



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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

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JCCAccessCoordinator@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: May 3, 2018
Time: 12:10–1:10 p.m.
Public Call-In Number: 877-820-7831; passcode 846-8947 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to executiveandplanning@jud.ca.gov.

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the March 21, 2018, Executive and Planning Committee open meeting and April 17, 2018, Executive and Planning Committee closed meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to executiveandplanning@jud.ca.gov or mailed or delivered to Judicial Council of California, attention: Donna Ignacio. Only written comments received by 12:10 p.m. on Wednesday, May 2, 2018 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1)

Item 1

Agenda Setting for the May 24, 2018 Judicial Council meeting (Action Required)

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

Presenters: Various

IV. ADJOURNMENT

Adjourn



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Wednesday, March 21, 2018

12:00 to 12:30 p.m.

Teleconference

Committee Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice-chair); Justice Harry E. Hull, Jr., Presiding Judges Patricia M. Lucas and Gary Nadler; Judges Stacy Boulware Eurie and Samuel K. Feng; Ms. Kimberly Flener and Ms. Gretchen Nelson

Committee Members Not Present: Judge David M. Rubin

Others Present: Justice Laurie D. Zelon

Committee Staff Present: Ms. Millicent Tidwell

Staff Present: Ms. Donna Ignacio, Ms. Laura Speed, Ms. Kyanna Williams, and Ms. Josely Yangco-Fronza

OPENING MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:02 p.m. and committee staff took roll call.

Approval of Minutes

The committee voted to approve the following minutes:

- March 1, 2018, Executive and Planning Committee open meeting with closed session

DISCUSSION AND ACTION ITEMS

Item 1

2018 Annual Agenda: Advisory Committee on Providing Access and Fairness (Action Required)

Review draft 2018 annual agenda of the Advisory Committee on Providing Access and Fairness

Action: The committee approved the 2018 annual agenda of the Advisory Committee on Providing Access and Fairness with the following amendments:

- **Add new Gender Expression/Identify Joint Ad Hoc Working Group.**
- **Add new project and description for Gender Expression/Identity**

- ***Amend Ongoing Project #8 to include the Trial Court Presiding Judges Advisory Committee to the advisory committee collaboration section***

ADJOURNMENT

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

Approved by the advisory body on _____.

DRAFT



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

Tuesday, April 17, 2018

12:00 to 2:00 p.m.

Teleconference

Committee Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Presiding Judge Patricia M. Lucas; Judges Stacy Boulware Eurie, Samuel K. Feng, and David M. Rubin; Ms. Kimberly Flener and Ms. Gretchen Nelson

Committee Members Absent: Justice Harry E. Hull, Jr. and Presiding Judge Gary Nadler

Staff Present: Ms. Millicent Tidwell, Ms. Amber Barnett, Ms. Laura Speed, and Ms. Roma Cheadle

CLOSED SESSION

Call to Order and Roll Call

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

Item 1

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

Nominations for Judicial Council Appointments

Review nominations and develop recommendations to be submitted to the Chief Justice regarding appointments to the Judicial Council.

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:40 p.m.

Approved by the advisory body _____.



Judicial Council of California

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

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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

*Requests for ADA accommodation should be directed to
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Thursday, May 24, 2018

8:30 AM

San Francisco

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

Session 8:30 – 9:00 a.m.

Transitional Break 9:00 – 9:10 a.m.

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

Call to Order

Swearing in of New Judicial Council Member

The Chief Justice will administer the oath of office to new council member.

10 minutes

Public Comment

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, May 22.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, May 23.

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

E-mail:

judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

Judicial Council of California

455 Golden Gate Avenue

San Francisco, California 94102-3688

Attention: Donna Ignacio

Approval of Minutes

18-066 Minutes of the March 2, 2018, Judicial Council meeting.

Chief Justice's Report

10 minutes

Administrative Director's Report

18-067 Administrative Director's Report

10 minutes

Judicial Council Committee Presentations

18-068 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

18-069 Judicial Council Members' Liaison Reports

Summary:

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

20 minutes

Break 11:00 – 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.

[18-070](#)

Trial Courts: Trial Court Financial Policies and Procedures Manual, 9th Edition (Action Required)

Summary:

Judicial Council staff recommends adoption of the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), 9th edition. The manual was last updated in 2016. The TCFPPM requires both substantive and non-substantive revisions for clarity and improvement of the existing system of internal fiscal controls.

[18-072](#)

Report to the Legislature: Trial Court Interpreters Program Expenditure Report for Fiscal Year 2016-17 (Action Required)

Summary:

The Judicial Council's Court Interpreters Program recommends approving the annual report on trial court interpreter expenditures for submission to the Legislature and the Department of Finance. This report is required by the Budget Act of 2016 (Stats. 2016, ch. 23).

[18-073](#)

Judicial Branch Administration: Judicial Branch Workers' Compensation Program (Action Required)

Summary:

The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year 2018-19, and implementation of various initiatives to increase program outreach and educate members on workers' compensation programs.

[18-075](#)

Forms: Enforcement of Judgment Exemption (Action Required)

Summary:

Assembly Bill 688 (Calderon; Stats. 2017, ch. 529) amended Welfare and Institutions Code section 4880 to provide an exemption from enforcement of judgments for funds in special savings accounts for persons with disabilities. The amount exempted is \$100,000. To assist court users and to help implement this legislation, the exemption must be added to the Judicial Council form that lists exemptions to enforcement of judgments.

[18-076](#)

Forms: Civil Name Change and Gender Change Forms (Action Required)

Summary:

The Civil and Small Claims Advisory Committee recommends adopting, revising, or revoking various Judicial Council name change forms to reflect recently enacted legislative amendments. Senate Bill 179 changed the process for seeking name changes to conform to gender (new Code Civ. Proc., § 1277.5); changed the process for adults seeking recognition of a gender change, including by adding "nonbinary" as one of the genders that can be recognized (amended Health & Saf. Code, §§ 103425 and 103430(a)-(b)); and added a new process for minors seeking

recognition of gender changes (new Health & Saf. Code, § 103430(e)). In addition, Senate Bill 310 eliminated the prohibition on name changes for persons under the jurisdiction of the Department of Corrections and Rehabilitation (those in state prison or on parole) and those in county jail, while at the same time adding a service requirement for such petitions.

[18-077](#)**Juvenile Law: Sealing of and Access to Records (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends new and amended rules and new and revised forms to conform to recently enacted statutory provisions concerning the sealing of juvenile records. The proposal would update recently adopted rules and forms to implement sealing of records under Welfare and Institutions Code section 7861 to include recent changes to that section, modify forms to reflect the authority of the court to seal records for section 707(b) offenses, and adopt a new rule and optional form for use by probation to seal records under newly enacted section 786.5.

[18-078](#)**Jury Instructions: New, Revised, 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, 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.

[18-083](#)**Court Facilities: Disposition of Mental Health Courthouse (Action Required)****Summary:**

The Los Angeles County Mental Health Courthouse facility has been permanently closed and is unsuitable to the needs of the judicial branch. The local court supports disposition of this facility. To eliminate the council's continuing liability and expense in holding this facility and to realize its value in a fair-market-value sales transaction, the Facilities Policies Working Group recommends that the Judicial Council approve the sale of this facility as nonsurplus property and direct council staff to take all actions necessary to dispose of it.

[18-085](#)**Juvenile Law: Information for Parents (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising two Judicial Council forms to update advisements to parents whose children are the subject of juvenile court wardship proceedings to provide accurate information about their financial responsibility for costs of services and support provided to their child by the court and county.

[18-088](#)**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.

[18-089](#)**Forms: Technical Changes-Redesignate and Renumber 41 Miscellaneous (MC) Forms and Amend One Rule of Court (Action Required)****Summary:**

There are currently over 75 Judicial Council forms (including a few foreign language versions) that bear a subject-area identifier of MC (Miscellaneous). “Miscellaneous” is not a very helpful term to a user who is searching for a particular form from the “Select a Category” drop-down list on the California Courts website. Many of the MC forms actually fit into discrete subject areas that could be assigned unique category-identifying labels. Others could fit within an existing category-identifying label. Judicial Council staff recommend redesignating and renumbering 41 of these MC forms (plus four foreign language forms) to give them a more specific identifying label.

[18-090](#)**Juvenile Law: Presumptive Transfer of Specialty Mental Health Services (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes the adoption of one California Rule of Court and four juvenile law (JV) forms, including an information sheet. The rule and forms implement a procedural framework for a juvenile court review hearing created by recent legislation involving foster children’s access to specialty mental health services under federal Early and Periodic Screening, Diagnosis and Treatment services. When a foster child or nonminor is moved to a different county, the responsibility for providing and arranging for specialty mental health services is presumptively transferred to the new county unless certain exceptions apply. Assembly Bill 1299 (Ridley-Thomas; Stats. 2016, ch. 603), provides certain individuals the right to request a hearing to challenge a placing agency’s determination regarding whether an exception applies to presumptive transfer. The proposed rule and forms are intended to provide procedural clarity for this unique hearing. The committee also recommends renumbering a JV form to keep the JV forms related to this proposal in sequential order with forms related to the administration of a foster child’s psychotropic medications.

[18-091](#)**Judicial Council Budget: Reporting Requirement for Trial Court Trust Fund (TCTF) and the State Trial Court Improvement and Modernization Fund (IMF) Encumbrances****Summary:**

The Trial Court Budget Advisory Committee proposes changing the required reporting of the encumbrance report for all programs funded from the TCTF and/or IMF from semi-annual to annual.

[18-092](#)Speakers:**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 three new requests and eight 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.

[18-093](#)**Juvenile Dependency: Fiscal Year 2017-2018 Allocation for Juvenile Dependency Counsel Collections Program and Court-Appointed Counsel Expected Unspent Funding Reallocation (Action Required)**Summary:

The Trial Court Budget Advisory Committee makes recommendations on two redistributions of funding for court appointed juvenile dependency counsel for fiscal year 2017-18. (1) Under the Juvenile Dependency Counsel Collections Program and as directed in Welfare and Institutions Code section 903.1, courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The recommendation is made to allocate \$542,892, the 2016-17 statutorily restricted funds remitted in excess of dependency counsel program administrative costs, to the trial courts calculated according to the methodology adopted by the Judicial Council at its August 23, 2013, business meeting. (2) Under the Judicial Council recommendations adopted April 2015, reallocate unspent dependency counsel funding from courts that have identified funds they do not intend to spend to courts funded at below the average statewide funding level.

[18-096](#)**Criminal Law: Judicial Council Appointment to Board of State and Community Corrections (Action Required)**Summary:

SUMMARY TBD-JCAR ONLY

DISCUSSION AGENDA[18-082](#)**Judicial Administration: Public Disclosure of Settlement Agreements (Action Required)**Summary:

SUMMARY TBD-JCAR ONLY

Speakers:

Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee
45 minutes

[18-051](#)**Trial Courts: Revise Workload Measurement of Infractions Cases in the Resource Assessment Study Model (Action Required)****Summary:**

The Workload Assessment Advisory Committee recommends that the Judicial Council adopt a technical adjustment to the Resource Assessment Study (RAS) model for measuring court workload in infractions cases. This change will ensure that the measurement of this workload reflects the resources and technology that courts employ to process these cases. If adopted, this change would take place immediately and would be used to calculate the RAS workload need for budget allocations starting with FY 2018-19.

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

Speakers:

Savet Hong, Budget Services

15 minutes

[18-094](#)**Trial Courts: Trial Court Trust Fund Revenue Shortfall (Action Requested)****Summary:**

The continued decline of fine, fee, and forfeiture revenues that support trial court base allocations, and the lack of an adjustment to the backfill through the state budget process, has resulted in a projected current year revenue shortfall in the Trial Court Trust Fund. The shortfall was presented to the Trial Court Budget Advisory Committee in April 2018 when projections indicated an estimated shortfall of \$7 million. Additional revenue data received since that time suggest the shortfall will be less once all revenues have been collected for the fiscal year. The Trial Court Trust Fund has a structural deficit but there are sufficient unrestricted funds in the fund balance to cover this shortfall. As such, the Trial Court Budget Advisory Committee recommends that the Judicial Council approve the current year revenue shortfall be covered from the Trial Court Trust Fund's fund balance.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Ms. Lucy Fogarty, Budget Services

25 minutes

[18-081](#)**Judicial Council Budget: Adjustments to Judicial Council Approved 2017-18 Allocations from the State Trial Court Improvement and Modernization Fund (IMF) (Action Required)****Summary:**

The Trial Court Budget Advisory Committee proposes two adjustments to the adopted allocations from the IMF for 2017-18 for the Court Operation Services and Information Technology programs.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Ms. Lucy Fogarty, Budget Services

15 minutes

[18-095](#)**Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy (Action Required)****Summary:**

The Judicial Council's suspension of the minimum operating and emergency fund balance policy expires as of June 30, 2018. The minimum operating and emergency fund balance policy, established by the Judicial Council in October 2006 and revised in April 2009, requires trial courts to set aside a percentage of funds for use in emergency situations or when revenue shortages or budgetary imbalances may exist. This policy has been suspended by the Judicial Council since August 31, 2012, due to changes in statute and to provide for the opportunity to seek repeal. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension to the suspension of the minimum operating and emergency fund balance policy.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Budget Services

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[18-071](#)**Judicial Branch Budget: Quarterly Report on the Judicial Council's Court Innovations Grant Program, Fiscal Year 2017-18, Quarter 3****Summary:**

This report summarizes activities of the Judicial Council's Court Innovations Grant Program during the third quarter of fiscal year 2017-18.

[18-074](#)**Judicial Branch Administration: Release of Demographic Data on California Justices and Judges****Summary:**

This informational report to the Judicial Council is of aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, and veteran and disability status of California's justices and judges by specific jurisdiction, which council staff is required by statute to collect and release annually. In general, findings indicate that the California bench has become more diverse over time.

[18-079](#)**Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1 -December 31, 2017)****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.

[18-080](#)**Trial Courts: Quarterly Investment Report for First Quarter of 2018****Summary:**

This *Trial Courts: Quarterly Investment Report for First Quarter of 2018* covers the period of January 1, 2018, through March 31, 2018, 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.

[18-084](#)

Court Facilities: Trial Court Facility Modifications Report for Quarter 3 of Fiscal Year 2017-18

Summary:

The Trial Court Facility Modification Advisory Committee has completed allocating trial court facility modification funding for the third quarter (January through March) of fiscal year 2017-18 and submits this report for informational purposes.

There have been no Circulating Orders since the last business meeting.

Appointment Orders since the last business meeting.

Adjournment (approx. 1:05 p.m.)

DRAFT