;
  - (C) A description of the sabbatical project, including an explanation of how the sabbatical will benefit the administration of justice and the judge's performance of his or her duties; and
  - (D) A statement from the presiding judge or justice of the affected court, indicating approval or disapproval of the sabbatical request and the reasons for such approval or disapproval, forwarded to the Judicial Sabbatical Review Committee with a copy to the judge.

*(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2007.)*

### (d) Judicial Sabbatical Review Committee

A Judicial Sabbatical Review Committee will be appointed to make recommendations to the Judicial Council regarding sabbatical requests.

#### (1) Membership

The committee must include at least one member from each of the following groups:

- (A) Administrative Presiding Justices Advisory Committee;
- (B) Trial Court Presiding Judges Advisory Committee;
- (C) Court Executives Advisory Committee;
- (D) Governing Committee of the Center for Judicial Education and Research;
- (E) Judicial Service Advisory Committee; and
- (F) California Judges Association (liaison).

#### (2) Staffing

The committee will be staffed by the Judicial Council's Human Resources office and may elect its chair and vice-chair.

*(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2007.)*

**(e) Evaluation**

- (1) The Administrative Director must forward all sabbatical requests that comply with (c) to the Judicial Sabbatical Review Committee.
- (2) The Judicial Sabbatical Review Committee must recommend granting or denying the sabbatical request after it considers the following factors:
  - (A) Whether the sabbatical will benefit the administration of justice in California and the judge's performance of his or her duties; and
  - (B) Whether the sabbatical leave will be detrimental to the affected court.
- (3) The Judicial Sabbatical Review Committee may recommend an unpaid sabbatical if there is insufficient funding for a paid sabbatical.

*(Subd (e) amended effective January 1, 2016.)*

**(f) Length**

- (1) A paid sabbatical taken under Government Code section 77213 may not exceed 120 calendar days. A judge may be allowed to add unpaid sabbatical time onto the end of a paid sabbatical if the purpose of the unpaid sabbatical is substantially similar to the work of the paid sabbatical.
- (2) An unpaid sabbatical taken under Government Code section 68554 may not exceed one year.

**(g) Ethics and compensation**

A judge on sabbatical leave is subject to the California Code of Judicial Ethics and, while on a paid sabbatical, must not accept compensation for activities performed during that sabbatical leave but may receive reimbursement for the expenses provided in canon 4H(2) of the Code of Judicial Ethics.

**(h) Judge's report**

On completion of a sabbatical leave, the judge must report in writing to the Judicial Council on how the leave benefited the administration of justice in California and on its effect on his or her official duties as a judicial officer.

*(Subd (h) amended effective January 1, 2007.)*

**(i) Retirement and benefits**

- (1) A judge on a paid sabbatical leave under Government Code section 77213 continues to receive all the benefits of office and accrues service credit toward retirement.
- (2) A judge on unpaid sabbatical leave under Government Code section 68554 receives no compensation, and the period of absence does not count as service toward retirement. The leave does not affect the term of office.

**(j) Judicial assignment replacement**

Funds must be made available from the Judicial Administration Efficiency and Modernization Fund to allocate additional assigned judges to those courts whose judges' requests for paid sabbaticals are approved.

*Rule 10.502 amended effective January 1, 2016; adopted as rule 6.151 effective January 1, 2003; previously amended and renumbered as rule 10.502 effective January 1, 2007.*

**State of California**

**GOVERNMENT CODE**

**Section 77209**

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77209. (a) There is in the State Treasury the State Trial Court Improvement and Modernization Fund. The State Trial Court Improvement and Modernization Fund is the successor fund of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund. All assets, liabilities, revenues, and expenditures of the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund shall be transferred to and become a part of the State Trial Court Improvement and Modernization Fund. Any reference in state law to the Trial Court Improvement Fund or the Judicial Administration Efficiency and Modernization Fund shall be construed to refer to the State Trial Court Improvement and Modernization Fund.

(b) Any funds in the State Trial Court Improvement and Modernization Fund that are unencumbered at the end of the fiscal year shall be reappropriated to the State Trial Court Improvement and Modernization Fund for the following fiscal year.

(c) Moneys deposited in the State Trial Court Improvement and Modernization Fund shall be placed in an interest-bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).

(d) Moneys deposited in the State Trial Court Improvement and Modernization Fund may be disbursed for purposes of this section.

(e) Moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council for automated administrative system improvements pursuant to that section and in furtherance of former Rule 991 of the California Rules of Court, as it read on July 1, 1996. As used in this subdivision, "automated administrative system" does not include electronic reporting systems for use in a courtroom.

(f) Moneys deposited in the State Trial Court Improvement and Modernization Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate to the Administrative Director of the Courts the administration of the fund. Moneys in the fund may be expended to implement trial court projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects.

(g) Notwithstanding other provisions of this section, the 2-percent automation fund moneys deposited in the State Trial Court Improvement and Modernization Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council to statewide initiatives related to trial court automation and their implementation. The Judicial Council shall allocate the remainder of the moneys deposited in the Trial Court Improvement Fund as specified in this section.

For the purposes of this subdivision, “2-percent automation fund” means the fund established pursuant to Section 68090.8 as it read on June 30, 1996. As used in this subdivision, “statewide initiatives related to trial court automation and their implementation” does not include electronic reporting systems for use in a courtroom.

(h) Royalties received from the publication of uniform jury instructions shall be deposited in the State Trial Court Improvement and Modernization Fund and used for the improvement of the jury system.

(i) The Judicial Council shall present an annual report to the Legislature on the use of the State Trial Court Improvement and Modernization Fund. The report shall include appropriate recommendations.

(j) Each fiscal year, the Controller shall transfer thirteen million three hundred ninety-seven thousand dollars (\$13,397,000) from the State Trial Court Improvement and Modernization Fund to the Trial Court Trust Fund for allocation to trial courts for court operations.

(Amended by Stats. 2012, Ch. 41, Sec. 60. (SB 1021) Effective June 27, 2012. Conditionally inoperative as provided in Section 77400.)

**State of California**

**GOVERNMENT CODE**

**Section 68554**

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68554. Notwithstanding subdivisions (f) and (g) of Section 1770, the Judicial Council may grant any judge a leave of absence for a period not to exceed one year for the purpose of permitting study which will benefit the administration of justice and the individual's performance of judicial duties, upon a finding that the absence will not work to the detriment of the court. During a study leave, the judge shall receive no compensation, nor shall the period of absence count as service toward retirement, but the time of leave shall not toll the term of office.

(Added by Stats. 1992, Ch. 1199, Sec. 4. Effective September 30, 1992.)



# The Superior Court

STANLEY MOSK COURTHOUSE  
111 NORTH HILL STREET  
LOS ANGELES, CALIFORNIA 90012  
CHAMBERS OF  
**JOHN P. DOYLE**  
JUDGE

TELEPHONE  
(213) 633-0658

October 4, 2017

Mr. Martin Hoshino, Administrative Director  
Executive Office  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102

Re: Proposed Judicial Sabbatical for Judge John P. Doyle, August 6 through  
December 3, 2018 (120 days)

Dear Mr. Hoshino:

Please find enclosed my application for a paid sabbatical leave or, in the alternative, for an unpaid sabbatical leave, pursuant to the governing rules as indicated in the application, and a copy of Presiding Judge Daniel J. Buckley's letter of approval of the application for Judicial Sabbatical, the original of which approval letter has been provided to you under separate cover by Judge Buckley. This application for Judicial Sabbatical has been provided to you by e-mail as well. Please do not hesitate to contact me if additional information is needed.

Thank you for your attention.

Sincerely yours,

A handwritten signature in black ink that reads "John P. Doyle".

John P. Doyle

cc: Judge Daniel J. Buckley  
Judge Kevin C. Brazile  
Judge Debre Katz Weintraub



# The Superior Court

STANLEY MOSK COURTHOUSE  
111 NORTH HILL STREET  
LOS ANGELES, CALIFORNIA 90012  
CHAMBERS OF  
**DANIEL J. BUCKLEY**  
PRESIDING JUDGE

TELEPHONE  
(213) 633-0400

October 4, 2017

Mr. Martin Hoshino, Administrative Director  
Executive Office  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102

Re: Judicial Sabbatical for Judge John P. Doyle from August 6 through to December 3, 2018

Dear Mr. Hoshino:

This is to acknowledge that I have approved the Judicial Sabbatical request of Judge John P. Doyle to be absent from the court so that he can participate as an adjunct faculty to teach classes at the Pepperdine Law School London Program, in London, England from August 6 through to December 3, 2018. I believe that this unique opportunity will provide insights in the United States legal system which will be a great outreach for the administration of justice in our country to England. I agree with Judge Doyle that the outstanding reputation of the educational system of England will provide experiences and would give him insights into being a better teacher in judicial subjects for the courts in California. I believe Judge Doyle's four-month absence will not be detrimental to the Los Angeles Superior Court. The court will need an assigned judge to handle Judge Doyle's caseload during his absence, but that need should be able to be satisfied within the assigned judge budget for Los Angeles Superior Court.

Sincerely,

  
DANIEL J. BUCKLEY  
Presiding Judge

DJB:rm

c: Hon. John P. Doyle, Judge of the Los Angeles Superior Court



TO: Mr. Martin Hoshino, Administrative Director  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Judge John P. Doyle, Application for Paid Sabbatical Leave (Govt. Code § 77213) (California Rule of Court (CRC), Rule 10.502), or, in the Alternative, Application for Unpaid Sabbatical Leave (Govt. Code § 68554) (Rule 10.502); August 6, 2018 through December 3, 2018 (120 Calendar Days)

Introductory Statement

Application for Paid Sabbatical Leave (Govt. Code § 77213) (Rule 10.502(c))

Description of the Sabbatical Project; Benefits to the Administration of Justice and Enhancement of Judge Doyle's Performance of his Official Duties as a Judicial Officer

The Trial Practice Course

London Program Extracurricular and Enrichment Activities

London Program Enduring Relationships

Renewed Commitment to Mentoring and Community Service

Summary

In the Alternative, Application for Unpaid Sabbatical Leave (Govt. Code § 68554) (Rule 10.502(b))

Additional Information

TO: Mr. Martin Hoshino, Administrative Director  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Judge John P. Doyle, Application for Paid Sabbatical Leave (Govt. Code § 77213) (California Rule of Court (CRC), Rule 10.502), or, in the Alternative, Application for Unpaid Sabbatical Leave (Govt. Code § 68554) (Rule 10.502); August 6, 2018 through December 3, 2018 (120 Calendar Days)

### Introductory Statement

I hereby apply for a paid sabbatical leave of 120 calendar days (Govt. Code § 77213), August 6, 2018 through December 3, 2018, for the purpose of serving as an uncompensated member of the Pepperdine University School of Law (Law School) Adjunct Faculty in the Law School's London, England academic program (London Program) during the fall semester in 2018. My wife, Law School Professor Carol A. Chase, will serve during that academic term as the Director of the Pepperdine Law School London Program and visiting faculty member, so this proposed sabbatical leave will enable me to accompany her to London for the Law School's fall 2018 semester and teach as an Adjunct Faculty member in the London Program. I believe this unique teaching opportunity will provide experiences and cultivate insights that will enhance my ability to continue serving effectively as a Superior Court Judge, and will thereby benefit the administration of justice. If my application for a paid sabbatical leave is granted, I pledge to serve as a Superior Court Judge for at least three years following the conclusion of the London Program in December 2018. CRC, Rule 10.502(a).

### Eligibility (Rule 10.502(b))

I satisfy the eligibility requirements for a paid sabbatical leave. My service as a Superior Court Judge commenced in April 1996, and I therefore have served as a Judge for more than seven years. Rule 10.502(b)(1)(A). I have never taken a sabbatical. Rule 10.502(b)(1)(B). I hereby agree to continue to serve as a judicial officer for at least three years after the proposed paid sabbatical leave concludes in December 2018. Rule 10.502(b)(1)(C).

### Application for Paid Sabbatical Leave (Govt. Code § 77213) (Rule 10.502(c))

As stated above, I hereby certify that I meet the eligibility requirements for a paid sabbatical leave pursuant to the governing rules, including those set forth in Govt. Code § 77213. Rule 10.502(c)(2)(A).

I seek a paid sabbatical leave of 120 calendar days pursuant to Govt. Code § 77213, for the period August 6, 2018 through December 3, 2018.

Rule 10.502(c)(2)(B), (f)(1), and (i)(1). If this application for a paid sabbatical leave is approved, I will use vacation days to enable me to remain in London through on or about December 15, 2018 when the London Program's 2018 fall semester will conclude.

I have obtained a statement from Judge Daniel J. Buckley, Presiding Judge of the Los Angeles County Superior Court, indicating his approval of my sabbatical request, including the reasons for the approval, a copy of which is made a part of this application. Rule 10.502(c)(2)(D).

#### No Compensation

I certify that I will not accept compensation for activities performed during the proposed paid sabbatical leave. Rule 10.502(g). I understand that I may receive reimbursement from the Law School for appropriate expenses, including travel expenses, incurred in connection with my voluntary service as an Adjunct Faculty member during the Law School's 2018 London Program, consistent with the requirements of Canon 4H(2) of the Code of Judicial Ethics. Rule 10.502(g).

#### Judge's Report

I pledge to submit a report in writing upon completion of the paid sabbatical leave to the Judicial Council, setting forth how the sabbatical leave has benefited, and will continue to benefit, the administration of justice in California, and describing the sabbatical's effect on my official duties as a judicial officer. Rule 10.502(h).

#### Description of the Sabbatical Project; Benefits to the Administration of Justice and Enhancement of Judge Doyle's Performance of his Official Duties as a Judicial Officer

On August 28, 2017, Pepperdine Law School announced that my wife, Professor Carol A. Chase, who has served at the Pepperdine Law School as a Professor of Law in various capacities since 1990, had been selected to be the Director of the Law School's London Program for the 2018 fall semester. The Law School also announced my appointment, as a member of the Law School's Adjunct Faculty, to teach a Trial Practice course in the London Program that semester.

#### The Trial Practice Course

During my service as a Superior Court Judge for more than twenty-one years, I have presided over several hundred jury trials and bench trials, jury trials in criminal cases and both jury trials and bench trials in civil cases. My trial experience will enable me to provide a robust learning experience to law students. My overriding goal in teaching this Trial Practice course will not only be to teach the basic skills, but also to bring the trial process alive for the students with an eye toward demonstrating to them what a remarkable fact-finding process a jury trial can be when conducted properly by the Court and counsel.



The Trial Practice course will address the methods and procedures of counsel in various aspects of a jury trial, from opening statements to closing arguments. Students will actively participate in direct-examination and cross-examination of witnesses, in making and responding to objections, in methods of impeachment, in the use of depositions and in the introduction of exhibits and other evidence, and in the importance of ethics, decorum, and personal mannerisms in the courtroom. Each student will participate in a complete mock trial as the concluding component of the course, an opportunity to learn through actual experience. These mock trials will include the delivery of opening statements and closing arguments, as well as the taking of the testimony of witnesses pursuant to direct-examination and cross-examination, and the offering into evidence of documents and other exhibits. The Trial Practice course will include lectures, in-class simulations, and discussions that will take place both following lectures and during the in-class simulations in which students will actually examine witnesses, make and oppose objections, introduce exhibits and other evidence, and make arguments.

I will make myself available to students both during regular office hours and by appointment, to answer questions, to provide encouragement, and to perhaps share a few war stories from time to time, recounting events drawn from trials in which I have acted as counsel or over which I have presided. I have learned from previous teaching experiences at the Law School that these voluntary one-on-one meetings with students provide an opportunity to not only work on the particular concerns of any given student, but also to try to inspire those who are interested to consider seeking early career employment in the criminal justice system where jury trials abound. For these who flourish, a lifelong career in the criminal justice system is a wonderful option.

Another goal I have in mind is to impart to the students what a professional joy the life of a trial lawyer can be, whether it be in the public sector as a prosecutor or a public defender, as a private defense attorney in the realm of criminal law, or in the private sector as a plaintiff's attorney working in consumer litigation or in some other area, or as a defense attorney working in the service of indigent defendants or otherwise. These are wonderful careers for those who find this work to be their calling, and I intend to make the Trial Practice course a lively laboratory in which our students will have a chance to explore these various options. As part and parcel of this career-oriented approach that I expect to take to teaching the Trial Practice course, one of my objectives will be to create an atmosphere in which the students can have some fun along the way, while at the same time learning the fundamental trial skills.

The Trial Practice course will use assigned textbooks: The Art and Science of Trial Advocacy, the Law School's frequently used trial practice textbook, and Case Files for Basic Trial Advocacy. Readings will be assigned and made the subject of discussion in class. The Case Files for Basic Trial Advocacy textbook provides the cases and the framework that form the basis of the mock trials in which each student will participate during and at the conclusion of the course, mock trials that are constructively critiqued at some length by the instructor. I have found that these constructive criticisms and comments about the students' performances in their mock trials are a key part of the Trial Practice course. (In the interest of full disclosure,

Professor Chase is a co-author, along with several of her colleagues at the Law School, of each of these textbooks. Since the publication of the textbooks, they have been the most frequently used, although not required, textbooks in Trial Practice courses offered at the Law School, and have been adopted by instructors at numerous other law schools as well.)

### London Program Extracurricular and Enrichment Activities

The London Program includes notably a visit to London's celebrated central criminal court, the Old Bailey, and a visit to the Royal Courts of Justice, the iconic civil courthouse which is located in close proximity to the Middle Temple and Inner Temple Inns of Court in the heart of Legal London. Particularly in the Old Bailey but also in the Royal Courts of Justice, there are opportunities to observe trials in progress. While trials in the English system are conducted differently in some ways than their counterpart trials in the United States, my experience has been that the two systems bear a strong resemblance to one another, and that our trial methods and procedures are the product in substantial measure of the English system upon which our system is modelled. Comparisons between the two trial systems will also provide fertile ground for discussion with Trial Practice students.

Some of the differences between the two systems are brought to light firsthand for our students when they participate during the London Program in international moot court competitions that are conducted in-house with Pepperdine law students and also externally with English law students who are Barristers-in-training. In connection with these competitions, I expect to not only coach the Law School's moot teams, but also to serve as a judge in the competitions. These international mooting competitions will provide an opportunity for me to inject a small element of comparative practices and procedures, when it comes to oral and written advocacy, into the basic curriculum of the Trial Practice course.

In support of these various extracurricular and enrichment activities, introductory lectures – given by members of the Law School's London Program Adjunct Faculty – are provided at the beginning of each London term, lectures on The British Political System and The English Legal System. A bus tour of London – that includes many legal landmarks and other iconic points of interest – is provided as well. These offerings are intended to orient students and give them an idea of the vast array of opportunities that lie ahead during the London term.

I expect to assist during the fall 2018 academic term of the London Program with some student mentoring activities going beyond the Trial Practice course that I will teach. For example, some students in the London Program, including Trial Practice students, participate in mooting competitions during the term at the Royal Courts of Justice, at the Inns of Court – Middle Temple, Inner Temple, Gray's Inn, and Lincoln's Inn – at City University, at King's College, and/or at the College of Law and St. John's College, Oxford. I will help coach the Pepperdine Law School mooting teams in preparation for these international moots in which Law School teams compete against Inn of Court teams comprised of English law students who are Barristers-in-training. In



addition, I expect to participate as a Judge in these international mooting competitions. Past Judges have included very prominent English jurists such as Lord Slynn of Hadley, former Advocate-General of the European Court of Justice and Law Lord, and Dame Brenda Hale of the United Kingdom Supreme Court. In support of these mooting competitions, students will attend a lecture, given by an English Barrister, on How to Moot English-Style.

By way of another example of my participation in the London Program in addition to teaching the Trial Practice course, each London Program fall term includes Study Tours to European Union institutions by all Pepperdine law students, including the European Court of Justice in Luxembourg, the European Court of Human Rights and European Parliament in Strasbourg, and the International Criminal Courts, the International Court of Justice and the International Criminal Tribunal for the former Yugoslavia in the Hague. Professor Chase will serve as the Law School Director and faculty member in charge of these Study Tours, and I will accompany and assist her. I look forward to this fantastic opportunity to see these remarkable international institutions at work, an opportunity for me to broaden my perspective on international law, both civil law and criminal law. I will share with colleagues upon my return the highlights of these visits. I am confident that these Study Tours will help me grow in ways that will serve me well when I return to Los Angeles after the sabbatical to resume my judging and other duties. A hopefully wiser judge with broader horizons will better serve the administration of justice upon returning home. I hope that visiting these international institutions, and coming to better understand the work they do, will enable me to judge better and serve our community more effectively.

In particular with respect to advocacy in the criminal arena, the London Program in past years has arranged visits for students to the Old Bailey, London's renowned central criminal court, to observe trials in progress, and to possibly meet with local Barristers about their criminal trial practices in the Old Bailey and elsewhere. I have a friend, Bernard Richmond, who as Queen's Counsel serves frequently in the defense of very high level criminal defendants, some of whom are indigent requiring his appointment by the government. On past occasions, Bernard Richmond has helped make arrangements for admission to the Old Bailey for Pepperdine law students to observe a part of one of his criminal trials. On some of these occasions, students were able to talk to Bernard about his trial work in the Old Bailey, and about his work in other criminal courts around the country as well. On one past visit to the Old Bailey, at a time when I was present during a Law School summer program, Bernard invited us into the Barristers' robing room, and to the small lunchroom in the robing room area where we enjoyed tea and pastries while Bernard regaled us with Old Bailey war stories. On that occasion, we basically shadowed Bernard to closing arguments (summing up) in which he spoke on behalf of the accused in a murder case. My hope is that such a visit to the Old Bailey will be possible for my Trial Practice students and possibly for other Pepperdine law students who are enrolled in the London Program during the 2018 term.

The London Program from time to time provides various additional enrichment opportunities for students, such as attendance at and participation in Inn of Court events. In some past years, arrangements were made to attend the annual SEAL

(Society of English and American Lawyers) Dinner, at which Pepperdine law students and faculty members were seated in the Hall of Middle Temple with prominent English Judges, Barristers, Solicitors and others.

During another London Program term in 2011, London Program Malibu campus visiting faculty members were invited to attend in the Hall of Inner Temple a dinner in celebration of the then upcoming 800<sup>th</sup> Anniversary in 2015 of the signing in 1215 of the Magna Carta at Runnymede on Thames. Professor Chase and I now have in mind, as a side-trip during the 2018 term, inviting law students to join us on a weekend day trip to the Runnymede meadow on the Thames River in Surrey, about 20 miles west of London, for a visit to the historic site at Runnymede where the Magna Carta was signed, one of several possible side-trips during the term to places where England's legal history was forged in part, including Oxford and Cambridge.

Additional tours within London are provided during the London Program, for example, a walking tour of the Houses of Parliament, a visit to the Westminster Magistrate's Court, and a walking tour of Legal London. Legal London is that part of the city where the Inns of Court, the Royal Courts of Justice, and Chancery Lane – the famous artery that bisects Legal London and near which sit historic shops selling wigs, robes, and law books – are located, not to mention the Seven Stars pub, an ancient establishment across a street from the Royal Courts of Justice that is a favored gathering spot for Legal Londoners, and is often marked in the evening by Barristers and Solicitors spilling into the street with pints in hand.

Putting aside the Seven Stars pub which is mentioned to “paint a picture” only, the above-enumerated activities are the kinds of extracurricular and enrichment opportunities that are available and are sometimes undertaken when the occasion arises during the course of any given London Program term. London provides innumerable opportunities and occasions outside the classroom for learning about some of the underpinnings of our American jurisprudence.

### London Program Enduring Relationships

The London Program over the years has developed and nurtured some lasting relationships between and among Law School visiting faculty members, local London Adjunct Faculty members, Pepperdine Law School students, English law students and others affiliated with the Inns of Court, and many others, including Barristers and Solicitors, who have become London-based “friends of Pepperdine” during the course of the London Program's activities in London since its inception nearly forty years ago. In recent years, one of the Inns of Court, on a bi-annual basis, has sent an international moot team to Malibu to compete against a Law School moot team. Each of these bi-annual competitions has generated friendships between and among new groups of English and American law students, and between and among Law School faculty members and the Barristers and Judges who have accompanied the English students to the competitions in Malibu, all of whom following the conclusion of any given moot competition assemble for a celebratory dinner. My experience has been that this fellowship aspect of international moot is as important as any other aspect of the

program. I will do my part to nurture these cross-cultural exchanges, and will encourage future participants to visit my courtroom in Los Angeles should an opportunity present itself. I fully anticipate that these mooted experiences will help me become a better craftsman as a judge, and that some of these experiences can be shared with Superior Court colleagues, all to the benefit of the administration of justice in Los Angeles County and beyond.

The London Program seeks to promote fellowship and comradery between and among law students and faculty members, by way of occasional group dinners or other group events. Professor Chase and I will participate in these gatherings. Based on fairly extensive experience over the years mentoring law school students and high school students, my observation has been that the best mentoring opportunities and so-called "teaching moments" present themselves during informal activities of this nature, at which a few life lessons can be imparted to students in a comfortable and relaxed group setting. These are settings in which enduring friendships are fostered. In sum, I look forward to sharing with Pepperdine law students some of my thoughts and experiences about life and law, and particularly regarding what, by the time of the fall semester 2018, will be my 40<sup>th</sup> year since admission to the California Bar in 1978 and 22<sup>nd</sup> year since appointment to the bench in 1996. These are mentoring relationships with students that I hope will endure as the students move on and enter professional life.

#### Renewed Commitment to Mentoring and Community Service

Regarding the Trial Practice course, I believe that my training and experience will enable me to deliver a strong learning experience to our students. I have enjoyed serving on the Pepperdine Law School Adjunct Faculty since 1993 during which at various times I have taught Trial Practice, Mediation Theory and Practice, and the Domestic Violence Seminar, a seminar that I co-taught many times over an eighteen year period with Judge Debra Katz-Weintraub. In 2009, I was honored to receive Pepperdine Law School's David McKibben Award for Excellence in Adjunct Faculty Teaching.

I hope that this mix of prior teaching experiences, as well as my experience as a lawyer and Judge, will enable me to provide a high level Trial Practice experience to our students, as well as high quality coaching to the London Program's international mooted competitors. I further hope that these anticipated 2018 London Program experiences will enhance my ability to serve effectively as a Superior Court Judge, not only in the judging capacity but also with respect to Superior Court duties otherwise, for example, in working with externs, in participating in community outreach programs involving students and others, and in welcoming to my courtroom judges and court officials from all over the world who frequently visit the downtown Mosk Courthouse in Los Angeles, welcoming receptions that I now frequently host in my Department 58.

I now participate in three distinct student externship programs in Department 58 of the Mosk Courthouse: an externship program involving current law students from numerous law schools that is sponsored annually by the ABOTA Foundation (American



Board of Trial Advocates); an externship program – involving prospective law school students who during the program are enrolled at Cal State Los Angeles – that is administered by retired Superior Court Judge Phil Saeta; and the Los Angeles Superior Court’s regular externship program which involves currently enrolled law students from various law schools. The externs assigned to Department 58 frequently observe the morning calendar, and I meet with them, time permitting, after some of these morning calendars to discuss what they have observed and to field their questions about the morning calendar and about other aspects of the work that goes on in my courtroom and in our courthouse. I enjoy this teaching dynamic, and I hope that my proposed teaching experience in the 2018 London Program will elevate my teaching and mentoring skills to a higher level and thereby enable me to better serve the externs who are frequently present on a day-to-day basis in my courtroom in Los Angeles.

I expect that an opportunity to teach in the 2018 London Program will inspire me to increase my community outreach participation at home in Los Angeles. I plan to continue my service as a Teen Court Judge at Taft High School in Woodland Hills, participation that will be enhanced by my experience teaching the Trial Practice course in London.

The renewal and fresh outlook that can be expected to result from a sabbatical will enhance my existing commitment to community service and community outreach, and renewed commitment that I believe will be evident in the approach to judging and community service that I take upon the conclusion of the sabbatical. With the change of routine and the change of environment that a sabbatical provides, after twenty-one years of uninterrupted service on the bench, I expect to return to my regular duties with an even deeper appreciation of these important duties and a revitalized commitment to serving our legal community and our local community otherwise with increased high energy and enthusiasm.

### Summary

I view this proposed teaching opportunity in London as a unique chance to provide a voluntary service training students to enter our profession at a time when the challenges facing the profession are at least as substantial as they have ever been, to enhance my teaching and legal skills generally in ways that will enable me to better serve those who appear before me and those whom I am called upon to mentor such as the externs who are regularly present in my courtroom, to experience Legal London at close-range over an extended period of time so as to gain new perspectives and insights on the administration of justice, to become immersed in another culture including another legal culture that will hopefully give me greater wisdom and skill in the art and science of dispute resolution, to inspire me to better serve our Los Angeles legal community and other local communities upon my return, and of course to share my experiences in London with colleagues on the Superior Court. I am confident that, upon my return from this sabbatical leave, I will perform my official duties as a bench officer at an enhanced level, and that I will be committed more than ever before to serve as a Superior Court Judge in ways that will benefit the administration of justice.

In the Alternative, Application for Unpaid Sabbatical Leave  
(Govt. Code § 68554) (Rule 10.502(b))


While I hope that my application for paid sabbatical leave will be approved (Govt. Code § 77213), and while I am fully prepared if a paid sabbatical leave is approved "to continue to serve as a judicial officer for at least three years after the sabbatical" (Rule 10.502(b)(1)(C)), I hereby respectfully request – in the alternative – that an unpaid sabbatical leave be approved for the same period of time, August 6, 2018 through December 3, 2018 pursuant to the governing rules. Rule 10.502(b)(2), Govt. Code § 68554. I understand that "a judge on unpaid sabbatical leave under Government Code section 68554 receives no compensation, and the period of absence does not count as service toward retirement, [and that] the leave does not affect the term of office." Rule 10.502(i)(2).

Additional Information

If and as needed upon request, I will promptly provide whatever additional information might be needed to assist the Judicial Sabbatical Review Committee in evaluating this application for a paid sabbatical leave pursuant to Govt. Code § 77213, or, in the alternative, for an unpaid sabbatical leave pursuant to Govt. Code § 68554, for the period August 6, 2018 through December 3, 2018, 120 calendar days.

Rule 10.502(b)(1), (f)(1), and (i)(1). I will be thrilled in the event of the approval of either type of sabbatical leave. Thank you for your consideration.

Respectfully submitted,

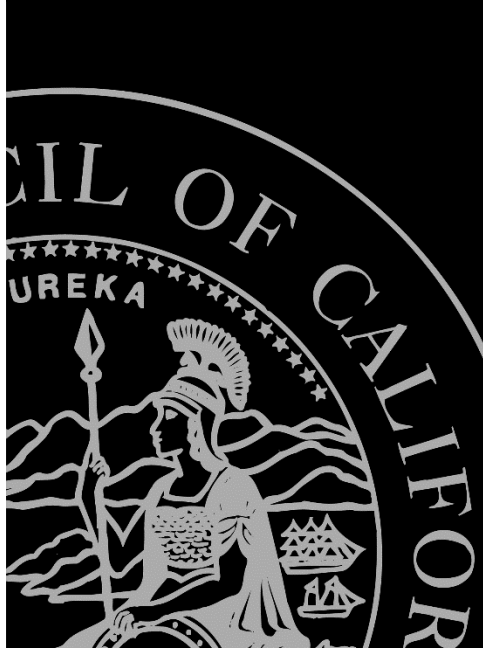
  
JOHN P. DOYLE  
SUPERIOR COURT JUDGE

10-4-17

Mosk Courthouse  
Central District, Los Angeles  
Dept. 58  
111 North Hill Street  
Los Angeles, CA 90012  
213-633-0188 (chambers)

c: Honorable Daniel J. Buckley, Presiding Judge  
Los Angeles Superior Court

JPD/kea/JUDICIAL COUNCIL/sabbatical  
9-25-17



# Judicial Council Governance Policies

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NOVEMBER 2017

DRAFT



JUDICIAL COUNCIL  
OF CALIFORNIA

DRAFT

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. Members of the council are appointed by the Chief Justice. Appointees by the State Bar Board of Trustees and both houses of the Legislature also serve as members of the council. Together the members serve to carry out judicial branch goals. Judicial Council staff implements the council's policies and the goals and priorities of the council are set forth in Justice in Focus: *The Strategic Plan for the California's Judicial Branch 2006-2012*:

- I. Access, fairness, and diversity
- II. Independence and accountability
- III. Modernization of management and administration
- IV. Quality of justice and service to the public
- V. Education for branchwide professional excellence
- VI. Branchwide infrastructure for service and excellence
- VII. Adequate, Stable and Predictable Funding for a Fully Functioning Branch

## **GOVERNANCE PROCESS**

### **1. Responsibilities of the Council**

The council establishes goals and policies for California's judicial branch of government. The council is directly responsible for the following:

- a. Establishing broad goals and policies that set the direction and priorities for the continuous improvement of California's system for the administration of justice. These goals and policies include fundamental goals such as promoting public access to the justice system, increasing responsiveness to the needs of court users of diverse backgrounds, and upholding the rule of law and impartiality of judges as constitutional officers.
- b. Establishing standards for performance and accountability of the administrative operations and procedures of the branch. These standards address the diverse needs of court users, employ modern management practices that implement and sustain innovative ideas and effective practices, and report on judicial branch performance to the public, Legislature, Governor, and the courts.
- c. Developing and maintaining administrative, technological, and physical infrastructures, including court facilities, which enhance accessibility to the courts and support the needs of the people of California and the judicial branch.

- d. Taking all appropriate steps to develop and establish the judicial branch's fiscal priorities, secure appropriate funding for the judicial branch, establish fiscal and budget policies for the branch, allocate branch appropriations to the courts and the council, and ensure accountability through reporting on the use of its public resources to the legislative and executive branches of state government and to the public.
- e. Sponsoring and taking positions on pending legislation consistent with the council's established goals and priorities to support consistent, effective, statewide programs and policies that provide for the highest quality of administration of justice, and that promote an impartial judiciary.
- f. Developing high-quality education and professional development opportunities for all judicial branch personnel to meet public needs and to enhance public trust and confidence in the courts.
- g. Communicating with and reporting to the legislative and executive branches of state government to advance judicial branch goals and account for the use of public funds and resources.

## **2. Council Policymaking**

The Judicial Council establishes judicial branch policy for the improvement of an independent and impartial justice system that meets public needs and enhances public trust and confidence in the courts. It develops policy in consultation with the people of California, court leadership, judicial officers, Judicial Council advisory bodies, employees in the judicial branch, the State Bar, advocacy groups, the Legislature, the Governor, and other government entities and justice system partners.

The principal focus of the Judicial Council is to establish policies that emphasize long-term strategic leadership and that align with judicial branch goals. Council policymaking is focused on the beneficiaries of the policy, the results to be achieved, the cost to be incurred, and the corresponding judicial branch goals.

To enable the council to make well-informed strategic decisions, all policy proposals submitted for council consideration by internal committees, advisory bodies, the Administrative Director, and staff should address the following:

- Beneficiaries of the policy;
- Results to be achieved;
- Costs to be incurred;
- Each corresponding judicial branch goal, objective, and anticipated outcome;
- Previous council action on the issue or policy;
- Comments from interested parties;
- Analysis of the benefits and risks of the proposals; and
- Analysis of the strengths and weaknesses of alternative options and an explanation of their implications.

### **3. Maintenance of Governance Policies and Principles**

On an annual basis, the Chair of the Executive and Planning Committee discusses the governance policies and principles at a council meeting to orient new members and review council governance with continuing members. Every three years, the Judicial Council conducts a review of its governance policies and principles and determines whether any revisions are needed. The Executive and Planning Committee monitors the regular implementation of the governance policies and principles.

In order to ensure that new council members have the knowledge and understanding needed to perform their duties effectively, they are oriented to the council's governance policies and principles as well as the council's history of policymaking on key topics, such as court facilities, fiscal appropriations, and infrastructure initiatives.

### **4. Council-Staff Relationship**

Officially passed motions of the council, and decisions and instructions of the Chief Justice, are binding on the Administrative Director. Decisions or instructions of individual council members or internal and advisory bodies are binding on the Administrative Director if the council or its Chair has specifically delegated such exercise of authority.

The Administrative Director has sole authority to assign, supervise, and direct staff. The Administrative Director is responsible for ensuring the completeness and quality of reports and other work product presented to the council. Council members may from time to time request information or assistance from staff, unless in the Director's opinion such requests require an unreasonable amount of staff time or become disruptive. Council members and advisory body members may individually provide information to the Administrative Director on the performance of staff or staff agency to the Council.

The Administrative Director, as Secretary to the council, may attend and participate in the meetings of each internal committee.

### **5. Internal Committees**

#### **a. Executive and Planning Committee**

The Executive and Planning Committee under [California Rules of Court rule 10.11](#) makes regular reports to the full council on its actions. Its responsibilities include those described below.

Together with the chairs of the other internal committees, the Executive and Planning Committee is responsible for developing and implementing a branchwide plan for general communications between the council and the judicial branch. This responsibility may address such matters as reporting through judicial branch communication channels to the courts and branch stakeholders on Judicial Council meetings and policy actions; communications with the media; communications through Judicial Council members' participation in court site visits, regional meetings, and new judge meetings; and communications from the judicial branch to the

Judicial Council through meetings, advisory bodies, public comment processes, and other communication methods.

**b. Rules and Projects Committee**

The Rules and Projects Committee under [California Rules of Court rule 10.13](#) makes regular reports to the full council on its actions. Its responsibilities are described below.

- i. Identifies the need for new rules, standards, and forms;
- ii. Establishes and publishes procedures for the proposal, adoption, and approval of rules of court, forms, and standards of judicial administration that ensure that relevant input from the public is solicited and considered;
- iii. Reviews proposed rules, standards, and forms and circulates those proposals for public comment in accordance with its procedures and guidelines.
- iv. Provides guidelines for the style and format of rules, forms, and standards and ensures that proposals are consistent with the guidelines;
- v. Ensures that proposals for new or amended rules, standards, and forms do not conflict with statutes or other rules; and
- vi. Determines whether proposals for new or amended rules, standards, or forms have complied with its procedures.

**c. Policy Coordination and Liaison Committee**

The Policy Coordination and Liaison Committee under [California Rules of Court rule 10.12](#) makes regular reports to the full council on its actions. Its responsibilities include those described below.

Represents the Judicial Council's position with other agencies and entities, such as the Legislature, the Governor's Office, the State Bar of California, local government, local bar associations, and other court-related professional associations; reviews and makes recommendations on proposals for Judicial Council-sponsored legislation; reviews pending bills, determines positions consistent with the council's previous policy decisions, and oversees advocacy for those positions.

**d. Judicial Council Technology Committee**

The Judicial Council Technology Committee under [California Rules of Court rule 10.16](#) makes regular reports to the full council on its actions. Its responsibilities include those described below.

Oversees the council's policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts. The committee



is responsible for ensuring that council policies are complied with and that specific projects proceed on schedule and within scope and budget. The committee seeks reports and recommendations from the Administrative Director, the courts and stakeholders on technology issues. It ensures that technology reports to the council are clear, comprehensive, and provide relevant options so that the council can make effective final technology policy decisions. The committee reports on technology affecting the branch and courts at each Judicial Council meeting.

e. **Judicial Branch Budget Committee**

The Judicial Branch Budget Committee under [California Rules of Court rule 10.101](#) makes regular reports to the full council on its actions. Its responsibilities include those described below.

- i. Reviewing budget change proposals for the judicial branch; coordinating these budget change proposals; and ensuring that they are submitted to the council in a timely manner;
- ii. Reviewing and making recommendations on the use of statewide emergency funding for the judicial branch;
- iii. Reviewing and making recommendations on court innovations grant funding; and
- iv. Performing such additional tasks as may be assigned to the committee.
- v. The Judicial Branch Budget Committee shall endeavor to promote the efficient, fiscally prudent, effective, and fair allocation of branch resources so as to advance statewide judicial branch interests.

f. **Litigation Management Committee**

The Litigation Management Committee under [California Rules of Court rule 10.14](#) makes regular reports to the full council on its actions. Its responsibilities include those described below.

- i. Oversees litigation and claims—against trial and appellate courts, the Judicial Council, and employees of those bodies that seek recovery of \$100,000 or more, or raise important policy issues.
- ii. Important policy or court operations issues may include whether to initiate litigation on behalf of a court, when to defend a challenged court practice, or how to resolve disputes where the outcome might have statewide implications.

g. **Role of Advisory Bodies and Workgroups**

Advisory committees under [California Rules of Court rule 10.34\(a\)](#) are standing committees created by rule of court or the Chief Justice to make recommendations and offer policy alternatives to the Judicial Council for improving the administration of justice within their designated areas of focus by doing the following:

- i. Identifying issues and concerns affecting court administration and recommending solutions to the council;
- ii. Proposing necessary changes to rules, standards, forms, and jury instructions;
- iii. Reviewing pending legislation and making recommendations to the Policy Coordination and Liaison Committee on whether to support or oppose it;
- iv. Recommending new legislation to the council;
- v. Recommending to the council pilot projects and other programs to evaluate new procedures or practices;
- vi. Acting on assignments referred by the council or an internal committee; and
- vii. Making other appropriate recommendations to the council.

## **APPENDIX**

The *Operating Standards for Judicial Council Advisory Bodies* (operating standards) appended to the *Judicial Council Governance Policies*. They support the general parameters within which Judicial Council advisory bodies operate under the direction and oversight of the Chief Justice and the Judicial Council. The operating standards guide the work of advisory body chairs and Judicial Council staff relative to annual agendas, staffing, committee membership, reporting to the council, and public access.

# OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

California Rules of Court, rules 10.30–10.34, 10.70, and 10.75 specify the general parameters within which Judicial Council advisory bodies operate under the direction and oversight of the Chief Justice and the Judicial Council.

- [Rule 10.30. Judicial Council advisory bodies](#)
- [Rule 10.31. Advisory committee membership and terms](#)
- [Rule 10.32. Nominations and appointments to advisory committees](#)
- [Rule 10.33. Advisory committee meetings](#)
- [Rule 10.34. Duties and responsibilities of advisory committees](#)
- [Rule 10.70. Task forces, working groups, and other advisory bodies](#)
- [Rule 10.75. Meetings of advisory bodies](#)

The parameters set forth in the rules of court are supported by the following operating standards for Judicial Council advisory bodies. The operating standards guide the work of advisory body chairs and Judicial Council staff relative to annual agendas, staffing, Judicial Council membership, reporting to the council, and public access.

## I. Definitions

The following definitions apply for purposes of these operating standards:

1. *Internal committee*
  - a. A committee comprised of Judicial Council members.
  - b. An “internal oversight committee” is an internal committee to which the Chief Justice has assigned oversight of a specific council advisory body.
2. *Advisory body*. Any multimember body created by the Judicial Council to review issues and report to the council, consistent with rule 10.75 of the California Rules of Court, other than a subcommittee or an internal committee as defined below.
3. *Subcommittee*
  - a. A subset of an advisory body.
  - b. Typically assists in completing a purpose or task for the parent body and may also advise the parent body.
  - c. Two or more advisory bodies may request approval from their internal oversight committee for the establishment of a joint subcommittee.

## II. Annual Agendas and Staffing

### 1. Annual agendas

- a. *Annual agenda template.* An annual agenda is the mechanism by which an advisory body clarifies and documents its plan for addressing an annual scope of work consistent with its charge. It is through this process that advisory bodies receive input, guidance, and delegation from the council in order to provide the necessary information and recommendations to the council to address judicial branch business. Unless otherwise provided for by the assigned internal oversight committee, advisory body annual agendas should be completed using the annual agenda template.
- b. *Agenda planning.* Before developing the proposed annual agenda, the assigned internal oversight committee chair, advisory body chair, office head, and lead staff discuss the work completed during the prior annual agenda period; the potential activities or projects, timelines, and priorities for the upcoming annual agenda period; and Judicial Council staff resource needs. Agendas should be developed based on existing resources.
- c. *Soliciting input from other advisory bodies.* To avoid duplication of effort and ensure the availability of resources, advisory body chairs, office heads, and lead staff should solicit input on activities or projects from affected advisory bodies before or as annual agendas are first drafted. This early collaboration ensures that relevant feedback is received before recommendations are completed and submitted to the council.
- d. *Executive and management review.* Before the proposed final annual agenda is submitted to the assigned internal oversight committee for approval, the heads of all offices that staff advisory bodies meet to review all annual agendas, discuss resource needs, and ensure that the appropriate offices are aware of projects that may impact them. In addition, each office head reviews the proposed final annual agenda with the executive office before internal committee review. The office head discusses any concerns about resource needs with the responsible division chief before the annual agenda meeting. Resource concerns that cannot be resolved by the division chief should be raised with the Chief of Staff and the Administrative Director for further reconciliation with the chair of the appropriate internal oversight committee and for discussion with the advisory body chair.
- e. *Annual agenda meeting.* After consultation with the assigned internal oversight committee chair, the advisory body chair presents the proposed annual agenda to the full internal oversight committee for approval. The lead staff member to the advisory body, the office head, and the division chief also attend this meeting.
- f. *Online posting of approved annual agendas.* Upon completion and the approval of any changes requested by the internal oversight committees, all annual agendas are posted on the [Advisory Bodies](#) page of the California Courts website

## OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

([www.courts.ca.gov](http://www.courts.ca.gov)) under the relevant advisory body link. The advisory body chair should refer members to the approved agenda to guide the work of the group in the coming year.

2. Ongoing communications
3. *Council and advisory body chairs.* The internal oversight committee chair and the advisory body chair should strive to check in over the course of the year to review progress on annual agenda items, resource needs, and other relevant areas.
4. *Advisory body chair and staff.* The advisory body chair, office head, and lead staff member should be in contact at least twice a year to discuss progress on annual agenda items. In particular, any extraordinary changes in council priorities or additional resource needs that are identified after the internal oversight committee has approved an annual agenda should be discussed and communicated to the Chief of Staff for review with the chair of the assigned internal oversight committee.

### *Amending Annual Agendas*

In the event it is determined that an advisory body's Annual Agenda needs to be updated or changed in the course of the year (for example, to address changes in council priorities or newly enacted laws), the chair of the body may request that the oversight committee amend the advisory body's Annual agenda for this purpose. The oversight committees have approved a process and a form for amending agendas.

5. Staff responsibilities
  - a. *Staffing oversight.* The Administrative Director and Chief of Staff have oversight responsibility and authority for directing staff support to the advisory bodies.
  - b. *Lead staff.* Each advisory body has a lead staff member assigned to assist the body in meeting its charge and completing the activities and projects identified on the annual agenda. The lead staff member is responsible for keeping his or her office head apprised of the activities of the advisory body, including resource issues. In addition, he or she is responsible for maintaining the accuracy of the advisory body member roster, which should be kept current and consistent between internal and public postings. The lead staff member is also responsible for communicating all membership changes within the advisory body to Judicial Council Support and to the Contact and Position System (CAPS) administrator. The CAPS administrator will ensure that the appropriate judicial experience of each advisory body member is reflected within CAPS, along with the member's correct location, address, phone number, and e-mail address.
  - c. *Office heads.* Office heads are required to proactively support the advisory body chairs and lead staff, work with the chairs and lead staff on sensitive issues, and communicate those issues to the responsible division chief.

## OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

- d. *General duties.* Judicial Council staff, under rule 10.34(e) of the California Rules of Court, support the planning, coordination, and ongoing implementation of the work of the council's advisory bodies by drafting annual agendas, managing budget and resources, providing legal and policy analysis, organizing and drafting reports, selecting and supervising consultants, providing technical assistance, and assisting chairs in presenting advisory body recommendations to the Judicial Council. Staff also organize meetings, provide information to members and to the public, ensure meeting notices are posted, facilitate advisory body nominations, and coordinate the work of the advisory body with related judicial branch work.
- e. *Alternative analysis/recommendations.* Under rule 10.34(e) of the California Rules of Court, staff may provide independent legal or policy analysis of issues that is different from the advisory body's position, if authorized to do so by the Administrative Director. The decisions or instructions of an advisory body or its chair are not binding on staff except in instances when the council or the Administrative Director has specifically authorized such exercise of authority.
- f. *Addressing resource needs.* Office heads are responsible for ensuring that resource needs are addressed, including discussing those needs with the advisory body chair and the responsible division chief before the annual agenda meeting. Ongoing resource issues brought to the office head's attention that are likely to impede progress or impact the outcome of approved activities or projects should be raised with the Chief of Staff and the Administrative Director for further reconciliation with the chair of the appropriate internal oversight committee and discussion with the advisory body chair. (See Cal. Rules of Court, rule 10.80(d).)

### III. Membership and Duration

1. *Composition.* An advisory body and its chair may make recommendations to the Judicial Council and the Executive and Planning Committee about the composition of the advisory body's membership, including nominating members. An advisory body typically has between 12 and 18 members (Cal. Rules of Court, rule 10.31(a)); however, this may vary depending on the charge and the scope of work.
2. *Subcommittees.* An advisory body may propose the establishment of a subcommittee. A proposal for the establishment of a subcommittee should specify:
  - The purpose of, or charge for, the new subcommittee;
  - Whether standing or ad hoc, and if ad hoc, specify an end date; and
  - The timeline for the activity or project.

The chair of a standing subcommittee may request the appointment of a non-committee member to the subcommittee by completing the form *Request for*

## OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

*Appointment to a Subcommittee* and submitting it for consideration to the designated internal oversight committee.<sup>1</sup>

3. *Liaisons.* Standing advisory committees may have liaisons to other advisory bodies to facilitate the accomplishment of their common projects and programs. For example, the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee have liaisons to other advisory bodies to ensure that the trial court leadership perspective is received in a timely manner on matters under consideration. The liaison process helps to:
  - Facilitate an efficient and effective process for advisory bodies to seek and receive input from other advisory bodies that may have an interest in or be affected by its work; and
  - Provide an opportunity for liaisons to share input from their respective advisory bodies early in the process on matters being considered by other advisory bodies.

The advisory body chair may determine the selection process for naming a liaison from the advisory body that he or she chairs to another advisory body. Before confirming an appointment, the appointing chair should consult with the chair of the advisory body to which the liaison will be appointed. Where a member of the Trial Court Presiding Judges Advisory Committee or the Court Executives Advisory Committee is a member of another council advisory body, he or she should also serve as the liaison for his or her committee. The appointing advisory body is responsible for costs related to the liaison member fulfilling his or her liaison responsibilities.

4. *Duration.* Sunset dates are required for all advisory bodies other than standing advisory committees. Ad hoc advisory bodies typically are dissolved following the submission and/or consideration of their final reports. The Chief Justice may extend a sunset date.

### IV. Meetings

1. *Meeting notification.* Each advisory body's public web page must provide notification of upcoming meetings as well as any meeting materials, consistent with rule 10.75 of the California Rules of Court.
2. *Meeting frequency.* To conserve judicial branch resources, an advisory body may meet in person no more than one time each annual committee cycle unless an internal oversight committee approves otherwise. Consideration should be given to ways to schedule in-person meetings so that same-day travel can be accommodated and overnights avoided unless necessary. If an additional in-person meeting is needed, the responsible office head will review the request with his or her division chief. Final

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<sup>1</sup> The form and the accompanying instructions may be accessed on the Judicial Council staff intranet under Reference, Judicial Council & Advisory Bodies, Subcommittee Appointment Process and Request Form.

## OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

approval of the request will be sought from the assigned internal oversight committee chair in consultation with the Chief of Staff.

3. *Coordination with internal committee schedules.* To ensure the timely submission and review of advisory body recommendations and materials to the council for its consideration, lead staff should coordinate advisory body meetings with the meeting schedule of the internal committee that receives the initial submission.
4. *Minutes.* Following the [open meeting guidelines](#), minutes should contain a brief description of the proposal or other matter considered (e.g., a recommendation that the Judicial Council adopt a rule) and the action taken (e.g., the advisory body recommended that the rule be adopted by the Judicial Council, effective on a particular date). An advisory body may provide more detailed minutes, if necessary.

### V. Reports and Recommendations to the Judicial Council

1. *Report writing.* The Judicial Council report writing manual, [The ABC's of 21st Century Judicial Council Report Writing](#), specifies the proper format and content standards for all council reports.
2. *Notification of Judicial Council agenda items.* In an effort to assist the Executive and Planning Committee with its agenda-setting responsibilities, Judicial Council staff should submit a draft *Judicial Council Agenda Request* form to Judicial Council Support as early in the process as possible.
3. *Report submission.* Reports to the Judicial Council from an advisory body are first submitted to the Executive and Planning Committee for agenda setting through the approved process and format. Lead staff and report authors should be familiar with and adhere to the chart [JC Report Deadlines and E&P Meeting Dates](#),<sup>2</sup> which details a process and timeline that allows the Executive and Planning Committee to consider the readiness and completeness of the report and, if necessary, to ask the advisory body for revisions.
4. *Recommendations.* Reports may reflect an advisory body's recommendations or provide options without a recommendation, allowing the council to weigh the policy considerations in making its decision. The advisory body should carefully consider the recommendations or options that it presents to the council to ensure that they are limited to a manageable number for implementation by the courts or by council staff within reasonable timeframes. This requires regular check-in on scope and expectations with the internal oversight committee chair and executive leadership throughout the process.
5. *Fiscal considerations.* Recommendations or options that may have a significant and unforeseen fiscal impact should be raised with the Administrative Director and the Chief of Staff. The Administrative Director and the Chief of Staff will consult the

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<sup>2</sup> Posted on the Judicial Council staff intranet under Calendars, JC Report Deadlines.



## OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

assigned internal oversight committee chair on financial impacts of concern before the recommendations or options are finalized and the council report is developed. Depending on the outcome of that review, the advisory body may need to conduct additional analysis of the recommendations or options.

### VI. Public Access

1. *Rule 10.75.* Public access to advisory body meetings and meeting materials, and meeting minutes as official records, are addressed in rule 10.75 of the California Rules of Court and in the open meeting guidelines. The rule includes a list of advisory bodies that are exempt from the requirements.
2. *Web page content.* The lead staff to each advisory body is responsible for working with web content staff to maintain a public web page with information about the advisory body's charge and its membership and activities.
3. *Member rosters.* Rosters should be accurate and kept current and consistent between internal and public postings.



# Judicial Council of California

2860 Gateway Oaks Dr.  
Suite 400  
Sacramento, California  
95833

## Meeting Agenda

## Judicial Council

Meeting materials are available through the hyperlinked reports on this agenda.

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

*Requests for ADA accommodation should be directed to  
JCCAccessCoordinator@jud.ca.gov*

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Thursday, November 16, 2017

Sacramento

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

Session 12:55 – 2:25 p.m.

Transitional Break 2:25 – 2:40 p.m.

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

Call to Order

#### **DISCUSSION AGENDA**

**17-211      Judicial Branch: Quarterly Report on the Judicial Council's Court Innovations Grant Program, Fiscal Year 2017-2018, Quarter 1 (No Action Required)**

**Summary:** This report summarizes the activities and milestones of the Judicial Council's Court Innovations Grant Program that have occurred since March 2017, when the Judicial Council approved 53 awards of \$23.5 million to 28 superior courts and one appellate court for 52 projects and authorized staff to begin working with the trial and appellate courts to negotiate and execute an Intra-Branch Agreement for each approved project.

**Speakers:** Hon. David M. Rubin, Chair, Judicial Branch Budget Committee  
Hon. James M. Humes, Vice-Chair, Judicial Branch Budget Committee  
*20 minutes*

**17-185      Pretrial Detention Reform Workgroup: Recommendations (No Action Required)**

**Summary:** The Chief Justice appointed the Pretrial Detention Reform (PDR) Workgroup in October, 2016 to look at ways that courts may identify ways to make better release decisions that will treat people fairly, protect the public and ensure court appearances.

The Workgroup presented its report to the Chief Justice on October 16, 2017. At the Chief Justice's request, the Workgroup will present their process, findings, and recommendations to the Judicial Council.

**Speakers:**

Hon. Brian J. Back, Co-Chair, Pretrial Detention Reform Workgroup

Hon. Lisa R. Rodriguez, Co-Chair, Pretrial Detention Reform Workgroup

Hon. Brian L. McCabe, Superior Court of Merced County

Ms. Shelley Curran, Criminal Justice Services

*60 minutes*

**Adjournment (approx. 4:00 p.m.)**



# Judicial Council of California

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Suite 400  
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## Meeting Agenda

## Judicial Council

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*Open to the Public Unless Indicated as Closed  
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Friday, November 17, 2017

9:00 AM

Sacramento

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

Session 9:00 a.m. – 12:20 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 at:*

<http://www.courts.ca.gov/28045.htm>

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

*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**

**17-173**            **Minutes of the September 14-15, 2017, Judicial Council meeting.**

*5 minutes*

**Chief Justice's Report**

*10 minutes*

**Administrative Director's Report**

**17-174**            **Administrative Director's Report**

*10 minutes*

**Judicial Council Committee Presentations**

[17-175](#)            **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**

**17-177**            **Judicial Council Members' Liaison Reports**

**Summary:**

Judicial Council members report on their visits to the superior courts.

*30 minutes*

**Break 10:55 – 11:10 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.*

[17-182](#)            **Judicial Branch Administration: Judicial Branch Workers' Compensation Program (Action Required)**

**Summary:** The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval to revise the workers' compensation premium methodology for fiscal year 2018.

[17-183](#) **Language Access: Language Access Representatives and Language Access Services Complaints (Action Required)**

**Summary:** The Language Access Plan Implementation Task Force recommends that the Judicial Council adopt rules 2.850 and 2.851 of the California Rules of Court to require each superior court to (1) designate a Language Access Representative, and (2) adopt a language access services complaint form and complaint procedures. The new rules support Recommendations 25, 62, and 63 in the *Strategic Plan for Language Access in the California Courts*, adopted by the council in January 2015.

[17-188](#) **Judicial Council Report to the Legislature: Annual Report of Court Facilities Trust Fund Expenditures (Action Required)**

**Summary:** Staff to the Judicial Council recommends approving the *Annual Report of Fiscal Year 2016 Court Facilities Trust Fund Expenditures*. 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.

[17-189](#) **Judicial Council Report to the Legislature: Dual-Status Youth Data Standards Working Group Report (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the report of the Dual-Status Youth Standards Working Group (the Working Group) for submission to the Legislature. Assembly Bill 1911 ([Eggman]; Stats. 2016, ch. 637) required the council to convene a prescribed group of stakeholders to define data elements and outcome tracking for youth involved in the dependency and delinquency system, and report to the Legislature by January 1, 2018. In compliance with that mandate, members of the committee volunteered to participate in the Working Group along with various justice partners.

[17-191](#) **Judicial Council Report to the Legislature: State Trial Court Improvement and Modernization Fund Expenditures for 2016-17 (Action Required)**

**Summary:** The Judicial Council Staff recommends approval of the *Report of State Trial Court Improvement and Modernization Fund Expenditures for 2016-17* 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.

[17-192](#) **Judicial Council Report to the Legislature: Statewide Collection of Delinquent Court-Ordered Debt for Fiscal Year 2016-17 (Action Required)**

**Summary:** Judicial Council staff recommend approving the *Report on the Statewide Collection of Delinquent Court-Ordered Debt for 2016-17*. 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.

[17-196](#)**Uniform Bail and Penalty Schedules: 2018 Edition (Action Required)****Summary:**

The Traffic Advisory Committee proposes revisions to the *Uniform Bail and Penalty Schedules, 2018 Edition*, to become effective January 1, 2018. The proposed revisions conform the schedules to recent legislation as required under Vehicle Code section 40310 and Penal Code section 1269b. They also propose recommendations from outside agencies with subject matter expertise, and corrections.

[17-200](#)**Jury Instructions: New, Revised, Renumbered, and Revoked Civil Jury Instructions and Verdict Forms (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new, revised, renumbered, and revoked 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.

[17-202](#)**Judicial Council-Sponsored Legislation: Access to Juvenile Case File for Purposes of Appellate Proceedings (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Appellate Advisory Committee recommend that the Judicial Council sponsor legislation to amend Welfare and Institutions Code section 827, which specifies who may access and copy records in a juvenile case file, to clarify that people who are entitled to seek review of certain orders in juvenile proceedings or who are respondents in such appellate proceedings may, for purposes of those appellate proceedings, access and copy those records to which they were previously given access by the juvenile court. The proposed amendment would also clarify that either the juvenile court or the Court of Appeal may permit such individuals to access and copy additional records in the juvenile case file.

[17-203](#)**Judicial Council-Sponsored Legislation: Temporary Emergency Gun Violence Restraining Orders (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Civil and Small Claims Advisory Committee recommend that the Judicial Council sponsor legislation to amend the statutes setting forth the procedure for issuing a temporary emergency gun violence restraining order, specifically Penal Code sections 18140 and 18145. The amendments would replace the procedural requirement for obtaining an order orally - currently a reference to compliance with procedures under Penal Code section 1526 - with requirements set forth directly within the gun violence prevention statutes, which would parallel the requirements for emergency orders obtained in domestic violence cases, and would clarify the procedures for law enforcement officers and the court to



follow in orally issuing a temporary emergency gun violence restraining order. This change, which was initiated as the result of concerns expressed by a judicial officer as to whether the current procedure for orally issuing temporary emergency gun violence restraining orders on form EPO-002 fully complied with the statute, would not in any way change the factual assertions required of the officer or findings required of the judicial officer for the order to issue.

[17-204](#)**Judicial Council-Sponsored Legislation: Authorization for Fees for Electronic Filing and Service in the Appellate Courts (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Administrative Presiding Justices Advisory Committee recommend that the Judicial Council sponsor legislation to amend the Government Code sections relating to appellate court fees (1) to clarify that an appellate court or the court's electronic filing service provider may charge a reasonable fee for its electronic filing services; (2) to allow the appellate courts to contract with the electronic filing service provider to receive a portion of the fees collected by that provider; and (3) to authorize the appellate courts to charge a fee to recover costs incurred for providing electronic filing. Persons entitled to fee waivers would not be subject to any of the fees provided for in the legislation.

[17-205](#)**Judicial Council-Sponsored Legislation (Criminal Procedure): Electronic Arrest and Search Warrants (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Criminal Law Advisory Committee recommend amending Penal Code sections 817 and 1526 to make more efficient the process for electronically issuing arrest and search warrants, respectively. The proposal would allow magistrates to issue arrest and search warrants electronically without communicating with the officer telephonically by eliminating the requirement of an oral statement under oath. It would also make amendments to align Penal Code section 817 with Penal Code section 1526.

[17-206](#)**Judicial Council-Sponsored Legislation: Uniform Hourly Rate for Community Service in Lieu of Infraction Fine (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Traffic Advisory Committee recommend amending Penal Code section 1209.5 to provide a uniform rate throughout the state for converting infraction fines into community service hours. Specifically, the committee proposes a uniform hourly rate of double the California state minimum wage for community service performed in lieu of paying infraction fines. This proposal is in response to Judicial Council directives to consider recommendations to promote access to justice in infraction cases.

[17-207](#)**Judicial Council-Sponsored Legislation: Modernization of Civil Statutes (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and Information Technology Advisory Committee recommend that the Judicial Council sponsor legislation to

amend section 1719 of the Civil Code and sections 594, 659, 660, and 663a of the Code of Civil Procedure. This legislative proposal would (1) authorize the courts to electronically serve a written demand for payment on the drawer of a bad check; (2) authorize electronic service of notices of intention to move for a new trial or vacate judgment; and (3) amend certain deadlines tied to dates of “mailing” to be tied instead to dates of “service.”

[17-208](#)**Judicial Council: 2017 Legislative Policy Summary (Action Required)****Summary:**

The Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2017 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 the judicial branch’s strategic plan goals.

[17-212](#)**Access to Visitation Grant Program: Funding Allocation for Federal Grant Fiscal Years 2018-19 through 2020-21 (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Access to Visitation Grant Program funding allocation and distribution of approximately \$755,000 to \$770,000 statewide for federal grant fiscal years 2018-19 through 2020-21. The Access to Visitation contract period for federal grant fiscal years 2018-19 through 2020-21 begins on April 1 and ends on March 31 (each fiscal year). The funding allocations will be directed to 11 superior courts representing 18 counties and involving 15 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents’ access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services for family law cases. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

[17-213](#)**Family Law: Technical Changes to Bifurcation Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends technical revisions to two forms - an application and an order for the early termination of marital or partnership status. Specifically, the list of the conditions of granting the bifurcation of the case and ending status early upon a separate trial will be changed to track the language used in Family Code section 2337. This change will ensure that the conditions of granting the bifurcation last until the judgment has been entered on all remaining issues and has become final.

[17-214](#)**Family Law: Technical Changes to Limited Scope Representation Rule and Form (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends technical revisions to

one rule of court and one order form used in limited scope representation cases. The technical changes will respond to the concerns recently raised by court clerks about the change in procedure needed because the order form, amended effective September 1, 2017, includes a proof of service on page two. Changing one subdivision of the rule and deleting the proof of service on the order form will allow court clerks to process the order only one time, instead of having to file it two times to comply with the requirements of the rule - once when the judicial officer has signed it, and then when the proof of service on page two is filed with the court.

[17-215](#)**Child Support: Revise Income Withholding for Support and Related Instructions (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve revisions to Income Withholding for Support (form FL-195/OMB 0970-0154) and Income Withholding for Support-Instructions (form FL-196/OMB 0970-0154) to comply with Family Code section 5208 and federal law.

[17-216](#)**Rules: Electronic Filing and Service (Action Required)****Summary:**

As part of the Rules Modernization Project, the Information Technology Advisory Committee (ITAC) and Civil and Small Claims Advisory Committee (CSCAC) recommend amending several rules related to electronic service and electronic filing. The amendments are intended to improve the organization of the rules; improve the rules' consistency with the Code of Civil Procedure, including consistency with recently enacted legislation; and reduce redundancies between the rules and the Code of Civil Procedure.

[17-217](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Various members of the judicial 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 recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

[17-218](#)**Trial Courts: Children's Waiting Room Fund Balance Cap Adjustments (Action Required)****Summary:**

The Trial Court Budget Advisory Committee (TCBAC) recommends the Judicial Council approve three requests to adjust the requesting trial courts' Children's Waiting Room fund balance cap. The Judicial Council revised its Children's Waiting Room (CWR) Distribution and Fund Balance Policy on June 26, 2015, placing a cap on the amount of CWR fund balance that courts can accumulate. Courts with fund balances that exceed the cap are required to return the amount above the cap to the Trial Court Trust Fund (TCTF) by the end of the fiscal year, unless the council approves a court's request for a cap adjustment. The Judicial Council approved

additional revisions to the policy on March 24, 2017 to extend the review and adjustment of CWR fund balances from an annual to a biennial schedule, beginning with the 2016-17 fund balances. The total amount requested by the trial courts that would increase their CWR fund balance cap is \$862,289.

[17-219](#)**Judicial Branch Administration: Sabbatical Request for Hon. John P. Doyle (Action Requested)****Summary:**

The Executive and Planning Committee (E&P) recommends the approval of an unpaid sabbatical leave for Judge John P. Doyle of the Superior Court of California, County of Los Angeles, for the period of August 6, 2018, to December 3, 2018. During this sabbatical leave, Judge Doyle intends to teach classes at the Pepperdine Law School London Program, in London, England. As adjunct faculty, Judge Doyle's experience in this program will enhance his ability to continue serving effectively as a trial court judge and thereby benefit the administration of justice.

[17-220](#)**Judicial Council Report to the Legislature: Disposition of Criminal Cases According to Race and Ethnicity of the Defendant (Action Requested)****Summary:**

The Office of Court Research recommends that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant: 2017 Report to the California Legislature as Required by Penal Code Section 1170.45*, and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Penal Code section 1170.45, which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to the defendants' race and ethnicity. Since 2001 the Judicial Council's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the California Department of Justice. The 2017 report indicates that when grouping defendants according to the extensiveness of their prior criminal records and types of offense, the data show a complex pattern in the severity of sentences that defendants receive. When directly comparing defendant groups in the context of the severity of their criminal offenses and prior criminal histories, sentencing outcomes are variable and appear to be primarily associated with defendants' prior criminal record and offense type. Due to data limitations that are outlined in the report and also highlighted by the Criminal Justice Statistics Center (CJSC) of the California Department of Justice (DOJ), we encourage the reader to exercise caution in attempting to attribute causes for the observed differences in sentencing among racial/ethnic groups.

[17-222](#)**Appellate Procedure: Format for Reporter's Transcripts Delivered in Electronic Form (Action Required)****Summary:**

To implement recent legislation, the Appellate Advisory Committee recommends amending the rule that governs the format of reporter's transcripts to incorporate requirements for transcripts that are delivered in electronic form and to reorganize the provisions so that the formatting requirements applicable to all transcripts and those in

paper form are easier to find. The committee also recommends amending several other rules to conform to the new legislation and to correct cross-references in the rules.

[17-223](#)**Trial Court Allocations: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve two new requests and three amended requests for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, a court may request that funding reduced as a result of a court exceeding its 1 percent fund balance cap be retained in the TCTF for the benefit of that court. The total estimated amount requested by the trial courts that would be reduced from their 2017-18 allocations for exceeding the cap is \$989,112. The council will be informed of any final adjustments to the estimated amounts after 2016-17 1 percent fund balance cap has been finalized.

[17-224](#)**Subordinate Judicial Officers: Refinement of the Policy for Deferrals of Conversions to Judgeships (Action Required)****Summary:**

The Executive and Planning Committee (E&P) of the Judicial Council has authority to confirm conversions of subordinate judicial officer positions to judgeships under Government Code section 69615, using uniform criteria adopted by the Judicial Council to identify positions eligible for conversion. Under certain circumstances, E&P may grant a temporary exception to conversion at the request of a court that wishes to defer a conversion until a later time. The policy that established the criteria for deferring conversions was adopted by the Judicial Council in 2009; and updated in 2016 to provide guidance to both courts and E&P regarding the circumstances under which an exception may be granted. E&P now proposes the refinement of an existing criteria for granting exceptions that would allow for a one year extension of an original deferral if good cause can be shown by the court.

[17-226](#)**Tri-Annual Review of Judicial Council Governance Policies and Principles (Action Required)****Summary:**

The Judicial Council revises the Judicial Council Governance Policies every three years. A recent analysis of both the California Rules of Court and Governance Policies revealed substantially duplicative verbiage. The 2017 revisions include: simplifying language in the Governance Policies and inclusion of the Operating Standards for Judicial Council Advisory Bodies.

**EDUCATIONAL AGENDA**[17-198](#)**Judicial Council Family Law Education Session****Summary:**

At the request of the Judicial Council, this educational session reviews milestone developments in family courts; services provided by the Center for Families, Children & the Courts and other Judicial Council offices; projects in development, and work

that still needs to be done.

**Speakers:**

Hon. Mark A. Juhas, Co-chair, Family and Juvenile Law Advisory Committee  
Ms. Charlene Depner, Center for Families, Children & the Courts

*45 minutes*

## DISCUSSION AGENDA

[17-209](#)

**Judicial Council: 2018 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 last several years, the council's legislative priorities have focused on implementation of efficiencies in the courts, investment in the judicial branch, and securing critically needed judgeships. The Policy Coordination and Liaison Committee recommends a similar approach for the 2018 legislative year to the Judicial Council.

**Speakers:**

Mr. Cory T. Jasperson, Office of Governmental Affairs

*25 minutes*

## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[17-127](#)

**Judicial Council Report to the Legislature: Report of Allocations and Reimbursements to the Trial Courts**

**Summary:**

Government Code section 77202.5(a) requires that the Judicial Council report to the Legislature annually on allocations and reimbursements to the trial courts. The Judicial Council staff submitted to the Legislature on September 30, 2017, the *Report of Allocations and Reimbursements to the Trial Courts in Fiscal Year 2016-17*.

[17-128](#)

**Judicial Council Report to the Legislature: Allocation of the State Level Reserve in the Trial Court Trust Fund**

**Summary:**

As required in Government Code section 68502.5(c)(2)(B), funds are set aside in the Trial Court Trust Fund to be allocated by the Judicial Council and used by the trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls. The Judicial Council staff submitted to the Legislature on October 1, 2017, the *Report of Allocation of the State Level Reserve in the Trial Court Trust Fund for Fiscal Year 2016-17*.

[17-179](#)

**Court Facilities: Lease-Revenue Bond Issuance, Fall 2016 and Spring 2017**

**Summary:**

As authorized and directed by the Judicial Council, the Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board (SPWB) in fall 2016 and spring 2017, for the financing of court facilities projects.

[17-181](#)**Judicial Council Report to the Legislature: Status of the Phoenix Program, 2016****Summary:**

In accordance with Government Code section 68511.8, the Judicial Council will submit its annual status report to the Legislature on the Phoenix Program. This status report includes a description and discussion of major activities undertaken in 2016 for the Phoenix Program, project accomplishments to date, and annual revenues and expenditures for these projects. The following summary of the report is provided under the requirements of Government Code section 9795: the Phoenix Program's primary focus in 2016 was on continuing to provide each trial court with full comprehensive administrative support. This report presents annual service metrics for the various fiscal and human capital management areas the program supports. These areas specifically include Accounts Payable, General Ledger, Purchasing, Payroll, and Trust and Treasury Services. The Phoenix Program provides daily administrative support to all 58 trial courts.

[17-186](#)**Judicial Council Report to the Legislature: Electronic Recording Equipment****Summary:**

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

[17-187](#)**Trial Courts: Recidivism Reduction Fund Court Grant Program: Annual Report, 2017****Summary:**

The Budget Act of 2015 (Assem. Bill 93, Stats. 2015, ch. 10) requires the Judicial Council to submit this annual report to the Joint Legislative Budget Committee (JLBC) and the Department of Finance (DOF). *The Recidivism Reduction Fund Court Grant Program: Annual Report, 2017* is the third annual report to the JLBC and the DOF.

[17-195](#)**Trial Courts: Quarterly Investment Report for Third Quarter of 2017****Summary:**

This *Trial Courts: Quarterly Investment Report for Third Quarter of 2017* covers the period of July 1, 2017, through September 30, 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.

[17-201](#)**Court Facilities: Annual Report of the Trial Court Facility Modification Advisory Committee for Fiscal Year 2016****Summary:**

The Trial Court Facility Modification Advisory Committee has completed allocating facility modification funding for fiscal year 2016 and submits its *Annual Report of the Trial Court Facility Modification Advisory Committee for Fiscal Year 2016* for informational purposes.



[17-210](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 44)****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 44th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, one superior court, Kings County, has issued a new notice.

[17-221](#)**Court Records: Trial Court Records Manual Update****Summary:**

The Court Executives Advisory Committee presents the Judicial Council with the revised *Trial Court Records Manual*. The update to the manual contains changes required by AB 1443 to reflect the addition of gun violence record retention requirements as well as the elimination of the statutory reporting requirement for destroyed or transferred court records. The update also contains technical changes to align the manual with intervening legislative and rule changes.

**Circulating Orders****Appointment Orders**[17-225](#)**Appointment Orders****Summary:**

Appointment Orders since the last business meeting.

**Adjournment (approx. 12:20 p.m.)**