



# 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)

Request for ADA accommodations should be made at least three business days before the meeting and directed to:  
[JCCAccessCoordinator@jud.ca.gov](mailto:JCCAccessCoordinator@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### NOTICE AND AGENDA OF OPEN MEETING WITH CLOSED SESSION

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

---

**Date:** June 21, 2018  
**Time:** 12:10 p.m. to 1:10 p.m.  
**Public Call-In Number:** 877-820-7831; passcode 846-8947 (Listen Only)

---

Meeting materials for open portions of the meeting will be posted on the advisory body 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 open meeting portion 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](mailto: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 May 3, May 16 and May 23 Executive and Planning Committee meetings and the May 18 Executive and Planning Committee action by e-mail.

---

#### 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](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, June 20, 2018 will be provided to advisory body members prior to the start of the meeting.

**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-6)**

---

**Item 1**

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

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

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

**Item 2**

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

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

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

**Item 3**

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

Review request from the Superior Court of San Diego to convert one vacant subordinate judicial officer position to a judgeship.

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

**Item 4**

**Governing Committee of the Center for Judicial Education and Research – Recommendation to Amend Rule 10.50 (Action Required)**

Review recommendation to amend California Rules of Court, rule 10.50, Governing Committee of the Center for Judicial Education and Research and consider forwarding to the Judicial Council for adoption at a future meeting.

Presenters: Hon. Douglas P. Miller and Ms. Mary Ann Koory

**Item 5**

**Telephone Appearance Services Master Agreement – Referral of Fee Issues to Judicial Branch Budget Committee (Action Required)**

Review recommendation to refer issues relating to fees for telephone appearance services under the 2018-2022 statewide master agreement to the Judicial Branch Budget Committee for consideration and possible action.

Presenter: Mr. Patrick O'Donnell

**Item 6**

**Agenda Setting for the July 19-20, 2018 Judicial Council meeting (Action Required)**

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

Presenters: Various

---

**IV. ADJOURNMENT**

---

**Adjourn to Closed Session**

---

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

---

**Item 1**

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

***Advisory Body Nominations Discussions***

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

**Adjourn Closed Session**



# 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

### MINUTES OF OPEN MEETING

Thursday, May 3, 2018

12:10 to 1:10 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

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

**Staff Present:** Ms. Michele Allan, Ms. Deborah Brown, Ms. Mary Bustamante, Ms. Penny Davis, Mr. Robert Downs, Ms. Maureen Dumas, Ms. Marcela Eggleton, Ms. Audrey Fancy, Mr. Patrick Farrales, Mr. Bruce Greenlee, Ms. Angela Guzman, Ms. Savet Hong, Ms. Donna Ignacio, Mr. Doug Kauffroath, Mr. Greg Keil, Ms. Tracy Kenny, Ms. Olivia Lawrence, Mr. Chris Magnusson, Mr. Charles Martel, Ms. Susan McMullan, Mr. Patrick O'Donnell, Ms. Akilah Robinson, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Sonia Sierra Wolf, Mr. Brian Simeroth, Mr. Jagandeep Singh, Mr. David Smith, Ms. Laura Speed, Mr. Corby Sturges, Mr. Zlatko Theodorovic, Mr. Don Will, Mr. Catrayel Wood and Ms. Josely Yangco-Fronda

---

#### OPENING MEETING

---

##### 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:

- March 21, 2018, Executive and Planning Committee open meeting
- April 17, 2018, Executive and Planning Committee closed meeting

---

**DISCUSSION AND ACTION ITEMS**

---

**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.

***Action: The committee reviewed draft reports and set the agenda for the Judicial Council meeting in May, which will be a one day meeting held on May 24.***

---

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

---

There being no further business, the meeting was adjourned at 12:26 p.m.

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

DRAFT



# 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)

## RULES AND PROJECTS COMMITTEE

### EXECUTIVE AND PLANNING COMMITTEE

#### MINUTES OF OPEN MEETING WITH CLOSED SESSION

May 16, 2018

Teleconference

**RUPRO Members Present:** Justice Harry E. Hull (Chair); Judge Dalila C. Lyons (Vice-chair); Judges Kevin C. Brazile, Harold W. Hopp, and Stuart M. Rice; Mr. Jake Chatters, Ms. Rachel W. Hill, and Mr. Patrick Kelly

**RUPRO Members Absent:** Judge Scott M. Gordon

**E&P 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, Samuel K. Feng, and David M. Rubin; Ms. Kimberly Flener, and Ms. Gretchen Nelson

**Others Present:** Justice Marsha G. Slough, Ms. Amber Barnett, Ms. Roma Cheadle, Ms. Benita Downs, Ms. Lucy Fogarty, Ms. Angela Guzman, Ms. Eve Hershcopf, Ms. Donna Ignacio, Ms. Donna Newman, Mr. Patrick O'Donnell, Ms. Brandy Sanborn, Ms. Millicent Tidwell, Ms. Josely Yangco-Fronza, Ms. Laura Speed, and Mr. Zlatko Theodorovic

## RULES AND PROJECT COMMITTEE

---

### OPEN MEETING

---

#### Call to Order and Roll Call

The Rules and Projects (RUPRO) Committee chair called the meeting to order at 12:13 p.m. and requested a roll call, at which time the Executive and Planning (E&P) Committee chair also requested a roll call.

---

### DISCUSSION AND ACTION ITEMS (ITEM 1)

---

#### Item 1

**Judicial Administration: Public Disclosure of Settlement Agreements** (amend rule 10.500)  
(Action required – recommend Judicial Council action)

**Action:** *The Rules and Projects Committee recommended approval on the Judicial Council's May 24, 2018, discussion agenda.*

---

### ADJOURNMENT

---

There being no further RUPRO meeting business, the meeting was adjourned at 12:35 p.m.

## EXECUTIVE AND PLANNING COMMITTEE

---

### OPEN MEETING

---

#### Call to Order and Roll Call

The chair called the meeting to order at 12:36 p.m.

---

### DISCUSSION AND ACTION ITEMS (ITEM 1)

---

#### Item 1

#### Continue Agenda Setting for the May 24, 2018 Judicial Council Meeting (Action Required)

Review additional reports for placement on the May 24 Judicial Council meeting agenda.

**Action: The committee reviewed additional draft reports and continued to set the agenda for the Judicial Council meeting in May.**

---

### ADJOURNMENT

---

Prior to adjournment, the chair indicated the closed session was cancelled. There being no further E&P meeting business, the meeting was adjourned at 12:51 p.m.

---

### CLOSED SESSION

---

Closed session cancelled

Approved by the Rules and Projects Committee on \_\_\_\_\_.

Approved by the Executive and Planning Committee on \_\_\_\_\_.



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)

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

**E-mail Proposal**

As part of setting the agenda for Judicial Council meetings, the Executive and Planning Committee was asked to review the report—Judicial Council: Nonvoting Council Position—as a new consent item and approve it to be included on the May 24 Judicial Council business meeting agenda.

**Notice**

On May 17, 2018, 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 consent agenda of the May 24, 2018 Judicial Council business meeting.

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





# 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

### MINUTES OF CLOSED MEETING

Wednesday, May 23, 2018

9:00 a.m. to 1:00 p.m.

San Francisco

---

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

**Committee Members Absent:** Justice Douglas P. Miller (Chair)

**Staff Present:** Ms. Amber Barnett; Ms. Roma Cheadle; and Ms. Josely Yangco-Frona

---

#### CLOSED SESSION

---

##### Call to Order and Roll Call

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

##### Item 1

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

##### *Advisory Body Nominations Discussions*

Review nominations for the following advisory bodies and develop recommendations to be submitted to the Chief Justice:

- Appellate Advisory Committee
- Advisory Committee on Civil Jury Instructions
- Advisory Committee on Criminal Jury Instructions
- Civil and Small Claims Advisory Committee
- Collaborative Justice Courts Advisory Committee
- Court Facilities Advisory Committee
- Court Interpreters Advisory Panel
- Court Security Advisory Committee

- Criminal Law Advisory Committee
- Executive Committee of the Court Executives Advisory Committee
- Family and Juvenile Law Advisory Committee
- Governing Committee of the Center for Judicial Education and Research
- Information Technology Advisory Committee
- Judicial Branch Workers' Compensation Program Advisory Committee
- Legal Services Trust Fund Commission
- Probate and Mental Health Advisory Committee
- Traffic Advisory Committee
- Trial Court Budget Advisory Committee
- Trial Court Facility Modification Advisory Committee
- Tribal Court-State Court Forum
- Workload Assessment Advisory Committee

***Action: The committee developed recommendations for the advisory bodies listed above, and voted to submit those recommendations to the Chief Justice.***

---

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

---

There being no further business, the meeting was adjourned at 1:00 p.m.

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



## JUDICIAL COUNCIL OF CALIFORNIA

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

---

### MEMORANDUM

---

**Date**

June 13, 2018

**To**

Members of the Executive and Planning  
Committee

**From**

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

**Subject**

Conversion of Two Vacant Subordinate  
Judicial Officer Positions in the Superior  
Court of Los Angeles County

**Action Requested**

Approve Staff Recommendation

**Deadline**

June 21, 2018

**Contact**

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

---

**Executive Summary**

Office of Court Research staff recommend that the Judicial Council's Executive and Planning Committee confirm the conversion of two vacant subordinate judicial officer (SJO) positions in the Superior Court of Los Angeles County. The court has notified council staff of these vacancies and has requested that the positions be converted to judgeships. Confirming this request for SJO conversions is consistent with established council policy of improving access to justice by providing constitutionally empowered judges who are accountable to the electorate in matters that are appropriately handled by judges.

**Recommendation**

Office of Court Research staff recommend that the Executive and Planning Committee (E&P) confirm the conversion of two vacant SJO positions in the Superior Court of Los Angeles County. These vacancies are the result of the elevation of the commissioners serving in these positions to judgeships on June 1, 2018. The conversions will take effect on the date on which E&P approves the court's request.

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

### **Previous Council Action**

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

In 2007, the Judicial Council approved a methodology for evaluating the workload appropriate to SJOs relative to the number of SJOs working in the courts. In the same year, the Legislature passed Assembly Bill 159 (Stats. 2007, ch. 722), which adopted the Judicial Council's methodology. This resulted in a list of 25 courts in which a total of 162 SJO positions would be converted. Government Code section 69615(c)(1)(A) allows for the annual conversion of up to 16 SJO vacancies upon authorization by the Legislature in courts identified by the Judicial Council as having SJOs in excess of the workload appropriate to SJOs.<sup>2</sup>

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

- The adoption of four trial court allocation groups and a schedule that distributes the 16 annual SJO conversions across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible;
- The delegation of authority to E&P for confirming SJO conversions;
- The establishment of guidelines for courts to notify the council of SJO vacancies and timelines for the redistribution of SJO conversions across the allocation groups; and
- The establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.<sup>3</sup>

---

<sup>1</sup> See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), [www.courts.ca.gov/documents/sjowgfinal.pdf](http://www.courts.ca.gov/documents/sjowgfinal.pdf) (as of June 7, 2017).

<sup>2</sup> See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 14, 2007), [www.courts.ca.gov/documents/022307item9.pdf](http://www.courts.ca.gov/documents/022307item9.pdf); and the update of this report and SJO allocation list, Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 21, 2015), [www.courts.ca.gov/documents/jc-20150821-itemL.pdf](http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf) (as of June 7, 2017).

<sup>3</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships* (Aug. 26, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4> (as of June 7, 2017).

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

### **Rationale for Recommendation**

The Superior Court of Los Angeles County is eligible for a total of 79 of the 162 conversions authorized by the Legislature and has previously converted 66 positions, with the last conversion occurring in March of fiscal year (FY) 2017–18. The Superior Court of Los Angeles County is the sole member of Allocation Group 1, which is allotted 7 conversions each year. The confirmation of the present request would result in the conversion of 2 of the 4 remaining SJO positions for which the court is eligible in FY 2017–18, and would allow the court reasonable certainty and clarity concerning staffing and judicial workload over the next few years.

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

This proposal, which is consistent with the original tenets of council policy on SJO conversions, did not circulate for comment. Confirming this conversion is consistent with well-established council policy on SJO conversions.

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

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

### **Attachment**

1. Attachment A: Letter from Presiding Judge Daniel J. Buckley, Superior Court of Los Angeles County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, June 11, 2018, regarding the conversion of a vacant SJO position.

---

<sup>4</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 21, 2015), [www.courts.ca.gov/documents/jc-20150821-itemL.pdf](http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf) (as of June 7, 2017).



# 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

June 11, 2018

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

Re: Request for Delay of Conversion of Two Vacant Commissioner Positions

Dear Justice Miller:

In the current fiscal year, the Los Angeles Superior Court has converted five commissioner vacancies to judgeships, out of a total of seven conversions scheduled. Since 2008, the Court has converted a total of 68 commissioner vacancies.

I am writing to seek an exception to the final two subordinate judicial officer conversions scheduled for fiscal year 2017-18. We continue to have a pressing need for judicial officers to expand access to justice and the delayed implementation of these two SJO conversions is a great help with that challenge.

Thank you for your consideration and assistance.

Very truly yours,

A handwritten signature in black ink that reads "Daniel J. Buckley".

DANIEL J. BUCKLEY  
Presiding Judge

DJB:BB:rm

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



## JUDICIAL COUNCIL OF CALIFORNIA

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

---

### MEMORANDUM

---

**Date**

June 15, 2018

**To**

Members of the Executive and Planning  
Committee

**From**

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

**Subject**

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

**Action Requested**

Approve Staff Recommendation

**Deadline**

June 21, 2018

**Contact**

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

---

**Executive Summary**

Office of Court Research staff recommend that the Judicial Council's Executive and Planning Committee (E&P) confirm the request from the Superior Court of Los Angeles County for an exception to the conversion of two vacant subordinate judicial officer (SJO) positions to judgeships. The court indicates that it continues to have a pressing need for subordinate judicial officers to expand the public's access to justice and has determined that the delayed implementation of the conversion of these two vacant SJO positions would be useful in achieving this objective.

**Recommendation**

Judicial Council staff recommend that E&P confirm the request from the Superior Court of Los Angeles County for an exception to the conversion of two vacant SJO positions to judgeships.

## **Previous Council Action**

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

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

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

- The adoption of four trial court allocation groups and a schedule that distributes the 16 annual SJO conversions across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible;
- The delegation of authority to E&P for confirming SJO conversions;
- The establishment of guidelines for courts to notify the council of SJO vacancies and timelines for the redistribution of SJO conversions across the allocation groups; and
- The establishment of criteria for E&P to use in evaluating and granting requests by courts to temporarily defer the conversion of SJO vacancies to judgeships.<sup>3</sup>

---

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

<sup>2</sup> See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 14, 2007), [www.courts.ca.gov/documents/022307item9.pdf](http://www.courts.ca.gov/documents/022307item9.pdf), and the update of this report and SJO allocation list, Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 21, 2015), [www.courts.ca.gov/documents/jc-20150821-itemL.pdf](http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf).

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



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

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

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

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

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

---

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

<sup>5</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships* (Aug. 26, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4>.

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

### **Rationale for Recommendation**

The Superior Court of Los Angeles County is eligible for a total of 79 of the 162 conversions authorized by the Legislature and has converted 66 positions, with the last conversion confirmed on March 1, 2018. The court has a pending request for two additional conversions, which will be heard by E&P at its June 21, 2018 meeting.

The court is the sole member of Allocation Group 1, which is allotted seven conversions each year. The confirmation of the present request would result in the temporary exception to the conversion of two commissioner positions. The court is requesting deferrals of these positions under option 2 of the deferral policy: seek a deferral of the conversion and choose to fill the position with a subordinate judicial officer. The court indicates that it continues to have a pressing need for subordinate judicial officers to expand the public's access to justice and has determined that the delayed implementation of the conversion of these two vacant SJO positions would be highly useful in helping it achieve this objective. Further, granting these exceptions would allow the court reasonable certainty and clarity concerning its capacity to appropriately address judicial workload in the next few years.

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

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

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

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

If this temporary exception to SJO conversions is granted by E&P, the court would incur no new costs, and the requirement for eventual conversion of the aforementioned positions would continue to be in effect. Hence, the operational impact is projected to be minimal.

### **Attachment**

1. Attachment A: June 11, 2018, letter from Presiding Judge Daniel J. Buckley, Superior Court of Los Angeles County, to Justice Douglas Miller, Chair, Executive and Planning Committee, regarding an exception to the conversion of SJO positions to judgeships.



# 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

June 11, 2018

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

Re: Request for Delay of Conversion of Two Vacant Commissioner Positions

Dear Justice Miller:

In the current fiscal year, the Los Angeles Superior Court has converted five commissioner vacancies to judgeships, out of a total of seven conversions scheduled. Since 2008, the Court has converted a total of 68 commissioner vacancies.

I am writing to seek an exception to the final two subordinate judicial officer conversions scheduled for fiscal year 2017-18. We continue to have a pressing need for judicial officers to expand access to justice and the delayed implementation of these two SJO conversions is a great help with that challenge.

Thank you for your consideration and assistance.

Very truly yours,

A handwritten signature in black ink that reads "Daniel J. Buckley".

DANIEL J. BUCKLEY  
Presiding Judge

DJB:BB:rm

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



## JUDICIAL COUNCIL OF CALIFORNIA

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

---

### MEMORANDUM

---

**Date**

June 11, 2018

**To**

Members of the Executive and Planning  
Committee

**From**

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

**Subject**

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

**Action Requested**

Approve Staff Recommendation

**Deadline**

June 21, 2018

**Contact**

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

---

**Executive Summary**

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

**Recommendation**

Office of Court Research staff recommend that E&P confirm the conversion of one vacant SJO position in the Superior Court of San Diego County. The vacancy is the result of the elevation of the commissioner serving in this position to a judgeship on June 1, 2018. The conversion will take effect on the date on which E&P approves the court's request.

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

### **Previous Council Action**

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

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

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

- The adoption of four trial court allocation groups and a schedule that distributes the 16 annual SJO conversions across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible;
- The delegation of authority to E&P for confirming SJO conversions;
- The establishment of guidelines for courts to notify the council of SJO vacancies and timelines for the redistribution of SJO conversions across the allocation groups; and
- The establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.<sup>3</sup>

---

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

<sup>2</sup> See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 14, 2007), [www.courts.ca.gov/documents/022307item9.pdf](http://www.courts.ca.gov/documents/022307item9.pdf); and the update of this report and SJO allocation list, Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 21, 2015), [www.courts.ca.gov/documents/jc-20150821-itemL.pdf](http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf) (as of June 7, 2017).

<sup>3</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships* (Aug. 26, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4> (as of June 7, 2017).

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

### **Rationale for Recommendation**

The Superior Court of San Diego County is eligible for a total of 7 of the 162 conversions authorized by the Legislature and has previously converted 6 positions, with the last two conversions occurring in fiscal year (FY) 2015–16. Conversion of the present position represents the final conversion for which the court is eligible. San Diego belongs to allocation group 3, which is allotted four conversions each year. To date, the San Diego court would be the first court in this allocation group to have converted SJO positions in FY 2017–18. The approval of the court's request to convert one vacant SJO position to a judgeship would result in this allocation group having three remaining positions available for conversion in the current fiscal year.

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

This proposal, which is consistent with the original tenets of council policy on SJO conversions, did not circulate for comment. Confirming this conversion is consistent with well-established council policy on SJO conversions.

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

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

### **Attachment**

1. Attachment A: June 4, 2018, letter from Court Executive Officer Michael Roddy, Superior Court of San Diego County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, regarding the conversion of a vacant SJO position.

---

<sup>4</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 21, 2015), [www.courts.ca.gov/documents/jc-20150821-itemL.pdf](http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf) (as of June 7, 2017).

# The Superior Court of California

COUNTY OF SAN DIEGO  
EXECUTIVE OFFICE OF THE COURT

MICHAEL M. RODDY  
Executive Officer and Clerk  
Jury Commissioner

Post Office Box 122724  
San Diego, California 92112-2724  
(619) 844-2478

June 4, 2018

Honorable Douglas P. Miller, Associate Justice  
Chair, Judicial Council's Executive and Planning Committee  
455 Golden Gate Avenue  
San Francisco, CA 94102

Re: Conversion of One Vacant Court Commissioner Position to Superior Court Judge

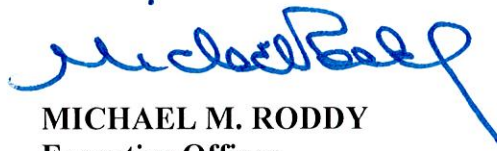
Dear Justice Miller:

I am writing on behalf of the San Diego Superior Court to request that one (1) court commissioner position that became vacant on June 1, 2018 be converted to a Superior Court judgeship pursuant to the provisions of AB 159 (Chapter 722, Statutes of 2007).

On February 23, 2007, the Judicial Council approved the criteria to be used in identifying 162 subordinate judicial officer (SJO) positions in 25 counties that would be converted to judgeships pursuant to AB 159 (2007). In San Diego County, 7 of 26 (then) authorized SJO's were identified for conversion. To date, we have converted 6 court commissioner positions to judgeships. We are now requesting that the newest vacancy to occur in the court commissioner classification, which occurred on June 1, 2018 with the appointment of Commissioner William Y. Wood as a Judge of the San Diego Superior Court, be converted to a Superior Court judgeship. It is our hope that this conversion can be completed as expeditiously as possible.

If I can answer any questions or provide additional information to assist in your review of this request, please do not hesitate to let me know.

Sincerely,



MICHAEL M. RODDY  
Executive Officer

c: Hon. Peter J. Deddeh, Presiding Judge  
Hon. Lorna A. Alksne, Assistant Presiding Judge  
Martin Hoshino, Administrative Director, Judicial Council of California  
Leah Rose-Goodwin, Manager, Office of Court Research, Judicial Council of California





## JUDICIAL COUNCIL OF CALIFORNIA

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

---

### MEMORANDUM

---

Date	Action Requested
June 7, 2018	Review recommendation to amend rule 10.5 and consider forwarding to the Judicial Council for adoption
To	Deadline
Rules and Projects Committee	August 24, 2018, RUPRO Meeting
From	Contact
Hon. Douglas P. Miller	Mary Ann Koory, Senior Education Developer
Chair, Executive and Planning Committee	CJER
Subject	415-865-7525 phone
Change the Name of the Center for Judicial Education and Research Governing Committee	maryann.koory@jud.ca.gov

---

The Executive and Planning (E&P) Committee recommends that the name of the Governing Committee of the Center for Judicial Education and Research be changed to the Center for Judicial Education and Research Advisory Committee to bring the name in alignment with the names of the other Judicial Council standing advisory committees.

Though the duties of the Governing Committee were changed in 2001, the name was not. The name of the committee preserves a link to the history of CJER, which was formed in 1973 as a joint effort by the Judicial Council and the California Judges Association and then, twenty years later in 1993, was adopted by the Judicial Council as its education division. It is time now to align the name as well as the duties of the Governing Committee with the other Judicial Council advisory committees.

This will be accomplished by amending Cal. Rules of Court 10.50 to reflect the new name of the Governing Committee of the Center for Judicial Education and Research (Center for Judicial Education and Research Advisory Committee), effective January 1, 2019. The text of the amended rule is attached.

June 7, 2018

Page 2

The E&P Committee submits this recommendation for review and consideration at RUPRO's August 24 meeting. If RUPRO approves the recommendation, we are asking that the rule amendment be forwarded to the Judicial Council for adoption during its September 20-21, 2018, meeting.

Attachment

## Attachment 1

### **Rule 10.50. Governing Committee of the Center for Judicial Education and Research Advisory Committee**

#### **(a) *Establishment and purpose***

In 1973, the Judicial Council of California and the California Judges Association created the Center for Judicial Education and Research (CJER). The oversight body, then known as the Governing Committee of CJER, was made an advisory committee to the council in 1993 through the adoption of former rule 1029. In 2001, the rule that specifies the ~~CJER Governing Committee's duties of that advisory committee~~ was made consistent with the rules pertaining to other Judicial Council advisory committees, ~~but it continues to acknowledge the historic participation of the California Judges Association.~~

*(Subd (a) amended effective January 1, 2016; adopted effective December 18, 2001; previously amended effective January 1, 2007.)*

#### **(b) *Area of focus***

The committee makes recommendations to the council for improving the administration of justice through comprehensive and quality education and training for judicial officers and other judicial branch personnel.

*(Subd (b) relettered and amended effective December 18, 2001; adopted as subd (a).)*

#### **(c) *Additional duties***

In addition to the duties described in rule 10.34, the committee must:

- (1) Recommend rules, standards, policies, and procedures for judicial branch education;
- (2) Recommend a strategic long-range plan for judicial branch education;
- (3) Evaluate the effectiveness of judicial branch education, the quality of participation, the efficiency of delivery, and the impact on service to the public;
- (4) Review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court staff in order to ensure coordination, consistency, and collaboration in educational services;

- (5) Establish educational priorities for implementation of curricula, programs, publications, and delivery systems;
- (6) Identify the need for and appoint ~~education~~ curriculum committees to implement the priorities, long-range plan, and programs and products of judicial branch education; create and adopt procedures for their operation; and review and approve their projects and products;
- (7) Identify and foster collaborative opportunities with courts to promote and ensure the availability of training at the local court level;
- (8) Identify, analyze, and implement systems to enhance the delivery of education and training statewide; and
- (9) Identify and foster collaborative opportunities with internal and external partners to maximize the resources dedicated to education and training.

*(Subd (c) amended effective January 1, 2007; adopted as subd (b); previously relettered and amended effective December 18, 2001.)*

**(d) Membership**

The committee consists of at least the following members:

- (1) Eleven sitting judicial officers, including at least one appellate court justice and one immediate past presiding judge;
- (2) Three judicial administrators, including a supervisor or manager from a trial or appellate court;
- (3) The Administrative Director as an advisory member;
- (4) The president of the California Judges Association or his or her designee as an advisory member; and
- (5) Other advisory members as the Chief Justice may appoint.

*(Subd (d) amended effective January 1, 2015; adopted as subd (c); previously relettered and amended effective December 18, 2001.)*

**(e) Nominations**

Nominations for vacant positions on the CJER Advisory Governing Committee will be solicited under the procedures described in rule 10.32. The president of the California Judges Association may submit nominations to the Executive and Planning Committee.

*(Subd (e) amended effective January 1, 2007; previously amended effective December 18, 2001.)*

**(f) Chair and vice-chair**

The Chief Justice appoints the chair and vice-chair. The committee may make recommendations to the Chief Justice for these two positions.

*(Subd (f) amended effective December 18, 2001.)*

*Rule 10.50 amended effective January 1, 2016; adopted as rule 6.50 effective January 1, 1999; previously amended and renumbered as rule 10.50 effective January 1, 2007; previously amended effective December 18, 2001, and January 1, 2015.*



# Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

LEGAL SERVICES OFFICE

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

---

## MEMORANDUM

---

Date	Action Requested
June 19, 2018	Referral of Issues to the Judicial Branch Budget Committee
To	Deadline
Members of the Executive and Planning Committee	June 21, 2018 (meeting)
Hon. Douglas P. Miller, Chair	Contact
From	Patrick O'Donnell, 415-865-7665 patrick.o'donnell@jud.ca.gov
Judicial Council staff	
Deborah Brown, Chief Counsel	
Patrick O'Donnell, Principal Managing Attorney	
Legal Services	
Zlatko Theodorovic, Director and Chief Financial Officer	
Lucy Fogarty, Deputy Director	
Budget Services	
Subject	
Telephone Appearance Services Master Agreement: Referral of Fee Issues to Judicial Branch Budget Committee	

---

### Executive Summary

Legal Services and Budget Services staff recommend that the Executive and Planning Committee refer various fee issues relating to the 2018–2022 statewide master agreement for telephone appearance services to the Judicial Branch Budget Committee for consideration and possible action.

### Recommendation

Legal Services and Budget Services staff recommend that the Executive and Planning Committee refer issues relating to fees for telephone appearance services under the 2018–2022 statewide master agreement to the Judicial Branch Budget Committee, including:

1. Whether any increase in the telephone appearance fee (currently \$86 per call) should be recommended to the Judicial Council for the next four-year term of the master agreement;
2. If any increase in the fee is recommended, what should be the amount of the increase; and
3. Whether any legislative changes should be considered and recommended to update or improve the statutory framework that authorizes the fees charged under a master agreement for telephone appearance services in the trial courts.

### Relevant Previous Council Action

Senate Bill 857 (Stats. 2010, ch. 720), enacted in 2010, provides that “[o]n or before July 1, 2011, and periodically thereafter as appropriate, the Judicial Council shall enter into one or more master agreements with a vendor or vendors to provide for telephone appearances in civil cases under Section 367.5 of the Code of Civil Procedure or as otherwise authorized by law.” (Gov. Code, § 72010(a).) Based on the statute, the Judicial Council initially entered into two master agreements, effective July 1, 2011, for the provision of telephone appearance services—one of which was with CourtCall. The CourtCall master agreement was subsequently amended effective July 1, 2013, for a five-year term and will terminate on June 30, 2018.

The statutes on telephone appearances authorize fees. SB 857 included a section on fees stating: “On or before July 1, 2011, the Judicial Council shall establish statewide, uniform fees to be paid by a party for appearing by telephone, which shall supersede any fees paid to vendors and courts under any previously existing agreements and procedures. The fees to be paid for telephone appearances shall include . . . [¶] . . . [a] fee for providing the telephone appearance service pursuant to a timely request to the vendor or court.”<sup>1</sup> (Code Civ. Proc., § 367.6(a).) The fee statutes also provide that the trial courts shall receive a portion of each telephone appearance fee: “For each fee received for providing telephone appearance services, each vendor or court that provides for appearances by telephone shall transmit twenty dollars (\$20) to the State Treasury for deposit in the Trial Court Trust Fund established pursuant to Section 68085.” (Gov. Code, § 72011(a).)

---

<sup>1</sup> The statute also provides for a late fee and a cancellation fee, which are not at issue. The existing fees in those areas would remain unchanged under the proposed new master agreement.

Rule 3.670 of the California Rules of Court is the rule adopted by the council concerning telephone appearances in the trial courts. Based on the authority granted to the council by statute, the Judicial Council in 2011 amended rule 3.670 to establish a uniform telephone appearance fee of \$78.<sup>2</sup> Two years later, when the master agreement with CourtCall was amended, the council further amended the rule to increase the telephone appearance fee from \$78 to its current amount of \$86, of which \$66 goes to CourtCall and \$20 to the Trial Court Trust Fund (TCTF).<sup>3</sup> Under the current fee structure, any court providing direct telephone appearances would also charge an appearance fee of \$86, of which it would receive \$66 and transmit \$20 to the TCTF.

#### Analysis/Rationale

As indicated, the Judicial Council is required by statute to enter into a master agreement or master agreements for the provision of telephone appearance services. The existing agreement is set to expire on June 30, 2018. On January 30, 2018, a request for proposal was issued for the provision of these services. On March 26, a master agreement was awarded to CourtCall to provide these services for a four-year term commencing on July 1, 2018. The master agreement is in the process of being finalized and will be executed before the existing agreement terminates.

One issue that it has not been possible to resolve and that remains to be addressed is whether there will be any increase in the basic telephone appearance fee during the four-year term of the new master agreement. CourtCall has requested an increase in the current fee from \$86 to \$96. Any change in the amount of this fee will require the amendment by the Judicial Council of rule 3.670(k). Only the Judicial Council can adopt or amend a rule. The council will consider a change to a rule proposed by “an internal committee, an advisory committee, a task force, or Judicial Council staff.” (Cal. Rules of Court, rule 10.20(b).)

The Judicial Branch Budget Committee (JBBC) is legally and practically an appropriate body to consider the issue of whether there should be an increase in the fee for telephone appearance services and any related fee issues. It has the authority to recommend a fee change to the council and has previously considered various other financial matters to be recommended to the council, such as budget change proposals and innovations grant awards. Although the consideration of whether the council should change the telephone appearance fee would be a new role for the JBBC, it would be consistent with the internal committee’s charge and previous activities.

The JBBC would also be suited to the role of considering whether, in addition to the issue of changing the telephone appearance fee, there are any other changes that might be warranted in

---

<sup>2</sup> Judicial Council of Cal., staff rep., *Telephone Appearances: Fees and Revenues* (June 20, 2011), [www.courts.ca.gov/documents/20110624item9.pdf](http://www.courts.ca.gov/documents/20110624item9.pdf).

<sup>3</sup> Judicial Council of Cal., staff rep., *Telephone Appearances: Amendment of the Fee Amount* (June 21, 2013), [www.courts.ca.gov/documents/jc-20130628-itemA3.pdf](http://www.courts.ca.gov/documents/jc-20130628-itemA3.pdf).



the legal framework for telephone appearance fees. This framework was created in 2010. It has worked fairly well and has resulted in the remission of over \$48 million to the TCTF by CourtCall pursuant to Government Code section 72011. Nonetheless, circumstances are changing. These changes may justify updating some of the statutes that provide fees for the provision of telephone appearance services.

#### Policy implications

The referral of fee issues to the JBBC will assist in implementing the legislative requirement that the Judicial Council periodically enter into one or more master agreements with a vendor or vendors to provide for telephone appearances in civil cases.

#### Comments

This memorandum regarding the referral was not circulated for public comment. However, if the JBBC proposes any rule or legislative changes, those would be circulated for comment.

#### Alternatives considered

Judicial Council staff considered various alternatives to referring the telephone appearance fee issues to the JBBC. For instance, these fee issues might have been directed to an advisory committee such as the Court Executives Advisory Committee, the Trial Court Budget Advisory Committee, or the Civil and Small Claims Advisory Committee. Each of these committees has members with a knowledge of, and an interest in, the subject of telephone appearance fees. However, no single committee seemed to have the comprehensive focus of the JBBC. Further, if the JBBC wants input from any of these various advisory bodies or others, it can certainly ask for that input.

Another alternative would have been for staff itself to make the fee recommendations to the council. This is a role staff could legitimately perform under the rules of court. But it would not allow for such broad input, and would make the decisionmaking process less open and public. Under the present proposal with JBBC taking the lead, though staff will not be making the recommendations, it can provide whatever fiscal information and legal advice to the JBBC that may be needed.

#### Fiscal and Operational Impacts

Whether the JBBC, some other body, or staff considers the fee issues, there will be some fiscal and operational impacts from holding meetings or conference calls, developing and reviewing options, and making recommendations. These impacts are relatively small, however, and are warranted by the size and significance of the statewide program that provides telephone appearance services for the courts and public.

Hon. Douglas P. Miller

June 19, 2018

Page 5

#### Links

1. Code of Civil Procedure, § 367.6:

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=367.6.&lawCode=CCP](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=367.6.&lawCode=CCP)

2. Gov. Code, § 72010:

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=72010.&lawCode=GOV](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=72010.&lawCode=GOV)

3. Gov. Code, § 72011:

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=72011.&lawCode=GOV](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=72011.&lawCode=GOV)

4. Cal. Rules of Court, rule 3.670:

[http://www.courts.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3\\_670](http://www.courts.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_670)



# 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  
[JCCAccessCoordinator@jud.ca.gov](mailto:JCCAccessCoordinator@jud.ca.gov)*

---

Thursday, July 19, 2018

1:30 PM

San Francisco

---

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

Session 1:30 – XXX p.m.

Adjournment (approx. XXX p.m.)

DRAFT



# 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  
JCCAccessCoordinator@jud.ca.gov*

---

Friday, July 20, 2018

8:30 AM

San Francisco

---

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

#### 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.*

*For more information about meeting attendance and public comment procedures:*

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

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, July 17.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, July 18.

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

[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

**18-102**

**Minutes of the May 24, 2018, Judicial Council meeting.**

## Chief Justice's Report

10 minutes

## Administrative Director's Report

### 18-103 Administrative Director's Report

10 minutes

## Judicial Council Committee Presentations

### 18-104 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

### 18-105 Judicial Council Members' Liaison Reports

**Summary:**

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

20 minutes

Break 10:10 – 10:25 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.*

### [18-106](#)

#### **Judicial Branch Administration: Judicial Branch Contracting Manual (Action Required)**

**Summary:**

The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends revising the *Judicial Branch Contracting Manual*. The proposed revisions are necessary to address recommendations from the California State Auditor, and to address recent revisions in the *State Contracting Manual*. The

committee also recommends some additional revisions, including edits to provisions on electronic signatures, that would make the manual more effective and workable for judicial branch entities in their procurement and contracting activities.

[18-113](#)**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 two amended requests for Trial Court Trust Fund 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.

[18-114](#)**Court Administration: Judicial Sabbaticals (Action Required)****Summary:**

Judicial sabbaticals are addressed in the Government Code and the California Rules of Court. Current law and practices provide for only unpaid sabbaticals on approval of the Judicial Council. Rule 10.502 of the California Rules of Court includes provisions that are inconsistent with current law and practices. The Executive and Planning Committee recommends amending rule 10.502 to make it consistent with current law and practices and to eliminate outdated provisions on paid sabbaticals and the role of the Judicial Sabbatical Review Committee.

[18-117](#)**Juvenile Dependency: Fiscal Year 2018-19 Allocation of Court-Appointed Dependency Counsel Funding (Action Required)****Summary:**

The Trial Court Budget Advisory Committee (TCBAC) recommends allocation of \$136.7 million for 2018-19, from the ongoing Trial Court Trust Fund, to the trial courts for court-appointed juvenile dependency counsel. The proposed allocation for 2018-19 was reviewed and approved by TCBAC at its May 31, 2018 meeting. The recommended allocation for 2018-19 represents the final year of a four-year reallocation process approved by the Judicial Council in April 2015.

[18-118](#)**Juvenile Dependency: Court Appointed Special Advocate Local Assistance Funding Allocation Methodology for Fiscal Year 2018-2019 (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve replacing the current funding methodology approved in 2013 for Court Appointed Special Advocate (CASA) programs, and using the new funding methodology to establish 2018-19 allocations. Allocations will fund 45 programs serving 51 counties.

**DISCUSSION AGENDA**[18-110](#)**Judicial Branch Budget: 2019-20 Budget Change Proposals for Supreme Court, Courts of Appeal, Judicial Council, Judicial Branch Facilities Program, Trial Courts, and Habeas Corpus Resource Center (Action Required)****Summary:**

The Judicial Branch Budget Committee (JBBC) unanimously recommends approval of submission of 2019-20 budget change proposals (BCPs), in prioritized order, to the State Department of Finance. This recommendation is consistent with the purpose of the JBBC to assist the Judicial Council in exercising its duties under Rule of Court 10.101 with respect to the judicial branch budget. Further to make advocacy efforts as successful as possible, the JBBC recommends delegating authority to the Administrative Director to make technical changes to any BCP as necessary.

**Speakers:**

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee  
Mr. Zlatko Theodorovic, Budget Services

*20 minutes*

[18-112](#)**Trial Court Budget: 2018-19 Allocations from State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund (Action Required)****Summary:**

The Trial Court Budget Advisory Committee and the Judicial Council Technology Committee recommend that the Judicial Council approve an extension of the case management system V3 funding sunset to June 30, 2020. The Trial Court Budget Advisory Committee also recommends that the Judicial Council approve 2018-19 allocations from the State Trial Court Improvement and Modernization Fund for the Judicial Council in the amount of \$57,137,276, approve 2018-19 allocations from the Trial Court Trust Fund in the amount of \$2.0 billion, and approve a 2018-19 allocation from the General Fund in the amount of \$68.8 million. This recommendation is for approval to allocate; court-specific allocations are provided in *Trial Court Budget: 2018-19 Trial Court Base Allocations*, a report to the Judicial Council for the July 19-20, 2018 business meeting.

**Speakers:**

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

*25 minutes*

[18-116](#)**Trial Court Budget: 2018-19 Trial Court Base Allocations (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve \$1.940 billion in trial court base allocations. Government Code 68502.5(c) (2)(A) requires the Judicial Council to make a preliminary allocation for the trial courts in July of each fiscal year and a final allocation in January. The recommended allocations include \$47.8 million in new funding for courts below the average statewide funding ratio, \$19.1 million in new self-help funding, and \$23.8 million for

employee benefits.

**Speakers:**

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

Mr. Zlatko Theodorovic, Budget Services

Ms. Lucy Fogarty, Budget Services

*15 minutes*

## **DISTINGUISHED SERVICE AWARDS**

*The Judicial Council honors the recipients of its annual Distinguished Service Award for significant contributions to court administration in California.*

Names of Award Recipients/Honorees

**Circulating Orders since the last business meeting.**

**Appointment Orders since the last business meeting.**

**Adjournment (approx. 11:25 a.m.)**

DRAFT