



# 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)

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## 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

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**Date:** August 28, 2018  
**Time:** 12:10–1:10 p.m.  
**Public Call-in Number:** 877-820-7831; passcode 846-8947 (Listen Only)

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Meeting materials 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](mailto:executiveandplanning@jud.ca.gov).

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

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

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##### Call to Order and Roll Call

##### Approval of Minutes

Approve minutes of the June 21, 2018, Executive and Planning Committee open with closed session meeting, July 6, 2018 action by e-mail, and August 7, 2018 Executive and Planning Committee closed meeting.

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

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This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the 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, attention: Donn Ignacio. Only written comments received by 12:10 p.m. on

Monday, August 27, 2018 will be provided to advisory body members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-5)**

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**Item 1**

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

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

Presenter: Ms. Leah Rose-Goodwin

**Item 2**

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

Review request from the Superior Court of Placer County for an exception to the conversion of one vacant subordinate judicial officer position to a judgeship.

Presenter: Ms. Leah Rose-Goodwin

**Item 3**

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

Review request from the Superior Court of Los Angeles County to convert one vacant subordinate judicial officer position to a judgeship.

Presenter: Mr. David Smith

**Item 4**

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

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

Presenter: Mr. David Smith

**Item 5**

**Agenda Setting for the September 20-21, 2018 Judicial Council meeting (Action Required)**

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

Presenters: Various

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**IV. ADJOURNMENT**

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**Adjourn**



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

Thursday, June 21, 2018

12:10 to 1:10 p.m.

Teleconference

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

**Committee Member Not Present:** Ms. Kimberly Flener

**Other Attendees:** Mr. Michael M. Roddy

**Committee Staff Present:** Ms. Millicent Tidwell and Ms. Amber Barnett

**Staff Present:** Ms. Roma Cheadle, Mr. Oliver Cheng, Ms. Penny Davis, Ms. Lucy Fogarty, Ms. Angela Guzman, Ms. Donna Ignacio, Ms. Mary Ann Koory, Ms. Susan McMullan, Mr. Patrick O'Donnell, Mr. Grant Parks, Ms. Leah Rose-Goodwin, Ms. Brandy Sanborn, Mr. David Smith, Ms. Laura Speed, Mr. Zlatko Theodorovic, Mr. Don Will, Mr. Catrayel Wood, Mr. John Wordlaw, and Ms. Josely Yangco-Frona

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#### OPENING MEETING

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

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

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

The committee voted to approve the following minutes:

- May 3, 2018, Executive and Planning Committee open meeting
- May 16, 2018, Joint Rules and Projects Committee and Executive and Planning Committee open meeting with closed session
- May 18, 2018, Executive and Planning Committee action by e-mail
- May 23, 2018, Executive and Planning Committee closed meeting

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**DISCUSSION AND ACTION ITEMS**

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**Item 1**

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

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

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

**Item 2**

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

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

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

**Item 3**

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

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

***Action: The committee voted to approve the request from the Superior Court of San Diego to convert one vacant subordinate judicial officer position to a judgeship.***

**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.

***Action: The committee voted to approve the 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.***

**Item 5**

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

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

***Action: The committee voted to approve the recommendation to refer issues for telephone appearance services under the 2018-2022 statewide master agreement to the Judicial Branch Budget Committee for consideration and possible action.***

**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.

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

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

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There being no further open meeting business, the meeting was adjourned at 12:37 p.m.

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**C L O S E D   S E S S I O N**

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**Item 1**

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

***Advisory Body Nominations Discussion***

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

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

Adjourned closed session at 1:03 p.m.

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



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

### **E-mail Proposal**

As part of setting the agenda for Judicial Council meetings, the Executive and Planning Committee was asked to review two reports—Judicial Dependency: Court Appointed Special Advocate Local Assistance Funding Allocation Methodology for Fiscal Year 2018-2019 and Criminal Law: Judicial Council Appointment to Board of State and Community Corrections—as a new consent items and approve them to be included on the July 19-20 Judicial Council business meeting agenda.

### **Notice**

On July 6, 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 items for the consent agenda of the July 19-20, 2018 Judicial Council business meeting.

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



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF CLOSED MEETING

Tuesday, August 7, 2018

12:15 to 1:15 p.m.

Teleconference

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**Committee Members Present:** Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Justice Harry E. Hull, Jr., Presiding Judge Gary Nadler; Judges Samuel K. Feng and David M. Rubin; and Ms. Kimberly Flener

**Committee Members Absent:** Presiding Judge Patricia M. Lucas, Judge Stacy Boulware Eurie, and Ms. Gretchen Nelson

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

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#### CLOSED SESSION

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##### Call to Order and Roll Call

The chair called the meeting to order at 12:15 p.m. and committee staff took roll call.

##### Item 1

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

##### *Advisory Body Nominations Discussion*

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

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

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#### ADJOURNMENT

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There being no further business, the meeting was adjourned at 12:25 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

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### MEMORANDUM

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**Date**

August 21, 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 Mateo County

**Action Requested**

Approve Staff Recommendation

**Deadline**

August 28, 2018

**Contact**

David Smith  
415-865-7696 phone  
[david.smith@jud.ca.gov](mailto:david.smith@jud.ca.gov)

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#### Executive Summary

Office of Court Research staff recommend that the Judicial Council's Executive and Planning Committee confirm the conversion of one vacant subordinate judicial officer (SJO) position in the Superior Court of San Mateo County. The court has notified council staff of this vacancy and has requested that the position be converted to a judgeship. Confirming the request for one SJO 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 the Executive and Planning Committee (E&P) confirm the conversion of one vacant SJO position in the Superior Court of San Mateo County. The vacancy is due to the elevation of the commissioner serving in this position to a judgeship. This conversion 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 San Mateo 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.

### **Relevant 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

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<sup>1</sup> See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), [www.courts.ca.gov/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. 11, 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 establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.<sup>3</sup>

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

### **Analysis/Rationale**

The Superior Court of San Mateo County is seeking the conversion of one vacant SJO position. This vacancy is due to the appointment of the commissioner filling this position to a judgeship on July 20, 2018. The Superior Court of San Mateo County is eligible for a total of two of the 162 conversions authorized by the Legislature and has previously sought exceptions to the conversion of these positions.<sup>5</sup> The Superior Court of San Mateo County is a member of Allocation Group 4, which is allotted four conversions each year. The confirmation of the present request would result in the conversion of one of the two remaining SJO positions for which the court is eligible, leaving Group 4 with three SJO slots for conversion by other courts. Finally, granting the conversion of these positions would allow the court reasonable certainty and clarity concerning staffing and judicial workload over the next few years.

### **Policy implications**

Confirming this conversion is consistent with well-established tenets of council policy on SJO conversions.

### **Comments**

This proposal, which is consistent with council policy on SJO conversions, did not circulate for comment.

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

<sup>4</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 11, 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>5</sup> See Executive and Planning Committee Meeting, *Request for an Extension of an Exception to the Conversion of Two Subordinate Judicial Officer Positions*, <http://www.courts.ca.gov/documents/eandp-20180208-mm.pdf> (as of Feb. 8, 2018).

**Alternatives considered**

The proposed conversion of a vacant SJO position is consistent with council policy. On that basis, no alternatives were considered.

**Fiscal and Operational Impacts**

To date, there have been minimal implementation costs for the trial courts. 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 that previously funded the SJO position. This funding is then transferred to the statewide fund for judicial salaries and benefits, Program 45.25.

**Attachments and Links**

1. Letter from Presiding Judge Susan Irene Etezadi, Superior Court of San Mateo County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, August 28, 2018, regarding the conversion of a vacant SJO position, at page 5



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

HALL OF JUSTICE  
400 COUNTY CENTER  
REDWOOD CITY, CALIFORNIA 94063

SUSAN IRENE ETEZADI  
PRESIDING JUDGE

TEL: (650) 261-5118

August 16, 2018

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

Dear Justice Miller,

On behalf of the Superior Court of California, County of San Mateo, I respectfully request conversion of one of the two SJO positions that were previously identified as eligible for conversion in San Mateo County. As you may recall, the Executive and Planning Committee (E&P) approved our court's request for a second year of temporary exception to the conversion of two eligible vacant SJO positions on February 8, 2018, which is set to expire in February 2019. The main reason for our request for deferral of the conversions was due to our budget situation, which at the time could not sustain the impact of another significant reduction in order to support the salary for two new judgeships and the salary and benefit costs for the additional staff that would be required to support those judicial positions. In addition to previous reductions in staffing levels, calendars and court services, we reduced the number of budgeted SJO positions from seven to three in 2013, so that we could use the salary and benefits cost savings to maintain our already drastically reduced staffing levels.

However, in our January 18, 2018 request for the second year of temporary exception, we indicated that if any of our State trial court funded SJO positions became vacant, or the State allocated sufficient budget investment to enable our court to fill any of the remaining vacant SJO positions and the associated support staff, we would pursue conversion of up to the two positions previously identified as eligible for conversion. On July 20, 2018, Governor Brown appointed one of our State trial court funded commissioners, Susan Jakubowski, to the San Mateo bench, resulting in a commissioner vacancy. The Governor's appointment of Judge Jakubowski will allow us to convert one of the two SJO positions previously deferred.

Thank you for your consideration of this request. If you need any additional information, Court Executive Officer Rodina Catalano and I are available to discuss this further.

Sincerely,

A handwritten signature in blue ink that reads "Susan Irene Etezadi".

Susan Irene Etezadi, Presiding Judge

cc: Rodina M. Catalano, Court Executive Officer  
Neal Taniguchi, Deputy Court Executive Officer  
Leah Rose Goodwin, Manager, Office of Court Research



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### MEMORANDUM

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**Date**

August 22, 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 One Subordinate Judicial Officer Position  
in the Superior Court of Placer County

**Action Requested**

Approve Staff Recommendation

**Deadline**

August 28, 2018

**Contact**

David Smith  
415-865-7696 phone  
[david.smith@jud.ca.gov](mailto:david.smith@jud.ca.gov)

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#### 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 Placer County for a temporary exception to the conversion of one vacant subordinate judicial officer (SJO) position to a judgeship. The Superior Court of Placer County has informed council staff that the caseload that this position hears is considerable and the vacancy represents a hardship for the court in terms of its subsequent ability to be responsive to the immediate needs of litigants for timely legal assistance in the adjudication of their cases, as well as service to the public more generally. If the exception were granted, the court intends to fill the position with a commissioner as soon as possible.

#### Recommendation

Office of Court Research staff recommend that E&P confirm the request from the Superior Court of Placer County for an exception to the conversion of one vacant SJO position to a judgeship.

The court has previously been granted an exception to the conversion of this position by E&P<sup>1</sup> in fiscal year 2015–16. Confirming the court’s current request for an additional exception to conversion of this SJO position will enable the court to fill the position with a commissioner in order to continue to manage the allocation of its judicial workload in a way that allows it to be more fully responsive to litigants seeking legal assistance at this court location and the needs of the public more generally.

Council staff also recommend that E&P acknowledge that the Superior Court of Placer 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.

### **Relevant 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>2</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>3</sup>

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

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<sup>1</sup> See Executive and Planning Meeting, Request for an Exception to the Conversion of One Subordinate Judicial Officer Position in the Superior Court of Placer County (Mar. 22, 2016), <http://www.courts.ca.gov/documents/eandp-20160324-mm.pdf>.

<sup>2</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>3</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. 11, 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 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>4</sup>

In addition to the above policies to expedite conversions, in 2015 the council refreshed the workload data used to determine the courts with eligible conversions. A list of eligible positions was established for the remaining conversions, and courts were notified of any changes in status based on the updated workload assessment.<sup>5</sup>

### **Analysis/Rationale**

The Superior Court of Placer County is eligible for a total of two of the 162 conversions authorized by the Legislature under Government Code 69615(b)(1)(A). The Placer court belongs to Allocation Group 4, which is allotted four conversions each year, of which one conversion is pending in fiscal year (FY) 2018–19. The court was previously granted an exception to the conversion of this position by E&P in FY 2015–16 and requests an additional exception for the reasons described below.

Under existing resource constraints and the workload currently faced by the court, granting a temporary exception to the conversion of the vacant SJO position described above will assist the court in allocating its judicial resources effectively and help the court minimize the negative impact this vacancy may have on the court's operations and services provided to the public. The challenges facing the Superior Court of Placer County are based on a number of factors including a shortfall in judicial resources. The court has an Assessed Judicial Need (AJN) of 19.2 judicial officers, but currently has authorization for the funding of only 14.5 judicial positions. The court has confirmed that this SJO, were the exception granted, would hear a calendar comprised of workload deemed appropriate for SJOs to handle. This would, in turn, allow the court's limited number of judges to continue to hear more complex cases. Finally, the

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<sup>4</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).

<sup>5</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 11, 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).

geographical size of the court's jurisdiction—and the subsequent dispersion of the court's legal resources over five court locations in three cities—require that the court achieve a high level of efficiency as it tries to flexibly manage its limited judicial resources. The temporary retention of the SJO position in question may be seen as an important factor in the court's strategy for managing these resources wisely.

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

### **Policy implications**

Confirming this request for an exception to conversion is consistent with well-established tenets of council policy on SJO conversions.

### **Comments**

This proposal, which is consistent with council policy on SJO conversions, did not circulate for comment.

### **Alternatives considered**

The proposed exception to an SJO conversion is consistent with council policy. On that basis, no alternatives were considered.

### **Fiscal 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.

### **Attachments and Links**

1. Letter from Court Executive Officer Jake Chatters, Superior Court of Placer County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, August 9, 2018, regarding the request for an exception to SJO conversion, at page 5





Superior Court of the State of California  
In and For The County of Placer  
Roseville, California

JAKE CHATTERS  
COURT EXECUTIVE OFFICER  
AND CLERK OF THE SUPERIOR COURT/  
JURY COMMISSIONER  
(916) 408-6186 FAX (916) 408-6188

August 9, 2018

Hon. Douglas P. Miller, Chair  
Executive and Planning Committee  
Judicial Council of California

Transmitted via email to: [executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

Re: Notification of Commissioner Vacancy and Request for Deferral of Conversion Due to  
Operational Hardship

Dear Justice Miller:

The purpose of this letter is to seek approval by the Executive and Planning Committee to defer the conversion of a Commissioner position at the Placer County Superior Court to a judgeship. This request is occasioned by the recent appointment of one of the Court's Commissioners to an open judgeship. As explained below, this deferral request is being made due to an operational hardship created by various geographical and caseload considerations. The Court seeks to defer the conversion at this time such that it may proceed with recruiting a Commissioner to specifically serve one of our remote communities.

In considering this request, it is first important to take note of the locations of the Placer County Superior Court's courthouses. The main courthouse for the Placer County Superior Court is located in Roseville, in south Placer County. The courthouse in Roseville, which opened in 2008, operates nine courtrooms, the Court's administrative offices, and is located adjacent to the Placer County jail and Probation Offices. This Court helps serve the tremendous growth in population in south Placer over the past few decades. The Placer Superior Court also operates a historic courthouse and juvenile court facilities in Auburn. Placer County extends from its border with Sacramento County approximately 110 miles to north Lake Tahoe in the Sierra Mountains, an elevation change of 5,000 feet. The Court operates a single courtroom at a small facility in Tahoe City, which is more than 80 miles from the nearest other court facility in Auburn. The Tahoe City courtroom primarily handles traffic,

misdemeanor, unlawful detainer, small claims, and limited civil cases, with a small family law caseload. This court facility helps to serve the residents and attorneys in the north Tahoe area, who would otherwise be required to travel from the Sierras to other court facilities in Placer County. The Tahoe City courtroom has been served by a commissioner for decades.

Currently, the Placer Superior Court is eligible to convert up to two commissioner positions. However, the Court believes it can best serve the public and allocate its resources by continuing to maintain its current mix of judges and commissioners. The Court last requested a deferral in 2016 when our Commissioner serving Tahoe City retired. That deferral request was made due to the geographic remoteness of the court in Tahoe City, and the need to maintain a connection to that local community, and the Court felt a continued commissioner position was ideal at this location.

We noted that the Tahoe City location hears traffic cases, small claims cases, unlawful detainer cases, limited civil cases, and some criminal cases (misdemeanor cases through trial and felony cases up to preliminary hearing). We acknowledged that there is a small family law caseload at the Tahoe City court. However, the vast bulk of cases heard at the Tahoe City location are consistent with the traditional functions of a subordinate judicial officer, consistent with the report on Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data.

The Court appreciated the Executive and Planning Committee's approval of the deferral request in 2016. We renew our request for deferral due to the same conditions outlined in 2016.

You may be aware that the Placer County Superior Court continues to operate with a significant deficiency in judicial resources. The Placer Superior Court has an Assessed Judicial Need (AJN) of 19.2. With only 14.5 authorized judicial positions, the Court is currently operating with 33% fewer judicial officers than necessary to address our caseload. This shortage is not likely to be cured until previously authorized new judgeships are funded. In the meantime, this deficiency in judicial positions requires the Court to maximize its judicial resources and to ensure that judges are able to hear the most serious cases, as occurs now under the assignments made by the Presiding Judge. The judges of the Court have given this issue considerable thought and deliberation and continue to believe that maintaining the current judicial assignments will best serve the public.

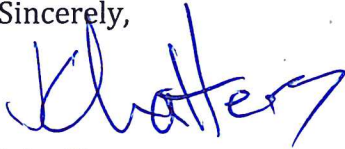
The Court highlights these points in support of our request that the current vacant SJO position not convert, at this time. We believe the confluence of factors continue to constitute a hardship under the policy and justify deferring a conversion at this time. Finally, in the event additional judgeships are funded for the Placer Court, we fully anticipate not having to request any additional deferrals in converting a commissioner position to a judgeship, with the exception of the commissioner position assigned to the Court in Tahoe City.

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Thank you, and the members of E&P, for considering the Court's request. Should E&P require further information or clarification, please do not hesitate to contact me using the information above.

Sincerely,

A handwritten signature in blue ink that reads "Chatters". The signature is stylized with a large, looped "C" and a long, sweeping tail.

Jake Chatters  
Court Executive Officer

cc: Hon. Alan V. Pineschi, Presiding Judge, Superior Court of Placer County  
Ms. Lucy Fogarty, Deputy Director, Budget Services, Judicial Council of California  
Ms. 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

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### MEMORANDUM

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**Date**

July 31, 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**

Conversion of One Vacant Subordinate  
Judicial Officer Position in the Superior  
Court of Los Angeles County

**Action Requested**

Approve Staff Recommendation

**Deadline**

August 28, 2018

**Contact**

David Smith  
415-865-7696 phone  
[david.smith@jud.ca.gov](mailto:david.smith@jud.ca.gov)

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#### Executive Summary

Office of Court Research staff recommend that the Judicial Council's Executive and Planning Committee confirm the conversion of one vacant subordinate judicial officer (SJO) position in the Superior Court of Los Angeles County. The court has notified council staff of this vacancy and has requested that the position be converted to a judgeship. Confirming this request for an SJO 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 the Executive and Planning Committee (E&P) confirm the conversion of one vacant SJO position in the Superior Court of Los Angeles County. The vacancy is the result of the elevation of the commissioner serving in this position to a judgeship on June 27, 2018. The conversion 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 this converted position as a position that the court may temporarily fill until a judge is named and sworn to fill it.

### **Relevant 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

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<sup>1</sup> See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), [www.courts.ca.gov/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. 11, 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 establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.<sup>3</sup>

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

### **Analysis/Rationale**

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 68 positions, with the last conversion occurring in June 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 1 of the 7 SJO positions for which the court is eligible in FY 2018–19, and would allow the court reasonable certainty and clarity concerning staffing and judicial workload over the next few years.

### **Policy implications**

Confirming this conversion is consistent with well-established tenets of council policy on SJO conversions.

### **Comments**

This proposal, which is consistent with council policy on SJO conversions, did not circulate for comment.

### **Alternatives considered**

The proposed conversion of a vacant SJO position is consistent with council policy. On the basis no alternatives were considered.

### **Fiscal and Operational Impacts**

To date, there have been minimal implementation costs for the trial courts. 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

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

<sup>4</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 11, 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).

Members of the Executive and Planning Committee

August 1, 2018

Page 4

court's allocation that previously funded the SJO position. This funding is then transferred to the statewide fund for judicial salaries and benefits, Program 45.25.

### **Attachments and Links**

1. Letter from Presiding Judge Daniel J. Buckley, Superior Court of Los Angeles County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, July 3, 2018, regarding the conversion of a vacant SJO position, at page 4



# 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

July 3, 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 Conversion of One Commissioner Position

Dear Justice Miller:

The Los Angeles Superior Court greatly appreciates the prompt action taken on previous SJO conversion requests.

I am writing to request that you forward to the Judicial Council's Executive and Planning Committee our request for approval of the conversion of one vacant commissioner position in the Los Angeles Superior Court (LASC) to a judgeship in the 2017-2018 fiscal year, pursuant to Government Code Section 69615.

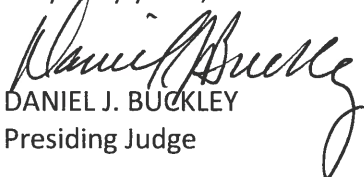
The vacancy was created by the following event:

Commissioner Maria Puente-Porras was appointed judge and took her oath on June 27, 2018.

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

Thank you for your consideration and assistance.

Very truly yours,

  
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

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# MEMORANDUM

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**Date**

August 21, 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**

Conversion of Three Vacant Subordinate  
Judicial Officer Positions in the Superior  
Court of Orange County

**Action Requested**

Approve Staff Recommendation

**Deadline**

August 28, 2018

**Contact**

David Smith  
415-865-7696 phone  
[david.smith@jud.ca.gov](mailto:david.smith@jud.ca.gov)

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### Executive Summary

Office of Court Research staff recommend that the Judicial Council's Executive and Planning Committee confirm the conversion of three vacant subordinate judicial officer (SJO) positions in the Superior Court of Orange County. The court has notified council staff of these vacancies and requested that the positions be converted. One conversion would be effective under existing SJO conversion guidelines, with the two remaining positions to become effective if the Executive and Planning Committee authorizes the transfer of two conversion slots to the Superior Court of Orange County. Confirming this request for SJO conversions appears to be 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) authorize the transfer of two additional SJO conversion slots from another SJO allocation group; and confirm the conversion of three vacant commissioner positions in the Superior Court of Orange County.

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

### **Relevant 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

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<sup>1</sup> See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), [www.courts.ca.gov/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. 11, 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 establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.<sup>3</sup>

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

### **Analysis/Rationale**

The Superior Court of Orange County has, in previous years, converted 14 of the 17 SJO positions for which it is eligible. By converting the three vacant positions described in this memo—one effective immediately and the other two effective pending E&P’s authorization for the transfer of two conversion slots to the Superior Court of Orange County—the court will have converted all the SJO positions for which it is eligible.

To ensure that all courts eligible for SJO conversions have an opportunity to convert vacant positions, the Superior Court of Orange County was allocated only one conversion per year<sup>5</sup>. Therefore, at this time only one position can be converted. However, in previous years the Judicial Council has authorized the transfer of conversion slots to the Superior Court of Orange County without any apparent impact on other courts. Based on the pattern of conversions in previous years and the greatly diminished number of courts eligible for and thus seeking SJO conversions, council staff do not believe that there will be any adverse impact on other courts if the Superior Court of Orange County is granted two additional conversions in the current fiscal year. Further, based on council policy and its past approval of the Orange Superior Court’s requests for multiple SJO conversions in a given fiscal year, council staff recommend that E&P’s decision in this matter should be considered sufficient to move ahead with these SJO conversions on the day the committee renders a decision in this matter.

Allocation Group 4, comprised primarily of small courts, is eligible for a total of four conversions each fiscal year. This allocation group has already completed 27 of the 32 conversions (84%) for which it is eligible. Allocation Group 3 is somewhat ahead of this pace of conversions, having completed 30 of the 34 conversions (88%) for which it is eligible. On that

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

<sup>4</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 11, 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>5</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Allocation of Conversions* (December 7, 2007), <http://www.courts.ca.gov/documents/120707item14.pdf>.

basis, staff recommend that the additional two conversions for the Superior Court of Orange County be transferred from Allocation Group 3.

### **Policy implications**

Confirming these conversions is consistent with well-established tenets of council policy on SJO conversions.

### **Comments**

This proposal, which is consistent with council policy on SJO conversions, did not circulate for comment.

### **Alternatives considered**

The proposed conversion of vacant SJO positions is consistent with council policy. On that basis, no alternatives were considered.

### **Fiscal and Operational Impacts**

To date, there have been minimal implementation costs for the trial courts. 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 that previously funded the SJO position. This funding is then transferred to the statewide fund for judicial salaries and benefits, Program 45.25.

### **Attachments and Links**

1. Letter from Presiding Judge Charles Margines, Superior Court of Orange County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, August 18, 2018, regarding the conversion of three vacant SJO positions, at page 5



CHAMBERS OF  
CHARLES MARGINES  
PRESIDING JUDGE

## Superior Court of California County of Orange

CENTRAL JUSTICE CENTER  
700 CIVIC CENTER DRIVE WEST  
SANTA ANA, CA 92701-4045  
(657) 622-7011

August 8, 2018

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

Re: Vacant Court Commissioner Conversions

Dear Justice Miller:

In February 2018, the Judicial Council's Executive and Planning Committee received and granted my request to defer the final three commissioner conversions that have been designated for our Court. This request was prompted by the continued uncertainty with the appropriation of funds by the State to the Judicial Branch and remaining uncertainty concerning traffic filings within our jurisdiction. However, in view of significant changes that have occurred over the past several months, we are requesting that all three conversions for our Court move forward swiftly as practicable.

The Budget act of 2018 which was signed by Governor Brown in June, has resulted in significant optimism for many Trial Courts in our State. We applaud the efforts of the Judicial Council Family in helping deliver for us this exceptional budget. The continued fiscal uncertainty over the years have prompted many of us to utilize



Justice Douglas P. Miller  
August 8, 2018  
Page -2-

salary savings to help us meet our mandates and to avoid lay-offs. Maintaining vacant commissioner positions and deferring three remaining conversions was extremely helpful to us.

Further examination of the traffic court filings over the remainder of FY 17-18 has demonstrated a level of consistency for our court such that we remain confident that moving forward with the conversions immediately would not pose a challenge for our remaining commissioners. Our traffic filing history has continued to remain consistent and aligns with the traffic filing trends across the State.

Perhaps the most significant change in recent months has been changes to the Assigned Judges Program. Our court has relied heavily on several Assigned Judges (AJs) who have presided over key calendars with some regularity. Several of these Judges have been instrumental in settling cases which has allowed our court to maintain our trial inventory at manageable levels. As these key AJ resources decline, we anticipate a greater number of criminal jury trials to take place, thus prompting this request to move forward with the conversions quickly. We remain concerned that should the conversions occur near the conclusion of this calendar year or in 2019, our court will not receive relief for a significant period of time as is traditionally the case when there is a change of Governors.

We remain hopeful that the information provided details the urgency in moving forward with our commissioner conversions. Should you require additional information to assist you in your evaluation process, we would be happy to provide such.

Very Truly Yours,



Charles Margines

Presiding Judge



# 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*

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Thursday, September 20, 2018

San Francisco

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

Session 1:30–2:15 p.m.

Transitional Break 2:15–2:25 p.m.

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

Session 2:25–2:55 p.m.

#### **Call to Order**

#### **DISCUSSION AGENDA**

[18-174](#)

#### **Court Adoption and Permanency Month: Judicial Council Resolution (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has since 1999, in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The resolution will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

**Speakers:**

Hon. Jerilyn L. Borack, Cochair, Family and Juvenile Law Advisory Committee  
Adoptive Family

*15 minutes*

**Swearing in of New and Reappointed Judicial Council Members**

The Chief Justice will administer the oath of office to new and reappointed council members.

**Adjournment (approx. 2:55 p.m.)**

*Note: The following presentation will be held in the Milton Marks Conference center Auditorium (lower level of the Ronald M. George State Office Complex).*

**DISTINGUISHED SERVICE AWARDS**

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

2018 Judicial Council Distinguished Service Award Honorees

Hon. Donna Groman

Mr. Richard D. Feldstein

Mr. Steve Binder

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*

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Friday, September 21, 2018

San Francisco

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

Session 8:30 a.m. – 12:45 p.m.

#### Call to Order

#### Public Comment

*30 minutes*

*The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council's understanding of the issues coming before it.*

*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, September 18.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, September 19.

*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

[18-122](#) **Minutes of the July 20, 2018, Judicial Council meeting**

## Chief Justice's Report

*10 minutes*

## Administrative Director's Report

**18-124 Administrative Director's Report**

*10 minutes*

## Judicial Council Committee Presentations

**18-125 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*

## CONSENT AGENDA

[18-127](#) **Appellate Procedure: Finality of Appellate Division Decisions  
(Action Required)**

**Summary:**

The Appellate Advisory Committee recommends amending several California Rules of Court relating to the finality of appellate division decisions. The amendments would require court clerks to send appellate division decisions to the parties on the same day they are filed and to tether the date of finality of appellate division decisions to the date they are sent, rather than the date they are filed.

[18-128](#) **Appellate Procedure: Settled Statements in Unlimited Civil Cases  
(Action Required)**

**Summary:**

To facilitate use of the settled statement procedure in unlimited civil cases, the Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommend adopting new forms and revising existing forms for litigants and courts to use in preparing and certifying settled statements. This proposal is based

on comments received last year in response to the Appellate Advisory Committee's invitation to comment on proposed changes to the settled statement rule and forms.

[18-129](#)**Appellate Procedure: Notice of Appeal and Record on Appeal in Appellate Division Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends revising several notice of appeal forms and record election forms used in appellate division matters. The revisions provide more complete and accurate information, make corrections, and clarify various items. The revisions are based on suggestions from a superior court.

[18-130](#)**Rules Modernization: Electronic Sealed and Confidential Records and Lodged Records in the Court of Appeal (Action Required)****Summary:**

The Appellate Advisory Committee and the Information Technology Advisory Committee recommend amending the rules to establish procedures for handling sealed and confidential materials submitted electronically in the Court of Appeal. The proposed amendments encompass the court's return of lodged electronic records submitted in connection with a motion to seal that is denied. The proposal would (1) harmonize the appellate rules with parallel trial court rules governing sealed records, (2) make these appellate rules internally consistent, and (3) address the transmission and handling of records in a proceeding challenging a trial court's order denying a motion to seal.

[18-131](#)**Rules and Forms: Confidential Information Form Under Civil Code Section 1708.85 (form MC-125) (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revisions to the *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125). This form is used by parties in cases filed under Civil Code section 1708.85, which provides a private cause of action for wrongful distribution of sexually explicit material, to file any material or information that the statute mandates be kept confidential and not included in the public files. The recommended revisions are intended to reflect amendments to Civil Code section 1708.5 that took effect January 1, 2018.

[18-133](#)**Criminal Procedure: Determination of Probable Cause Under Penal Code Section 1368.1(a)(2) (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends that the Judicial Council adopt rule 4.131 of the California Rules of Court to implement recent legislation which allows a prosecuting attorney to request a probable cause determination for a defendant who is incompetent to stand trial in order to meet criteria needed to establish a conservatorship over a defendant. The new rule would establish procedures for these determinations of probable cause.

[18-134](#)**Criminal Justice Realignment: Petition and Order for Dismissal (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revisions to two Judicial Council forms in response to recent legislation that authorizes dismissal relief for defendants sentenced to state prison for a felony that, if committed after the 2011 Realignment Legislation, would have been eligible for sentencing to a county jail under Penal Code section 1170(h)(5). The proposed revisions would incorporate the new statutory basis for relief on both forms.

[18-135](#)**Criminal Procedure: Dismissal of Penal Code Section 647f Convictions (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends approving two new optional forms in response to recent legislation that invalidates convictions for violations of Penal Code section 647f (felony prostitution) and outlines a petition and application process for the dismissal of section 647f convictions. The proposed forms incorporate the new statutory basis for resentencing and dismissal relief.

[18-136](#)**Criminal Procedure: Petition to Seal Arrest and Related Records (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends the Judicial Council approve three new optional forms, including an information sheet, in response to recent legislation that added section 851.91 to the Penal Code. (Sen. Bill 239; Stats. 2017, ch. 537). Section 851.91 outlines the procedure for an individual who suffered an arrest that did not lead to a conviction to file a petition to have the arrest and related records sealed. Penal Code section 851.91(b)(3) directs the Judicial Council to develop forms to incorporate the new statutory basis for resentencing and dismissal relief. Since a significant number of petitioners are likely to be self-represented, the forms strive to use plain language (also known as “plain English”) so that users can readily understand the forms on their first reading.

[18-137](#)**Criminal Procedure: Petition for Writ of Habeas Corpus (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revising the Judicial Council form used by noncapital petitioners to petition for a writ of habeas corpus to update the form’s instructions on filing in the Supreme Court and Court of Appeal to reflect amendments to the appellate rules; replace or add authority that is more recent or more on point for the propositions they support; add language relevant to successive petitions and repetitive claims to include the court in which the petition is filed; and add citations as authority for the procedural bars of successiveness and repetitiveness.

[18-139](#)**Rules and Forms: Civil Form for Gender Discrimination Notice (Action Required)****Summary:**

Recent legislation requires the Judicial Council to adopt, no later than January 1, 2019, a written advisory notice to be used by a plaintiff’s attorney with each demand

letter or complaint alleging gender discrimination in pricing. The Civil and Small Claims Advisory Committee proposes adopting a new form to comply with the legislation. Assembly Bill 1615 (Stats. 2017, ch. 156) added the Small Business Gender Discrimination in Services Compliance Act to division 1 of the Civil Code. It defines a “gender discrimination in pricing services claim” as a civil claim based on an alleged price difference in similar services charged to a person because of the person’s gender. Among its provisions is Civil Code section 55.62, which requires the Judicial Council to adopt a written advisory notice to be used by a plaintiff’s attorney to comply with that statute’s provisions, including the requirement that a notice accompany each demand letter or complaint. The text of the notice is set out in Civil Code section 55.62(c).

[18-140](#)**Civil Practice and Procedure: Review of Denial of Request to Remove Name From Shared Gang Database (Action Required)****Summary:**

Recent legislation amended statutes relating to criminal gang databases and the process that authorizes challenges to a law enforcement agency’s inclusion of a person in a shared gang database. The Civil and Small Claims Advisory Committee proposes amending the rule of court and revising the Judicial Council form that address a petition for a superior court to review a law enforcement agency’s denial of a request for removal from a shared gang database to reflect this legislation.

[18-141](#)**Rules and Forms: Electronic Filing and Service (Action Required)****Summary:**

The Information Technology Advisory Committee recommends amending several rules related to electronic service and electronic filing. The purpose of the proposal is to conform the California Rules of Court to the Code of Civil Procedure, clarify and remove redundancies in rule definitions, and ensure indigent filers are not required to have a payment mechanism to create an account with electronic filing service providers.

[18-142](#)**Rules and Forms: Form for Withdrawal of Consent to Electronic Service (Action Required)****Summary:**

The Information Technology Advisory Committee and Civil and Small Claims Advisory Committee recommend adopting a new form for withdrawal of consent to electronic service. The purpose of the proposal is to comply with Code of Civil Procedure section 1010.6(a)(6), which requires the Judicial Council to create such a form by January 1, 2019.

[18-143](#)**Juvenile Law: Decriminalization of Penal Code section 647f (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes approving two new forms to comply with Senate Bill 239, which requires the Judicial Council to promulgate forms to implement the legislation that repeals Penal Code section 647f and vacates convictions that were based on that code section. The proposed forms would allow those who are eligible for relief to request that their Penal Code 647f

convictions be vacated and dismissed and that they be resentenced, if appropriate.

[18-144](#)**Self-Help Funding: Allocation Methodology for 2019-20 and Ongoing (Action Required)****Summary:**

The Trial Court Budget Advisory recommends that the Judicial Council adopt new policy recommendations for self-help funding allocated to trial courts effective for 2019-20 allocations and ongoing: (1) adopt a three-year population update schedule using rolling three-year average census data; (2) provide annual population updates to trial courts using rolling three-year average data for informational purposes only; (3) maintain the current self-help allocation baseline of \$34,000 per court and revisit in 2021 after November 30, 2020 report to the Legislature. These recommendations will ensure that resources are allocated effectively and will provide adequate notice to courts so they can plan for funding changes.

[18-145](#)**Rules and Forms: Declarations of Demurring or Moving Party Regarding Meet and Confer (Action Required)****Summary:**

Recent legislation added to and amended the Code of Civil Procedure to require a meet-and-confer session before a party can file a motion to strike a pleading or a motion for judgment on the pleadings, and to provide for an extension of time if the parties are unable to meet and confer within the time allowed. The Civil and Small Claims Advisory Committee recommends revising two optional forms, one to implement the meet-and-confer requirements and the other to obtain a 30-day extension of time to file a motion to strike a pleading or a motion for judgment on the pleadings if the parties are unable to meet before the due date of the motion.

[18-147](#)**Judicial Council: Advisory Committee Membership Requirements (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends amending the rule that governs the committee to broaden its membership definition of “presiding judge” and to extend eligibility for reappointment to an existing presiding or past presiding judge member. In response to low numbers of nomination submissions from presiding judges, these changes would expand the pool of candidates who are knowledgeable and experienced in budget matters and avoid the loss of expertise. Finally, the committee recommends amending the rule to limit the committee’s nonvoting members to those members who have direct oversight over Budget Services—the chief administrative officer and the director of Budget Services.

[18-148](#)**Probate Conservatorship and Guardianship: Major Neurocognitive Disorders (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends revising eight Judicial Council forms to implement recent legislation that replaced the term “dementia” with “major neurocognitive disorder” to conform to usage in the fifth and current edition of the *Diagnostic and Statistical Manual of Mental Disorders*. The committee also recommends stylistic and technical changes to several of the forms to

bring them up to date.

[18-149](#)

**Juvenile Law: School Notification of Delinquency Court Adjudication (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee recommends revising Judicial Council form JV-690 to correct inaccuracies in the listed offenses and to conform the form to Welfare and Institutions Code section 827(b)(1). The current form has been reported as confusing in terms of whether only the offenses on the form can be communicated to the school. The proposed changes reflect closely the language of Welfare and Institutions Code section 827(b) and give the court the option to indicate the specific code section of the offense that was adjudicated. The form would also be revised to include notice under Education Code section 48267.

[18-151](#)

**Family Law: Income and Expense Declaration (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee recommends making time-sensitive revisions to *Income and Expense Declaration* (form FL-150) to implement recent changes to the tax treatment of alimony (spousal support) under the Internal Revenue Code (IRC) of 1986. In addition, the committee recommends updating the reference to a military housing allowance acronym in the form to clarify the meaning of the term.

[18-152](#)

**Juvenile Law: Dependency Hearings-Continued Condensing of the Rules of Court (Action Required)**

**Summary:**

Some rules of the California Rules of Court, that provide the procedures to be followed during dependency court hearings repeat statutory text, which makes them cumbersome and necessitates frequent amendments whenever the underlying statutes are amended. During the 2017 legislative session, three bills were enacted that require amendments to the existing rules of court. The Family and Juvenile Law Advisory committee recommends amending five rules to delete some of these unnecessary sections in the rules or replace them with references to the relevant code sections to enhance the brevity and accuracy of the rules.

[18-153](#)

**Juvenile Law: Intercountry Placements (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule of the California Rules of Court, repealing and adopting one rule, and approving two Judicial Council forms to conform to recent statutory changes regarding who a child welfare agency must notice when moving a foster child to a different county.

[18-154](#)

**Juvenile Law: Vacatur of Convictions Related to Human Trafficking and Preservation of Extended Foster Care Eligibility (Action Required)**

**Summary:**

The Family and Juvenile Law Advisory Committee proposes amending three rules and adopting one new rule of the California Rules of Court, revising eight Judicial Council forms, and approving two new Judicial Council forms to implement Assembly



Bill 604 (Gipson; Stats. 2017, ch. 707), which clarified that extended foster care benefits are available to young people who have adjudications that are eligible for vacatur pursuant to Penal Code section 236.14. The committee further proposes revising form JV-462 to include certain changes necessitated by recent legislation, making a technical change to form JV-462, and revising form JV-367 to reflect how the form is typically used. Finally, the committee proposes amending rules 5.903 and 5.906 to clarify who may attend status review hearings for former wards who have become nonminor dependents.

[18-155](#)**Judicial Council Budget: Allocation of Augmented Funding for Court Appointed Special Advocate Grant Program (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends approving a two-year plan for allocation of \$500,000 in additional Court Appointed Special Advocate (CASA) grant funding, included in the Budget Act of 2018. The augmentation provides funding to support efforts to increase by 20 percent the number of foster youth served (approximately 2,200 additional foster youth) and reduce backlogs of youth in the court system awaiting a volunteer assignment.

[18-156](#)**Family Law: Transfer of Jurisdiction (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends the adoption of a new rule of court to implement family law-specific transfer of jurisdiction procedures to comply with the requirements of Assembly Bill 712 (Bloom; Stats. 2017, ch. 316). The legislation requires the council to adopt a rule of court to establish time frames for the transfer and receipt of jurisdiction over family law actions.

[18-157](#)**Probate Conservatorship and Guardianship: Interstate Transfer (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends approving six Judicial Council forms for optional use in proceedings to transfer conservatorships into and out of California under the California Conservatorship Jurisdiction Act (CCJA). The CCJA, enacted in 2014, provides the exclusive basis for determining whether a California court, rather than a court of another state, has jurisdiction to appoint a probate conservator. It also establishes a complex, multistep process for transferring a conservatorship proceeding from one state to another. These forms are intended to help attorneys, self-represented litigants, and courts protect the interests of conservatees while navigating the transfer process as efficiently and effectively as possible.

[18-158](#)**Juvenile Law: Information for Parents (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising and renumbering one Judicial Council information form to provide accurate, up-to-date information to parents whose children are the subject of juvenile court wardship proceedings. The recommendation includes information about recent changes to the



law that address consultation with counsel before custodial interrogation, parental responsibility for costs of services and support provided to the child, and sealing of juvenile justice court records.

[18-159](#)**Protective Orders: Entry of Interstate and Tribal Protective Orders, Canadian Protective Orders, and Gun Violence Restraining Orders into CLETS (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending two rules of the California Rules of Court relating to protective orders to (1) include the registration of interstate and tribal court protective orders, Canadian protective orders, and gun violence restraining orders as protective orders that must be submitted to the court with a completed California Law Enforcement and Telecommunications System (CLETS) confidential information form; and (2) add records in gun violence prevention proceedings to the list of electronic court records that are accessible only at the courthouse and not remotely. These changes implement new statutory requirements. The Family and Juvenile Law Advisory committee also recommends the adoption of a new mandatory form to implement the requirements of Senate Bill 204 (Stats. 2017, ch. 98), which allows domestic violence protection orders issued in a Canadian civil court to be registered and enforced in California.

[18-160](#)**Jury Service: Permanent Medical Excuse (Action Required)****Summary:**

The Advisory Committee on Providing Access and Fairness recommends adoption of rule 2.1009 of the California Rules of Court to establish a process for a person with a disability to request a permanent medical excuse from jury service in cases where the individual, with or without accommodations, including the provision of auxiliary aids or services, is incapable of performing jury service.

[18-161](#)**Probate Conservatorship and Guardianship: Appointment of Counsel (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends approving two Judicial Council forms for optional use for applying for and ordering appointment of counsel for a ward or a proposed ward; a conservatee or a proposed conservatee, including a limited conservatee; or a person alleged to lack legal capacity in a proceeding under division 4 (beginning with section 1400) of the Probate Code, which includes the Guardianship-Conservatorship Law. The forms are needed to facilitate appointment of counsel for the specified persons as early in the proceedings as possible.

[18-162](#)**Protective Orders: Protecting Information of People Under 18 Years Old (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee jointly recommend adopting rules of court, adopting eight forms (a set of four in the Domestic Violence Prevention series and a set of four in the Civil

Harassment Prevention series), and revising two forms, in order to implement the provisions in Assembly Bill 953 (Stats. 2017, ch. 384) that seek to protect information relating to minors in domestic violence and civil harassment restraining orders.

[18-163](#)**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.

[18-164](#)**Criminal and Appellate Procedure: Record Preparation in Death Penalty Cases (Action Required)****Summary:**

The Proposition 66 Rules Working Group recommends the adoption of several new rules and amendments to several existing rules relating to the content and preparation of the record on appeal in death penalty cases that are designed to make the record preparation process more efficient. The working group is also proposing the adoption of six new mandatory forms designed to assist in the record preparation process. These recommended rules and forms are intended to partially fulfill the Judicial Council's rule-making obligations under Proposition 66.

[18-165](#)**Jury Instructions: Additions, Deletions, and Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions and additions to the Judicial Council of California Criminal Jury Instructions (CALCRIM). These changes will keep CALCRIM current with statutory and case authority.

[18-166](#)**Collaborative Justice: Recommended Allocations of Fiscal Year 2018-19 Substance Abuse Focus Grants (Action Required)****Summary:**

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council fund court programs using grants from the Collaborative Justice Courts Substance Abuse Focus Grant Program through the California Collaborative and Drug Court Projects in the Budget Act of 2018 (item 0250-101-0001), and the Dependency Drug Court Augmentation to the grant program through the federal Court Improvement Program funds for fiscal year (FY) 2018-19 (item 0250-101-0890). The committee recommends funding programs in 49 courts for FY 2018-19 with these annual grants to expand or enhance promising collaborative justice programs around the state.

[18-167](#)**Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)****Summary:**

The Legal Services Trust Fund Commission of the State Bar reports in *Equal Access Fund: Distribution of Funding for IOLTA-Formula Grants and Partnership Grants under the Budget Act of 2018* that the Budget Act of 2018 includes an estimated \$25,599,900 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access Fund monies are distributed primarily in two parts: IOLTA (Interest on Lawyer Trust Accounts)-formula grants and partnership grants (with a small amount also distributed for administration). The commission requests Judicial Council approval to distribute \$23,152,904 in IOLTA-formula grants for fiscal year 2018-2019, according to the statutory formula in the state Budget Act, and \$2,640,000 in partnership grants for 2019. It further requests approval of the commission's findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[18-168](#)**Judicial Council Report to the Legislature: Revenue Collected for 2017-18, as required by Government Code section 68514 (Action Required)****Summary:**

The Judicial Council's Funds and Revenues Unit, Budget Services, recommends approval of the Report of Revenue Collected for 2017-18, due annually on October 1, as required under Government Code section 68514.

[18-169](#)**Trial Court Allocations: 2017-18 Preliminary One-Time Reduction for Fund Balances Above the 1 Percent Cap (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a preliminary one-time allocation reduction of \$658,398 to eight courts that are projecting the portion of their ending fund balance that is subject to the 1 percent balance cap to exceed the cap by \$658,398 as required by Government Code section 77203.

[18-170](#)**Trial Court Allocations: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Trial Court Budget Advisory Committee's Fiscal Planning Subcommittee recommends that the Judicial Council approve three new requests and eight amended requests from nine trial courts for Trial Court Trust Fund funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request funding reduced as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

[18-171](#)**Traffic: Expansion of Online Traffic Adjudication Pilot Project (Action Required)****Summary:**

The Budget Act of 2018 appropriated \$3.4 million in new operational funding and \$1.3 million in ongoing funds to support and expand on the Judicial Council's partnership with five superior courts initially funded by a U.S. Department of Justice

grant to enhance processes for ability-to-pay determinations for traffic infraction fines and fees and adjudicating cases online. The act authorizes the Judicial Council to select at least eight courts to expand the Online Traffic Adjudication Pilot Project and further test and develop ability-to-pay and other online adjudication functions. Judicial Council staff request the council's approval of the proposed court selection timeline and selection criteria for adding three to four additional courts to join the five already involved in the pilot.

Break 9:50–10:05 a.m.

## DISCUSSION AGENDA

### [18-175](#)

#### **Rules and Forms: Remote Access to Electronic Records (Action Required)**

**Summary:**

The Information Technology Advisory Committee recommends that the Judicial Council adopt a new set of rules of court governing remote access to electronic records by parties, parties' attorneys, court-appointed persons, legal organizations, qualified legal services projects, and government entities. This proposal advances a major initiative of the judicial branch's *Tactical Plan for Technology 2017-2018* to develop rules "for online access to court records for parties and justice partners." These changes will facilitate the trial courts' existing relationships with these persons and entities, and will provide clear authority for the trial courts to provide them with remote access to electronic court records. The committee also recommends limited amendments to the existing public access rules to bring them into conformance with the new rules.

**Speakers:**

Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee  
Hon. Peter J. Siggins, Chair, Rules and Policy Subcommittee of the Information Technology Advisory Committee  
Mr. Patrick O'Donnell, Legal Services  
Ms. Andrea Jaramillo, Legal Services

*15 minutes*

### [18-176](#)

#### **Court Interpreters: California Court Interpreter Credential Review Procedures (Action Required)**

**Summary:**

To implement Recommendation 64 of the *Strategic Plan for Language Access in the California Courts*, the Court Interpreters Advisory Panel recommends that the Judicial Council (1) repeal rule 2.891 of the California Rules of Court, Periodic review of court interpreter skills and professional conduct; (2) adopt new rule 2.891; (3) approve the *California Court Interpreter Credential Review Procedures*, to take effect on January 1, 2019; and (4) delegate authority to the Administrative Director to approve future changes, when necessary, to the *California Court Interpreter Credential Review Procedures*.

**Speakers:**

Hon. Brian L. McCabe, Chair, Court Interpreters Advisory Panel

Mr. Shawn C. Landry, Vice-chair, Court Interpreters Advisory Panel  
Mr. Richard D. Feldstein, Chair, Professional Standards and Ethics Subcommittee of  
the Court Interpreters Advisory Panel

*40 minutes*

[18-177](#)

**Trial Court Allocations: 2018-19 Allocation from the Trial Court Trust Fund to Court Interpreter Program (Action Required)**

**Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an allocation of fund balance from the Trial Court Trust Fund on a one-time basis to address an anticipated shortfall in the Court Interpreter Program for 2018-19, not to exceed the current \$3.4 million estimated amount required to cover cost increases and maintain service levels.

**Speakers:**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Mr. Zlatko Theodorovic, Director and Chief Financial Officer

*25 minutes*

[18-178](#)

**Trial Court Budget: Allocation of \$75 Million in Discretionary Funds (Action Required)**

**Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve allocation of \$75.0 million in discretionary funding provided in the Budget Act of 2018. The recommendation is to allocate \$3.6 million to bring Cluster 1 courts to 100 percent of their funding need, \$0.8 million for court-provided non-sheriff security, and \$70.6 million in discretionary funds to all courts, save for the Cluster 1 courts, proportionally based on their 2018-19 base allocation following the Judicial Council actions taken on July 20, 2018. The committee also wants to indicate that the trial courts recognize and intend to comply with the legislative intent that \$10.0 million of the \$75.0 million be utilized to increase the level of court reporters in family law cases.

**Speakers:**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Ms. Lucy Fogarty, Budget Services

*35 minutes*

**18-179**

**SB 10 (No Action Required) (There are no materials for this item.)**

**Summary:**

TBD

**Speakers:**

TBD

*45 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[18-119](#)**Report to the Legislature: State Trial Court Electronic Filing and Document Service Accessibility Compliance****Summary:**

Assembly Bill 103 (Stats. 2017, ch. 17), the public safety bill approved by the Governor on June 27, 2017, amended Code of Civil Procedure section 1010.6(g), which requires that any system for the electronic filing and service of documents used by a California trial court must be accessible to individuals with disabilities as provided in the statute. The amendment also requires the council to submit four reports between June 2018 and December 2023 to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. This June 2018 report is the first of the four submissions.

[18-180](#)**Trial Courts: Annual Investment Report for Fiscal Year 2017-2018****Summary:**

This Trial Courts: Annual Investment Report for Fiscal Year 2017-2018 covers the period of July 1, 2017, through June 30, 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.

[18-181](#)**Judicial Council Report to the Legislature: Cash Flow Loans Made to Courts in 2017-18****Summary:**

Government Code section 68502.6 requires that the Judicial Council report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2018, Judicial Council staff submitted to the Legislature the report entitled Cash Flow Loans Made to Courts Pursuant to Government Code Section 68502.6 in 2017-18. The report was not circulated for comment.

[18-182](#)**Judicial Branch Budget: Quarterly Report on the Judicial Council's Court Innovations Grant Program, Fiscal Year 2017-18, Quarter 4****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the fourth quarter of fiscal year 2017-18.

[18-183](#)**Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Rep. No. 46)****Summary:**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This is the 46th report to date listing the latest court



notices received by the council under this statutory requirement. Since the previous report, one superior court-the Superior Court of Fresno County-has issued a new notice.

[18-184](#)

**Judicial Branch Semiannual Contract Reporting Requirement:  
Executed Contracts and Vendor Payments for the Period of  
January 1 through June 30, 2018**

**Summary:**

Public Contract Code section 19209 and the Judicial Branch Contracting Manual require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts; and (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of good or service provided, and judicial branch entity receiving the good or service. Therefore, the Judicial Council staff submitted this 14th semiannual report on August 1, 2018, which listed all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2018.

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

**Appointment Orders**

18-185

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

**Adjournment (approx. 12:45 p.m.)**