



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
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

Date: October 25, 2018
Time: 12:10 to 1:10 p.m.
Public Call-in Number: 877-820-7831; passcode 460-5568 (Listen Only)

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

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

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the August 28, 2018, and September 11, 2018, Executive and Planning Committee open meetings, August 30, 2018, action by e-mail, and October 3, 2018, Executive and Planning Committee closed meeting.

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

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, 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 or mailed or delivered to Judicial Council of California, attention: Josely Yangco-Frona. Only written comments received by 12:10

p.m. on Wednesday, October 24, 2018, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1-2)

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 five vacant subordinate judicial officer positions to judgeships.

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

Item 2

Agenda Setting for the November 29–30, 2018, Judicial Council meeting (Action Required)

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

Presenters: Various

IV. ADJOURNMENT

Adjourn



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Tuesday, August 28, 2018

12:10 to 1:10 p.m.

Teleconference

Committee Members Present: Hon. Douglas P. Miller (Chair), Hon. Marla O. Anderson, (Vice-chair), Hon. Harry E. Hull, Jr., Hon. Gary Nadler, Hon. Stacy Boulware Eurie, Hon. Samuel K. Feng, Hon. David M. Rubin, Ms. Kimberly Flener, and Ms. Gretchen Nelson

Committee Members Not Present: Hon. Patricia M. Lucas

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

Other Attendees: Hon. Susan I. Etezadi, Hon. Charles Margines, Hon. Brian McCabe, Ms. Rodina Catalano, Mr. Jake Chatters, and Mr. Richard Feldstein

Staff Present: Ms. Sarah Abbott, Ms. Michele Allan, Ms. Deidre Benedict, Ms. Roma Cheadle, Ms. Penny Davis, Ms. Maureen Dumas, Ms. Marcela Eggleton, Ms. Audrey Fancy, Ms. Sarah Fleischer-Ihn, Ms. Lucy Fogarty, Mr. Michael Giden, Ms. Kristin Greenaway, Ms. Angela Guzman, Ms. Eve Hershcopf, Ms. Frances Ho, Ms. Bonnie Rose Hough, Ms. Andrea Jaramillo, Mr. Doug Kauffroath, Mr. Greg Keil, Ms. Amy Kimpel, Ms. Olivia Lawrence, Ms. Yolanda Leung, Ms. Ingrid Leverett, Ms. Maria Lira, Ms. Susan McMullan, Ms. Melissa Ng, Mr. Patrick O'Donnell, Mr. Daniel Pone, Ms. Kara Portnow, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Brandy Sanborn, Ms. Virginia Sanders-Hinds, Ms. Suzanne Schleder, Ms. Gabrielle Selden, Ms. Sonia Sierra Wolf, Mr. Brian Simeroth, Mr. David Smith, Ms. Laura Speed, Mr. Corby Sturges, Mr. Gregory Tanaka, Mr. Zlatko Theodorovic, Ms. Kyanna Williams, Mr. Catrayel Wood, Mr. John Wordlaw, Ms. Martha Wright, Ms. Josely Yangco-Fronada, and Ms. Carrie Zoller

OPENING MEETING

Call to Order and Roll Call

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

Approval of Minutes

The committee voted to approve the following minutes:

- June 21, 2018, Executive and Planning Committee open meeting
- July 6, 2018, Executive and Planning Committee action by e-mail
- August 7, 2018, Executive and Planning Committee closed meeting

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-5)

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.

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

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.

Action: The committee reviewed the request from the Superior Court of Placer County and requested additional information. No action was taken by the committee at this time.

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.

Action: The committee voted to approve the request from the Superior Court of Los Angeles County to convert one vacant subordinate judicial officer position to a judgeship.

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.

Action: The committee voted to approve the request from the Superior Court of Orange County to convert three vacant subordinate judicial officer positions to judgeships,

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.

Action: The committee reviewed draft reports and set the agenda for the Judicial Council meeting in September, which will be a two-day meeting held on September 20-21.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:52 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 one report—Court Facilities: Trial Court Facility Modifications Report for Quarter 4 of Fiscal Year 2017-18—as a new information-only item and approve it to be included on the September 21 Judicial Council business meeting agenda.

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

Notice

On August 30, 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

The members voted unanimously to approve one item for the information-only agenda of the September 21, 2018 Judicial Council business meeting and the subordinate judicial officer exception request from the Superior Court of Placer County.

Approved by the advisory body on _____.



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RULES AND PROJECTS COMMITTEE

EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

September 11, 2018

Teleconference

RUPRO Members Present: Hon. Harry E. Hull (Chair), Hon. Kevin C. Brazile, Hon. Scott M. Gordon, Hon. Harold W. Hopp, Hon. Stuart M. Rice, and Ms. Rachel W. Hill

RUPRO Members Absent: Hon. Dalila C. Lyons (Vice-Chair), Mr. Jake Chatters, and Mr. Patrick Kelly

E&P Members Present: Hon. Douglas P. Miller (Chair), Hon. Marla O. Anderson (Vice-Chair), Hon. Harry E. Hull, Jr., Hon. Patricia M. Lucas, Hon. Gary Nadler, Hon. Stacy Boulware Eurie, Hon. Samuel K. Feng, Hon. David M. Rubin, and Ms. Gretchen Nelson

E&P Members Absent: Ms. Kimberly Flener

Others Present: Ms. Roma Cheadle, Ms. Benita Downs, Ms. Donna Ignacio, Ms. Susan McMullan, Mr. Patrick O'Donnell, Ms. Laura Speed, and Ms. Josely Yangco-Fronza

OPEN MEETING

Call to Order and Roll Call

The Rules and Projects Committee chair and Executive and Planning Committee chair called the meeting to order at 4:00 p.m. and requested staff to take roll call.

DISCUSSION AND ACTION ITEM (ITEM 1)

Item 1

Judicial Council: Judicial Branch Budget Committee (adopt rule 10.15; amend rules 10.10, 10.11, 10.13, and 10.16)

Action: The Executive and Planning Committee and the Rules and Projects Committee recommended the rules proposal to circulate for public comment. The Rules and Projects Committee approved the proposal for circulation.

ADJOURNMENT

There being no further RUPRO and E&P meeting business, the meeting was adjourned at 4:09 p.m.

Approved by the Rules and Projects Committee on _____.

Approved by the Executive and Planning Committee on _____.

DRAFT



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

Wednesday, October 3, 2018

12:10 to 1:10 p.m.

Teleconference

Committee Members Present: Hon. Douglas P. Miller (Chair), Hon. Marla O. Anderson (Vice-Chair), Hon. Harry E. Hull, Jr., Hon. Stacy Boulware Eurie, Hon. Dalila C. Lyons, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, and Mr. Michael M. Roddy

Committee Members Absent: Hon. Gary Nadler, Hon. Samuel K. Feng, and Hon. David M. Rubin

Staff Present: Ms. Millicent Tidwell, Ms. Laura Speed, Ms. Amber Barnett, Ms. Roma Cheadle, and Ms. Josely Yangco-Fronza

CLOSED SESSION

Call to Order and Roll Call

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

Item 1

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

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.*

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:49 p.m.

Approved by the advisory body _____.



JUDICIAL COUNCIL OF CALIFORNIA

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

MEMORANDUM

Date

October 19, 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 Five Vacant Subordinate
Judicial Officer Positions in the Superior
Court of Los Angeles County

Action Requested

Approve Staff Recommendation

Deadline

October 25, 2018

Contact

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

Executive Summary

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

Recommendation

Office of Court Research staff recommend that the Executive and Planning Committee (E&P) confirm the conversion of five vacant SJO positions in the Superior Court of Los Angeles County. The vacancies are the result of the elevation of the commissioners serving in these positions to judgeships on October 11, 2018. The conversions will take effect on the date on which E&P approves the court's request.

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

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.¹

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.²

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

¹ 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 (as of June 7, 2017).

² 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; 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 (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.³

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.⁴

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 69 positions, with the last conversion occurring on August 28 of the current fiscal year (FY 2018–19). 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 6 of the 7 SJO positions for which the court is eligible in FY 2018–19, the court having converted one SJO position earlier in the year. Confirming these positions would allow the court reasonable certainty and clarity concerning staffing and judicial workload over the next few years.

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 five vacant SJO positions in the Superior Court of Los Angeles County 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

³ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships* (Aug. 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4> (as of June 7, 2017).

⁴ 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 (as of June 7, 2017).

Members of the Executive and Planning Committee

October 16, 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, October 15, 2018, regarding the conversion of five vacant SJO positions, at page 5



The Superior Court

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

TELEPHONE
(213) 633-0400

October 15, 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 Five Commissioner Positions

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 to expedite approval of the conversion of five vacant commissioner positions in the Los Angeles Superior Court (LASC) to judgeships in the 2018-2019 fiscal year, pursuant to Government Code Section 69615.

The vacancies were created by the fact that five commissioners were appointed to judgeships by the Governor on October 11, 2018:

Commissioner Diego H. Edber
Commissioner Danielle R. A. Gibbons
Commissioner Brenda J. Penny
Commissioner Michelle S. Short
Commissioner Timothy M. Weiner

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,

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

DANIEL J. BUCKLEY
Presiding Judge

DJB:BB:rm

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



Judicial Council of California

455 Golden Gate 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*

Thursday, November 29, 2018

San Francisco

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

Session 3:10 p.m. – 4:00 p.m.

Call to Order

DISCUSSION AGENDA

**18-173 Shasta Court-Emergency Response to Fires (No Action Required.
There are no materials for this item.)**

Summary: Presentation on emergency response by the Superior Court of Shasta County.

Speakers: Ms. Melissa Fowler-Bradley, Court Executive Officer, Superior Court of Shasta
County
20 minutes

**18-208 Court Innovations Grant Program: Superior Court of Monterey
County - California Court Access App Project Presentation (No
Action Required. There are no materials for this item.)**

Summary: The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court
innovations and efficiencies through a grant program. During this session, the Superior
Court of California, County of Monterey will present and provide information related
to the court's California Court Access App, including the applications' current
features and usage.

Speakers: Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Mr. Chris Ruhl, Court Executive Officer, Superior Court of Monterey County
Ms. Katy Grant, Chief Operations Officer, Superior Court of Monterey County
Mr. Paras Gupta, Chief Information Officer, Superior Court of Monterey County
30 minutes

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



Judicial Council of California

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

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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

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

Friday, November 30, 2018

San Francisco

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

Session 8:30 a.m. – 9:15 a.m.

Transitional Break 9:15 a.m. – 9:25 a.m.

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

Session 9:25 a.m. – 12:25 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, November 27, 2018.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, November 28, 2018.

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

E-mail:

judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

Judicial Council of California

455 Golden Gate Avenue

San Francisco, California 94102-3688

Attention: Josely Yangco-Fronza

Approval of Minutes

18-187 Minutes of September 21, 2018, Judicial Council meeting

Chief Justice's Report

10 minutes

Administrative Director's Report

18-188 Administrative Director's Report

10 minutes

Judicial Council Committee Presentations

18-189 Judicial Council Committee Reports

30 minutes

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[18-190](#)

Judicial Council Administration: Amendment to the Judicial Council Conflict of Interest Code (Action Required)

Summary:

This proposal would adopt an amendment to the *Conflict of Interest Code for the Judicial Council of California* (Code) to: (1) remove office names from the list of designated classifications and consolidate the Leadership Services Division, Operations & Programs Division, and Administrative Division into an All Divisions category for the designated classifications; and (2) add classifications to the list of designated classifications. The proposed changes provide flexibility in the event of an organizational restructuring-which may require the transfer of positions between offices-and will ensure that classifications required to report their economic interests will continue to do so regardless of office or organizational changes.

In accordance with Government Code sections 87303 and 87306, the Code must be updated "when change is necessitated by changed circumstances." (Gov. Code, § 87306.) The council must review proposed amendments to the Code and approve

the Code as amended or direct that it be further revised and resubmitted for approval.

[18-192](#)

Judicial Council: 2018 Legislative Policy Summary (Action Required)

Summary:

The Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2018 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with the judicial branch's strategic plan goals.

[18-223](#)

Judicial Council: Judicial Branch Budget Committee (Action Required)

Summary:

The Judicial Council's Executive and Planning Committee and Rules and Projects Committee propose the adoption of rule 10.15 of the California Rules of Court on the Judicial Branch Budget Committee, an internal committee of the council. The committees also propose amending four other rules of court relating to the internal committees of the Judicial Council to make them consistent with the new rule and to eliminate duplication in the rules.

[18-225](#)

Judicial Council: Name Change for the Governing Committee of the Center for Judicial Education and Research (Action Required)

Summary:

The Executive and Planning Committee recommends amending California Rules of Court, rule 10.50 (Governing Committee of the Center for Judicial Education and Research) to change the name of the committee to the Center for Judicial Education and Research Advisory Committee. The amendment will align the name of the committee with those of other Judicial Council advisory committees.

[18-191](#)

Telephonic Appearances: Change in the Fee Amount (Action Required)

Summary:

The Judicial Branch Budget Committee recommends amending rule 3.670 of the California Rules of Court to increase the fee to appear by telephone in civil cases from \$86 to \$94, effective January 1, 2019. The new fee would apply to the balance of the four-year term of the master agreement for telephone appearance services that was recently entered into with CourtCall, LLC. The fee increase reflects the estimated increase in the Consumer Price Index for All Urban Consumers for the term of the agreement.

[18-200](#)

Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976) (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee recommends amending 15 of the California Rules of Court, adopting one new rule, revising eight Judicial Council forms, and approving one new optional form. Assembly Bill 976 authorizes electronic filing and service in juvenile matters, pursuant to Code of Civil Procedure section 1010.6. The bill extends the ability to conduct electronic filing and service to all juvenile matters, with some important exceptions and conditions designed to protect

the confidential information of minors and to preserve paper notice of specified proceedings. The bill also requires affirmative consent to electronic service as of January 1, 2019. These statutory changes require the modifications to rules and forms recommended in this report.

[18-202](#)**Civil Practice and Procedure: Name Change and Gender Change Forms (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends adopting and revising various Judicial Council Name Change forms to reflect recently enacted legislative amendments that go into effect January 1, 2019. Assembly Bill 3250 adds new requirements for issuance and service of orders to show cause in certain name change and gender change proceedings initiated by parents or guardians, as well as requiring new judicial findings in gender change proceedings brought by guardians. Assembly Bill 2201 adds a new category of petitioners (those seeking to avoid human trafficking) to those who may seek confidential name changes. The advisory committee recommends that the forms be revised, and two additional forms adopted without circulation so that the forms will be correct under the new laws when they become effective.

[18-203](#)**Protective Orders: Gun Violence Restraining Order Forms (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revising various Judicial Council gun violence restraining order (GVRO) forms to reflect recently enacted legislative amendments that go into effect January 1, 2019. Recently enacted Senate Bill 1200 (Stats. 2018, ch. 898) prescribes that orders pursuant to Penal Code section 18100 et seq. shall be referred to as gun violence restraining orders, expands the definition of ammunition to include a magazine, prohibits a filing fee for GVRO forms and documents, requires a law enforcement officer to make a specific request when serving a gun violence restraining order, and provides that parties do not need to pay the sheriff for service of a GVRO. The bill also requires a court hearing within 21 days of issuing an emergency protective order to determine if a restraining order after notice and hearing should be issued. The advisory committee recommends that the mandatory forms be revised by January 1, 2019, so that the mandatory forms will be in compliance with the new laws when they become effective.

[18-197](#)**Judicial Branch Technology: Information Security Framework Update (Action Required)****Summary:**

The Judicial Council Technology Committee (JCTC) recommends approval of revisions to the Judicial Branch Information Security Framework. The original framework was approved by the Judicial Council in June 2014 with the understanding that it would require periodic updates. This revision cycle is focused on updates to make the document easier to use and on the addition of privacy controls specified in recently updated federal standards.

[18-199](#)**Jury Instructions: New, Revised, and Revoked Civil Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new, revised, revoked, and renumbered civil jury instructions prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months. On Judicial Council approval, the instructions will be published in the official 2019 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[18-206](#)**Uniform Bail and Penalty Schedules: 2019 Edition (Action Required)****Summary:**

The Traffic Advisory Committee proposes revisions to the Uniform Bail and Penalty Schedules, 2019 Edition, to become effective January 1, 2019. The 2019 proposal includes: (1) recommendations based on new legislation, as required under Vehicle Code section 40310 and Penal Code section 1269b (2) recommended changes to the Fish and Game Schedule by the Department of Fish and Wildlife, and (3) miscellaneous technical additions and corrections.

[18-205](#)**Traffic: Selection of Online Traffic Adjudication Pilot Project Expansion Courts (Action Required)****Summary:**

The Budget Act of 2018-19 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, adding three additional courts to join the five already involved in the pilot.

[18-194](#)**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 two new requests and three amended requests from five 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.

[18-204](#)**Trial Courts: Recidivism Reduction Fund Court Grant Program: Annual Report, 2018 (Action Required)****Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive the *Recidivism Reduction Fund Court Grant Program: Annual Report, 2018*; direct the Administrative Director to submit this annual report to the Joint Legislative Budget

Committee and the Department of Finance as mandated by the Budget Act of 2015 (Assem. Bill 93, Stats. 2015, ch. 10).

[18-196](#)

Report to the Legislature: Statewide Collection of Delinquent Court-Ordered Debt for 2017-18 (Action Required)

Summary:

Judicial Council staff recommend approval of the *Statewide Collection of Court-Ordered Debt for Fiscal year 2017-18* for transmittal to the Legislature. Penal Code section 1463.010(c) requires the Judicial Council to report the extent to which each court or county collections program is following best practices, the programs' performance, and any changes necessary to improve performance of collection programs statewide.

Additionally, as stated in the October 2018 report to the Department of Finance (DOF) and the Joint Legislative Budget Committee (JLBC) per Government Code section 68514, this report contains revised or additional information from programs that did not submit data, or submitted incomplete data for inclusion in the October 1 report. The first report required under Government Code section 68514, was submitted to the Legislature in October 2018 and is available at www.courts.ca.gov/7466.htm <<http://www.courts.ca.gov/7466.htm>>.

[18-198](#)

Report to the Legislature: 2017-18 Annual Report of Court Facilities Trust Fund Expenditures (Action Required)

Summary:

Judicial Council staff recommend approval of the *Annual Report of Court Facilities Trust Fund Expenditures: 2017-18 Report to the Legislature Pursuant to Government Code section 70352(c)*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

[18-201](#)

Report to the Legislature: Report of State Trial Court Improvement and Modernization Fund Expenditures for 2017-18 (Action Required)

Summary:

Judicial Council staff recommend approval of the *Report of State Trial Court Improvement and Modernization Fund Expenditures for 2017-18* for transmittal to the Legislature. Government Code section 77209(i) requires the Judicial Council to report annually to the Legislature on the use of the State Trial Court Improvement and Modernization Fund and include any appropriate recommendations.

[18-224](#)

Report to the Legislature: California Community Corrections Performance Incentives Act of 2009 (Action Required)

Summary:

The Criminal Justice Services office recommends that the Judicial Council receive the 2018 *Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program* and direct the Administrative Director to submit this annual report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is

required to submit a comprehensive report on the implementation of the program-including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration-no later than 18 months after the initial receipt of funding under the act and annually thereafter.

Break 10:45 a.m. – 11:00 a.m.

DISCUSSION AGENDA

[18-213](#)

Judicial Council: 2019 Legislative Priorities (Action Required)

Summary:

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. In past years, the council's legislative priorities have focused on implementation of efficiencies in the courts, investment in the judicial branch, and securing critically needed judgeships. The Policy Coordination and Liaison Committee recommends a similar approach for the 2019 legislative year to the Judicial Council.

Speakers:

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee
Mr. Cory T. Jaspersen, Governmental Affairs

25 minutes

18-212

Judicial Branch Technology: Strategic Plan for Technology Update (Action Required)

Summary:

The Judicial Council Technology Committee and the Strategic Plan Update Workstream recommend that the Judicial Council adopt the updated Strategic Plan for Technology (2010-2022), to supersede the existing Strategic Plan for Technology (2014-2018). The updated plan was developed as a result of analyzing goals, branch business drivers, objectives, as well as evaluating the benefits, outcomes, and measures of success; and was subsequently refined following circulation for branch and public comment.

Speakers:

Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee
Mr. Robert Oyung, Chief Operating Officer, Judicial Council

20 minutes

[18-210](#)

Rules and Forms: Qualifications of Counsel for Appointment in Death Penalty Appeals and Habeas Corpus Proceedings (Action Required)

Summary:

To achieve competent representation without unduly restricting the pool of attorneys willing and able to accept appointment in death penalty appeals and habeas corpus proceedings, the Proposition 66 Rules Working Group recommends the adoption of two new rules and amendments to two existing rules relating to qualifications of counsel. These proposed rule changes are intended to partially fulfill the Judicial Council's obligation under Proposition 66 to reevaluate the competency standards for the appointment of counsel in death penalty direct appeals and habeas corpus proceedings. This proposal is submitted concurrently with a separate report to the

Judicial Council containing the working group's proposal for related rules regarding the vetting and appointment of counsel for death penalty-related habeas corpus proceedings in the superior courts.

Speakers: Hon. Dennis M. Perluss, Chair, Proposition 66 Rules Working Group

10 minutes

[18-209](#) **Criminal and Appellate Procedure: Superior Court Appointment of Counsel in Death Penalty-Related Habeas Corpus Proceedings (Action Required)**

Summary: To provide procedures for superior courts to determine if an attorney meets the minimum qualifications for counsel in death penalty-related habeas corpus proceedings and to appoint such counsel for indigent persons subject to a judgment of death, the Proposition 66 Rules Working Group proposes amending one rule and adopting four new rules and two new forms. These proposed rules changes are intended to partially fulfill the Judicial Council's rule-making obligations under Proposition 66. A second report to the Judicial Council presents the working group's recommendations for amendments to related rules governing qualifications of counsel for appointment in death penalty appeals and habeas corpus proceedings.

Speakers: Hon. Dennis M. Perluss, Chair, Proposition 66 Rules Working Group

10 minutes

[18-207](#) **Judicial Branch Statistical Information System (JBSIS) Dispute Resolution Process (Action Required)**

Summary: The Court Executives Advisory Committee (CEAC) recommends that the Judicial Council adopt the Judicial Branch Statistical Information System (JBSIS) Dispute Resolution Process. As lead staff to the JBSIS Subcommittee of CEAC, the Judicial Council's Office of Court Research is delegated the authority to make determinations on how courts should report data in JBSIS. Recognizing that there might be situations when courts do not agree with the determination made by council staff, the proposed JBSIS Dispute Resolution Process has been developed by CEAC to provide guidance and a consistent framework to resolve disagreements on reporting statistical data in JBSIS.

Speakers: Mr. Michael Roddy, Chair, Court Executives Advisory Committee
Mr. Chris Belloli, Budget Services

20 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[18-214](#) **Judicial Branch Education: Final Report on the 2016-2018 Education Plan (No Action Required)**

Summary: The Governing Committee of the Center for Judicial Education and Research (CJER) has completed the final report on its 2016-2018 Education Plan for the judicial branch (see Attachment A). The education plan, developed by the CJER Governing

Committee for all the judicial branch audiences that CJER serves, contains training and education programs and products that enable those audiences to fulfill the education requirements and expectations outlined in rules 10.451-10.491 of the California Rules of Court. This final report provides an overview of the education plan's execution.

[18-215](#)**Court Facilities: Lease Revenue Bond Issuance, Fall 2017 Spring 2018****Summary:**

As authorized and directed by the Judicial Council, the Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2016 and spring 2017, for the financing of court facilities projects. No new lease-revenue bonds were issued by the SPWB on behalf of the Judicial Council in fall 2017 and spring 2018. However, in the fall of 2018, the Judicial Council requested and was granted approval of interim general fund loans to start construction on five capital outlay projects with the payback from funds generated in a future bond sale.

[18-217](#)**Court Facilities: 2017-18 Trial Court Facility Modification Advisory Committee Annual Report****Summary:**

The Trial Court Facility Modification Advisory Committee has completed allocating facility modification funding for fiscal year 2017-18 and submits its *Annual Report of the Trial Court Facility Modification Advisory Committee for Fiscal Year 2017-18* for informational purposes.

[18-218](#)**The Need for New Judgeships in the Superior Courts: 2018 Update of the Judicial Needs Assessment****Summary:**

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the attached report, *The Need for New Judgeships in the Superior Courts: 2018 Update of the Judicial Needs Assessment*, for transmittal to the Legislature and the Governor. This legislative report, which fulfills the requirements of Government Code section 69614(c)(1), shows that nearly 127 new judicial officers are needed based on workload. This analysis is based on judicial caseweights that were established in 2011 and are in the process of being updated; as a result, the workload measures will not reflect many factors that have changed judicial workload since 2011. The analysis will be updated and resubmitted to the council once the new workload measures are finalized. This report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3). And, while not part of the legislative report itself, this report to the Judicial Council shows how new judicial resources might be distributed if any new judgeships were authorized and funded using the council-approved methodology described in Government Code section 69614(b).

[18-220](#)**Report to the Legislature: Court Realignment Data (Calendar Year 2017)****Summary:**

Penal Code section 13155 requires Judicial Council staff, commencing January 1, 2013, to collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and make the data available annually to the California Department of Finance (DOF), Board of State and Community Corrections (BSCC), and Joint Legislative Budget Committee (JLBC) by September 1. This is the sixth annual court realignment data report, and was distributed to the DOF, BSCC, and JLBC on August 28, 2018. The report, *Court Realignment Data (Calendar Year 2017)*, is included as Attachment A to this report.

[18-216](#)**Report to the Legislature: Allocations and Reimbursements to the Trial Courts in Fiscal Year 2017-18****Summary:**

Government Code section 77202.5(a) requires that the Judicial Council report to the Legislature annually on allocations and reimbursements to the trial courts. Judicial Council staff submitted to the Legislature on September 30, 2018, the report Fiscal Year 2017-18 Allocation and Reimbursement to Trial Courts. The information in this report was provided to the Judicial Council by the superior courts.

[18-222](#)**Report to the Legislature: Allocation of State Level Reserve in Trial Court Trust Fund****Summary:**

As required in Government Code section 68502.5(c)(2)(B), funds are set aside in the Trial Court Trust Fund to be allocated by the Judicial Council and used by the trial courts for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable funding shortfalls. Judicial Council staff submitted to the Legislature on October 1, 2018, the *Report of Allocation of the State Level Reserve in the Trial Court Trust Fund in 2017-18*.

[18-226](#)**Report to the Legislature: Report on the Court Innovations Grant Program. (No Action Required)****Summary:**

The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through the Court Innovations Grant Program. The Budget Act of 2016 requires the Judicial Council to report to the Legislature no later than September 30, 2017 and each year thereafter the progress on that program and its projects. This year's report was submitted as required.

[18-221](#)**Report to the Legislature: Standards and Measures that Promote the Fair and Efficient Administration of Justice****Summary:**

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the transmittal of the attached report to the Legislature, Standards and Measures *That Promote the Fair and Efficient Administration of Justice*. Government Code section 77001.5 requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following

subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.

[18-227](#)

Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code § 68106-Rep. No. 47)

Summary:

Government Code section 68106 (1) directs trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) directs the council to post all such notices on its website and relay them to the Legislature. This is the 47th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, **four** superior courts-the Superior Courts of San Francisco, Fresno, San Diego, and Madera Counties-have issued new notices.

Circulating Orders

18-228

Circulating Orders since the last business meeting.

Summary:

Approved minutes for a Trial Court Budget: Allocation of \$75 Million in Discretionary Funds (CO-18-01)

Appointment Orders

18-229

Appointment Orders since the last business meeting.

Adjournment (approx. 12:25 p.m.)