



JUDICIAL COUNCIL
OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

www.courts.ca.gov/forum.htm
forum@jud.ca.gov

TRIBAL COURT-STATE COURT FORUM

OPEN MEETING AGENDA

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: December 17, 2015
Time: 12:15–1:15 p.m.
Location: Conference Call
Public Call-In Number 1-877-820-7831 and enter Passcode: 4133250

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

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

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

Call to Order and Roll Call

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Public Comment

This meeting will be conducted by teleconference. As such, the public may only submit written comments for this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to forum@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Jennifer Walter. Only written comments received by 12:15 p.m. on December 16, 2015 will be provided to advisory body members.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-8)

Item 1

Cochairs Report to cover informational items that include:

- Distribution of the [2015-2016 Reference Manual for the Judicial Council and Advisory Bodies](#).
- Invitation to the January 6, 2016 Cross-Court Educational Exchange on Child Support at Yurok
- Upcoming California Judicial Council Meeting on February 25-26, 2015 Surprise Honoree
- Recognition of Parentage Orders by the California Department of Public Health and the Issuance of Birth Certificates
- Overview of new forum projects that will overlap with the [California Chief Justice's Power of Democracy](#) - Civics Learning and Curriculum Projects
- Forum's Proposed Annual Agenda or Workplan

Item 2

Research Study on SB 406 –Tribal Court Civil Money Judgment Act (Code Civ. Proc., § 1730 et seq.), a forum collaboration with U.C. Davis School of Law

Presenter: Professor Kathleen Florey and Ms. Jenny Walter

Item 3

Invitation to and Information on the “Big Forum” Meeting, scheduled for June 2–3, 2016, which will be a gathering of forums nationally here in California—to be cohosted by the forum and the Tribal Law and Policy Institute

Presenters: Ms. Heather Valdez Singleton and Ms. Jenny Walter

Item 4

Remote Court Appearances, Waivers, and Access

Presenter: Hon. Mark Radoff

Item 5

[Dollar General Corporation v. Mississippi Band of Choctaw Indians](#)

Recent Articles

- [Native Americans' sovereignty is at risk, and the high court must help save it by Stephen Pevar, The Guardian \(12/07/15\)](#)
- [Justices Weigh Power of Indian Tribal Courts in Civil Suits by Adam Liptak, New York Times \(12/07/15\)](#)

Item 6

Forum-Center on Judicial Education Resources Governing Board Toolkit Project: integrating resources related to federal Indian law into CJER's online toolkits and programming

Presenter: Hon. David E. Nelson et al.

Item 7

Invitation to the March 2016 Cross-Court Educational Exchange cohosted by the Mendocino Superior Court and Northern California Intertribal Court System

Presenters: Hon. David Nelson and Hon. Joseph Wiseman

Item 8
Report Back on the Beyond the Bench Conference

IV. ADJOURNMENT

Adjourn



JUDICIAL COUNCIL
OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

www.courts.ca.gov/forum.htm
forum@jud.ca.gov

TRIBAL COURT-STATE COURT FORUM

MINUTES OF OPEN MEETING

October 8, 2015

12:15-1:15 p.m.

By Conference Call

**Advisory Body
Members Present:**

Hon. Dennis M. Perluss, Cochair, Hon. Abby Abinanti, Hon. April Attebury, Hon. Kimberly A. Gaab, Hon. Gail Dekreon, Hon. Leonard P. Edwards, Hon. Anthony Lee, Hon. John L. Madigan, Hon. Lester Marston, Hon. David E. Nelson, Mr. Olin Jones, Hon. Mark A. Juhas, Hon. Suzanne N. Kingsbury, Hon. Mark Radoff, Hon. John H. Sugiyama, Hon. Christine Williams, Hon. Christopher G. Wilson, and Hon. Joseph J. Wiseman

**Advisory Body
Members Absent:**

Ms. Jacqueline Davenport, Hon. Michael Golden, Hon. Cynthia Gomez, , Hon. Bill Kockenmeister, Hon. Anthony Lee, Hon. John L. Madigan, Hon. Lester J. Marston, Hon. Allen H. Sumner, Hon. Juan Ulloa, Hon. Claudette C. White, Hon. Sarah S. Works, and Hon. Daniel Zeke Zeidler

Others Present:

Hon. Edward J. Davila, Mr. Michael Newman, Ms.Carolynn Bernabe, Ms. Vida Castaneda, Ms. Ann Gilmour, Ms. Anne Ronan, and Ms. Jennifer Walter

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:17 p.m., and took roll call.

Approval of Minutes

Meeting minutes approved for June 11, 2015 and August 20, 2015.

DISCUSSION AND ACTION ITEMS (ITEMS 1-9)

Item 1

Cochair Report

• **Welcome**

Justice Perluss extended a warm welcome to the forum's newest members: Hon. Gail Dekreon, Hon. Michael A. Juhas, Hon. John H. Sugiyama, and Hon. Sunshine Sykes.

• **Orientation Materials**

Justice Perluss directed members to the orientation materials prepared by Ms. Walter.

• **Case Update on In re Abbigail A., S220187**

Justice Perluss briefly described this case, which is before the California Supreme Court. In this case, the juvenile court directed the Sacramento County Department of Health and Human Services to take active efforts to enroll the children in the tribe of their paternal great-aunt and great-grandmother (the Cherokee Nation of Oklahoma, which had stated the minors were not members but were eligible for membership).

The California Supreme Court has invited the state's Solicitor General to file an amicus brief on the question of whether rules 5.482(c) and 5.484(c)(2) of the California Rules of Court are preempted by the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) Justice Perluss noted that the Court's question is a curious one since the federal ICWA provides that a state can adopt broader protections for Native American children.

- **News from Department of Justice/FBI Criminal Justice Information Services (CJIS) Division Tribal Conference in Tulsa, Oklahoma- August 19, 2015**

Ms. Walter described this federal initiative as a huge advance that would improve public safety in Indian country, because it would give access to criminal and other law enforcement databases to tribal law enforcement. The Department of Justice is launching an initial phase of the Tribal Access Program for National Crime Information (TAP) to provide federally-recognized tribes access to national crime information databases for both civil and criminal purposes. TAP will allow tribes to more effectively serve and protect their communities by ensuring the exchange of critical data. Ms. Walter invited Mr. Olin Jones to share information he had on the initiative from Ms. Marcia Hurd and others at the U.S. Department of Justice. Mr. Jones reported that he will have more to share after a meeting that is scheduled with Ms. Hurd in November.

Item 2 (Partnerships)

California Department of Justice (DOJ) New Bureau of Children's Justice (ICWA Focus)

Presenter: Mr. Michael L. Newman, Director, California Department of Justice
New Bureau of Children's Justice
Mr. Olin Jones

Mr. Jones provided background information on the new bureau and the DOJ's statewide ICWA Task Force that will hold its first meeting on October 27, 2015. Mr. Jones then introduced Mr. Newman. Ms. Newman reported that the bureau was created in February-March of 2015 to coordinate efforts across DOJ offices (civil, criminal, and public rights) and reduce duplication of efforts. The bureau is marshalling resources across offices to address noncompliance with various laws, including ICWA. Other areas include juvenile justice and children as consumers. Mr. Jones and Mr. Newman concluded by reporting that the Attorney General views ICWA as a critical area where there is a significant lack of compliance statewide and aims to improve compliance by marshalling the considerable enforcement resources of the agency.

Item 3 (Education)

[Report on Tribal Wellness Court Enhancement Training](#)

Presenters: Hon. Christine Williams
Hon. Suzanne N. Kingsbury

Judge Williams and Judge Kingsbury described the conference and their workshop, which they were able to attend thanks to a grant from the Bureau of Justice Assistance. This was their second year participating in what they described as a very worthwhile conference. At last year's conference, they participated on a panel and described their work together developing the joint jurisdictional court. This year, their workshop focused on the court's operation. The audience appreciated hearing about the court not only from the judges, but from a court participant who was able to share how her experience in state court, where she simply received a fine, contrasted to her experience in the joint jurisdictional court, where she received culturally relevant services and the

tools needed to solve the root problems. The judges expressed appreciation for learning about the next BJA funded joint jurisdictional court which will soon be launched in Alaska. They also described an excellent short film, produced by the Center for Court Intervention, which portrayed joint jurisdiction courts.

The judges directed forum members to Ms. Walter for materials on their joint jurisdictional court and encouraged members to consider developing a joint jurisdictional court.

Item 4 (Partnerships)

Federal Component of the Court Administrator Toolkit

Presenter: Hon. Edward J. Davila, District Judge, U.S. District Court

Judge Davila directed members to their materials to view the federal component of the toolkit, which was developed with the assistance of the judge's intern. He thanked Ms. Walter for contacting him and inviting him to add a federal component to the forum's toolkit. Judge Davila stated that he would like to augment the federal module with information on federal filings and the federal office of the public defender.

Judge Davila shared that he is a member of the State/Federal Judicial Council, and chairs that council's tribal courts committee. He offered to seek the council's endorsement. Justice Perluss and Ms. Walter thanked Judge Davila for his collaboration, and he in turned thanked Ms. Walter and Ms. Castaneda for their role in developing the toolkit.

Action Item: Justice Perluss called for a motion to adopt and distribute the toolkit. Motion made by Judge Abinanti, seconded by Judge Dekreon, and passed by unanimous consent.

Item 5 (Education)

Jurisdictional Tools for Judges and Law Enforcement

Presenters: Ms. Jenny Walter

Ms. Walter described the jurisdictional tools that were developed at the direction of the forum. These tools include: (1) Glossary of Terms for Courts and Law Enforcement; (2) Frequently Asked Questions About Domestic Violence Offenses Committed in Indian Country; (3) Chart on Jurisdiction to Arrest; and (4) Practice Tips for Law Enforcement. Ms. Walter noted the many people who helped develop and review them, including Judge Madigan, Judge Wiseman, Judge Becky Dugan, Mr. Bill Denke, Ms. Dorothy Alther, and Mr. Jones. The tools are a result of a partnerships among representatives from the California Sheriff's Association, California Indian Legal Services, California Department of Justice, Tribal Police Chief's Association, and others to create these educational tools. These tools are intended to give practical information to law enforcement officers in the field and judges about domestic violence on tribal lands. In the course of developing them, representatives from the abovementioned groups identified that these tools would be most effective if they were used as part of a local training or cross-jurisdictional meeting convened by a judge, local sheriff, or tribal police chief. For this reason, Ms. Walter reported that she is seeking endorsements from the organizations that helped develop them so that the tools can be rolled out statewide.

Action Item: The forum approved the tools and directed Ms. Walter to seek endorsements.

Item 6 (Education)

Report on Partnership with CJER Governing Board's Curriculum Committees to Make Recommendations to Incorporate Federal Indian Law into CJER Online Judicial Educational Materials (using the forum's Federal Indian Law Toolkit as a starting point)

Presenter: Hon. David Nelson

Judge Nelson described the partnership between the forum and the CJER curriculum committees and gave a status report on their work thus far. He reported that the following forum members are working with their judicial counterparts on the CJER curriculum committees: Judges Juhas, Marston, and Wiseman. Judge Nelson reported that he is working on both the criminal and juvenile toolkits.

Judge Nelson concluded by stating that the partnership is going well and that the CJER curriculum committee members and staff are very receptive to integrating resources from the forum federal Indian law toolkit into their online toolkits in the areas of access, ethics, and fairness; civil; criminal; family juvenile dependency and delinquency; and probate. Judge Abinanti volunteered Commissioner Rebecca Wightman to assist with the portion of the family toolkit that covers child support.

Item 7 (Partnerships)

[California Tribal Court Directory Update](#)

Presenter: Ms.Carolynn Bernabe

Ms. Bernabe described that she is in the process of updating the tribal court directory, and invited members to assist by completing a short survey.

Item 8 (Partnerships)

[Native American Day at the Capitol](#)

Presenter: Ms. Vida Castaneda

Ms. Castaneda described the event—the participation from tribal community members and the many nonnative people throughout the state who work in or with tribal communities. The Judicial Council's tribal/state programs staffed a resource booth at the event.

Item 9

Discussion on Selection of Tribal Court Judge Cochair to the Forum

Justice Perluss introduced this item for discussion. By way of background, he explained that the California Chief Justice appoints both forum cochairs. Nevertheless, Justice Perluss informed the members that the California Chief Justice agreed with him that the current tribal court members of the forum should both decide on the process for selection and select the next tribal court judge cochair. Justice Perluss expressed a strong preference that the process not include the state court judges or the council staff. He suggested that a selection process and decision be arrived at by the end of November, because once the forum cochair is appointed, the very first responsibility of the next cochair will be to fill the tribal court judge vacancy.

Judge Williams stated that the proposed process was fine, but given the short timeframe for making a decision, she asked whether it would be acceptable to have the tribal court judges submit nominations to Justice Perluss and or Ms. Walter. Justice Perluss reiterated that his preference was that the process be one where the tribal court judges make the selection. Judge Radoff suggested that nominations be sought, and after ascertaining whether the nominee would be willing to serve, a vote by the majority would carry the day. Judges Williams, Abinanti, and Attebury agreed. After a short discussion, Ms. Walter was directed to send the emails and count the votes. Justice Perluss suggested that the members use the reply all so that all the judges would be in the email communications. Ms. Walter stated she would initiate the selection process and tally the votes.

In closing, Judge Abinanti asked that the forum recognize Judge Blake, and members and staff resoundingly agreed. Ms. Walter stated that she looked forward to making the arrangements for a ceremony to honor Judge Blake.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:57 p.m.

Pending approval by the advisory body on December 17, 2015.



Reference Manual for the Judicial Council and Its Advisory Bodies

2015-2016



JUDICIAL COUNCIL
OF CALIFORNIA



Welcome to your new role as a statewide participant in the policymaking arm of the California judicial branch. Established in 1926 as part of the state’s Constitution, the Judicial Council of California has accomplished much to improve the administration of justice in our state.

The council’s process is deliberative and collaborative: it relies on the volunteer participation of hundreds of judicial officers, lawyers, court executives, and subject-matter experts from throughout the state. The Chief Justice bases her appointments to the Judicial Council and its advisory committees and task forces on subject-matter expertise and the ability of members to have a statewide perspective, think critically, and discuss issues with civility.

Almost every action that the council discusses and acts on originates from recommendations made by advisory committee or task force members—and only after those members have thoroughly researched the issues and vetted any possible solutions. The balance of the council’s policy direction and the findings and proposals of its advisory bodies are the source of continuing refinement and reform in the statewide administration of California’s justice system.

This handbook has been carefully designed to assist council members, advisory body members, and Judicial Council staff in understanding their respective roles in the policymaking process and to prepare them for their service to the people of California.

The handbook provides an overview of the structure and function of the Judicial Council, its internal committees, and its advisory groups. It also provides some of the procedural details for members’ reference in the day-to-day conduct of council and advisory body business matters.

Should you have any questions regarding the content of this handbook, please contact:

Nancy Carlisle
Judicial Council Support, Leadership Services Division
415-865-7614 phone | 415-865-4391 fax
nancy.carlisle@jud.ca.gov

We hope that this practical reference guide is useful to you in your work and that your service, although it may prove challenging, will also be rewarding and enjoyable.

Douglas P. Miller
Chair, Executive and Planning Committee

CONTENTS

Judicial Council	Pages
Authority and Structure.....	1-1
Meetings, Calendar, Meeting Logistics, and Travel Information.....	1-4
Governance Policies	1-13
Parliamentary Procedures	1-26
California Rules of Court, Rules 10.1–10.6.....	1-37
Member Roster	1-48
Internal Committees	
Introduction and Rule 10.10	2-1
Organizational Structure of Internal Committees to the Judicial Council of California.....	2-4
Internal Committee Staff Roster	2-5
A. Executive and Planning Committee (E&P)	
Introduction; Role and Structure	2-6
Rule 10.11 and Roster.....	2-9
Guidelines for Reviewing Judicial Council and Advisory Committee Nominations.....	2-14
B. Policy Coordination and Liaison Committee (PCLC)	
Introduction; Role and Structure	2-18
Rule 10.12 and Roster.....	2-21
Legislative Calendar and Guidelines for Development of Judicial Council–Sponsored Legislation.....	2-25
C. Rules and Projects Committee (RUPRO)	
Introduction; Role and Structure	2-38

Rules 10.13 and 10.202 and Roster.....	2-40
Timeline of RUPRO Activities	2-46
Policy on the Judicial Council’s Rule-Making Authority	2-47
Policies and Guidelines for Rules, Forms & Standards	2-48
How a Proposal Becomes a Rule.....	2-53
D. Litigation Management Committee	
Introduction; Role and Structure	2-56
Rules 10.14, 10.201, and 10.202 and Roster.....	2-58
E. Technology Committee	
Introduction; Role and Structure	2-65
Rule 10.16 and Roster.....	2-68

Advisory Bodies

Introduction	3-1
A. Governance	
Role and Structure.....	3-2
JC Internal Committee Oversight of Advisory Bodies.....	3-5
Rules 10.30–10.70 and 10.75	3-6
B. Membership	
Advisory Committee and Task Force Contact Information	3-49
Advisory Committee and Task Force Comprehensive Listings.....	3-52
Request for Appointment to a Subcommittee: Processing the Form and related form.....	3-67
C. Guidelines	
Guidelines for Judicial Council Staff Regarding the Nomination and Appointment Process to the Judicial Council and Its Advisory Committees.....	3-70
Guidelines for Advisory Bodies: California Rules of Court, Rule 10.75, Meetings of Advisory Bodies.....	3-74
Guidelines for the Annual Agenda Process.....	3-178

<i>CJER Governing Committee Guidelines on Proposals From Other Advisory Committees</i>	3-183
Updating Letterhead Templates: Instructions.....	3-192

Staff

Staff Role, Function, and Structure (Rules 10.80–10.81).....	4-1
Organizational Structure of Staff to the Judicial Council of California.....	4-3
Executive Contact Information.....	4-4
Executive Staff and Judicial Council Support Staff Contact Information.....	4-5
Contacts for Specific Topics	4-6
Legal Services Contact List	4-7

Resources

Judicial Branch Administration

Strategic and Operational Planning.....	5-1
Procedural Fairness in the California Courts	5-4
Trust and Confidence in the California Courts: Phases I and II	5-7
California Judicial Branch Figure.....	5-12

Maps

California Court Leaders	5-13
California Judicial Officers and Court Employees.....	5-14
State of California: Courts of Appeal Appellate Districts.....	5-15

Additional References

California Courts Website	5-16
Abbreviations & Acronyms Commonly Used by Judicial Council Staff ...	5-17



Judicial Council AUTHORITY AND STRUCTURE

Constitutional Authority

The Judicial Council was established in 1926 by article VI, section 6 of the California Constitution. The council consists of about 32 members:

- The Chief Justice of California;
- Fourteen judicial officers appointed by the Chief Justice: one associate justice of the Supreme Court, three justices of the Courts of Appeal, and 10 judges of superior courts;
- Three nonvoting court administrators;
- Four State Bar members appointed by the State Bar Board of Governors;
- One member from each house of the Legislature appointed by the Legislature; and
- Other nonvoting members as determined by the voting members of the council.¹

The constitution charges the council with setting policy for the judicial branch:

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. The rules adopted shall not be inconsistent with statute.²

Charge of the Judicial Council

The purpose of the Judicial Council, on behalf of the public and the court system as a whole, is to set the direction and provide leadership for improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice. The council establishes judicial branch policy, considering the needs and interests of the people of California, the courts, judicial officers, Judicial Council advisory groups, court employees, the State Bar, the Legislature, the Governor, and other government entities and justice system partners.

The council is directly responsible for:

- Providing policy direction for the California court system that sets priorities for the continuous improvement of the judicial branch;

¹ The president of the California Judges Association, the chair of the Trial Court Presiding Judges Advisory Committee, a court commissioner, and one additional court administrator have held advisory positions for many years. Recently, additional trial court judges have been appointed to advisory positions to expand the perspectives and participation of the trial courts in branch policymaking.

² Cal. Const., art. VI, § 6(d).

- Adopting legal forms and rules of court administration, practice, and procedure;
- Sponsoring and taking positions on legislation that affects the California judicial system;
- Making annual reports to the Governor and the Legislature on the condition of the judicial branch;
- Establishing fiscal and budget policies for the judicial branch;
- Taking all permissible steps to secure appropriate funding for the California judicial branch and for allocating the branch budget;
- Establishing standards for performance and accountability of the administrative operations and procedures of the branch and reporting on the accomplishment of these standards; and
- Surveying judicial business and providing financial reports to the Governor, the Legislature, and the courts.

Judicial Council as Board of Directors

The council provides overall governance of the judicial branch and is accountable to the courts, branch stakeholders, and all Californians. Council members do not represent any particular constituency. The council functions much like a board of directors. Its role is to govern and direct policy rather than manage the day-to-day operations of the courts and the branch. Management focuses on detail; governance focuses on organizational values and long-range policies and plans. The Judicial Council staff implements the council's values, policies, and plans within established limitations.

Officers of the Judicial Council

The council has eight officers: the chair, vice-chair, secretary, and the chairs of the council's five internal committees—the Executive and Planning, Litigation Management, Policy Coordination and Liaison, Rules and Projects, and Technology³ Committees. The Chief Justice serves as chair of the council and performs those functions prescribed by the constitution and the laws of the State of California. The Chief Justice appoints a vice-chair from among the judicial members of the council. The vice-chair performs all of the duties of the chair when the chair is absent or unable to act, or as otherwise directed by the chair. The Chief Justice appoints a council member to serve as chair of the council in the event that both the Chief Justice and the council's vice-chair are absent or unable to serve. The Chief Justice determines the individuals to serve as chair from among the internal committee chairs and vice-chairs. The Chief Justice appoints the chairs and vice-chairs of the council's five internal committees for one-year terms from among the members of the council. The Administrative Director serves as secretary to the council and performs administrative and policymaking functions as provided by the Constitution and the laws of the State of California and as delegated by the council and the Chief Justice. The Administrative Director is not a voting member of the council.

³ Formerly known as Court Case Management System (CCMS) Internal Committee.

Judicial Council Advisory Groups

Internal Committees

Five internal committees—the Executive and Planning, Litigation Management, Policy Coordination and Liaison, Rules and Projects, and Technology Committees—are drawn from the council’s membership and assist the full membership of the council in its responsibilities by providing recommendations in their assigned areas—including rules for court administration, practice, and procedure—and by performing duties delegated by the council. Internal committees generally work at the same policy level as the council, focusing on the establishment of policies that emphasize long-term strategic leadership and align with judicial branch goals.

At least one internal council committee usually considers a matter before it is presented to the council. An internal committee may not modify an advisory committee’s proposal without the consent of the council or the advisory committee and should not decline to forward a proposal to the council because it disagrees with the merits of the proposal.

Advisory Bodies

The council may form advisory bodies, usually committees and task forces, to further its work. Advisory committees are standing advisory groups created by the Judicial Council or the Chief Justice to make recommendations and offer policy alternatives to the Judicial Council for improving the administration of justice within their designated areas of focus. Advisory committees are assigned annual charges by the council or an internal committee specifying what should be achieved in a given year. Typically, advisory committees are directed by rules of court that are developed after each group is formed. Task forces are ad hoc advisory groups, also created by the Judicial Council or the Chief Justice, that advise the council within a specific charge to be completed by a particular time. The Chief Justice usually assigns oversight responsibility for each advisory committee and task force to a council internal committee.

Council advisory bodies work at the same policy level as the council, developing recommendations that focus on strategic goals and long-term impacts that align with judicial branch goals. They generally do not implement policy. The council may, however, assign policy implementation and programmatic responsibilities to an advisory body and may request that it make recommendations to staff on implementation of council policy or programs.

Judicial Council Liaisons to Trial Courts

In 2012, the Judicial Council initiated a new liaison program as part of the 2011 Executive and Planning Committee Governance Initiatives. Specific judicial officer council members are assigned as liaisons to specific trial courts to further the council’s efforts to increase communication and transparency as well as create an opportunity for direct access by the trial courts to the Judicial Council. Council member liaisons are expected to make periodic contact with each of their assigned courts during the term of their assignment. They are encouraged to visit one or more of their assigned courts at least once a year and to present a brief report on each visit during a scheduled Judicial Council meeting.



Judicial Council MEETINGS

The Judicial Council meets seven to eight times per year at either one-day or two-day business meetings, depending on the number and nature of the agenda items to be addressed. The council meetings consist of consent or discussion items that require action, as well as nonaction items that are usually informational or educational. Consent agenda items are considered approved by the council at the time the meeting adjourns without further action required, unless a member has made a request to the [Executive and Planning Committee](#) to move a consent item to the discussion agenda. Discussion agenda items are heard at open sessions unless they are required to be addressed during a closed session, as allowed under California Rules of Court, rule 10.6. The agenda states which parts of a meeting, if any, are closed.

Most meeting agendas provide for up to 30 minutes for public comment on general matters of judicial administration. [Public Comment Procedures](#) are available on the public California Courts website and in the figure below. Public comment usually takes place before either the consent or the discussion agenda items are considered. Time is also allotted for public comment on specific agenda items before those items are considered. Individuals may submit their speaking requests in writing at least three business days before the meeting to the e-mail address or postal address provided on the meeting agenda or make their requests in person at the beginning of the council meeting. Those who submit a written request will receive a message confirming receipt, including instructions to be followed on the day of the meeting. Requests to speak during the time reserved for general comment will be taken until the chair of the Executive and Planning Committee or a designee calls for public comment at the meeting. Requests to speak on specific agenda items will be taken until the item is called.

As well as requesting to speak at a meeting, individuals may submit written comments on matters affecting judicial administration or specific meeting agenda items at least two days before the meeting to the e-mail or postal address provided on the meeting agenda. Written comments received by the submission deadline will be made available to council members before the meeting for their review. Written comments received after the submission deadline, including those received at or after the meeting, will also be made available to council members, though written comments will not be posted on the public [California Courts](#) website.

Agendas for all meetings are available on the public website at least seven days before the meeting, with hyperlinks to the reports. Hard copies of the materials are also shipped to council members who have requested them.

Accommodations for disability are arranged through Ms. Benita Downs, Judicial Council Support, phone 415-865-7957, fax 415-865-4391, TTY 415-865-4272.

Public Comment Procedures

 [Print](#)

Public comment at [Judicial Council](#) meetings can provide valuable information for council members and enhance the council's understanding of the issues coming before it. Public comment can be provided in writing before the meeting or in person on the day of the meeting.

General and Specific Public Comment

The agenda for each Judicial Council meeting specifies time for public comment on general matters of judicial administration. Time is also allotted for public comment on specific agenda items. [Meeting agendas are posted here](#).

Comments pertaining to a specific court case will not be received.

REQUESTS TO SPEAK

Individuals can request in advance to speak at a council meeting, or they can make the request in person at the beginning of any council meeting.

Make a written request in advance.

Please provide the speaker's first and last name and the specific agenda item or the topic to be addressed.

You can e-mail the request to judicialcouncil@jud.ca.gov.

You can also send by postal mail or deliver in person to:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

Each meeting agenda lists a timeframe for receipt of written requests. Those who submit a written request will receive a confirmation of receipt.

Make a request at the meeting.

Members of the public who attend a Judicial Council meeting in person can request to comment at the meeting. Requests to speak during the time reserved for general comment will be taken until the chair of the council's [Executive and Planning \(E&P\) Committee](#) or a designee calls for public comment in the meeting.

Requests to speak on specific agenda items will be taken until the item is called before the presentation of the item.

At the meeting

1. Please sign in at the reception table. Speakers are asked to print their first and last name along with the specific agenda item to be addressed or, if the comment concerns something not on the agenda, the topic to be addressed.
2. General comments on judicial administration (that is, topics not on the meeting agenda) will be heard during the general public comment period at the beginning of the meeting.
3. Comments on specific agenda items will be heard before the presentation of the agenda item. Anyone wishing to speak on a specific agenda item should arrive at the beginning of the meeting day, as agenda times are subject to change.
4. To accommodate the schedules of members of the public who prefer not to wait until the council hears a particular agenda item, speakers can choose to speak on a particular agenda item during the general public comment period at the beginning of the meeting.

Please be advised

- Given time constraints, there is no guarantee that all who request to speak can be accommodated on the date requested. As an alternative when requests cannot be fulfilled for the date requested, written comments will be accepted and made available to the council.
- The time allotted for public comment will vary according to the number of requests received and the time available on the agenda. If there are numerous requests, individual speaker time may be limited.
- Three or more individuals may pool their time for one speaker. The Executive and Planning Committee will determine the amount of time given to that person with the understanding that the combined time will be less than the total time available to the individuals separately.
- Members of the public who attend open meetings must remain orderly. The Chief Justice may order the removal of any disorderly persons.

WRITTEN COMMENTS

Written comments on matters affecting judicial administration or specific agenda items at any Judicial Council meeting will be accepted and made available to the council. Written comments will not be received on matters relating to a particular case.

Written comments can be e-mailed to judicialcouncil@jud.ca.gov or mailed or delivered to:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

Each meeting agenda lists a timeframe for receipt of written comments.

WHAT YOU SHOULD KNOW

California Rules of Court outline procedures whereby a member of the public may speak at a council meeting, subject to the discretion of the council's Executive and Planning Committee. In an effort to extend the opportunities for public comment, the Chief Justice has provided more options for making requests to speak.

As the policy-making body for the California courts, the Judicial Council does not receive comments on individual cases.



2016 CALENDAR



JUDICIAL COUNCIL OF CALIFORNIA

DATES ARE SUBJECT TO CHANGE

AS OF OCTOBER 1, 2015

JANUARY							FEBRUARY							MARCH						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
					1	2		1	2	3	4	5	6			1	2	3	4	5
3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12
10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19
17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
24	25	26	27	28	29	30	28	29						27	28	29	30	31		
31																				
APRIL							MAY							JUNE						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
					1	2	1	2	3	4	5	6	7			1	2	3	4	
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30		
JULY							AUGUST							SEPTEMBER						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
					1	2		1	2	3	4	5	6					1	2	3
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30	
31																				
OCTOBER							NOVEMBER							DECEMBER						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
						1			1	2	3	4	5					1	2	3
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16*	17
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
30	31																			

JUDICIAL COUNCIL BUSINESS MEETINGS (*Dec. 15-16 will be held in Sacramento)
 EXECUTIVE AND PLANNING COMMITTEE MEETINGS
 COURT HOLIDAYS

Judicial Council

NEW MEMBER ORIENTATION MEETING LOGISTICS

Judicial Council Meetings: Frequency and Location

The Judicial Council meets in person six to eight times each year. Under rule 10.5(b) of the California Rules of Court, “[t]he Judicial Council must publish a regular annual schedule that states the planned date, purpose, and location of each meeting.” The meeting dates are selected by the Chief Justice, and the calendar is published by fall of the previous year. Additional meetings may be called, as necessary—sometimes on short notice.

The meetings are typically held on the third floor of the Ronald M. George State Office Complex, William C. Vickrey Judicial Council Conference Center, 455 Golden Gate Avenue, San Francisco.

Judicial Council Meeting Notification, Materials, and Minutes

The Judicial Council’s Executive and Planning Committee (E&P) is responsible for establishing Judicial Council meeting agendas.

Judicial Council Support (JCS), in the Leadership Services Division, provides support to E&P in its meeting planning process, including:

- Creating and distributing the annual Judicial Council meeting calendar;
- Sending meeting notifications and preparing and distributing the meeting agenda and materials;
- Creating and distributing a meeting itinerary;
- Assisting with hotel accommodations and transportation for Judicial Council members; and
- Responding to council members’ questions and concerns about meeting logistics.

Rule 10.5(c) of the California Rules of Court states that the Judicial Council “must give public notice of the date, location, and agenda of each business meeting at least seven days before the meeting.” One week before the meeting, JCS staff notifies council members that the meeting agenda and materials are available on a password-protected Moodle site for which staff will provide instructions and a password. Also one week before the meeting, an agenda and the meeting materials are posted on the California Courts public website. Real-time audio and text streaming are available on the public website during the meeting. Judicial Council meeting minutes are usually approved at the following council meeting and then posted to the public website.

Judicial Council technology staff will provide a logon identification and password to Judicial Council members wishing to use personal electronic devices while attending meetings in the Judicial Council Conference Center and other Judicial Council locations.

Contact: Ms. Nancy Carlisle, 415-865-7614, nancy.carlisle@jud.ca.gov
Ms. Cristina Foti, 415-865-7455, cristina.foti@jud.ca.gov

Meeting Itinerary and Logistics

Two to three weeks before a meeting, JCS staff e-mails a meeting itinerary to council members and their assistants with a specified deadline for submitting replies. The meeting itinerary provides an outline of meeting logistics that includes meeting dates and times, location and meeting rooms, meals provided, hotel reservation instructions, transportation provided by the Judicial Council, and instructions for submitting a meeting reply.

Contact: Ms. Benita Downs, 415-865-7957, benita.downs@jud.ca.gov

Travel Plans and Reimbursements

Judicial Council members make their own hotel and travel arrangements. Air travel should be arranged through CalTravelStore (www.caltravelstore.com/pages/travelstore), the council's exclusive contact for all agency-funded travel requests. The Judicial Council contracts with local hotels for blocks of rooms at the state rate. Approximately four weeks before the meeting, JCS staff will send an e-mail to council members with a link to the contracted hotel for making reservations by a specified deadline. Council members make a reservation with a contracted hotel (specified in the meeting itinerary) using a personal credit card. After the meeting, council staff receives a master bill from the hotel and pays the hotel directly. Personal credit cards are charged only for optional incidentals (e.g., room service), parking charges incurred (reimbursable through a Travel Expense Claim (TEC)), and the hotel's cancellation fee if the room is not cancelled within the hotel's required notice period. The cancellation charge or no-show fee for most hotels is equivalent to one night's room fee and tax.

The Judicial Council provides group meals at meetings (typically breakfast and lunch; please see the meeting itinerary for specifics regarding group meals), as well as transportation between the hotel and the conference center and to airports after the meeting. Council members may request, in advance, a voucher for shuttle service from OAK or SFO to the Judicial Council Conference Center.

After each meeting, JCS staff distributes reimbursement instructions and TEC forms that can be used to request reimbursement for any allowable travel expenses incurred in connection with a council meeting. A TEC can also be used, under limited circumstances, to request reimbursement for expenses incurred in connection with council-related travel or business; please confirm with JCS staff that such expenses are reimbursable before incurring them. Reimbursement may take up to four weeks.

Contact: Ms. Benita Downs, 415-865-7957, benita.downs@jud.ca.gov
Ms. Maria Kwan, 415-865-4543, maria.kwan@jud.ca.gov



As of February 17, 2015, the Judicial Council has transitioned from use of Giselle’s Travel to *exclusive* use of CalTravelStore and Concur Travel for making airline and rental car reservations.

Concur Travel is a robust, web-based booking tool that provides a one-stop experience for securing domestic travel needs. It provides access to government rates on all contracted airlines (including Southwest), as well as Enterprise Rent-A-Car and Amtrak.

When contacting CalTravelStore (www.caltravelstore.com/pages/travelstore) to secure your travel arrangements, please reference the 16-digit project cost center (or PCC) 0001-52011002-0298. This project cost center should be used for Judicial Council–related travel only. Travel itineraries cannot be confirmed by the vendor unless a valid code has been provided.

For your convenience, you may contact CalTravelStore by:

1. E-mail:

Complete the attached travel request form and e-mail your request to statefax@caltravelstore.com. One of nine dedicated on-site agents will assist you.

2. Telephone:

Call CalTravelStore directly at 1-877-454-8785. Agents are available from 8 a.m. to 5 p.m., PST, Monday through Friday.

3. (OPTIONAL) Concur (Online):

As a frequent traveler whose travel costs are funded by a Judicial Council cost center, you may be eligible for access to the online travel portal Concur Travel. Eligibility depends on whether you have an existing profile within Concur linked to your court’s independent use of it. Concur Travel is a web-based booking tool that complies with state and judicial branch travel policy and provides a one-stop “Expedia-like” experience for arranging travel. It provides access to government fares on all contracted airlines, including Southwest.

Concur should not be used to reserve hotel lodging when we have contracted with a local hotel to secure accommodations for the group at large.

Because your access to Concur requires some advance preparation, please contact Ms. Sue Oliker, at sue.oliker@jud.ca.gov or 415-865-7635, if you would like to explore this option for travel to future meetings.

Please note that after-hours emergency en route service is available during the evening and weekend hours not covered by CalTravelStore staff by calling 1-877-454-8785. However, after-hours emergency staff will be unable to originate a new ticket on your behalf without an existing profile form on file.



TRAVELSTORE
WE'VE BEEN WHERE YOU WANT TO GO



**JUDICIAL COUNCIL
OF CALIFORNIA**

Travel Request Form

Personal Information

Name of Person Requesting Travel [Click here to enter text.](#)
E-Mail of Person Requesting Travel [Click here to enter text.](#)
2nd E-Mail, if necessary
Phone Number [Click here to enter text.](#)

Traveler Information, as displayed on photo ID.

Last Name of Traveler [Click here to enter text.](#)
First Name of Traveler [Click here to enter text.](#)
Middle Name of Traveler, if displayed on photo ID [Click here to enter text.](#)
Date of Birth [Click here to enter a date.](#) **Gender** [Choose an item.](#)
Project Cost Center (4-8-4) *required* [Click here to enter text.](#)
Purpose of Travel (Program or Meeting Name) [Click here to enter text.](#)

Airline Reservation

Fare Type Required [Choose an item.](#)
Comments [Click here to enter text.](#)

Reservation Date Click here to enter a date.	From City Click here to enter text.	To City Click here to enter text.	Departure Time Choose an item.	Special request Click here to enter text.
Reservation Date Click here to enter a date.	From City Click here to enter text.	To City Click here to enter text.	Departure Time Choose an item.	Special request Click here to enter text.
Reservation Date Click here to enter a date.	From City Click here to enter text.	To City Click here to enter text.	Departure Time Choose an item.	Special request Click here to enter text.

Car Rental, if needed.

Name of Approving Manager? [Click here to enter text.](#)
Pick-up Date [Click here to enter a date.](#) **Pick-up Time** [Choose an item.](#) **Pick-up City and Location** [Click here to enter text.](#)
Drop-off Date [Click here to enter a date.](#) **Drop-off Time** [Choose an item.](#) **Drop-off City and Location** [Click here to enter text.](#)

Hotel Reservation, if you are attending a program or meeting and the Judicial Council has contracted with a specific hotel for group lodging, please contact the hotel directly and do not complete this section of the form.

Hotel City and Location [Click here to enter text.](#) **Check-in Date** [Click here to enter a date.](#) **Check-out Date** [Click here to enter a date.](#)
Credit Card for Hotel Guarantee [Click here to enter text.](#)
Comments [Click here to enter text.](#)

Email travel request form to: statefax@caltravelstore.com

TRAVEL EXPENSE CLAIM

ACCT262 (REV. 07/15)

Board of Control Rules 700 et seq.**INSTRUCTIONS**

Expense accounts are to be submitted at least once a month and not more often than twice a month unless the amount claimed is greater than \$25. Requests for reimbursement of out-of-state travel expenses must be claimed separately. Requests for reimbursement of travel expenses incurred in different fiscal years must be claimed separately. A brief statement, one line if possible, of the purpose or objective of the trip must be entered in section (11). If the claim is for several trips for the same purpose or objective, one statement will suffice for those trips. Vouchers that are required in support of various expenses must be arranged in chronological order and attached to the claim. Each voucher must show the date, cost, and nature of the expense. All TECs must be completed in ink other than black, unless electronically printed.

MULTIPLE PAGES — If your claim is more than one page, indicate on each page the page number and total number of pages. DO NOT total each page. Use subtotals and enter the total amount of the claim on the last page.

COLUMN ENTRIES

- (1) MONTH/YEAR — Enter numerical designation of month and last two digits of the year in which the first expenses shown on the form were incurred.
- (2) DATE/TIME — Enter date and time of departure on the first line using a 24-hour clock (example: 1700 = 5:00 p.m.). Show date and time of return at the last entry. If departure and return are on the same date, enter departure time above and return time below on the same line.
- (3) LOCATION WHERE EXPENSES WERE INCURRED — Enter the name of the city, town, or location where expenses were incurred. Abbreviations may be used.
- (4) LODGING — A receipt from a commercial lodging establishment that caters to the general public is required. Enter actual lodging cost per night, not to exceed the following rates supported by a zero balance receipt, plus applicable tax thereon (if not waived by the lodging establishment): San Francisco County \$150; Alameda, San Mateo, and Santa Clara Counties \$140; Monterey and San Diego Counties \$125; Los Angeles, Orange, and Ventura Counties \$120; all other counties \$110.
- (5) MEALS — For continuous travel of more than 24 hours, the traveler will be reimbursed for their actual expenses (traveler to retain receipts) for breakfast, lunch, and dinner for each 24 hours or fractional part thereof of travel up to the maximum rates as follows: breakfast up to \$8, lunch up to \$12, dinner up to \$20.
- (6) INCIDENTALS — Enter the total actual cost of incidentals not to exceed the maximum amount of \$6 for each 24-hour period.
- (7) TRANSPORTATION — Purchase the least expensive round-trip or special rate ticket available. If you travel between the same points without using round-trip tickets, an explanation should be given.
 - (A) COST OF TRANSPORTATION — Enter the cost of cash purchase of transportation. Show how transportation was obtained if fare was not purchased for cash. Use "CC" for credit card and "C" for cash. If transportation was paid by the State, enter method of payment only. Use "SCC" for State credit card or "BSA" for billed to State agency. Attach all passenger coupons and ticket order stubs including the unused portion of tickets, other credit documents, or premiums, where credits or refunds are due to the State.
 - (B) TYPE OF TRANSPORTATION USED.— Enter method of transportation used. Use "R" for railway; "B" for bus, airporter, light rail, or BART; "A" for scheduled commercial airline; "RA" for rental aircraft; "DA" for department-owned aircraft; "PA" for privately owned aircraft; "PC" for privately owned car, truck, or other vehicle; "SV" for specially equipped vehicle for persons with disabilities; "SC" for State vehicle; "RC" for rental vehicle; "T" for taxi; and "BI" for bicycle.
- (C) CARFARE, TOLLS, PARKING — Enter carfare, bridge tolls, and parking charges; attach a receipt for any parking charge in excess of \$3.50 for any one continuous period of parking.
- (D) PRIVATE CAR USE — Enter number of miles traveled and amount due for mileage for the use of privately owned automobiles.
- (8) BUSINESS EXPENSE — All charges must be supported by vouchers or other evidence. Claims for phone calls must include the place and party called.
- (9) ENTER TOTAL EXPENSES FOR DAY
- (10) ENTER SUBTOTALS AND TOTAL
- (11) PURPOSE OF TRIP, REMARKS, AND DETAILS — Explain need for travel and any unusual expenses. Enter details or explanation of items in other columns, if necessary. Vouchers must be provided for any miscellaneous item of expense.
- (12) ACCOUNT CODE TO BE CHARGED
- (13) NORMAL WORK HOURS — Enter your beginning and ending normal work hours using a 24-hour clock (example: 0800 = 8:00 a.m.).
- (14) PRIVATE VEHICLE LICENSE NUMBER — Enter license number of the privately owned vehicle used on official State business. To claim reimbursement, you must have met the requirements as prescribed by SAM sections 750–754 pertaining to operator requirements, vehicle safety, seat belt usage, and authorization.
- (15) MILEAGE RATE CLAIMED — Enter the rate of reimbursement being claimed for private vehicle use.
- (16) CLAIMANT'S CERTIFICATION AND SIGNATURE — Your signature certifies that expenses claimed were actually incurred and that the cost of operating the vehicle is at the rate claimed.
- (17) SIGNATURE AND DATE OF APPROVING OFFICER — Mandatory. Certifies and authorizes travel; approves expenses as incurred on State business. Each employee must have a legitimate and reasonable need to travel before supervisors and/or managers give their approval. It is inappropriate for an employee to travel without this approval. The most reasonable mode of transportation and/or lodging must be acquired when traveling. It is the approving officer's responsibility to ascertain the accuracy, necessity, and reasonableness of the expenses for which reimbursement is claimed. Travelers must submit a signed original and 2 copies of the form to the approving manager or supervisor.

***PRIVACY STATEMENT**

The Information Practices Act of 1977 (Civil Code section 1798.17) and the Federal Privacy Act (Public Law 93-579) require that the following notice be provided when collecting personal information from individuals.

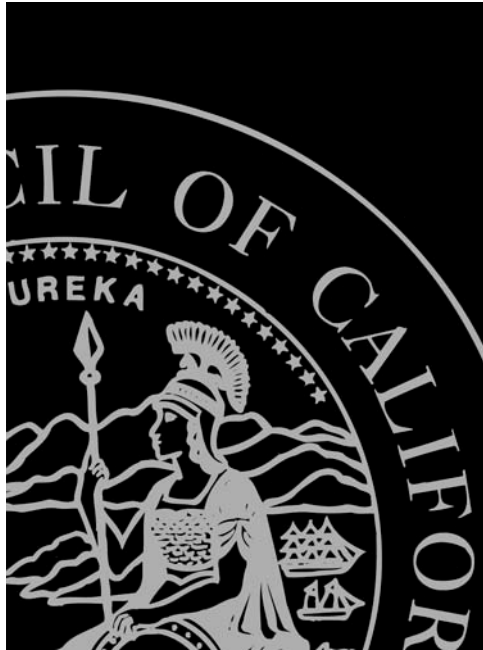
AGENCY NAME: Appointing powers and the State Controller's Office (SCO).

UNITS RESPONSIBLE FOR MAINTENANCE: The accounting office within each appointing power and the Audits Division, SCO, 3301 C Street, Room 404, Sacramento, CA 95816.

AUTHORITY: The reimbursement of travel expenses is governed by Government Code sections 19815.4(d), 19816, and 19820. These sections allow the Department of Personnel Administration (DPA) to establish rules and regulations that define the amount, time, and place that expenses and allowances may be paid to representatives of the State while on State business.

PURPOSE: The information you furnish will allow the above-named agencies to reimburse you for expenses you incur while on official State business.

OTHER INFORMATION: While your social security number (SSN) and home address are voluntary information under Civil Code section 1798.17, the absence of this information may cause payment of your claim to be delayed or rejected. You should contact your department's Accounting Office to determine the necessity for this information.



Judicial Council Governance Policies

JUNE 2008



JUDICIAL COUNCIL
OF CALIFORNIA

Judicial Council Governance Policies

I. Governance Process

A. The Judicial Council

1. Purpose

The Judicial Council of California provides leadership and sets the direction for improving the quality of justice and advancing the consistent, independent, impartial, and accessible administration of justice for the benefit of the public.

- a. The Judicial Council acts as a governing body for the judicial branch to ensure the statewide administration of justice by supporting the California courts and assisting them to provide equal and timely access to an independent and impartial justice system for all Californians.
- b. The Judicial Council ensures that justice on a statewide basis is properly administered, the work of the California courts is coordinated, and the judicial branch functions efficiently and effectively. The council supports the development and dissemination of innovations and best practices consistent with judicial branch goals.
- c. The Judicial Council provides the leadership for preserving and enhancing an independent and impartial justice system in California that maintains the status of the judicial branch as a separate, co-equal branch of government in accordance with the California Constitution and the law.
- d. The Judicial Council guides the judicial branch in advancing the highest standards of accountability to the executive branch, the legislative branch, and the people of California for administration and quality of justice, use of public resources, and adherence to statutory and constitutional mandates.
- e. The Judicial Council surveys judicial business and trends, and adopts rules of court administration, practice, and procedure, to improve and promote a high quality and consistent California justice system.

2. Responsibilities of the Council

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

- a. Establishing broad goals and policies that set the direction and priorities for the continuous improvement of California's system for the administration of justice. These goals and policies include fundamental goals such as promoting public access to the justice system, increasing responsiveness to the needs of

court users of diverse backgrounds, and upholding the rule of law and impartiality of judges as constitutional officers.

- b. Establishing standards for performance and accountability of the administrative operations and procedures of the branch. These standards address the diverse needs of court users, employ modern management practices that implement and sustain innovative ideas and effective practices, and report on judicial branch performance to the public, Legislature, Governor, and the courts.
- c. Developing and maintaining administrative, technological, and physical infrastructures, including court facilities, that enhance accessibility to the courts and support the needs of the people of California and the judicial branch.
- d. Taking all appropriate steps to develop and establish the judicial branch's fiscal priorities, secure appropriate funding for the judicial branch, establish fiscal and budget policies for the branch, allocate branch appropriations to the courts and the council, and ensure accountability through reporting on the use of its public resources to the legislative and executive branches of state government and to the public.
- e. Sponsoring and taking positions on pending legislation consistent with the council's established goals and priorities to support consistent, effective, statewide programs and policies that provide for the highest quality of administration of justice, and that promote an impartial judiciary.
- f. Developing high-quality education and professional development opportunities for all judicial branch personnel to meet public needs and to enhance public trust and confidence in the courts.
- g. Communicating with and reporting to the legislative and executive branches of state government to advance judicial branch goals and account for the use of public funds and resources.

3. Council Policymaking

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

The principal focus of the Judicial Council is to establish policies that emphasize long-term strategic leadership and that align with judicial branch goals. Council policymaking

is focused on the beneficiaries of the policy, the results to be achieved, the cost to be incurred, and the corresponding judicial branch goals.

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

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

4. Judicial Branch Goals

The Judicial Council develops judicial branch goals in its strategic and operational plans. At six-year intervals, the council develops and approves a long-range strategic plan. At three-year intervals, the council develops and approves an operational plan for the implementation of the strategic plan. Each plan is developed in consultation with branch stakeholders and justice system partners. The goals and priorities of the council are set forth in the *Justice in Focus: The Strategic Plan for the California's Judicial Branch 2006–2012*:

- I. Access, fairness, and diversity.
- II. Independence and accountability.
- III. Modernization of management and administration.
- IV. Quality of justice and service to the public.
- V. Education for branchwide professional excellence.
- VI. Branchwide infrastructure for service excellence.

5. Role of Council Members

Council members are a governing body for California's judicial branch of government. In accepting appointment, they commit to act in the best interests of the public and the judicial system for the purposes of maintaining and enhancing public access to the justice system, as well as preserving and enhancing impartial judicial decision-making and an independent judicial branch of government.

Council members do not represent any particular constituency notwithstanding any of their other affiliations or roles.

Council members communicate as representatives of the Judicial Council with the public, the courts, judicial officers, Judicial Council advisory bodies, other government entities, and justice system partners. They communicate knowledgeably about the council's

processes, purposes, responsibilities, and issues and reasons for policy decisions, including those policy decisions where there is disagreement.

6. Council Officers and Duties

The Judicial Council has seven officers: the Chair, Vice-Chair, Secretary, and the chairs of the council's four internal committees: Executive and Planning, Litigation Management, Policy Coordination and Liaison, and Rules and Projects.

The Chief Justice serves as Chair of the council and performs those functions prescribed by the Constitution and the laws of the State of California. The Chair is a voting member of the council.

The Chief Justice appoints a Vice-Chair from among the judicial members of the council. When the Chair is absent, unable to serve, or so directs, the Vice-Chair performs all of the duties of the Chair.

The Chief Justice appoints a Judicial Council member to serve as chair of the council in the event that both the Chief Justice and the council's Vice-Chair are absent or unable to serve. The Chief Justice determines the individuals to serve as chair from among the internal committee chairs and vice-chairs.

The Chief Justice appoints the chairs and vice-chairs of the council's four internal committees from among the members of the council. Internal committee chairs are appointed for a one-year term. Committee chairs call meetings, as necessary, and provide reports to the council on the activities of the internal committees. Meetings of the internal committees are closed to the public but may be opened at the chair's discretion.

The Administrative Director of the Courts serves as Secretary to the council and performs administrative and policymaking functions as provided by the Constitution and the laws of the State of California and as delegated by the council and the Chief Justice (see II.B, *infra*, for duties of the Administrative Director). The Secretary is not a voting member of the council.

Together, the Chief Justice and the Administrative Director, on behalf of the Judicial Council and with regard to the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the Administrative Office of the Courts, may: (1) make technical changes to the proposed budget, and (2) participate in budget negotiations with the legislative and executive branches consistent with the goals and priorities of the council.

The Chief Justice and the Administrative Director, on behalf of the Judicial Council, also may allocate funding appropriated in the State Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the Habeas Corpus Resource Center, and the Administrative Office of the Courts.

After the end of each fiscal year, the Administrative Director reports to the Judicial Council on actual expenditures in the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the Administrative Office of the Courts.

7. Maintenance of Governance Policies and Principles

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

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

B. Council Internal Committees

The internal committees of the Judicial Council assist the full membership of the council in its responsibilities by providing recommendations in their assigned areas including rules for court administration, practice, and procedure, and by performing duties delegated by the council. Internal committees generally work at the same policy level as the council, focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.

1. Executive and Planning Committee

The Executive and Planning Committee has the following functions and makes regular reports to the full council on its actions:

- a. Taking action on behalf of the council between council meetings except for (1) adopting rules of court, standards of judicial administration, and forms; (2) making appointments that by statute must be made by the council; and (3) taking actions that are delegated to other council advisory bodies.
- b. Overseeing the council's strategic planning process.
- c. Overseeing the council's policies and procedures regarding court facilities, including development of policies, procedures, and guidelines for facilities; site selection; and capital appropriations.
- d. Ensuring that proposed judicial branch budgets, allocation schedules, and related budgetary issues are brought to the Judicial Council in a timely manner and in a format that permits the council to establish funding priorities in the

context of the council's annual program objectives, statewide policies, and long-range strategic and operational plans.

- e. Establishing agendas for council meetings by determining (1) whether items submitted for the council's agenda require the council's action and are presented in a form that provides the council with the information it needs to make well-informed decisions; and (2) whether each item should be on the consent, discussion, or information agenda; how much time should be allotted for discussion; what presenters should be invited to speak; and, when appropriate, which specific issues should be discussed.
- f. Developing a schedule of topics about which the council wishes to consider making policy or to receive updates from the Administrative Director or Administrative Office of the Courts staff.
- g. Making recommendations to the council regarding governance and overseeing the council's review of its governance policies and principles.
- h. Recommending candidates to the Chief Justice for appointment to the Judicial Council and its advisory bodies.
- i. For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, ensuring that activities of each are consistent with the council's goals and policies. To achieve these outcomes, the Executive and Planning Committee:
 - i. Communicates the council's annual charge to each (see I.C.1, *infra*).
 - ii. Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.
- j. Promoting effective policies for communications between the Judicial Council and the judicial branch of government. The Executive and Planning Committee, together with the chairs of the other internal committees, is responsible for developing and implementing a branchwide plan for general communications between the council and the judicial branch. This responsibility may address such matters as reporting through judicial branch communication channels to the courts and branch stakeholders on Judicial Council meetings and policy actions; communications with the media; communications through Judicial Council members' participation in court site visits, regional meetings, and new judge meetings; and communications from the judicial branch to the Judicial Council through meetings, advisory bodies, public comment processes, and other communication methods.

2. Policy Coordination and Liaison Committee

The Policy Coordination and Liaison Committee has the following functions and makes regular reports to the full council on its actions:

- a. Taking a position on behalf of the council on pending legislative bills, after evaluating input from council advisory bodies, staff, and the courts, provided that the position is consistent with the council's established policies and precedents.
- b. Making recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies, staff, and the courts.
- c. Acting as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas.
- d. Building consensus on issues of importance to the judicial branch with entities and individuals outside of the branch.

3. Rules and Projects Committee

The Rules and Projects Committee has the following functions and makes regular reports to the full council on its actions:

- a. Establishing and maintaining a rule-making process that is understandable and accessible to the legal-judicial community and the public. The Rules and Projects Committee:
 - i. Establishes and publishes procedures for the proposal and adoption of rules of court and jury instructions that ensure that relevant input from the public is solicited and considered.
 - ii. Provides guidelines for the style and format of rules, forms, and standards.
 - iii. Reviews proposed rules, standards, and forms and circulates those proposals for public comment in accordance with its procedures and guidelines.
- b. Assisting the council in making informed decisions about rules of court administration, practice, and procedure. The Rules and Projects Committee:
 - i. Determines whether any proposal for new or amended rules, standards, or forms has complied with its procedures and its guidelines on style and format. If the proposal does comply, the Rules and Projects Committee makes a recommendation to the Executive and Planning

Committee about whether the proposal should be on the consent or the discussion agenda and how much time should be allocated for discussion.

- ii. Recommends to the council whether the proposal should be approved and, when appropriate, identifies issues for discussion. If the Rules and Projects Committee recommends against approval, it states the reasons for its recommendation.
 - iii. The Administrative Director is responsible for ensuring that items submitted to the Rules and Projects Committee for circulation for comment and the council's agenda comply with the Rules and Projects Committee's procedures and its guidelines on format and style.
- c. For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, ensuring that the activities of each are consistent with the council's goals and policies. To achieve these outcomes, the Rules and Projects Committee:
- i. Communicates the council's annual charge to each (see *infra.*, I. C.1).
 - ii. Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

4. Litigation Management Committee

The Litigation Management Committee has the following functions and takes the following actions:

- a. Overseeing litigation and claims against trial court judges, appellate court justices, the Judicial Council, the Administrative Office of the Courts, the trial and appellate courts, and the employees of those bodies that seek recovery of \$100,000 or more, or raise important policy or court operations issues, by: (1) reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and (2) consulting with the Administrative Director or General Counsel on important strategy issues. Important policy or court operations issues may include whether to initiate litigation on behalf of a court, when to defend a challenged court practice, or how to resolve disputes where the outcome might have statewide implications.
- b. Making recommendations to the Judicial Council for policies governing the management of litigation involving the courts.
- c. When necessary, resolving written objections to major strategic decisions, such as retention of counsel and proposed settlements, presented by the General Counsel.

C. Council Advisory Bodies

Council advisory bodies are typically advisory committees and task forces. They use the individual and collective experience, opinions, and wisdom of their members to provide policy recommendations and advice to the council on topics the Chief Justice or the council specifies. The council and its internal committees provide direction to the advisory bodies.

Council advisory bodies work at the same policy level as the council, developing recommendations that focus on strategic goals and long-term impacts that align with judicial branch goals.

Council advisory bodies generally do not implement policy. The council may, however, assign policy-implementation and programmatic responsibilities to an advisory body and may request it make recommendations to staff on implementation of council policy or programs.

Council advisory bodies do not speak or act for the council except when formally given such authority for specific and time-limited purposes.

Council advisory bodies, through staff, are responsible for gathering stakeholder perspectives on policy recommendations they plan to present to the council.

The Chief Justice assigns oversight of each council advisory body to an internal committee. The council gives a general charge to each advisory body specifying the body's subject matter jurisdiction.

1. Council Advisory Committees

- a. Advisory committees are standing committees created by rule of court or the Chief Justice to make recommendations and offer policy alternatives to the Judicial Council for improving the administration of justice within their designated areas of focus by doing the following:
 - i. Identifying issues and concerns affecting court administration and recommending solutions to the council.
 - ii. Proposing necessary changes to rules, standards, and forms.
 - iii. Reviewing pending legislation and making recommendations to the Policy Coordination and Liaison Committee on whether to support or oppose it.
 - iv. Recommending new legislation to the council.

- v. Recommending to the council pilot projects and other programs to evaluate new procedures or practices.
 - vi. Acting on assignments referred by the council or an internal committee.
 - vii. Making other appropriate recommendations to the council.
- b. Advisory committees are assigned annual charges by the council or an internal committee specifying what should be achieved in a given year. The council or an internal committee may amend an advisory committee's annual charge at any time.
 - c. Advisory committees have limited discretion to pursue matters in addition to those specified by the council in each committee's annual charge, as long as the matters are consistent with a committee's general charge, within the limits of resources available to the committee, and within any other limits specified by the council, the designated internal committee, or the Administrative Director of the Courts.
 - d. Advisory committee chairs are responsible, with the assistance of staff, to:
 - i. Develop a realistic annual agenda for the advisory committee, consistent with the committee's annual charge by the Judicial Council or Judicial Council internal committee;
 - ii. Present the advisory committee's recommendations to the Judicial Council;
 - iii. Discuss with the Administrative Director or his/her designee appropriate staffing and other resources for projects within the advisory committee's agenda; and
 - iv. Submit recommendations with respect to advisory committee membership.
 - e. The Administrative Director is not bound by the recommendations of an advisory committee and may make alternative recommendations to the Judicial Council or recommend that an advisory committee's annual charge be amended.
 - f. Staff report to the Administrative Director of the Courts. Decisions or instructions of an advisory body or its leader are not binding on the staff except in instances when the council or the Administrative Director has specifically authorized such exercise of authority.

2. Council Task Forces and Other Advisory Bodies

The Chief Justice, Judicial Council, or the Administrative Director of the Courts may establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council's standing advisory committees. These task forces and other advisory bodies may be required to report to one of the council's internal committees or the Administrative Director, as designated in the charge.

II. Council-Staff Relationship

A. Unity of Control

1. The Judicial Council appoints an Administrative Director of the Courts who serves at the pleasure of the council and performs functions prescribed by the California Constitution and delegated by the council and the Chief Justice. Adopting rules of court administration, practice, and procedure is not delegated to the Administrative Director.
2. Officially passed motions of the council, and decisions and instructions of the Chief Justice, are binding on the Administrative Director. Decisions or instructions of individual council members or internal and advisory bodies are binding on the Administrative Director if the council or its Chair has specifically delegated such exercise of authority.
3. The Administrative Director, under the supervision of the Chief Justice, employs, organizes, and directs a staff agency, known as the Administrative Office of the Courts. The Administrative Office of the Courts assists the council and its Chair in carrying out their duties under the Constitution and laws of the State of California.
4. The Administrative Director is responsible for staff performance and has sole authority to assign, supervise, and direct staff. The Administrative Director is responsible for ensuring the completeness and quality of reports and other work product presented to the council. Council members may from time to time request information or assistance from staff, unless in the Director's opinion such requests require an unreasonable amount of staff time or become disruptive. Council members and advisory body members may individually provide information to the Administrative Director on the performance of staff and the Administrative Office of the Courts.

The Administrative Director is responsible for allocating financial and other resources of the Administrative Office of the Courts to achieve the goals of the Judicial Council and to implement the council's policies.

B. Relationship of the Administrative Director to the Council's Internal Committees and Advisory Bodies

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

The Administrative Director determines whether projects undertaken by council advisory bodies in addition to those specified in the council's annual charge to the advisory body are consistent with the body's general charge, its approved annual agenda, and the Judicial Council's strategic plan. The Administrative Director also determines whether any additional matters are within the body's authorized budget and available resources.

C. Accountability of the Administrative Director

The Administrative Director is accountable to the council and the Chair for the performance of the Administrative Office of the Courts. The Administrative Director's charge is to accomplish the council's goals and priorities, while avoiding the use of illegal, imprudent, or unethical means.

The Administrative Director reports to the Judicial Council at least once annually on the progress made toward achieving the council's goals. When the council sets the direction on projects or programs that require more than one year to complete, the Administrative Director will report back to the council at regular intervals on status and significant developments.

D. Delegation to the Administrative Director

The Administrative Director may use any reasonable interpretation of Judicial Council policies to achieve the council's goals, consistent with the limitations from the council and the Chief Justice.

In carrying out these duties, the Administrative Director is responsible for allocating the financial and other resources of the Administrative Office of the Courts (including, for example, funding the operation of advisory bodies and other activities) to achieve the branch goals and policies adopted by the Judicial Council of California.



Parliamentary Procedures for the Judicial Council of California

APPROVED BY THE JUDICIAL
COUNCIL ON DECEMBER 14, 2012

Contents

I.	Introduction.....	1
II.	Establishing a Quorum.....	1
III.	The Role of the Chair.....	1
IV.	Voting Requirement for Judicial Council Action	1
V.	Motions in General	1
	A. Substantive Motions.....	2
	B. Friendly Amendments.....	3
	C. Procedural Motions	3
	D. Motions to Reconsider	5
VI.	Multiple Motions Before the Judicial Council.....	5
VII.	Counting Votes	6
	A. Number of Votes Needed to Take Action.....	6
	B. Abstentions.....	7
	C. Examples	7
VIII.	Alternative Methods of Voting	8
	A. Voting by Proxy	8
	B. Attending Meetings and Voting by Telephone or Teleconference	8
	C. Early Voting	8
IX.	Courtesy and Decorum	8
X.	Recess and Adjournment	9

Parliamentary Procedures for the Judicial Council of California

I. Introduction

These parliamentary procedures are a set of rules for conducting business at Judicial Council meetings.

II. Establishing a Quorum

A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The Judicial Council abides by a rule providing that a quorum is one more than half the *voting* members. Because there are 21 voting members on the council, there must be 11 voting members present to legally transact business. Even if the council has a quorum to begin the meeting, it can lose the quorum during the meeting when a member departs. When that occurs, the council loses its ability to transact business until and unless a quorum is reestablished.

III. The Role of the Chair

While all members of the council should know and understand the rules of parliamentary procedure, it is the Chair who is charged with applying the rules in the conduct of the meeting. The Chair, for all intents and purposes, makes the final ruling on the rules every time he or she states an action. In fact, all decisions by the Chair are final unless overruled by the council itself.

Because the Chair conducts the meeting, normally the Chair will play a less active role in the debate and discussion than other members of the council. This does not mean that the Chair should not participate in the debate or discussion. The Chair as a member of the council has the full right to participate in the debate, discussion, and decision making of the council. However, the Chair should generally look to other council members to make or second motions.

IV. Voting Requirement for Judicial Council Action

To take any substantive action, a majority of all voting members of the Judicial Council must vote in favor of the action. (See Gov. Code, § 68508.) Because there are 21 voting members on the council, there must be a quorum of at least 11 members voting to take any action, and a vote on a substantive motion (as defined below) requires 11 affirmative votes to pass.

Advisory members of the council may make or second motions and may fully participate in discussion and debate, but are not counted for purposes of quorum, and may not vote. (See Cal. Rules of Court, rule 10.3(b).)

V. Motions in General

Motions are made in a simple two-step process. First, the Chair should recognize the council member. Second, the member makes a motion by preceding his or her desired approach with the

words, “I move” A typical motion might be: “I move that we adopt the committee’s recommendation.”

The Chair usually initiates the motion by doing one of the following:

1. Inviting the council members to make a motion. “A motion at this time would be in order.”
2. Suggesting a motion to the members. “A motion would be in order that we adopt the committee’s recommendation.”
3. Making the motion. As noted, the Chair has every right as a council member to make a motion, but should normally do so only if he or she wishes to make a motion on an item but is convinced that no other member is willing to step forward to do so at a particular time.

After a vote is taken, the Chair should announce the result of the vote as well as the vote count. For example, the Chair might say: “The motion to create a five-member working group to develop parliamentary procedures for the council has passed. The vote was 11 in favor, 9 opposed, and 1 abstention.” By announcing the result and the vote count, the Chair clarifies what the council has done for the benefit of the council and the public. Rather than making the announcement, the Chair may ask the Secretary to announce the result of the vote as well as the vote count.

A. Substantive Motions

There are three substantive motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the council’s consideration. A basic motion might be: “I move that we create a five-member working group to develop parliamentary procedures for the council.”

The motion to amend. If a member wants to change a basic motion that is before the body, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a ten-member working group.” A motion to amend takes the basic motion that is before the council and seeks to change it in some way. The council would first vote on whether the motion should be amended. If that motion passes, the council would then vote on the motion itself as amended.

The substitute motion. If a member wants to completely do away with the basic motion that is before the council and put a new motion in its place, he or she would move to make a substitute motion. A substitute motion might be: “I move that we impose a moratorium against appointing new working groups.”

Motions to amend and substitute motions are often confused. But they are quite different, and their effect (if passed) is also quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. The decision on whether a motion is really a motion to amend or a substitute motion is left to the Chair. So if a member makes what that member calls a motion to amend, but the Chair determines that it is really a substitute motion, the Chair's designation governs.

The basic rule of substantive motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible for full discussion by the council. The debate can continue as long as council members wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

For a substantive motion to pass, it requires the affirmative concurrence of a majority of voting members of the council. In other words, 11 voting members of the council must vote in favor of a substantive motion for it to pass. An abstention does not constitute a vote in favor of a motion.

The order in which various motions are considered is addressed in section VI, Multiple Motions Before the Judicial Council, on pages 5–6.

B. Friendly Amendments

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time, and avoids bogging down a meeting with numerous formal motions. It works as follows: During the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I would like to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accept the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, the proposer can formally move to amend.

C. Procedural Motions

In contrast to the substantive motions described above, which result in the council voting whether to take action, there are several types of procedural motions. These motions differ from substantive motions in both the applicability of the rule of free and open debate on motions and in the number of votes required to pass the motions. The procedural motions, all of which indicate a desire of the council to move on, are *not* debatable. Thus, when the motion is made and seconded, the Chair must immediately call for a vote without debate on the procedural motion.

As for votes on these motions, while substantive motions require the concurrence of 11 voting members, procedural motions require either a majority or a two-thirds vote (depending on the motion) of voting members who are present. For example, if 15 voting members are present, 8 votes are required to pass a motion that requires a majority vote, and 10 votes are required to pass a motion that requires a two-thirds vote. (The counting of votes is discussed in greater detail in section VII, Counting Votes, on pages 7–8.)

Procedural motions that require a **majority vote** include:

Motion to adjourn. This motion, if passed, requires the council to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote of those present and voting to pass.

Motion to recess. This motion, if passed, requires the council to immediately take a recess. Normally, the Chair determines the length of the recess, which may be a few minutes or an hour. It requires a simple majority vote of those present and voting to pass.

Motion to fix the time to adjourn. This motion, if passed, requires the council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at 5 p.m.” It requires a simple majority vote of those present and voting to pass.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the council: “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the council will have to be taken at a future meeting. A motion to table an item (or to bring it back to the council) requires a simple majority vote of those present and voting to pass.

Procedural motions that require a **two-thirds vote** include:

Motion to object to consideration of an item. Normally, such a motion is unnecessary since the objectionable item can be tabled or simply defeated. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It requires a two-thirds vote of those present and voting to pass.

Motion to limit debate. The most common form of this motion is to say: “I move the previous question” or “I move the question” or “I call the question” or simply “Question.” As a practical matter, when a member calls out one of these phrases, the Chair can expedite things by treating it as a “request” rather than as a formal motion. The Chair can then simply inquire, “Is there any further discussion?” If no one wishes to discuss it further, the Chair can proceed to a vote on the underlying matter. On the other

hand, if even one council member wishes further discussion and debate on the underlying matter, the Chair must treat the “call for the question” as a motion and proceed accordingly.

When a council member makes such a motion, he or she is really saying, “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. Note that a motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” A motion to limit debate requires a two-thirds vote of those present and voting to pass.

D. Motions to Reconsider

There is a special and unique motion that requires a separate explanation: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate, and a vote, there must be some closure to the issue. Thus, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made and passed.

A motion to reconsider is a procedural motion that requires only a majority vote of those voting members who are present to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting at which the item was first voted upon. A motion to reconsider made at a later time is untimely.

Second, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider. (Any other council member may second the motion.) If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, the item could be brought back to the council again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

VI. Multiple Motions Before the Judicial Council

There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until he or she has addressed the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at one time tends to be too confusing and unwieldy for most everyone, including the Chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that was made. So, for example, assume the first motion is a basic motion to appoint a 5-member working group to develop parliamentary procedures for the council. During the discussion of this motion, a member might make a second motion to amend the basic motion so that a 10-member working group would be appointed instead of a 5-member working group. And perhaps, during that discussion, another member makes yet a third motion as a substitute motion to impose a moratorium against appointing new working groups. The proper procedure would be as follows:

First, the Chair would address the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the council of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion failed, the Chair would address the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (whether the committee should be 5 members or 10 members). If the motion to amend *passed*, the Chair would now move to consider the main motion (the first motion) *as amended*. If the motion to amend *failed*, the Chair would now move to consider the main motion (the first motion) in its original format, not amended.

VII. Counting Votes

A. Number of Votes Needed to Take Action

As noted above, for substantive motions, a minimum of 11 voting members must be present to constitute a quorum, and a minimum of 11 votes are needed to pass such substantive motions. For procedural motions, a minimum of 11 voting members must be present to constitute a quorum, and there must be either a majority vote or a two-thirds vote of voting members, depending on the motion, to pass such procedural motions.

When a majority vote is needed to pass a motion, one vote more than 50 percent of those voting is required. If a two-thirds vote is needed to pass a motion, there is a formula to determine how many affirmative votes are required. The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. So, for example, if 6 members vote “no,” then the “yes” vote of at least 12 members is required to achieve a two-thirds majority vote to pass the motion.

In the event of a tie vote, the motion always fails because an affirmative vote is required to pass any motion. For example, if the vote is 10 in favor and 10 opposed, with 1 member absent, the motion is defeated.

B. Abstentions

Members sometimes prefer to abstain from voting. Members who abstain are counted for purposes of determining whether there is a quorum, but the abstention votes on the motion are treated as if they do not exist. In other words, an abstention is not treated as either a “yes” vote or a “no” vote.

C. Examples

Here are a few examples to illustrate vote-counting under different circumstances:

Majority Vote Counting

Assume that 21 voting members of the council are present to vote on a substantive motion, which requires 11 votes to pass. If the vote on the motion is 11 to 10, the motion passes. If the motion is 10 to 10 with 1 abstention, the motion fails because the abstention is not counted as a “yes” vote.

Assume that 18 members are present and voting on a procedural motion that requires only a majority vote to pass (as opposed to 11 votes). If the vote is 10 to 8, the motion passes. If the vote is 9 to 9, the motion fails. If the vote is 9 to 8 with 1 abstention, the motion fails because 10 votes are required for the motion to pass (one vote more than 50 percent). Once again, the abstention vote is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote did not occur.

Two-Thirds Vote Counting

Assume 21 members are present and voting on a motion that requires a two-thirds vote to pass. If the vote is 11 to 10, the motion fails for lack of a two-thirds majority. If the vote is 18 to 3, the motion passes with a clear two-thirds majority. If the vote is 13 to 8, the motion fails. Using the formula discussed above, the “no” votes are counted and doubled to determine whether there are enough “yes” votes to constitute a two-thirds majority. If the vote is 13 to 6 with 2 abstentions, the motion passes because the abstentions are treated as if they don’t exist, and with 6 “no” votes, 12 votes are needed to pass the motion. Therefore, the motion passes with 13 votes.

Abstention

To cast an “abstention” vote, a member either votes “abstain” or says “I abstain.” However, if a member votes “present,” that is also treated as an abstention. The member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.” In fact, any manifestation of intention to vote neither “yes” nor “no” on the pending motion may be treated by the Chair as an abstention.

Absence

Can a member vote “absent” or “count me as absent?” The ruling on this is up to the Chair. The better approach is for the Chair to count this as a vote to abstain if the person does not actually

leave the boardroom. If, however, the member leaves the boardroom and is actually absent, the Chair should count the member as absent. That, of course, may affect the quorum.

VIII. Alternative Methods of Voting

A. Voting by Proxy

Voting by proxy is not permitted. A Judicial Council member, therefore, may not authorize another person to vote on his or her behalf.

B. Attending Meetings and Voting by Telephone or Teleconference

Council members are permitted to attend meetings and vote by telephone or teleconference.

C. Early Voting

On occasion, a voting member of the Judicial Council may be unable to attend a council meeting or must depart before the presentation of a discussion item or the ensuing exchange is completed. Subdivision (c) of rule 10.5 (Notice and agenda of council meeting) defines the term “business meetings” as meetings “at which a majority of voting members are present to discuss and decide matters within the council’s jurisdiction.” The rule contemplates that members will be present for a discussion of the agenda item. Accordingly, a council member is not permitted to vote before the discussion about the agenda item has ended.

IX. Courtesy and Decorum

The rules of order are meant to create an atmosphere where council members and the public can attend to business efficiently, fairly, and with full participation. At the same time, it is up to the Chair and the council members to maintain common courtesy and decorum. It is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before speaking.

The Chair should ensure that discussion and debate of an agenda item focuses on the item and the policy in question. The Chair has the right to cut off discussion that diverges from the agenda item.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including council members.

Council members should not interrupt the speaker. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be to say, “Point of privilege.” The Chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be to say, “Point of order.” Again, the Chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting, such as the Chair moving on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Chair makes a ruling with which a member of the body disagrees, that member may appeal the ruling of the Chair. For example, if the Chair deems a motion to be a substitute motion and a member considers it to be a motion to amend, the member may appeal that ruling. If the motion is seconded and, after debate, it passes by a simple majority vote, the ruling of the Chair is deemed reversed. The motion to appeal the ruling of the Chair is considered a procedural motion.

Call for orders of the day. This is simply another way of saying, “Let’s return to the agenda.” If a member believes that the council has drifted from the agenda, such a call may be made. It does not require a vote. If the Chair discovers that the agenda has not been followed, the Chair simply reminds the council members to return to the agenda item properly before them. If the Chair fails to do so, the Chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

X. Recess and Adjournment

Unless there is an objection, the Chair may recess the council meeting for a definite period of time and may adjourn the meeting.



2014 CALIFORNIA RULES OF COURT

TITLE 10. JUDICIAL ADMINISTRATION RULES

Division 1. Judicial Council

Chapter 1. The Judicial Council and Internal Committees

Rule 10.1. Authority, duties, and goals of the Judicial Council

Rule 10.2. Judicial Council membership and terms

Rule 10.3. Nonvoting members

Rule 10.4. Nominations and appointments to the Judicial Council

Rule 10.5. Notice and agenda of council meetings

Rule 10.6. Judicial Council meetings

Rule 10.1. Authority, duties, and goals of the Judicial Council

(a) The Judicial Council

- (1) The Judicial Council of California is a state entity established by the California Constitution and chaired by the Chief Justice of California. The Judicial Council sets the direction for improving the quality of justice and advancing the consistent, independent, impartial, and accessible administration of justice by the judicial branch for the benefit of the public.
- (2) The council establishes policies and sets priorities for the judicial branch of government. The council may seek advice and recommendations from committees, task forces, and the public.
- (3) The Judicial Council Governance Policies are located in Appendix D of these rules of court. The policies describe the council's:
 - (A) Purposes;
 - (B) Responsibilities;
 - (C) Policymaking role;
 - (D) Members and officers and their roles;
 - (E) Internal organization;
 - (F) Relationship with its advisory groups;

- (G) Relationship with the Administrative Director and the Judicial Council staff that he or she directs; and
- (H) Internal policies and procedures.

(Subd (a) amended effective July 29, 2014; previously amended effective January 1, 2007, and August 14, 2009.)

(b) Constitutional authority and duties

Article VI, section 6 of the California Constitution requires the council to improve the administration of justice by doing the following:

- (1) Surveying judicial business;
- (2) Making recommendations to the courts;
- (3) Making annual recommendations to the Governor and the Legislature;
- (4) Adopting rules for court administration and rules of practice and procedure that are not inconsistent with statute; and
- (5) Performing other functions prescribed by statute.

(Subd (b) amended effective August 14, 2009.)

(c) Judicial branch goals

The Judicial Council develops judicial branch goals in its strategic and operational plans. At six-year intervals, the council develops and approves a long-range strategic plan. At three-year intervals, the council develops and approves an operational plan for the implementation of the strategic plan. Each plan is developed in consultation with branch stakeholders and justice system partners.

(Subd (c) amended effective August 14, 2009; previously amended effective January 1, 2007.)

(d) Judicial Council staff

The Judicial Council staff supports the council in performing its functions. The Administrative Director is the Secretary of the Judicial Council.

(Subd (d) amended effective July 29, 2014; adopted as subd (e); previously amended effective January 1, 2007; previously relettered as subd (d) effective August 14, 2009.)

Rule 10.1 amended effective July 29, 2014; adopted as rule 6.1 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective August 14, 2009.

Rule 10.2. Judicial Council membership and terms

(a) Constitutional provision on membership and terms

- (1) Under article VI, section 6 of the California Constitution, the Judicial Council consists of the Chief Justice and one other justice of the Supreme Court, 3 justices of Courts of Appeal, 10 judges of superior courts, 2 nonvoting court administrators, and such other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice to three-year terms; 4 members of the State Bar appointed by its governing body to three-year terms; and 1 member of each house of the Legislature appointed as provided by the house.
- (2) Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy is filled by the appointing power for the remainder of the term.

(Subd (a) amended effective August 14, 2009; previously amended effective January 1, 2007.)

(b) Council officers and duties

- (1) *Chair and vice-chair*
 - (A) The Chief Justice of California is the Chair of the Judicial Council and performs those functions prescribed by the Constitution and the laws of the State of California. The Chair is a voting member of the council. A reference to the Chair of the Judicial Council in the statutes or rules of this state means the Chief Justice of California.
 - (B) The Chief Justice appoints a vice-chair from among the judicial members of the council. When the chair is absent, unable to serve, or so directs, the vice-chair performs all of the duties of the chair.
 - (C) The Chief Justice appoints a Judicial Council member to serve as chair of the council in the event that both the Chief Justice and the council vice-chair are absent or unable to serve. The Chief Justice determines individuals to serve as chair from among the internal committee chairs and vice-chairs.
- (2) *Chairs and vice-chairs of the internal committees*

The Judicial Council has four internal committees composed of Judicial Council members, as specified in rule 10.10. The Chief Justice appoints for a one-year term the chair and vice-chair of each of the council's internal committees. Chairs call meetings, as necessary, and provide reports to the council on the activities of the internal committees.

(3) *Officers*

The Judicial Council has seven officers: the chair, vice-chair, secretary, and the chairs of the council's four internal committees.

(4) *Administrative Director of the Courts*

The Administrative Director of the Courts is the secretary to the Judicial Council and performs administrative and policymaking functions as provided by the Constitution and the laws of the State of California and as delegated by the Judicial Council and the Chief Justice. The secretary is not a voting member of the council.

(Subd (b) amended effective August 14, 2009.)

(c) Role of members

- (1) Council members are a governing body for California's judicial branch of government. In accepting appointment, they commit themselves to act in the best interest of the public and the judicial system for the purposes of maintaining and enhancing public access to the justice system, as well as preserving and enhancing impartial judicial decisionmaking and an independent judicial branch of government.
- (2) Council members do not represent any particular constituency notwithstanding any of their other affiliations or roles.
- (3) Council members communicate as representatives of the Judicial Council with the public, the courts, judicial officers, Judicial Council advisory bodies, other government entities, and justice system partners. They communicate about the council's processes, purposes, responsibilities, and issues and reasons for policy decisions, including those policy decisions where there is disagreement.

(Subd (c) amended effective August 14, 2009.)

(d) Terms

Council members are appointed to terms beginning September 15 and ending September 14. Terms for judge members are staggered. To the extent feasible, the State Bar and the Legislature should create staggered terms for their appointees.

(e) Restrictions on advisory committee membership

Unless otherwise provided by these rules or the Chief Justice waives this provision, neither council members nor nonvoting advisory council members may concurrently serve on a council advisory committee. This provision does not apply to members of the following advisory committees:

- (1) Administrative Presiding Justices;
- (2) Trial Court Presiding Judges; and
- (3) Court Executives.

(Subd (e) amended effective January 1, 2015; previously amended effective January 1, 2007 and August 14, 2009.)

Rule 10.2 amended effective January 1, 2015; adopted as rule 6.2 effective January 1, 1999; previously amended and renumbered effective January 1, 2007 and August 14, 2009.

Rule 10.3. Nonvoting members

(a) Appointment

The Chief Justice appoints nonvoting advisory council members as specified in article VI, section 6 of the California Constitution or as approved by the Judicial Council.

(b) Voting

A nonvoting council member may make or second motions at a council meeting but may not vote. A nonvoting member may vote on an internal committee matter as specified in rule 10.10(d).

(Subd (b) amended effective January 1, 2007.)

Rule 10.3 amended and renumbered effective January 1, 2007; adopted as rule 6.3 effective January 1, 1999.

Rule 10.4. Nominations and appointments to the Judicial Council

(a) Nomination procedures

The Executive and Planning Committee assists the Chief Justice in selecting council members by submitting a list of nominees for each position. The committee uses the following procedures:

- (1) The committee publicizes vacancies and solicits nominations. Nominations for advisory member positions are solicited from the Court Executives Advisory Committee, the Appellate Court Clerks Association, the California Court Commissioners Association, and other related bodies. The selected nominees should represent diverse backgrounds, experiences, and geographic locations.

- (2) The committee submits a list of at least three nominees to the Chief Justice for each vacant position, except for the Supreme Court associate justice position. The committee gives added consideration to persons who have served on advisory committees or task forces.
- (3) If the Chief Justice is a member of the Executive and Planning Committee, the Chief Justice does not participate in discussions relating to nominations.

(Subd (a) amended effective January 1, 2007.)

(b) Appointing order

The Chief Justice makes appointments to the council by order.

Rule 10.4 amended and renumbered effective January 1, 2007; adopted as rule 6.4 effective January 1, 1999.

Rule 10.5. Notice and agenda of council meetings

(a) Generally

The Judicial Council meets at the call of the Chief Justice no fewer than four times a year.

(Subd (a) amended effective January 1, 2004.)

(b) Meeting schedule

The Administrative Office of the Courts must publish a regular annual schedule that states the planned date, purpose, and location of each meeting. Additional meetings may be scheduled as necessary.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(c) Notice of business meetings

“Business meetings” are council meetings at which a majority of voting members are present to discuss and decide matters within the council’s jurisdiction. The Administrative Office of the Courts must give public notice of the date, location, and agenda of each business meeting at least seven days before the meeting. The notice must state whether the meeting is open or closed. If the meeting is partly closed, the notice must indicate which agenda items are closed. A meeting may be conducted without notice in case of an emergency requiring prompt action.

(Subd (c) amended effective January 1, 2004.)

(d) Budget meetings

A “budget meeting” is that portion of any business meeting at which trial court budgets are to be discussed. The Administrative Office of the Courts must provide notice of a budget meeting in the same manner as any other business meeting. Budget meetings normally are scheduled as follows:

- (1) A budget priority meeting, normally in February of each year, at which the Judicial Council adopts budget priorities for the trial courts for the budget year that begins July 1 of the next calendar year.
- (2) A meeting at which the proposed budget is approved, normally in August of each year, at which the Judicial Council takes action on the following:
 - (A) Staff recommendations on trial court budget change requests for the next fiscal year;
 - (B) A total baseline budget for each trial court for the next fiscal year; and
 - (C) Any proposed changes in funding for a trial court.
- (3) A budget allocation meeting, normally at the first council meeting after the state’s budget is enacted, at which the Judicial Council approves the final budget allocations for each trial court, including approved budget adjustments.
- (4) Other meetings following substantive changes to the trial court portion of the proposed State Budget made by the Governor in the proposed Governor’s budget or by a committee or house of the Legislature, at which the Judicial Council will take appropriate action, if any.

(Subd (d) adopted effective January 1, 2004.)

(e) Form of notice

The notice and agenda for council meetings must be posted at the Administrative Office of the Courts and on the California Courts Web site (www.courtinfo.ca.gov). In addition, the notice and agenda for budget meetings must be provided to designated employee representatives who have submitted a written request to the Administrative Office of the Courts (attention Secretariat).

(Subd (e) amended effective January 1, 2007; adopted as subd (d); previously amended and relettered effective January 1, 2004.)

(f) Contents of agenda

The agenda must contain a brief description of each item to be considered at the council meeting. All items are classified as discussion items, consent items, or informational items.

(1) *Consent items deemed approved*

All consent items are deemed approved without further action at the adjournment of each council meeting.

(2) *Moving consent items to discussion agenda*

A consent item must be moved to the discussion agenda if a council member so requests by giving 48 hours' advance notice to the Executive and Planning Committee, or if the Chief Justice moves the item to the discussion agenda.

(Subd (f) amended and relettered effective January 1, 2004; adopted as subd (e).)

(g) Meeting materials

(1) *General materials*

General meeting materials must be distributed to council members at least three business days before the date of the meeting, except in extraordinary circumstances. The Administrative Director may make copies of materials available to the media or attendees in advance of a business meeting and may specify that the materials are provided on agreement by the recipient that they will be kept confidential until the council has discussed or acted on specified items. The council may charge a fee to cover the costs of replicating and mailing these materials to members of the public.

(2) *Budget materials*

(A) *When available*

Materials involving trial court budgets must be made available at least five business days before the meeting if they have been distributed by that time to the members of the council. All other materials involving trial court budgets must be made available at the same time as the information is distributed to the council.

(B) *Distribution*

Materials must be made available by posting on the California Courts Web site and by distribution to designated employee representatives who have submitted a written request to the Administrative Office of the Courts (attention Secretariat).

(C) *Contents at the budget approval meeting*

Materials involving trial court budget proposals presented at the budget approval meeting must include proposed statewide requests for funding, existing trial court baseline budgets, adjustments proposed for any trial court baseline budget, and any court-specific budget change requests.

(Subd (g) amended effective January 1, 2007; adopted as subd (f); previously amended and relettered effective January 1, 2004.)

(h) Circulating orders

Between business meetings, the council may act by circulating order on urgent matters if the Chief Justice or the Administrative Director approves. Prior public notice of a proposed circulating order is not required. Each circulating order adopted by the council must be included on the agenda for the next business meeting as an information item.

(Subd (h) amended and relettered effective January 1, 2004; adopted as subd (g).)

Rule 10.5 amended and renumbered effective January 1, 2007; adopted as rule 6.5 effective January 1, 1999; previously amended effective January 1, 2004.

Rule 10.6. Judicial Council meetings

(a) Open meeting policy

Business meetings are open to the public unless they are closed under (b). Other meetings, such as orientation, planning, and educational meetings, may be made open to the public at the discretion of the Chief Justice. The Chief Justice may seek a recommendation from the Executive and Planning Committee on whether all or part of any meeting should be open or closed. Any discussion or decision of the full council at a business meeting regarding a trial court budget allocation must take place in an open meeting of the council, except for an executive session as provided in (b).

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(b) Closed sessions

The Chief Justice may close all or part of a business meeting because of the nature of the meeting or of matters to be discussed. The following matters will ordinarily be discussed in closed session:

- (1) A personnel matter or a discussion of the character, competence, or physical or mental health of an individual;
- (2) Claims or litigation in which the Judicial Council has an interest;
- (3) Contract, labor, or legislative negotiations;
- (4) The purchase, sale, or lease of real property;
- (5) Security plans or procedures;

- (6) Allegations of criminal or professional misconduct; and
- (7) Discussions protected by the attorney-client privilege.

(c) Conduct at meeting

Members of the public who attend open meetings must remain orderly. The Chief Justice may order the removal of any disorderly persons.

(Subd (c) amended effective January 1, 2004.)

(d) Requests to speak—general

The Executive and Planning Committee, in its discretion, may allow a member of the public to speak at a business meeting. Unless the Chief Justice waives this requirement, any member of the public who wishes to speak at a business meeting must submit a request of no more than two pages to the chair of the Executive and Planning Committee by delivering it to the Administrative Office of the Courts at least four business days before the meeting.

(1) Contents of the request

The request must include the following:

- (A) A description of the agenda item to be addressed;
- (B) A specific recitation of the proposed statement with an explanation of its relevance to the agenda item and the reasons it would be of benefit to the council in its deliberations;
- (C) The name, residence, and occupation of the person asking to speak and, if applicable, the name, address, and purpose of the agency or organization that the speaker represents;
- (D) If available, telephone and fax numbers and e-mail address of the person asking to speak and, if applicable and available, the telephone, fax numbers, and e-mail address of the agency or organization that the speaker represents;
- (E) The words “Request to Speak at Judicial Council Meeting” displayed prominently in letters at least one-quarter-inch high on the envelope containing the request; and
- (F) A copy of any written materials the speaker proposes to distribute at the meeting.

(2) *Notice of decision*

The Executive and Planning Committee must respond to the request at least two business days before the meeting. The committee may grant the request in part or whole, request additional information, circulate any written materials, or take other action it deems appropriate.

(Subd (d) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(e) **Presentation of information on trial court budget matters**

(1) *Presentation of written information*

Any designated employee representative has a right to provide written information on trial court budget allocations to the council.

(2) *Oral presentation*

Any designated employee representative who wishes to make an oral presentation to the Judicial Council must make a written request to the Administrative Office of the Courts (attention Secretariat) no later than 24 hours before the meeting unless the issue has arisen within the last five business days before the meeting, in which case the written request may be made on the day of the meeting.

(3) *Limit on number and time*

The Chief Justice or his or her designee may limit the number and time of speakers in order to avoid cumulative discussion.

(Subd (e) amended effective January 1, 2007; adopted effective January 1, 2004.)

(f) **Video recording, photographing, and broadcasting at meeting**

The Chief Justice may permit video recording, photographing, or broadcasting of a meeting. Any such video recording, photographing, or broadcasting is subject to regulations that ensure the meeting's security and dignity. A request to record, photograph, or broadcast a council meeting must be received by the Chief Justice at least two business days before the meeting.

(Subd (f) relettered effective January 1, 2004; adopted as subd (e).)

(g) **Minutes as official records**

The Secretary of the Judicial Council must prepare written minutes of each council meeting for approval at the next council meeting. When approved by the council, the minutes constitute the official record of the meeting.

(Subd (g) amended and relettered effective January 1, 2004; adopted as subd (f).)

Rule 10.6 amended and renumbered effective January 1, 2007; adopted as rule 6.6 effective January 1, 1999; previously amended effective January 1, 2004.

Judicial Council Members

As of September 22, 2015

Hon. Tani G. Cantil-Sakauye

Chief Justice of California and
Chair of the Judicial Council
350 McAllister Street
San Francisco, CA 94102-4797
(415) 865-7060
Fax (415) 865-7181
tani.cantil-sakauye@jud.ca.gov

Hon. Daniel J. Buckley

Assistant Presiding Judge of the Superior Court of
California,
County of Los Angeles
111 North Hill Street
Los Angeles, CA 90012
(213) 633-0300
djbuckley@lacourt.org

Hon. Marla O. Anderson

Presiding Judge of the Superior Court of California,
County of Monterey
240 Church Street
Salinas, CA 93901
(831) 775-5663
Fax (831) 775-5499
AndersonM@monterey.courts.ca.gov

Hon. Ming W. Chin

Associate Justice of the Supreme Court

350 McAllister Street
San Francisco, CA 94102-4797
(415) 865-7050
Fax (415) 865-7186
justice.ming.chin@jud.ca.gov

Hon. Brian John Back

Judge of the Superior Court of California,
County of Ventura
4353 Vineyard Avenue
Oxnard, CA 93036
(805) 289-8820
Fax (805) 981-5954
brian.back@ventura.courts.ca.gov

Hon. Emilie H. Elias

Judge of the Superior Court of California,
County of Los Angeles
600 S. Commonwealth Ave
Los Angeles, CA 90005
(213) 351-7524
Fax (213) 637-9698
eelias@lacourt.org

Hon. Richard Bloom

Member of the California State Assembly

State Capitol, Room 2003
Sacramento, CA 95814
(916) 319-2050
assemblymember.bloom@assembly.ca.gov

Hon. Samuel K. Feng

Judge of the Superior Court of California,
County of San Francisco
850 Bryant Street, Room 101
San Francisco, CA 94103
(415) 551-0313
Fax (415) 551-8085
sfeng@sftc.org

Mr. Mark G. Bonino

Hayes, Scott, Bonino, Ellingson & McLay, LLP
203 Redwood Shores Pkwy., Ste 480
Redwood City, CA 94065
(650) 637-9100
Fax (650) 637-8071
mbonino@hayesscott.com

Judicial Council Members

As of September 22, 2015

Hon. Harry E. Hull, Jr.

Associate Justice of the Court of Appeal
Third Appellate District
914 Capitol Mall, 4th Floor
Sacramento, CA 95814
(916) 654-0209
Fax (916) 653-0317
harry.hull@jud.ca.gov

Ms. Donna D. Melby

Partner
Paul Hastings Janofsky & Walker, LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071
(213) 683-6098
Fax (213) 996-3098
donnamelby@paulhastings.com

Hon. James M. Humes

Presiding Justice of the Court of Appeal
First Appellate District
Division One
350 McAllister Street
San Francisco, CA 94102-3600
(415) 865-7310
Fax (415) 865-7309
jim.humes@jud.ca.gov

Hon. Douglas P. Miller

Associate Justice of the Court of Appeal
Fourth Appellate District
Division Two
3389 Twelfth Street
Riverside, CA 92501
(951) 782-2667
Fax (951) 248-0346
douglasp.miller@jud.ca.gov

Hon. Hannah-Beth Jackson

Member, California State Senate
State Capitol, Room 5080
Sacramento, CA 95814
(916) 651-4019
Hannah-Beth.Jackson@sen.ca.gov

Hon. Gary Nadler

Judge of the Superior Court of California,
County of Sonoma
3035 Cleveland Avenue, Suite 200
Santa Rosa, CA 95403
(707) 521-6725
Fax (707) 521-6750
gnadler@sonomacourt.org

Mr. Patrick M. Kelly

Partner
Wilson Elser
555 S Flower Street, Suite 2900
Los Angeles, CA 90071
(213) 330-8800
Fax (213) 443-5101
patrick.kelly@wilsonelser.com

Ms. Debra Elaine Pole

Partner
Sidley Austin LLP
555 W 5th St
Los Angeles, CA 90013
(213) 896-6623
Fax (213) 896-6600
dpole@sidley.com

Judicial Council Members

As of September 22, 2015

Hon. David M. Rubin

Judge of the Superior Court of California,

County of San Diego

220 West Broadway

San Diego, CA 92101

(619) 450-5039

Fax (619) 450-5669

david.rubin@sdcourt.ca.gov

Mailing Address

P.O. Box 122724

San Diego, CA 92112-2724

Hon. Marsha G. Slough

Presiding Judge of the Superior Court of California,

County of San Bernardino

247 West Third Street, 11th Floor

San Bernardino, CA 92415-0302

(909) 708-8767

Fax (909) 708-8754

msslough@sb-court.org

Hon. Dean T. Stout

Assistant Presiding Judge of the Superior Court of California,

County of Inyo

301 West Line Street

Bishop, CA 93514

(760) 873-7937

Fax (760) 872-2492

dean.stout@inyocourt.ca.gov

Hon. Martin J. Tangeman

Assistant Presiding Judge of the Superior Court of California,

County of San Luis Obispo

1035 Palm Street

San Luis Obispo, CA 93408

(805) 781-5936

Fax (805) 781-1071

martin.tangeman@slo.courts.ca.gov

ADVISORY MEMBERS

Mr. Jake Chatters

Court Executive Officer

Superior Court of California,

County of Placer

10820 Justice Center Drive

Roseville, CA 95678

(916) 408-6186

Fax (916) 408-6188

jchatters@placer.courts.ca.gov

Mailing Address

P.O. Box 619072

Roseville, CA 95661-9072

Mr. Richard D. Feldstein

Court Executive Officer

Superior Court of California,

County of Napa

825 Brown Street

Napa, CA 94559

(707) 299-1111

Fax (707) 299-1250

richard.feldstein@napa.courts.ca.gov

Ms. Kimberly Flener

Court Executive Officer

Superior Court of California,

County of Butte

One Court Street

Oroville, CA 95965

(530) 532-7013

Fax (530) 538-8567

kflener@buttecourt.ca.gov

Hon. David E. Gunn

Commissioner of the Superior Court of California,

County of Butte

1775 Concord Avenue

Chico, CA 95928

(530) 532-7009

dgunn@buttecourt.ca.gov

Judicial Council Members

As of September 22, 2015

Hon. Dalila C. Lyons

Judge of the Superior Court of California,
County of Los Angeles
111 North Hill Street
Los Angeles, CA 90012
(213) 633-0520
dcl Lyons@lacourt.org

Hon. Eric C. Taylor

Supervising Judge of the Superior Court of California,
County of Los Angeles
825 Maple Avenue
Torrance, CA 90503
(310) 222-8832
Fax (310) 783-5109
etaylor@lacourt.org

Hon. Brian L. McCabe

Presiding Judge of the Superior Court of California,
County of Merced
2260 N Street
Merced, CA 95340
(209) 725-4172
Fax (209) 725-4122
brian.mccabe@mercedcourt.org
Mailing Address
627 West 21st Street
Merced, CA 95340

Hon. Charles D. Wachob

Assistant Presiding Judge of the Superior Court of
California,
County of Placer
10820 Justice Center Drive
Roseville, CA 95678
(916) 408-6210
Fax (916) 408-6188
cwachob@placer.courts.ca.gov
Mailing Address
P.O. Box 619072
Roseville, CA 95661-9072

Mr. Frank A. McGuire

Clerk of the California Supreme Court

350 McAllister Street
San Francisco, CA 94102-4797
(415) 865-7015
Fax (415) 865-7196
frank.mcguire@jud.ca.gov

JUDICIAL COUNCIL OF CALIFORNIA

Mr. Martin N. Hoshino

Administrative Director of the Courts
and Secretary of the Judicial Council
455 Golden Gate Avenue
San Francisco, CA 94102-3688
(415) 865-4278
Fax (415) 865-4244
martin.hoshino@jud.ca.gov

Hon. Kenneth K. So

Judge of the Superior Court of California,
County of San Diego
220 West Broadway
San Diego, CA 92101
(619) 450-5055
Fax (619) 450-5716
kenneth.so@sdcourt.ca.gov
Mailing Address
P.O. Box 122724
San Diego, CA 92112-2724



JUDICIAL COUNCIL INTERNAL COMMITTEES

Five internal committees are drawn from the council's membership:

- Executive and Planning Committee
- Policy Coordination and Liaison Committee
- Rules and Projects Committee
- Litigation Management Committee
- Judicial Council Technology Committee

These committees provide recommendations in their assigned areas to the full membership of the council and perform duties delegated by the council. Internal committees work at the same policy level as the council, emphasizing long-term strategic leadership rather than administrative or programmatic details. At least one internal council committee considers a matter, including proposals from advisory committees, before presentation to the council. These committees also oversee the work of the Judicial Council standing advisory bodies to which they are assigned.



2015 CALIFORNIA RULES OF COURT

Rule 10.10. Judicial Council internal committees

(a) Judicial Council internal committees

The internal committees are:

- (1) Executive and Planning Committee;
- (2) Policy Coordination and Liaison Committee;
- (3) Rules and Projects Committee;
- (4) Litigation Management Committee; and
- (5) Technology Committee.

(Subd (a) amended effective February 20, 2014; adopted effective August 14, 2009.)

(b) Purpose of the internal committees

The internal committees of the Judicial Council assist the full membership of the council in its responsibilities by providing recommendations in their assigned areas, including rules for court administration, practice, and procedure, and by performing duties delegated by the council. Internal committees generally work at the same policy level as the council, focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.

(Subd (b) adopted effective August 14, 2009.)

(c) Membership and appointment

The Chief Justice appoints each council member and advisory council member to one or more internal committees for a one-year term.

(Subd (c) relettered effective August 14, 2009; adopted as subd (a); previously amended effective January 1, 2007.)

(d) Meetings

Each internal committee meets as often as necessary to perform its responsibilities. The Administrative Director of the Courts, as secretary of the Judicial Council, may attend and participate in the meetings of each internal committee. Internal committee meetings are closed to the public but may be opened at the committee chair's discretion.

(Subd (d) amended and relettered effective August 14, 2009; adopted as subd (c).)

(e) Voting

An advisory council member may vote on any internal committee matter unless the committee is taking final action on behalf of the council.

(Subd (e) relettered effective August 14, 2009; adopted as subd (d).)

(f) Council review

The council may overrule or modify an action taken by an internal committee.

(Subd (f) relettered effective August 14, 2009; adopted as subd (e).)

(g) Reporting to the council

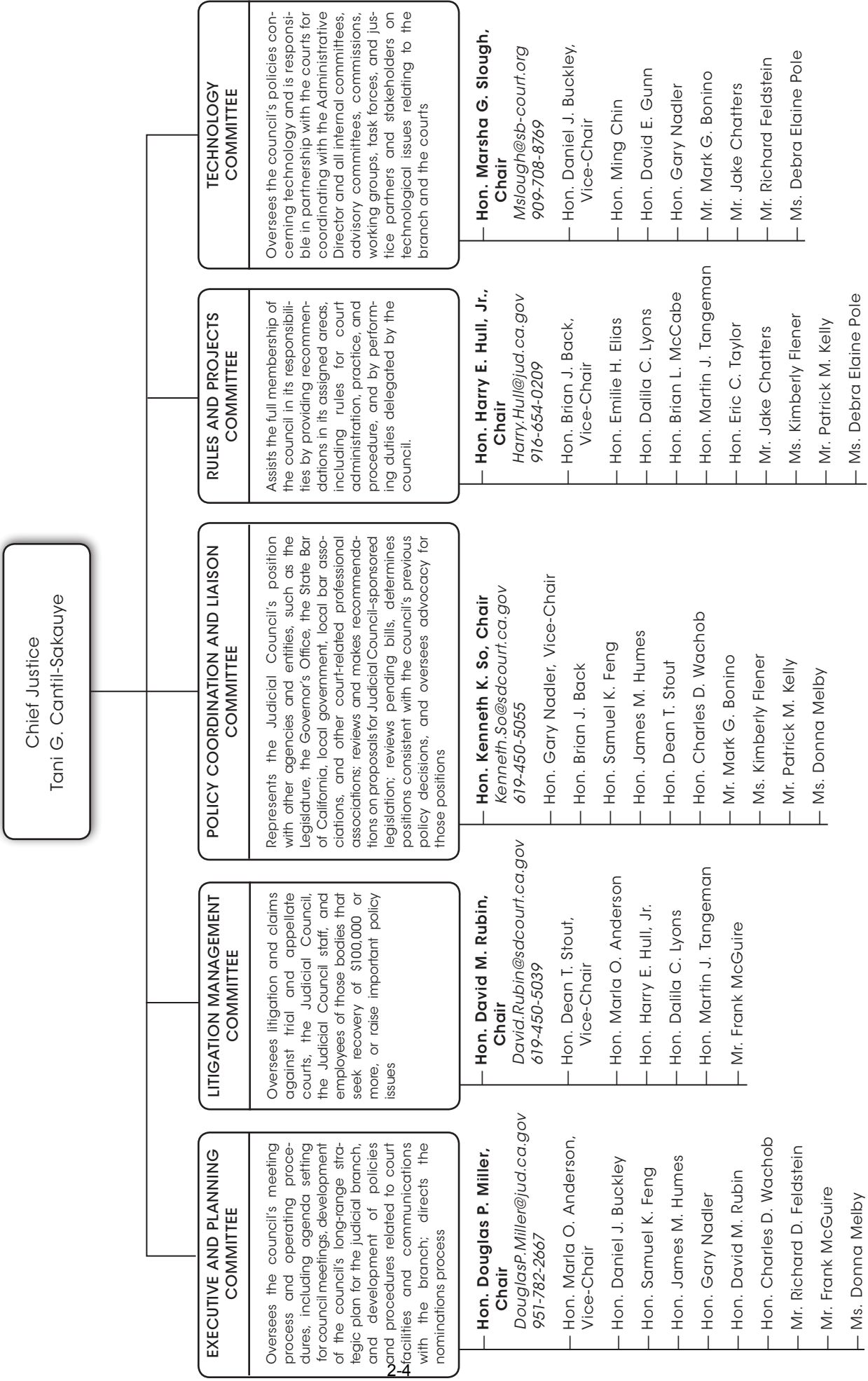
As often as necessary, each internal committee must report to the council on the committee's activities.

(Subd (g) relettered effective August 14, 2009; adopted as subd (f); previously amended effective January 1, 2007.)

Rule 10.10 amended effective February 20, 2014; adopted as rule 6.10 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective August 14, 2009.



ORGANIZATIONAL STRUCTURE OF INTERNAL COMMITTEES TO THE JUDICIAL COUNCIL OF CALIFORNIA



Judicial Council
INTERNAL COMMITTEE STAFF

Executive and Planning Committee (E&P)

Ms. Nancy Carlisle
Judicial Council Support
415-865-7614
nancy.carlisle@jud.ca.gov

Policy Coordination and Liaison Committee (PCLC)

Mr. Cory T. Jasperson
Governmental Affairs
916-323-3230
cory.jasperson@jud.ca.gov

Rules and Projects Committee (RUPRO)

Ms. Susan McMullan
Legal Services
415-865-7990
susan.mcmullan@jud.ca.gov

Litigation Management Committee

Ms. Linda Foy
Legal Services
415-865-7688
linda.foy@jud.ca.gov

Judicial Council Technology Committee (JCTC)

Ms. Jessica Craven
Information Technology
818-558-3103
jessica.craven@jud.ca.gov



EXECUTIVE AND PLANNING COMMITTEE

The Executive and Planning Committee (E&P) is an internal committee of the Judicial Council. E&P is charged with, among other things:

- Setting the agenda for the council's meetings to support the council in making well-informed policy decisions;
- Acting for the council between meetings under some circumstances;
- Overseeing the council's planning processes, policies, and procedures regarding court facilities;
- Overseeing the council's governance practices; and
- Overseeing the nominations process for the council and for its advisory committees.

E&P has also been assigned oversight of certain council advisory bodies by the Chief Justice. For those advisory bodies over which it has oversight, E&P ensures that the advisory bodies' activities are consistent with the council's goals and policies.

All members of E&P are appointed by the Chief Justice of California.

In this section you will find:

- A description of the role and structure of E&P;
- California Rules of Court, rule 10.11;
- A roster of E&P members; and
- E&P guidelines for reviewing nominations to the council and council advisory committees.

Executive and Planning Committee

ROLE AND STRUCTURE

Responsibilities and Charge

The Judicial Council's Executive and Planning Committee:

- Takes action on behalf of the council between Judicial Council meetings except for (1) adopting rules of court, standards of judicial administration, and forms; (2) making appointments required by statute to be made by the council; and (3) taking actions that are delegated to other council advisory bodies;
- Oversees the council's strategic planning process and policies and procedures regarding court facilities;
- Ensures that proposed judicial branch budgets, allocation schedules, and related budgetary issues are brought to the council in a timely manner and in a format that permits the council to establish funding priorities in the context of the council's annual program objectives, statewide policies, and long-range strategic and operational plans;
- Establishes agendas for council meetings by determining (1) whether items submitted for the council's agenda require the council's action and are presented in a form that gives the council the information it needs to make well-informed decisions; and (2) whether each item should be on the consent, discussion, or information agenda; how much time is to be allotted for discussion; what presenters should be invited to speak; and, when appropriate, which specific issues should be discussed;
- Develops a schedule of topics about which the council wishes to consider making policy or to receive updates from the Administrative Director or Judicial Council staff;
- Makes recommendations to the council regarding governance, and oversees the council's review of its governance policies and principles;
- Recommends to the Chief Justice candidates for appointment to the Judicial Council and its advisory bodies;
- For those advisory bodies over which it has been assigned oversight by the Chief Justice, ensures that each advisory body's activities are consistent with the council's goals and policies;
- Promotes effective policies for communications between the council and the judicial branch. E&P, together with the chairs of the other internal committees, is responsible for developing and implementing a branchwide plan for general communications between the council and the judicial branch.

Membership

The Chief Justice appoints all members of E&P for one-year terms. The chair of the committee is selected by the Chief Justice and may be the Chief Justice.

Meeting Type and Frequency

E&P meets, usually by teleconference, to set the agendas for Judicial Council meetings. The committee will typically meet one to three times to set the agenda for each council meeting. The E&P meetings at which nominations to the council or its advisory bodies are discussed are typically held in person. On occasion, E&P holds other in-person meetings to consider priority issues. When possible, these in-person meetings are held in conjunction with council meetings.

The Administrative Director may attend and participate in all E&P meetings.



2015 CALIFORNIA RULES OF COURT

Rule 10.11. Executive and Planning Committee

(a) Actions on behalf of the Judicial Council

The Executive and Planning Committee may take action on behalf of the council between council meetings, except for:

- (1) Adopting rules of court, standards of judicial administration, and forms;
- (2) Making appointments that by statute must be made by the council; and
- (3) Taking actions that are delegated to other council internal committees.

(Subd (a) adopted effective August 14, 2009.)

(b) Planning

The committee oversees the council's strategic planning process.

(Subd (b) adopted effective August 14, 2009.)

(c) Court facilities

The committee oversees the council's policies and procedures regarding court facilities, including development of policies, procedures, and guidelines for facilities; site selection; and capital appropriations.

(Subd (c) adopted effective August 14, 2009.)

(d) Budgets

The committee ensures that proposed judicial branch budgets, allocation schedules, and related budgetary issues are brought to the Judicial Council in a timely manner and in a format that permits the council to establish funding priorities in the context of the council's annual program objectives, statewide policies, and long-range strategic and operational plans.

(Subd (d) adopted effective August 14, 2009.)

(e) Agendas for council meetings

The committee establishes agendas for council meetings by determining:

- (1) Whether items submitted for the council's agenda require the council's action and are presented in a form that provides the council with the information it needs to make well-informed decisions; and
- (2) Whether each item should be on the consent, discussion, or information agenda; how much time should be allotted for discussion; what presenters should be invited to speak; and, when appropriate, which specific issues should be discussed.

(Subd (e) adopted effective August 14, 2009.)

(f) Topics for making policy and receiving updates

The committee develops a schedule of topics that the council intends to consider for making policy and receives updates from the Administrative Director of the Courts or Administrative Office of the Courts staff.

(Subd (f) adopted effective August 14, 2009.)

(g) Governance

The committee makes recommendations to the council regarding governance and oversees the council's review of its governance policies and principles.

(Subd (g) adopted effective August 14, 2009.)

(h) Nominations

The committee recommends candidates to the Chief Justice for appointment to the Judicial Council and its advisory bodies.

(Subd (h) adopted effective August 14, 2009.)

(i) Oversight of advisory committees and task forces

For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the committee ensures that activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:

- (1) Communicates the council's annual charge to each; and
- (2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

(Subd (i) adopted effective August 14, 2009.)

(j) Communications

The committee promotes effective policies for communications between the Judicial Council and the judicial branch.

(Subd (j) adopted effective August 14, 2009.)

Rule 10.11 amended effective August 14, 2009; adopted as rule 6.11 effective January 1, 1999; previously amended effective January 1, 2002, September 1, 2003, and January 1, 2005; previously amended and renumbered effective January 1, 2007.

Executive and Planning Committee

As of August 6, 2015

Hon. Douglas P. Miller, Chair

Associate Justice of the Court of Appeal
Fourth Appellate District, Division Two
3389 Twelfth Street
Riverside, CA 92501
(951) 782-2667
Fax (951) 248-0346
douglasp.miller@jud.ca.gov

Hon. Marla O. Anderson, Vice-chair

Presiding Judge of the Superior Court of California,
County of Monterey
240 Church Street
Salinas, CA 93901
(831) 775-5663
Fax (831) 775-5499
AndersonM@monterey.courts.ca.gov

Hon. Daniel J. Buckley

Judge of the Superior Court of California,
County of Los Angeles
111 North Hill Street Dept. 1
Los Angeles, CA 90012
(213) 633-0301
djbuckley@lacourt.org

Mr. Richard D. Feldstein

Court Executive Officer of the Superior Court
of California, County of Napa
825 Brown Street
Napa, CA 94559
(707) 299-1111
Fax (707) 299-1250
rick.feldstein@napa.courts.ca.gov

Hon. Samuel K. Feng

Judge of the Superior Court of California,
County of San Francisco
850 Bryant Street, Room 101
San Francisco, CA 94103
(415) 551-0313
sfeng@sftc.org

Hon. James M. Humes

Presiding Justice of the Court of Appeal
First Appellate District, Division One
350 McAllister Street
San Francisco, CA 94102-3600
(415) 865-7310
jim.humes@jud.ca.gov

Mr. Frank A. McGuire

Clerk of the California Supreme Court
350 McAllister Street
San Francisco, CA 94102-4797
(415) 865-7015
Fax (415) 865-7196
frank.mcguire@jud.ca.gov

Ms. Donna D. Melby

Partner
Paul Hastings Janofsky & Walker, LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071
(213) 683-6098
Fax (213) 996-3098
donnamelby@paulhastings.com

JUDICIAL COUNCIL STAFF LIAISON

Hon. Gary Nadler

Judge of the Superior Court of California,
County of Sonoma
3035 Cleveland Avenue, Suite 200
Santa Rosa, CA 95403
(707) 521-6725
Fax (707) 521-6750
gnadler@sonomacourt.org

Ms. Jody Patel

Chief of Staff
Leadership Services Division
Judicial Council of California
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833
(916) 263-1333
Fax (916) 263-1966
jody.patel@jud.ca.gov

Hon. David M. Rubin

Judge of the Superior Court of California,
County of San Diego
220 West Broadway
San Diego, CA 92101
(619) 450-5039
Fax (619) 450-5669
david.rubin@sdcourt.ca.gov
Mailing Address
P.O. Box 122724
San Diego, CA 92112-2724

Hon. Charles D. Wachob

Assistant Presiding Judge of the Superior Court of
California,
County of Placer
10820 Justice Center Drive
Roseville, CA 95678
(916) 408-6210
Fax (916) 408-6188
cwachob@placer.courts.ca.gov
Mailing Address
P.O. Box 619072
Roseville, CA 95661-9072

Judicial Council Executive and Planning Committee
GUIDELINES FOR REVIEWING JUDICIAL COUNCIL AND
ADVISORY COMMITTEE NOMINATIONS

The Executive and Planning Committee is charged with assisting the Chief Justice in selecting Judicial Council and advisory committee members. (California Rules of Court, rules 10.4, 10.11, 10.32.) Each year the committee oversees the solicitation of nominations to fill upcoming vacancies on the council and its advisory committees. E&P members review and document the qualifications of nominees through a number of means, such as reviewing the information provided by nominators, seeking out information about the professional background of nominees, and contacting people with whom the nominees have worked.

E&P has adopted the following guidelines to ensure that (1) the public has the benefit of a Judicial Council and advisory committees that are composed of members who represent diverse geographic locations and professional and personal experiences, who possess strong leadership qualities and ethics, and who have demonstrated a commitment to leadership in improving the fair administration of justice; and (2) the process is consistent and fair to the nominees and to those who provide information to E&P.

A. JUDICIAL COUNCIL NOMINATIONS

1. Assignments

The E&P chair will assign committee members to conduct inquiries about each nominee who is eligible to fill one of the Judicial Council vacancies.

2. Who to Contact

E&P members will contact court and bar leaders and colleagues of the nominee, including at least one person from each of the following categories:

- Presiding or supervising judge
- Court administrator
- Committee chair or member who has served with the nominee
- Local bar leadership
- Colleagues of the nominee

When more than one committee member is assigned to make inquiries concerning a Judicial Council nominee, those committee members will allocate that responsibility among themselves.

3. What to Tell People Contacted

3.1. Introductory statement

- E&P assists the Chief Justice in selecting Judicial Council members.
- The committee considers the qualifications of the candidates, the candidates' experience on Judicial Council advisory committees and task forces, and the council's need for members with diverse backgrounds, experiences, and geographic locations.

- E&P forwards to the Chief Justice three names for each vacancy on the council.
- The Chief Justice makes Judicial Council appointments.

3.2. Review of nominees' qualifications

- E&P conducts inquiries, which may include conversations with others, for background information on the qualifications of nominees.
- The purpose of this review is to obtain information about the nominees' qualifications for membership on the Judicial Council.

3.3. How information will be used

- Information provided about nominees will be discussed with the full Executive and Planning Committee.

3.4. Confidentiality

- It is the policy of E&P to keep all nominations discussions confidential within the committee.
- E&P requests permission to disclose, within the committee's confidential nominations discussions, the names of those who provide information about nominees.
- E&P will honor the confidentiality of those who do not give permission to use their names.
- When E&P members make follow-up contact with individuals outside the committee, committee members will not identify the person who initially provided the information.

4. What to Ask People Contacted

The Judicial Council benefits from the wide range of experiences and personal attributes brought by its members. However, certain qualifications and characteristics are central to the role performed by council members. The list below is not exclusive, but we encourage E&P members to direct their inquiries toward evaluating these core qualifications and characteristics.

- Leadership abilities
- Ability to consider policy issues from a branchwide perspective
- Ability to contribute to and work within a policymaking committee or program
- Respect within the court and legal community
- Experience on Judicial Council advisory committees and other judicial branch committees and task forces
- Experience in judicial administration
- Experience in specific subject-matter areas in which the council is seeking expertise

E&P members may find it useful to ask an open-ended question about other information relevant to the nominee's qualifications and suitability for the Judicial Council.

5. Verifying Information Received

In some instances, E&P members may, in the exercise of their discretion, find it necessary to verify information received from a contact by making additional contacts. When this occurs, we recommend that E&P members:

- Do not identify the original source of the information, and
- Do not restate the specific information (e.g., “the nominee does not attend meetings”) but inquire about it generally (e.g., “how is the nominee’s participation?”).

In some circumstances, information received from others may prompt the need to obtain further information, including additional personal contacts, for the purpose of obtaining a broader perspective on the qualifications of a candidate, as well as obtaining other views regarding perspectives or experiences that may be useful on the Judicial Council.

6. Handling Extraordinarily Sensitive Information

In rare circumstances, an E&P member will receive information that, if shared, could affect the reputation of the nominee and/or the information provider both personally and professionally. Allegations of unethical behavior or of bias against protected classes could fall within this category. Utmost discretion must be used in such circumstances. E&P members should contact E&P staff to discuss options for handling this type of information in a way that protects the interests of all concerned. Such options could include:

- Taking no further action on the information,
- Making discreet follow-up calls,
- Making other efforts to verify the information independently,
- Not reporting the information if the contact denies permission to use his or her name and it cannot be verified independently,
- Reporting the information anonymously, and
- Providing an opportunity for the nominee to address the concern raised.

To ensure that highly sensitive information is handled consistently and with utmost discretion, E&P members shall consult with the Executive and Planning Committee chair and the Administrative Director or Judicial Council Chief of Staff before contacting a nominee directly about sensitive information provided by contacts.

7. Reporting the Information to E&P

Information obtained about nominees is used solely for Judicial Council nominations. E&P members report information to the committee orally at the nominations meeting; information is never distributed in writing or repeated outside the nominations meeting.

In these oral reports to the full committee, E&P members may identify a person who provided information only if that person gave permission to use his or her name. The information and the identity of the person who provided it must not be shared outside the committee’s confidential nominations discussions. If a contact does not give permission to use his or her name, the E&P member may choose to provide his or her information to the full committee anonymously or not at all. This choice may depend on a number of factors, including the nature of the information,

its source, and whether it can be verified independently. E&P members are encouraged to consult with E&P staff if they are concerned about such a situation.

B. ADVISORY COMMITTEE NOMINATIONS

1. Assignment of Advisory Committees

The E&P chair will assign at least one committee member to review the nominations for each advisory committee.

2. Information on Advisory Committee Needs

At the beginning of the nomination review process, Judicial Council staff will provide E&P members with a term chart for each advisory committee they are assigned, a summary of the committee's anticipated vacancies, and contact information for the committee chair and lead staff. E&P members are encouraged to consult with the chair and lead staff of the committees they are assigned in order to familiarize themselves with the committees' needs. Judicial Council Support (JCS) staff will forward nominations to E&P members during the solicitation period to allow sufficient time for review.

During the solicitation period, JCS staff will provide updated reports and copies of nomination forms to advisory committee staff and E&P members. When the solicitation period ends, advisory committee staff will submit memoranda to E&P summarizing their committees' needs and making recommendations on which nominees would best meet those needs.

3. Review of Nominations

E&P Committee members are encouraged to contact court or bar leaders or colleagues of the nominees to supplement the information provided in the advisory committee nominations materials. Members may wish to contact one or more of the following:

- Presiding or supervising judge
- Judicial administrator
- Committee chair or member who has served with the nominee
- Local bar leadership
- Colleagues of nominee

4. Conduct of Inquiries and Confidentiality

Guidelines A.3–A.7, above, pertaining to inquiries about Judicial Council nominees and the confidentiality of the nominations process, also apply to advisory committee nominations. E&P members should adhere to those guidelines when reviewing advisory committee nominations, bearing in mind the distinctions between the council and its advisory committees. Because the focus of advisory committees is more specific than that of the council, inquiries about advisory committee nominees should assess the nominees' expertise in the subject area of the committee.

C. ANNUAL REVIEW OF GUIDELINES

Each year before beginning the annual nominations process, E&P will review these guidelines and discuss hypothetical situations to help E&P members and staff fulfill the objectives of the guidelines. E&P members will revise these guidelines as necessary.



POLICY COORDINATION AND LIAISON COMMITTEE

The Policy Coordination and Liaison Committee (PCLC) is an internal advisory committee to the Judicial Council. PCLC is charged with:

- Acting as the council's liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding the development and advocacy of legislation affecting the judicial branch; and
- Building consensus on issues of importance to the judicial branch with entities and individuals outside of the branch.

All PCLC members are appointed by the Chief Justice of California.

In this section you will find:

- A description of the role and structure of PCLC;
- California Rules of Court, rule 10.12;
- A roster of PCLC members;
- A calendar for Judicial Council–sponsored legislation; and
- Guidelines for development of Judicial Council–sponsored legislation.

Policy Coordination and Liaison Committee

ROLE AND STRUCTURE

Responsibilities and Charge

The role of the Policy Coordination and Liaison Committee (PCLC) is to represent the Judicial Council before the legislative and executive branches of government, build consensus with entities and individuals outside the branch, and coordinate an annual plan for communication and interaction with other agencies and entities.

The charge and duties of the committee, stated in California Rules of Court, rule 10.12, include the following:

- Taking positions on behalf of the council on pending legislative bills after evaluating input from council advisory bodies, Judicial Council staff, and the courts, provided that the position is consistent with the council's established policies and precedents;
- Making recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies, Judicial Council staff, and the courts;
- Representing the council's position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas;
- Building consensus on issues of importance to the judicial branch, consistent with the council's strategic plan, with entities, and with individuals outside the branch; and
- Overseeing the development, coordination, and maintenance of communication and relations with other branches and levels of government, components of the justice system, the bar, the media, and the public.

Membership

The Chief Justice appoints all members of PCLC for one-year terms. The chair of the committee is selected by the Chief Justice and may be the Chief Justice.

Meeting Type and Frequency

PCLC meets regularly during the legislative session, usually by conference call. Beginning in late February or early March, the committee sets a schedule of meetings at least every three weeks. If a meeting is not needed, Governmental Affairs will notify PCLC members by e-mail of the cancellation. Late in the legislative session, and during budget negotiations, it is sometimes necessary to schedule several meetings on short notice to discuss or resolve late-breaking issues. PCLC's meeting schedule for 2015 follows:

- January 15
- February 5
- February 26
- March 5
- March 19
- April 9
- April 16
- April 30
- May 7
- May 21
- June 4
- June 18
- July 9
- August 13
- August 27
- October 26 (In-person meeting in conjunction with Judicial Council meeting—New Member Orientation and JC-sponsored/legislative review)
- November 12



2015 CALIFORNIA RULES OF COURT

Rule 10.12. Policy Coordination and Liaison Committee

(a) Legislative activities

The Policy Coordination and Liaison Committee performs the following functions:

- (1) Taking a position on behalf of the council on pending legislative bills, after evaluating input from the council advisory bodies and the Administrative Office of the Courts, and any other input received from the courts, provided that the position is consistent with the council's established policies and precedents;
- (2) Making recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies and the Administrative Office of the Courts, and any other input received from the courts; and
- (3) Representing the council's position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas.

(Subd (a) amended and relettered effective August 14, 2009; adopted as subd (b); previously amended effective September 1, 2003.)

(b) Building consensus

The committee builds consensus on issues of importance to the judicial branch consistent with the council's strategic plan with entities and individuals outside of the branch.

(Subd (b) adopted effective August 14, 2009.)

(c) Coordination

The committee develops an annual plan for communication and interaction with other branches and levels of government, components of the justice system, the bar, the media, and the public.

(Subd (c) amended effective August 14, 2009; previously amended effective September 1, 2003.)

(d) Advisory committees

The committee may direct any advisory committee to provide it with analysis or recommendations on any pending or proposed legislation, and reviews all recommendations from advisory committees regarding pending or proposed legislation.

(Subd (d) amended effective January 1, 2007; adopted effective September 1, 2003.)

Rule 10.12 amended effective August 14, 2009; adopted as rule 6.12 effective January 1, 1999; previously amended effective September 1, 2003; previously amended and renumbered effective January 1, 2007.

Policy Coordination and Liaison Committee

As of August 6, 2015

Hon. Kenneth K. So, Chair

Judge of the Superior Court of California,
County of San Diego
220 West Broadway
San Diego, CA 92101
(619) 450-5055
Fax (619) 450-5716
kenneth.so@sdcourt.ca.gov

Mailing Address

*P.O. Box 122724
San Diego, CA 92112-2724*

Hon. Gary Nadler, Vice-Chair

Judge of the Superior Court of California,
County of Sonoma
3035 Cleveland Avenue, Suite 200
Santa Rosa, CA 95403
(707) 521-6725
Fax (707) 521-6750
gnadler@sonomacourt.org

Hon. Brian John Back

Judge of the Superior Court of California,
County of Ventura
4353 Vineyard Avenue
Oxnard, CA 93036
(805) 289-8820
Fax (805) 981-5954
brian.back@ventura.courts.ca.gov

Mr. Mark G. Bonino

Hayes, Scott, Bonino, Ellingson & McLay, LLP
203 Redwood Shores Pkwy., Ste 480
Redwood City, CA 94065
(650) 637-9100
Fax (650) 637-8071
mbonino@hayesscott.com

Hon. Samuel K. Feng

Judge of the Superior Court of California,
County of San Francisco
850 Bryant Street, Room 101
San Francisco, CA 94103
(415) 551-0313
sfeng@sftc.org

Ms. Kimberly Flener

Court Executive Officer
Superior Court of California,
County of Butte
One Court Street
Oroville, CA 95965
(530) 532-7013
Fax (530) 538-8567
kflener@buttecourt.ca.gov

Hon. James M. Humes

Presiding Justice of the Court of Appeal
First Appellate District, Division One
350 McAllister Street
San Francisco, CA 94102-3600
(415) 865-7310
jim.humes@jud.ca.gov

Mr. Patrick M. Kelly

Partner
Wilson Elser
555 S Flower Street, Suite 2900
Los Angeles, CA 90071
(213) 330-8800
Fax (213) 443-5101
patrick.kelly@wilsonelser.com

Ms. Donna D. Melby

Partner
Paul Hastings Janofsky & Walker, LLP
515 South Flower Street, 25th Floor
Los Angeles, CA 90071
(213) 683-6098
Fax (213) 996-3098
donnamelby@paulhastings.com

Hon. Dean T. Stout

Assistant Presiding Judge of the Superior Court of
California,
County of Inyo
301 West Line Street
Bishop, CA 93514
(760) 873-7937
Fax (760) 872-2492
dean.stout@inyocourt.ca.gov

Hon. Charles D. Wachob

Assistant Presiding Judge of the Superior Court of
California,
County of Placer
10820 Justice Center Drive
Roseville, CA 95678
(916) 408-6210
Fax (916) 408-6188
cwachob@placer.courts.ca.gov

Mailing Address

*P.O. Box 619072
Roseville, CA 95661-9072*

JUDICIAL COUNCIL STAFF LIAISON

Ms. Laura Speed

Assistant Director
Governmental Affairs
Judicial Council of California
770 L Street, Suite 1240
Sacramento, CA 95814-3393
(916) 323-3235
Fax (916) 323-4347
laura.speed@jud.ca.gov

**JUDICIAL COUNCIL STAFF TO THE
COMMITTEE**

Ms. Yvette Casillas-Sarcos

Administrative Coordinator
Governmental Affairs
Judicial Council of California
770 L Street, Suite 1240
Sacramento, CA 95814-3393
(916) 323-3121
Fax (916) 323-4347
yvette.casillas-sarcos@jud.ca.gov

Mr. Cory Jaspersen

Director
Governmental Affairs
Judicial Council of California
770 L Street, Suite 1240
Sacramento, CA 95814-3393
(916) 323-3121
Fax (916) 323-4347
cory.jaspersen@jud.ca.gov

Policy Coordination and Liaison Committee

ORIENTATION MATERIALS

MONDAY, OCTOBER 26, 2015

*Included Is an Excerpt of the
Orientation Materials*



JUDICIAL COUNCIL
OF CALIFORNIA

GOVERNMENTAL AFFAIRS

Judicial Council–Sponsored Legislation Calendar

Month	Judicial Council
January–March	<ul style="list-style-type: none"> • Advisory committees, in consultation with Governmental Affairs staff, develop proposals for council-sponsored legislation.
April–May	<ul style="list-style-type: none"> • Advisory committee, in consultation with Governmental Affairs staff, circulates draft proposals for council-sponsored legislation to interested and affected parties.
June	<ul style="list-style-type: none"> • Deadline for public comment on proposed council-sponsored legislation.
June–August	<ul style="list-style-type: none"> • Advisory committee consults with Governmental Affairs staff regarding responses to comments and further development of proposals for council-sponsored legislation.
September–October	<ul style="list-style-type: none"> • Deadline for advisory committee and Governmental Affairs staff to jointly submit finalized draft proposals for council-sponsored legislation to the Policy Coordination and Liaison Committee (PCLC).
October	<ul style="list-style-type: none"> • PCLC makes recommendations for council action on council-sponsored legislative proposals for upcoming legislative year.
December	<ul style="list-style-type: none"> • Judicial Council acts on PCLC recommendations for council-sponsored legislation for upcoming legislative year.

Guidelines for Development of Judicial Council–Sponsored Legislation

This summary describes the typical process the Judicial Council follows when developing and approving proposals for sponsored legislation. It also describes how Governmental Affairs advocates for enactment of these proposals in the Legislature.

I. Judicial Council Process

A. Sources of Legislative Proposals

Because it often takes several months to fully develop a legislative proposal, the process should begin early in the year. (*See the Judicial Council–sponsored Legislation Calendar.*) Judicial Council advisory committees are well situated to identify and develop proposals for statutory change. Committee members have extensive expertise in the committee’s subject area and often have ideas for improving statutory law. In addition, advisory committees may receive requests for council sponsorship of legislative proposals from outside sources.

Suggestions for how an advisory committee may wish to identify proposals for council-sponsored legislation include:

- The advisory committee chair may devote a portion of one or more meetings each year to identifying legislative proposals for the following year’s legislative session.
- The advisory committee may establish a working group or task force composed of committee members responsible for reviewing the relevant codes, or specific subjects or issues within those codes, to identify potential legislation.
- Advisory committees may receive legislative proposals from outside sources. When a person or organization submits a legislative proposal to the Judicial Council, staff forwards the proposal to the appropriate advisory committee and Governmental Affairs staff for consideration.

B. Advisory Committee Process for Developing Proposals

This section describes the steps an advisory committee takes to develop and review legislative proposals for substantive merit.

1. **Assess Viability of Proposal** – For each legislative proposal, the advisory committee takes the following actions:

- The advisory committee, in consultation with Governmental Affairs staff, determines a time frame for consideration of the proposal, keeping in mind the September/October deadline for submission of legislative proposals to PCLC.
 - If the advisory committee rejects a proposal submitted by an outside source, committee staff will notify the proponent of that action.
 - If the advisory committee accepts or modifies a proposal from an outside source, or decides to recommend sponsorship of an internally generated proposal, the committee proceeds to the next steps.
2. **Coordinate with Governmental Affairs** – Advisory committee staff should work with Governmental Affairs staff to coordinate work on all aspects of the proposals.
 3. **Review and Analyze** – Advisory committees review proposals for substantive merit before transmitting them to PCLC. A typical analysis of a proposal should include:
 - A description of the problem to be addressed, including its scope.
 - A description of how the problem affects the judicial branch.
 - A description of the proposed solution.
 - A discussion of any alternative solutions, including an analysis of why the recommended solution is preferable.
 - A discussion of any opposing viewpoints.
 - A description of any foreseeable problems with the proposed solution.
 - Draft language for the proposed legislation.
 - A determination whether the Judicial Council and/or the Legislature should give the proposal urgent consideration and the reasons for this.

Advisory committees may use the worksheet provided on page 13 to assist with this analysis and other important considerations.

4. **Evaluate Sponsorship Criteria** – Once an advisory committee determines that a particular proposal has merit, the committee should consider certain criteria in assessing whether Judicial Council sponsorship is appropriate and desirable.

Limited resources, competing priorities, and political realities impose practical limitations on the council's ability to sponsor every worthwhile legislative proposal presented. The advisory committee and Governmental Affairs should jointly consider each of the following questions:

- Is the proposal within the Judicial Council's purview?

Council-sponsored measures should involve only those issues that are central to the council's mission and goals as stated in the Judicial Council's Strategic Plan.

- Should the proposal be addressed through the Judicial Council's rulemaking authority rather than by a change in statute?

The council prefers to implement changes through rules of court wherever appropriate.

- Is the Judicial Council the best sponsor?

The advisory committee and Governmental Affairs may determine that a proposal more closely serves the mission or objectives of another organization such as the State Bar. A Judicial Council-sponsored proposal should address issues fundamental to the administration of justice and broadly serve the needs of the courts statewide.

- What political factors are associated with the proposal?

Governmental Affairs is responsible for providing advice about the political factors associated with a proposal.

5. **Circulate for Comment** – If an advisory committee wishes to circulate a proposal for comment, the committee staff consults with Governmental Affairs. If it is determined that the proposal is appropriate for circulation, the committee submits the proposal to PCLC for consideration. If PCLC agrees with the advisory committee's recommendation, the proposal may be circulated for public comment. After the comment deadline, committee staff and Governmental Affairs jointly review the comments. Advisory committee staff then summarizes and presents the comments to the committee. Following consideration of the comments, the advisory committee may modify the proposal based on the comments, recommend adoption of the proposal as originally presented, or recommend non-adoption based on the comments received.

6. **Advisory Committee Action** – Upon completion of the review procedures and consideration of the evaluation criteria above, the advisory committee may adopt one of the following actions:

- Approve the proposal as submitted.
- Approve the proposal with modifications.
- Reject the proposal. The advisory committee should inform the source of the proposal of this decision.

If the advisory committee approves the proposal, the committee forwards the proposal to PCLC for consideration. Final proposals must be submitted to PCLC using the template for memos to Judicial Council internal committees by the September/October deadline in order to be considered for Judicial Council sponsorship during the following legislative year. All advisory committee proposals submitted to PCLC are referred to Governmental Affairs, which may prepare a separate analysis and recommendation for PCLC.

C. Policy Coordination and Liaison Committee Action

Each October, PCLC reviews the proposal(s), the advisory committee recommendation(s), and any analyses and recommendations prepared by Governmental Affairs. PCLC may recommend the proposal for Judicial Council sponsorship and forward it to the Judicial Council, send it back to the advisory committee for further consideration, or take other action as necessary. If PCLC modifies or rejects the proposal, Governmental Affairs will return the proposal to the submitting advisory committee. The advisory committee may either accept PCLC's recommendation or request that the full council review PCLC's recommendation.

D. Judicial Council Action

The sponsored-legislation proposals are presented by PCLC to the Judicial Council in December for consideration. The Judicial Council reviews the proposals, along with PCLC's recommendation contained in a report prepared by Governmental Affairs. Once the council approves a proposal, it becomes "sponsored" legislation. If the Judicial Council does not approve a proposal for sponsorship, or takes a different action on the proposal, Governmental Affairs will communicate the action to the submitting advisory committee.

E. Delegation of authority to PCLC to sponsor legislative proposals on behalf of the council

The Judicial Council has delegated to PCLC the authority to take positions to sponsor legislative proposals on behalf of the council when time is of the essence. Acting under this delegation, PCLC notifies the chairs of the Executive and Planning Committee and the Rules and Projects Committee of any PCLC meetings at which such actions will be considered so that they may participate if available. PCLC is also required to notify all other Judicial Council members, if feasible, of the intended action. After acting under this delegation, PCLC is required to notify the Judicial Council of all actions taken.

II. Advocacy Process

A. Legislative Author

Governmental Affairs staff will seek a legislator to introduce the council–sponsored proposal. An appropriate author for the bill is one who:

- Has substantial experience with the subject of the bill; often the author is the chair or a member of the policy committee with subject-matter jurisdiction over the bill.
- Understands Judicial Council needs and objectives.
- Has experience with the legislative process.
- Is an effective negotiator with members of both parties.

B. Governmental Affairs Responsibilities

Governmental Affairs acts as the primary advocate for Judicial Council–sponsored legislation. Governmental Affairs advocates are responsible for the following, among other things:

- Preparing background material for the bill, including analyses and fact sheets for the author. The analyses include a description of the problem the bill seeks to address, an explanation of how the bill corrects that problem, the likely supporters and opponents of the bill, questions the bill raises that may need further research, and any other information necessary.
- Communicating information about the bill to the appropriate legislative committee(s) with subject-matter jurisdiction. Advocates work extensively with committee staff as well as the committee members. In moving through the legislative process, a bill will

be heard by at least one policy committee (such as the Judiciary Committee), and, if appropriate, a fiscal committee, before being debated and voted upon by the full membership on the floor of each house.

- Coordinating with stakeholders to build a broad coalition in support of the bill.
- Coordinating the content and timing of communications between all supporters and the Legislature.
- Negotiating with the proposal's opponents to determine whether amendments can eliminate opposition and still achieve the council's objectives.
- Meeting with the Governor and/or his or her staff to advocate that the bill be signed into law.

Formulating a Position on Pending Legislation (*not sponsored by the Judicial Council*)

The Judicial Council, acting through the Policy Coordination and Liaison Committee, strives to improve the administration of justice by representing the interests of the judicial branch to the Legislature, the executive branch, other entities involved in the legislative process or interested in the judiciary, and the general public.

The Judicial Council supports the integrity and independence of the judicial branch and seeks to ensure that judicial procedures enhance efficiency and access to the courts. The council generally does not take a position on substantive law/policy. However, the council may take a position on legislation that involve issues central to the council's mission and goals as stated in the Judicial Council's Strategic Plan. The council may also take a position on an apparent issue of substantive law if issues presented directly affect court administration or negatively affect existing judicial services by imposing unrealistic burdens on the judicial branch.

The following are procedures Governmental Affairs uses in developing recommendations for and carrying out PCLC and council directives regarding legislation.

Positions on Legislation

Governmental Affairs reviews all introduced and amended legislation to determine whether a bill is of interest to the judicial branch. For each bill of interest, staff determines whether the council is likely to take or may want to take a position on the bill. One or more council advisory committees (or subcommittees) within the appropriate subject area review each bill on which the council may want to take a position. The advisory committees either recommend a position or recommend that the council take no position.

Governmental Affairs submits bills on which an advisory committee recommends a position to PCLC for determination of a council position. Additionally, staff may also choose to bring a bill before PCLC on which an advisory committee has recommended no position. Staff presents each bill to PCLC with an analysis that includes a summary of the bill, a recommended position from one or more advisory committees and, if different, the Governmental Affairs recommendation, the rationale for the recommendation(s), positions the council has taken on related bills, fiscal and workload impacts, and other relevant information. If two or more advisory committees (or staff) have recommended different positions, each committee chair or his or her designee will be invited to the meeting to present the committee's recommendation.

The council has established several positions PCLC may take on a bill. These positions do not indicate the relative strength of the council's support or opposition, but the aims of Governmental Affairs advocacy efforts. The positions are:

- 1) ***Oppose***: An oppose position may be taken on a bill that conflicts with established council policies, and for which obvious changes would not resolve the conflict.
- 2) ***Oppose unless amended/Oppose unless funded***: This position may be taken on a bill that the council will oppose unless identified amendments are taken to address those conflicts with council policy, impacts on the courts, or unless funding issues are resolved.
- 3) ***Neutral if amended/Neutral if funded***: A neutral position taken on a bill the substance of which does not implicate council policy, but on which technical corrections or amendments would improve the measure.
- 4) ***Support in concept***: This position may be taken on a bill that, in concept, furthers council policy, but that is not yet drafted in sufficient detail for the council to support.
- 5) ***Support if amended/Support if funded***: This position may be taken on a bill that, with specified amendments or funding, would further the council's policies. Absent the amendments or necessary funding the council position is neutral.
- 6) ***Support***: Position taken on a bill that aligns with or furthers council policy.
- 7) ***No position***: PCLC may choose to take no position on a bill that addresses substantive issues on which the council takes no position, though the measure may affect the courts.

PCLC may also provide instruction to Governmental Affairs to do further research or work with the author prior to taking a position on a bill.

PCLC Meeting Schedule and Agenda

PCLC meets regularly during the legislative session, usually by conference call. Beginning in late February or early March, the committee sets a schedule of meetings at least every three weeks. If a meeting is not needed, Governmental Affairs will notify PCLC members by e-mail of the cancellation. Late in the legislative session, and during budget negotiations, it may be

necessary to schedule several meetings on short notice to discuss or resolve late-breaking issues. All PCLC meetings must be in compliance with California Rule of Court, Rule 10.75 governing meetings of advisory bodies.

Governmental Affairs prepares a written analysis of each bill for PCLC. Governmental Affairs may place bills that do not appear to require discussion or deliberation on PCLC's consent calendar. The consent calendar saves the committee time by eliminating the need to review bills that are consistent with clearly established council policies and positions. However, any committee member may remove an item from the consent calendar to discuss the bill's merits or the recommended action.

Bills that are on the discussion agenda include those that require discussion, and those bills on which the staff recommendation differs from the recommendation of an advisory committee or when the recommendations from two or more advisory committees differ. In the latter instances, staff will request that a representative of the advisory committee(s) participate in the PCLC meeting. The representatives will present the advisory committee's views, and take questions from PCLC members. PCLC may then excuse the guest and deliberate further and prior to taking action.

Legislative Advocacy

Once PCLC adopts a position on a bill, it is the position of the Judicial Council. That position and associated policies become the cornerstone of Governmental Affairs advocacy efforts. The adopted position is presented in subsequent negotiating sessions, discussions with interested parties, and meetings with legislators. A letter setting forth the position and policies is sent to the bill's author, legislative committee members, the Governor, and other interested parties.

Generally, PCLC's initial guidance and position is sufficient to direct Governmental Affairs advocacy throughout the legislative process. Occasionally, as a bill progresses or is amended, staff will request further direction from PCLC because of a particular bill's significance, complexity, the sensitivity of an issue, or the direction taken by the amendments. PCLC may be asked to reconsider the matter at a subsequent meeting.

Coordination With Other Groups

The Judicial Council advances its position on legislation most successfully when it allies itself with other entities such as county government representatives, law enforcement, attorneys, and consumer advocates. Governmental Affairs works to develop coalitions on issues of common interest. These coalitions often last for years, effectively supporting and opposing a variety of bills. For example, the council's efforts regarding trial court facilities legislation involved close coordination with the California State Association of Counties. Other groups with which the council has long-standing working coalitions include the Consumer Attorneys of California, the Bench-Bar Coalition, California Defense Counsel, the California Judges Association (CJA), the

State Bar of California, and others. These and other working relationships have evolved during many years of cooperative effort.

On most court-related issues, Governmental Affairs maintains close contact with representatives of CJA and the State Bar. Additionally, Governmental Affairs confers regularly with the California Court Association Legislation Committee (CCALC) to discuss or request analytical information about pending legislation with members of the court community. The CCALC members are court employees who provide vital input related to the operational impact of proposed legislation.

Legislative Fiscal Analysis

In addition to its legislative screening process, Governmental Affairs identifies bills that require a fiscal analysis. In the years since the State assumed responsibility for trial court funding, Governmental Affairs has, through joint efforts with the Finance Division, developed a process to ensure that both timely and accurate fiscal analyses are submitted to the Legislature. The legislative advocate works with the fiscal analyst to develop an accurate fiscal analysis. The fiscal analyst confirms the cost issues and, if necessary, works with the advocate to determine an appropriate approach and methodology, identify available resources, and clarify any technical issues affecting the analysis.

There are a variety of resources available to assist in the development of fiscal and workload analyses. The Office of Court Research assists in data collection and analysis. Governmental Affairs also works closely with other council program areas (e.g., civil, criminal, family, and juvenile law, jury service, traffic programs, and the court interpreter program). Staff also works with local courts to assist in the development of fiscal analyses. The Operational and Budget Impact Working Group of the Court Executives Advisory Committee has identified court staff with whom Governmental Affairs may consult to get input in large, medium, small, urban, and rural courts on the fiscal impact of pending legislation. A fiscal analysis may be submitted on bills that the council has not taken a position on.

Judicial Council Legislative Policy Summary

The Judicial Council Legislative Policy Summary sets forth the council's historical policies on key legislative issues. The summary helps to ensure that council members, advisory committee members, and council staff have a common understanding of council policy on issues presented in proposed legislation. The summary reflects the council's most recent positions on legislative issues and identifies how those positions are derived from the Judicial Council's strategic plan. The Legislative Policy Summary also defines the Judicial Council's limited purview when considering pending legislation.

Formulating a Judicial Council Position on Legislation (*not* sponsored by Judicial Council)

Governmental Affairs

When bills are introduced in the Legislature, Governmental Affairs identifies those that may affect the judicial branch. Governmental Affairs summarizes the bill, describes key aspects of the legislation and, if within Judicial Council purview, forwards the bill to a Judicial Council advisory committee for review and recommendation.

Advisory Committee

The advisory committee (or its subcommittee) reviews the legislation and recommends a position. The advisory committee recommendation along with Governmental Affairs analysis and recommendation are presented to the PCLC for review.

Policy Coordination and Liaison Committee

PCLC reviews the bill, Governmental Affairs analysis, and recommendation(s). The committee, on behalf of the Judicial Council, may adopt one of the following positions on the bill:

- oppose
- oppose unless amended (or funded)
- neutral
- support if amended (or funded)
- support
- no position

In an unusual circumstance, PCLC may refer the bill to the full Judicial Council for review and position. Once PCLC or the Judicial Council has taken a position, Governmental Affairs advocates that position throughout the legislative process.

Proposal for Judicial Council–Sponsored Legislation

Advisory Committee: _____ Date: _____

Contact Person: _____

Governmental Affairs Liaison: _____

1. Describe the problem to be addressed.
2. How does this problem affect the judicial branch?
3. What is the proposed solution?
4. Discuss Alternative solutions. Why is the recommended solution preferable?
5. Minority viewpoints.
6. Any foreseeable problems with the proposed solution?
7. Should the Judicial Council give this proposal urgent consideration?
If so, why?
8. Is the proposal within the Judicial Council’s purview?
9. Should the proposal be carried out by amending the California Rules of Court instead of legislation?
10. Why is the Judicial Council the best sponsor?
11. What political factors are associated with the proposal?

Please attach draft language.



RULES AND PROJECTS COMMITTEE

The Rules and Projects Committee (RUPRO) is an internal advisory committee to the Judicial Council. RUPRO is charged with:

- Reviewing and recommending new or amended rules, standards, and forms to the council;
- Establishing a process by which rules of court administration, practice, and procedure are developed; and
- Establishing and maintaining a process for comment and development of jury instructions.

The committee has been assigned oversight of certain council advisory groups by the Chief Justice. RUPRO ensures that the activities of those advisory groups are consistent with the council's goals and policies.

All RUPRO members are appointed by the Chief Justice of California.

In this section you will find:

- A description of the role and structure of RUPRO;
- California Rules of Court, rules 10.13 and 10.22;
- A roster of RUPRO members;
- RUPRO Schedule for Rules, Standards, and Forms Proposals;
- Policy on the Judicial Council's Rule-Making Authority;
- Policies and Guidelines for Rules, Forms, and Standards; and
- Fact Sheet: How a Proposal Becomes a Rule.

Rules and Projects Committee

ROLE AND STRUCTURE

Responsibilities and Charge

The Judicial Council's Rules and Projects Committee:

- Establishes and maintains a rule-making process that is understandable and accessible to the legal-judicial community and the public by (1) establishing and publishing procedures—for the proposal and adoption of rules, forms, and jury instructions—that ensure that relevant input from the public is solicited and considered; (2) providing guidelines for the style and format of rules, forms, and standards; and (3) reviewing proposed rules, standards, and forms and circulating those proposals for public comment in accordance with the committee's procedures and guidelines;
- Assists the council in making informed decisions about rules of court administration, practice, and procedure by (1) determining whether a proposal for new or amended rules, standards, or forms has complied with the committee's procedures and guidelines on style and format; and (2) recommending to the council whether the proposal should be approved and, when appropriate, identifying issues for discussion; and
- For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, ensures that each group's activities are consistent with the council's goals and policies.

Membership

The Chief Justice appoints all members of RUPRO for one-year terms. The chair of the committee is selected by the Chief Justice and may be the Chief Justice.

Meeting Type and Frequency

RUPRO typically meets in person or by videoconference three to five times per year, including an orientation for new members. In-person meetings are usually called to review proposals for public circulation in the regular spring and winter rules cycles, to review the same proposals after public circulation and before they are considered by the council in the fall, and to consider advisory committee annual agendas or work plans. In-person meetings are generally one full day.

In addition, RUPRO generally meets by conference call to consider proposals for public circulation that fall outside the regular rules cycles. Conference calls are generally held in the middle of the day and last about an hour.

Finally, RUPRO will act, if necessary, by e-mail between meetings.



2015 California Rules of Court

Rule 10.13. Rules and Projects Committee

(a) Rules, standards, and forms

The Rules and Projects Committee establishes and maintains a rule-making process that is understandable and accessible to justice system partners and the public. The committee:

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

(Subd (a) adopted effective August 14, 2009.)

(b) Jury instructions

The committee establishes and maintains a process for obtaining public comment on the jury instructions and assists the council in making informed decisions about jury instructions.

(Subd (b) adopted effective August 14, 2009.)

(c) Recommendations

The Rules and Projects Committee assists the council in making informed decisions about rules of court, forms, standards of judicial administration, and jury instructions. The committee:

- (1) Recommends whether the council should approve, modify, or reject each proposal;
- (2) Recommends to the Executive and Planning Committee whether a proposal should be on the council's consent or discussion agenda and how much time should be allocated for discussion; and
- (3) When appropriate, identifies issues for discussion.

If the Rules and Projects Committee recommends against approval, it states the reasons for its recommendation.

(Subd (c) adopted effective August 14, 2009.)

(d) Circulating orders

The committee initiates circulating orders to allow the council to adopt rules, standards, and forms between council meetings, if necessary.

(Subd (d) adopted effective August 14, 2009.)

(e) Oversight of advisory committees and task forces

For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the Rules and Projects Committee ensures that the activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:

- (1) Communicates the council's annual charge to each; and
- (2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

(Subd (e) adopted effective August 14, 2009.)

(f) Responsibility of the Administrative Director of the Courts

The Administrative Director is responsible for ensuring that items submitted to the committee for circulation for comment and the council's agenda comply with the committee's procedures and its guidelines on format and style.

(Subd (f) adopted effective August 14, 2009.)

Rule 10.13 amended effective August 14, 2009; adopted as rule 6.13 effective January 1, 1999; previously amended effective September 1, 2003; previously amended and renumbered effective January 1, 2007.

Rule 10.22. Rule-making procedures

(a) Who may make proposals

A Judicial Council internal committee, advisory committee, task force, or the Administrative Office of the Courts may recommend that the council adopt, amend, or repeal a rule or standard or adopt, approve, revise, or revoke a form.

(Subd (a) amended effective January 1, 2007.)

(b) Legal and advisory committee review

The internal committee, advisory committee, task force, or Administrative Office of the Courts (the proponent) must first submit its proposal to the Office of the General Counsel for legal and drafting review. If the proponent is not an advisory committee, and an appropriate advisory committee exists, the proponent must also submit the proposal to that advisory committee for review.

(Subd (b) amended effective January 1, 2007.)

(c) Recommendation to Rules and Projects Committee

After the proposal has been reviewed by the Office of the General Counsel and any appropriate advisory committee, the proponent must submit the proposal to the Rules and Projects Committee with a recommendation that it be (1) circulated for public comment or (2) submitted to the council for approval without public comment.

(d) Review by Rules and Projects Committee

The Rules and Projects Committee must review the recommendation and may take one of the following actions:

- (1) Circulate the proposal for public comment;
- (2) If the proposal presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy, recommend that the council adopt it without circulating it for comment;
- (3) Postpone circulation for comment and either request further information or analysis by the proponent or refer the matter to another council internal or advisory committee, the full council, or the Chief Justice; or
- (4) Reject the proposal if it is contrary to statute, conflicts with other rules or standards, or is contrary to established council policy.

(Subd (d) amended effective January 1, 2007.)

(e) Review of comments

After a proposal is circulated, the proponent must review the comments and decide whether to reject the proposal or to recommend that the council adopt it, with or without modifications.

(f) Submission to council

If, after reviewing the comments, the proponent recommends that the council adopt the proposal, the matter will be placed on the council's agenda. The Rules and Projects Committee must review the recommendation and submit its own recommendation to the council. The council may adopt, modify, or reject the proposal.

(g) Compelling circumstances

The procedures established in this rule must be followed unless the Rules and Projects Committee finds that compelling circumstances necessitate a different procedure. The committee's finding and a summary of the procedure used must be presented to the council with any recommendation to the council made under this subdivision.

Rule 10.22 amended and renumbered effective January 1, 2007; adopted as rule 6.22 effective January 1, 2002.

Rules and Projects Committee

As of August 6, 2015

Hon. Harry E. Hull, Jr., Chair

Associate Justice of the Court of Appeal
Third Appellate District
914 Capitol Mall, 4th Floor
Sacramento, CA 95814
(916) 654-0209
Fax (916) 653-0317
harry.hull@jud.ca.gov

Ms. Kimberly Flener

Court Executive Officer
Superior Court of California,
County of Butte
One Court Street
Oroville, CA 95965
(530) 532-7013
Fax (530) 538-8567
kflener@buttecourt.ca.gov

Hon. Brian John Back, Vice-Chair

Judge of the Superior Court of California,
County of Ventura
4353 Vineyard Avenue
Oxnard, CA 93036
(805) 289-8820
Fax (805) 981-5954
brian.back@ventura.courts.ca.gov

Mr. Patrick M. Kelly

Partner
Wilson Elser
555 S Flower Street, Suite 2900
Los Angeles, CA 90071
(213) 330-8800
Fax (213) 443-5101
patrick.kelly@wilsonelser.com

Mr. Jake Chatters

Court Executive Officer of the Superior Court
of California, County of Placer
P.O. Box 619072
Roseville, CA 95661
(916) 408-6186
Fax (916) 408-6188
jchatters@placer.courts.ca.gov

Hon. Dalila C. Lyons

Judge of the Superior Court of California,
County of Los Angeles
111 North Hill Street
Los Angeles, CA 90012
(213) 633-0520
dclyons@lacourt.org

Hon. Emilie H. Elias

Judge of the Superior Court of California,
County of Los Angeles
600 S. Commonwealth Ave
Los Angeles, CA 90005
(213) 351-7524
Fax (213) 637-9698
eelias@lacourt.org

Hon. Brian L. McCabe

Presiding Judge of the Superior Court of California,
County of Merced
2260 N Street
Merced, CA 95340
(209) 725-4172
Fax (209) 725-4122
brian.mccabe@mercedcourt.org
Mailing Address
627 West 21st Street
Merced, CA 95340

Ms. Debra Elaine Pole

Partner
Sidley Austin LLP
555 W 5th St
Los Angeles, CA 90013
(213) 896-6623
Fax (213) 896-6600
dpole@sidley.com

Hon. Martin J. Tangeman

Assistant Presiding Judge of the Superior Court of
California,
County of San Luis Obispo
1035 Palm Street
San Luis Obispo, CA 93408
(805) 781-5936
Fax (805) 781-1071
martin.tangeman@slo.courts.ca.gov

Hon. Eric C. Taylor

Supervising Judge of the Superior Court of California,
County of Los Angeles
825 Maple Avenue
Torrance, CA 90503
(310) 222-8832
Fax (310) 783-5109
etaylor@lacourt.org

**JUDICIAL COUNCIL STAFF TO THE
COMMITTEE**

Ms. Camilla Kieliger

Court Services Analyst
Legal Services
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688
(415) 865-7681
Fax (415) 865-4317
camilla.kieliger@jud.ca.gov

Ms. Susan R. McMullan

Senior Attorney
Legal Services
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688
(415) 865-7990
Fax (415) 865-7664
susan.mcmullan@jud.ca.gov

Mr. Patrick O'Donnell

Managing Attorney
Legal Services
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688
(415) 865-7665
Fax (415) 865-7664
patrick.o'donnell@jud.ca.gov

RUPRO Schedule for Rules, Standards, and Forms Proposals
Effective July 1, 2016, and January 1, 2017
(for items requiring circulation for comment)

Effective date of rules, standards, forms	July 1, 2016 Urgent Cycle	Jan 1, 2017
Advisory committee meeting	November 2015	February 2016
Proposals to RUPRO staff (Include Action Request Form, summary, and text of rule, standard, or form.)	Tues, Nov 10, 2015 [11/11 is Veteran's Day]	Mon, Mar 7, 2016
Proposals mailed to RUPRO	Fri, Nov 20, 2015	Wed, Mar 16, 2016
RUPRO meeting to approve proposals to circulate for comment	Dec 10 or 11, 2015 <i>In-person meeting, in connection with JC meeting; preferably 12/10, in order to get ItCs posted the following day</i>	Wed, Apr 6, 2016 <i>in-person meeting/ videoconference</i>
Comment period	Fri., Dec 11, 2015–Fri, Jan 22, 2016	Fri, Apr 8, 2016–Wed, June 8, 2016
Comments to committee staff	Mon, Jan 25, 2016	Fri, June 10, 2016
Advisory committee meeting	February 2016	July 2016
Reports to RUPRO staff (Include Action Request Form; council report with text of rules, standards, and forms; comment chart with committee responses.)	Fri, Feb 26, 2016	Mon, Aug 1, 2016
Reports mailed to RUPRO	Tues., Mar 8, 2016	Fri, Aug 12, 2016
RUPRO meeting to consider reports going to the council	Fri, Mar 18, 2016, 12:10–2:00 p.m. <i>conference call</i>	Wed, Sep 7, 2016 <i>in-person meeting/ videoconference [9/5 is Labor Day]</i>
JCAR and DRAFT reports to E/P Committee staff	Feb 29–Mar 4, 2016	Sep 21–25, 2016
E&P meeting to set agenda	Thurs, Mar 24, 2016	Thurs, Oct 13, 2016
FINAL reports due to JCS	Fri, Apr 1, 2016	Tue., Oct 18, 2016
Binders mailed to council	Thurs, Apr 7, 2016	Thurs, Oct 20, 2016
Judicial Council meeting	Fri, Apr 15, 2016	Fri, Oct 28, 2016

Policy on the Judicial Council’s Rule-Making Authority

The following policies and positions should be applied (1) by the council’s advisory committees when recommending a rule change or a position on legislation and (2) by Judicial Council staff when presenting rules proposals to the council.

1. Before presenting a proposed rule change to the council, the advisory committee and staff should consider whether the proposed rule is arguably inconsistent with statute. In making recommendations to the council, the advisory committees and staff should consider both the likelihood that a rule might be found inconsistent with statute and the benefits of the rule. If a reasonable argument can be made that the rule is not inconsistent with statute, the change may be recommended despite the risk that the rule might be challenged and held to be invalid. **The report to the council should identify the benefits and balance them against the risk of unconstitutionality of the rule.** The report should also present the authorities and arguments that support the validity of the rule.

2. On topics that have been addressed by statute, the analysis of whether a rule adopted by the council is “inconsistent with statute” should take into account the following principles:

- a. Even if the rule is “not perfectly congruent” with the statute, the rule is valid as long as it does not conflict with and can be reconciled with the statute.¹
- b. The fact that a rule goes beyond what is contained in a statute does not make it inconsistent with the statute. Unless the circumstances show otherwise, it should be presumed that the Legislature simply chose not to establish specific procedures in that area and that the council is free to do so.²
- c. The mere failure to enact legislation does not create an inconsistency between a rule and a statute that was adopted.³

Approved by the Judicial Council, eff. September 1, 2000.

¹ See *People v. Reeder* (1984) 152 Cal.App.3d 900.

² See *People v. Mendez* (1999) 19 Cal.4th 1084; *In re Juan C.* (1993) 20 Cal.App.4th 748; compare *Simpson v. Smith* (1989) 214 Cal.App.3d Supp. 7 (statute that was amended to delete notice requirement inconsistent with rule requiring notice).

³ See *Grube Development v. Superior Court* (1993) 4 Cal.4th 911 (noting that unpassed bills have little value in determining legislative intent because varying inferences can be drawn from the failure to adopt legislation); compare *California Court Reporters Assn. v. Judicial Council* (1995) 39 Cal.App.4th 15 (noting that while unadopted proposals ordinarily have little value in determining legislative intent, they may be more persuasive in deciding whether an administratively promulgated rule is consistent with legislation; given the uncertain status of unadopted proposals, the court reached its conclusion independent of the Legislature’s rejection of proposed amendments).

JUDICIAL COUNCIL
RULES AND PROJECTS COMMITTEE
Policies and Guidelines For Rules, Forms, and Standards

I. Need for new rule

The Judicial Council should exercise restraint in adopting a rule if the problem can be adequately addressed through either judicial branch education or a standard of judicial administration.

II. Proposals to circulate rules, standards, and forms

A. Circulation schedule.

The Rules and Projects Committee will establish a schedule for circulating proposals to adopt or amend rules, standards, and forms for comment no later than November 1 of each year, and will distribute this schedule to advisory committees and committee staff, presiding judges, court administrators, and bar associations.¹

Beginning in the year 2000, proposals for changes to rules and forms will be circulated for comment in March and April, to go into effect the following January 1. The Rules *and Projects* Committee may circulate a proposal in January and February, to go into effect the following July 1, or on some other schedule it determines, if one of the following, or a comparable special circumstance, exists:

¹ Rule 10.13(c) requires the Rules and Projects Committee to establish and publish a rule-making process “that is understandable and accessible to the public,” and establish procedures that “solicit and consider relevant input from the public for the proposal and adoption of rules, standards, and forms.”

1. The change is urgently needed to conform to the law;
2. The change is urgently needed to respond to a recent change in the law;
3. A statute, rule, or council decision requires the adoption or amendment of rules or forms by a specified date;
4. The change is urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; or
5. The proposal is being circulated for a second time, with modifications based on comments received.

B. Proposals not requiring circulation.

Subject to the approval of the Rules and Projects Committee, technical changes or corrections in a rule, standard, or form or minor substantive changes that are unlikely to create controversy may be submitted to the Judicial Council without circulation for comment.

C. Review by other advisory committees.

A proposal that significantly impacts court administration will be submitted to either the Trial Court Administrators and Presiding Judges Advisory Committees or the Appellate Presiding Justices Advisory Committee for review before it is circulated for general comment. Other

proposals will be reviewed by advisory committees that have either interest or expertise in the subject matter.

D. Recommendation to circulate.

An advisory committee *should* recommend that a proposal be circulated only if a majority of committee members preliminarily conclude that the proposal should be adopted.

E. Advisory Committee reports to the Rules and Projects Committee.

A Report recommending circulation of a proposal should:

1. Identify issues considered by the advisory committee;
2. Summarize the discussion concerning those issues;
3. State the reason for the resolution ultimately reached on those issues;
4. State the advisory committee's vote on the proposal; and
5. Identify any potential implementation problems created by the proposal.

F. Authority of the Rules and Projects Committee.

The Rules and Projects Committee will circulate a proposal recommended by an advisory committee, even if the Rules and Projects Committee *does* not agree with it, unless it clearly conflicts with an established policy of the council. However, the Rules and Projects Committee may:

1. Ask the advisory committee to clarify, modify, or reconsider the proposal in light of specific concerns that were not addressed by the advisory committee;
2. Make stylistic or format changes in the proposal; *or*
3. Add comments or information to the materials distributed.

G. Comment period.

Absent unusual circumstances, a proposal for a new or amended rule, standard, or form should be circulated for a 60-day public comment period. If exigencies preclude a full comment period, efforts must be made to ensure that the proposal receives necessary input from interested parties.

H. Comments by additional groups or individuals.

Proposals are mailed to presiding judges, court administrators, bar organizations, and other interested parties. In addition, the Judicial Council is interested in and encourages the comments of other individuals and groups. Therefore, the council's electronic information service, the media, and other resources will be used to widely distribute information about proposals. The Rules and Projects Committee will respond to each commentator, acknowledging the comment and informing the commentator when the council is expected to act on the proposal and how to obtain information about the council's action.

In addition, an advisory committee may conduct public hearings on a proposal, either to assist it in developing the initial proposal or to receive additional public

input after the proposal has been approved to circulate for comment.

I. *Summary of proposal.*

The summary of the proposal that is circulated for public comment should:

1. Summarize the proposal in clear, simple language and in a manner designed to draw the attention of interested parties
2. Invite comments on the general merits and specific aspects of the proposal, including any potential implementation problems, and the proposed effective date; and
3. Identify an Administrative Office of the Courts staff member who can be contacted for information about the proposal.

III. **Style**

A proposal will be written in a clear, simple style. Advisory committee staff must submit each proposal to the Office of the General Counsel for legal and stylistic review, to ensure that the proposal is legally sound and drafted in the appropriate style before submitting it to the Rules and Projects Committee with a recommendation to circulate for comment.

After January 1, 2001, all new rules and all amendments to existing rules should use the word “must” instead of “shall” to indicate a mandatory duty. If a rule amendment includes the word “must,” the entire rule should be revised to eliminate “shall” and to make any other changes that improve the clarity of the rule. If a minor amendment is made that does not include “must” or

“shall,” the rule need not be amended to eliminate “shall.”

IV. **Advisory Committee Consideration of Comments**

A. *Consideration of comments.*

An advisory committee *must* consider all *timely* comments about a proposal to adopt or amend a rule, standard, or form.

B. *Re-circulating proposals.*

If, after a proposal is circulated, the advisory committee makes a significant or controversial change to the proposal, the committee should consider re-circulating the revised proposal before submitting a recommendation to the Council.

C. *Significant policy and procedural changes.*

When a proposal involves a significant policy or procedural change, the advisory committee *should* consider proposing a format for implementation and providing model local rules, policies, or procedures to facilitate timely and successful implementation of any new requirement.

V. **Reports to Judicial Council**

A. *Content of report.*

An advisory committee report concerning a proposal to amend or adopt a rule, standard, or form previously circulated for comment should address:

1. Significant policy considerations for Judicial Council evaluation, including a clear statement of the principal arguments in favor of and against the proposal;

2. Controversial issues raised by commentators or considered by the advisory committee, a summary of the advisory committee discussion concerning the issues, and the reasons underlying the resolution reached;
3. The costs and benefits of the proposal, including any potential implementation problems; and
4. The advisory committee's vote on the proposal.

B. Submission of Reports to the Rules and Projects Committee.

After a proposal is circulated, an advisory committee's report to the council will be first submitted to the Rules and Projects Committee. The Rules and Projects Committee will make a recommendation to the Council, but lacks authority to preclude the council from considering a proposal *that has been circulated.*

C. Response to Advisory Committees.

The Rules and Projects Committee will inform each advisory committee chair of the recommendation or other action it takes on the advisory committee's report.

VI. Notice of changes to rules, standards, and forms

A. Notification.

1. The notice of approval, summary of changes, and text of a rule, standard, or form will be communicated to presiding judges, court administrators, publishers, and the media within 7 working days of approval.

2. The text of any new rule, standard, policy, or form and a summary of the reports to the council and comments received will be promptly placed on the Judicial Council electronic information service.
3. The Judicial Council electronic information service, as well as other appropriate means of communication, will explain the key elements and significance of any new rule, standard, policy, or form, and, if appropriate, may set forth an implementation plan, and provide model local rules and procedures.

B. Effective Date.

The effective date for new or amended rules, standards and forms will allow sufficient time for the bench and bar to become familiar with and effectively implement the change.

VII. Compelling circumstances

If staff contemplates that, because of compelling circumstances, a different procedure than is set forth in rule 10.21 or in any policies established by the Rules and Projects Committee must be used for a proposal, staff must promptly notify the chair of the Rules and Projects Committee of the situation and seek guidance as to the procedures to be followed. If the committee finds that compelling circumstances necessitate a different procedure, the finding and a summary of the procedure used must be presented to the council with any recommendation made to the council.

VIII. Published Comments. An advisory committee may draft “Advisory Committee Comments” to a rule which, if approved by the council, will be published with the rule. Published comments should be succinct and should be used sparingly. Comments should not be used as a substitute for the report to the council, which serves as “legislative history” of the rule and is available to the public on request. Comments are appropriate to address matters that should be brought to the attention of all users of the rule that cannot be addressed adequately in the rule itself.

Adopted by the Rules and Projects Committee December 12, 1997. Modified November 9, 1999 and December 17, 2001.



JUDICIAL COUNCIL OF
CALIFORNIA
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

September 2007

How a Proposal Becomes a Rule

The Judicial Council is authorized by the California Constitution to adopt rules for court administration, practice, and procedure that are not inconsistent with statute. (Cal. Const., art. VI, § 6.) Rules, forms, and standards of judicial administration are circulated for comment twice a year, for adoption effective January 1 and July 1. Generally, the council follows the procedure described below. (Cal. Rules of Court, rules 10.20–10.22.)

Submission of a Proposal

Many of the changes to the California Rules of Court and Judicial Council forms are made in response to changes in the law. However, any person or organization may submit a request for a new or amended rule of court, form, or standard of judicial administration. It is helpful if the proposal includes:

- The text of the proposed rule, standard, form, or amendment;
- A description of the problem to be addressed;
- The proposed solution and alternative solutions;
- Any likely implementation problems;
- Any need for urgent consideration;
- Known proponents and opponents;
- Any known fiscal impact; and
- If known, any previous action taken by the Judicial Council or an advisory committee.

Mail, fax, or e-mail proposals to Judicial Council of California, Attention: Chief Counsel (Rule/Form Proposal), 455 Golden Gate Avenue, San Francisco, California 94102-3688; fax: 415-865-7664; e-mail: legal-services@jud.ca.gov.

Advisory Committee Review

An advisory committee (for example, a committee of court executives or a committee on civil, criminal, or family law) analyzes the proposal and may take one of the following actions:

- Recommend to the Judicial Council’s Rules and Projects Committee that the proposal be circulated for public comment, with or without modification, or that it be adopted without being circulated for comment;
- Request further analysis by the proponent; or
- Reject the proposal.

Rules and Projects Review

The Rules and Projects Committee reviews the advisory committee’s request or recommendation and may take one of the following actions:

- Circulate the proposal for public comment, with or without modification;
- Recommend that the Judicial Council adopt it without circulating it for comment if the proposal presents a noncontroversial or a nonsubstantive, technical change or correction;
- Request further analysis by the advisory committee or the proponent;
- Refer the matter to another council committee, the full council, or the Chief Justice; or
- Reject the proposal if it is contrary to council policy or to statute or if it conflicts with other rules or standards.

Comments and Consideration

After the comment period closes, the advisory committee considers the comments and may:

- Recommend adoption of the original proposal;
- Modify the proposal and recommend adoption of the modified version;
- Study and analyze the proposal further; or
- Reject the proposal.

Final Action

If the advisory committee recommends adoption of a new or amended rule, form, or standard of judicial administration, the matter is placed on the Judicial Council's agenda. The Rules and Projects Committee reviews the advisory committee's recommendation and submits its own recommendation to the council. The council may adopt, modify, or reject the proposed rule, form, or standard—which, if adopted, usually becomes effective the following January 1 or July 1.

If compelling circumstances necessitate a different procedure from that just outlined, the Rules and Projects Committee presents its findings and a summary of the procedure, along with any recommendation, to the Judicial Council.

Contact:

Camilla Kieliger, Analyst, camilla.kieliger@jud.ca.gov

To comment on proposed changes during a comment period, please visit www.courts.ca.gov/policyadmin-invitationstocomment.htm

Additional resources:

Recent rule changes, www.courts.ca.gov/3025.htm

Amendment schedule, www.courts.ca.gov/xbcr/cc/itschedule.pdf

Current California Rules of Court, www.courts.ca.gov/rules.htm

Current Judicial Council forms, www.courts.ca.gov/forms.htm



LITIGATION MANAGEMENT COMMITTEE

The Judicial Council's Litigation Management Committee is charged with overseeing litigation and claims seeking recovery of \$100,000 or more against trial court judges, appellate court justices, the Judicial Council, its staff, the trial and appellate courts, and employees of these entities. The committee also, when necessary, resolves disagreements about major strategic decisions between presiding and administrative presiding judges and Judicial Council Legal Services. All members of the committee are appointed by the Chief Justice of California.

In this section you will find:

- A description of the role and structure of the committee;
- California Rules of Court, rules 10.14, 10.201, and 10.202; and
- A roster of committee members.

Litigation Management Committee

ROLE AND STRUCTURE

Responsibilities and Charge

The Litigation Management Committee oversees litigation and claims against trial court judges, appellate court justices, the Judicial Council, its staff, the trial and appellate courts, and the employees of those entities in which the likely monetary exposure is \$100,000 or more or that raise important policy issues by:

- Reviewing and approving any proposed settlement; and
- Consulting with the Administrative Director or Chief Counsel regarding important strategy issues.

The Litigation Management Committee also:

- Makes recommendations to the Judicial Council on policies governing the management of litigation involving the courts.
- Resolves courts' written objections to major strategic decisions, such as retention of counsel and proposed settlements, presented by the Chief Counsel.

Membership

The Chief Justice appoints all members of the committee for one-year terms. The chair of the committee is selected by the Chief Justice.

Meeting Type and Frequency

Brief in-person meetings are sometimes held in conjunction with council meetings, but most committee business is conducted on conference calls lasting less than one hour.



2015 CALIFORNIA RULES OF COURT

Rule 10.14. Litigation Management Committee

The Litigation Management Committee oversees litigation and claims against trial court judges, appellate court justices, the Judicial Council, the Administrative Office of the Courts, the trial and appellate courts, and the employees of those bodies in which the likely monetary exposure is \$100,000 or more or that raise issues of significance to the judicial branch by:

- (1) Reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and
- (2) Consulting with the Administrative Director or General Counsel, on request, regarding important strategy issues.

(Subd (a) amended effective August 14, 2009; previously amended effective January 1, 2003, January 1, 2007, and December 9, 2008.)

(b) Recommendations

The committee makes recommendations to the Judicial Council for policies governing the management of litigation involving the courts.

(Subd (b) amended effective August 14, 2009.)

(c) Strategic decisions

The committee resolves written objections described in rule 10.202(d) presented by the Office of the General Counsel.

(Subd (c) amended effective August 14, 2009; previously amended effective January 1, 2003, and January 1, 2007.)

Rule 10.14 amended effective August 14, 2009; adopted as rule 6.14 effective January 1, 2001; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2003, and December 9, 2008.

Rule 10.201. Claim and litigation procedure

(a) Definitions

As used in this chapter:

- (1) "Judicial branch entity" is as defined in Government Code section 900.3;
- (2) "Judge" means a judge or justice of a judicial branch entity;
- (3) "Office of the General Counsel" means the Office of the General Counsel of the Administrative Office of the Courts; and
- (4) "Litigation Management Committee" means the Litigation Management Committee of the Judicial Council.

(Subd (a) amended effective January 1, 2007.)

(b) Procedure for action on claims

To carry out the Judicial Council's responsibility under Government Code section 912.7 to act on a claim, claim amendment, or application for leave to present a late claim against a judicial branch entity or a judge, the Office of the General Counsel, under the direction of the Administrative Director of the Courts, must:

- (1) On receipt of a claim, claim amendment, or application for leave to present a late claim forwarded by a judicial branch entity, promptly consult with a representative of that entity about the merits of the claim, claim amendment, or application for leave to present a late claim;
- (2) Grant or deny an application for leave to present a late claim under Government Code section 911.6(b);
- (3) If determined by the Office of the General Counsel to be appropriate, refer a claim or claim amendment for further investigation to a claims adjuster or other investigator under contract with the Administrative Office of the Courts;

- (4) Reject a claim if it is not a proper charge against the judicial branch entity or judge;
- (5) Allow a claim in the amount justly due as determined by the Office of the General Counsel if it is a proper charge against the judicial branch entity and the amount is less than \$100,000; and
- (6) Make recommendations to the Litigation Management Committee regarding proposed settlements of claims requiring payments of \$100,000 or more.

(Subd (b) amended effective December 9, 2008; previously amended effective January 1, 2007.)

(c) Allowance and payment of claims

The following may allow and authorize payment of any claim arising out of the activities of a judicial branch entity or judge:

- (1) The Office of the General Counsel, under the direction of the Administrative Director of the Courts, if the payment is less than \$100,000; or
- (2) The Litigation Management Committee, for any claim.

(Subd (c) amended effective December 9, 2008.)

(d) Settlement of lawsuits and payment of judgments

The following may settle lawsuits, after consultation with the affected entity and any judge or employee being defended by the Judicial Council, and authorize payment of judgments arising out of the activities of a judicial branch entity or judge:

- (1) The Office of the General Counsel, under the direction of the Administrative Director of the Courts, if the payment is less than \$100,000 and the lawsuit does not raise issues of significance to the judicial branch; or
- (2) The Litigation Management Committee, for any settlement or judgment.

(Subd (d) amended effective December 9, 2008.)

Rule 10.201 amended effective December 9, 2008; adopted as rule 6.201 effective January 1, 2003; previously amended and renumbered effective January 1, 2007.

Rule 10.202. Claims and litigation management

(a) Intent

The intent of this rule is to:

- (1) Ensure that the trial and appellate courts are provided with timely, quality legal assistance; and
- (2) Promote the cost-effective, prompt, and fair resolution of actions, proceedings, and claims that affect the trial and appellate courts and involve justices of the Courts of Appeal or the Supreme Court, trial court judges, subordinate judicial officers, court executive officers or administrators, or employees of the trial and appellate courts.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2003.)

(b) Duties of the Office of the General Counsel

To carry out the duty of the Judicial Council to provide for the representation, defense, and indemnification of justices of the Courts of Appeal or the Supreme Court, judges, subordinate judicial officers, court executive officers and administrators, and trial and appellate court employees under part 1 (commencing with section 810) to part 7 (commencing with section 995), inclusive, of the Government Code, the Office of the General Counsel under the direction of the Administrative Director of the Courts and the General Counsel, must:

- (1) Develop, manage, and administer a litigation management program for investigating and resolving all claims and lawsuits affecting the trial and appellate courts;
- (2) Provide legal assistance to the trial or appellate court, and to any justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee who is named as a defendant or responsible party, subject to the defense and indemnification provisions of part 1 (commencing with section 810) to part 7 (commencing with section 995), inclusive, of the Government Code, on receipt of notice of a claim or lawsuit affecting the trial or appellate court or of a dispute that is likely to result in a claim or lawsuit;

- (3) Select and direct any counsel retained to represent any trial or appellate court, justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee being provided legal representation under (2), after consultation with the trial or appellate court and any such individual defendant;
- (4) Make settlement decisions in all claims and lawsuits other than those identified in (5), after consultation with the affected trial or appellate court, and any justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee being provided legal representation under (2);
- (5) Make recommendations to the Litigation Management Committee regarding proposed settlements of claims or lawsuits requiring payments of \$100,000 or more or raising issues of significance to the judicial branch;
- (6) Develop and implement risk avoidance programs for the trial and appellate courts;
- (7) Provide an annual report to the Litigation Management Committee concerning the litigation management program; and
- (8) Provide an annual report to each trial and appellate court concerning claims and lawsuits filed against that trial or appellate court.

(Subd (b) amended effective December 9, 2008; previously amended effective July 1, 2002, January 1, 2003; and January 1, 2007.)

(c) Duties of trial and appellate courts

The trial and appellate courts must:

- (1) Notify the Office of the General Counsel promptly on receipt of notice of a dispute that is likely to result in a claim or lawsuit, or of a claim or lawsuit filed, against the court, a justice, a judge or subordinate judicial officer, a court executive officer or administrator, or a court employee, and forward the claim and lawsuit to the Office of the General Counsel for handling; and
- (2) Consult with the Office of the General Counsel regarding strategic and settlement decisions in claims and lawsuits.

(Subd (c) amended effective January 1, 2007; previously amended effective July 1, 2002, and January 1, 2003.)

(d) Disagreements about major strategic decisions

Following consultation with the Office of the General Counsel, a presiding judge or administrative presiding justice may object to a proposed decision of the Office of the General Counsel about major strategic decisions, such as retention of counsel and proposed settlements, by presenting to the Office of the General Counsel a written statement of the objection. The Office of the General Counsel must present the written objection to the Litigation Management Committee, which will resolve the objection.

(Subd (d) amended effective January 1, 2007; previously adopted effective January 1, 2003.)

Rule 10.202 amended effective December 9, 2008; adopted as rule 6.800 effective January 1, 2001; previously amended effective July 1, 2002; previously renumbered as rule 6.202 effective January 1, 2003; previously amended and renumbered effective January 1, 2007.

Litigation Management Committee

As of August 6, 2015

Hon. David M. Rubin, Chair

Judge of the Superior Court of California,

County of San Diego

220 West Broadway

San Diego, CA 92101

(619) 450-5039

Fax (619) 450-5669

david.rubin@sdcourt.ca.gov

Mailing Address

P.O. Box 122724

San Diego, CA 92112-2724

Hon. Dean T. Stout, Vice-Chair

Assistant Presiding Judge of the Superior Court of California,

County of Inyo

301 West Line Street

Bishop, CA 93514

(760) 873-7937

Fax (760) 872-2492

dean.stout@inyocourt.ca.gov

Hon. Marla O. Anderson

Presiding Judge of the Superior Court of California,

County of Monterey

240 Church Street

Salinas, CA 93901

(831) 775-5663

Fax (831) 775-5499

AndersonM@monterey.courts.ca.gov

Hon. Harry E. Hull, Jr.

Associate Justice of the Court of Appeal

Third Appellate District

914 Capitol Mall, 4th Floor

Sacramento, CA 95814

(916) 654-0209

Fax (916) 653-0317

harry.hull@jud.ca.gov

Hon. Dalila C. Lyons

Judge of the Superior Court of California,

County of Los Angeles

111 North Hill Street

Los Angeles, CA 90012

(213) 633-0520

dcl Lyons@lacourt.org

Mr. Frank A. McGuire

Clerk of the California Supreme Court

350 McAllister Street

San Francisco, CA 94102-4797

(415) 865-7015

Fax (415) 865-7196

frank.mcguire@jud.ca.gov

Hon. Martin J. Tangeman

Assistant Presiding Judge of the Superior Court of California,

County of San Luis Obispo

1035 Palm Street

San Luis Obispo, CA 93408

(805) 781-5936

Fax (805) 781-1071

martin.tangeman@slo.courts.ca.gov



JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

The Judicial Council Technology Committee (JCTC) is an internal advisory committee to the Judicial Council.

Committee Purpose

The JCTC oversees the council's policies concerning technology and is responsible, in partnership with the courts, for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners, and stakeholders on technological issues relating to the branch and the courts. The committee is responsible for ensuring that council policies are complied with and that specific projects proceed on schedule and within scope and budget. The committee seeks reports and recommendations from the Administrative Director, the courts, and stakeholders on technology issues. It ensures that technology reports to the council are clear and comprehensive and provide relevant options so that the council can make effective final technology policy decisions. The committee reports on technology affecting the branch and courts at each Judicial Council meeting.

In this section you will find:

- A description of the role and structure of the Technology Committee;
- California Rules of Court, rule 10.16; and
- A roster of JCTC members.

Technology Committee

ROLE AND STRUCTURE

Responsibilities and Charge

The Judicial Council's Technology Committee:

- Oversees the council's policies concerning information technology;
- Provides to the council technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals;
- Determines whether council policies are complied with on specific projects approved and funded by the council and whether those projects proceed on schedule and within scope and budget;
- Coordinates the activities of the Administrative Director, council internal committees and advisory committees, the courts, justice partners, and stakeholders on matters relating to court information technology;
- In collaboration or consultation with the Policy Coordination and Liaison Committee, coordinates with other branches of government on information technology issues;
- Seeks reports and recommendations from the Administrative Director, the courts, and stakeholders on information technology issues;
- Ensures that information technology reports to the council are clear, are comprehensive, and provide relevant options so that the council can make effective final information technology policy decisions;
- With input from advisory committees and individual courts, develops and recommends a strategic technology plan of goals for the branch and the courts;
- Provides oversight approval and prioritization of the tactical technology plan, which is developed and recommended by advisory committees, with input from the courts, and outlines the technology initiatives and projects that provide a road map for achieving the goals in the strategic technology plan;
- In partnership with the courts, develops timelines and recommendations to the council for:
 - Establishing an approach and vision for implementing information technology that serves the courts, litigants, attorneys, justice partners, and the public, while considering available resources and information technology needs;
 - Improving judicial branch information technology governance to best serve the implementation of technological solutions;
 - Reviewing and recommending information technology standards; and
 - Encouraging the courts to leverage their collective economic purchasing power in acquiring technological systems;
- May act as executive sponsor of branchwide technology initiatives under the workstream model in rule 10.53(c);
- Reviews, prioritizes, and recommends requests for the funding of branchwide technology initiatives and projects, with input from advisory committees,

- considering overall return on investment, business risk, alignment with the technology goals approved by the council in the strategic technology plan, and the availability of sufficient funding from an identifiable funding source;
- Collaborates or consults with committees and advisory bodies, as they have a need, (1) before they make decisions or recommendations on technology policies, standards, and projects; and (2) before they recommend funding priorities or make recommendations to approve funding requests for branchwide technology initiatives and projects;
 - Oversees advisory committees and task forces, as assigned by the Chief Justice, ensuring that the activities of each are consistent with the council's goals and policies by:
 - Communicating the council's annual charge to each;
 - Reviewing an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council; and
 - Overseeing the branchwide technology initiatives sponsored by each.

Membership

The Chief Justice appoints all members of the Technology Committee for one-year terms. The chair of the committee is selected by the Chief Justice and may be the Chief Justice.

Meeting Type and Frequency

The Technology Committee meets by teleconference one to three times per month to review and make recommendations to the Judicial Council on technology policy. The committee holds in-person meetings to consider priority issues. When possible, these in-person meetings are held in conjunction with council meetings.

The Administrative Director, the Chief of Staff, and the Chief Administrative Officer may attend and participate in all Technology Committee meetings.



2015 CALIFORNIA RULES OF COURT

Rule 10.16. Technology Committee

(a) Technology policies

The Technology Committee oversees the council's policies concerning information technology. The committee assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals. The committee is responsible for determining that council policies are complied with on specific projects approved and funded by the council and that those projects proceed on schedule and within scope and budget.

(Subd (a) amended effective September 1, 2015.)

(b) Coordination

The committee coordinates the activities of the Administrative Director, council internal committees and advisory committees, the courts, justice partners, and stakeholders on matters relating to court information technology. The committee also, in collaboration or consultation with the Policy Coordination and Liaison Committee, coordinates with other branches of government on information technology issues.

(Subd (b) amended effective September 1, 2015.)

(c) Reports

The committee seeks reports and recommendations from the Administrative Director, the courts, and stakeholders on information technology issues. It ensures that information technology reports to the council are clear, are comprehensive, and provide relevant options so that the council can make effective final information technology policy decisions.

(d) Strategic and tactical technology plans

(1) Strategic technology plan

The strategic technology plan describes the technology goals for the branch. With input from advisory committees and individual courts, the committee is responsible for developing and recommending a strategic technology plan for the branch and the courts.

(2) Tactical technology plan

The tactical technology plan outlines the technology initiatives and projects that provide a road map for achieving the goals in the strategic technology plan. The committee provides oversight approval and prioritization of the tactical technology plan, which is developed and recommended by advisory committees with input from the courts.

(Subd (d) adopted effective September 1, 2015.)

(e) Technology needs, standards, and systems

The committee will, in partnership with the courts, develop timelines and recommendations to the council for:

- (1) Establishing an approach and vision for implementing information technology that serves the courts, litigants, attorneys, justice partners, and the public, while considering available resources and information technology needs;
- (2) Improving judicial branch information technology governance to best serve the implementation of technological solutions;
- (3) Reviewing and recommending information technology standards; and
- (4) Encouraging the courts to leverage their collective economic purchasing power in acquiring technological systems.

(Subd (e) amended and relettered effective September 1, 2015; adopted as subd (d).)

(f) Sponsorship of branchwide technology initiatives

The committee may act as executive sponsor of branchwide technology initiatives under the workstream model in rule 10.53(c).

(Subd (f) adopted effective September 1, 2015.)

(g) Funding of branchwide technology initiatives and projects

The committee reviews, prioritizes, and recommends requests for the funding of branchwide technology initiatives and projects with input from advisory committees. Factors to be considered by the committee include overall return on investment, business risk, alignment with the technology goals approved by the council in the strategic technology plan, and the availability of sufficient funding from an identifiable funding source.

(Subd (g) adopted effective September 1, 2015.)

(h) Collaboration and consultation with the committee

Other committees and advisory bodies should collaborate or consult with the committee (1) before making decisions or recommendations on technology policies, standards, and projects, and (2) before recommending funding priorities or making recommendations to approve funding requests for branchwide technology initiatives and projects.

(Subd (h) adopted effective September 1, 2015.)

(i) Oversight of advisory committees and task forces

For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the Technology Committee ensures that the activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:

- (1) Communicates the council's annual charge to each;
- (2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council; and
- (3) Oversees the branchwide technology initiatives sponsored by each.

(Subd (i) amended and relettered effective September 1, 2015; adopted as subd (e).)

Rule 10.16 amended effective September 1, 2015; adopted effective February 20, 2014.

Judicial Council Technology Committee

As of September 15, 2015

Hon. Marsha G. Slough, Chair

Presiding Judge of the Superior Court of California,
County of San Bernardino
303 West Third Street, 4th Floor
San Bernardino, CA 92415-0302
(909) 708-8769
Fax (909) 708-8782
mslough@sb-court.org

Mr. Richard D. Feldstein

Court Executive Officer of the Superior Court
of California, County of Napa
825 Brown Street
Napa, CA 94559
(707) 299-1111
Fax (707) 299-1250
rick.feldstein@napa.courts.ca.gov

Hon. Daniel J. Buckley, Vice-Chair

Judge of the Superior Court of California,
County of Los Angeles
111 North Hill Street Dept. 1
Los Angeles, CA 90012
(213) 633-0301
djbuckley@lacourt.org

Hon. David E. Gunn

Commissioner of the Superior Court of California,
County of Butte
1775 Concord Avenue
Chico, CA 95928
(530) 532-7009
dgunn@buttecourt.ca.gov

Mr. Mark G. Bonino

Hayes, Scott, Bonino, Ellingson & McLay, LLP
203 Redwood Shores Pkwy., Ste 480
Redwood City, CA 94065
(650) 637-9100
Fax (650) 637-8071
mbonino@hayesscott.com

Hon. Gary Nadler

Judge of the Superior Court of California,
County of Sonoma
3035 Cleveland Avenue, Suite 200
Santa Rosa, CA 95403
(707) 521-6725
Fax (707) 521-6750
gnadler@sonomacourt.org

Mr. Jake Chatters

Court Executive Officer of the Superior Court
of California, County of Placer
P.O. Box 619072
Roseville, CA 95661
(916) 408-6186
Fax (916) 408-6188
jchatters@placer.courts.ca.gov

Ms. Debra Elaine Pole

Partner
Sidley Austin LLP
555 W 5th St
Los Angeles, CA 90013
(213) 896-6623
Fax (213) 896-6600
dpole@sidley.com

Hon. Ming W. Chin

Associate Justice of the Supreme Court
350 McAllister Street
San Francisco, CA 94102
(415) 865-7050
ming.chin@jud.ca.gov

**INFORMATION TECHNOLOGY ADVISORY
COMMITTEE LIAISON**

Hon. Terence L. Bruiniers

Associate Justice of the Court of Appeal
First Appellate District, Division Five
350 McAllister Street
San Francisco, CA 94102-3600
(415) 865-7398
Fax (415) 865-7309
terence.bruiniers@jud.ca.gov

**JUDICIAL COUNCIL STAFF TO THE
COMMITTEE**

Ms. Jessica Craven

Information Technology
Judicial Council of California
2255 North Ontario Street, Suite 220
Burbank, CA 91504
(818) 558-3103
jessica.craven@jud.ca.gov



JUDICIAL COUNCIL ADVISORY BODIES

The Judicial Council or the Chief Justice may create advisory bodies, usually committees and task forces, to provide advice and guidance to the council, as the governing board. These bodies work under the oversight of the council or one of its internal committees, using the collective experience, opinions, and wisdom of the body to provide advice, options, and recommendations to the council.

This section is arranged into three parts, with the following components:

- Governance
 - Role and structure
 - A chart of council advisory bodies and their internal oversight committees
 - California Rules of Court, rules 10.30–10.70 and 10.75
- Membership
 - The 2015–2016 advisory committee and task force chairs and Judicial Council staff contacts
 - Advisory committee and task force comprehensive listings of members
 - Instructions for how to request an appointment to a subcommittee, along with a copy of the necessary form
- Guidelines
 - Guidelines for Judicial Council Staff Regarding the Nomination and Appointment Process to the Judicial Council and to its Advisory Bodies
 - Open meeting guidelines for advisory bodies
 - Guidelines for the Annual Agenda Process
 - CJER Governing Committee Guidelines on Proposals from Other Advisory Committees
 - Instructions for how to update letterhead templates

Judicial Council Advisory Bodies

ROLE AND STRUCTURE

Responsibilities and Charge

Judicial Council advisory bodies use the individual and collective experience, opinions, and wisdom of their members to provide advice and guidance to the council on topics the council specifies. The council and its internal committees provide direction to these advisory bodies.

Council advisory bodies work at the same policy level as the council, developing recommendations that focus on strategic goals and long-term impacts that align with judicial branch goals. These bodies generally do not implement policy. The council may, however, assign policy implementation and programmatic responsibilities to an advisory body and may request that the advisory body make recommendations to staff regarding implementation of council policy or programs.

Council advisory bodies do not speak or act for the council except when formally given such authority for specific and time-limited purposes. Through staff, advisory bodies are responsible for gathering stakeholder perspectives on policy recommendations they plan to present to the council.

Advisory committees are standing committees created by rule of court or the Chief Justice to make recommendations and offer policy alternatives to the Judicial Council for improving the administration of justice within their designated areas of focus. The council or the Chief Justice gives a general charge to each advisory committee, specifying the body's subject-matter jurisdiction, which is incorporated into the rules of court. Task forces are ad hoc advisory bodies also created by rule of court or the Chief Justice. They advise the council, with a specific charge to complete by a particular time. The Chief Justice usually assigns oversight responsibility for each standing advisory body to a council internal committee.

Advisory bodies are charged with the following duties:

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

Advisory body chairs are responsible, with the assistance of staff, for:

- Developing a realistic annual agenda for the advisory committee, consistent with the committee’s annual charge by the council or an internal committee;
- Presenting the committee’s recommendations to the council; and
- Submitting recommendations with respect to advisory committee membership.

The general operating policies of advisory bodies are stated in the California Rules of Court, as follows, and are included in this section’s materials. The rule names reflect their subject matter.

Title 10. Judicial Administration Rules, Division 1. Judicial Council

Rule	Name
Chapter 2. Judicial Council Advisory Committees and Task Forces	
10.30	Judicial Council advisory bodies
10.31	Advisory committee membership and terms
10.32	Nominations and appointments to advisory committees
10.33	Advisory committee meetings
10.34	Duties and responsibilities of advisory committees
10.40–10.64	Specific advisory committee rules
10.70	Task forces and other advisory bodies
Chapter 3. Judicial Council Advisory Body Meetings	
10.75	Meetings of advisory bodies

Membership

Each advisory body typically consists of between 12 and 18 members, unless a different number is designated by the Chief Justice or required by the rules. Judicial Council members do not concurrently hold positions on an advisory body except in a few limited cases, as specified in the rules. Advisory committee members do not represent a specific constituency. They act in the best interests of the public and the entire court system. Certain categories of membership are specified in the rules applicable to specific committees.

The Chief Justice appoints members to three-year terms, unless another term is specified in the rules. Advisory committee membership terms are generally staggered so that no more than one-third of the committee will rotate off at one time. The Chief Justice appoints a chair or vice-chair for a one-year term. Membership terminates if a member leaves the position that qualified that person for the advisory committee, unless the Chief Justice determines that the individual may complete the current term. At the request of the advisory body, the Chief Justice may designate an advisory member to the group who may participate in discussions and make or second motions but cannot vote.

Vacancies are filled as they occur, according to the nominations procedures described in the rules of court (see also the Executive and Planning Committee section of this handbook).

Advisory Body Oversight

Each advisory committee and task force is overseen by either the Executive and Planning Committee or the Rules and Projects Committee, except for the Information Technology Advisory Committee, which is overseen by the Judicial Council Technology Committee.

Advisory Body Annual Agendas

The council's governance policies place the responsibility for developing a realistic annual agenda on each committee and task force chair, assisted by staff. The internal committees assigned to oversee specific advisory bodies review annual agendas and discuss them with the chairs to ensure that the advisory bodies' activities are consistent with the council's goals and policies and to help determine priorities.

Subcommittees and New Projects

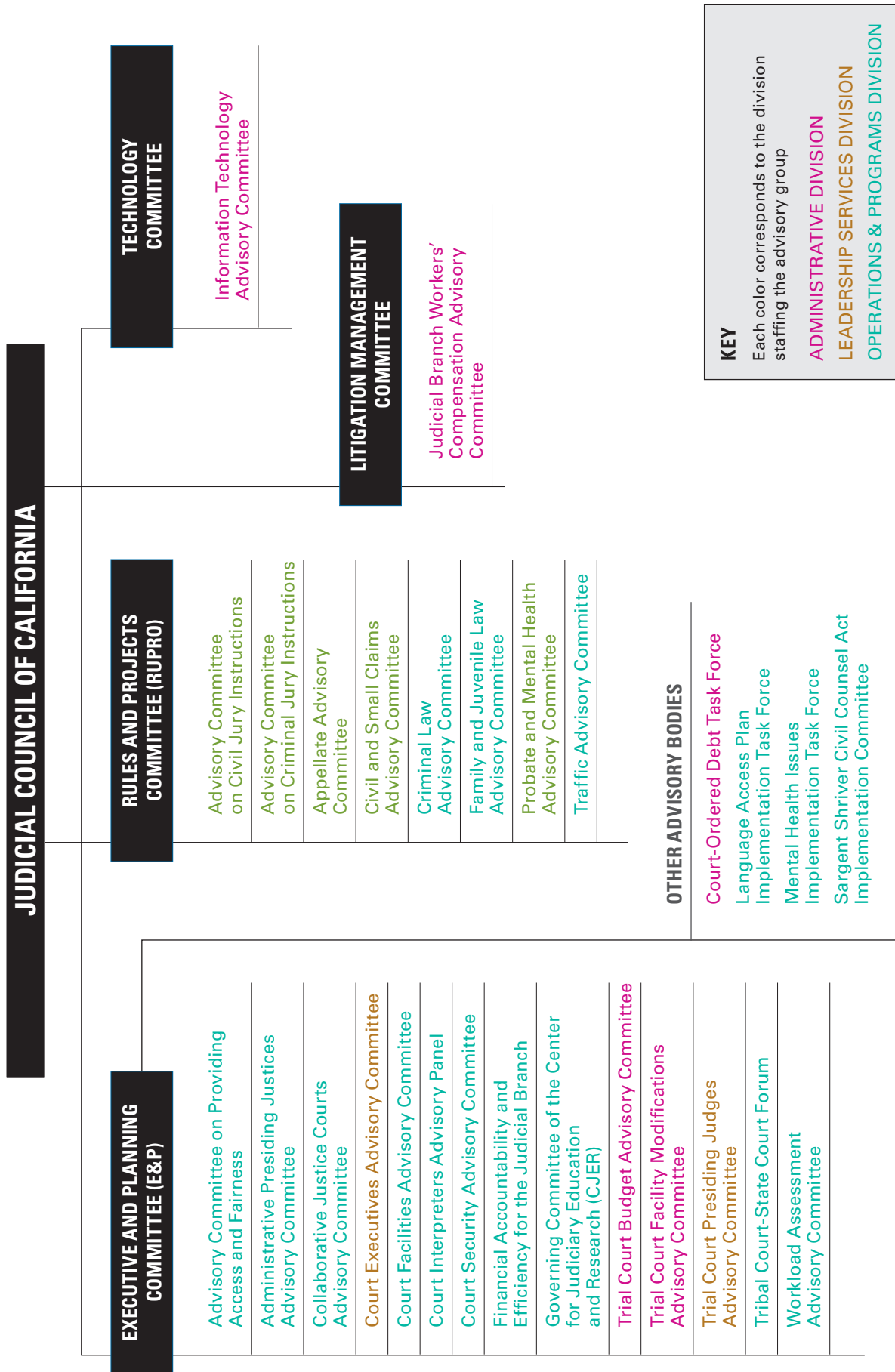
Advisory bodies should solicit the approval of their assigned council oversight internal committees before creating subcommittees or adding new projects.

Meeting Type and Frequency

Advisory bodies meet as often as the chairs deem necessary; the frequency varies by group. Up to one meeting per year may be held in person, and any additional meetings should be held by teleconference. When the need arises for additional in-person meetings, requests should be cleared initially with the responsible division chief and advisory body chair. The Administrative Director should also be consulted on financial concerns before approaching the oversight internal committee on the need.

General operating standards that present the oversight structure and routine procedures in detail for all advisory bodies are currently being drafted. Please contact Judicial Council Support staff, Ms. Nancy Carlisle or Ms. Roma Cheadle, for more information.

JUDICIAL COUNCIL INTERNAL COMMITTEE OVERSIGHT OF ADVISORY BODIES





2014 CALIFORNIA RULES OF COURT

TITLE 10. JUDICIAL ADMINISTRATION RULES

Division 1. Judicial Council

Chapter 2. Judicial Council Advisory Committees and Task Forces

- Rule 10.30. Judicial Council advisory bodies*
- Rule 10.31. Advisory committee membership and terms*
- Rule 10.32. Nominations and appointments to advisory committees*
- Rule 10.33. Advisory committee meetings*
- Rule 10.34. Duties and responsibilities of advisory committees*
- Rule 10.40. Appellate Advisory Committee*
- Rule 10.41. Civil and Small Claims Advisory Committee*
- Rule 10.42. Criminal Law Advisory Committee*
- Rule 10.43. Family and Juvenile Law Advisory Committee*
- Rule 10.44. Probate and Mental Health Advisory Committee*
- Rule 10.46. Trial Court Presiding Judges Advisory Committee*
- Rule 10.48. Court Executives Advisory Committee*
- Rule 10.49. Conference of Court Executives [Repealed]*
- Rule 10.50. Governing Committee of the Center for Judicial Education and Research*
- Rule 10.51. Court Interpreters Advisory Panel*
- Rule 10.52. Administrative Presiding Justices Advisory Committee*
- Rule 10.53. Court Technology Advisory Committee*
- Rule 10.54. Traffic Advisory Committee*
- Rule 10.55. Advisory Committee on Providing Access and Fairness*
- Rule 10.56. Collaborative Justice Courts Advisory Committee*
- Rule 10.57. Judicial Service Advisory Committee [Repealed]*
- Rule 10.58. Advisory Committee on Civil Jury Instructions*
- Rule 10.59. Advisory Committee on Criminal Jury Instructions*
- Rule 10.60. Tribal Court–State Court Forum*
- Rule 10.61. Court Security Advisory Committee*
- Rule 10.62. Court Facilities Advisory Committee*
- Rule 10.63. Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch*
- Rule 10.64. Trial Court Budget Advisory Committee*
- Rule 10.70. Task forces and other advisory bodies*

Chapter 3. Judicial Council Advisory Body Meetings

- Rule 10.75. Meetings of advisory bodies*

Rule 10.30. Judicial Council advisory bodies

(a) Types of bodies

Judicial Council advisory bodies are typically advisory committees and task forces.

(Subd (a) adopted effective August 14, 2009.)

(b) Functions

The advisory bodies:

- (1) Use the individual and collective experience, opinions, and wisdom of their members to provide policy recommendations and advice to the council on topics the Chief Justice or the council specifies;
- (2) Work at the same policy level as the council, developing recommendations that focus on strategic goals and long-term impacts that align with judicial branch goals;
- (3) Generally do not implement policy. The council may, however, assign policy-implementation and programmatic responsibilities to an advisory body and may request it make recommendations to the Administrative Office of the Courts on implementation of council policy or programs;
- (4) Do not speak or act for the council except when formally given such authority for specific and time-limited purposes; and
- (5) Are responsible, through the Administrative Office of the Courts, for gathering stakeholder perspectives on policy recommendations they plan to present to the council.

(Subd (b) adopted effective August 14, 2009.)

(c) Subcommittees

With the approval of the internal committee with oversight responsibility for the advisory body, an advisory body may form subcommittees, composed entirely of members, to carry out the body's duties, subject to available resources.

(Subd (c) amended effective February 20, 2014; adopted effective August 14, 2009.)

(d) Oversight

The Chief Justice assigns oversight of each council advisory body to an internal committee. The council gives a general charge to each advisory body specifying

the body's subject matter jurisdiction. The council and its internal committees provide direction to the advisory bodies.

(Subd (d) adopted effective August 14, 2009.)

(e) Preference for using existing advisory committees

Unless substantial reasons dictate otherwise, new projects requiring committee involvement must be assigned to existing advisory committees.

(Subd (e) adopted effective August 14, 2009.)

(f) Role of the Administrative Director of the Courts

The Administrative Director of the Courts sits as an ex officio member of each advisory body.

(Subd (f) adopted effective August 14, 2009.)

(g) Creation

In addition to the advisory committees established by the rules in this division, the Chief Justice may create additional advisory bodies by order.

(Subd (g) adopted effective August 14, 2009.)

Rule 10.30 amended effective February 20, 2014; adopted as rule 6.30 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective September 1, 2003 and August 14, 2009.

Rule 10.31. Advisory committee membership and terms

(a) Membership

The categories of membership of each advisory committee are specified in the rules in this chapter. Each advisory committee consists of between 12 and 18 members, unless a different number is specified by the Chief Justice or required by these rules. Advisory committee members do not represent a specific constituency but must act in the best interests of the public and the entire court system.

(Subd (a) amended effective September 1, 2003.)

(b) Terms

The Chief Justice appoints advisory committee members to three-year terms unless another term is specified in these rules. Terms are staggered so that an

approximately equal number of each committee's members changes annually. The Chief Justice also may appoint judicial officers who have served less than two years on the bench to one-year terms.

(Subd (b) amended effective January 1, 2007; previously amended effective November 1, 2004.)

(c) Chair and vice-chair

The Chief Justice appoints an advisory committee member to be a committee chair or vice-chair for a one-year term except for the chair and vice-chair of the Court Executives Advisory Committee, who may be appointed to two-year terms.

(Subd (c) amended effective January 1, 2007; previously amended effective September 1, 2000, and January 1, 2004.)

(d) Advisory members

On the request of the advisory committee, the Chief Justice may designate an advisory member to assist an advisory committee or a subcommittee. Advisory members may participate in discussions and make or second motions but cannot vote.

(Subd (d) amended effective January 1, 2007.)

(e) Termination of membership

Committee membership terminates if a member leaves the position that qualified the member for the advisory committee unless the Chief Justice determines that the individual may complete the current term.

(f) Vacancies

Vacancies are filled as they occur according to the nomination procedures described in rule 10.32.

(Subd (f) amended effective January 1, 2007.)

(g) Retired judges

A judge's retirement does not cause a vacancy on the committee if the judge is eligible for assignment. A retired judge who is eligible for assignment may hold a committee position based on his or her last judicial position.

Rule 10.31 amended and renumbered effective January 1, 2007; adopted as rule 6.31 effective January 1, 1999; previously amended effective September 1, 2000, September 1, 2003, January 1, 2004, and November 1, 2004.

Rule 10.32. Nominations and appointments to advisory committees

(a) Nomination procedures

The Executive and Planning Committee assists the Chief Justice in selecting advisory committee members by submitting a list of nominees for each position. Unless otherwise specified in the rule applicable to a particular advisory committee, the nomination procedures are as follows:

- (1) The Executive and Planning Committee must publicize vacancies and solicit nominations. If any group is designated to submit nominations for a position, the Executive and Planning Committee will request that the group submit at least three nominations for each advisory committee vacancy.
- (2) The Executive and Planning Committee must submit at least three nominees for each advisory committee vacancy to the Chief Justice. The nominees should represent diverse backgrounds and experiences as well as geographic locations throughout California.

(Subd (a) amended effective September 1, 2003.)

(b) Court executive or administrator members

A court executive or administrator member may be a county clerk, a court administrator, or an executive officer if the member also serves as the clerk of the court.

(c) Judicial administrator member

A judicial administrator member may be any person experienced in court administration and is not required to be currently employed by a court.

(d) Judicial officer

A judicial officer member may be a judge of the superior court or a court commissioner or referee.

(Subd (d) amended effective September 1, 2003.)

(e) Appointing order

The Chief Justice appoints advisory committee members by order.

(Subd (e) amended effective September 1, 2003.)

Rule 10.32 amended and renumbered effective January 1, 2007; adopted as rule 6.32 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.33. Advisory committee meetings

Each advisory committee may meet as often as its chair deems necessary, within available resources. Meetings may be in person or by teleconference.

Rule 10.33 renumbered effective January 1, 2007; adopted as rule 6.33 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.34. Duties and responsibilities of advisory committees

(a) Role

Advisory committees are standing committees created by rule of court or the Chief Justice to make recommendations and offer policy alternatives to the Judicial Council for improving the administration of justice within their designated areas of focus by doing the following:

- (1) Identifying issues and concerns affecting court administration and recommending solutions to the council;
- (2) Proposing necessary changes to rules, standards, forms, and jury instructions;
- (3) Reviewing pending legislation and making recommendations to the Policy Coordination and Liaison Committee on whether to support or oppose it;
- (4) Recommending new legislation to the council;
- (5) Recommending to the council pilot projects and other programs to evaluate new procedures or practices;
- (6) Acting on assignments referred by the council or an internal committee; and
- (7) Making other appropriate recommendations to the council.

(Subd (a) adopted effective August 14, 2009.)

(b) Annual charges

- (1) Advisory committees are assigned annual charges by the council or an internal committee specifying what should be achieved in a given year. The council or an internal committee may amend an advisory committee's annual charge at any time.

- (2) Advisory committees have limited discretion to pursue matters in addition to those specified in each committee's annual charge, as long as the matters are consistent with a committee's general charge, within the limits of resources available to the committee, and within any other limits specified by the council, the designated internal committee, or the Administrative Director of the Courts.

(Subd (b) adopted effective August 14, 2009.)

(c) Responsibilities of the chair

Advisory committee chairs are responsible, with the assistance of staff, to:

- (1) Develop a realistic annual agenda for the advisory committee, consistent with the committee's annual charge by the Judicial Council or Judicial Council internal committee;
- (2) Present the advisory committee's recommendations to the Judicial Council;
- (3) Discuss with the Administrative Director or the Administrative Director's designee appropriate staffing and other resources for projects within the advisory committee's agenda; and
- (4) Submit recommendations with respect to advisory committee membership.

(Subd (c) adopted effective August 14, 2009.)

(d) Role of the Administrative Director of the Courts

- (1) The Administrative Director determines whether projects undertaken by council advisory bodies in addition to those specified in the council's or internal committee's annual charge to the advisory body are consistent with the body's general charge, its approved annual agenda, and the Judicial Council's strategic plan. The Administrative Director also determines whether any additional matters are within the body's authorized budget and available resources.
- (2) The Administrative Director is not bound by the recommendations of an advisory committee and may make alternative recommendations to the Judicial Council or recommend that an advisory committee's annual charge be amended.

(Subd (d) adopted effective August 14, 2009.)

(e) Role of staff

- (1) Advisory committees are assisted by the staff of the Administrative Office of the Courts. The duties of staff members include drafting committee annual agendas, managing the committee's budget and resources, coordinating committee activities, providing legal and policy analysis to the committee, organizing and drafting reports, selecting and supervising consultants, providing technical assistance, and assisting committee chairs in presenting the committee's recommendations to the Judicial Council. Staff may provide independent legal or policy analysis of issues that is different from the committee's position, if authorized to do so by the Administrative Director of the Courts.
- (2) Staff report to the Administrative Director of the Courts. The decisions or instructions of an advisory body or its chair are not binding on the staff except in instances when the council or the Administrative Director has specifically authorized such exercise of authority.

(Subd (e) adopted effective August 14, 2009.)

(f) Review of annual agendas

- (1) Each committee must submit a proposed annual agenda that is reviewed by the internal committee with oversight responsibility, as designated by the Chief Justice. This subdivision does not apply to the Administrative Presiding Justices Advisory Committee.
- (2) The internal committee that is responsible for oversight of the advisory committee reviews the proposed annual agenda and provides the advisory committee with an annual charge to ensure that its activities are consistent with the council's goals and priorities. The annual charge may:
 - (A) Approve or disapprove the annual agenda in whole or in part;
 - (B) Direct the committee to pursue specific projects on the annual agenda;
 - (C) Add or delete specific projects; and
 - (D) Reassign priorities.
- (3) To pursue matters in addition to those specified in its annual charge, an advisory committee must have the approval of the internal committee with oversight responsibility for the advisory committee. The matters must be consistent with the advisory committee's general charge, as set forth in the rules of court, its approved annual agenda, and the council's long-range strategic plan. The additional matters must also be within the committee's

authorized budget and available resources, as specified by the council or the Administrative Director of the Courts.

(Subd (f) amended effective February 20, 2014; adopted effective August 14, 2009.)

Rule 10.34 amended effective February 20, 2014; adopted as rule 6.34 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2002, September 1, 2003, and August 14, 2009.

Rule 10.40. Appellate Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in appellate proceedings.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(b) Additional duty

In addition to the duties described in rule 10.34 the committee makes proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(c) Membership

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

- (1) Supreme Court justice;
- (2) Court of Appeal justice;
- (3) Trial court judicial officer with experience in the appellate division;
- (4) Supreme Court clerk administrator;
- (5) Appellate court administrator;
- (6) Trial court judicial administrator;
- (7) Civil appellate lawyer;

- (8) Criminal defense appellate lawyer;
- (9) State Public Defender; and
- (10) Appellate lawyer of the Attorney General's Office.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2002.)

Rule 10.40 amended and renumbered effective January 1, 2007; adopted as rule 6.40 effective January 1, 1999; previously amended effective January 1, 2002.

Rule 10.41. Civil and Small Claims Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in civil and small claims proceedings.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

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

- (1) Appellate court justice;
- (2) Trial court judicial officer;
- (3) Judicial administrator;
- (4) Lawyer whose primary area of practice is civil law;
- (5) Legal secretary;
- (6) Person knowledgeable about small claims law and procedure; and
- (7) Person knowledgeable about court-connected alternative dispute resolution programs for civil and small claims cases.

(Subd (b) amended effective January 1, 2011; previously amended effective January 1, 2007.)

Rule 10.41 amended effective January 1, 2011; adopted as rule 6.41 effective January 1, 1999; previously amended and renumbered effective January 1, 2007.

Rule 10.42. Criminal Law Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in criminal proceedings.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

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

- (1) Appellate court justice;
- (2) Trial court judicial officer;
- (3) Judicial administrator;
- (4) Prosecutor;
- (5) Criminal defense lawyer; and
- (6) Probation officer.

(Subd (b) amended effective January 1, 2011.)

Rule 10.42 amended effective January 1, 2011; adopted as rule 6.42 effective January 1, 1999; previously amended and renumbered effective January 1, 2007.

Rule 10.43. Family and Juvenile Law Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in all cases involving marriage, family, or children.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

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

- (1) Appellate court justice;

- (2) Trial court judicial officer;
- (3) Judicial administrator;
- (4) Child custody mediator;
- (5) Lawyer whose primary practice area is family law;
- (6) Lawyer from a public or private defender's office whose primary practice area is juvenile law;
- (7) Chief probation officer;
- (8) Child welfare director;
- (9) Court Appointed Special Advocate (CASA) director;
- (10) County counsel assigned to juvenile dependency cases;
- (11) Domestic violence prevention advocate;
- (12) District attorney assigned to juvenile delinquency cases;
- (13) Lawyer from the California Department of Child Support Services or a local child support agency; and
- (14) Public-interest children's rights lawyer.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2005.)

Rule 10.43 amended and renumbered effective January 1, 2007; adopted as rule 6.43 effective January 1, 1999; previously amended effective July 1, 2005.

Rule 10.44. Probate and Mental Health Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in proceedings involving:

- (1) Decedents' estates, trusts, conservatorships, guardianships, and other probate matters; and
- (2) Mental health and developmental disabilities issues.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duty

The committee must coordinate activities and work with the Family and Juvenile Law Advisory Committee in areas of common concern and interest.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

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

- (1) Judicial officer with experience in probate;
- (2) Lawyer whose primary practice involves decedents' estates, trusts, guardianships, conservatorships, or elder abuse law;
- (3) Lawyer or examiner who works for the court on probate or mental health matters;
- (4) Investigator who works for the court to investigate probate guardianships or conservatorships;
- (5) Person knowledgeable in mental health or developmental disability law;
- (6) Person knowledgeable in private management of probate matters in a fiduciary capacity; and
- (7) County counsel, public guardian, or other similar public officer familiar with guardianship and conservatorship issues.

(Subd (c) amended effective January 1, 2008; previously amended effective January 1, 2007.)

Rule 10.44 amended effective January 1, 2008; adopted as rule 6.44 effective July 1, 2000; previously amended and renumbered effective January 1, 2007.

Rule 10.46. Trial Court Presiding Judges Advisory Committee

(a) Area of focus

The committee contributes to the statewide administration of justice by monitoring areas of significance to the justice system and making recommendations to the Judicial Council on policy issues affecting the trial courts.

(Subd (a) amended effective January 1, 2007; previously amended effective September 1, 2000, and April 18, 2003.)

(b) Additional duties

In addition to the duties specified in rule 10.34, the committee may:

- (1) Recommend methods and policies within its area of focus to improve trial court presiding judges' access to and participation in council decision making, increase communication between the council and the trial courts, and provide for training programs for judicial and court support staff;
- (2) Respond and provide input to the Judicial Council, appropriate advisory committees, or the Administrative Office of the Courts on pending policy proposals and offer new recommendations on policy initiatives in the areas of legislation, rules, forms, standards, studies, and recommendations concerning court administration; and
- (3) Provide for liaison between the trial courts and the Judicial Council, its advisory committees, task forces, and working groups, and the Administrative Office of the Courts.

(Subd (b) amended effective January 1, 2007; previously amended effective September 1, 2000, and April 18, 2003.)

(c) Membership

The committee consists of the presiding judge of each superior court.

(Subd (c) amended effective January 1, 2007; previously amended effective September 1, 2000, and April 18, 2003.)

(d) Executive Committee

The advisory committee may establish an Executive Committee that, in addition to other powers provided by the advisory committee, may act on behalf of the full advisory committee between its meetings.

(Subd (d) amended effective April 18, 2003; adopted effective September 1, 2000.)

(e) Subcommittee membership

The committee has standing subcommittees on rules and legislation. The chair may create other subcommittees as he or she deems appropriate. The chair must strive for representation of courts of all sizes on subcommittees.

(Subd (e) repealed and adopted effective April 18, 2003.)

(f) Chair

The advisory committee must annually submit to the Chief Justice one nomination for the chair of the advisory committee. Any member of the advisory committee whose term as presiding judge would extend at least through the term of the advisory committee chair is eligible for nomination. The nomination must be made by a majority vote of the full advisory committee. In the event that no candidate receives a majority vote on the first ballot, subsequent ballots of the top two candidates will occur until a candidate receives a majority vote. The chair of the advisory committee serves as chair of any Executive Committee established under (d) and as an advisory member of the Judicial Council.

(Subd (f) amended effective July 1, 2013; adopted as subd (d); previously amended and relettered effective September 1, 2000; previously amended effective April 18, 2003, and January 1, 2007.)

Rule 10.46 amended effective July 1, 2013; adopted as rule 6.46 effective January 1, 1999; previously amended effective September 1, 2000, and April 18, 2003; previously amended and renumbered effective January 1, 2007.

Rule 10.48. Court Executives Advisory Committee

(a) Area of focus

The committee makes recommendations to the council on policy issues affecting the trial courts.

(Subd (a) amended effective January 1, 2004.)

(b) Additional duties

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

- (1) Recommend methods and policies to improve trial court administrators' access to and participation in council decision making;
- (2) Review and comment on legislation, rules, forms, standards, studies, and recommendations concerning court administration proposed to the council;
- (3) Review and make proposals concerning the Judicial Branch Statistical Information System or other large-scope data collection efforts;
- (4) Suggest methods and policies to increase communication between the council and the trial courts; and

- (5) Meet periodically with the Administrative Office of the Courts' executive team to enhance branch communications.

(Subd (b) amended effective February 20, 2014; previously amended effective January 1, 2004, and January 1, 2007.)

(c) Membership

The committee consists of the court executive officer of each superior court.

(Subd (c) amended effective February 20, 2014; adopted as subd (d); previously amended effective January 1, 2004, and January 1, 2007.)

(d) Executive Committee

The advisory committee may establish an Executive Committee that, in addition to other powers provided by the advisory committee, acts on behalf of the full advisory committee. To assist it in formulating proposals and making recommendations to the council, the Executive Committee may seek the advice of the advisory committee. The Executive Committee consists of the following members:

- (1) The nine court executive officers or interim/acting court executive officers from the nine trial courts that have 48 or more judges;
- (2) Four court executive officers from trial courts that have 16 to 47 judges;
- (3) Two court executive officers from trial courts that have 6 to 15 judges;
- (4) Two court executive officers from trial courts that have 2 to 5 judges; and
- (5) One court executive officer from the trial courts as an at-large member appointed by the committee chair to a one-year term.

(Subd (d) adopted effective February 20, 2014.)

(e) Nominations

- (1) The advisory committee must submit nominations for each vacancy on the Executive Committee. The Executive Committee will recommend three nominees for each Executive Committee vacancy from the nominations received and submit its recommendations to the Executive and Planning Committee of the Judicial Council. The list of nominees must enable the Chief Justice to appoint an Executive Committee that reflects a variety of experience, expertise, and locales (e.g., urban, suburban, and rural). Membership on the Executive Committee does not preclude appointment to any other advisory committee or task force.

- (2) The Executive Committee must review and recommend to the Executive and Planning Committee of the Judicial Council the following:
- (A) Members of the Executive Committee;
 - (B) Nonvoting court administrator members of the Judicial Council;
and
 - (C) Members of other advisory committees who are court executives or judicial administrators.

(Subd (e) amended effective February 20, 2014; previously amended effective January 1, 2004, and January 1, 2007.)

(f) Chair and vice-chair

The Chief Justice may appoint the chair and vice-chair of the advisory committee for up to a two-year term from the current or incoming membership of the Executive Committee. The chair and vice-chair of the advisory committee serve as the chair and vice-chair of the Executive Committee established by subdivision (d).

(Subd (f) amended effective February 20, 2014; previously amended effective January 1, 2004, January 1, 2007, and January 1, 2008.)

(g) Meetings

The Executive Committee will meet approximately every two months, which includes the statewide meeting with the advisory committee. The advisory committee will meet during at least two statewide meetings per year.

Rule 10.48 amended effective February 20, 2014; adopted as rule 6.48 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2004, and January 1, 2008.

Rule 10.49. Conference of Court Executives [Repealed]

Rule 10.49 repealed effective February 20, 2014; adopted as rule 6.49 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2004.

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

(a) Establishment and purpose

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

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

(b) Area of focus

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

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

(c) Additional duties

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

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

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

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

(d) Membership

The committee consists of at least the following members:

- (1) Eight sitting judicial officers, including at least one appellate court justice;
- (2) Three judicial administrators;
- (3) The Administrative Director of the Courts as an advisory member;
- (4) The president of the California Judges Association or his or her designee as an advisory member; and
- (5) Other advisory members as the Chief Justice may appoint.

(Subd (d) relettered and amended effective December 18, 2001; adopted as subd (c).)

(e) Nominations

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

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

(f) Chair and vice-chair

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

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

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

Rule 10.51. Court Interpreters Advisory Panel

(a) Area of focus

To assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons, the advisory panel is charged with making recommendations to the council on:

- (1) Interpreter use and need for interpreters in court proceedings; and
- (2) Certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters.

(Subd (a) amended effective October 1, 2004.)

(b) Additional duty

The advisory panel is charged with reviewing and making recommendations to the council on the findings of the study of language and interpreter use and need for interpreters in court proceedings that is conducted by the Administrative Office of the Courts every five years under Government Code section 68563.

(Subd (b) amended effective October 1, 2004.)

(c) Membership

The advisory panel consists of 11 members. A majority of the members must be court interpreters. The advisory panel must include the specified numbers of members from the following categories:

- (1) Four certified or registered court interpreters working as employees in trial courts, one from each of the four regions established by Government Code section 71807. For purposes of the appointment of members under this rule, the Superior Court of California, County of Ventura, is considered part of Region 1 as specified in section 71807, and the Superior Court of

California, County of Solano, is considered part of Region 2 as specified in section 71807;

- (2) Two interpreters certified or registered in a language other than Spanish, each working either in a trial court as an independent contractor or in an educational institution;
- (3) One appellate court justice;
- (4) Two trial court judges; and
- (5) Two court administrators, including at least one trial court executive officer.

(Subd (c) amended effective October 1, 2004; previously amended effective July 1, 1999.)

(d) Advisors

The Chief Justice may also appoint nonmember advisors to assist the advisory panel.

(Subd (d) adopted effective October 1, 2004.)

Rule 10.51 renumbered effective January 1, 2007; adopted as rule 6.51 effective January 1, 1999; previously amended effective July 1, 1999, and October 1, 2004.

Rule 10.52. Administrative Presiding Justices Advisory Committee

(a) Area of focus

The committee makes recommendations to the council on policy issues affecting the administration and operation of the Courts of Appeal.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

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

- (1) Establish administrative policies that promote the quality of justice by advancing the efficient functioning of the appellate courts;
- (2) Advise the council of the appellate courts' resource requirements and solicit the council's support in meeting budget, administrative, and staffing requirements;

- (3) Make proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research; and
- (4) Comment on and make recommendations to the council about appellate court operations, including:
 - (A) Initiatives to be pursued by the council or the Administrative Office of the Courts; and
 - (B) The council's goals and strategies.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

The committee consists of:

- (1) The Chief Justice as chair; and
- (2) The administrative presiding justices of the Courts of Appeal designated under rule 10.1004.

(Subd (c) amended effective January 1, 2007.)

(d) Funding

Each year, the committee must recommend budget change proposals to be submitted to the Chief Justice for legislative funding to operate the appellate courts. These proposals must be consistent with the budget management guidelines of the Finance Division of the Administrative Office of the Courts.

(Subd (d) amended effective January 1, 2007.)

(e) Allocations

The committee allocates resources among the appellate courts and approves budget management guidelines based on the actual allocation made by the Chief Justice.

(Subd (e) amended effective January 1, 2007.)

(f) Administrative Director of the Courts

The Administrative Director must meet regularly with the committee and must notify and, when appropriate, consult with the committee about appellate court personnel matters.

(Subd (f) amended effective January 1, 2007.)

Rule 10.52 amended and renumbered effective January 1, 2007; adopted as rule 6.52 effective January 1, 1999.

Rule 10.53. Court Technology Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

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

- (1) Recommend standards to ensure compatibility in information and communication technologies in the judicial branch;
- (2) Review and comment on requests for the funding of judicial branch technology projects to ensure compatibility with goals established by the council and standards promulgated by the committee;
- (3) Review and recommend legislation, rules, or policies to balance the interests of privacy, access, and security in relation to court technology;
- (4) Make proposals for technology education and training in the judicial branch;
- (5) Assist courts in acquiring and developing useful technologies; and
- (6) Maintain a long-range plan.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

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

- (1) Appellate justice;

- (2) Trial court judicial officer;
- (3) Trial court judicial administrator;
- (4) Appellate court judicial administrator;
- (5) Member of the Senate;
- (6) Member of the Assembly;
- (7) Representative of the executive branch; and
- (8) Lawyer.

(Subd (c) amended effective January 1, 2007.)

(d) Member selection

The two legislative members are appointed by the respective houses. The executive member is appointed by the Governor. The lawyer member is appointed by the State Bar.

(e) Chair

The Chief Justice appoints a judicial officer or justice member to serve as chair.

Rule 10.53 amended and renumbered effective January 1, 2007; adopted as rule 6.53 effective January 1, 1999.

Rule 10.54. Traffic Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in the area of traffic procedure, practice, and case management and in other areas as stated in the fish and game, boating, forestry, public utilities, parks and recreation, and business licensing bail schedules.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

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

- (1) Trial court judicial officer;

- (2) Judicial administrator;
- (3) Juvenile hearing officer;
- (4) Representative from the California Highway Patrol;
- (5) Representative from the Department of Motor Vehicles;
- (6) Representative from the Office of Traffic Safety; and
- (7) Criminal defense lawyer.

(Subd (b) amended effective January 1, 2010; previously amended effective January 1, 2007.)

Rule 10.54 amended effective January 1, 2010; adopted as rule 6.54 effective January 1, 1999; previously amended and renumbered January 1, 2007.

Rule 10.55. Advisory Committee on Providing Access and Fairness

(a) Area of focus

The committee makes recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties.

(Subd (a) amended effective February 20, 2014; previously amended effective January 1, 2007.)

(b) Additional duties

In addition to the duties described in rule 10.34, the committee must recommend to the Center for Judicial Education and Research proposals for the education and training of judicial officers and court staff.

(Subd (b) amended effective February 20, 2014; previously amended effective January 1, 2007.)

(c) Membership

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

- (1) Appellate justice;
- (2) Trial court judicial officer;

- (3) Lawyer with expertise or interest in disability issues;
- (4) Lawyer with expertise or interest in additional access, fairness, and diversity issues addressed by the committee;
- (5) Lawyer from a trial court self-help center;
- (6) Legal services lawyer;
- (7) Court executive officer or trial court manager who has experience with self-represented litigants;
- (8) County law librarian or other related professional;
- (9) Judicial administrator; and
- (10) Public member.

(Subd (c) amended effective February 20, 2014; previously amended effective January 1, 2007.)

(d) Cochairs

The Chief Justice appoints two advisory committee members to serve as cochairs. Each cochair is responsible for leading the advisory committee's work in the following areas:

- (1) Physical, programmatic, and language access; fairness in the courts; and diversity in the judicial branch; and
- (2) Issues confronted by self-represented litigants and those of limited or moderate income, including economic, education, and language challenges.

(Subd (d) adopted effective February 20, 2014.)

Rule 10.55 amended effective February 20, 2014; adopted as rule 6.55 effective January 1, 1999; previously amended and renumbered effective January 1, 2007.

Advisory Committee Comment

The advisory committee's area of focus includes assisting courts to improve access and fairness by recommending methods and tools to identify and address physical, programmatic, and language access; fairness in the courts; and diversity in the judicial branch, as well as addressing issues that affect the ability of litigants to access the courts including economic, education, and language challenges. An additional responsibility of the advisory committee to recommend to the council updated guidelines and procedures for court self-help centers, as needed, is stated in rule 10.960.

Rule 10.56. Collaborative Justice Courts Advisory Committee

(a) Area of focus

The committee makes recommendations to the Judicial Council on criteria for identifying and evaluating collaborative justice courts and for improving the processing of cases in these courts, which include drug courts, domestic violence courts, youth courts, and other collaborative justice courts. Those recommendations include “best practices” guidelines and methods for collecting data to evaluate the long-term effectiveness of collaborative justice courts.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

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

- (1) Assess and measure the success and effectiveness of local collaborative justice courts;
- (2) Identify and disseminate to trial courts locally generated best practices;
- (3) Recommend minimum judicial education standards and educational activities to support those standards to the Governing Committee of the Center for Judicial Education and Research;
- (4) Advise the council of potential funding sources;
- (5) Make recommendations regarding grant funding programs that are administered by the Administrative Office of the Courts for drug courts and other treatment courts; and
- (6) Recommend appropriate outreach activities needed to support collaborative justice courts.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

The committee must include the following:

- (1) At least five judicial officers. Nominations for these appointments must be made in accordance with rule 10.32. The list of nominees should enable the Chair of the Judicial Council to appoint a committee that reflects a variety of court experience (e.g., criminal, juvenile, family, general civil),

expertise, and court sizes and types (e.g., urban, suburban, and rural; and small, medium, and large).

- (2) At least one member from each of the following categories:
- (A) Judicial administrator;
 - (B) District attorney;
 - (C) Criminal defense attorney;
 - (D) Law enforcement (police/sheriff);
 - (E) Treatment provider or rehabilitation provider;
 - (F) Probation officer;
 - (G) Court-treatment coordinator;
 - (H) Treatment court graduate; and
 - (I) Public member.

(Subd (c) amended effective January 1, 2007.)

Rule 10.56 amended and renumbered effective January 1, 2007; adopted as rule 6.56 effective January 1, 2000; previously amended effective January 1, 2002.

Rule 10.57. Judicial Service Advisory Committee [Repealed]

Rule 10.57 repealed effective October 25, 2013; adopted as rule 6.57 effective January 1, 2003; previously amended and renumbered effective January 1, 2007.

Rule 10.58. Advisory Committee on Civil Jury Instructions

(a) Area of focus

The committee regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council's civil jury instructions.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories, and a majority of the members must be judges:

- (1) Appellate court justice;
- (2) Trial court judge;
- (3) Lawyer whose primary area of practice is civil law; and
- (4) Law professor whose primary area of expertise is civil law.

Rule 10.58 amended and renumbered effective January 1, 2007; adopted as rule 6.58 effective September 1, 2003.

Rule 10.59. Advisory Committee on Criminal Jury Instructions

(a) Area of focus

The committee regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council's criminal jury instructions.

(b) Membership

The committee must include at least one member from each of the following categories, and a majority of the members must be judges:

- (1) Appellate court justice;
- (2) Trial court judge;
- (3) Lawyer whose primary area of practice is criminal defense;
- (4) Deputy district attorney or other attorney who represents the People of the State of California in criminal matters; and
- (5) Law professor whose primary area of expertise is criminal law.

Rule 10.59 renumbered effective January 1, 2007; adopted as rule 6.59 effective July 1, 2005.

Rule 10.60. Tribal Court–State Court Forum

(a) Area of focus

The forum makes recommendations to the council for improving the administration of justice in all proceedings in which the authority to exercise jurisdiction by the state judicial branch and the tribal justice systems overlaps.

(b) Additional duties

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

- (1) Identify issues of mutual importance to tribal and state justice systems, including those concerning the working relationship between tribal and state courts in California;
- (2) Make recommendations relating to the recognition and enforcement of court orders that cross jurisdictional lines, the determination of jurisdiction for cases that might appear in either court system, and the sharing of services between jurisdictions;
- (3) Identify, develop, and share with tribal and state courts local rules of court, protocols, standing orders, and other agreements that promote tribal court-state court coordination and cooperation, the use of concurrent jurisdiction, and the transfer of cases between jurisdictions;
- (4) Recommend appropriate activities needed to support local tribal court-state court collaborations; and
- (5) Make proposals to the Governing Committee of the Center for Judicial Education and Research on educational publications and programming for judges and judicial support staff.

(c) Membership

The forum must include the following members:

- (1) Tribal court judges or justices selected by tribes in California, as described in (d), but no more than one tribal court judge or justice from each tribe;
- (2) At least three trial court judges from counties in which a tribal court is located;
- (3) At least one appellate justice of the California Courts of Appeal;
- (4) At least one member from each of the following committees: the Access and Fairness Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee, Governing Committee of the Center for Judicial Education and Research, Probate and Mental Health Advisory Committee, and Traffic Advisory Committee; and
- (5) As ex officio members, the Director of the California Attorney General's Office of Native American Affairs and the Governor's Tribal Advisor.

The composition of the forum must have an equal or a close-to-equal number of judges or justices from tribal courts and state courts.

(d) Member Selection

- (1) The Chief Justice appoints all forum members, except tribal court judges and tribal court justices, who are appointed as described in (2).
- (2) For each tribe in California with a tribal court, the tribal leadership will appoint the tribal court judge or justice member to the forum consistent with the following selection and appointment process.
 - (A) The forum cochairs will notify the tribal leadership of a vacancy for a tribal court judge or justice and request that they submit names of tribal court judges or justices to serve on the forum.
 - (B) A vacancy for a tribal court judge or justice will be filled as it occurs either on the expiration of a member's term or when the member has left the position that qualified the member for the forum.
 - (C) If there are more names of tribal court judges and justices submitted by the tribal leadership than vacancies, then the forum cochairs will confer and decide which tribal court judges or justices should be appointed. Their decision will be based on the diverse background and experience, as well as the geographic location, of the current membership.

(e) Cochairs

The Chief Justice appoints a state appellate justice or trial court judge and a tribal court appellate justice or judge to serve as cochairs, consistent with rule 10.31(c).

Rule 10.60 adopted effective October 25, 2013.

Judicial Council Comment

Tribes are recognized as distinct, independent political nations (see *Worcester v. Georgia* (1832) 31 U.S. 515, 559, and *Santa Clara Pueblo v. Martinez* (1978) 436 U.S. 49, 55, citing *Worcester*), which retain inherent authority to establish their own form of government, including tribal justice systems. (25 U.S.C.A. § 3601(4).) Tribal justice systems are an essential part of tribal governments and serve to ensure the public health and safety and the political integrity of tribal governments. (25 U.S.C.A. § 3601(5).) Traditional tribal justice practices are essential to the maintenance of the culture and identity of tribes. (25 U.S.C.A. § 3601(7).)

The constitutional recognition of tribes as sovereigns in a government-to-government relationship with all other sovereigns is a well-established principle of federal Indian law. (See *Cohen's Handbook of Federal Indian Law* (2005) p. 207.) In recognition of this sovereignty, the council's

oversight of the forum, through an internal committee under rule 10.30(d), is limited to oversight of the forum's work and activities and does not include oversight of any tribe or tribal court.

Rule 10.61. Court Security Advisory Committee

(a) Area of Focus

The committee makes recommendations to the council for improving court security, including personal security and emergency response planning.

(b) Membership

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

- (1) Appellate court justice;
- (2) Appellate court administrator;
- (3) Trial court judge;
- (4) Trial court judicial administrator;
- (5) Member of the Court Facilities Advisory Committee; and
- (6) Member of the Trial Court Facility Modification Advisory Committee.

At least one member of the committee should be from a trial court that uses a marshal for court security services.

Rule 10.61 adopted effective October 25, 2013.

Rule 10.62. Court Facilities Advisory Committee

(a) Area of focus

The committee makes recommendations to the council concerning the judicial branch capital program for the trial and appellate courts.

(b) Membership

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

- (1) Appellate court justice;
- (2) Appellate court clerk/administrator;

- (3) Superior court judge;
- (4) Court executive officer;
- (5) Lawyer;
- (6) Local government official or administrator; and
- (7) Public member with expertise in real estate acquisition, construction, architecture, cost estimating, or facilities management and operations.

The committee also includes the chair and vice-chair of the Trial Court Facility Modification Advisory Committee, as non-voting members.

Rule 10.62 adopted effective February 20, 2014.

Rule 10.63. Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

(a) Area of focus

The committee makes recommendations to the council on practices that will promote financial accountability and efficiency in the judicial branch.

(b) Additional duties

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

- (1) Make recommendations annually to the council concerning any budget change proposals for funding of the Administrative Office of the Courts (AOC) and any proposed changes to the annual compensation plan for the AOC;
- (2) Review all audit reports of the judicial branch, recommend council acceptance of audit reports, and, where appropriate, make recommendations to the council on individual or systemic issues;
- (3) Report to the council on AOC contracts that meet established criteria to ensure that the contracts are in support of judicial branch policy; and
- (4) Review proposed updates and revisions to the *Judicial Branch Contracting Manual*.

(c) Membership

The committee must include members in the following categories:

- (1) Appellate court justices;
- (2) Superior court judges; and
- (3) Court executive officers.

The California Judges Association will recommend three nominees for a superior court judge position and submit its recommendations to the Executive and Planning Committee of the Judicial Council.

Rule 10.63 adopted effective February 20, 2014.

Advisory Committee Comment

The purpose of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch is to promote transparency, accountability, efficiency, and understanding of the AOC and the judicial branch. The advisory committee fosters the best use of the work, information, and recommendations provided by the AOC, and it promotes increased understanding of the AOC's mission, responsibilities, accomplishments, and challenges.

Rule 10.64. Trial Court Budget Advisory Committee

(a) Area of focus

The Trial Court Budget Advisory Committee makes recommendations to the council on the preparation, development, and implementation of the budget for the trial courts and provides input to the council on policy issues affecting trial court funding.

(b) Additional duties

In addition to the duties specified in rule 10.34, the committee may make recommendations to the council on:

- (1) Trial court budget priorities to guide the development of the budget for the upcoming fiscal year;
- (2) The allocation of trial court funding, including any changes to existing methodologies for allocating trial court budget augmentations and reductions; and
- (3) Budget policies and procedures, as appropriate.

(c) Membership

- (1) The advisory committee consists of an equal number of trial court presiding judges and court executive officers reflecting diverse aspects of

state trial courts, including urban, suburban, and rural locales; the size and adequacy of budgets; and the number of authorized judgeships.

- (2) A presiding judge and court executive officer may be from the same court.
- (3) The chairs of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee serve as ex officio voting members.
- (4) Notwithstanding rule 10.31(e), a presiding judge is qualified to complete his or her term on the advisory committee even if his or her term as presiding judge of a trial court ends.
- (5) The Administrative Office of the Courts' chief of staff, chief administrative officer, chief operating officer, and director of the fiscal services office serve as non-voting members.

(d) Cochairs

The Chief Justice appoints a presiding judge and the Director of the Fiscal Services Office to serve as cochairs.

Rule 10.64 adopted effective February 20, 2014.

Rule 10.70. Task forces and other advisory bodies

The Chief Justice, the Administrative Director of the Courts, or the council may establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council's standing advisory committees. These task forces and other advisory bodies may be required to report to one of the internal committees or the Administrative Director, as designated in their charges.

Rule 10.70 amended effective August 14, 2009; adopted as rule 6.70 effective January 1, 1999; previously amended effective September 1, 2003; previously renumbered effective January 1, 2007.

Rule 10.75. Meetings of advisory bodies

(a) Intent

The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies. Existing rules and procedures provide for circulation of advisory body proposals regarding rules, forms, standards, and jury instructions for public comment, posting of written reports for the council on the California Courts website (www.courts.ca.gov), public attendance and comment during council meetings, real time audio casts of council meetings, and public posting of council meeting minutes. This rule expands public access to advisory body meetings.

(b) Advisory bodies and chairs

- (1) “Advisory bodies,” as used in this rule, means any multimember body created by the Judicial Council to review issues and report to the council. For purposes of this rule, subcommittees that are composed of less than a majority of the members of the advisory body are not advisory bodies. However, standing subcommittees that are charged with addressing a topic as a continuing matter are advisory bodies for purposes of this rule irrespective of their composition.
- (2) “Chair,” as used in this rule, includes a chair’s designee.

(c) Open meetings

(1) *Meetings*

Advisory body meetings to review issues that the advisory body will report to the Judicial Council are open to the public, except as otherwise provided in this rule. A meeting open to the public includes a budget meeting, which is a meeting or portion of a meeting to discuss a proposed recommendation of the advisory body that the Judicial Council approve an allocation or direct an expenditure of public funds. A majority of advisory body members must not decide a matter included on a posted agenda for an upcoming meeting in advance of the meeting.

(2) *Exempt bodies*

The meetings of the following advisory bodies and their subcommittees are exempt from the requirements of this rule:

- (A) Advisory Committee on Civil Jury Instructions;
- (B) Advisory Committee on Criminal Jury Instructions; and
- (C) Litigation Management Committee.

(3) *Rule committees*

With the exception of any budget meetings, the meetings of the rule committees listed in this subdivision and of their subcommittees are closed unless the chair concludes that a particular agenda item may be addressed in open session. Any budget meeting must be open to the public.

- (A) Appellate Advisory Committee;
- (B) Civil and Small Claims Advisory Committee;

- (C) Criminal Law Advisory Committee;
- (D) Family and Juvenile Law Advisory Committee;
- (E) Probate and Mental Health Advisory Committee; and
- (F) Traffic Advisory Committee.

(d) Closed sessions

The chair of an advisory body or an advisory body subcommittee may close a meeting, or portion of a meeting, to discuss any of the following:

- (1) The appointment, qualifications, performance, or health of an individual, or other information that, if discussed in public, would constitute an unwarranted invasion of personal privacy;
- (2) Claims, administrative claims, agency investigations, or pending or reasonably anticipated litigation naming, or reasonably anticipated to name, a judicial branch entity or a member, officer, or employee of such an entity;
- (3) Negotiations concerning a contract, a labor issue, or legislation;
- (4) The price and terms of payment for the purchase, sale, exchange, or lease of real property for a judicial branch facility before the property has been acquired or the relevant contracts have been executed;
- (5) Security plans or procedures or other matters that if discussed in public would compromise the safety of the public or of judicial branch officers or personnel or the security of judicial branch facilities or equipment, including electronic data;
- (6) Non-final audit reports or proposed responses to such reports;
- (7) Trade secrets or privileged or confidential commercial and financial information;
- (8) Development, modification, or approval of any licensing or other professional examination or examination procedure;
- (9) Evaluation of individual grant applications; or
- (10) Topics that judicial officers may not discuss in public without risking a violation of the California Code of Judicial Ethics, necessitating recusal, or encouraging disqualification motions or peremptory challenges against

them, including proposed legislation, rules, forms, standards of judicial administration, or jury instructions.

(e) Notice of meetings

(1) *Regular meetings*

Public notice must be given of the date and agenda of each meeting that is subject to this rule, whether open or closed, at least five business days before the meeting.

(2) *Urgent circumstances*

A meeting that is subject to this rule may be conducted on 24 hours notice in case of urgent circumstances requiring prompt action. The minutes of such meetings must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken.

(f) Form of notice

(1) The notice and agenda for a meeting subject to this rule, whether open or closed, must be posted on the California Courts website.

(2) The notice for meetings subject to this rule must state whether the meeting is open or closed. If a meeting is closed or partially closed, the notice must identify the closed agenda items and the specific subdivision of this rule authorizing the closure.

(3) For meetings that are open in part or in full, the notice must provide:

(A) The telephone number or other electronic means that a member of the public may use to attend the meeting;

(B) The time of the meeting, whether the public may attend in person, and, if so, the meeting location; and

(C) The e-mail address or other electronic means that the public may use to submit written comments regarding agenda items or requests to make an audio recording of a meeting.

(g) Contents of agenda

The agenda for a meeting subject to this rule, whether open or closed, must contain a brief description of each item to be considered during the meeting. If a meeting is closed or partially closed, the agenda must identify the specific subdivision of this rule authorizing the closure.

(h) Meeting materials

Materials for an open meeting must be posted on the California Courts website at least three business days before the date of the meeting, except in extraordinary circumstances.

(i) Public attendance

The public may attend open sessions of advisory body meetings by telephone or other available electronic means. If the members of an advisory body gather in person at a single location for a meeting, the public may attend in person at that location if the chair concludes security measures permit.

(j) Conduct at meeting

Members of the public who attend open meetings in person must remain orderly. The chair may order the removal of any disorderly person.

(k) Public comment

(1) *Written comment*

The public may submit written comments for any agenda item of a regularly noticed open meeting up to one complete business day before the meeting.

(2) *In-person comment*

If security measures permit public attendance at an open in-person advisory body meeting, the meeting must include an opportunity for public comment on each agenda item before the advisory body considers the item. Requests to comment on an agenda item must be submitted before the meeting begins, indicating the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address. The advisory body chair may grant a request to comment on an agenda item that is received after a meeting has begun.

(3) *Reasonable limits and timing*

The advisory body chair has discretion to establish reasonable limits on the length of time for each speaker and the total amount of time permitted for public comment. The chair may also decide whether public comments will be heard at the beginning of the meeting or in advance of the agenda items.

(l) Making an audio recording of a meeting

An advisory body chair may permit a member of the public to make an audio recording of an open meeting, or the open portion of a meeting, if a written request is submitted at least two business days before the meeting.

(m) Minutes as official records

Minutes of each meeting subject to this rule, whether open or closed, must be prepared for approval at a future meeting. When approved by the advisory body, the minutes constitute the official record of the meeting. Approved minutes for the open portion of a meeting must be posted on the California Courts website.

(n) Adjourned meetings

An advisory body chair may adjourn a meeting to reconvene at a specified time without issuing a new notice under (e)(1), provided that, if open agenda items remain for discussion, notice of the adjourned meeting is posted on the California Courts website 24 hours before the meeting reconvenes. The notice must identify any remaining open agenda items to be discussed, the time that the meeting will reconvene, the telephone number that the public may use to attend the meeting and, if the public may attend the reconvened meeting in person, the location. The advisory body may not consider new agenda items when the meeting reconvenes except as permitted under (e)(2).

(o) Action by e-mail between meetings

An advisory body may take action by e-mail between meetings in circumstances specified in this subdivision.

(1) *Circumstances*

An advisory body chair may distribute a proposal by e-mail to all advisory body members for action between meetings if:

(A) The advisory body discussed and considered the proposal at a previous meeting but concluded additional information was needed; or

(B) The chair concludes that prompt action is needed.

(2) *Notice*

If an e-mail proposal concerns a matter that otherwise must be discussed in an open meeting, the advisory body must provide public notice and allow one complete business day for public comment concerning the proposal,

before acting on the proposal. The notice must be posted on the California Courts website and must provide an e-mail address to which the public may submit written comments. The advisory body may forego public comment if the chair concludes that prompt action is required.

(3) *Communications*

If an e-mail proposal concerns a matter that otherwise must be discussed in an open meeting, after distribution of the proposal and until the advisory body has acted, advisory body members must restrict their communications with each other about the proposal to e-mail. This restriction only applies to proposals distributed under this subdivision.

(4) *Official record*

Written minutes describing the action taken on an e-mail proposal that otherwise must be discussed in an open meeting must be prepared for approval at a future meeting. The minutes must attach any public comments received. When approved by the advisory body, the minutes constitute the official record of the proposal. Approved minutes for such a proposal must be posted to the California Courts website. The e-mails exchanged concerning a proposal that otherwise would have been considered in a closed meeting will constitute the official record of the proposal.

(p) Review requirement

The Judicial Council will review the impact of this rule within one year of the rule's adoption and periodically thereafter to determine whether amendments are needed. In conducting its review, the council will consider, among other factors, the public interest in access to meetings of the council's advisory bodies, the obligation of the judiciary to comply with judicial ethics standards, and the public interest in the ability of advisory bodies to effectively assist the Judicial Council by offering policy recommendations and alternatives for improving the administration of justice.

Rule 10.75 adopted effective July 1, 2014.

Advisory Committee Comment

Subdivisions (a) and (c)(1). This rule expands public access to Judicial Council advisory bodies. The council recognizes the important public interest in access to those meetings and to information regarding administration and governance of the judicial branch. Meetings of the Judicial Council are open, and notice and materials for those meetings are provided to the public, under rules 10.5 and 10.6. Rules in Division 1 of Title 10 describe the council's advisory bodies and require that proposals for rules, standards, forms, and jury instructions be circulated for public comment. (See Cal. Rules of Court, rules 10.10–10.22, 10.30–10.70.) Reports to the council presenting proposals and recommendations are publicly posted on the California Courts

website (www.courts.ca.gov). Internal committee chairs report at each council meeting regarding the activities of the internal committees in the period since the last council meeting, and internal committee meeting minutes also are posted on the California Courts website. This rule expands on those existing rules and procedures to increase public access by opening the meetings of advisory bodies to review issues that the advisory body will report to the council. The rule does not apply to meetings that do not involve review of issues to be reported to the council, such as meetings providing education and training of members, discussion of best practices, or sharing of information of general interest unrelated to advice or reports to the council. Those non-advisory matters are outside the scope of this rule.

Subdivision (b)(1). The definition provided in (b)(1) is intended exclusively for this rule and includes internal committees, advisory committees, task forces, and other similar multimember bodies that the council creates to review issues and report to it. (Cf. Cal. Rules of Court, rule 10.30(a) [“Judicial Council advisory bodies are typically advisory committees and task forces”].)

Subdivisions (c)(2), (c)(3), and (d)(10). The Code of Judicial Ethics governs the conduct of judges and is binding upon them. It establishes high standards of conduct that judges must personally observe, maintain, and enforce at all times to promote and protect public confidence in the integrity and impartiality of the judiciary. (See Code Judicial Ethics, Preamble, canon 1, canon 2A.) Among other things, compliance with these high ethical standards means avoiding conduct that could suggest a judge does not have an open mind in considering issues that may come before the judge. (*Id.*, canon 2A.) Judges also are prohibited from making public comments about a pending or impending proceeding (*id.*, canon 3B(9)), signifying that they may not publicly discuss case law that has not reached final disposition through the appellate process, or pending or anticipated litigation, conduct that would be required to participate in the work covered by the referenced subdivisions. Ethical standards also direct that they hear and decide all matters assigned to them, avoiding extrajudicial duties that would lead to their frequent disqualification. (*Id.*, canons 3B(1), 4A(4).)

The work of the three advisory bodies listed in subdivision (c)(2) exclusively involves discussion of topics that are uniquely difficult or impossible for judges to address while honoring the detailed ethical standards governing the judiciary. For example, as required by rule, the Litigation Management Committee discusses pending or anticipated claims and litigation against judicial officers, courts, and court employees. Jury instruction committees also may discuss decisions or rulings issued in cases that have not reached final resolution through the appellate process. Thus, opening the meetings of these three committees would result in precluding judges, who are specially learned in the law, from meaningful participation on those committees. Subdivision (c)(2) is added to avoid this result.

The work of the six rule committees listed in subdivision (c)(3) almost always will trigger similar issues. Those bodies focus primarily on developing, and providing input concerning, proposed legislation, rules, forms, and standards of judicial administration. That work necessarily entails a complex interchange of views, consideration of multiple perspectives, and the vetting of opposing legal arguments, which judges cannot undertake in public without risk that their comments will be misunderstood or used as a basis for disqualification or challenge. Service on the referenced committees, and public participation in discussing the referenced topics, may make it difficult for a judge to hear and decide all matters assigned to the judge and conceivably could lead to frequent disqualification of the judge, exposing the judge to risk of an ethical violation. This may create significant practical issues for courts related to judicial workloads, while also deterring individuals specially learned in the law from serving on advisory bodies, in turn depriving the public of the benefits of their training and experience in crafting procedures for the effective and

efficient administration of justice. Subdivisions (c)(3) and (d)(10) are intended to prevent such deleterious results by clarifying that meetings of the six rule committees whose work almost entirely focuses on these topics ordinarily will be closed and that meetings of other bodies performing similar functions also will be closed as the chairs deem appropriate, with the exception that any budget meetings must be open.

Subdivision (d)(7). Definitions of the terms “trade secret,” “privileged information,” and “confidential commercial and financial information,” are provided in rule 10.500(f)(10).

Subdivision (k)(1). Due to budget constraints, members’ schedules, and the geographic diversity of most committees’ membership, advisory body meetings typically are held via teleconference or other method not requiring the members’ in person attendance. Because judicial officer and attorney members may have limited time for meetings (e.g., only a lunch hour), the volume of advisory body business to be accomplished in those periods may be considerable, and the costs of coordinating teleconferences that would accommodate spoken comments from the public would be significant in the aggregate, the rule only provides for public comment in writing. To ensure sufficient time for advisory body staff to gather and distribute written comments to members, and for members to review comments before the meeting, the rule requires that comments be submitted one complete business day before the meeting.

2015-2016 ADVISORY COMMITTEE PRINCIPAL STAFF AND CHAIRS
As of September 15, 2015

Committee Name	Principal Staff	Phone Number	Committee Chair	Phone Number
1. Advisory Committee on Providing Access and Fairness	Ms. Kyanna Williams	415-865-7911	Hon. Kathleen E. O’Leary, Cochair Hon. Laurie Zelon, Cochair	714-571-2730 213-830-7403
2. Administrative Presiding Justices Advisory Committee	Ms. Donna Hershkowitz	818-558-3068	Hon. Tani G. Cantil-Sakauye	415-865-7060
3. Advisory Committee on Civil Jury Instructions	Mr. Bruce Greenlee	415-865-7698	Hon. Martin J. Tangeman	805-781-5936
4. Advisory Committee on Criminal Jury Instructions	Ms. Robin Seeley	415-865-7710	Hon. Sandy R. Kriegler	213-830-7348
5. Appellate Advisory Committee	Ms. Heather Anderson	415-865-7691	Hon. Raymond J. Ikola	714-571-2770
6. Appellate Indigent Defense Oversight Advisory Committee	Ms. Deborah Collier-Tucker	415-865-4251	Hon. Herbert I. Levy	559-445-5523
7. Civil and Small Claims Advisory Committee	Ms. Anne Ronan	415-865-8933	Hon. Raymond M. Cadei, Chair	916-874-7848
			Hon. Ann I. Jones, Vice-Chair	818-256-1823
8. Collaborative Justice Courts Advisory Committee	Ms. Nancy Taylor	415-865-7607	Hon. Richard Vlavianos, Chair	209-992-5253
	Ms. Francine Byrne	415-865-8069	Hon. Rogelio R. Flores, Vice-Chair	805-614-6432
9. Court Executives Advisory Committee	Ms. Claudia Ortega	415-865-7623	Mr. Richard Feldstein, Chair	707-299-1111
			Mr. Jake Chatters, Vice-Chair	916-408-6186
10. Court Facilities Advisory Committee	Ms. Kelly Quinn	818-558-3078	Hon. Brad Hill, Chair	559-445-5391
			Hon. Patricia M. Lucas, Vice-Chair	408-882-2128
11. Court Interpreters Advisory Panel	Ms. Sonia Sierra Wolf	415-865-4288	Hon. Steven K. Austin, Chair	925-957-5986
			Ms. Christina M. Volkers, Vice-Chair	909-708-8767
12. Court Security Advisory Committee	Mr. Ed Ellestad	415-865-4538	Hon. Thomas M. Maddock, Chair	925-957-5716
			Hon. Patricia Bamattre-Manoukian	408-494-2510

13. Court Technology Advisory Committee	Ms. Jamel Jones	415-865-4629	Hon. Terence L. Bruiniers, Chair	415-865-7398
			Hon. Robert B. Freedman, Vice-Chair	510-267-6936
14. Criminal Law Advisory Committee	Mr. Arturo Castro	415-865-7702	Hon. Tricia Ann Bigelow, Chair	213-830-7383
			Hon. J. Richard Couzens (Ret.), Vice-Chair	530-401-7942
15. Family and Juvenile Law Advisory Committee	Ms. Julia Weber	415-865-7693	Hon. Jerilyn L. Borack, Cochair	916-875-2531
	Ms. Audrey Fancy	415-865-7706	Hon. Mark A. Juhas, Cochair	213-633-1064
16. Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch	Mr. John Judnick	415-865-7450	Hon. Kathleen O'Leary, Chair	714-571-2730
			Mr. Michael D. Planet, Vice-Chair	805-654-5110
17. Governing Committee of the Center for Judiciary Education and Research	Mr. Bob Lowney	415-865-7833	Hon. Theodore M. Weathers, Chair	619-746-6249
18. Judicial Branch Workers' Compensation Advisory Committee	Ms. Linda M. Cox		Ms. Tania Ugrin-Capobianco, Chair	530-621-5155
19. Probate and Mental Health Advisory Committee	Mr. Douglas C. Miller	818-558-4178	Hon. John H. Sugiyama	925-957-5714
20. Traffic Advisory Committee	Mr. Courtney Tucker	415-865-7611	Hon. Gail Dekreon	415-551-0341
	Mr. Bob Fleshman	415-865-7531	Hon. Jonathan B. Conklin, Chair	559-457-6355
21. Trial Court Budget Advisory Committee	Mr. Patrick McGrath	916-643-8051	Hon. Donald Cole Byrd, Chair	530-934-6382
			Hon. William F. Highberger, Vice-Chair	213-351-7522
23. Trial Court Presiding Judges Advisory Committee	Ms. Deirdre Benedict	415-865-8915	Hon. Brian McCabe, Chair	209-725-4172
			Hon. Glenda Sanders, Vice-Chair	657-622-5201
24. Tribal Court-State Court Forum	Ms. Jennifer Walter	415-865-7687	Hon. Richard C. Blake, Cochair	530-625-1985
			Hon. Dennis M. Perluss, Cochair	213-830-7418
25. Workload Assessment Advisory Committee	Ms. Leah Rose-Goodwin	415-865-7708	Hon. Lorna A. Alksne	619-450-5048

JUDICIAL COUNCIL TASK FORCES
Effective September 2015

Advisory Group	Principal Staff	Phone Number	Chair	Phone Number
Court-Ordered Debt Task Force	Ms. Olivia Lawrence	916-263-2541	Hon. David S. Wesley, Cochair	213-974-5550
Language Access Plan Implementation Task Force	Mr. Douglas G. Denton	415-865-7870	Hon. Mary Ann O'Malley, Cochair	925-957-5704
			Hon. Mariano-Florentino Cuéllar, Chair	N/A
Mental Health Issues Implementation Task Force	Ms. Francine Byrne	415-865-8069	Hon. Manuel J. Covarrubias, Vice-Chair	805-289-8806
	Ms. Karen Moen	415-865-4220	Hon. Richard J. Loftus, Jr., Chair	408-882-2280
Sargent Shriver Civil Counsel Act Implementation Committee	Ms. Bonnie Hough	415-865-7668	Hon. Earl Johnson, Jr. (Ret.), Chair	805-985-8599

JUDICIAL COUNCIL ADVISORY COMMITTEES

MEMBERSHIP LIST

Effective September 15, 2015, and November 1, 2015

(**Bold** = new members or new chairs; *Italics* = reappointed members; and
Bold** = new member appointments effective November 1, 2015)

Administrative Presiding Justices Advisory Committee

Staff Contact: Donna Hershkowitz

Phone: 818-558-3068

Hon. Tani G. Cantil-Sakauye, Chair	Supreme Court of California
Hon. Roger W. Boren	Court of Appeal, Second Appellate District
Hon. Brad R. Hill	Court of Appeal, Fifth Appellate District
Hon. Judith D. McConnell	Court of Appeal, Fourth Appellate District
Hon. William R. McGuiness	Court of Appeal, First Appellate District
Hon. Vance W. Raye	Court of Appeal, Third Appellate District
Hon. Conrad Lee Rushing	Court of Appeal, Sixth Appellate District

Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Staff Contact: John Judnick

Phone: 415-865-7450

Hon. Kathleen E. O’Leary, Chair	Court of Appeal, Fourth Appellate District, Division Three
Mr. Michael D. Planet, Vice-Chair	Superior Court of California, County of Ventura
Hon. Richard D. Huffman	Court of Appeal, Fourth Appellate District
Hon. Kim Garlin Dunning	Superior Court of California, County of Orange
Hon. Jill C. Fannin	Superior Court of California, County of Contra Costa
Hon. Michele E. Flurer	Superior Court of California, County of Los Angeles
Hon. Teri L. Jackson	Superior Court of California, County of San Francisco
Ms. Teresa A. Risi	Superior Court of California, County of Monterey
Mr. Michael M. Roddy	Superior Court of California, County of San Diego

Advisory Committee on Providing Access & Fairness

Staff Contact: Kyanna Williams

Phone: 415-865-7911

<i>Hon. Kathleen E. O’Leary, Cochair</i>	<i>Court of Appeal, Fourth Appellate District, Division Three</i>
<i>Hon. Laurie D. Zelon, Cochair</i>	<i>Court of Appeal, Second Appellate District, Division Seven</i>
Hon. Sue Alexander	Superior Court of California, County of Alameda
Ms. Cherri N. Allison	Superior Court of California, County of Alameda
Hon. Craig E. Arthur	Superior Court of California, County of Orange
Hon. Diana Becton	Superior Court of California, County of Contra Costa
Ms. Deni Butler	Superior Court of California, County of Los Angeles
Ms. Nancy Eberhardt	Superior Court of California, County of San Diego
Hon. Ana L. España	Superior Court of California, County of San Diego
Ms. Ana Maria Garcia	Supervising Attorney, Neighborhood Legal Services of Los Angeles County
Hon. Ginger E. Garrett	Superior Court of California, County of San Luis Obispo
Ms. Tammy L. Grimm	Superior Court of California, County of Imperial

Hon. Maria D. Hernandez
Hon. Teri L. Jackson
Hon. Victoria Kolakowski
Hon. Lia R. Martin
Hon. William J. Murray, Jr.
Ms. Julie S. Paik

Ms. Leigh Parsons
Ms. Carol Ross-Burnett
Ms. Melanie Snider
Mr. Bruce A. Soublet

Hon. Bobbi Tillmon
Ms. Kimberly C. Tucker
Hon. Juan Ulloa
Hon. Vanessa W. Vallarta
Hon. Erica R. Yew
Ms. Rheeah Yoo

Superior Court of California, County of Orange
Superior Court of California, County of San Francisco
Superior Court of California, County of Alameda
Superior Court of California, County of Los Angeles
Court of Appeal, Third Appellate District
Director and Chief Legal Attorney, Department of Child Support Services
Superior Court of California, County of Santa Clara
Sheppard, Mullin, Richter & Hampton LLP
Superior Court of California, County of Butte
Sr. Assistant City Attorney/ADA Coordinator, City Attorney's Office, City of Richmond
Superior Court of California, County of Los Angeles
Director, Sonoma County Public Law Library
Superior Court of California, County of Imperial
Superior Court of California, County of Monterey
Superior Court of California, County of Santa Clara
Superior Court of California, County of Imperial

Advisory Committee on Civil Jury Instructions

Staff Contact: Bruce Greenlee
Phone: 415-865-7698

Hon. Martin J. Tangeman, Chair
Hon. Suzanne Ramos Bolanos
Hon. Victoria M. Chavez
Hon. Robert P. Dahlquist
Hon. Elena J. Duarte
Mr. Jonathan M. Eisenberg
Hon. Janet M. Frangie
Hon. Donald R. Franson
Hon. Robert A. Goodin
Hon. Elizabeth A. Grimes
Mr. Matthew K. Hawkins
Hon. Judy Holzer Hersher
Hon. Raymond J. Ikola
Ms. Margaret Z. Johns
Mr. Michael A. Kelly
Hon. Monica Marlow
Mr. Joseph P. McMonigle
Mr. Julian W. Poon
Mr. John E. Porter
Hon. James A. Richman
Mr. Todd M. Schneider
Mr. Richard L. Seabolt
Ms. Christine Spagnoli
Ms. Mary-Christine Sungaila
Hon. John Shepard Wiley, Jr.

Superior Court of California, County of San Luis Obispo
Superior Court of California, County of San Francisco
Court of Appeal, Second Appellate District, Division Two
Superior Court of California, County of San Diego
Court of Appeal, Third Appellate District
Deputy Attorney General, California Department of Justice
Superior Court of California, County of San Bernardino
Court of Appeal, Fifth Appellate District
Attorney, Goodin, MacBride, Squeri, Ritchie & Day, LLP
Court of Appeal, Second District, Division Eight
Attorney, McCormick Barstow LLP
Superior Court of California, County of Sacramento
Court of Appeal, Fourth Appellate District, Division Three
Professor of Law, University of California, Davis
Attorney, Walkup, Melodia, Kelly & Schoenberger
Superior Court of California, County of Shasta
Attorney, Long & Levit
Attorney, Gibson, Dunn & Crutcher
Attorney, Steinbrecher & Span
Court of Appeal, First Appellate District, Division Two
Attorney, Schneider Wallace Cottrell Brayton Konecky
Attorney, Duane Morris LLP
Attorney, Greene, Broillet & Wheeler
Attorney, Snell & Wilmer LLP
Superior Court of California, County of Los Angeles

Advisory Committee on Criminal Jury Instructions

Staff Contact: Robin Seeley

Phone: 415-865-7710

Hon. Sandy R. Kriegler, Chair
Mr. Jason B. Chin
Hon. René Auguste Chouteau
Hon. Dennis J. Landin
Hon. James LaPorte
Mr. Michael Conroy McMahon
Hon. Amalia L. Meza
Hon. Carrie McIntyre Panetta
Hon. Jeffrey S. Ross
Mr. Seth Schalit
Mr. Jonathan Soglin
Professor Robert Weisberg**
Hon. Thomas Lyle Willhite, Jr.

Court of Appeal, Second Appellate District, Division Five
Alameda County District Attorney's Office
Superior Court of California, County of Sonoma
Superior Court of California, County of Los Angeles
Superior Court of California, County of Kings
Chief Deputy Public Defender, Ventura County
Superior Court of California, County of San Diego
Superior Court of California, County of Monterey
Superior Court of California, County of San Francisco
California State Attorney General's Office
Executive Director of the First District Appellate Project
Professor of Law, Stanford Law School
Court of Appeal, Second Appellate District, Division Four

Appellate Advisory Committee

Staff Contact: Heather Anderson

Phone: 415-865-7691

Hon. Raymond J. Ikola, Chair
Hon. Kathleen M. Banke
Mr. Kevin Green
Hon. Adrienne M. Grover**
Mr. Michael Hersek
Hon. Richard D. Huffman**
Hon. Kent M. Kellegrew
Mr. Daniel M. Kolkey
Mr. William James Kopeny
Hon. Leondra R. Kruger
Mr. Joseph A. Lane
Mr. Jeffrey Laurence
Hon. Louis R. Mauro
Mr. Frank A. McGuire
Ms. Sheran L. Morton
Hon. M. Bruce Smith
Mr. Dallas Sacher
Ms. Kimberly Stewart
Ms. Mary-Christine Sungaila**
Hon. Thomas Lyle Willhite, Jr.

Court of Appeal, Fourth Appellate District, Division Three
Court of Appeal, First Appellate District, Division One
Robbins Geller Rudman & Dowd LLP
Court of Appeal, Sixth Appellate District
California State Public Defender's Office
Court of Appeal, Fourth Appellate District, Division One
Superior Court of California, County of Ventura
Attorney, Gibson Dunn & Crutcher LLP
Attorney, Law Offices of William J. Kopeny
Supreme Court of California
Court of Appeal, Second Appellate District
Attorney, Office of Attorney General
Court of Appeal, Third Appellate District
Supreme Court of California
Superior Court of California, County of Fresno
Court of Appeal, Fifth Appellate District
Sixth District Appellate Program
Court of Appeal, Fourth Appellate District
Partner, Snell & Wilmer
Court of Appeal, Second Appellate District, Division Four

Civil and Small Claims Advisory Committee

Staff Contact: Anne Ronan

Phone: 415-865-8933

Hon. Raymond M. Cadei, Chair
Hon. Ann I. Jones, Vice-Chair
Hon. Donald F. Armento
Hon. Helen Bendix
Ms. Victoria B. Brizuela
Ms. Pamela Brown-McGill, J.D.

Superior Court of California, County of Sacramento
Superior Court of California, County of Los Angeles
Superior Court of California, County of San Diego
Superior Court of California, County of Los Angeles
Superior Court of California, County of Orange
San Marcos, California

Hon. Victoria Gerrard Chaney
 Hon. David M. Chapman
 Mr. William T. Chisum
 Ms. Jacqueline Davenport
 Ms. Kristin Escalante
Mr. Peter O. Glaessner
 Hon. Elizabeth A. Grimes
 Mr. Brian Kabateck
Hon. Harold E. Kahn**
Hon. Beth A. R. McGowen**
 Mr. Robert A. Olson
Hon. Donald J. Proietti**
 Hon. Stanford E. Reichert
 Ms. Cynthia L. Rice
Hon. Michael A. Sachs
 Hon. Brad Seligman
 Ms. Elizabeth Strickland
 Ms. Alicia Vojnik
Hon. Debre Katz Weintraub**
Ms. Twila S. White**
 Ms. Tamara Wood
 Mr. Alan Z. Yudkowsky
 Mr. Saul Bercovitch (Advisory Member)

Court of Appeal, Second Appellate District, Division One
 Superior Court of California, County of Riverside
 Kronick, Moskovitz, Tiedemann & Girard
 Superior Court of California, County of El Dorado
 United States Securities and Exchange Commission
Allen, Glaessner, Hazelwood & Werth
 Court of Appeal, Second Appellate District, Division Eight
 Kabateck Brown Kellner LLP
Superior Court of California, County of San Francisco
Superior Court of California, County of Santa Clara
 Greimes, Martin, Stein & Richland LLP
Superior Court of California, County of Merced
 Superior Court of California, County of San Bernardino
 California Rural Legal Assistance
Superior Court of California, County of San Bernardino
 Superior Court of California, County of Alameda
 Superior Court of California, County of Santa Clara
 Superior Court of California, County of Santa Clara
Superior Court of California, County of Los Angeles
Law Office of Twila S. White
 Superior Court of California, County of Shasta
 Law Offices of Alan Z. Yudkowsky
 State Bar of California

Collaborative Justice Courts Advisory Committee

Staff Contacts: Nancy Taylor; Francine Byrne

Phone: 415-865-7607; 415-865-8069

Hon. Richard Vlavianos, Chair
Hon. Rogelio R. Flores, Vice Chair
 Ms. Jo Ann Allen
 Mr. Steve Binder
 Mr. David A. Brooks
 Ms. Wendy Broughton
Hon. Lawrence G. Brown**
Mr. Scott D. Brown
 Mr. Mack A. Jenkins
 Hon. Elizabeth Lee
 Hon. Richard J. Loftus, Jr.
 Hon. Stephen V. Manley
 Hon. Eileen C. Moore
 Ms. Sharon Owsley
 Ms. Jennifer Pabustan-Claar
 Captain Randolph Peshon
Ms. Maria Rocha
 Mr. Paul Shapiro
 Ms. Kulvinder “Rani” Singh
 Dr. Donald Strangio
Hon. Dylan M. Sullivan
 Ms. Kim Turner
 Dr. Kathleen West

Superior Court of California, County of San Joaquin
Superior Court of California, County of Santa Barbara
 Santa Cruz County Office of Education
 San Diego County Office of the Public Defender
 Attorney
 Mental Health Systems
Superior Court of California, County of Sacramento
Superior Court of California, County of San Diego
 San Diego Probation Department
 Superior Court of California, County of San Mateo
 Superior Court of California, County of Santa Clara
 Superior Court of California, County of Santa Clara
 Court of Appeal, Fourth Appellate District, Division Three
 California Department of Justice
 Riverside Department of Public Social Services
 El Dorado County Sheriff’s Office
Drug Court Graduate, Superior Court of Santa Barbara County
 Superior Court of California, County of Orange
 San Francisco County District Attorney’s Office
 Licensed Psychologist, Psychological Associates
Superior Court of California, County of El Dorado
 Superior Court of California, County of Marin
 Center for Innovation and Research on Veterans and Military
 Families, University of Southern California

Court Executives Advisory Committee

Staff Contact: Claudia Ortega

Phone: 415-865-7623

**Members of the Executive Committee of the CEAC*

Mr. Richard D. Feldstein, Chair*

Mr. Jake Chatters, Vice-Chair*

Mr. Tim Ainsworth (Interim)*

Ms. Andi Barone

Ms. Cynthia J. Busse

Mr. Alex Calvo

Mr. Alan Carlson*

Ms. Sherri R. Carter*

Ms. Rodina Catalano

Ms. LaRayne Cleek

Ms. Barbara Cockerham

Ms. Caryn A. Downing

Mr. Chad Finke (Interim)*

Ms. Rebecca Fleming**

Ms. Kimberly Flener

Ms. Pamela M. Foster

Ms. Melissa Fowler-Bradley

Mr. Hector Gonzalez

Mr. José Octavio Guillén

Ms. Ronda Gysin

Mr. W. Samuel Hamrick, Jr.*

Mr. Kevin Harrigan

Ms. Rosa Junqueiro

Mr. James Kim

Ms. Lee Kirby

Mr. Steve Konishi

Ms. Tammy L. Grimm

Mr. Shawn C. Landry*

Ms. Krista LeVier

Mr. Jeffrey E. Lewis

Ms. Sandra Linderman

Ms. Susan E. Matherly

Ms. Mary Frances McHugh

Mr. Terry McNally

Mr. G. Sean Metroka

Ms. Sheran L. Morton

Mr. Stephen H. Nash

Ms. Deborah Norrie*

Mr. Darrel E. Parker*

Mr. Michael D. Planet*

Ms. Teresa A. Risi**

Mr. Michael M. Roddy*

Ms. Linda Romero Soles

Mr. Chris Ruhl

Mr. Gil Solorio

Ms. Cindy Van Schooten

Mr. Hugh K. Swift (Interim)

Mr. Brian Taylor

Ms. Bonnie Thomas

Ms. Mary Beth Todd

Superior Court of California, County of Napa

Superior Court of California, County of Placer

Superior Court of California, County of Sacramento

Superior Court of California, County of Lassen

Superior Court of California, County of Mariposa

Superior Court of California, County of Santa Cruz

Superior Court of California, County of Orange

Superior Court of California, County of Los Angeles

Superior Court of California, County of San Mateo

Superior Court of California, County of Tulare

Superior Court of California, County of Amador

Superior Court of California, County of Tehama

Superior Court of California, County of Alameda

Superior Court of California, County of Stanislaus

Superior Court of California, County of Butte

Superior Court of California, County of Inyo

Superior Court of California, County of Shasta

Superior Court of California, County of Mono

Superior Court of California, County of Sonoma

Superior Court of California, County of Modoc

Superior Court of California, County of Riverside

Superior Court of California, County of Colusa

Superior Court of California, County of San Joaquin

Superior Court of California, County of Marin

Superior Court of California, County of Sierra

Superior Court of California, County of Yuba

Superior Court of California, County of Imperial

Superior Court of California, County of Yolo

Superior Court of California, County of Lake

Superior Court of California, County of Kings

Superior Court of California, County of Del Norte

Superior Court of California, County of San Luis Obispo

Superior Court of California, County of Siskiyou

Superior Court of California, County of Kern

Superior Court of California, County of Nevada

Superior Court of California, County of Fresno

Superior Court of California, County of Contra Costa

Superior Court of California, County of Plumas

Superior Court of California, County of Santa Barbara

Superior Court of California, County of Ventura

Superior Court of California, County of Monterey

Superior Court of California, County of San Diego

Superior Court of California, County of Merced

Superior Court of California, County of Mendocino

Superior Court of California, County of San Benito

Superior Court of California, County of Trinity

Superior Court of California, County of Glenn

Superior Court of California, County of Solano

Superior Court of California, County of Madera

Superior Court of California, County of Sutter

Mr. Michael Tozzi (Interim)
Ms. Jeanine D. Tucker**
Ms. Tania Ugrin-Capobianco
Ms. Christina M. Volkers*
Mr. Dan Vrtis
Mr. David H. Yamasaki*
Mr. T. Michael Yuen*
Vacant

Superior Court of California, County of Humboldt
Superior Court of California, County of Tuolumne
Superior Court of California, County of El Dorado
Superior Court of California, County of San Bernardino
Superior Court of California, County of Calaveras
Superior Court of California, County of Santa Clara
Superior Court of California, County of San Francisco
Superior Court of California, County of Alpine

Court Facilities Advisory Committee

Staff Contact: Kelly Quinn

Phone: 818-558-3078

Hon. Brad R. Hill, Chair
Hon. Patricia M. Lucas, Vice-Chair
Hon. Donald Cole Byrd
Mr. Anthony P. Capozzi
Mr. Stephan Castellanos, FAIA
Hon. Keith D. Davis
Hon. Robert D. Foiles
Ms. Melissa Fowler-Bradley
Hon. William F. Highberger
Hon. Steven Jahr (Ret.)
Hon. Jeffrey W. Johnson
Hon. Laura J. Masunaga
Mr. Stephen Nash
Hon. Gary R. Orozco
Ms. Linda Romero Soles
Mr. Larry Spikes
Mr. Kevin Stinson
Mr. Val Toppenberg
Hon. Robert J. Trentacosta
Mr. Thomas J. Warwick, Jr.

Court of Appeal, Fifth Appellate District
Superior Court of California, County of Santa Clara
Superior Court of California, County of Glenn
Attorney, Law Offices of Anthony Capozzi
Principal Architect, Derivi Castellanos Architects
Superior Court of California, County of San Bernardino
Superior Court of California, County of San Mateo
Superior Court of California, County of Shasta
Superior Court of California, County of Los Angeles
Superior Court of California, County of Shasta
Court of Appeal, Second Appellate District, Division One
Superior Court of California, County of Siskiyou
Superior Court of California, County of San Bernardino
Superior Court of California, County of Fresno
Superior Court of California, County of Merced
County Administrative Officer, County of Kings
Court of Appeal, Fourth Appellate District
Consultant
Superior Court of California, County of San Diego
Attorney, Grimes & Warwick

Court Interpreters Advisory Panel

Staff Contact: Sonia Sierra Wolf

Phone: 415-865-4288

Hon. Steven K. Austin, Chair
Ms. Christina M. Volkers, Vice-Chair
Ms. Claritza J. Callaci
Mr. Jaeis Chon
Hon. Manuel J. Covarrubias
Mr. Hector Gonzalez
Hon. Andrea L. Hoch**
Ms. Janet Hudec
Ms. Oleksandra Johnson
Ms. Bao Luu
Ms. Lisa McNaughton

Ms. Ramona Crossley (Advisor)
Ms. Maureen Keffer (Advisor)
Ms. Ivette Peña (Advisor)

Superior Court of California, County of Contra Costa
Superior Court of California, County of San Bernardino
Superior Court of California, County of Los Angeles
Certified Court Interpreter of the State of California
Superior Court of California, County of Ventura
Superior Court of California, County of Mono
Court of Appeal, Third Appellate District
Superior Court of California, County of Madera
Certified Interpreter, Independent Contractor
Superior Court of California, County of Orange
Certified Interpreter, Superior Court of California,
County of Sonoma
Superior Court of California, County of Sacramento
Director, Rural Legal Assistance, Inc.
Superior Court of California, County of Los Angeles

Court Security Advisory Committee

Staff Contact: Edward Ellestad

Phone: 415-865-4538

Hon. Thomas M. Maddock, Chair

Hon. Patricia Bamattre-Manoukian, Vice-Chair

Hon. Jeffrey G. Bennett

Ms. Melissa Fowler-Bradley

Ms. Deena Fawcett

Ms. Deborah Norrie

Hon. Charlene F. Olmedo

Mr. Darrel E. Parker

Mr. Michael M. Roddy

Hon. Jaime R. Román

Superior Court of California, County of Contra Costa

Court of Appeal, Sixth Appellate District

Superior Court of California, County of Ventura

Superior Court of California, County of Shasta

Court of Appeal, Third Appellate District

Superior Court of California, County of Plumas

Superior Court of California, County of Los Angeles

Superior Court of California, County of Santa Barbara

Superior Court of California, County of San Diego

Superior Court of California, County of Sacramento

Criminal Law Advisory Committee

Staff Contact: Arturo Castro

Phone: 415-865-7702

Hon. Tricia Ann Bigelow, Chair

Hon. J. Richard Couzens (Ret.), Vice-Chair

Mr. John R. Abrahams

Mr. Ronald L. Brown

Hon. Hilary A. Chittick

Hon. Ronald S. Coen

Hon. Janet Gaard

Ms. Melissa Fowler-Bradley

Mr. Mack Jenkins

Mr. Jay Kohorn

Hon. Sam Lavorato, Jr.

Hon. Charlene F. Olmedo

Hon. Nancy E. O'Malley

Hon. Allen H. Sumner

Ms. Rosalie Tucker

Mr. Mark A. Urry

Mr. Stephen M. Wagstaffe

Mr. Lance Winters

Court of Appeal, Second Appellate District, Division Eight

Superior Court of California, County of Placer

Attorney, John Abrahams

Public Defender of Los Angeles County

Superior Court of California, County of Fresno

Superior Court of California, County of Los Angeles

Superior Court of California, County of Yolo

Superior Court of California, County of Shasta

Chief Probation Officer, San Diego County Probation

Assistant Director, California Appellate Project, Los Angeles

Superior Court of California, County of Monterey

Superior Court of California, County of Los Angeles

District Attorney, Alameda County

Superior Court of California, County of Sacramento

Superior Court of California, County of El Dorado

Superior Court of California, County of San Diego

District Attorney, San Mateo County

California Attorney General's Office Criminal Division

Family & Juvenile Law Advisory Committee

Staff Contacts: Julia Weber; Audrey Fancy

Phone: 415-865-7693; 415-865-7706

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Hon. Sue Alexander**

Hon. Craig E. Arthur**

Hon. Louise Bayles-Fightmaster

Mr. Robert J. Bayer

Hon. C. Todd Bottke

Mr. Brian Briggs

Superior Court of California, County of Sacramento

Superior Court of California, County of Los Angeles

Superior Court of California, County of Alameda

Superior Court of California, County of Orange

Superior Court of California, County of Sonoma

Superior Court of California, County of Ventura

Superior Court of California, County of Tehama

Deputy County Counsel I, Tehama County Counsel

Hon. Carolyn M. Caietti
Hon. Carol D. Codrington
Hon. Michael J. Convey
Ms. Mary Majich Davis**
Ms. Sylvia Deporto**

Ms. Christine N. Donovan
Hon. Michael Gassner
Hon. Suzanne Gazzaniga
Hon. Maureen F. Hallahan
Ms. La Ron Hogg Haught

Ms. Leslie Heimov
Mr. John Daniel Hodson**
Ms. Kathleen L. Hrepich
Ms. Sharon Lawrence
Ms. Patricia Lee
Hon. Cindee F. Mayfield
Hon. Kimberly J. Nystrom-Geist
Hon. Jaime R. Román
Ms. Rebecca L. Ross
Mr. James Salio

Ms. Sudha Shetty**
Hon. B. Scott Thomsen**
Hon. Patrick E. Tondreau
Hon. Heidi K. Whilden**
Ms. Alicia Valdez Wright
Hon. Daniel Zeke Zeidler

Superior Court of California, County of San Diego
Court of Appeal, Fourth Appellate District, Division Two
Superior Court of California, County of Los Angeles
Superior Court of California, County of San Bernardino
Deputy Director, Family and Children's Services, San Francisco
Human Services Agency
Superior Court of California, County of Solano
Superior Court of California, County of San Bernardino
Superior Court of California, County of Placer
Superior Court of California, County of San Diego
Deputy District Attorney, Santa Clara County District Attorney's
Office
Children's Law Center of Los Angeles
Attorney, Hodson & Mullin Attorneys at Law
California Department of Child Support Services
President/CEO, Voices for Children, County of San Diego
Attorney, San Francisco Public Defender's Office
Superior Court of California, County of Mendocino
Superior Court of California, County of Fresno
Superior Court of California, County of Sacramento
Superior Court of California, County of San Mateo
Chief Probation Officer, San Luis Obispo County Probation
Department
Assistant Dean, Goldman School of Public Policy at UC Berkeley
Superior Court of California, Nevada
Superior Court of California, County of Santa Clara
Superior Court of California, County of Monterey
Superior Court of California, County of San Luis Obispo
Superior Court of California, County of Los Angeles

Governing Committee of the Center for Judicial Education and Research

Staff Contact: Bob Lowney
Phone: 415-865-7833

Hon. Theodore M. Weathers, Chair
Hon. C. Todd Bottke
Mr. Alex Calvo
Hon. Kimberly A. Gaab
Hon. Janet Gaard
Ms. Lisa M. Galdos
Ms. Mary Majich Davis**
Hon. Mary Thornton House
Hon. Richard D. Huffman**
Hon. Mark A. Juhas
Hon. Jackson Lucky
Hon. Darrell S. Mavis
Hon. Rebecca S. Riley
Mr. Michael M. Roddy
Hon. Arthur A. Wick
Hon. Patricia M. Lucas (Advisory)
Hon. Teresa Guerrero-Daley (Advisory Member)

Superior Court of California, County of San Diego
Superior Court of California, County of Tehama
Superior Court of California, County of Santa Cruz
Superior Court of California, County of Fresno
Superior Court of California, County of Yolo
Superior Court of California, County of Santa Clara
Superior Court of California, County of San Bernardino
Superior Court of California, County of Los Angeles
Court of Appeal, Fourth Appellate District, Division One
Superior Court of California, County of Los Angeles
Superior Court of California, County of Riverside
Superior Court of California, County of Los Angeles
Superior Court of California, County of Ventura
Superior Court of California, County of San Diego
Superior Court of California, County of Sonoma
Superior Court of California, County of Santa Clara
Superior Court of California, County of Santa Clara

Information Technology Advisory Committee

Staff Contact: *Jamel Jones*

Phone: 415-865-4629

Hon. Terence L. Bruiniers, Chair
Hon. Robert B. Freedman, Vice-Chair
Hon. Kyle S. Brodie
Mr. Brian Cotta
Hon. Julie R. Culver
Professor Dorothy J. Glancy
Hon. Michael S. Groch
Hon. Sheila F. Hanson
Hon. Samantha P. Jessner
Hon. Jackson Lucky**
Hon. Louis R. Mauro
Mr. Terry McNally
Hon. James M. Mize
Mr. Snorri Ogata**
Mr. Robert Oyung
Mr. Darrel E. Parker
Hon. Alan G. Perkins
Hon. Peter J. Siggins
Hon. Mark Stone
Mr. Don Willenburg
Mr. David H. Yamasaki

Court of Appeal, First Appellate District, Division Five
Superior Court of California, County of Alameda
Superior Court of California, County of San Bernardino
Court of Appeal, Fifth Appellate District
Superior Court of California, County of Monterey
Santa Clara University, School of Law
Superior Court of California, County of San Diego
Superior Court of California, County of Orange
Superior Court of California, County of Los Angeles
Superior Court of California, County of Riverside
Court of Appeal, Third Appellate District
Superior Court of California, County of Kern
Superior Court of California, County of Sacramento
Superior Court of California, County of Los Angeles
Superior Court of California, County of Santa Clara
Superior Court of California, County of Santa Barbara
Superior Court of California, County of Sacramento
Court of Appeal, First Appellate District, Division Three
California State Assembly
Partner, Gordon & Rees LLP
Superior Court of California, County of Santa Clara

Judicial Branch Workers' Compensation Advisory Committee

Staff Contact: *Linda M. Cox*

Phone: 415-865-4290

Ms. Tania Ugrin-Capobianco, Chair
Ms. Jeanine Bean
Ms. Colette M. Bruggman
Ms. Heather Haymaker Capps
Hon. Wynne S. Carvill
Ms. Stephanie Cvitkovich
Ms. Tammy L. Grimm
Ms. Michelle Hafner
Ms. Cindia Martinez
Ms. Shannon Stone
Mr. Brian Taylor
Ms. Christina M. Volkers
Mr. David H. Yamasaki
Mr. T. Michael Yuen

Superior Court of California, County of El Dorado
Superior Court of California, County of Stanislaus
Court of Appeal, Third Appellate District
Superior Court of California, County of Orange
Superior Court of California, County of Alameda
Superior Court of California, County of San Diego
Superior Court of California, County of Imperial
Superior Court of California, County of Fresno
Superior Court of California, County of Sonoma
Superior Court of California, County of Contra Costa
Superior Court of California, County of Solano
Superior Court of California, County of San Bernardino
Superior Court of California, County of Santa Clara
Superior Court of California, County of San Francisco

Probate and Mental Health Advisory Committee

Staff Contact: *Douglas C. Miller*

Phone: 818-558-4178

Hon. John H. Sugiyama, Chair
Hon. James N. Bianco
Mr. James R. Birnberg

Superior Court of California, County of Contra Costa
Superior Court of California, County of Los Angeles
Attorney, Oldman, Cooley, Sallus, Birnberg & Coleman, LLP

Ms. Terri L. Daniel**

Ms. Sheri Gulino

Mr. James C. Harvey

Ms. Karin Horspool

Ms. Marilyn Reed Kriebel

Ms. Jayne C. S. Lee

Ms. Sandra Lucas

Hon. Cynthia Ann Ludvigsen

Ms. Stella Pantazis

Mr. Jonathan L. Rosenbloom

Hon. Mary Fingal Schulte

Hon. Maria E. Stratton

Ms. Gabrielle A. Vidal

Superior Court of California, County of San Bernardino

Probate Examiner, Superior Court of Orange County

Supervising Deputy County Counsel, Orange County Counsel

Horspool & Horspool, APC

Marilyn Kriebel Private Fiduciary Services

Superior Court of California, County of Alameda

Director, Superior Court of California, County of Stanislaus

Superior Court of California, County of San Bernardino

Superior Court of California, County of San Francisco

Attorney, Law Offices of Jonathan L. Rosenbloom

Superior Court of California, County of Orange

Superior Court of California, County of Los Angeles

Partner, Loeb & Loeb, LLP

Traffic Advisory Committee

Staff Contact: Courtney Tucker

Phone: 415-865-7611

Hon. Gail Dekreon, Chair

Ms. Jacklyn A. Bentley

Hon. Kenneth N. Brody

Hon. Jason Anthony Clay

Mr. Craig Collins

Captain Rich Desmond

Mr. Michael Gatiglio

Hon. James K. Hahn**

Hon. David V. Herriford

Hon. James P. Madden

Hon. J. Kent O'Mara

Ms. Stephanie Saracco-Reed

Ms. Leslie Witten-Rood

Superior Court of California, County of San Francisco

Attorney, Law Office of Jacklyn Bentley

Superior Court of California, County of Sacramento

Superior Court of California, County of Alameda

DMV Justice and Government Liaison

Office of Special Representatives, California Highway Patrol

Superior Court of California, County of Los Angeles

Superior Court of California, County of Los Angeles

Superior Court of California, County of Los Angeles

Superior Court of California, County of Santa Clara

Superior Court of California, County of Yolo

Superior Court of California, County of San Diego

California Office of Traffic Safety

Trial Court Budget Advisory Committee

Staff Contact: Steven Chang

Phone: 415-865-7195

Hon. Jonathan B. Conklin, Chair

Hon. Jeffrey B. Barton

Hon. Laurie M. Earl

Ms. Sherri R. Carter

Hon. Mark Ashton Cope

Mr. Richard D. Feldstein

Ms. Rebecca Fleming

Hon. Barry P. Goode

Ms. Tammy L. Grimm

Mr. José Octavio Guillén

Mr. Samuel Hamrick, Jr.

Mr. Kevin Harrigan

Hon. James E. Herman

Hon. Joyce D. Hinrichs

Hon. Lesley D. Holland

Hon. Ira R. Kaufman

Hon. Carolyn B. Kuhl

Superior Court of California, County of Fresno

Superior Court of California, County of San Diego

Superior Court of California, County of Sacramento

Superior Court of California, County of Los Angeles

Superior Court of California, County of Riverside

Superior Court of California, County of Napa

Superior Court of California, County of Stanislaus

Superior Court of California, County of Contra Costa

Superior Court of California, County of Imperial

Superior Court of California, County of Sonoma

Superior Court of California, County of Riverside

Superior Court of California, County of Colusa

Superior Court of California, County of Santa Barbara

Superior Court of California, County of Humboldt

Superior Court of California, County of San Joaquin

Superior Court of California, County of Plumas

Superior Court of California, County of Los Angeles

Hon. Cynthia Ming-mei Lee
Mr. Jeffrey E. Lewis
Hon. Paul M. Marigonda
Hon. Brian L. McCabe
Mr. Michael D. Planet
Mr. Michael M. Roddy
Hon. Glenda Sanders
Hon. Winifred Younge Smith
Mr. Brian Taylor
Ms. Mary Beth Todd
Ms. Tania Ugrin-Capobianco
Ms. Christina M. Volkers
Mr. David H. Yamasaki
Ms. Jody Patel (Advisor)
Mr. Curt Soderlund (Advisor)
Mr. Zlatko Theodorovic (Advisor)

Superior Court of California, County of San Francisco
Superior Court of California, County of Kings
Superior Court of California, County of Santa Cruz
Superior Court of California, County of Merced
Superior Court of California, County of Ventura
Superior Court of California, County of San Diego
Superior Court of California, County of Orange
Superior Court of California, County of Alameda
Superior Court of California, County of Solano
Superior Court of California, County of Sutter
Superior Court of California, County of El Dorado
Superior Court of California, County of San Bernardino
Superior Court of California, County of Santa Clara
Judicial Council of California
Judicial Council of California
Judicial Council of California

Trial Court Facility Modification Advisory Committee

Staff Contact: Patrick McGrath

Phone: 916-643-8051

Hon. Donald Cole Byrd, Chair
Hon. William F. Highberger, Vice-Chair
Hon. Jennifer K. Rockwell
Mr. Michael M. Roddy
Ms. Linda Romero Soles
Hon. James L. Stoelker
Ms. Jeanine D. Tucker
Hon. Vanessa W. Vallarta
Ms. Christina M. Volkers
Hon. Brad R. Hill (Advisory)
Hon. Patricia M. Lucas (Advisory)

Superior Court of California, County of Glenn
Superior Court of California, County of Los Angeles
Superior Court of California, County of Sacramento
Superior Court of California, County of San Diego
Superior Court of California, County of Merced
Superior Court of California, County of Santa Clara
Superior Court of California, County of Tuolumne
Superior Court of California, County of Monterey
Superior Court of California, County of San Bernardino
Court of Appeal, Fifth Appellate District
Superior Court of California, County of Santa Clara

Trial Court Presiding Judges Advisory Committee

Staff Contact: Deirdre Benedict

Phone: 415-865-8915

**Members of the TCPJ Executive Committee*

Hon. Brian L. McCabe, Chair*
Hon. Glenda Sanders, Vice-Chair*
Hon. Marla O. Anderson*
Hon. Brian R. Aronson
Hon. Steven K. Austin*
Hon. Francis W. Barclay
Hon. Grant V. Barrett
Hon. Donald Cole Byrd*
Hon. Donald D. Coleman*
Hon. Jonathan B. Conklin
Hon. David J. Danielsen*
Hon. William J. Davis
Hon. Thomas DeSantos
Hon. Faye D'Opal
Hon. Stanley L. Eller

Superior Court of California, County of Merced
Superior Court of California, County of Orange
Superior Court of California, County of Monterey
Superior Court of California, County of Sutter
Superior Court of California, County of Contra Costa
Superior Court of California, County of Modoc
Superior Court of California, County of Calaveras
Superior Court of California, County of Glenn
Superior Court of California, County of Ventura
Superior Court of California, County of Fresno
Superior Court of California, County of San Diego
Superior Court of California, County of Siskiyou
Superior Court of California, County of Kings
Superior Court of California, County of Marin
Superior Court of California, County of Mono

Hon. Poli Flores, Jr.
 Hon. William H. Follett
 Hon. John J. Garaventa
 Hon. Gregory S. Gaul*
 Hon. Debra L. Givens
 Hon. Kenneth J. Gness*
 Hon. John L. Grandsaert
 Hon. Dodie A. Harman
 Hon. Stephen Owen Hedstrom
 Hon. Candace S. Heidelberger
Hon. James E. Herman
 Hon. Steve Hermanson
 Hon. Robert C. Hight*
 Hon. Joyce D. Hinrichs
 Hon. Lesley D. Holland
 Hon. Harold W. Hopp*
 Hon. Elizabeth W. Johnson*
 Hon. Ira R. Kaufman
 Hon. John P. Kennelly
 Hon. Suzanne N. Kingsbury
 Hon. Thomas D. Kolpacoff
 Hon. Carolyn B. Kuhl*
 Hon. Brian Lamb
 Hon. Ernest J. LiCalsi
 Hon. Kristen A. Lucena*
 Hon. Paul M. Marigonda
 Hon. David E. Nelson
 Hon. Earl Bradley Nelson
 Hon. Gary L. Paden
 Hon. Rise Jones Pichon*
 Hon. Alan V. Pineschi
 Hon. Donald I. Segerstrom, Jr.
 Hon. Marie Sovey Silveira
 Hon. Marsha G. Slough*
 Hon. Winifred Younge Smith*
 Hon. John S. Somers
 Hon. John Kennedy Stewart*
 Hon. Rodney G. Stone
 Hon. Jeffrey A. Thompson
 Hon. Harry J. Tobias
 Hon. Michele Verderosa
 Hon. F. Dana Walton
 Hon. Kathleen M. White

Superior Court of California, County of Imperial
 Superior Court of California, County of Del Norte
 Superior Court of California, County of Tehama
 Superior Court of California, County of Shasta
 Superior Court of California, County of Yuba
 Superior Court of California, County of Sonoma
 Superior Court of California, County of San Mateo
 Superior Court of California, County of San Luis Obispo
 Superior Court of California, County of Lake
 Superior Court of California, County of Nevada
Superior Court of California, County of Santa Barbara
 Superior Court of California, County of Amador
 Superior Court of California, County of Sacramento
 Superior Court of California, County of Humboldt
 Superior Court of California, County of San Joaquin
 Superior Court of California, County of Riverside
 Superior Court of California, County of Trinity
 Superior Court of California, County of Plumas
 Superior Court of California, County of Sierra
 Superior Court of California, County of El Dorado
 Superior Court of California, County of Alpine
 Superior Court of California, County of Los Angeles
 Superior Court of California, County of Inyo
 Superior Court of California, County of Madera
 Superior Court of California, County of Butte
 Superior Court of California, County of Santa Cruz
 Superior Court of California, County of Mendocino
 Superior Court of California, County of Solano
 Superior Court of California, County of Tulare
 Superior Court of California, County of Santa Clara
 Superior Court of California, County of Placer
 Superior Court of California, County of Tuolumne
 Superior Court of California, County of Stanislaus
 Superior Court of California, County of San Bernardino
 Superior Court of California, County of Alameda
 Superior Court of California, County of Kern
 Superior Court of California, County of San Francisco
 Superior Court of California, County of Napa
 Superior Court of California, County of Colusa
 Superior Court of California, County of San Benito
 Superior Court of California, County of Lassen
 Superior Court of California, County of Mariposa
 Superior Court of California, County of Yolo

Tribal Court–State Court Forum

Staff Contact: Jennifer Walter

Phone: 415-865-7687

Hon. Richard C. Blake, Cochair

Hon. Dennis M. Perluss, Cochair

Hon. Abby Abinanti

Hon. April E. Attebury

Ms. Jacqueline Davenport

Hon. Gail Dekreon

Chief Judge of the Hoopa Valley, Smith River Rancheria, and Redding Rancheria Tribal Court

Court of Appeal, Second Appellate District, Division Seven

Chief Judge of the Yurok Tribal Court

Chief Judge and Court Administrator of the Karuk Tribal Court

Superior Court of California, County of El Dorado

Superior Court of California, County of San Francisco

Hon. Kimberly A. Gaab
Hon. Michael Golden
Hon. Mark A. Juhas
Hon. Suzanne N. Kingsbury
Hon. William Kockenmeister
Hon. Anthony Lee
Hon. John L. Madigan
Hon. Lester J. Marston
Hon. David E. Nelson
Hon. Mark Radoff
Hon. John H. Sugiyama
Hon. Allen H. Sumner
Hon. Sunshine S. Sykes
Hon. Juan Ulloa
Hon. Claudette C. White
Hon. Christine Williams
Hon. Christopher G. Wilson
Hon. Joseph J. Wiseman

Hon. Sarah S. Works
Hon. Daniel Zeke Zeidler
Hon. Cynthia Gomez (Ex-Officio)
Mr. Olin Jones (Ex-Officio)

Superior Court of California, County of Fresno
Chief Judge of the Morongo Tribal Court
Superior Court of California, County of Los Angeles
Superior Court of California, County of El Dorado
Chief Judge of the Bishop Paiute Indian, and Washoe Tribal Court
Chief Judge of the San Manuel Tribal Court
Chief Judge of the Intertribal Court of Southern California
Chief Judge of the Blue Lake Rancheria Tribal Court
Superior Court of California, County of Mendocino
Chemehuevi Indian, and Colorado River
Superior Court of California, County of Contra Costa
Superior Court of California, County of Sacramento
Superior Court of California, County of Riverside
Superior Court of California, County of Imperial
Chief Judge of the Quechan Tribal Court
Chief Judge of the Shingle Springs Band of Miwok Indians
Superior Court of California, County of Humboldt
Chief Judge of the Dry Creek Rancheria Band of Pomo Indians, and
the Northern California Intertribal Court System
Chief Judge of the Trinidad Rancheria Tribal Court
Superior Court of California, County of Los Angeles
Tribal Advisor of the Office of Governor Edmund G. Brown, Jr.
Director of the Office of Native American Affairs, California
Attorney General's Office

Workload Assessment Advisory Committee

Staff Contact: Deana Farole

Phone: 415-865-8997

Hon. Lorna A. Alksne, Chair
Hon. Irma Poole Asberry
Ms. Sherri R. Carter
Hon. Joyce D. Hinrichs
Hon. Suzanne N. Kingsbury
Hon. John D. Kirihara
Hon. Richard C. Martin
Mr. G. Sean Metroka
Ms. Sheran L. Morton
Mr. Stephen H. Nash
Hon. Annemarie G. Pace
Mr. Darrel E. Parker
Ms. Michael D. Planet
Ms. Teresa A. Risi
Mr. Brian Taylor
Hon. Garrett L. Wong

Superior Court of California, County of San Diego
Superior Court of California, County of Riverside
Superior Court of California, County of Los Angeles
Superior Court of California, County of Humboldt
Superior Court of California, County of El Dorado
Superior Court of California, County of Merced
Superior Court of California, County of Lake
Superior Court of California, County of Nevada
Superior Court of California, County of Fresno
Superior Court of California, County of Contra Costa
Superior Court of California, County of San Bernardino
Superior Court of California, County of Santa Barbara
Superior Court of California, County of Ventura
Superior Court of California, County of Monterey
Superior Court of California, County of Solano
Superior Court of California, County of San Francisco

JUDICIAL COUNCIL TASK FORCES
MEMBERSHIP LIST
As of July 1, 2015

Court-Ordered Debt Task Force
(Appointed Indefinitely)

Hon. Mary Ann O'Malley, Chair	Superior Court of California, County of Contra Costa
Hon. David S. Wesley, Vice-Chair	Superior Court of California, County of Los Angeles
Mr. Rob Bonta	Assembly Member
Ms. Melissa Fowler-Bradley	Superior Court of California, County of Shasta
Vacant	Franchise Tax Board
Ms. Lynnette Freitag	Victim Compensation and Government Claim Board
Mr. George Gascon	District Attorney, City and County of San Francisco
Ms. Jennifer Handzlik	Deputy City Attorney, City of Los Angeles
Mr. Darren Hernandez	City of Santa Clara
Mr. Christopher Hicks	Franchise Tax Board
Ms. Amy Jarvis	Department of Finance
Vacant	League of Cities Appointee
Ms. Robin Lipetzky	Public Defender, Contra Costa County
Mr. George Lolas	State Controller's Office
Mr. Stephen A. Munkelt	Defense Attorney
Ms. Jody Patel	Judicial Council of California
Mr. Jeffrey Price	Attorney
Mr. James Saco	County of San Mateo
Mr. Curt Soderlund	Judicial Council of California
Mr. David H. Yamasaki	Superior Court of California, County of Santa Clara
Hon. J. Richard Couzens (Ret.), Advisory Member	Superior Court of California, County of Placer

Lead Staff: Mr. Curt Soderlund
Contact: 916-263-5512

Language Access Plan Implementation Task Force
(Expires: March 1, 2018)

Hon. Mariano-Florentino Cuéllar, Chair	California Supreme Court
Hon Manuel J. Covarrubias, Vice-Chair	Superior Court of California, County of Ventura
Ms. Naomi Adelson	Superior Court of California, County of Alameda
Hon. Steven K. Austin	Superior Court of California, County of Contra Costa
Mr. Kevin G. Baker	American Civil Liberties Union of California
Hon. Terence L. Bruiniers	Court of Appeal, First Appellate District, Division Five
Ms. Tracy Clark	Superior Court of California, County of Ventura
Hon. Jonathan B. Conklin	Superior Court of California, County of Fresno
Hon. Michelle Williams Court	Superior Court of California, County of Los Angeles
Ms. Ana Maria Garcia	Access to Justice Initiatives, Neighborhood Legal Services of Los Angeles County
Hon. Janet Gaard	Superior Court of California, County of Yolo
Ms. Susan Marie Gonzalez	Deaf Counseling Advocacy and Referral Agency
Hon. Dennis W. Hayashi	Superior Court of California, County of Alameda
Ms. Janet Hudec	Superior Court of California, County of Madera
Ms. Oleksandra Johnson	Certified Court Interpreter, Independent Contractor
Ms. Joann H. Lee	Legal Aid Foundation of Los Angeles County
Hon. Miguel A. Márquez	Court of Appeal, Sixth Appellate District
Ms. Ivette Peña	Superior Court of California, County of Los Angeles
Hon. Jonathan K. Renner	Court of Appeal, Third Appellate District
Mr. Michael M. Roddy	Superior Court of California, County of San Diego
Ms. Jeanine D. Tucker	Superior Court of California, County of Tuolumne
Dr. Guadalupe Valdés	Stanford Graduate School of Education

Mr. José H. Varela
Hon. Brian Walsh
Ms. Leah Wilson
Hon. Laurie D. Zelon

Marin County Public Defender
Superior Court of California, County of Santa Clara
Superior Court of California, County of Alameda
Court of Appeal, Second Appellate District, Division Seven

Lead Staff: Mr. Douglas G. Denton
Contact: 415-865-7870

Mental Health Issues Implementation Task Force
(Expires December 31, 2015)

Hon. Richard J. Loftus, Jr., Chair
Hon. Hilary A. Chittick
Hon. Rogelio R. Flores
Hon. Susan M. Gill
Hon. Suzanne N. Kingsbury
Hon. Clifford L. Klein
Hon. Stephen V. Manley
Hon. Heather D. Morse
Mr. Michael D. Planet
Mr. Michael M. Roddy
Hon. Jaime R. Román
Hon. Maria E. Stratton
Hon. Michael Anthony Tynan
Hon. Garrett L. Wong

Superior Court of California, County of Santa Clara
Superior Court of California, County of Fresno
Superior Court of California, County of Santa Barbara
Superior Court of California, County of Kern
Superior Court of California, County of El Dorado
Superior Court of California, County of Los Angeles
Superior Court of California, County of Santa Clara
Superior Court of California, County of Santa Cruz
Superior Court of California, County of Ventura
Superior Court of California, County of San Diego
Superior Court of California, County of Sacramento
Superior Court of California, County of Los Angeles
Superior Court of California, County of Los Angeles
Superior Court of California, County of San Francisco

Lead Staff: Ms. Karen Moen
Contact: 415-865-4220

Request for Appointment to a Subcommittee

PROCESSING THE FORM

To request the appointment of a non–advisory committee member to a standing subcommittee, the advisory body responsible submits a request for a specified term to the overseeing internal committee. The internal committee reviews the request and, if approved, authorizes the advisory body chair to issue the appointment letter confirming the new subcommittee member’s appointment. To complete the process, lead committee staff initiates and oversees the following steps:

- The advisory committee chair and lead staff identify both the need for adding a noncommittee member to a standing subcommittee and the individual whom they are recommending for the position.
- On behalf of the committee chair, lead committee staff completes all sections of the Request for Appointment to a Subcommittee form with the exception of the check boxes in the Internal Committee Approval section. Each prospective member requires a separate form.
- Lead staff forwards the completed form(s) to staff of the Judicial Council internal committee that has oversight responsibility for the requesting committee.
- Internal committee staff distributes the request to members of the internal committee, either as an upcoming meeting agenda item or via e-mail, depending on the urgency of the request.
- When the internal committee has made a decision concerning the request, internal committee staff indicates that decision on the form, along with the date of action, and returns a copy to the lead staff of the requesting committee.
- If approval is granted by the internal committee, lead committee staff prepares a letter to the appointee for the advisory committee chair’s signature, to make an informal appointment to the subcommittee for the term specified on the form.
- Lead committee staff maintains records of these informal subcommittee appointments.



JUDICIAL COUNCIL OF CALIFORNIA

Request for Appointment to a Subcommittee

To request the appointment of a non-advisory committee member to a standing subcommittee, lead committee staff, on behalf of the committee chair, should complete a copy of this form for each prospective member, explaining the rationale for the request, and submit it to the Judicial Council internal committee that oversees the advisory committee. Once approval is granted by the Judicial Council internal committee, the advisory committee chair can then make an informal appointment to the subcommittee.

Requesting appointment as a member to:

Subcommittee: _____

Subcommittee chair: _____

Advisory Committee Information

Committee name: _____

Committee chair: _____

Lead staff: _____

Committee name: _____

Committee chair: _____

Lead staff: _____

Prospective Member Information

Candidate's name: Hon. Mr. Ms. _____ Title: _____

Court/entity/business name: _____

Particular area of expertise that is relevant to the work of subcommittee:

Recommended term of service on the subcommittee:

Check one: one year two years three years other _____

Rationale for Appointment

Please use this section to provide the rationale for this appointment, any budgeting or cost implications, and additional information that is relevant to the Judicial Council internal committee when considering this appointment request.

Internal Committee Approval

Internal committee name: _____

Internal committee chair: _____

On behalf of the internal committee, request for appointment:

Check one: is approved is disapproved will be forwarded to the Chief Justice for further consideration.

Date: _____

**Guidelines for Judicial Council Staff
Regarding the Nomination and Appointment Process to the
Judicial Council and to its Advisory Bodies**

**(Approved by the Judicial Council Executive and Planning Committee
June 1, 2011)**

1. Role of the E&P Committee and the Chief Justice in the nomination and appointment process

The Judicial Council Executive and Planning Committee (E&P) is charged with assisting the Chief Justice in selecting Judicial Council and advisory committee members.¹ The committee oversees the process for publication and solicitation of nominations to fill vacancies on the council and its advisory committees. E&P members review the nominations and gather information about the nominees. E&P's recommendations, usually three nominees recommended for each position, are submitted to the Chief Justice. The Chief Justice selects the appointees and signs the appointment orders. Both E&P and the Chief Justice require the assistance and support of Judicial Council staff in this process.

2. Purpose and four goals of these guidelines

The purpose of these guidelines is to provide guidance for Judicial Council staff in various capacities and to provide information to nominees, nominators, members of the judicial branch, members of the executive and legislative branches, and the public about E&P's expectations of the role of Judicial Council staff in the nomination and appointment process to both the Judicial Council and its advisory committees.

E&P has adopted these guidelines to ensure that:

- The nomination and appointment process is consistent and fair to the nominees and those who provide information to E&P;
- E&P members have information that is useful to their making recommendations on nominees who represent diverse backgrounds, experiences, and geographic locations;² who possess strong leadership qualities and ethics; and who act in the best interest of the public and the judicial system for the purposes of maintaining and enhancing public access to the justice system, as well as preserving and enhancing impartial judicial decisionmaking and an independent judicial branch of government;³

¹ California Rules of Court, rules 10.4, 10.11, and 10.32.

² California Rules of Court, rules 10.4(a)(1) and 10.32(a)(2).

³ California Rules of Court, rule 10.2(c)(1).

- E&P members have a sufficient number of qualified candidates from which to make recommendations; and
- The information about nominees that is provided to E&P and the Chief Justice in the nomination and appointment process remains confidential.

E&P and the Chief Justice expect Judicial Council staff to take actions, consistent with these guidelines, that support the goals of fairness, diversity and quality, sufficiency, and confidentiality.

Responsibilities and duties of specific Judicial Council staff will be determined by Judicial Council management staff; these guidelines do not address staff responsibilities and duties.

3. Role of the Judicial Council Support staff in both Judicial Council and advisory committee nominations and appointments

Judicial Council Support administers the nomination and appointment process for E&P and for the Chief Justice. On behalf of E&P, Judicial Council Support solicits nominations publicly, with due notice and with sufficient time for nominees to self-nominate and for nominators to submit for others. Judicial Council Support provides to E&P all nomination documents and information about specific nominees and about the aggregation of nominees. Judicial Council Support supports the process by which E&P members gather information about the nominees. It supports the meetings at which E&P members consider the nominations and determine what recommendations E&P will make to the Chief Justice.⁴ It provides all nomination documents and information to the Chief Justice along with the recommendations from E&P. It prepares the appointment orders and other documents, based on the Chief Justice's selections of appointees. It administers the provision of notice to those who are selected and those who are not selected.

4. Role of Judicial Council staff in Judicial Council nominations

Activities that are permissible for Judicial Council staff in the process of Judicial Council nominations are:

- Publicizing the nomination process and encouraging nominations to the Judicial Council, in general;
- Encouraging an individual to self-nominate to the Judicial Council;⁵

⁴ E&P does not give weight to the number of nominations for a specific nominee. Each nominee is considered on the merits.

⁵ Encouraging an individual to self-nominate to the Judicial Council can, at times, be similar to a general encouragement of a nomination. E&P considers this activity by Judicial Council staff to be positive and consistent with the four goals.

- When requested by E&P or a member of E&P, identifying possible nominees and information about nominees; and
- Answering questions about the nomination process, including referring inquiries about the process to Judicial Council Support.

Activities that are *not* permissible for Judicial Council staff in the process of Judicial Council nominations are:

- Nominating an individual to the Judicial Council;
- Encouraging an individual to nominate another to the Judicial Council;
- Making recommendations to E&P on Judicial Council nominees;
- Campaigning or lobbying for any specific nominee to the Judicial Council; and
- Making any promises or giving any opinions on likely outcomes regarding appointments.

5. Role of Judicial Council staff in advisory committee nominations

Activities that are permissible for Judicial Council staff in the process of advisory committee nominations differ from those permissible in the process of Judicial Council nominations because of two distinctions:

- Judicial Council members are policymakers and decision makers whereas advisory committee members provide recommendations to the policymakers and decision makers; and
- The number of vacancies on advisory committees—typically around 50 to 100 each year, including many with specific qualification requirements—require that staff to specific advisory committees be active and involved in identifying nominees, soliciting nominees for the advisory committees that they staff, making nominations, and providing information about nominees to E&P to secure a sufficient number of well-qualified candidates and sufficient information about them.

Activities that are permissible for Judicial Council staff who support a specific advisory committee are:

- Encouraging an individual to self-nominate to that committee;

- Encouraging an individual to nominate a specific person to that committee;
- Nominating an individual as a member or as chair of that committee;
- Recommending an individual for appointment to that committee;
- Providing information to E&P about specific nominees and about the aggregation of nominees for that committee; and
- Supporting the advisory committee chair in making recommendations to E&P on the nominations to that committee.

Activities that are permissible for all Judicial Council staff, not just those who support a specific advisory committee, are:

- Publicizing the nomination process and encouraging nominations to advisory committees in general;
- Encouraging an individual to self-nominate to an advisory committee;
- When requested by E&P or a member of E&P, identifying possible nominees and information about nominees; and
- Answering questions about the nomination process, including referring inquiries about the process to Judicial Council Support.

Activities that are *not* permissible for Judicial Council staff in the process of advisory committee nominations are:

- Campaigning or lobbying for any specific nominee to an advisory committee; and
- Making any promises or giving any opinions on likely outcomes regarding appointments.

6. Periodic review of these guidelines

E&P will periodically review these guidelines and revise them as needed to help E&P members and Judicial Council staff fulfill the objectives of the guidelines.

Approved by the committee on June 1, 2011. (Updated with material change on June 16, 2015.)



Guidelines for Advisory Bodies

CALIFORNIA RULES OF COURT,
RULE 10.75, MEETINGS OF ADVISORY
BODIES



JUDICIAL COUNCIL
OF CALIFORNIA



CONTENTS

1.0	Overview	1
	Introduction	1
	What bodies and meetings are subject to rule 10.75?	1
	What meetings are subject to rule 10.75 and considered to be open?	1
	What meetings are subject to rule 10.75 but considered to be closed?.....	2
	Requirements for all meetings that are subject to the rule, whether they are open or closed.....	2
	What bodies and meetings are not subject to rule 10.75?	2
	Review Requirements	3
2.0	Key Definitions	4
3.0	Road Map to Rule 10.75: Determining the Requirements for Individual Meetings	6
	1. Does rule 10.75 apply to the group that is having the meeting?	6
	2. Is the meeting subject to rule 10.75?	7
	3. May the advisory body chair close part of the meeting?	8
	4. What information must be provided to the public about a meeting?	10
	5. If the meeting is partly or entirely open to the public, how may the public attend?	11
	6. If the meeting is partly or entirely open to the public, how will public comment be handled?	12
	7. What record must be retained of a meeting?	13
	8. What happens if the advisory body is not able to complete the agenda on the day of the meeting?	14

9.	If the advisory body decides during a meeting that it requires more information before it can act on an agenda item, may it act on the item <i>after</i> the meeting?	15
10.	May an advisory body act by email on a matter without considering the matter first during a noticed meeting?	16
4.0	Open Meetings	17
4.1	In-Person	18
4.2	Electronic Means	24
5.0	Open Meetings With Closed Session	30
5.1	In-Person	31
5.2	Electronic Means	38
6.0	Closed Meetings	45
7.0	Action by E-mail Between Meetings	50
	Notice and Comment	50
	Communication Restrictions	51
	Official Record of E-mail Actions	52
8.0	Advisory Body Web Page	53
	Overview	53
	Layout	53
	Content	53
	Maintaining and Updating	53
	Posting Requirements	54
	Working with Web Services	54
	Reporting	55
	Review Requirements Form	55
9.0	Review Requirements	55
	Reporting	55

Review Requirements Form	55
10.0 Templates	57
Notices	58
Agendas	64
Minutes.....	73
Public Comment Sign-Up Sheet	77
11.0 Advisory Body Meeting Checklist	78
Before the Meeting	78
During the Meeting	79
After the Meeting	79
12.0 Appendixes	80
Appendix A: California Rules of Court, Rule 10.75	81
Appendix B: Conference Call Capabilities	90
Appendix C: Web Content Checklist.....	92
Appendix D: Monthly Reporting Form—Advisory Body Meetings CRC 10.75	94
Appendix E: Frequently Asked Questions and Responses	95

1.0 OVERVIEW

Introduction

Rule 10.75 of the California Rules of Court recognizes the importance of providing greater public access to the meetings of Judicial Council advisory bodies, especially on matters concerning the judicial branch budget. The rule balances the importance of open meetings with ethics constraints for judicial officers who participate on such bodies, staffing and other resource limitations, and the need to maintain an effective rule-making process. With the implementation of rule 10.75, the California Judicial Branch is among the most progressive in the nation in providing access to the meetings of state-level advisory bodies.

The Judicial Council relies upon the advice of its many internal and advisory bodies, subcommittees, and other multimember bodies that it creates to review issues and make recommendations for council consideration. These advisory bodies vary in size and scope. Some have broad subject matter jurisdiction while others have more limited jurisdiction. The advisory body members volunteer their time, knowledge, and experience to develop recommendations for council consideration. These bodies perform many functions for the council, including proposing necessary changes to rules, forms, standards of judicial administration, and jury instructions; reviewing and commenting on pending legislation; recommending new legislation, pilot projects, and programs; and identifying issues and concerns affecting court administration and recommending solutions.

Rule 10.75 grants advisory body chairs discretion to make certain decisions to ensure an effective rule-making process. It is anticipated that chairs will be guided in exercising that discretion by the principles and standards included in the rule, in these guidelines, and in the California Code of Judicial Ethics to ensure the rule is applied consistently.

What bodies and meetings are subject to rule 10.75?

With three exceptions noted in the next section, all advisory bodies created by the Judicial Council to review issues and report to the council are subject to rule 10.75. This includes (1) standing advisory body subcommittees, i.e., subcommittees that are charged with addressing topics as an ongoing or continuing matter, and (2) subcommittees composed of a majority of the advisory body members, regardless of whether the charge is continuing or limited in duration. (Cal. Rules of Court, rule 10.75(b)(1).)

Standing Advisory Body Subcommittee Example: The Court Facilities Advisory Committee created the Courthouse Cost Reduction Subcommittee to propose further cost reductions to the Judicial Branch Court Construction Program. The work of this subcommittee is ongoing. There is no projected end date. Therefore, it is a standing subcommittee and is subject to the rule.

Under rule 10.75, any meeting to discuss a proposed recommendation of the advisory body that the Judicial Council approve an allocation or direct an expenditure of public funds is a budget meeting and must be open to the public. (Cal. Rules of Court, rule 10.75(c)(1).) It is important to note that a budget meeting involves discussion of a recommendation that the council approve an allocation or expenditure. The discussion of a proposed rule or policy and the related fiscal implications for the branch would not be considered a budget meeting.

What meetings are subject to rule 10.75 and considered to be open?

1. Advisory body meetings or portions of meetings to review issues that the advisory body will report to the Judicial Council are open, except as otherwise provided by (c)(3) and meetings closed for one of the reasons listed in (d). (Cal. Rules of Court, rule 10.75 (c).)

1.0 OVERVIEW

2. Budget meetings of any advisory body that is subject to the rule, i.e. of any advisory body other than the three committees exempt from the rule in subdivision (c)(2). (Cal. Rules of Court, rule 10.75 (c)(1).)
3. Meetings of rule committees listed in rule 10.75(c)(3), which are presumptively closed under (c)(3), when the chair concludes that a particular agenda item may be addressed in open session. (Cal. Rules of Court, rule 10.75(c)(3).)

What meetings are subject to rule 10.75 but considered to be closed?

1. Meetings of Rule Committees. The rule committees listed in (c)(3) are advisory bodies within the meaning of the rule, thus are “subject to the rule” but the meetings of these rule committees are presumed to be closed to the public. The only two exceptions are (1) a budget meeting, i.e., a meeting in which a rule committee would discuss recommending that the Judicial Council approve an allocation or direct an expenditure of public funds. A budget meeting must be open, and (2) a meeting or agenda item the chair concludes may be addressed in an open session. An advisory body chair of a rule committee listed in (c)(3) also has the discretion to address an agenda item in an open session where feasible to do so without, for example, raising ethics concerns for judicial officers who are members. If a meeting or portion of one of these rule committees is open, either because it is a budget meeting or the chair concludes that a particular meeting or agenda item may be addressed in open session, the provisions applying to open meetings under the rule apply.
2. Meetings of other advisory bodies subject to the rule if closed to address a topic addressed in 10.75 (d).

All meetings that are subject to the rule but closed are required to comply with rule provisions related to notice, agendas, minutes, and actions by e-mail between meetings. (Cal. Rules of Court, rule 10.75(e)–(g) & (m).)

Requirements for all meetings that are subject to the rule, whether they are open or closed

Advisory bodies and subcommittees that are subject to rule 10.75, whether the meeting is open or closed, must comply with all relevant provisions of the rule including, but not limited to (see rule 10.75 for specific information on requirements):

- Posting agendas five days before the meeting;
- Posting materials, for the open portion of the meeting, three days before the meeting;
- Allowing the public to listen to the open portion of a meeting; and
- Allowing public comment at in-person meetings that are open to the public.

What bodies and meetings are not subject to rule 10.75?

Rule 10.75 specifically exempts only three advisory bodies and their subcommittees from its requirements. (Cal. Rules of Court, rule 10.75(c)(2).) The three advisory bodies are:

- Advisory Committee on Civil Jury Instructions;
- Advisory Committee on Criminal Jury Instructions; and
- Litigation Management Committee.

1.0 OVERVIEW

Additionally, meetings of any advisory body or advisory body subcommittee to review issues that will not be reported to the council are not subject to the rule; for example, meetings providing education or training for members, or exchanges concerning best practices or information of general interest to members.

Subcommittees that are composed of less than a majority of the advisory body members and are charged with performing a specific task of limited duration are also not subject to rule 10.75.

Subcommittee Example: The Collaborative Justice Courts Advisory Committee has 21 members. It has established a Veterans' Court and Military Families Subcommittee, consisting of four advisory body members. The subcommittee will identify and disseminate information about best practices regarding court responses to veterans and military families in the court system. This subcommittee is anticipated to be in existence for a one-year period. Because its membership is small (fewer than a majority of advisory body members) *and* it is charged with a project of limited duration, the subcommittee is not subject to the rule.

Meetings of the three exempt bodies, of ad hoc subcommittees composed of less than a majority of committee members, and of other bodies on topics that will not be reported to the council are not subject to the rule. For these meetings, there are no requirements to provide public notice, to post materials and minutes, or to provide an opportunity for public comment.

Please review the Road Map to Rule 10.75 to help you determine if your meeting is exempt from the requirements of rule 10.75; in other words, is not subject to the provisions of the rule.

Review Requirements

In adopting rule 10.75, the Judicial Council significantly expanded public access to the meetings of its advisory bodies. Given the importance of the new rule, and the new work that it creates for council advisory bodies, the council will evaluate its impact and determine if any amendments are needed within one year of the rule's adoption. (Cal Rules of Court, rule 10.75(p).) In doing so, the council will consider the public's interest in access to advisory body meetings, the obligation of the judiciary to comply with judicial ethics standards, and the public interest in the ability of advisory bodies to effectively assist the council by offering policy recommendations and alternatives for improving the administration of justice.

The Administrative Office of the Courts also will review these guidelines, updating and clarifying them as necessary, to assist in ensuring the proper and consistent application of the rule.

2.0 KEY DEFINITIONS

Action by E-mail Between Meetings

An advisory body chair may distribute a proposal by e-mail to all advisory body members for action between meetings if (1) the advisory body discussed and considered the proposal at a previous meeting, but concluded more information was needed; or (2) the chair concludes that prompt action is needed.

Ad hoc Subcommittee

Small, limited-term subcommittee that is comprised of less than a majority of the advisory body members, created on an ad hoc basis to perform a specific task. These subcommittees are not considered advisory bodies for the purposes of this rule.

Adjourned Meeting

To adjourn a meeting to reconvene at a specified time without issuing a new notice, provided that, if open agenda items remain for discussion, notice of the adjourned meeting is posted on the California Courts website 24 hours before the meeting reconvenes. The advisory body may not consider new agenda items when the meeting reconvenes unless the exception for urgent circumstances in subdivision (e)(2) applies.

Advisory Bodies

Any multimember body created by the Judicial Council to review issues and report to the council. Intended exclusively for rule 10.75, this definition includes internal committees, advisory committees, task forces, and other similar multimember bodies. Subcommittees composed of less than a majority of the members of an advisory body are not advisory bodies for the purposes of the rule unless charged with addressing a topic as a continuing matter, i.e., a standing subcommittee.

Advisory Body Web Page

All advisory bodies that are subject to this rule will have a web page where meeting notices, agendas, materials, and minutes are posted. Additionally, the web pages will include the

advisory body charge, roster, and other pertinent information for the public.

Budget Meeting

A meeting to discuss a proposed recommendation of the advisory body that the Judicial Council approve an allocation or direct an expenditure of public funds. If discussion does not concern the advisory body's proposing that the council approve an allocation or direct an expenditure of public funds, then it would not be a budget meeting. For example, a discussion item on a proposed rule or policy's fiscal implications to the branch, would not be considered a budget meeting.

Closed Meeting

A closed meeting, or closed session, is entirely closed to the public. No member of the public may attend, either in person or by electronic means, when a meeting is closed to discuss any of the 10 topics listed in subdivision (d) or because it is a rule committee meeting. (Cal. Rules of Court, rule 10.75(d)(1)–(10) or 10.75(c)(3).)

Electronic Means

To conduct or participate in an advisory body meeting by telephone, computer, video conferencing, or any other method of electronic communication.

Exempt Bodies

As an exempt body, all meetings are exempt from the requirements of rule 10.75. Under the rule there are three advisory bodies, and their subcommittees, which are defined as "exempt bodies." They are the Advisory Committee on Civil Jury Instructions, the Advisory Committee on Criminal Jury Instructions, and the Litigation Management Committee.

In-Person Meeting

An advisory body meeting where most or all members gather in one location for the meeting. An in-person meeting can be either an open

2.0 KEY DEFINITIONS

meeting, an open meeting with a closed session, or a closed meeting.

Open Meeting

An advisory body meeting to review issues that the advisory body will report to the Judicial Council. These meetings can be conducted either in-person or through electronic means.

Open Meeting With a Closed Session

When a meeting is open to the public but a portion of the meeting is closed to discuss any of the 10 topics listed in subdivision (b) or because it is a rule committee meeting under subdivision (c)(3).

Public Attendance

The public may attend an open meeting either in person or through electronic means. In order to allow the public to attend in person, the chair must conclude that security measures permit.

Public Comment

The public may comment on an open meeting agenda item. Spoken comment may only occur at an in-person meeting. If the public may only attend the meeting through electronic means, the public may only submit written comments.

Public Notice

Notification of meetings must be provided to the public at least five business days prior to the meeting date. The notification must be posted to the advisory body web page.

Rule Committee

A committee that is charged primarily with developing rules proposals to improve the administration of justice in specific types of proceedings. These six committees, and their subcommittees, ordinarily hold closed meetings. (Cal. Rules of Court, rule 10.75(c)(3).)

Standing Subcommittee

An advisory body subcommittee that is charged with addressing a subject as a continuing matter. These subcommittees are considered

advisory bodies for the purposes of this rule, irrespective of their size.

Urgent Circumstance

An advisory body may meet with only 24 hours of advance public notice if urgent circumstances require prompt action.

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

Rule 10.75 of the California Rules of Court expands access to Judicial Council advisory bodies, requiring that certain meetings be open to the public. To determine whether the rule applies to a meeting and, if so, the actions required under the rule, follow the road map, answering questions below.¹

1. Does rule 10.75 apply to the group that is having the meeting?

(Answers in this section are drawn from rule 10.75(b)(1), (c)(2).)

- a.** Is the group (1) the Litigation Management Committee; (2) the Advisory Committee on Criminal Jury Instructions, or (3) the Advisory Committee on Civil Jury Instructions?
- Yes (The group is exempt. Rule requirements do not apply. **Stop here.**)
 - No (Continue to question 1b.)
- b.** Did the Judicial Council create the group to review issues and report to it?
- Yes (The group is an advisory body subject to the rule. Skip to question 2a.)
 - No (Continue to question 1c.)
- c.** Is the group the subcommittee of a body that the Judicial Council created to review issues and report to it?
- Yes (Continue to question 1d.)
 - No (Rule 10.75 does not apply to the group. **Stop here.**)
- d.** Does the subcommittee include a majority of the members of the body that created it?
- Yes (The subcommittee is an advisory body, and subject to the rule. Skip to question 2a.)
 - No (Continue to question 1e.)
- e.** Did the advisory body create the subcommittee to complete a specific project of finite duration?
- Yes (The subcommittee is not an advisory body and thus not subject to the rule. **Stop here.**)
 - No (It is a standing subcommittee, an advisory body for purposes of the rule. Continue to question 2a.)

¹ The complete text of rule 10.75 is provided in Appendix A.

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

2. Is the meeting subject to rule 10.75?

(Answers in this section are drawn from of rule 10.75(c)(1).)

- a. Will the advisory body report to the Judicial Council concerning *any* issue to be discussed in the meeting?
- Yes (Rule requirements apply. Continue to question 2b.)
 - No (The meeting is not subject to the rule. No rule requirements apply. **Stop here.**)
- b. Will the advisory body report to the Judicial Council concerning *all* issues to be discussed in the meeting?
- Yes (The entire meeting is subject to the rule. Continue to question 3a.)
 - No (Rule requirements only apply to the portion of the meeting involving topics that the advisory body will cover in a report to the council. To determine requirements *for that portion of the meeting only* continue to next question. Rule requirements [e.g., related to notice, agenda, and minutes] do not apply to other portions of the meeting.)

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

3. May the advisory body chair close part of the meeting?

(Answers in this section are drawn from rule 10.75(c)(3), (d).)

a. Is the advisory body one of the following rule committees:

- Appellate Advisory Committee;
- Civil and Small Claims Advisory Committee;
- Criminal Law Advisory Committee;
- Family and Juvenile Law Advisory Committee;
- Probate and Mental Health Advisory Committee; or
- Traffic Advisory Committee?

- Yes (Continue to question 3b.)
- No (Skip to question 3c, below.)

b. In the meeting, will the advisory body discuss recommending that the Judicial Council approve an allocation or direct an expenditure of public funds?

- Yes (Discussion of that topic must occur in an open session. Discussion of any other agenda items in the same meeting, however, may occur in closed session unless the advisory body chair concludes that a particular item may be addressed in open session. Skip to question 4.)
- No (The entire meeting may be closed unless the chair concludes that a particular agenda item may be addressed in open session. Skip to question 4.)

c. Will the meeting agenda include an item requiring discussion of any of the following:

- The appointment, qualifications, performance, or health of an individual, or other information that, if discussed in public, would constitute an unwarranted invasion of personal privacy;
- Claims, administrative claims, agency investigations, or pending or reasonably anticipated litigation naming, or reasonably anticipated to name, a judicial branch entity or a member, officer, or employee of such an entity;
- Negotiations concerning a contract, a labor issue, or legislation;
- The price and terms of payment for the purchase, sale, exchange, or lease of real property for a judicial branch facility before the property has been acquired or the relevant contracts have been executed;
- Security plans or procedures or other matters that if discussed in public would compromise the safety of the public or of judicial branch officers or personnel or the security of judicial branch facilities or equipment, including electronic data;
- Non-final audit reports or proposed responses to such reports;
- Trade secrets or privileged or confidential commercial and financial information;
- Development, modification, or approval of any licensing or other professional examination or examination procedure;
- Evaluation of individual grant applications; or

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

- Topics that judicial officers may not discuss in public without risking a violation of the California Code of Judicial Ethics, necessitating recusal, or encouraging disqualification motions or peremptory challenges against them, including proposed legislation, rules, forms, standards of judicial administration, or jury instructions.

- Yes (The advisory body chair may close the meeting to discuss the selected agenda item(s). Continue to question 4.)
- No (The entire meeting must be open to the public. Continue to question 4.)

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

4. What information must be provided to the public about a meeting?

(Answers in this section are drawn from rule 10.75(e)–(h).)

a. Will the entire meeting be *open* to the public?

- Yes (The following information and materials must be provided:
 - Notice of the meeting, which must include the meeting date *and also* all information specified in rule 10.75(f)(3) [e.g., the meeting time, the telephone number that the public may use to attend the meeting, the meeting location if the public may attend in person, and the e-mail address that the public may use to submit written comments or requests to make an audio recording of the meeting];
 - The meeting agenda, which must briefly describe each item to be considered in the meeting; and
 - The meeting materials. Skip to question 4c.)
- No (Continue to question 4b.)

b. Will the entire meeting be *closed* to the public?

- Yes (The following information must be provided to the public before the meeting:
 - Notice of the meeting date; and
 - The meeting agenda, which must briefly describe each item to be considered in the meeting, and must identify the specific rule provision(s) authorizing the closed session(s). Continue to question 4c.)
- No (The meeting will include both an open and a closed session. The following information and materials must be provided:
 - Meeting notice, with the same information as if the meeting were entirely open [see response to question 4a, above];
 - The meeting agenda, which must briefly describe each item to be considered in the meeting, must identify the agenda item(s) that will be heard in closed session, and must specify the rule provision(s) authorizing the closed session(s); and
 - The materials for the agenda item(s) that will be considered in the open session. Continue to question 4c.)

c. When must the above information be provided to the public?

- It is a *regularly scheduled* meeting. (The notice and meeting agenda must be posted on the California Courts website at least five business days before the meeting. Materials for any open portion of the meeting must be posted at least three business days before the meeting, except in extraordinary circumstances. Continue to question 5.)
- The meeting is being scheduled because *urgent circumstances* require prompt action. (The notice and meeting agenda must be posted on the California Courts website least 24 hours before the meeting. Materials for any open portion of the meeting must be posted as soon as reasonably practicable. Continue to question 5.)

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

5. If the meeting is partly or entirely open to the public, how may the public attend?

(Answers in this provision are drawn from rule 10.75(i).)

a. Is the meeting intended as an in-person gathering of advisory body members?

- Yes (Continue to the question 5b.)
- No (The public may attend the meeting by telephone or other available electronic means, but not in person. Skip to question 6a.)

b. Does the advisory body chair conclude that security measures for the meeting suffice to permit public attendance in person?

- Yes (The public may attend by telephone or other available electronic means and also in person. Continue to question 6a.)
- No (The public may attend the meeting by telephone or other available electronic means, but not in person. Continue to question 6a.)

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

6. If the meeting is partly or entirely open to the public, how will public comment be handled?

(Answers in this provision are drawn from rule 10.75(k).)

a. May the public attend the meeting in person?

- Yes (The public may submit written comments for any agenda item of a regularly noticed meeting up to one complete business day before the meeting, and may also provide spoken comments about an agenda item by submitting a request on the day of the meeting before it begins. Continue to question 6b.)
- No (If the public is only attending the meeting by telephone or other electronic means, written comments will be the exclusive means of commenting on agenda items. Continue to question 6b.)

b. If the public attends the meeting in person, has more than one person requested to speak?

- Yes (The advisory body chair may establish a reasonable limit on the length of time for each speaker and the total amount of time permitted for public comment, and may indicate whether comments will be heard at the beginning of the meeting or in advance of agenda items. Continue to question 7a.)
- No (The advisory body chair may establish a reasonable limit on the length of time for the speaker, and indicate whether the comment will be heard at the beginning of the meeting or in advance of an agenda item. Continue to question 7a.)

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

7. What record must be retained of a meeting?

(Answers in this provision are drawn from rule 10.75(m).)

a. Is it a regularly scheduled meeting?

- Yes It is a regularly scheduled meeting. (Minutes must be prepared and will constitute the official record once approved at a future meeting. Continue to question 7b.)
- No The meeting is being scheduled because urgent circumstances require prompt action. (The same answer except that the minutes must include a brief statement of the facts creating the urgent circumstances requiring prompt action and the action taken. Continue to question 7b.)

b. Is the meeting partly or entirely open to the public?

- Yes (Once approved, minutes for the open portion of the meeting must be posted on the California Court website. Continue to question 8a.)
- No (Minutes for closed meetings are not posted on the California Court website.² Continue to question 8a.)

² But see Cal. Rules of Court, rule 10.500(e)(1) (“A judicial branch entity must allow inspection and copying of judicial administrative records unless the records are exempt from disclosure under this rule or by law”).

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

8. What happens if the advisory body is not able to complete the agenda on the day of the meeting?

(Answers in this provision are drawn from rule 10.75(n).)

Were the remaining agenda items to be considered in an open session?

- Yes (The advisory body may adjourn the meeting and reconvene at a specified time solely to consider the remaining agenda items. Notice must be posted on the California Courts website 24 hours before the meeting reconvenes. The notice must identify the remaining agenda items, state the time that the meeting will reconvene, provide the telephone number that the public may use to attend the meeting and, if the public may attend in person, give the location. Continue to question 9.)
- No It was to occur in closed session. (The meeting may reconvene at a specified time solely to consider the remaining agenda items, without issuing a new notice. Continue to question 9.)

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

9. If the advisory body decides during a meeting that it requires more information before it can act on an agenda item, may it act on the item *after* the meeting?

(Answers in this provision are drawn from rule 10.75(o). See also *Action By Email Between Meetings*, at page 51, for more information about use of listserv accounts.)

Was the agenda item intended for an open meeting?

- Yes (The advisory body may act on the item after the meeting as follows:
 - After obtaining the needed information, the advisory body chair or a designee must distribute the proposal through the body's listserv account;
 - If prompt action is *not* needed, the listserv e-mail distributing the proposal must describe the procedure, which must be followed: notice of the proposal is being posted on the California Courts website for one complete business day, and the public may submit written comments to a specified e-mail address in that period; members must restrict their communications with each other about the proposal to e-mails to the body's listserv account until after the advisory body acts on the proposal; after the public comment period ends, the chair or a designee will send an e-mail to the listserv account, sharing any public comments, and asking that members submit their response to the proposal by an email to the listserv account within a specified interval; after responses are submitted, the chair or a designee will e-mail the listserv account, advising whether the proposal was approved.
 - If the chair concludes that prompt action is needed, the advisory body must post notice of the proposal on the California Courts website but may forego the public comment period. The e-mail to the listserv account distributing the proposal should request member responses by a specified time, and must advise members to restrict their communications with each other about the proposal to e-mails to the listserv account until after the advisory body has acted on it. After responses are submitted, the chair or a designee should e-mail the listserv account, advising whether the proposal was approved.
 - Written minutes describing the action taken on the e-mail proposal must be prepared for approval at a future meeting, and must attach any public comments received. When approved by the advisory body, the minutes will constitute the official record of the proposal, and must be posted on the California Courts website.
Continue to question 10.)
- No (The advisory body may act on the item after the meeting as follows:
 - After obtaining the needed information, the advisory body chair or a designee must distribute the proposal by e-mail to the body's listserv account.
 - Members must submit their responses to the proposal by e-mail to the listserv account. The listserv e-mails concerning the proposal will constitute the official record of the proposal.
Continue to question 10.)

3.0 ROAD MAP TO RULE 10.75

Determining the Requirements for Individual Meetings

10. May an advisory body act by email on a matter without considering the matter first during a noticed meeting?³

(Answers in this provision are drawn from rule 10.75(o). See also *Action By Email Between Meetings*, at page 51, for more information about listserv accounts.)

Is the matter one that must be considered in a meeting open to the public?

- Yes (The advisory body may act on the matter by e-mail between meetings if the chair concludes that prompt action is needed. The advisory body must post public notice concerning the proposal on the California Courts website and may elect to seek public comment for one complete business day before acting on the proposal. Between the time that the proposal is e-mailed to the body's listserv account and the time that the advisory body acts on it, members may only communicate with each other about the proposal by e-mail to the listserv account. Written minutes describing the action taken on the proposal must be prepared for approval at a future meeting, must attach any public comments received, and must be posted on the California Courts website once approved.)
- No (The advisory body may act on the matter by e-mail between meetings if the chair concludes that prompt action is needed. The listserv e-mails concerning the matter will constitute the official record of the advisory body's action on it.)

³ As noted above in answer to question 2b, above, this question and answer only apply to topics that the advisory body will cover in a report to the Judicial Council. The rule does not apply, and advisory body action is not limited, for other topics.

4.0 OPEN MEETINGS

This section of the guidelines will provide advisory body chairs and staff with information on preparing for meetings that are completely open to the public; there will be no closed session. This includes meetings conducted in person or through electronic means such as conference calls or videoconferences.

4.1 IN-PERSON

Open Meetings

An in-person meeting will occur when almost every member meets in one location for the meeting; however, it is possible for a member(s) to participate remotely while all others are meeting together. The public will be allowed to attend the meeting either in person or through electronic means such as a conference call. Spoken public comments will be accepted at meetings that the public may attend in person. This section will provide advisory body staff with information on preparing for and conducting these meetings.

4.1.1 Notice of Meeting

Public notice of meetings that are subject to the rule must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. This includes standing subcommittees (i.e., those charged with addressing a topic as a continuing matter) and any subcommittee that consists of a majority of the members of the advisory body. (Cal. Rules of Court, rule 10.75(e)(1).)

Notice of Open Meeting Template

Advisory body staff is required to use the Notice of Open Meeting template when providing public notice of an in-person advisory body meeting. Business necessity exceptions may be made on a case-by-case basis. The Notice of Open Meeting template includes the following key components:

- Advisory body name and contact information;
- Date the notice was posted;
- Date, time, and location of the meeting;
- Telephone number or electronic means that a member of the public may use to attend the meeting;
- Instructions for requesting to speak during the public comment portion of the meeting;
- E-mail address or mailing address that the public may use to submit written comments regarding agenda items or requests to make an audio recording of a meeting; and
- Instructions for requesting special accommodations to attend open meetings, under the Americans with Disabilities Act and similar California laws.

Urgent Circumstances

There may be circumstances where the advisory body chair determines that a matter requires prompt action and the advisory body cannot wait for the required five-day posting notice. In those circumstances, the advisory body chair must provide the public with 24 hours advance notice of the meeting. When completing the minutes of these meetings, staff must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. (Cal. Rules of Court, rule 10.75(e)(2).)

Urgent Circumstances Example: The Rules and Projects Committee (RUPRO) has an urgent request to review a rule of court that must be placed on the next Judicial Council meeting that will occur in 10 days. RUPRO must provide the report to the Executive and Planning Committee within the next two days to allow for the report to be posted—they are not able to wait for the required five-day posting notice.

4.1 IN-PERSON

Open Meetings

4.1.2 Agenda

Agendas must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. (Cal. Rules of Court, rule 10.75(g).) The agenda must list each item to be discussed or considered by the advisory body.

Open Meeting Agenda Template

Advisory body staff is required to use the Open Meeting Agenda template. Business necessity exceptions may be made on a case-by-case basis. The Open Meeting Agenda template includes the following key components:

Key Component	Data
Open Meeting	Call to order, roll call, and approval of minutes
Public Comment	Instructions for requesting to speak during the public comment portion of the meeting
Discussion and Possible Action Items	<ul style="list-style-type: none">○ Identify the agenda item number.○ Identify the subject matter of the agenda item.○ Indicate action required or no action required.○ Identify the presenter(s)/facilitator(s).○ Provide a brief general description of the agenda item to be discussed or considered.
Information-Only Items (No Action Required)	<ul style="list-style-type: none">○ Identify the information-only item number.○ Identify the subject matter of the information-only item.○ Identify the presenter(s)/facilitator(s).○ Provide a brief general description of the information-only item to be discussed or presented.
Adjournment	Identify when the meeting is scheduled to officially conclude.

4.1.3 Meeting Materials

All meeting materials must be posted on the advisory body web page on the California Courts website at least three business days before the meeting, except in extraordinary circumstances.

Extraordinary Circumstances Example: Staff requires information or input from third-party entities (e.g., the trial courts, the Legislature, Department of Finance, etc.) in preparing the meeting materials and such information or input is received a day before the meeting. Materials should be posted as promptly as possible after receipt.

4.1.4 Audio Recording of Open Meeting

The public may, with approval from the advisory body chair, audio record an open portion of an advisory body meeting. Requests must be submitted at least two business days before the meeting. (Cal. Rules of Court, rule 10.75(l).)

4.1 IN-PERSON

Open Meetings

On the Notice of Meeting, the public is instructed to e-mail their requests to the advisory body e-mail box. If requests are received, the following procedures should be followed:

1. Submit the request to the advisory body chair for consideration.
2. Notify the requestor if the request has been granted or denied.
3. If requests to record have been granted, inform meeting attendees that the meeting is being recorded per rule 10.75(l). If requests have been denied, the advisory body chair should specify that no audio recording of the meeting is allowed.
4. The advisory body chair may also require the recording be terminated if it disrupts the meeting. (Cal. Rules of Court, rule 10.75(j).)

4.1.5 Public Comment

Written Comments

Written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted by e-mail, U.S. mail, or be hand delivered, up to one complete business day before the meeting. (Cal. Rules of Court, rule 10.75(k).) Advisory bodies may elect to receive and consider comments that are received late.

Staff shall provide any written comments received in a timely manner to advisory body members before the start of the meeting or as soon as reasonably practicable during the meeting so they can be considered accordingly.

In-Person Comments

The public may offer spoken comment on any agenda item of an open meeting that the public attends in person provided a request to comment is submitted before the start of the meeting. The advisory body chair may also decide to accept requests to comment after the meeting has begun. If the public is remotely participating in the meeting (i.e., conference call) they may not provide spoken public comment.

Public Comment Sign-up Sheet Template

To facilitate in-person public comment and provide for consistency among advisory bodies, advisory body staff must use the Public Comment Sign-up Sheet template. The sign-up sheet should be made available at the meeting location before the meeting start time, at a time determined by the advisory body chair. The public comment sign-up sheet is to be used by members of the public to sign up to request to speak concerning an agenda item. The advisory body chair may call on individuals based on the order participants have signed up or the order of the agenda items. The Public Comment Sign-up Sheet template includes the following key components:

- The speaker's name;
- The name of the organization that the speaker represents (if applicable); and
- The agenda item(s) to be addressed.

Reasonable Limits

The advisory body chair has the discretion to establish reasonable limits on the amount of time allotted to spoken comments at a meeting that the public may attend in person. The advisory body chair should inform those in attendance that time may not permit all persons requesting to speak to be heard at the meeting. The following are suggestions on establishing reasonable limits:

4.1 IN-PERSON

Open Meetings

- Determine the total amount of time permitted for spoken comment;
- Determine the length of time for each speaker based on the number of requests received;
- If more than one individual has requested to speak on behalf of an organization or group, the advisory body chair may request that they designate one individual to speak on their behalf;
- If there are many individuals who want to comment on the same agenda item but are not affiliated with the same organization or group, the advisory body chair also may request that they pool their allotted time and designate one individual to speak on their behalf; and
- If there are many requests to speak on the same item, the advisory body chair may request that speakers provide their name and any organizational affiliation and simply state whether they agree or disagree with the proposal or with earlier comments.

4.1.6 Public Attendance at Meetings

Staff should work with the advisory body chair to make reasonable attempts to select a meeting location with security measures, such as a Judicial Council/Administrative Office of the Courts (AOC) office or another appropriate judicial branch or government facility that will allow the public to attend. (Cal. Rules of Court, rule 10.75(i).) If the meeting is scheduled at a location without security measures (e.g., the AOC Sacramento office) the advisory body chair may conclude that the public is not allowed to attend in person; however, they will be allowed to attend the meeting via a conference call line or other electronic means. No member of the public should be excluded from attending an in-person meeting if the advisory body chair concludes that security measures permit public attendance.

All advisory body meetings that allow for in-person public attendance must also allow for the public to attend remotely. Currently, remote attendance means providing a listen-only conference call capability or an equivalent provided by other electronic means (e.g., broadcast). The ability to provide agency-wide live streaming is yet to be determined and contingent upon available resources. If live streaming is not available, the advisory body must provide the public with a conference call line. Detailed descriptions on available conference call capabilities can be found in guidelines section 4.2.5, "Conducting a Meeting by Electronic Means."

If the public is permitted to attend an advisory body meeting in person and the chair concludes that a member of the public is disrupting the meeting, the advisory body chair may request that the person leave the meeting to ensure that the meeting can continue.

4.1.7 Meeting Minutes

Minutes of each open meeting must be prepared and presented to the advisory body for approval at a future open meeting. If the meeting was held after only 24-hours public notice due to urgent circumstances, the minutes must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. When approved by the advisory body, the minutes constitute the official record of the meeting and must be posted on the advisory body web page on the California Courts website.

Minutes of Open Meeting Template

Advisory body staff is required to use the Minutes of Open Meeting template to record what occurred during the meeting. Business necessity exceptions may be made on a case-by-case basis. The Minutes of Open Meeting template includes the following key components:

4.1 IN-PERSON

Open Meetings

Key Component	Data
Who was in attendance	Record the advisory body members that were present, advisory body members that were absent, and others that were present (including committee staff, AOC staff, and guests).
Open Meeting	Record the meeting's call to order time and the approval of the minutes. Any amendments to the posted minutes must be recorded.
Discussion and action items	<ul style="list-style-type: none">○ List agenda items discussed.○ Provide the action taken.
Adjournment	Record the time the meeting officially concluded.

Action Minutes

Minutes should contain a brief description of the proposal or other matter considered (e.g., recommendation that the Judicial Council adopt a rule) and the action taken (e.g., the committee recommended that the rule be adopted by the Judicial Council, effective on a particular date). An advisory body may request more detailed minutes, if necessary.

4.1.8 Adjourned Meetings

An advisory body chair has the discretion to adjourn and reconvene a meeting at a specified time to continue any unfinished agenda items. (Cal. Rules of Court, rule 10.75(n).) New agenda items may not be added to the agenda or considered at the reconvened meeting under this provision of the rule. If a meeting is reconvened, a notice of the adjourned meeting must be posted on the advisory body web page 24 hours before the meeting reconvenes. The notice must identify:

- Remaining open agenda items to be discussed;
- Date, time, and location of the meeting; and
- Telephone number or electronic means that a member of the public may use to attend the meeting.

Example: The Criminal Law Advisory Committee is scheduled to meet from 10:00 a.m. to 3:00 p.m., and at 3:00 p.m. they still have an agenda item that needs to be discussed. Several committee members are unable to continue with the meeting due to conflicting priorities. The advisory body chair decides to adjourn and reconvene three days later to discuss this item because they have time limits on submittal of a rule proposal to the Rules and Projects Committee (RUPRO).

4.1.9 Americans With Disabilities Act and Access to Open Public Meetings

Individuals with disabilities must be provided access to open meetings and are entitled to reasonable accommodation under the Americans with Disabilities Act and comparable California laws as needed. Qualifying disabilities may include mobility or other motor impairments, psychological and mental illness,

4.1 IN-PERSON

Open Meetings

vision or hearing impairments, and environmental sensitivities. Advisory body staff should expect and be prepared to receive such requests.

If an individual with a disability requests an accommodation to attend a meeting, advisory body staff should determine the nature of the disability and the precise accommodation that is being requested. After receiving that information, staff should consult with Linda McCulloh, the designated AOC ADA expert, or the Legal Services Office with any questions in determining the appropriate response to the request.

Confidentiality

AOC staff must keep confidential all information relating to a request for accommodation. AOC staff can advise advisory body chairs that a request has been received and the nature of the accommodation granted. Reference to the requestor and the nature of the accommodation granted should not be announced at the meeting, nor referenced in the meeting minutes.

4.2 ELECTRONIC MEANS

Open Meetings

An advisory body can conduct a meeting by telephone, computer, videoconference, or any other available method of electronic means. For these meetings, staff must ensure that the public has the ability to listen to the meeting. These meetings will not allow for spoken public comment; however, the public may submit written comments. This section will provide advisory body staff with information on preparing for and conducting these meetings.

4.2.1 Notice of Meeting

Public notice of meetings that are subject to the rule must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. This includes standing subcommittees (i.e., those charged with addressing a topic as a continuing matter) and any subcommittee that consists of a majority of the members of the advisory body. (Cal. Rules of Court, rule 10.75(e)(1).)

Notice of Open Meeting Template

Advisory body staff is required to use the Notice of Open Meeting template when providing public notice of an in-person advisory body meeting. Business necessity exceptions may be made on a case-by-case basis. The Notice of Open Meeting template includes the following key components:

- Advisory body name and contact information;
- Date the notice was posted;
- Date and time of the meeting;
- Telephone number or electronic means that a member of the public may use to attend the meeting;
- E-mail address or mailing address that the public may use to submit written comments regarding agenda items or requests to make an audio recording of a meeting; and
- Instructions for requesting special accommodations to attend open meetings, under the Americans with Disabilities Act and similar California laws.

Urgent Circumstances

There may be circumstances where the advisory body chair determines that a matter requires prompt action and the advisory body cannot wait for the required five-day posting notice. In those circumstances, the advisory body chair must provide the public with 24 hours advance notice of the meeting. When completing the minutes of these meetings, staff must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. (Cal. Rules of Court, rule 10.75(e)(2).)

Urgent Circumstances Example: The Rules and Projects Committee has an urgent request to review a rule of court that must be placed on the next Judicial Council meeting that will occur in 10 days. RUPRO must provide the report to the Executive and Planning Committee within the next two days to allow for the report to be posted—they are not able to wait for the required five-day posting notice.

4.2.2 Agenda

Agendas must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. (Cal. Rules of Court, rule 10.75(g).) The agenda must list each item to be discussed or considered by the advisory body.

4.2 ELECTRONIC MEANS

Open Meetings

Open Meeting Agenda Template

Advisory body staff is required to use the Open Meeting Agenda template. Business necessity exceptions may be made on a case-by-case basis. The Open Meeting Agenda template includes the following key components:

Key Component	Data
Open Meeting	Call to order, roll call, and approval of minutes
Discussion and Possible Action Items	<ul style="list-style-type: none">○ Identify the agenda item number.○ Identify the subject matter of the agenda item.○ Indicate action required or no action required.○ Identify the presenter(s)/facilitators(s).○ Provide a brief general description of the agenda item to be discussed or considered.
Information-Only Items (No Action Required)	<ul style="list-style-type: none">○ Identify the information-only item number.○ Identify the subject matter of the information-only item.○ Identify the presenter(s)/facilitator(s).○ Provide a brief general description of the information-only item to be discussed or presented.
Adjournment	Identify when the meeting is scheduled to officially conclude.

4.2.3 Meeting Materials

All meeting materials must be posted on the advisory body web page on the California Courts website at least three business days before the meeting, except in extraordinary circumstances.

Extraordinary Circumstances Example: Staff requires information or input from third-party entities (e.g., the trial courts, the Legislature, Department of Finance, etc.) in preparing the meeting materials and such information or input is received a day before the meeting. Materials should be posted as promptly as possible after receipt.

4.2.4 Audio Recording of Open Meeting

The public may, with approval from the advisory body chair, audio record an open portion of an advisory body meeting. Requests must be submitted at least two business days before the meeting. (Cal. Rules of Court, rule 10.75(l).)

On the Notice of Meeting, the public is instructed to e-mail their requests to the advisory body e-mail box. If requests are received, the following procedure should be followed:

1. Submit the request to the advisory body chair for consideration.
2. Notify the requestor if the request has been granted or denied.
3. If requests to record have been granted, inform meeting attendees that the meeting is being recorded per rule 10.75(l). If requests have been denied, the advisory body chair should specify that no audio recording of the meeting is allowed.

4.2 ELECTRONIC MEANS

Open Meetings

4. The advisory body chair may also require the recording be terminated if it disrupts the meeting. (Cal. Rules of Court, rule 10.75(j).)

4.2.5 Conducting a Meeting by Electronic Means

There are currently three options that advisory bodies have to conduct an open meeting by electronic means: (1) conference call; (2) videoconference; and (3) web based (i.e., WebEx).

Conference Call

All advisory bodies have their own conference call number that is to be used specifically for their meetings. The conference call numbers will allow the advisory body members, AOC staff, and invited guests to speak during the meeting and the public will only have the ability to listen to the meeting.

To facilitate this process, the conference call number is provided with the following:

- Moderator Code: This is to be used by an AOC staff member to activate the line. The AOC staff will only enter this code; they will not be required to enter any other code. This code will not be posted nor included on the notice or agenda.
- Participant Code: This is to be provided to only those persons that will be speaking during the conference call. For instance, advisory body members, AOC staff, and invited presenters. This code will not be posted nor included on the notice or agenda. Instead, this number will be provided to participants via an e-mail.
- Listen-only Code: This is to be provided to the general public that will be listening to the conference call. Individuals that enter this code will receive a message at the beginning of their call indicating that they may only listen to the call. This code will be placed on the notice and agenda.

For more information on conference call functionality and usage, see Appendix B, "Conference Call Capabilities."

Videoconference

Videoconference computer network capabilities are available in designated conference rooms at the San Francisco, Sacramento, and Burbank office locations.

If video conferencing is chosen for an open advisory body meeting, the public is not permitted to attend the meeting since the advisory body members will not be gathering in one location. (Cal. Rules of Court, rule 10.75(i).) To ensure the public is able to remotely attend, a conference call line must also be established when conducting a videoconference advisory body meeting. As with meetings conducted by conference call, spoken public comments would not be an option.

Web based

If an open advisory body meeting is conducted as a web-based meeting, the public should be provided with information that will allow them to view the presentation and listen to the meeting. The public will not be permitted to provide spoken public comment during the meeting. Any presentation materials must be posted to the advisory body web page as specified in subsection III, "Meeting Materials."

4.2 ELECTRONIC MEANS

Open Meetings

Meeting Process

If conducting a conference call or videoconference meeting, the following is a suggested process for advisory body chairs and staff to follow, to effectively facilitate the public's remote attendance at the meeting:

- Ask advisory members to put their phones on "mute" when not asking questions or commenting to avoid background noises and interruptions;
- Remind advisory body members to not put their phones on hold at any time during the meeting (including the break) to avoid distractions caused by on-hold music;
- Notify the advisory body members that the call is open to the public; therefore, there may be individuals listening to the meeting;
- Advise if the call is being recorded; and
- Request the advisory members to identify themselves prior to speaking for the benefit of all participating and listening to the meeting.

4.2.6 Public Comment

Written Comments

The public may only submit written comments for meetings that they attend by electronic means. Written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted by e-mail, U.S. Mail, or be hand delivered, up to one complete business day before the meeting. (Cal. Rules of Court, rule 10.75(k).) Advisory bodies may elect to receive and consider comments that are received late.

Staff shall provide any written comments received in a timely manner to advisory body members before the start of the meeting or as soon as reasonably practicable during the meeting, so they can be considered accordingly.

Spoken Comments

The public will be unable to provide spoken public comment for an open meeting conducted by electronic means. Only written comments will be accepted.

4.2.7 Meeting Minutes

Minutes of each meeting must be prepared and presented to the advisory body for approval at a future open meeting. If the meeting was held after only 24-hours public notice due to urgent circumstances, the minutes must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. When approved by the advisory body, the minutes constitute the official record of the meeting and must be posted on the advisory body web page on the California Courts website.

Minutes of Open Meeting Template

Advisory body staff is required to use the Minutes of Open Meeting template to record what occurred during the meeting. Business necessity exceptions may be made on a case-by-case basis. The Minutes of Open Meeting template includes the following key components:

4.2 ELECTRONIC MEANS

Open Meetings

Key Component	Data
Who was in attendance	Record the advisory body members that were present, advisory body members that were absent, and others that were present (including committee staff, AOC staff, and guests).
Open Meeting	Record the meeting's call to order time and the approval of the minutes. Any amendments to the posted minutes must be recorded.
Discussion and action items	<ul style="list-style-type: none">○ List agenda items discussed.○ Provide the action taken.
Adjournment	Record the time the meeting officially concluded.

Action Minutes

Minutes should contain a brief description of the proposal or other matter considered (e.g., recommendation that the Judicial Council adopt a rule) and the action taken (e.g., the committee recommended that the rule be adopted by the Judicial Council, effective on a particular date). An advisory body may request more detailed minutes, if necessary.

4.2.8 Adjourned Meetings

An advisory body chair has the discretion to adjourn and reconvene a meeting at a specified time to continue any unfinished agenda items. (Cal. Rules of Court, rule 10.75(n).) New agenda items may not be added to the agenda or considered at the reconvened meeting under this provision of the rule. If a meeting is reconvened, a notice of the adjourned meeting must be posted on the advisory body web page 24 hours before the meeting reconvenes. The notice must identify:

- Remaining open agenda items to be discussed;
- Date and time of the meeting; and
- Telephone number or electronic means that a member of the public may use to attend the meeting.

Example: The Criminal Law Advisory Committee is scheduled to meet from 10:00 a.m. to 3:00 p.m., and at 3:00 p.m. they still have an agenda item that needs to be discussed. Several committee members are unable to continue with the meeting due to conflicting priorities. The advisory body chair decides to adjourn and reconvene three days later to discuss this item because they have time limits on submittal of a rule proposal to the Rules and Projects Committee (RUPRO).

4.2.9 Americans With Disabilities Act and Access to Open Public Meetings

Individuals with disabilities must be provided access to open meetings and are entitled to reasonable accommodation under the Americans with Disabilities Act and comparable California laws as needed. Qualifying disabilities may include mobility or other motor impairments, psychological and mental illness,

4.2 ELECTRONIC MEANS

Open Meetings

vision or hearing impairments, and environmental sensitivities. Advisory body staff should expect and be prepared to receive such requests.

If an individual with a disability requests an accommodation to attend a meeting, advisory body staff should determine the nature of the disability and the precise accommodation that is being requested. After receiving that information, staff should consult with Linda McCulloh, the designated AOC ADA expert, or the Legal Services Office with any questions in determining the appropriate response to the request.

Confidentiality

AOC staff must keep confidential all information relating to a request for accommodation. AOC staff can advise advisory body chairs that a request has been received and the nature of the accommodation granted. Reference to the requestor and the nature of the accommodation granted should not be announced at the meeting, nor referenced in the meeting minutes.

5.0 OPEN MEETINGS WITH CLOSED SESSION

This section of the guidelines will provide advisory body chairs and staff with information on preparing for meetings that contain both open and closed agenda items, as identified within rule 10.75 of the California Rules of Court. This includes meetings conducted in person or through electronic means such as conference calls or videoconference.

5.1 IN-PERSON

Open Meetings With Closed Session

An in-person meeting will occur when almost every member meets in one location for the meeting; however, it is possible for a member(s) to participate remotely while all other members are meeting together. The public will be allowed to attend the open portion of the meeting either in person or through electronic means such as a conference call. Spoken public comments will be accepted at meetings that the public may attend in person. There will be no public attendance or comment for the closed session of the meeting. This section will provide advisory body staff with information on preparing for and conducting these meetings.

5.1.1 Notice of Meeting

Public notice of meetings that are subject to the rule must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. This includes standing subcommittees (i.e., those charged with addressing a topic as a continuing matter) and any subcommittee that consists of a majority of the members of the advisory body. (Cal. Rules of Court, rule 10.75(e)(1).)

Notice of Open Meeting with Closed Session Template

Advisory body staff is required to use the Notice of Open Meeting with Closed Session template when providing public notice of an in-person advisory body meeting. Business necessity exceptions may be made on a case-by-case basis. The Notice of Open Meeting with Closed Session template includes the following key components:

- Advisory body name and contact information;
- Date the notice was posted;
- Date, time, and location of the meeting;
- Specific subdivision(s) of the rule that authorizes the closed session;
- Telephone number or electronic means that a member of the public may use to attend the meeting;
- Instructions for requesting to speak during the public comment portion of the meeting;
- E-mail address or mailing address that the public may use to submit written comments regarding agenda items or requests to make an audio recording of a meeting; and
- Instructions for requesting special accommodations to attend open meetings, under the Americans with Disabilities Act and similar California laws.

Meeting example: The Sargent Shriver Civil Counsel Act Implementation Committee is meeting to discuss the criteria used to evaluate grant applications. The discussion item on the evaluation criteria is an open meeting item; the discussion on the evaluation of applications and eventual reward of the individual grant applications would be a closed meeting item.

Urgent Circumstances

There may be circumstances where the advisory body chair determines that a matter requires prompt action and the advisory body cannot wait for the required five-day posting notice. In those circumstances, the advisory body chair must provide the public with 24 hours advance notice of the meeting. When completing the minutes of these meetings, staff must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. (Cal. Rules of Court, rule 10.75(e)(2).)

5.1 IN-PERSON

Open Meetings With Closed Session

Urgent Circumstances Example: The Rules and Projects Committee (RUPRO) has an urgent request to review a rule of court that must be placed on the next Judicial Council meeting that will occur in 10 days. RUPRO must provide the report to the Executive and Planning Committee within the next two days to allow for the report to be posted—they are not able to wait for the required five-day posting notice.

5.1.2 Agenda

Agendas must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. (Cal. Rules of Court, rule 10.75(g).) The agenda must list each item to be discussed or considered by the advisory body.

Open Meeting with Closed Session Agenda Template

Advisory body staff is required to use the Open Meeting with Closed Session Agenda template. Business necessity exceptions may be made on a case-by-case basis. The Open Meeting with Closed Session Agenda template includes the following key components:

Key Component	Data
Open Meeting	Call to order, roll call, and approval of minutes
Public Comment	Instructions for requesting to speak during the public comment portion of the meeting
Discussion and Possible Action Items	<ul style="list-style-type: none">○ Identify the agenda item number.○ Identify the subject matter of the agenda item.○ Indicate action required or no action required.○ Identify the presenter(s)/facilitator(s).○ Provide a brief general description of the agenda item to be discussed or considered.
Information-Only Items (No Action Required)	<ul style="list-style-type: none">○ Identify the information-only item number.○ Identify the subject matter of the information-only item.○ Identify the presenter(s)/facilitator(s).○ Provide a brief general description of the information-only item to be discussed or presented.
Adjournment	Identify when the meeting is scheduled to officially conclude.
Closed Session	<ul style="list-style-type: none">○ Identify the agenda item number.○ Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed.○ Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed.○ Provide a brief general description of the agenda item to be discussed or considered.

5.1 IN-PERSON

Open Meetings With Closed Session

5.1.3 Meeting Materials

Meeting materials for the open portion of a meeting must be posted on the advisory body web page on the California Courts website at least three business days before the meeting, except in extraordinary circumstances. (Cal. Rules of Court, rule 10.75(h).) Closed session meeting materials will not be posted.

Extraordinary Circumstances Example: Staff requires information or input from third-party entities (e.g., the trial courts, the Legislature, Department of Finance, etc.) in preparing the meeting materials and such information or input is received a day before the meeting. Materials should be posted as promptly as possible after receipt.

5.1.4 Audio Recording of Open Meeting

The public may, with approval from the advisory body chair, audio record an open portion of an advisory body meeting. Requests must be submitted at least two business days before the meeting. (Cal. Rules of Court, rule 10.75(l).)

On the Notice of Meeting, the public is instructed to e-mail their requests to the advisory body e-mail box. If requests are received, the following procedures should be followed:

1. Submit the request to the advisory body chair for consideration.
2. Notify the requestor if the request has been granted or denied.
3. If requests to record have been granted, inform meeting attendees that the meeting is being recorded per rule 10.75(l). If requests have been denied, the advisory body chair should specify that no audio recording of the meeting is allowed.
4. The advisory body chair may also require the recording be terminated if it disrupts the meeting. (Cal. Rules of Court, rule 10.75(j).)

5.1.5 Public Comment

Written Comments

Written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted by e-mail, U.S. mail, or be hand delivered, up to one complete business day before the meeting. (Cal. Rules of Court, rule 10.75(k).) Advisory bodies may elect to receive and consider comments that are received late.

Staff shall provide any written comments received in a timely manner to advisory body members before the start of the meeting or as soon as reasonably practicable during the meeting so they can be considered accordingly.

In Person Comments

The public may offer spoken comment on any agenda item of an open meeting that the public attends in person provided a request to comment is submitted before the start of the meeting. The advisory body chair may also decide to accept requests to comment after the meeting has begun. If the public is remotely participating in the meeting (i.e., conference call) they may not provide spoken public comment.

5.1 IN-PERSON

Open Meetings With Closed Session

Public Comment Sign-up Sheet Template

To facilitate in-person public comment and provide for consistency among advisory bodies, advisory body staff must use the Public Comment Sign-up Sheet template. The sign-up sheet should be made available at the meeting location before the meeting start time, at a time determined by the advisory body chair. The public comment sign-up sheet is to be used by members of the public to sign up to request to speak concerning an agenda item. The advisory body chair may call on individuals based on the order participants have signed up or the order of the agenda items. The Public Comment Sign-up Sheet template includes the following key components:

- The speaker's name;
- The name of the organization that the speaker represents (if applicable); and
- The agenda item(s) to be addressed.

Reasonable Limits

The advisory body chair has the discretion to establish reasonable limits on the amount of time allotted to spoken comments at a meeting that the public may attend in person. The advisory body chair should inform those in attendance that time may not permit all persons requesting to speak to be heard at the meeting. The following are suggestions on establishing reasonable limits:

- Determine the total amount of time permitted for spoken comment;
- Determine the length of time for each speaker based on the number of requests received;
- If more than one individual has requested to speak on behalf of an organization or group, the advisory body chair may request that they designate one individual to speak on their behalf;
- If there are many individuals who want to comment on the same agenda item but are not affiliated with the same organization or group, the advisory body chair also may request that they pool their allotted time and designate one individual to speak on their behalf; and
- If there are many requests to speak on the same item, the advisory body chair may request that speakers provide their name and any organizational affiliation and simply state whether they agree or disagree with the proposal or with earlier comments.

5.1.6 Public Attendance at Meetings

Staff should work with the advisory body chair to make reasonable attempts to select a meeting location with security measures, such as a Judicial Council/Administrative Office of the Courts (AOC) office or another appropriate judicial branch or government facility that will allow the public to attend. (Cal. Rules of Court, rule 10.75(i).) If the meeting is scheduled at a location without security measures (e.g., the AOC Sacramento office) the advisory body chair may conclude that the public is not allowed to attend in person; however, they will be allowed to attend the meeting via a conference call line or other electronic means. No member of the public should be excluded from attending an in-person meeting if the advisory body chair concludes that security measures permit public attendance.

All advisory body meetings that allow for in-person public attendance must also allow for the public to attend remotely. Currently, remote attendance means providing a listen-only conference call capability or an equivalent provided by other electronic means (e.g., broadcast). The ability to provide agency-wide live streaming is yet to be determined and contingent upon available resources. If live streaming is not available, the advisory body must provide the public with a conference call line. Detailed descriptions on available conference call capabilities can be found in guidelines section 5.2.5, "Conducting a Meeting by Electronic Means."

5.1 IN-PERSON

Open Meetings With Closed Session

If the public is permitted to attend an advisory body meeting in person and the chair concludes that a member of the public is disrupting the meeting, the advisory body chair may request that the person leave the meeting to ensure that the meeting can continue.

5.1.7 Meeting Minutes

Minutes of each open meeting must be prepared and presented to the advisory body for approval at a future open meeting. If the meeting was held after only 24-hours public notice due to urgent circumstances, the minutes must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. When approved by the advisory body, the minutes constitute the official record of the meeting and must be posted on the advisory body web page on the California Courts website.

Minutes for Closed Session of Open Meeting

Closed session meeting minutes will not be posted to the advisory body web page; however, it is still necessary to have an official record of closed meeting discussions. Staff is to prepare minutes of each closed session and present them to the advisory body for approval at a future meeting. These minutes will be maintained by advisory body staff and may be used to respond to a complaint about the legitimacy of the closed meeting agenda item(s). Note: See Table 2.0 for specific closed session posting requirements.

Minutes of Open Meeting with Closed Session Template

Advisory body staff is required to use the Minutes of Open Meeting with Closed Session template to record what occurred during the meeting. Business necessity exceptions may be made on a case-by-case basis. The Minutes of Open Meeting with Closed Session template includes the following key components:

Key Component	Data
Who was in attendance	Record the advisory body members that were present, advisory body members that were absent, and others that were present (including committee staff, AOC staff, and guests).
Open Meeting	Record the meeting's call to order time and the approval of the minutes. Any amendments to the posted minutes must be recorded.
Discussion and action items	<ul style="list-style-type: none">○ List agenda items discussed.○ Provide the action taken.
Adjournment	Record the time the meeting officially concluded.
Closed Session For posting to the California Courts website	Do not include a summary of the item(s) discussed or considered during closed session. Rather, only provide the following: <ul style="list-style-type: none">○ Record the closed session's call to order time.

5.1 IN-PERSON

Open Meetings With Closed Session

	<ul style="list-style-type: none"> ○ Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed. ○ Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed. ○ Record the time the closed session adjourned.
<p>Closed Session For internal records only</p>	<ul style="list-style-type: none"> ○ Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed. ○ Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed. ○ Provide a brief summary of what was discussed or considered. ○ Provide the action taken.

Action Minutes

Minutes should contain a brief description of the proposal or other matter considered (e.g., recommendation that the Judicial Council adopt a rule) and the action taken (e.g., the committee recommended that the rule be adopted by the Judicial Council, effective on a particular date). An advisory body may request more detailed minutes, if necessary.

5.1.8 Adjourned Meetings

An advisory body chair has the discretion to adjourn and reconvene a meeting at a specified time to continue any unfinished agenda items. (Cal. Rules of Court, rule 10.75(n).) New agenda items may not be added to the agenda or considered at the reconvened meeting under this provision of the rule. If a meeting is reconvened, a notice of the adjourned meeting must be posted on the advisory body web page 24 hours before the meeting reconvenes. The notice must identify:

- Remaining open agenda items to be discussed;
- Date, time, and location of the meeting; and
- Telephone number or electronic means that a member of the public may use to attend the meeting.

Example: The Criminal Law Advisory Committee is scheduled to meet from 10:00 a.m. to 3:00 p.m., and at 3:00 p.m. they still have an agenda item that needs to be discussed. Several committee members are unable to continue with the meeting due to conflicting priorities. The advisory body chair decides to adjourn and reconvene three days later to discuss this item because they have time limits on submittal of a rule proposal to the Rules and Projects Committee (RUPRO).

5.1.9 Americans With Disabilities Act and Access to Open Public Meetings

Individuals with disabilities must be provided access to open meetings and are entitled to reasonable accommodation under the Americans with Disabilities Act and comparable California laws as needed. Qualifying disabilities may include mobility or other motor impairments, psychological and mental illness, vision or hearing impairments, and environmental sensitivities. Advisory body staff should expect and be prepared to receive such requests.

5.1 IN-PERSON

Open Meetings With Closed Session

If an individual with a disability requests an accommodation to attend a meeting, advisory body staff should determine the nature of the disability and the precise accommodation that is being requested. After receiving that information, staff should consult with Linda McCulloh, the designated AOC ADA expert, or the Legal Services Office with any questions in determining the appropriate response to the request.

Confidentiality

AOC staff must keep confidential all information relating to a request for accommodation. AOC staff can advise advisory body chairs that a request has been received and the nature of the accommodation granted. Reference to the requestor and the nature of the accommodation granted should not be announced at the meeting, nor referenced in the meeting minutes.

5.2 ELECTRONIC MEANS

Open Meetings With Closed Session

An advisory body can conduct a meeting by telephone, computer, videoconference, or any other available method of electronic means. For these meetings, staff must ensure that the public has the ability to listen to the meeting. These meetings will not allow for spoken public comment; however, the public may submit written comments. This section will provide advisory body staff with information on preparing for and conducting these meetings.

5.2.1 Notice of Meeting

Public notice of meetings that are subject to the rule must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. This includes standing subcommittees (i.e., those charged with addressing a topic as a continuing matter) and any subcommittee that consists of a majority of the members of the advisory body. (Cal. Rules of Court, rule 10.75(e)(1).)

Notice of Open Meeting with Closed Session Template

Advisory body staff is required to use the Notice of Open Meeting with Closed Session template when providing public notice of an in-person advisory body meeting. Business necessity exceptions may be made on a case-by-case basis. The Notice of Open Meeting with Closed Session template includes the following key components:

- Advisory body name and contact information;
- Date the notice was posted;
- Date and time of the meeting;
- Specific subdivision(s) of the rule that authorizes the closed session;
- Telephone number or electronic means that a member of the public may use to attend the meeting;
- E-mail address or mailing address that the public may use to submit written comments regarding agenda items or requests to make an audio recording of a meeting; and
- Instructions for requesting special accommodations to attend open meetings, under the Americans with Disabilities Act and similar California laws.

Urgent Circumstances

There may be circumstances where the advisory body chair determines that a matter requires prompt action and the advisory body cannot wait for the required five-day posting notice. In those circumstances, the advisory body chair must provide the public with 24 hours advance notice of the meeting. When completing the minutes of these meetings, staff must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. (Cal. Rules of Court, rule 10.75(e)(2).)

Urgent Circumstances Example: The Rules and Projects Committee has an urgent request to review a rule of court that must be placed on the next Judicial Council meeting that will occur in 10 days. RUPRO must provide the report to the Executive and Planning Committee within the next two days to allow for the report to be posted—they are not able to wait for the required five-day posting notice.

5.2 ELECTRONIC MEANS

Open Meetings With Closed Session

5.2.2 Agenda

Agendas must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. (Cal. Rules of Court, rule 10.75(g).) The agenda must list each item to be discussed or considered by the advisory body.

Open Meeting with Closed Session Agenda Template

Advisory body staff is required to use the Open Meeting with Closed Session Agenda template. Business necessity exceptions may be made on a case-by-case basis. The Open Meeting with Closed Session Agenda template includes the following key components:

Table 1.0

Key Component	Data
Open Meeting	Call to order, roll call, and approval of minutes
Discussion and Possible Action Items	<ul style="list-style-type: none">○ Identify the agenda item number.○ Identify the subject matter of the agenda item.○ Indicate action required or no action required.○ Identify the presenter(s)/facilitators(s).○ Provide a brief general description of the agenda item to be discussed or considered.
Information-Only Items (No Action Required)	<ul style="list-style-type: none">○ Identify the information-only item number.○ Identify the subject matter of the information-only item.○ Identify the presenter(s)/facilitator(s).○ Provide a brief general description of the information-only item to be discussed or presented.
Adjournment	Identify when the meeting is scheduled to officially conclude.
Closed Session	<ul style="list-style-type: none">○ Identify the agenda item number.○ Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed.○ Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed.○ Provide a brief general description of the agenda item to be discussed or considered.

5.2.3 Meeting Materials

Meeting materials for the open portion of a meeting must be posted on the advisory body web page on the California Courts website at least three business days before the meeting, except in extraordinary circumstances. (Cal. Rules of Court, rule 10.75(h).) Closed session meeting materials will not be posted.

Extraordinary Circumstances Example: Staff requires information or input from third-party entities (e.g., the trial courts, the Legislature, Department of Finance, etc.) in preparing the meeting

5.2 ELECTRONIC MEANS

Open Meetings With Closed Session

materials and such information or input is received a day before the meeting. Materials should be posted as promptly as possible after receipt.

5.2.4 Audio Recording of Open Meeting

The public may, with approval from the advisory body chair, audio record an open portion of an advisory body meeting. Requests must be submitted at least two business days before the meeting. (Cal. Rules of Court, rule 10.75(l).)

On the Notice of Meeting, the public is instructed to e-mail their requests to the advisory body e-mail box. If requests are received, the following procedure should be followed:

1. Submit the request to the advisory body chair for consideration.
2. Notify the requestor if the request has been granted or denied.
3. If requests to record have been granted, inform meeting attendees that the meeting is being recorded per rule 10.75(l). If requests have been denied, the advisory body chair should specify that no audio recording of the meeting is allowed.
4. The advisory body chair may also require the recording be terminated if it disrupts the meeting. (Cal. Rules of Court, rule 10.75(j).)

5.2.5 Conducting a Meeting by Electronic Means

There are currently three options that advisory bodies have to conduct an open meeting by electronic means: (1) conference call; (2) videoconference; and (3) web based (i.e., WebEx).

Conference Call

All advisory bodies have their own conference call number that is to be used specifically for their meetings. The conference call numbers will allow the advisory body members, AOC staff, and invited guests to speak during the meeting and the public will only have the ability to listen to the meeting.

To facilitate this process, the conference call number is provided with the following:

- Moderator Code: This is to be used by an AOC staff member to activate the line. The AOC staff will only enter this code; they will not be required to enter any other code. This code will not be posted nor included on the notice or agenda.
- Participant Code: This is to be provided to only those persons that will be speaking during the conference call. For instance, advisory body members, AOC staff, and invited presenters. This code will not be posted nor included on the notice or agenda. Instead, this number will be provided to participants via an e-mail.
- Listen-only Code: This is to be provided to the general public that will be listening to the conference call. Individuals that enter this code will receive a message at the beginning of their call indicating that they may only listen to the call. This code will be placed on the notice and agenda.

For more information on conference call functionality and usage, see Appendix B, "Conference Call Capabilities".

5.2 ELECTRONIC MEANS

Open Meetings With Closed Session

Videoconference

Videoconference computer network capabilities are available in designated conference rooms at the San Francisco, Sacramento, and Burbank office locations.

If video conferencing is chosen for an open advisory body meeting, the public is not permitted to attend the meeting since the advisory body members will not be gathering in one location. (Cal. Rules of Court, rule 10.75(i).) To ensure the public is able to remotely attend, a conference call line must also be established when conducting a videoconference advisory body meeting. As with meetings conducted by conference call, spoken public comments would not be an option.

Web based

If an open advisory body meeting is conducted as a web-based meeting, the public should be provided with information that will allow them to view the presentation and listen to the meeting. The public will not be permitted to provide spoken public comment during the meeting. Any presentation materials must be posted to the advisory body web page as specified in subsection III, "Meeting Materials."

Meeting Process

If conducting a conference call or videoconference meeting, the following is a suggested process for advisory body chairs and staff to follow, to effectively facilitate the public's remote attendance at the meeting:

- Ask advisory members to put their phones on "mute" when not asking questions or commenting to avoid background noises and interruptions;
- Remind advisory body members to not put their phones on hold at any time during the meeting (including the break) to avoid distractions caused by on-hold music;
- Notify the advisory body members that the call is open to the public; therefore, there may be individuals listening to the meeting;
- Advise if the call is being recorded; and
- Request the advisory members to identify themselves prior to speaking for the benefit of all participating and listening to the meeting.

5.2.6 Public Comment

Written Comments

The public may only submit written comments for meetings that they attend by electronic means. Written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted by e-mail, U.S. Mail, or be hand delivered, up to one complete business day before the meeting. (Cal. Rules of Court, rule 10.75(k).) Advisory bodies may elect to receive and consider comments that are received late.

Staff shall provide any written comments received in a timely manner to advisory body members before the start of the meeting or as soon as reasonably practicable during the meeting, so they can be considered accordingly.

Spoken Comments

The public will be unable to provide spoken public comment for an open meeting conducted by electronic means. Only written comments will be accepted.

5.2 ELECTRONIC MEANS

Open Meetings With Closed Session

5.2.7 Meeting Minutes

Minutes of each meeting must be prepared and presented to the advisory body for approval at a future open meeting. If the meeting was held after only 24-hours public notice due to urgent circumstances, the minutes must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. When approved by the advisory body, the minutes constitute the official record of the meeting and must be posted on the advisory body web page on the California Courts website.

Minutes for Closed Session of Open Meeting

Closed session meeting minutes will not be posted to the advisory body web page; however, it is still necessary to have an official record of closed meeting discussions. Staff is to prepare minutes of each closed session and present them to the advisory body for approval at a future meeting. These minutes will be maintained by advisory body staff and may be used to respond to a complaint about the legitimacy of the closed meeting agenda item(s). Note: See Table 2.0 for specific closed session posting requirements.

Minutes of Open Meeting with Closed Session Template

Advisory body staff is required to use the Minutes of Open Meeting with Closed Session template to record what occurred during the meeting. Business necessity exceptions may be made on a case-by-case basis. The Minutes of Open Meeting with Closed Session template includes the following key components:

Table 2.0

Key Component	Data
Who was in attendance	Record the advisory body members that were present, advisory body members that were absent, and others that were present (including committee staff, AOC staff, and guests).
Open Meeting	Record the meeting's call to order time and the approval of the minutes. Any amendments to the posted minutes must be recorded.
Discussion and action items	<ul style="list-style-type: none">○ List agenda items discussed.○ Provide the action taken.
Adjournment	Record the time the meeting officially concluded.
Closed Session For posting to the California Courts website	Do not include a summary of the item(s) discussed or considered during closed session. Rather, only provide the following: <ul style="list-style-type: none">○ Record the closed session's call to order time.○ Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed.○ Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed.

5.2 ELECTRONIC MEANS

Open Meetings With Closed Session

	<ul style="list-style-type: none">○ Record the time the closed session adjourned.
Closed Session For internal records only	<ul style="list-style-type: none">○ Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed.○ Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed.○ Provide a brief summary of what was discussed or considered.○ Provide the action taken.

Action Minutes

Minutes should contain a brief description of the proposal or other matter considered (e.g., recommendation that the Judicial Council adopt a rule) and the action taken (e.g., the committee recommended that the rule be adopted by the Judicial Council, effective on a particular date). An advisory body may request more detailed minutes, if necessary.

5.2.8 Adjourned Meetings

An advisory body chair has the discretion to adjourn and reconvene a meeting at a specified time to continue any unfinished agenda items. (Cal. Rules of Court, rule 10.75(n).) New agenda items may not be added to the agenda or considered at the reconvened meeting under this provision of the rule. If a meeting is reconvened, a notice of the adjourned meeting must be posted on the advisory body web page 24 hours before the meeting reconvenes. The notice must identify:

- Remaining open agenda items to be discussed;
- Date and time of the meeting; and
- Telephone number or electronic means that a member of the public may use to attend the meeting.

Example: The Criminal Law Advisory Committee is scheduled to meet from 10:00 a.m. to 3:00 p.m., and at 3:00 p.m. they still have an agenda item that needs to be discussed. Several committee members are unable to continue with the meeting due to conflicting priorities. The advisory body chair decides to adjourn and reconvene three days later to discuss this item because they have time limits on submittal of a rule proposal to the Rules and Projects Committee (RUPRO).

5.2.9 Americans With Disabilities Act and Access to Open Public Meetings

Individuals with disabilities must be provided access to open meetings and are entitled to reasonable accommodation under the Americans with Disabilities Act and comparable California laws as needed. Qualifying disabilities may include mobility or other motor impairments, psychological and mental illness, vision or hearing impairments, and environmental sensitivities. Advisory body staff should expect and be prepared to receive such requests.

If an individual with a disability requests an accommodation to attend a meeting, advisory body staff should determine the nature of the disability and the precise accommodation that is being requested. After receiving that information, staff should consult with Linda McCulloh, the designated AOC ADA

5.2 ELECTRONIC MEANS

Open Meetings With Closed Session

expert, or the Legal Services Office with any questions in determining the appropriate response to the request.

Confidentiality

AOC staff must keep confidential all information relating to a request for accommodation. AOC staff can advise advisory body chairs that a request has been received and the nature of the accommodation granted. Reference to the requestor and the nature of the accommodation granted should not be announced at the meeting, nor referenced in the meeting minutes.

6.0 CLOSED MEETINGS

This portion of the guidelines will provide staff with guidance on preparing for a meeting that is entirely closed to the public, whether it is an in-person meeting or a meeting conducted by electronic means. A closed meeting, or closed session, is entirely closed to the public. No member of the public may attend, either in person or by electronic means, when a meeting is closed under any of the 10 bases for closing a meeting. (Cal. Rules of Court, rule 10.75(d)(1)–(10) or 10.75(c)(3).)

6.0.1 Notice of Meeting

Public notice of meetings that are subject to the rule, including those that are closed to the public, must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. This includes standing subcommittees (i.e., those charged with addressing a topic as a continuing matter) and any subcommittee that consists of a majority of the members of the advisory body. (Cal. Rules of Court, rule 10.75(e)(1).)

Notice of Closed Meeting Template

Advisory body staff is required to use the Notice of Closed Meeting template when providing public notice of an advisory body meeting that is completely closed to the public. Business necessity exceptions may be made on a case-by-case basis. The Notice of Closed Meeting template includes the following key components:

- Advisory body name and contact information;
- Date the notice was posted on;
- Date and time of the meeting; and
- Specific subdivision(s) of the rule that authorizes the closed session.

Urgent Circumstances

There may be circumstances where the advisory body chair determines that a matter requires prompt action and the advisory body cannot wait for the required five-day posting notice. In those circumstances, the advisory body chair must provide the public with 24 hours advance notice of the meeting. When completing the minutes of these meetings, staff must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. (Cal. Rules of Court, rule 10.75(e)(2).)

Urgent Circumstances Example: The council's Policy Coordination and Liaison Committee (PCLC) needs to be able to meet quickly to decide what branchwide position should be taken on pending legislation before an imminent legislative hearing on the proposed bill is held.

6.0.2 Agenda

Agendas must be posted on the advisory body web page on the California Courts website at least five business days before the meeting. (Cal. Rules of Court, rule 10.75(g).) The agenda must list each item to be discussed or considered by the advisory body.

Closed Meeting Agenda Template

Advisory body staff is required to use the Closed Meeting Agenda template. Business necessity exceptions may be made on a case-by-case basis. The Closed Meeting Agenda template includes the following key components:

6.0 CLOSED MEETINGS

Key Component	Data
Call to Order and Roll Call	Call to order, roll call, and approval of minutes
Discussion and Possible Action Items	<ul style="list-style-type: none"> ○ Identify the agenda item number. ○ Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed. ○ Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed. ○ Provide a brief general description of the agenda item to be discussed or considered.
Adjournment	Identify when the meeting is scheduled to officially conclude.

6.0.3 Meeting Materials

Meeting materials for closed meetings will not be posted.

6.0.4 Public Comment

Neither written nor in-person public comments are permitted when an advisory body meeting is closed under any of the 10 bases for closing a meeting. (Cal. Rules of Court, rule 10.75(d)(1)–10), or pursuant to rule 10.75(c)(3).)

6.0.5 Public Attendance

Public attendance, either in person or by electronic means, is not permitted when an advisory body meeting is closed under any of the 10 bases for closing a meeting. (Cal. Rules of Court, rule 10.75(d)(1)–10), or pursuant to rule 10.75(c)(3).)

6.0.6 Meeting Minutes

Closed meeting minutes will not be posted to the advisory body web page; however, it is necessary to have an official record of closed meeting discussions. If the meeting was held after only 24 hours of public notice due to urgent circumstances, the minutes must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken. Staff is to prepare minutes of each closed meeting and present them to the advisory body for approval at a future meeting. These minutes will be maintained by advisory body staff and may be reviewed to respond to a complaint about the legitimacy of the closed meeting agenda item(s).

Minutes of Closed Meeting Template

Advisory body staff is required to use the Minutes of Closed Meeting template to record what occurred during the meeting. Business necessity exceptions may be made on a case-by-case basis. The Minutes of Closed Meeting template includes the following key components:

Key Component	Data
Who was in attendance	Record the advisory body members that were present, advisory body members that were absent, and others that were present (including committee staff, AOC staff, and

6.0 CLOSED MEETINGS

	guests).
Call to order/minutes	Record the meeting's call to order time and the approval of the minutes. Any amendments to the posted minutes must be recorded.
Discussion and action items	<ul style="list-style-type: none">○ List agenda items discussed.○ Provide the action taken.
Adjournment	Record the time the meeting officially concluded.

Action Minutes

Minutes should contain a brief description of the proposal or other matter considered (e.g., recommendation that the Judicial Council adopt a rule) and the action taken (e.g., the committee recommended that the rule be adopted by the Judicial Council, effective on a particular date). An advisory body may request more detailed minutes, if necessary.

6.0.7 Adjourned Meetings

An advisory body chair has the discretion to adjourn and reconvene a meeting at a specified time to continue any unfinished agenda items. (Cal. Rules of Court, rule 10.75(n).) New agenda items may not be added to the agenda or considered at the reconvened meeting under this provision of the rule. If a meeting is reconvened, a notice of the adjourned meeting must be posted on the advisory body web page 24 hours before the meeting reconvenes. The notice must identify:

- Remaining agenda items to be discussed; and
- Date and time of the meeting.

Example: The Criminal Law Advisory Committee is scheduled to meet from 10:00 a.m. to 3:00 p.m., and at 3:00 p.m. they still have an agenda item that needs to be discussed. Several committee members are unable to continue with the meeting due to conflicting priorities. The advisory body chair decides to adjourn and reconvene three days later to discuss this item because they have time limits on submittal of a rule proposal to the Rules and Projects Committee (RUPRO).

6.0.8 Grounds for Closure of a Meeting

Rule 10.75 recognizes 10 grounds for closing a meeting, or portion of a meeting. (Cal. Rules of Court, rule 10.75(d)(1)–(10).) Listed below is additional information to assist advisory body chairs and staff in determining if a meeting, or portion of a meeting, may be closed.

1. *Discussion of individuals (rule 10.75(d)(1))*

Meetings or portions of meetings to discuss the appointment, qualifications, performance, or other information that, if discussed in public, would constitute an unwarranted invasion of personal privacy. This exception protects the privacy of individuals whose work or qualifications are being scrutinized by an advisory body, and allows the advisory body members to speak candidly about such individuals.

6.0 CLOSED MEETINGS

Example:

The Governing Committee of the Center for Judicial Education and Research may meet in closed session to evaluate the performance of course instructors. Additionally, the Executive and Planning Committee may meet in closed session to consider the qualifications of individual applicants in developing recommendations to the Chief Justice for appointments to advisory bodies.

2. *Litigation privilege (rule 10.75(d)(2))*

Meetings or portions of meetings to discuss claims, administrative claims, agency investigations, or pending or reasonably anticipated litigation naming, or reasonably anticipated to name, a judicial branch entity or a member, officer, or employee. This provision permits advisory bodies to discuss such matters without violating judicial ethical canons or prejudicing another judicial branch entity or individual.

Example:

The Court Interpreters Advisory Panel discusses a U.S. Department of Justice investigation into the statewide use of court interpreters in civil proceedings.

3. *Negotiations on contracts, labor issues, or legislation (rule 10.75(d)(3))*

Meetings or portions of meetings to discuss negotiations concerning a contract, labor issue, or legislation.

Example:

The Court Technology Advisory Committee is discussing the negotiation points to contain in a future master agreement with a case management provider that would allow courts to leverage preferred pricing for case management systems. To prevent a vendor from using this information in its proposal or during negotiations, they may meet in closed session to ensure that the Judicial Council receives a fair and competitive proposal from vendors.

4. *Real estate transactions (rule 10.75(d)(4))*

Meetings or portions of meetings to discuss the price and terms of payment for a purchase, sale, exchange, or lease of real property for a judicial branch facility before the property has been acquired or the relevant contracts executed.

Example:

The Court Facilities Advisory Committee will be meeting to discuss the appraisal value of real property being considered for acquisition for a new courthouse construction.

5. *Security matters (rule 10.75(d)(5))*

Meetings or portions of meetings to discuss matters that may compromise the safety of the public, judicial branch officers or personnel, or the security of judicial branch facilities and equipment.

Example:

The Court Security Advisory Committee will discuss recommendations for security procedures and assessments of existing security resources.

6. *Nonfinal audit reports or proposed responses to those reports (rule 10.75(d)(6))*

Meetings or portions of meetings to discuss content and responses to audit reports that are not yet final. Confidentiality is maintained at these meetings, until an audit is completed and the auditor's report becomes final, to ensure that the auditor's investigation is conducted as efficiently and effectively as possible.

6.0 CLOSED MEETINGS

Example:

The Advisory Committee on Financial Accountability and Efficiency will meet to discuss nonfinal audit reports for three trial courts.

7. *Trade secrets or privileged or confidential commercial or financial information (rule 10.75(d)(7))*

Meetings or portions of meetings to discuss trade secrets or privileged or confidential commercial or financial information.

Example:

The Judicial Council Technology Committee will be meeting to consider a vendor demonstration submitted during the solicitation process and the demonstration will reveal trade secrets or privileged or confidential commercial information.

8. *Licensing or professional examination procedures (rule 10.75(d)(8))*

Meetings or portions of meetings to discuss development, modification, or approval of any licensing or other professional examination or examination procedure.

Example:

The Court Interpreter Advisory Panel has an agenda item related to certification and other examinations for court interpreters. The advisory body chair may decide to discuss this agenda item in closed session in order to protect the integrity of those examinations.

9. *Evaluating grant applications (rule 10.75(d)(9))*

Meetings or portions of meetings to evaluate individual grant applications.

Example:

The Sargent Shriver Civil Counsel Act Implementation Committee will be meeting to discuss individual grant applications where they will have a full and candid evaluation of the requests.

10. *Discussion topics presenting ethics and related practical issues for judges (rule 10.75(d)(10))*

Judicial officers are constrained by ethics standards that limit their ability to provide public comments on proposed legislation, rules, forms, and standards; or discuss or refer to active cases, nonfinal decisions, or opposing interpretations of statute or case law.

Example:

The Trial Court Presiding Judges Advisory Committee reviews a meeting item about a pending writ petition, challenging the manner in which a court clerk's office is interpreting a statute that provides for calculation of a filing fee.

Meetings of Rule Committees

With the exception of any budget meetings, the meetings of rule committees and of their subcommittees ordinarily are closed. However, the advisory body chair may decide to open all or a portion of a meeting. Discussions regarding a proposed recommendation that the Judicial Council approve an allocation or direct an expenditure of public funds should occur in open session. (Cal. Rules of Court, rule 10.75(c)(3).) Currently, there are six advisory bodies covered under this portion of the rule:

1. Appellate Advisory Committee
2. Civil and Small Claims Advisory Committee
3. Criminal Law Advisory Committee
4. Family and Juvenile Law Advisory Committee
5. Probate and Mental Health Advisory Committee
6. Traffic Advisory Committee

7.0 ACTION BY E-MAIL BETWEEN MEETINGS

Advisory bodies may act on a written proposal by e-mail instead of meeting in person or by telephone under two circumstances:

1. The advisory body discussed and considered the proposal at a previous meeting but concluded additional information was needed; or
2. The advisory body chair concludes that prompt action is needed.

Previous Meeting Example: The Criminal Law Advisory Committee meets to discuss and consider proposed revisions to certain Judicial Council forms. The body prepares additional revisions during the meeting and wants staff to check if the additional revisions conflict with existing law before the body approves the revisions.

Prompt Action Example: The Civil and Small Claims Advisory Committee needs to decide to oppose or support an amendment to pending legislation before an imminent legislative hearing on the proposed bill is held.

Notice and Comment

If the e-mail proposal concerns a matter that must be discussed in an open meeting or session, advisory body staff must post public notice on the advisory body web page on the California Courts website and allow public comment on the proposal at least one complete business day before the body acts on the proposal. If the e-mail proposal concerns a matter that would otherwise be discussed in a closed meeting or session, the advisory body may forego public notice. If the e-mail proposal concerns a matter that must be discussed in an open meeting or session, but the advisory body chair concludes that prompt action is needed, the advisory body may forego public comment.

Advisory body staff must use the Notice of Action by E-mail Between Meetings template when providing public notice of such action on the item that must be discussed in an open meeting or session. The Notice of Action by E-mail Between Meetings template includes the following key components:

- Advisory body name;
- Date the notice was posted;
- Date of the previous meeting at which the e-mail proposal was discussed, if applicable;
- E-mail address or physical address that the public may use to submit written comments regarding the e-mail proposal, if applicable;
- Date and time by which written comment must be submitted, if applicable; and
- A copy of the e-mail proposal.

Open Meeting Example: The Court Facilities Advisory Committee conducts an open meeting to discuss and consider a report to the Judicial Council. The body makes several changes to the report during the meeting and asks staff to incorporate the changes after the meeting and e-mail the report to the body for its approval. Once advisory body staff has incorporated the changes, staff uses the Notice of Action by E-mail Between Meetings template to provide public notice of the e-mail proposal. Advisory body members withhold acting on the e-mail proposal until one complete business day after notice has been posted.

7.0 ACTION BY E-MAIL BETWEEN MEETINGS

Closed Meeting Example: The Criminal Law Advisory Committee meets to discuss and consider proposed revisions to certain Judicial Council forms. The body prepares additional revisions during the meeting and asks staff to check if the additional revisions conflict with existing law before the body approves the revisions. Because only budget meetings of this body are open to the public under rule 10.75(c)(3) and meetings to discuss proposed revisions to Judicial Council forms are not budget meetings, the Criminal Law Advisory Committee is not required to provide public notice of or allow public comment on this particular e-mail proposal. The advisory body acts on the e-mail proposal as soon as the proposal is circulated to the members.

Prompt Action Example: The Trial Court Budget Advisory Committee needs to decide to oppose or support an amendment to pending legislation before a legislative hearing scheduled the next day. Because waiting one complete business day for public comment would prevent the advisory body from timely determining its course of action, the advisory body chair concludes that prompt action is required. Staff uses the Notice of Action by E-mail Between Meetings template to provide public notice of the e-mail proposal, and the body acts on the e-mail proposal as soon as the proposal is circulated to the members.

Communication Restrictions

If an e-mail proposal concerns a matter that otherwise must be discussed in an open meeting or session, after distribution and until the advisory body has acted, advisory body members must restrict their communications with each other regarding the e-mail proposal to e-mail itself. This communication restriction does not apply to e-mail proposals that concern a matter that otherwise must be discussed in a closed meeting or session. However, to maintain a record of the action taken on an e-mail proposal, all action taken on an e-mail proposal must be done by e-mail. To facilitate record keeping and to ensure members receive all e-mails regarding an e-mail proposal, each advisory body will have a listserve account for e-mail action between meetings. Only advisory body members and staff will have access to the listserve account.

Example of e-mail proposal on matter that otherwise would be discussed in an open meeting or session: The Court Facilities Advisory Committee conducts an open meeting to discuss and consider a report to the Judicial Council. The body makes several changes to the report during the meeting and asks staff to incorporate the changes after the meeting and e-mail the report to the body for its approval. Once advisory body staff has incorporated the changes, staff uses the Notice of Action by E-mail Between Meetings template to provide public notice and allow public comment on the e-mail proposal. Once one complete business day has passed after providing public notice, staff e-mails the final report to the advisory body through the listserve. After distribution of the e-mail proposal and until the advisory body has acted, advisory body members restrict all communications regarding the e-mail proposal to e-mails to the listserve. Once a majority decision is reached regarding the action to be taken on the e-mail proposal, advisory body members cease communicating with each other through the listserve.

Example of e-mail proposal on matter that otherwise would be discussed in a closed meeting or session: The Criminal Law Advisory Committee meets in a closed session to discuss and consider revisions to certain Judicial Council forms. The body prepares additional revisions during the meeting and asks staff to check if the additional revisions conflict with existing law before the advisory body approves the revisions. Once advisory body staff confirms that the revisions do not conflict with existing law, staff e-mails the confirmation and the proposed revisions to the advisory

7.0 ACTION BY E-MAIL BETWEEN MEETINGS

body through the listserv. All member votes regarding the action to be taken on the e-mail proposal are communicated by e-mail to the listserv.

Official Record of E-mail Actions

As soon as practicable after action is taken on an e-mail proposal that otherwise must be discussed in an open meeting, advisory body staff must prepare written minutes describing the action taken on the proposal. Staff must also attach any public comments received on the e-mail proposal to the minutes and submit the minutes for approval by the advisory body at a future meeting. As soon as practicable after the minutes are approved, staff must post the minutes, including any public comments received, on the California Courts website.

Staff is not required to prepare minutes for e-mail proposals on matters that otherwise would have been considered in a closed meeting. Instead, staff should maintain the listserv e-mails regarding the e-mail proposal as the official record of the proposal.

Example of official record for e-mail proposal on matter that otherwise would be discussed in an open meeting or session: The Court Facilities Advisory Committee conducts an open meeting to discuss and consider a report to the Judicial Council. The body makes several changes to the report during the meeting and asks staff to incorporate the changes after the meeting and e-mail the report to the body for its approval. Once advisory body staff has incorporated the changes, staff uses the Notice of Action by E-mail Between Meetings template to provide public notice of the e-mail proposal. Once one complete business day has passed after providing public notice (or if the advisory body chair has concluded that prompt action is required, once notice has been posted), staff e-mails the report to the advisory body through the listserv. As soon as practicable after a majority decision is reached regarding the action to be taken on the e-mail proposal, staff prepares written minutes describing the action taken on the e-mail proposal. Staff then submits the minutes, along with any public comment received, to the body for approval at a future meeting. As soon as practicable after the body approves the minutes, staff posts the minutes, along with any public comment received, on the California Courts website.

Example of official record for e-mail proposal on matter that otherwise would be discussed in a closed meeting or session: The Criminal Law Advisory Committee meets in a closed session to discuss and consider proposed revisions to certain Judicial Council forms. The advisory body prepares additional revisions during the meeting and asks staff to check if the additional revisions conflict with existing law before the body approves the revisions. Once advisory body staff has confirmed that the revisions do not conflict with existing law, staff e-mails the confirmation and the proposed revisions to the advisory body through the listserv. Once a majority decision is reached regarding the action to be taken on the e-mail proposal, staff compiles the listserv e-mails regarding the e-mail proposal and maintains such e-mails as the official record of the action taken on the e-mail proposal.

8.0 ADVISORY BODY WEB PAGE

Overview

To ensure ease of public access to meeting information, each advisory body shall have and maintain a dedicated web page. The web page will serve as an informational site to provide meeting and general information related to the advisory body and will serve as the main communication tool to keep the public informed about the advisory body's activities. The web page will include informative data such as meeting notices, agendas, materials, minutes, advisory body background information, charge, mission, membership roster, etc. Designated advisory body staff will be responsible for maintaining and updating content.

Layout

A web template has been created to ensure uniformity in the information being provided to the public, and to ensure a consistent implementation of rule 10.75 of the California Rules of Court. Each advisory body will have a designated web page address. For example, the Advisory Committee on Providing Access and Fairness web page address could be www.courts.ca.gov/accessfairness.htm. The web page will have up to four (4) horizontal navigation tabs, to include: Meetings, Members, Subcommittees (if any), and About. Meetings will be the default tab and About will be the last tab.

Content

The advisory body web page will include the purpose of the advisory body, date the advisory body was established, contact information, and information on the timing of the next meeting. The following tabs and pertinent data will also be included on the web page:

Tab	Data
Meetings	<ul style="list-style-type: none">Information for next meeting including public notice of meeting, meeting agenda, and meeting materialsPost meeting information including minutes and audio (if applicable)Previous meeting information will be stored here and categorized by year, each year having its own page
Members	Current membership roster, listed and in PDF format
Subcommittees (if any)	Current membership roster, listed and in PDF format
About	Background, charge, mission, rule of court establishing the advisory body, fact sheet (if applicable)

Maintaining and Updating

The goal is to ensure that the general public has access to the most current information on the advisory body's activities. Web pages are to be updated, per the posting requirements of rule 10.75, with meeting notices, agendas, materials, minutes, etc. It will be the responsibility of the designated advisory body staff member to keep web page content current and relevant. It is imperative that staff be cognizant of advisory body membership turnover in order to update membership rosters accordingly.

8.0 ADVISORY BODY WEB PAGE

Posting Requirements

For meetings subject to rule 10.75 of the California Rules of Court, refer to the table below for posting requirements and timelines. To ensure timely posting of these items, note that Web Services of the Information Technology Services Office (ITSO) requests a minimum of one (1) business day lead time to ensure the advisory body remains in compliance with the rule.

	Posting Timelines	
Item	Required by CRC 10.75	Requested by ITSO
Notice of Meeting	At least five (5) business days before the meeting	One (1) business day
Agenda	At least five (5) business days before the meeting	One (1) business day
Materials	At least three (3) business days before the meeting	One (1) business day

Note: although there is no posting requirement timeline for meeting minutes, minutes that have been approved by the advisory body constitute the official record of the meeting and shall be posted on the advisory body's web page of the California Courts website as soon as practicable after approval by the advisory body. (Cal. Rules of Court, rule 10.75(m).)

File Naming Convention

For ease and timeliness of posting, Web Services utilizes a specific naming convention for files that are to be posted to the advisory body web page. The document file name shall be broken into three parts and saved as a PDF file:

1. The acronym for the advisory body
2. The date of the meeting or event
3. A description of the document—such as notice, agenda, or materials packet

Example:

For the Judicial Council Technology Committee, for a meeting on July 8, 2014, and the document is the agenda, the filename would be: *jctc-20140708-agenda.pdf*

Working with Web Services

Advisory body staff will be responsible for working with Web Services to perform content management—to add new content and update old content—for the advisory body web page. All requests must be sent to webcontent@jud.ca.gov. See **Appendix C** for further details and additional information regarding working with Web Services, including a Web Content Checklist.

9.0 REVIEW REQUIREMENTS

With the implementation of the new rule, a need exists to evaluate the rule's impact and determine if any amendments are needed. Within one year after adoption of the rule, the council will consider the public's interest in access to advisory body meetings, obligation of the judiciary to comply with judicial ethics standards, and the public interest in the ability of advisory bodies to effectively assist the council by offering policy recommendations and alternatives for improving the administration of justice.

Reporting

To assist the council in its review of the rule, advisory bodies will report information about their meetings to the Trial Court Liaison Office (TCLO) on a monthly basis. The TCLO will report to the internal chairs on a semiannual basis, the data received from the advisory bodies.

Review Requirements Form

Advisory body staff is required to use the Review Requirements form to report to the TCLO. The form can be found in Appendix D. The Review Requirements form includes the following key components:

Regular Meetings, open or closed—both full advisory and subcommittee meetings	<ul style="list-style-type: none">▪ Total number of meetings, open or closed, that were held during the current reporting period▪ How many were in person?▪ How many were conference calls, other electronic means?▪ How many were 100% closed?▪ How many were 100% open?▪ How many were a combination of open and closed?▪ How many written public comments were received?▪ For in-person meetings, how many requests for in-person comments were received?▪ Total number of meetings, if any, that could have been closed but chair opted to open
For those meetings that were closed, or had some component that was closed	<ul style="list-style-type: none">▪ What section under rule 10.75 subsection (d) did you utilize to close the meeting or portion of meeting (will identify for each agenda item)?
Action by e-mail between meetings	<ul style="list-style-type: none">▪ How many proposals were distributed under rule 10.75(o)?
Were there any in-person meetings where security was an issue or there were disruptive situations requiring security assistance?	<ul style="list-style-type: none">▪ How many meetings where security was an issue?▪ How many occurrences of disruptive situations?
Requests for special accommodations	<ul style="list-style-type: none">▪ How many requests were received?▪ If requests were received, of those requests, how many were you able to comply with?

9.0 REVIEW REQUIREMENTS

Urgent Circumstances meetings, open or closed—both full advisory and subcommittee meetings

- Total number of meetings, open or closed, that were held during the current reporting period
 - How many were in person?
 - How many were conference calls, other electronic means?
 - How many were 100% closed?
 - How many were 100% open?
 - How many were a combination of open and closed?
 - How many written public comments were received?
 - For in-person meetings, how many requests for in-person comments were received?
 - What were the facts that created the urgent circumstance?
-

10.0 TEMPLATES

- **Notice of Open Meeting**
- **Notice of Open Meeting (Electronic Means)**
- **Notice of Closed Meeting**
- **Notice of Open Meeting with Closed Session**
- **Notice of Open Meeting with Closed Session (Electronic Means)**
- **Notice of Action by E-mail Between Meetings**
- **Agenda, Open Meeting**
- **Agenda, Open Meeting (Electronic Means)**
- **Agenda, Closed Meeting**
- **Agenda, Open Meeting with Closed Session**
- **Agenda, Open Meeting with Closed Session (Electronic Means)**
- **Minutes, Open Meeting**
- **Minutes, Closed Meeting**
- **Minutes, Open Meeting with Closed Session**
- **Public Comment Sign-up Sheet**



Insert Committee Specific Logo

Notice of Open Meeting of the Advisory Body Name

Meeting Date:

Time:

Location:

Public Call-In Number:

In accordance with California Rules of Court, rule 10.75(e)(1), public notice is hereby given that the [Advisory Body] will hold a meeting open to the public on [date, time, and location]. A copy of the agenda for this meeting is available on the advisory body web page on the California Courts website listed above.

Public Comment

In accordance with California Rules of Court, rule 10.75(k)(2), members of the public may directly address the advisory body about agenda items. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Note: members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least [insert time] prior to the meeting start time.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [insert e-mail address] or mailed or delivered to [insert full address], attention: [insert name]. Only written comments received by [insert time and date] will be provided to advisory body members.

Audio Recording

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 [insert e-mail address]

Posted on: Month/Day/Year

Any member of the public requesting special accommodations in accordance with the Americans with Disabilities Act, please contact the Advisory Body at (415) 865-7737, or at [insert e-mail] at least three business days before the meeting.



Insert Committee Specific Logo

**Notice of Open Meeting of the
Advisory Body Name**

THIS MEETING WILL BE CONDUCTED BY ELECTRONIC MEANS

Meeting Date:

Time:

Public Call-In Number:

In accordance with California Rules of Court, rule 10.75(e)(1), public notice is hereby given that the [Advisory Body] will hold a meeting open to the public on [date, time]. A copy of the agenda for this meeting is available on the advisory body web page on the California Courts website listed above.

Public Comment

This meeting will be conducted by electronic means. As such, the public may only submit written comments for this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [insert e-mail address] or mailed or delivered to [insert full address], attention: [insert name]. Only written comments received by [insert time and date] will be provided to advisory body members.

Audio Recording

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 [insert e-mail address]

Posted on: Month/Day/Year



JUDICIAL COUNCIL
OF CALIFORNIA

www.courts.ca.gov/committee.htm
committee@jud.ca.gov

Insert Committee Specific Logo

**Notice of Closed Meeting of the
Advisory Body Name**

Meeting Date:

Time:

In accordance with California Rules of Court, rule 10.75(e)(1), public notice is hereby given that the [Advisory Body] will hold a closed session on [date, time]. The meeting will be closed pursuant to California Rules of Court, rule 10.75 [identify the specific subdivision of the rule authorizing the closure]. A copy of the agenda for this meeting is available on the advisory body web page on the California Courts website listed above.

Posted on: **Month/Day/Year**



Insert Committee Specific Logo

Notice of Open Meeting with Closed Session of the Advisory Body Name

Meeting Date:

Time:

Location:

Public Call-In Number:

In accordance with California Rules of Court, rule 10.75(e)(1), public notice is hereby given that the [Advisory Body] will hold a meeting open to the public on [date, time, and location]. A portion of the meeting will be closed pursuant to California Rules of Court, rule 10.75 [identify the specific subdivision of the rule authorizing the closure]. A copy of the agenda for this meeting is available on the advisory body web page on the California Courts website listed above.

Public Comment

In accordance with California Rules of Court, rule 10.75(k)(2), members of the public may directly address the advisory body about agenda items. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Note: members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least [insert time] prior to the meeting start time.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [insert e-mail address] or mailed or delivered to [insert full address], attention: [insert name]. Only written comments received by [insert time and date] will be provided to advisory body members.

Audio Recording

Members of the public seeking to make an audio recording of the open portion of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [insert e-mail address].

Posted on: Month/Day/Year

Any member of the public requesting special accommodations in accordance with the Americans with Disabilities Act, please⁶¹ contact the Advisory Body at (415) 865-7737, or at [insert e-mail], at least three business days before the meeting.



Notice of Open Meeting with Closed Session of the Advisory Body Name

THIS MEETING WILL BE CONDUCTED BY ELECTRONIC MEANS

Meeting Date:

Time:

Public Call-In Number:

In accordance with California Rules of Court, rule 10.75(e)(1), public notice is hereby given that the [Advisory Body] will hold a meeting open to the public on [date, time]. A portion of the meeting will be closed pursuant to California Rules of Court, rule 10.75 [identify the specific subdivision of the rule authorizing the closure]. A copy of the agenda for this meeting is available on the advisory body web page on the California Courts website listed above.

Public Comment

This meeting will be conducted by electronic means. As such, the public may only submit written comments for this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [insert e-mail address] or mailed or delivered to [insert full address], attention: [insert name]. Only written comments received by [insert time and date] will be provided to advisory body members.

Audio Recording

Members of the public seeking to make an audio recording of the open portion of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [insert e-mail address].

Posted on: Month/Day/Year



Insert Committee Specific Logo

**Notice of Action by E-mail Between Meetings for
Advisory Body Name**

In accordance with California Rules of Court, rule 10.75(o)(1)(A), public notice is hereby given that the [Advisory Body] proposes to act by email between meetings on [insert date and time]. The proposed action was previously discussed at a meeting open to the public on [date, time, and location]. A copy of the agenda for the meeting and a copy of the proposed action are available on the advisory body web page on the California Courts website listed above.

[or]

The Chair of the [Advisory Body] having concluded that prompt action is needed, public notice is hereby given that the [Advisory Body] proposes to act by email between meetings on [insert date and time] in accordance with California Rules of Court, rule 10.75(o)(1)(B). A copy of the proposed action is available on the advisory body web page on the California Courts website listed above.

Written Comment

In accordance with California Rules of Court, rule 10.75(o)(2), written comments pertaining to the proposed action may be submitted before the [Advisory Body] acts on the proposal. For this specific meeting, comments should be e-mailed to [insert e-mail address] or delivered to [insert full address], attention: [insert name]. Only written comments received by [insert time and date] will be provided to advisory body members.

[or]

The Chair of the [Advisory Body] has concluded that prompt action is required. In accordance with California Rules of Court, rule 10.75(o)(2), written public comment will not be accepted on the proposed action.

Posted on: Time/Month/Day/Year



JUDICIAL COUNCIL
OF CALIFORNIA

www.courts.ca.gov/committee.htm
committee@jud.ca.gov

Insert Committee Specific Logo

ADVISORY BODY NAME

OPEN MEETING AGENDA

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

THIS MEETING IS BEING RECORDED

Date:

Time:

Location:

Public Call-in Number:

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

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

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 [date(s)], [Advisory Body meeting(s)].

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least [insert time] prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments

Meeting Agenda

should be e-mailed to [insert e-mail address] or mailed or delivered to [insert full address], attention: [insert name]. Only written comments received by [insert time and date] will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS X-X)

Item X

Subject Matter (Action Required/No Action Required)

Provide a brief general description of the subject matter to be discussed or considered.

Presenter(s)/Facilitator(s):

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Subject Matter

Provide a brief general description of the subject matter to be discussed or presented.

Presenter(s)/Facilitator(s):

V. ADJOURNMENT

Adjourn



JUDICIAL COUNCIL
OF CALIFORNIA

www.courts.ca.gov/committee.htm
committee@jud.ca.gov

Insert Committee Specific Logo

ADVISORY BODY NAME

OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS
THIS MEETING IS BEING RECORDED

Date:
Time:
Public Call-in Number:

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

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

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 [date(s)], [Advisory Body meeting(s)].

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [insert e-mail address] or mailed or delivered to [insert full address], attention: [insert name]. Only written comments received by [insert time and date] will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS X-X)

Item X

Subject Matter (Action Required/No Action Required)

Provide a brief general description of the subject matter to be discussed or considered.

Presenter(s)/Facilitator(s):

Meeting Agenda

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Subject Matter

Provide a brief general description of the subject matter to be discussed or presented.

Presenter(s)/Facilitator(s):

V. ADJOURNMENT

Adjourn



JUDICIAL COUNCIL
OF CALIFORNIA

www.courts.ca.gov/committee.htm
committee@jud.ca.gov

Insert Committee Specific Logo

ADVISORY BODY NAME

CLOSED MEETING AGENDA

Closed to the Public (Cal. Rules of Court, rule 10.75(d))

Date:

Time:

Meeting materials will not be posted on the advisory body web page on the California Courts website. Materials are only posted for open meetings. (Cal. Rules of Court, rule 10.75(h).)

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the [date(s)], [Advisory Body meeting(s)].

Item 1

Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed
Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed.

Provide a brief description of the subject matter to be discussed or considered.

II. ADJOURNMENT

Adjourn Closed Session



Insert Committee Specific Logo

ADVISORY BODY NAME

OPEN MEETING WITH CLOSED SESSION AGENDA

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

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date:

Time:

Location:

Public Call-In Number:

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

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 [date(s)], [Advisory Body meeting(s)].

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least [insert time] prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments

Meeting Agenda

should be e-mailed to [insert e-mail address] or mailed or delivered to [insert full address], attention: [insert name]. Only written comments received by [insert time and date] will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS X-X)

Item X

Subject Matter (Action Required/No Action Required)

Provide a brief description of the subject matter to be discussed or considered.

Presenter(s)/Facilitator(s):

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Subject Matter

Provide a brief description of the subject matter to be discussed or presented.

Presenter(s)/Facilitator(s):

V. ADJOURNMENT

Adjourn to Closed Session

VI. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(d))

Item 1

Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed
Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed.

Provide a brief description of the subject matter to be discussed or considered.

Adjourn Closed Session



JUDICIAL COUNCIL
OF CALIFORNIA

www.courts.ca.gov/committee.htm
committee@jud.ca.gov

Insert Committee Specific Logo

ADVISORY BODY NAME

OPEN MEETING WITH CLOSED SESSION AGENDA

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date:

Time:

Public Call-In Number:

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

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 [date(s)], [Advisory Body meeting(s)].

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [insert e-mail address] or mailed or delivered to [insert full address], attention: [insert name]. Only written comments received by [insert time and date] will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS X-X)

Item X

Subject Matter (Action Required/No Action Required)

Provide a brief description of the subject matter to be discussed or considered.

Presenter(s)/Facilitator(s):

Meeting Agenda

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Subject Matter

Provide a brief description of the subject matter to be discussed or presented.

Presenter(s)/Facilitator(s):

V. ADJOURNMENT

Adjourn to Closed Session

VI. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(d))

Item 1

Identify the specific subdivision of rule 10.75 that authorized the agenda item to be closed

Provide the descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed.

Provide a brief description of the subject matter to be discussed or considered.

Adjourn Closed Session



Insert Committee Specific Logo

ADVISORY BODY NAME

MINUTES OF OPEN MEETING

[meeting date]

[meeting time]

[meeting location]

**Advisory Body
Members Present:**

**Advisory Body
Members Absent:**

Others Present:

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at [time], and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the [date(s)], [Advisory Body meeting(s)].

DISCUSSION AND ACTION ITEMS (ITEMS X-X)

Item X

Description of Item Discussed

Action:

ADJOURNMENT

There being no further business, the meeting was adjourned at [time].

Approved by the advisory body on [date]



Insert Committee Specific Logo

ADVISORY BODY NAME

MINUTES OF CLOSED MEETING

[meeting date]

[meeting time]

**Advisory Body
Members Present:**

**Advisory Body
Members Absent:**

Others Present:

C L O S E D S E S S I O N

Call to Order and Roll Call

The chair called the meeting to order at [time], and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the [date(s)], [Advisory Body meeting(s)].

Item 1

Specific subdivision of rule 10.75 that authorized the agenda item to be closed

Descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed

Action:

A D J O U R N M E N T

There being no further business, the meeting was adjourned at [time].

Approved by the advisory body on [date]



JUDICIAL COUNCIL
OF CALIFORNIA

www.courts.ca.gov/committee.htm
committee@jud.ca.gov

Insert Committee Specific Logo

ADVISORY BODY NAME

MINUTES OF OPEN MEETING WITH CLOSED SESSION

[meeting date]

[meeting time]

[meeting location]

**Advisory Body
Members Present:**

**Advisory Body
Members Absent:**

Others Present:

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at [time], and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the [date(s)], [Advisory Body meeting(s)].

DISCUSSION AND ACTION ITEMS (ITEMS X-X)

Item X

Description of Item Discussed

Action:

ADJOURNMENT

There being no further open meeting business, the meeting was adjourned at [time].

CLOSED SESSION

Item 1

Specific subdivision of rule 10.75 that authorized the agenda item to be closed

Descriptor for the subdivision of rule 10.75 that authorized the agenda item to be closed

Action:

Adjourned closed session at [time].

Approved by the advisory body on [date]

Public Comment Sign-Up Sheet

Advisory Body Name

Meeting Date:

Time:

Location:

This sign-up sheet is to be used to request to speak concerning an agenda item during the public comment portion of the meeting. The Chair may call on individuals based on the order participants have signed up or the order of the agenda items. You should approach the podium and identify yourself and the agenda item(s) you will address for the public record. Speaking limits will be established by the Chair at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

PLEASE PRINT LEGIBLY

	Speaker's Name	Name of Organization Represented (if applicable)	Agenda Item(s) to Be Addressed
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

11.0 **ADVISORY BODY MEETING CHECKLIST**

For meetings subject to California Rules of Court, rule 10.75, this checklist is intended as a reference tool to ensure compliance with the rule.

Before the Meeting

<input type="checkbox"/>	5 business days before the meeting Post the Notice of Meeting and Agenda to the advisory body web page on the California Courts website.
<input type="checkbox"/>	3 business days before the meeting Post open meeting materials to the advisory body web page on the California Courts website.
<input type="checkbox"/>	2 business days before the meeting Collect and process requests to make audio recordings of the open portion of the advisory body meeting.
<input type="checkbox"/>	2 business days before the meeting E-mail advisory body members, AOC staff and other presenters with dial-in information for telephonic access to the meeting.
<input type="checkbox"/>	1 business day before the meeting Collect written public comments pertaining to any agenda item of a regularly noticed open meeting.
<input type="checkbox"/>	1 business day before the meeting Transmit written public comments received prior to the meeting date, to advisory body members.
<input type="checkbox"/>	1 business day before the meeting Circulate public requests to audio record an open meeting to advisory body chair for consideration.
<input type="checkbox"/>	Within 1 day before the meeting date Notify public requestor if their request to audio record an open meeting has been approved.
<input type="checkbox"/>	Day of the meeting, as early as possible before the meeting begins Place Public Comment Sign-up Sheet on a table that is easily accessible to the public.
<input type="checkbox"/>	Day of the meeting, before call to order Retrieve the Public Comment Sign-up Sheet and confer with advisory body chair to establish reasonable time limits for in-person spoken comment, based on the number of requestors who signed up.
<input type="checkbox"/>	Day of the meeting, before call to order Confer with advisory body chair on allowing public members to comment on any agenda item of an open in-person meeting after the meeting has begun.
<input type="checkbox"/>	Day of the meeting, before call to order <i>(For in-person open meetings)</i> Designate meeting room area for public members to audio record the meeting that provides for the least amount of disruption of the meeting.

11.0 ADVISORY BODY MEETING CHECKLIST

During the Meeting

<input type="checkbox"/>	If public requests to record the advisory body meeting have been granted, inform the meeting participants that the meeting is being recorded per rule 10.75(l). If requests have been denied, specify that no audio recording of the meeting has been allowed.
<input type="checkbox"/>	Provide written public comments received during the public comment period, to advisory body members.
<input type="checkbox"/>	Activate the conference call line to allow the public to participate remotely.
<input type="checkbox"/>	Disconnect all phone lines used at the end of the meeting, by pressing *93 to ensure no additional costs are incurred.

After the Meeting

<input type="checkbox"/>	Post approved meeting minutes to the advisory body web page on the California Courts website, placing them in the appropriate meeting date (as soon as practicable).
<input type="checkbox"/>	If the advisory body determined the next meeting date, provide that information to Web Services for posting to the advisory body web page. This will include moving the concluded meeting information into the 'past meetings' portion of the web page.

12.0 APPENDICES

- **Appendix A** **California Rules of Court, Rule 10.75**
- **Appendix B** **Conference Call Capabilities**
- **Appendix C** **Web Content Checklist**
- **Appendix D** **Review Requirements Reporting Form**

1 decide a matter included on a posted agenda for an upcoming meeting in
2 advance of the meeting.

3
4 **(2) Exempt bodies**

5
6 The meetings of the following advisory bodies and their subcommittees are
7 exempt from the requirements of this rule:

8
9 (A) Advisory Committee on Civil Jury Instructions;

10
11 (B) Advisory Committee on Criminal Jury Instructions; and

12
13 (C) Litigation Management Committee.

14
15 **(3) Rule committees**

16
17 With the exception of any budget meetings, the meetings of the rule
18 committees listed in this subdivision and of their subcommittees are closed
19 unless the chair concludes that a particular agenda item may be addressed in
20 open session. Any budget meeting must be open to the public.

21
22 (A) Appellate Advisory Committee;

23
24 (B) Civil and Small Claims Advisory Committee;

25
26 (C) Criminal Law Advisory Committee;

27
28 (D) Family and Juvenile Law Advisory Committee;

29
30 (E) Probate and Mental Health Advisory Committee; and

31
32 (F) Traffic Advisory Committee.

33
34 **(d) Closed sessions**

35
36 The chair of an advisory body or an advisory body subcommittee may close a
37 meeting, or portion of a meeting, to discuss any of the following:

38
39 (1) The appointment, qualifications, performance, or health of an individual, or
40 other information that, if discussed in public, would constitute an
41 unwarranted invasion of personal privacy;
42

- 1 (2) Claims, administrative claims, agency investigations, or pending or
2 reasonably anticipated litigation naming, or reasonably anticipated to name, a
3 judicial branch entity or a member, officer, or employee of such an entity;
4
- 5 (3) Negotiations concerning a contract, a labor issue, or legislation;
6
- 7 (4) The price and terms of payment for the purchase, sale, exchange, or lease of
8 real property for a judicial branch facility before the property has been
9 acquired or the relevant contracts have been executed;
10
- 11 (5) Security plans or procedures or other matters that if discussed in public
12 would compromise the safety of the public or of judicial branch officers or
13 personnel or the security of judicial branch facilities or equipment, including
14 electronic data;
15
- 16 (6) Non-final audit reports or proposed responses to such reports;
17
- 18 (7) Trade secrets or privileged or confidential commercial and financial
19 information;
20
- 21 (8) Development, modification, or approval of any licensing or other
22 professional examination or examination procedure;
23
- 24 (9) Evaluation of individual grant applications; or
25
- 26 (10) Topics that judicial officers may not discuss in public without risking a
27 violation of the California Code of Judicial Ethics, necessitating recusal, or
28 encouraging disqualification motions or peremptory challenges against them,
29 including proposed legislation, rules, forms, standards of judicial
30 administration, or jury instructions.
31

32 **(e) Notice of meetings**
33

34 (1) Regular meetings
35

36 Public notice must be given of the date and agenda of each meeting that is
37 subject to this rule, whether open or closed, at least five business days before
38 the meeting.
39

40 (2) Urgent circumstances
41

42 A meeting that is subject to this rule may be conducted on 24 hours notice in
43 case of urgent circumstances requiring prompt action. The minutes of such

1 meetings must briefly state the facts creating the urgent circumstances
2 requiring prompt action and the action taken.

3
4 **(f) Form of notice**

5
6 (1) The notice and agenda for a meeting subject to this rule, whether open or
7 closed, must be posted on the California Courts website.

8
9 (2) The notice for meetings subject to this rule must state whether the meeting is
10 open or closed. If a meeting is closed or partially closed, the notice must
11 identify the closed agenda items and the specific subdivision of this rule
12 authorizing the closure.

13
14 (3) For meetings that are open in part or in full, the notice must provide:

15
16 (A) The telephone number or other electronic means that a member of the
17 public may use to attend the meeting;

18
19 (B) The time of the meeting, whether the public may attend in person, and,
20 if so, the meeting location; and

21
22 (C) The e-mail address or other electronic means that the public may use to
23 submit written comments regarding agenda items or requests to make
24 an audio recording of a meeting.

25
26 **(g) Contents of agenda**

27
28 The agenda for a meeting subject to this rule, whether open or closed, must contain
29 a brief description of each item to be considered during the meeting. If a meeting is
30 closed or partially closed, the agenda must identify the specific subdivision of this
31 rule authorizing the closure.

32
33 **(h) Meeting materials**

34
35 Materials for an open meeting must be posted on the California Courts website at
36 least three business days before the date of the meeting, except in extraordinary
37 circumstances.

38
39 **(i) Public attendance**

40
41 The public may attend open sessions of advisory body meetings by telephone or
42 other available electronic means. If the members of an advisory body gather in

1 person at a single location for a meeting, the public may attend in person at that
2 location if the chair concludes security measures permit.

3
4 **(j) Conduct at meeting**

5
6 Members of the public who attend open meetings in person must remain orderly.
7 The chair may order the removal of any disorderly person.

8
9 **(k) Public comment**

10
11 **(1) Written comment**

12
13 The public may submit written comments for any agenda item of a regularly
14 noticed open meeting up to one complete business day before the meeting.

15
16 **(2) In-person comment**

17
18 If security measures permit public attendance at an open in-person advisory
19 body meeting, the meeting must include an opportunity for public comment
20 on each agenda item before the advisory body considers the item. Requests to
21 comment on an agenda item must be submitted before the meeting begins,
22 indicating the speaker's name, the name of the organization that the speaker
23 represents if any, and the agenda item that the public comment will address.
24 The advisory body chair may grant a request to comment on an agenda item
25 that is received after a meeting has begun.

26
27 **(3) Reasonable limits and timing**

28
29 The advisory body chair has discretion to establish reasonable limits on the
30 length of time for each speaker and the total amount of time permitted for
31 public comment. The chair may also decide whether public comments will be
32 heard at the beginning of the meeting or in advance of the agenda items.

33
34 **(l) Making an audio recording of a meeting**

35
36 An advisory body chair may permit a member of the public to make an audio
37 recording of an open meeting, or the open portion of a meeting, if a written request
38 is submitted at least two business days before the meeting.

39
40 **(m) Minutes as official records**

41
42 Minutes of each meeting subject to this rule, whether open or closed, must be
43 prepared for approval at a future meeting. When approved by the advisory body,

1 the minutes constitute the official record of the meeting. Approved minutes for the
2 open portion of a meeting must be posted on the California Courts website.

3
4 **(n) Adjourned meetings**

5
6 An advisory body chair may adjourn a meeting to reconvene at a specified time
7 without issuing a new notice under (e)(1), provided that, if open agenda items
8 remain for discussion, notice of the adjourned meeting is posted on the California
9 Courts website 24 hours before the meeting reconvenes. The notice must identify
10 any remaining open agenda items to be discussed, the time that the meeting will
11 reconvene, the telephone number that the public may use to attend the meeting and,
12 if the public may attend the reconvened meeting in person, the location. The
13 advisory body may not consider new agenda items when the meeting reconvenes
14 except as permitted under (e)(2).

15
16 **(o) Action by e-mail between meetings**

17
18 An advisory body may take action by e-mail between meetings in circumstances
19 specified in this subdivision.

20
21 **(1) Circumstances**

22
23 An advisory body chair may distribute a proposal by e-mail to all advisory
24 body members for action between meetings if:

25
26 **(A) The advisory body discussed and considered the proposal at a previous**
27 **meeting but concluded additional information was needed; or**

28
29 **(B) The chair concludes that prompt action is needed.**

30
31 **(2) Notice**

32
33 If an e-mail proposal concerns a matter that otherwise must be discussed in
34 an open meeting, the advisory body must provide public notice and allow one
35 complete business day for public comment concerning the proposal, before
36 acting on the proposal. The notice must be posted on the California Courts
37 website and must provide an e-mail address to which the public may submit
38 written comments. The advisory body may forego public comment if the
39 chair concludes that prompt action is required.

40
41 **(3) Communications**

42
43 If an e-mail proposal concerns a matter that otherwise must be discussed in

1 an open meeting, after distribution of the proposal and until the advisory
2 body has acted, advisory body members must restrict their communications
3 with each other about the proposal to e-mail. This restriction only applies to
4 proposals distributed under this subdivision.

5
6 **(4) Official record**

7
8 Written minutes describing the action taken on an e-mail proposal that
9 otherwise must be discussed in an open meeting must be prepared for
10 approval at a future meeting. The minutes must attach any public comments
11 received. When approved by the advisory body, the minutes constitute the
12 official record of the proposal. Approved minutes for such a proposal must be
13 posted to the California Courts website. The e-mails exchanged concerning a
14 proposal that otherwise would have been considered in a closed meeting will
15 constitute the official record of the proposal.

16
17 **(p) Review requirement**

18
19 The Judicial Council will review the impact of this rule within one year of the
20 rule's adoption and periodically thereafter to determine whether amendments are
21 needed. In conducting its review, the council will consider, among other factors,
22 the public interest in access to meetings of the council's advisory bodies, the
23 obligation of the judiciary to comply with judicial ethics standards, and the public
24 interest in the ability of advisory bodies to effectively assist the Judicial Council by
25 offering policy recommendations and alternatives for improving the administration
26 of justice.

27
28 **Advisory Committee Comment**

29 **Subdivisions (a) and (c)(1).** This rule expands public access to Judicial Council advisory bodies.
30 The council recognizes the important public interest in access to those meetings, and to
31 information regarding administration and governance of the judicial branch. Meetings of the
32 Judicial Council are open, and notice and materials for those meetings are provided to the public,
33 under rules 10.5 and 10.6. Rules in Division 1 of Title 10 describe the council's advisory bodies
34 and require that proposals for rules, forms, standards of judicial administration, and jury
35 instructions be circulated for public comment. (See Cal. Rules of Court, rules 10.10–10.22,
36 10.30–10.70.) Reports to the council presenting proposals and recommendations are publicly
37 posted on the California Courts website (www.courts.ca.gov). Internal committee chairs report at
38 each council meeting regarding the activities of the internal committees in the period since the
39 last council meeting, and internal committee meeting minutes also are posted on the California
40 Courts website. This rule expands on those existing rules and procedures to increase public
41 access, by opening the meetings of advisory bodies to review issues that the advisory body will
42 report to the council. The rule does not apply to meetings that do not involve review of issues to
43 be reported to the council, such as meetings providing education and training of members,

1 discussion of best practices, or sharing of information of general interest unrelated to advice or
2 reports to the council. Those non-advisory matters are outside the scope of this rule.

3
4 **Subdivision (b)(1).** The definition provided in (b)(1) is intended exclusively for this rule and
5 includes internal committees, advisory committees, task forces, and other similar multimember
6 bodies that the council creates to review issues and report to it. (Cf. Cal. Rules of Court,
7 rule 10.30(a) [“Judicial Council advisory bodies are typically advisory committees and task
8 forces].)

9
10 **Subdivisions (c)(2), (c)(3), and (d)(10).** The Code of Judicial Ethics governs the conduct of
11 judges and is binding upon them. It establishes high standards of conduct that judges must
12 personally observe, maintain, and enforce at all times to promote and protect public confidence in
13 the integrity and impartiality of the judiciary. (See Code Judicial Ethics, Preamble, canon 1,
14 canon 2A.) Among other things, compliance with these high ethics standards means avoiding
15 conduct that could suggest a judge does not have an open mind in considering issues that may
16 come before the judge. (*Id.*, canon 2A.) Judges also are prohibited from making public comments
17 about a pending or impending proceeding (*id.*, canon 3B(9)), signifying that they may not
18 publicly discuss case law that has not reached final disposition through the appellate process, or
19 pending or anticipated litigation, conduct that would be required to participate in the work
20 covered by the referenced subdivisions. Ethics standards also direct that they hear and decide all
21 matters assigned to them, avoiding extrajudicial duties that would lead to their frequent
22 disqualification. (*Id.*, canons 3B(1), 4A(4).)

23
24 The work of the three advisory bodies listed in subdivision (c)(2) exclusively involves discussion
25 of topics that are uniquely difficult or impossible for judges to address while honoring the
26 detailed ethics standards governing the judiciary. For example, as required by rule, the Litigation
27 Management Committee discusses pending or anticipated claims and litigation against judicial
28 officers, courts, and court employees. Jury instruction committees also may discuss decisions or
29 rulings issued in cases that have not reached final resolution through the appellate process. Thus,
30 opening the meetings of these three committees would result in precluding judges, who are
31 specially learned in the law, from meaningful participation on those committees.
32 Subdivision (c)(2) is added to avoid this result.

33
34 The work of the six rule committees listed in subdivision (c)(3) almost always will trigger similar
35 issues. Those bodies focus primarily on developing, and providing input concerning, proposed
36 legislation, rules, forms, and standards of judicial administration. That work necessarily entails a
37 complex interchange of views, consideration of multiple perspectives, and the vetting of opposing
38 legal arguments, which judges cannot undertake in public without risk that their comments will
39 be misunderstood or used as a basis for disqualification or challenge. Service on the referenced
40 committees, and public participation in discussing the referenced topics may make it difficult for
41 a judge to hear and decide all matters assigned to the judge, and conceivably could lead to
42 frequent disqualification of the judge, exposing the judge to risk of an ethics violation. This may
43 create significant practical issues for courts related to judicial workloads, while also deterring

1 individuals specially learned in the law from serving on advisory bodies, in turn depriving the
2 public of the benefits of their training and experience in crafting procedures for the effective and
3 efficient administration of justice. Subdivisions (c)(3) and (d)(10) are intended to prevent such
4 deleterious results by clarifying that meetings of the six rule committees whose work almost
5 entirely focuses on these topics ordinarily will be closed and that meetings of other bodies
6 performing similar functions also will be closed as the chairs deem appropriate, with the
7 exception that any budget meetings must be open.

8
9 **Subdivision (d)(7).** Definitions of the terms “trade secret,” “privileged information,” and
10 “confidential commercial and financial information,” are provided in rule 10.500(f)(10).

11
12 **Subdivision (k)(1).** Due to budget constraints, members’ schedules, and the geographic diversity
13 of most committees’ membership, advisory body meetings typically are held via teleconference
14 or other method not requiring the members’ in person attendance. Because judicial officer and
15 attorney members may have limited time for meetings (e.g., only a lunch hour), the volume of
16 advisory body business to be accomplished in those periods may be considerable, and the costs of
17 coordinating teleconferences that would accommodate spoken comments from the public would
18 be significant in the aggregate, the rule only provides for public comment in writing. To ensure
19 sufficient time for advisory body staff to gather and distribute written comments to members, and
20 for members to review comments before the meeting, the rule requires that comments be
21 submitted one complete business day before the meeting.

22
23 **Chapter 34. Administrative Office of the Courts**

Appendix B: Conference Call Capabilities

In an effort to facilitate public access to open meetings, advisory bodies will have two conference call numbers. The conference call numbers will allow advisory body members, AOC staff, and invited guests to speak during the meeting while the public will only have the ability to listen to the meeting. It will also allow any closed session meetings to be conducted on a separate conference call number that is not published to the public.

The AOC utilizes CenturyLink for its conference call services. CenturyLink will allow up to 300 users on one conference call. Staff may manage conference calls through either a desktop phone or through CenturyLink's Conferencing Toolbar for Microsoft Outlook. Requests for the toolbar must be submitted to the Help Desk.

CenturyLink Desktop Phone Touch-Tone Commands

From your telephone, dial the conference call number and enter the supplied moderator code. Table 1 provides a list of commands for moderators and Table 2 provides a list of meeting management touch-tone commands for meeting participants (these do not apply to listen-only participants).

Table 1

Moderator Controls		
Feature	Function	Action
Press *9	Feature List	To hear a complete list of moderator features
Press *22	Record Conference	Your recording ends and begins archiving when all attendees have disconnected from the conference
Press *31	Enable/Disable Security Code	To turn the security code on/off
Press *39	Enable/Disable Entry Tones	To turn on/off the tones heard when a participant enters the conference
Press *91	Participant Count	To hear a count of participants on the call
Press *93	Disconnect all lines	To terminate all participant connections to the call—this needs to occur at the conclusion of the meeting to ensure that all lines have been disconnected and charges will not continue to incur
Press *94	Lock/Unlock conference	To lock or unlock your conference to prevent other attendees from entering the call
Press *96	Mute All	To mute all participant lines
Press *97	Un-mute All	To un-mute all participant lines

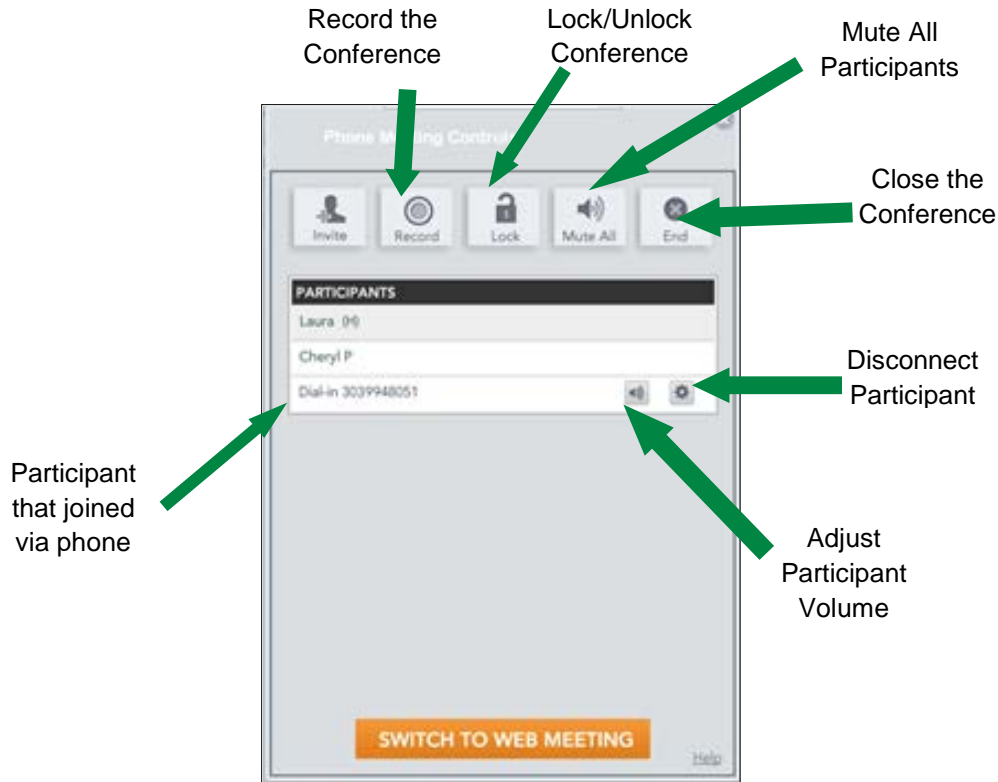
Table 2

Participant Controls		
Feature	Function	Action
Press *0	Assistance	For assistance from a support agent
Press *1	Help Menu	To access the Help Menu
Press *4	Increase conference volume	To increase the volume of participant voice/lines in the conference
Press *6	Mute/Unmute	To mute or unmute your line
Press *7	Decrease conference volume	To decrease the volume of participant voice/lines in the conference
Press *8	Decrease your voice volume	To decrease the volume of your voice in the conference

Appendix B: Conference Call Capabilities

CenturyLink Outlook Toolbar Function

Through the Outlook toolbar staff can manage a meeting while it is in progress. Listed below is a view of the Conference Control Center Window that staff will see when they access the toolbar.



All meeting participants will be identified by their phone number; however, staff can identify the name of the participant by double clicking on the participant's phone number and typing the name. Some of the features that are present in the Conference Control Center Window include:

Feature	Functionality
Active Talker	Icon will turn green when the participant is speaking or sound is coming from that particular line. The icon identifies the current speaker or can be used to determine a noisy line.
Manager Individual Participants	Moderators have the ability to mute or un-mute a participant, raise or lower talk volumes, as well as disconnect a line by clicking on the "cog" icon, then clicking OK.
Manage all participants	Moderators may mute or un-mute all participants by clicking on the "Mute/Un-Mute All" button. The button toggles depending on whether all participants are currently muted or un-muted. Participants that dialed into the conference using the moderator passcode will not be muted.
Conference Security	Moderators may lock the audio portion of the conference by clicking the "Lock" button. Participants that try to access the conference after it has been locked will receive a message that states they cannot enter it at that time. If the conference is locked, the button toggles to Unlock and the moderator may click to unlock the conference to allow additional participants to enter.

Appendix C: Web Content Checklist

✓ **File Naming: have you followed standard file naming conventions?**

Files submitted for posting to the web must be named in accordance with [Web Services guidelines](#).

- File names must not have any spaces in them
 - Good: goodfilename.pdf
 - Bad: bad file name.pdf
- Separate using hyphens or underscores
 - good-file_name.pdf
- Do not use special characters in file names. Here are some characters to avoid:
 - ! @ # \$ % ^ & * () ? < > " ; [] | \ / ~ ` + =

Files must be named with a convention that identifies: a) the Advisory Body; b) the date of the meeting; and c) a description of the document. Follow the structure below when naming files.

- [Advisory Body Abbreviation*]-[YYYYMMDD]-[description].ext (e.g: .pdf .doc)
- Here are sample file names for an agenda and materials for a recent Trial Court Budget Advisory Committee meeting “**tcbac-20140603-agenda.pdf**” or “**tcbac-20140603-materials.pdf**”

* See page 2 of this document for a complete list of Advisory Body abbreviations

✓ **PDF Properties: have you checked your property fields per the guidelines below?**

To make uploaded documents more search friendly, please follow these file properties guidelines:

- Add plain language description of the document in the Title property. Example: “July 1, 2014 Name of Advisory Body agenda”
- Remove any staff names in the Name field

✓ **Timing: have you complied with meeting and Web posting guidelines?**

In order to meet the requirements of CRC 10.75 for posting documents for public meetings (Notices and Agendas 5 business days before the meeting, Materials 3 business days before the meeting), it is asked that documents be submitted for posting at least 24-hours in advance of the above stated deadlines.

Submitting a web content request for posting materials

Send an e-mail to webcontent@jud.ca.gov with the following:

A. Subject

Please use the following convention for e-mail subject line “OMR: [Committee Name or abbreviation] Meeting Date”

Example: OMR: Trial Court Budget Advisory Committee, June 3, 2014 Meeting

B. Body

Provide specific wording that will be posted on the page for the meeting such as date, time, location, whether the meeting will be audiocast, or conference call or not. Example:

Advisory Body Name

Next Meeting: Tuesday, July 8, 2014

10:00 a.m. to 3:00 p.m.

AOC San Francisco Office

455 Golden Gate Avenue, 3rd Floor Conference Center

Public Call-in Number: 1-877-820-7831

Passcode 8592822# (Listen only)

Appendix C: Web Content Checklist

The following table provides the file naming abbreviations for each of the respective Advisory Bodies. Consult this table in order to correctly name your files prior to e-mailing webcontent@jud.ca.gov.

	Advisory Body Name	File Naming Convention
1	Administrative Presiding Justices Advisory Committee	apjac-YYYYMMDD-description.pdf
2	Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch	acfae-YYYYMMDD-description.pdf
3	Advisory Committee on Providing Access and Fairness	acpaf-YYYYMMDD-description.pdf
4	Appellate Advisory Committee	aac--YYYYMMDD-description.pdf
5	Civil and Small Claims Advisory Committee	cscac-YYYYMMDD-description.pdf
6	Collaborative Justice Courts Advisory Committee	cjcac-YYYYMMDD-description.pdf
7	Court Executives Advisory Committee	ceac-YYYYMMDD-description.pdf
8	Court Facilities Advisory Committee	cfac-YYYYMMDD-description.pdf
9	Court Interpreters Advisory Panel	ciap-YYYYMMDD-description.pdf
10	Court Security Advisory Committee	csac-YYYYMMDD-description.pdf
11	Court Technology Advisory Committee	ctac-YYYYMMDD-description.pdf
12	Court-Ordered Debt Task Force	codtf-YYYYMMDD-description.pdf
13	Criminal Law Advisory Committee	clac-YYYYMMDD-description.pdf
14	Executive & Planning Committee	eandp-YYYYMMDD-description.pdf
15	Family and Juvenile Law Advisory Committee	fjlac-YYYYMMDD-description.pdf
16	Governing Committee of the Center for Judicial Education and Research	cjer-YYYYMMDD-description.pdf
17	Judicial Council Technology Committee	jctc-YYYYMMDD-description.pdf
18	Policy Coordination and Liaison Committee	pclc-YYYYMMDD-description.pdf
19	Probate and Mental Health Advisory Committee	pmhac-YYYYMMDD-description.pdf
20	Rules and Projects Committee	rupro-YYYYMMDD-description.pdf
21	Shriver Civil Counsel Act Implementation Committee	sccaic-YYYYMMDD-description.pdf
22	Traffic Advisory Committee	tac-YYYYMMDD-description.pdf
23	Trial Court Budget Advisory Committee	tcbac-YYYYMMDD-description.pdf
24	Trial Court Facility Modification Advisory Committee	tcfmac-YYYYMMDD-description.pdf
25	Trial Court Presiding Judges Advisory Committee	tcpjac-YYYYMMDD-description.pdf
26	Tribal Court-State Court Forum	tcscf-YYYYMMDD-description.pdf
27	Workload Assessment Advisory Committee	waac-YYYYMMDD-description.pdf

Appendix D: Monthly Reporting Form

Monthly Reporting Form — Advisory Body Meetings CRC 10.75

Please utilize this form to report information about advisory body meetings held in the current reporting period. The data provided will be compiled and provided to the internal chairs and will ultimately be used to assist the Judicial Council with evaluating the rule's impact and determining if any amendments are needed.

Advisory Body Name: _____

Lead Staff Name: _____

Reporting Period: July 1 - 31, 2015

If no meetings were held during the current reporting period check the box and click submit form; no further action is required

REGULAR MEETINGS	
Regular meetings subject to the rule, whether open or closed—both full advisory and all subcommittee meetings	
1	Total number of meetings, open or closed, held during the current reporting period:
	<ul style="list-style-type: none"> How many were 100% open: How many were 100% closed: How many were a combination of open and closed:
2	Total number of open meetings that were held in-person:
	<ul style="list-style-type: none"> How many where the public had the option to attend: How many where the public was not permitted to attend due to security: For those meetings where the public was permitted to attend, how many had public attendance: How many of the meetings actually attended by the public did the public ask to speak: How many meetings where the public called in:
3	Total number of meetings that were conducted by electronic means:
	<ul style="list-style-type: none"> How many meetings where the public called in:
4	Total number of meetings that included agenda items the Chair could have closed but opted to open:
5	Total number of meetings that received written comments:

CLOSED MEETINGS OR CLOSED SESSIONS	
For those meetings subject to the rule that were closed, or had an agenda item that was closed	
6	If closed under rule 10.75(c)(3) , how many meetings:
7	If closed under rule 10.75(d) , how many meetings:
	If closed under rule 10.75(d) what section(s) was utilized to close the meeting(s) or portion of the meeting(s)—indicate the number of occurrences for each section(s): (d)(1): _____ (d)(2): _____ (d)(3): _____ (d)(4): _____ (d)(5): _____ (d)(6): _____ (d)(7): _____ (d)(8): _____ (d)(9): _____ (d)(10): _____

ACTION BY E-MAIL BETWEEN MEETINGS	
When a proposal was distributed by e-mail to all advisory body members for action	
8	Total number of proposals distributed under rule 10.75(o) in the current reporting period:
	<ul style="list-style-type: none"> How many proposals were distributed under rule 10.75(o)(1)(A): How many proposals were distributed under rule 10.75(o)(1)(B):

URGENT CIRCUMSTANCES	
Meetings held on 24 hours' notice, whether open or closed—both full advisory and all subcommittee (except small ad hoc) meetings	
9	Total number of meetings, open or closed, held during the current reporting period:
	<ul style="list-style-type: none"> How many were 100% open: How many were 100% closed: How many were a combination of open and closed:

Appendix E: Rule 10.75 FAQ and Responses

For Judicial Council Advisory Body Chairs and Staff, October 2014

- 1. According to the guidelines, action by e-mail for a closed session item does not require minutes. I prefer to prepare minutes and use those as the official communication, is that acceptable?**

Yes, an advisory body may choose to prepare minutes; however, you must still retain the e-mails as the official record of the action. As a reminder, the minutes are not required to be posted since it is a closed session item.

- 2. If an advisory body is recording its open meeting may the chair decline a public request to record a meeting?**

Rule 10.75(l) provides the chair with discretion to either approve or decline a request from the public to make an audio recording of an open meeting. The fact that an advisory body is recording the meeting does not diminish the chair's discretion.

- 3. When may an advisory body rely on subdivision (d)(2)—“[c]laims, administrative claims, agency investigations, or pending or reasonably anticipated litigation naming, or reasonable anticipated to name, a judicial branch entity or a member, officer, or employee of such an entity—to close a meeting, or portion of a meeting?”**

An advisory body might rely on subdivision (d)(2) to close discussion of an agenda item if, for example, the advisory body will be receiving an update on a pending or threatened lawsuit to which a judicial branch entity (e.g., a court or the Judicial Council), or one of its employees or officers, is or may be named as a party.

- 4. We have an advisory body meeting topic that is not subject to the rule because it is informational for advisory body members only and the advisory body will not be reporting to the Judicial Council on the topic. However, during the discussion the advisory body decides that it wants to prepare a report to the Judicial Council taking a position on the topic. How should we proceed?**

During the agenda development process, the advisory body chair and Judicial Council staff will carefully consider whether discussion at the meeting is likely to produce such an outcome. If it is anticipated that this is likely to occur, it is recommended that the item be included on the publicly posted meeting agenda, to ensure adequate public notice, and depending on the topic it may be discussed in either open or closed session.

If the item is not included on the publicly posted meeting agenda, and a consensus emerges in the meeting that the advisory body should submit a report, or otherwise communicate a position on the topic, directly to the Judicial Council, then the advisory body must defer further discussion on the item until the appropriate notice is provided as specified in rule 10.75(e).

- 5. If the advisory body meeting will include a lunch break, how should we note that on the agenda?**

You should indicate on the agenda when you expect your lunch break to occur and the expected duration. In the event that your lunch break needs to occur out of order from the originally posted agenda, the agenda templates include language that items will not necessarily be considered in the indicated order.

Appendix E: Rule 10.75 FAQ and Responses

For Judicial Council Advisory Body Chairs and Staff, October 2014

- 6. My advisory body agendas have always included an item that allows members to discuss any item they want (i.e., open forum, lunch caucus). They have used this time to share information or ask questions for the benefit of the entire body. Is this portion of the agenda considered to be open, closed, or not subject to the rule?**

It depends on what is discussed during this agenda item. If the discussion concerns a topic that the advisory body will cover in a report to the Judicial Council, then it is subject to the rule. In such case, the publicly posted meeting agenda must include and briefly describe the specific topic, and must indicate whether the topic will be discussed in an open or closed session. If the discussion does not concern a topic that will be covered in a report to the Judicial Council, then it is not subject to the rule and therefore need not be included on a publically posted agenda. In the latter case, it may be helpful, however, to include on the agenda a heading for the discussion suggesting the basis for the conclusion that it is not subject to the rule, e.g., “New issues,” or “Exchange concerning best practices.”

- 7. How should my advisory body approve minutes for a meeting that included items that were discussed in open session, items that were discussed in an closed session, and items not subject to the rule?**

The advisory body is required only to approve the minutes of the open agenda items in open session. A committee could consider the minutes for the open session items in the open session, minutes for any item covered in a closed session during a closed session, and minutes for items not subject to the rule in a further nonpublic session. However, there is nothing in the rule preventing an advisory body from approving closed agenda items along with the open agenda items in an open session—the chair has the discretion. The advisory body may prefer to do this as it may be awkward or interrupt the flow of the meeting to have the approval of meeting minutes done in two parts.

- 8. What is the difference between subdivision (d)(3), negotiations concerning a contract, a labor issue, or legislation, and (d)(10), topics that judicial officers may not discuss in public...including proposed legislation....?**

An advisory body may rely on subdivision (d)(3) to close discussion of legislative negotiations (including strategy for such negotiations)— for example, discussions that might occur in meetings of the Judicial Council’s Policy Coordination and Liaison Committee related to development of branch positions on pending legislative bills. In contrast, an advisory body might rely on subdivision (d)(10) to close discussion of proposed legislation if, for example, there is a possibility that the legislation, once adopted, could be presented to a court for interpretation and a public discussion on the topic might either (1) allow the mistaken impression that judges who are advisory body members have committed themselves on the issue, or (2) spark a high volume of disqualification motions against judges who are members.

- 9. The rule specifies that written comments are to be submitted “one complete business day” before the meeting. If a meeting is to start at 12:00 p.m. does that mean that written comments must be received by 12:00 p.m. the day before the meeting or is it by close of business the day before the meeting?**

If your meeting is occurring on a Tuesday at 12:00 p.m. then the written comments must be received by Monday at 12:00 p.m. If the meeting is occurring on a Monday at 12:00 p.m. then the written

Appendix E: Rule 10.75 FAQ and Responses

For Judicial Council Advisory Body Chairs and Staff, October 2014

comments must be received by preceding Friday at 12:00 p.m. As a reminder, written comments received closer to the meeting time may be accepted, although time constraints may preclude distribution of late-received written comments to advisory body members in time to ensure their review for the meeting.

- 10. On the day of the meeting it became necessary to move agenda items around because one of our presenters notified us he would be late. Do I need to post a notice on the web page alerting the public to this change?**

No. The agenda template already includes a notification that items may not necessarily be considered in the indicated order.

- 11. What do we do if a member of the press attends our meeting or is anticipated to attend?**

Please contact the Office of Communications if you anticipate that the press may be attending your meeting.

- 12. In the past, my advisory body chair has requested that staff modify or create a new document that was discussed during a meeting and present it later in the meeting. This has allowed the advisory body the opportunity to review the revised document during the meeting. Under rule 10.75(h), meeting materials for an open meeting must be posted to the website at least three business days before the meeting except in extraordinary circumstances. If the initial document was properly posted as part of the meeting materials, do we need to also publicly post the revised document before advisory body members may discuss it?**

As long as the original document was properly posted before the meeting and discussions regarding modifications to the document are held during open session, there is no need to post the new document before the advisory body discusses it. However, as soon as possible, the new document should be posted to the advisory body web page.

- 13. If our advisory body meeting is closed in accordance with subdivision (c)(3), must we accept written comments from the public?**

No, the rule does not require acceptance of written comments from the public if the entire meeting will be closed under subdivision (c)(3). If such comments are received, however, nothing precludes the advisory body from considering them.

- 14. Our advisory body meeting agenda consists of two items that will result in reports to the Judicial Council, and other items that will not result in any reports to the council, so are not subject to the rule. Do I need to include the “not subject to the rule” items on my posted agenda?**

No, an advisory body is not required to include items that are not subject to the rule on their publicly posted meeting agendas, although nothing precludes it from doing so. If an advisory body chair decides to include those items on the posted agenda, you should list them under the heading, “Non-Public Session: Topics Not Covered by Rule 10.75.” (Please note that the term “Closed Session” should be reserved for sessions covered by rule 10.75(c)(3) or (d), to avoid confusion. Although certain rule requirements do apply to closed agenda items, the same is not true for items not subject to the rule, and it is good practice to use the appropriate terminology in referring to each.) The chair

Appendix E: Rule 10.75 FAQ and Responses

For Judicial Council Advisory Body Chairs and Staff, October 2014

may also elect to include such a topic on the open session portion of the publicly posted agenda, if appropriate.

15. Can we close a meeting to get advice from Legal Services on an issue?

No, like open meeting laws that apply to other public entities, rule 10.75(d) does not broadly permit the closure of a meeting so that an advisory body may solicit input from legal staff. Although an advisory body may obtain legal guidance during a session that is properly closed under a provision of subdivision (d) (e.g., a session involving discussion of pending litigation naming a judicial branch entity or negotiation of a contract), the fact that an advisory body may discuss the requirements of the law or other topics with an attorney in a meeting does not itself constitute sufficient grounds to close the meeting.

16. Is a meeting subject to the rule if the advisory body only plans to make an informational report or provide a status update to the council but no council action is required or sought?

Yes. The rule does not distinguish between an informational report and one requiring council action. For purposes of rule 10.75(c)(1), and the threshold question of whether the meeting includes review of an issue “that the advisory body will report to” the council triggering rule requirements, any type of advisory body report to the council will suffice. This includes both informational reports and reports presenting recommendations for council action.

17. Is an advisory body agenda item to discuss a report to the Administrative Director, where the Administrative Director acts on delegation from the Judicial Council, subject to the rule?

Yes, advisory body meetings to discuss a report to the Administrative Director, which the Administrative Director receives on behalf of the council, are best treated as subject to the rule. Absent the delegation, the matter would be covered in a report to the council. It is most reasonable to treat equally (1) meetings to develop reports for the council, and (2) meetings to develop reports that, while appropriate for the council, are submitted at its direction, to another designee, who receives it on the council’s behalf.

18. My advisory body is not identified in (c)(3) but is considering submitting a proposed rule to the Judicial Council. May we close the meeting when we discuss the rule proposal?

Yes, the advisory body may close the discussion if one of the provisions in rule 10.75(d) applies. For example, if judges who are members of the advisory body could not discuss the rule proposal publicly without risking an ethics violation or encouraging disqualification motions or peremptory challenges against them, then the chair might close the discussion under rule 10.75(d)(10). Please note, however, that the publicly posted meeting agenda must cite the specific rule subdivision authorizing the closed session, and only committees listed in rule 10.75(c)(3) may rely on that provision.

19. If, during an open meeting, an advisory body member discusses a document that the advisory body considered at a meeting conducted before July 1, 2014, when the rule was adopted, must the advisory body post the document on its web page after the conclusion of the meeting?

No. The work of an advisory body on a particular project can take several months or even years to complete. Meetings held before the adoption of rule 10.75, and materials distributed for those earlier meetings, are not subject to rule requirements retroactively. However, documents that are provided to

Appendix E: Rule 10.75 FAQ and Responses

For Judicial Council Advisory Body Chairs and Staff, October 2014

the advisory body for discussion at an open meeting subject to the rule must be posted to the advisory body web page at least three business days prior to the meeting, except in extraordinary circumstances. If materials from a previous meeting are re-distributed for further discussion in a meeting subject to the rule, they must be included in posted meeting materials.

20. Our advisory body will be considering a recommendation to the Policy Coordination and Liaison Committee (PCLC) regarding the position that it might take on proposed legislation on behalf of the Judicial Council. Is this agenda item subject to the rule and, if so, what level of detail must we include in the meeting notice, agenda, and minutes to comply with rule 10.75?

Yes. Since PCLC may take a position on proposed legislation on the Judicial Council's behalf pursuant to a delegation of authority, an advisory body's discussion of an issue for report to PCLC is properly treated the same as if the advisory body would be reporting directly to the council on the issue. This means that rule 10.75 requirements apply.

It is, therefore, recommended that the meeting agenda identify the bill number (if available) and the general topic that will be the subject of the discussion at the meeting, whether the agenda item is open or closed. Occasionally, the proposed legislation being discussed may not yet be in bill form, in which case, the topic of the proposed legislation should be listed.

Example of agenda description (bill number and topic):

Item 1: SB 940 (Jackson), California Conservatorship Jurisdiction Act

Example of agenda description (topic only):

Item 1: Split-sentencing

You may contact Governmental Affairs or Legal Services if you have questions on how to best describe agenda items.

Minutes of a discussion of a recommendation for PCLC on proposed legislation should similarly identify the bill and/or topic and also the position that the advisory body decides to recommend (e.g., "support if amended").

21. Is the discussion about the development of an annual agenda for presentation to a Judicial Council internal committee subject to the rule?

Yes. The Judicial Council has assigned the responsibility for oversight of the advisory bodies, including approval of annual agendas, to the internal committees. The internal committees act for the council in this respect. Therefore, meetings to develop annual agendas for internal committee approval are subject to rule 10.75 and must be opened to the public, unless a provision in subdivision (c)(3) or (d)(1)-(10) can be identified to close that portion of the agenda. This would also include discussions on the progress of last year's annual agenda projects—even if the projects did not result in a report to the council.

22. Once advisory bodies approve minutes from an open meeting, how do we ensure the approved minutes are posted to the advisory body webpage?

Appendix E: Rule 10.75 FAQ and Responses

For Judicial Council Advisory Body Chairs and Staff, October 2014

The advisory body staff must submit an adobe acrobat version of the approved minutes to Webcontent with a naming convention that identifies: a) the advisory body; b) the date of the approved minutes meeting; c) a description of the document. As an example, the Trial Court Budget Advisory Committee's minutes for the September 15, 2014 meeting were approved by the committee at its October 7, 2014 meeting. Staff to the committee will send the approved minutes to Webcontent shortly after the October 7 meeting with the following naming convention: **tcbac-20140915-minutes**. Webcontent will post the approved minutes under the September 15, 2014 meeting date.

GUIDELINES FOR THE ANNUAL AGENDA PROCESS

From the Judicial Council's Executive and Planning Committee,
Rules and Projects Committee, and Technology Committee
(Revised September 2015)

Introduction

This document provides an overview of the annual agenda process and information to help prepare the Judicial Council internal committees serving as oversight committees—the Executive and Planning Committee (E&P), the Rules and Projects Committee (RUPRO), and the Judicial Council Technology Committee (JCTC)—as well as advisory body chairs and principal staff for annual agenda review meetings.

Annual Agenda Review Meetings

The Judicial Council governance policies express the council's interest in connecting with the leaders of its advisory bodies and coordinating efforts to continuously improve access to the courts and the administration and delivery of justice. The annual agenda review meetings serve as substantive conversations, in a multiyear process, between the oversight committees and the chairs of the advisory bodies to define their key objectives and projects in order to align them with judicial branch goals, objectives, and desired outcomes.

The oversight committees and the advisory body chairs discuss the best use of each advisory body's resources for the coming year. The oversight committees also identify any overlap in advisory body activities and projects. In these conversations, oversight committees are likely to convey their interest in fulfilling the council's strategic goals and operational objectives through the advisory body's objectives and projects. The oversight committees may also see possibilities for synergies and opportunities for collaboration between advisory bodies.

Through the review meetings, E&P, RUPRO, and JCTC provide oversight to the council's advisory bodies to guide them in focusing on matters of importance to the council and on providing the council with valuable advice and policy recommendations. E&P meets to review and approve the annual agendas of advisory bodies whose work focuses on projects and administrative issues. RUPRO meets to review and approve the annual agendas of advisory bodies whose work focuses on rule making, forms, and legislation. JCTC meets to review and approve the annual agenda of the Information Technology Advisory Committee—the committee over which it exercises oversight. The advisory body chairs and principal staff attend the meetings either in person or by telephone.

Preparing Draft Annual Agendas for Review

Before the annual agenda review meetings, advisory bodies submit their draft annual agendas to their respective oversight committees for review. Using a template approved by the three oversight committees, each advisory body submits, in advance, a proposed annual agenda consistent with its charge, which includes a list of key objectives and a list of related projects that

the advisory body intends to either commence or accomplish in the coming year.¹ The annual agenda also contains information relating to any subgroups (e.g., subcommittees) and the status of the previous year's projects.

If the advisory body would like to create a new subgroup, it may request approval from the oversight committee by including "new" before the name of the proposed subgroup and describing its purpose and membership on the annual agenda.² The annual agenda template includes a space for this information in the *Subgroups/Working Groups – Detail* section.

Review and Approval of Draft Annual Agendas

Each advisory body's draft annual agenda forms the basis for a conversation during the review meetings about the advisory body's key objectives for the coming year, related projects, and the alignment of those projects with the council's strategic and operational plans. During the meetings, the oversight committees ask questions of the advisory body chairs and engage in conversations to understand the direction and priorities of the advisory bodies. Principal staff are generally included in these meetings to assist with scheduling and to provide further detailed information as needed. Understanding an advisory body's recent history may be helpful, but the focus of the chair and principal staff should be on the advisory body's present and future work. Questions and proposals from the advisory body chair and principal staff asking for the oversight committee's guidance are also welcome and appropriate.

The intended outcome is an understanding between the oversight committee, the advisory body chair, and principal staff of the advisory body's priorities for the coming year, the objectives to be pursued, and the projects to be undertaken. This understanding serves as a foundation for subsequent annual agenda meetings in a continuous effort to enhance mutual support and coordination between the Judicial Council and its advisory bodies.

Following the review meetings, the approved annual agendas are posted on the [advisory bodies' pages](#) of the California Courts website to allow branch stakeholders to be informed of the work of the advisory bodies. Links to the [annual agendas](#) are also provided on the Serranus website.

Roles of a Judicial Council Advisory Body and Its Chair

The Judicial Council governance policies, adopted in 2008, state that the advisory bodies:

- Provide policy recommendations and advice to the council on topics specified by the council or the Chief Justice, using the members' individual and collective wisdom;
- Work at the same policy level as the council, developing recommendations that focus on the strategic goals and long-term impacts that align with the judicial branch goals;³

¹ The annual agenda template was revised before the 2014 committee year to add a column that identifies the end product (e.g., rule amendment) or outcome of each activity.

² California Rules of Court, rule 10.30 (c), allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

³ The Judicial Council's strategic plan is available at www.courts.ca.gov/policyadmin-jc.htm and its operational plan at www.courts.ca.gov/documents/2008_operational_plan.pdf.

- Do not usually implement policy, although the council or the oversight committees may assign policy implementation and programmatic responsibilities;
- Do not speak or act for the council except when formally given that authority for specific and time-limited purposes; and
- Are responsible, through staff, for gathering stakeholder perspectives.

The advisory body chair, with the assistance of principal staff, is responsible for developing a realistic annual agenda and discussing appropriate staffing and resources with the Administrative Director. The oversight committees are responsible for reviewing and approving the annual agendas, which provide the advisory bodies with charges specifying what they are to achieve during the coming year. The oversight committees may add or delete specific projects and reassign priorities. The Annual Agenda template provides descriptions of priority level 1 and 2 projects that involve rules and forms, which are approved by RUPRO. (Projects of advisory bodies overseen by E&P and JCTC often are other than rule and form proposals.)

An advisory body can expect that a rule or form proposal on its annual agenda that was approved by RUPRO will be circulated for comment. There are limited circumstances in which approval to work on a proposal might not result in approval for public circulation. For example, RUPRO could reasonably not approve for circulation something that it earlier approved for development if there is a significant change in the proposal and the proposal (1) is much bigger in scope or more complex than described on the annual agenda; (2) has consequences not recognized or anticipated when presented on the annual agenda; or (3) is no longer urgent or needed to avoid inconsistency in the law.

If, because of legislation or for other reasons, an advisory body identifies additional or different priorities and projects after its annual agenda is approved, it may seek approval from its oversight committee to revise its annual agenda. RUPRO has approved a template for its advisory bodies to use for this purpose. The template, “RUPRO: Templates for updating Annual Agendas during the year,” is available to principal staff on [the Hub](#) under Reference/Judicial Council & Advisory Bodies. In determining whether to give approval to a proposed additional project, the oversight committee considers:

- The proposed project’s urgency;
- The project’s consistency with the advisory body’s charge;
- The advisory body’s approved annual agenda;
- The Judicial Council’s strategic plan; and
- The advisory body’s available staff and other resources.

Policy Considerations in Reviewing Annual Agendas

Distinction Between Policy Recommendation and Policy Implementation

Because the primary role of advisory bodies is to advise and provide policy recommendations to the Judicial Council, the oversight committees may focus on projects that fall outside of this role. If an advisory body has been directed to implement policy or produce a program, the oversight committee will want to ensure that staff continues to be accountable to the Administrative

Director for the satisfactory performance of the implemented policy or program and that the role of the advisory body is to provide advice to staff. These roles are consistent with the council's governance policies.

For advisory bodies that have policy implementation and programmatic projects, the annual agenda process can clarify for the advisory body the part for which it is responsible (e.g., providing advice and guidance to staff) and the part for which staff is responsible (e.g., performing to the standards and expectations of the Administrative Director).

Preliminary questions about the annual agendas include:

- Which projects give advice or make policy recommendations? (Both are the advisory body's primary role.)
- Which projects are policy implementation or programmatic?

An advisory body's *recommendations* of new or revised rules and forms are policy recommendations because they require the weighing of various possibilities and alternatives, and their approval requires a policy decision by the Judicial Council. An advisory body's *recommendations* of specific programs or of specific ways to implement policy are also policy recommendations. As long as an advisory body stays in the realm of making recommendations to the council, it occupies its traditional advisory role.

Under the council's governance policies, however, when the advisory body's project actually produces products or services, such as resource materials, content, or programs, or the advisory body takes final action independent of the council, it is considered to be performing the work of implementation and program delivery. An explicit Judicial Council or oversight committee charge is required for an advisory body to take this action or pursue this type of project. The advisory body's oversight committee may approve the body's involvement with policy implementation or program delivery, but it is important to specify on the annual agenda that a policy implementation project is being approved and to clarify the role and accountability of the advisory body and staff. In particular, the oversight committee's expectations for reviewing final products or introducing new services at the completion of a committee's project should be made clear. That way, oversight committees can ensure that the Administrative Director continues to be accountable to the Judicial Council for staff performance and advisory bodies can proceed with the explicit support of their respective oversight committees. In the event that recommendations to the Judicial Council that result from the advisory body's work are subject to the council's approval or adoption, please consult the calendar of Judicial Council meeting dates and the Executive and Planning Committee's agenda-setting schedule, which are available on the Hub at <http://intranet.jud.ca.gov/>, under calendars, to ensure timely delivery of the Judicial Council report.

Judicial Branch Strategic and Operational Plan Goals, Objectives, and Desired Outcomes

The annual agendas require advisory bodies to identify the strategic and operational plan goals achieved by each project. If an oversight committee determines that a project does not appear to align with existing branch priorities, the oversight committee can propose soliciting involvement

by a more appropriate entity (e.g., the State Bar). If the annual agenda conversation concludes that a specific project is not relevant or not covered by branch priorities, the oversight committee and the advisory body chair should decide whether the project can be modified to meet a judicial branch strategic goal or policy or an operational objective or outcome, or whether that project should be referred to an outside entity.

General Questions and Issues Applicable to Most Annual Agendas

The following are general questions that may apply to annual agendas under review:

- Is the list of objectives and projects for the coming year realistic? (Factors may include the number of projects on the list, the varied scope of projects, the impact on the courts, if approved, and the resources needed.)
- What is the key direction and focus for this advisory body?
- What is the status of the previous year's priority level 2 projects? (For priority level 2 projects approved by RUPRO, the expectation is that the advisory body can develop the project [typically rules or forms] and that it will be approved for circulation in the second year, absent unusual circumstances.)
- What unanticipated issues or projects did the advisory body work on during the previous year, if any?
- For a project that implements policy or produces a program:
 - What role do the advisory body members play in this project? What role do staff play? To whom are staff accountable for the satisfactory and timely completion of this project?
 - Does the advisory body have an explicit Judicial Council or oversight committee charge to pursue this project? If the charge is ambiguous or was issued several years ago, should the oversight committee renew that charge? If so, under what circumstances and conditions should the advisory body pursue this project?
- Does the advisory body gather stakeholder perspectives?
- How does the advisory body intend to obtain information about the cost and training impact of a particular proposal on the courts?
- Does the chair or staff have any concerns about the adequacy of resources to accomplish the projects?



CJER Governing Committee Guidelines on Proposals **F**rom Other Advisory Committees

APPROVED BY THE EXECUTIVE AND
PLANNING COMMITTEE ON JUNE 21,
2010



JUDICIAL COUNCIL
OF CALIFORNIA

GOVERNING COMMITTEE OF THE CENTER
FOR JUDICIAL EDUCATION AND RESEARCH

CJER Governing Committee Guidelines on Proposals From Other Advisory Committees and Task Forces That Include Education or Training

Purpose of Guidelines

These guidelines are intended to provide guidance to the Judicial Council, its internal committees, and other advisory committees and task forces regarding proposals that include education or training and to help ensure coordination, consistency, and collaboration in education services for the Judicial Branch.

Under California Rules of Court, rule 10.50, the CJER Governing Committee is primarily responsible for making recommendations to the Judicial Council for improving the administration of justice through comprehensive and quality education and training for judicial officers and other judicial branch personnel. The committee is further required under rule 10.50(c)(4) to review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court staff to ensure coordination, consistency, and collaboration in education services.

The committee recognizes that issues about the need for education or training will often come up as the other advisory committees and task forces discuss issues within their central purview. These guidelines are not intended to limit that full discussion; they are intended only to provide guidance on how to seek appropriate review and feedback from the CJER Governing Committee on those education issues before the proposals have been recommended to the Judicial Council for approval.

Considerations in Determining Whether To Propose New Rules on Education

The advisory committee or task force should first consider the Rules and Projects Committee's (RUPRO) policy on the need for a new rule: "The Judicial Council should exercise restraint in adopting a rule if the problem can be adequately addressed through either judicial branch education or a standard of judicial administration."

Similarly, the CJER Governing Committee holds a strong preference for other advisory committees and task forces to not recommend adopting a rule if the problem can be adequately addressed through adding coverage of the issue to an existing curriculum, adding coverage of the issue to an existing course or program, or developing a new education product with coverage of the issue. The Governing Committee oversees nine curriculum committees which collectively are responsible for regularly maintaining and updating the curricula that cover all the subject areas and audiences in the judicial branch. The Governing Committee will approve the overall education plan for the branch, and will be able to refer most of the issues raised by another advisory committee or task force to the appropriate curriculum committee to address.

The judicial branch education rules (California Rules of Court, rules 10.450–10.491) were developed by the CJER Governing Committee to work as a system. Common approaches were used, individual elements need to work in complementary ways, and specific values underlie the rules. For example, there is an intent underlying the rules that each individual judge can best determine, with his or her presiding judge, his or her own education needs in the various subject areas, and so the rules are designed to set out more general education requirements and expectations rather than more specific subject matter and/or hours requirements that would apply to everyone. Therefore, the Governing Committee’s strong preference regarding new rules on education proposed by other advisory committees or task forces would be to develop them as a joint proposal with the other advisory committee or task force with agreement by the two bodies on the proposal.

What Proposals Should Be Submitted

Any proposal that is primarily about education or training should be submitted for review and feedback. Any proposal that contains elements that significantly involve or impact education or training should be submitted for review and feedback on those elements. Examples would include proposed new rules of court on education; proposed new education requirements, expectations, or recommendations; proposed new education products or opportunities; proposals that would require a curriculum or course to include coverage of specified issues; and proposals that would require education or training for a new audience.

What Review and Feedback Should Be Sought

Proposals or elements of proposals that significantly involve or impact education or training should be submitted for review and feedback. These proposals or elements of significant impact will raise policy issues and/or implementation issues. An example of a policy issue would be a proposal to require by rule of court that judges participate in education on ethics. An example of an implementation issue would be a proposal to include education on ethics in an existing course or curriculum on family law. Implementation issues often include resource issues, i.e., whether some new thing can be done with existing resources. If the issue involves a significant demand on existing resources or a significant change in existing priorities, the issue may rise to the level of a policy issue. The CJER Governing Committee will involve staff to the committee in reviewing and analyzing the issues and in preparing feedback.

When Should Proposals Be Submitted

Proposals that significantly involve or impact education should be submitted to the CJER Governing Committee for review and feedback at the earliest opportunity, and for rules proposals before circulation for comment. Proposals should be submitted to the committee before they have been recommended to the Judicial Council for approval. By reviewing proposals at an early stage, the committee can provide early comments, which may guide the

other advisory committee in further developing the proposal or in requesting that public comments address particular issues. This will also help identify proposals that need to be coordinated with other proposals, either by the Governing Committee or by another advisory committee.

Both the Executive and Planning Committee and the Rules and Projects Committee can help in identifying proposals that come before them from other advisory committees or task forces that include education or training. Both of these Judicial Council internal committees can refer the advisory committee or task force to the CJER Governing Committee for review and feedback of such proposals.

To Whom Should Proposals Be Submitted

Proposals that involve or impact education should be submitted to the chair of the CJER Governing Committee and to the principal staff to the committee. The submittal should indicate any specific issues on which the committee wants review and feedback and should indicate the timeline requested for the review and feedback.



2015 CALIFORNIA RULES OF COURT

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

(a) Establishment and purpose

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

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

(b) Area of focus

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

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

(c) Additional duties

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

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

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

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

(d) Membership

The committee consists of at least the following members:

- (1) Eight sitting judicial officers, including at least one appellate court justice;
- (2) Three judicial administrators;
- (3) The Administrative Director of the Courts as an advisory member;
- (4) The president of the California Judges Association or his or her designee as an advisory member; and
- (5) Other advisory members as the Chief Justice may appoint.

(Subd (d) relettered and amended effective December 18, 2001; adopted as subd (c).)

(e) Nominations

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

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

(f) Chair and vice-chair

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

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

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

CJER Governing Committee Form to Request Review and Feedback on a Proposal That Includes Education or Training

The CJER Governing Committee is required under California Rules of Court, rule 10.50(c)(4) to review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court staff to ensure coordination, consistency, and collaboration in education services. The Governing Committee has developed “Guidelines on Proposals from Other Advisory Committees and Task Forces that Include Education or Training” to provide guidance on how to seek appropriate review and feedback from the committee on these proposals. The Guidelines (http://intranet.jud.ca.gov/documents/reference/CJER_Guidelines_on_Proposals_from_other_AC.pdf) have been approved by the Executive and Planning Committee. This form is provided to facilitate a request for review and feedback on a proposal that includes education or training.

1. Information on Requestor:

Advisory Committee or Task Force: _____
Committee or Task Force Chair: _____
Committee or Task Force Principal Staff: _____
Proposal Title: _____
Date Submitted: _____

2. Information on Proposal (check all that apply):

- Proposes new rule of court or amendment to rules of court on education
- Proposes that AOC add coverage of issue to existing curriculum, course, or program
- Proposes that AOC develop new education product with coverage of issue
- Proposes that AOC increase education opportunities on issue
- Proposes education or training for new audience
- Other: _____

3. Summary of proposal, including how it involves or impacts education or training (specify the course, program, or curriculum, if known): _____

4. At what stage in the process is this proposal (please list dates for the following):

- a. Advisory Committee or Task Force review: _____
- b. RUPRO review: _____
- c. Executive and Planning Committee review: _____
- d. Judicial Council review: _____
- e. Other: _____

5. What are the next steps in the process for this proposal (please list dates for the following):

- a. Advisory Committee or Task Force review: _____
- b. RUPRO review: _____
- c. Executive and Planning Committee review: _____
- d. Judicial Council review: _____
- e. Review and feedback by CJER Governing Committee requested by: _____
- f. Other: _____

6. Identify any specific review or feedback requested: _____

Please submit completed form to principal staff to the CJER Governing Committee.

Updating Letterhead Templates

Instructions

June 2015

The procedure for Judicial Council staff to update letterhead templates is a simple, streamlined process that gives you control.

Who?

- Principal staff to internal committees and advisory bodies are responsible for their groups' letterheads.
- Division- and office-level secretaries or appointed staff can request that their letterheads be updated by contacting the Help Desk.
- For efficiency, changes that affect all letterhead templates are made by Help Desk staff at the request of authorized Executive Office personnel only.

So if the job falls to you, using these simple instructions, you can update your letterhead whenever the need arises.

How?

1. Open Word and from the Office Button (upper left-hand corner) click on *Open*.
2. In the *File name* field at the bottom of the pop-up window, enter the following file name to locate the template* you need:

s:\template\jcc templates
3. Double-click on the file that requires updating (for letterheads, that file name will begin with "jc-ltrhd") and make your changes.
4. When you are ready to save the changes, click on the View tab and then Zoom. In the pop-up window, select Zoom to 100% or enter a percentage up to 150% in the Percent box, and then click OK. This step will ensure that the template will display properly.
5. Save the file (be sure it is a DOTX template file and is saved to s:\template\jcc templates); close the file, and then close Word.
6. Update your templates by double-clicking on the Update Templates icon on your desktop.
7. Open Word again to check your changes.

* As principal staff, you have been granted access to this folder in the S: drive. If you wish to delegate this task to someone else in your division or office, please contact Ginna Operario at the Help Desk (415-865-4077; ginna.operario@jud.ca.gov) so she can provide access for that person.



STAFF ROLE, FUNCTION, AND STRUCTURE

California Rules of Court, Rule 10.80: Administrative Director of the Courts (Administrative Director)

(a) Functions

The Administrative Director, appointed by the Judicial Council under article VI, section 6 of the Constitution, performs those functions prescribed by the Constitution and laws of the state, or delegated to the director by the Judicial Council or the Chief Justice.

(b) Accountability

The Administrative Director is accountable to the council and the Chief Justice for the performance of the Judicial Council staff. The Administrative Director's charge is to accomplish the council's goals and priorities.

(c) Interpretation of policies

The Administrative Director may use any reasonable interpretation of Judicial Council policies to achieve the council's goals, consistent with the limitations from the council and the Chief Justice.

(d) Responsibilities

In carrying out these duties, the Administrative Director is responsible for allocating the financial and other resources relating to the Judicial Council staff (including, for example, funding the operation of advisory bodies and other activities) to achieve the branch goals and policies adopted by the Judicial Council of California.

(e) Reports

The Administrative Director reports to the Judicial Council at least once annually on the progress made toward achieving the council's goals. When the council sets the direction on projects or programs that require more than one year to complete, the Administrative Director will report back to the council at regular intervals on their status and significant developments.

Rule 10.81. Judicial Council staff

(a) Establishment

The Administrative Director, under the supervision of the Chief Justice, employs, organizes, and directs a staff that assists the council and its chair in carrying out their duties under the Constitution and laws of the state.

(b) References to “Administrative Office of the Courts”

The Judicial Council in the past referred to its staff as the “Administrative Office of the Courts”. The following applies where the term “Administrative Office of the Courts” is used:

(1) *Rules of Court*

Throughout these rules of court and in all Judicial Council forms, all references to “Administrative Office of the Courts” or “AOC” are deemed to refer to the Judicial Council, the Administrative Director, or the Judicial Council staff, as appropriate.

(2) *Other Judicial Council materials and actions*

All references to “Administrative Office of the Courts” or “AOC” in any policy, procedure, manual, guideline, publication, or other material issued by the Judicial Council or its staff are deemed to refer to the Judicial Council, the Administrative Director, or the Judicial Council staff, as appropriate. Judicial Council staff will continue to be responsible for any active delegations or directives the Judicial Council made to the Administrative Office of the Court.

(3) *Statutes*

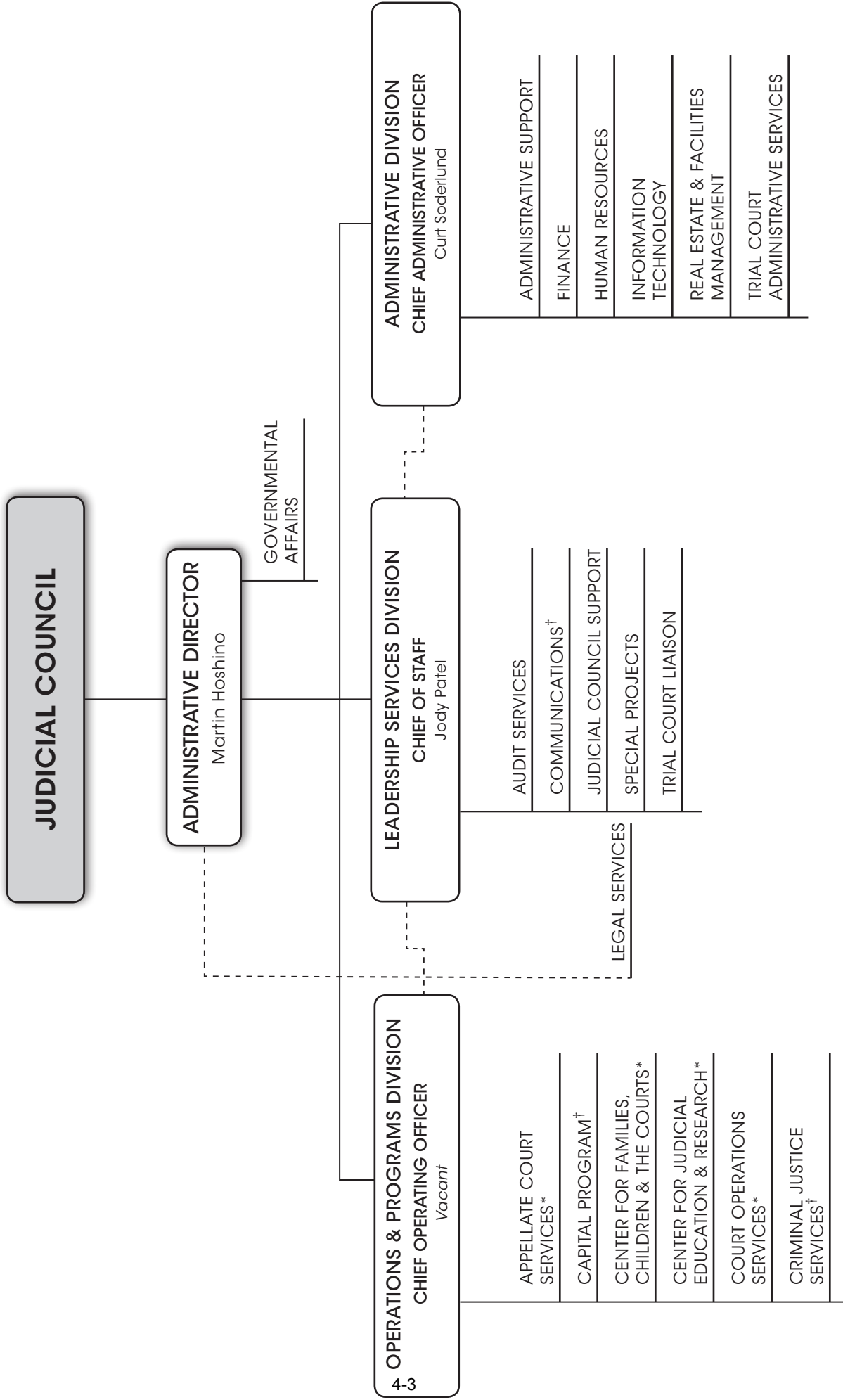
The Judicial Council, its staff, or the Administrative Director, as appropriate, will continue to perform all functions, duties, responsibilities, and other obligations imposed by statute or regulation on the Administrative Office of the Courts.

(4) *Agreements and proceedings*

The Judicial Council will continue to perform all duties, responsibilities, functions, or other obligations, and bear all liabilities, and exercise all rights, powers, authorities, benefits, and other privileges attributed to the “Administrative Office of the Courts” or “AOC” arising from contracts, memorandums of understanding, or other legal agreements, documents, proceedings, or transactions. The Judicial Council may be substituted for the “Administrative Office of the Courts” or “AOC” wherever necessary, with no prejudice to the substantive rights of any party.



ORGANIZATIONAL STRUCTURE OF STAFF TO THE JUDICIAL COUNCIL OF CALIFORNIA



*These offices will report temporarily to the Chief of Staff.

†These offices will report temporarily to the Administrative Director.

Judicial Council of California
EXECUTIVE CONTACT INFORMATION

Judicial Council of California

455 Golden Gate Avenue
San Francisco, California 94102-3688
415-865-4200

Sacramento Offices

2860 Gateway Oaks Drive, Suite 400
Sacramento, California 95833
916-263-7885

2880 Gateway Oaks Drive, Suite 300
Sacramento, California 95833
916-263-1400

Burbank Office

2255 North Ontario Street, Suite 200
Burbank, California 91504-3188
818-558-3060

Governmental Affairs

770 L Street, Suite 1240
Sacramento, California 95814-3368
916-323-3121

Executive Office Staff

Mr. Martin Hoshino

Administrative Director
415-865-4235
martin.hoshino@jud.ca.gov



Ms. Jody Patel

Chief of Staff
Leadership Services Division
916-263-1333
jody.patel@jud.ca.gov



Mr. Curt Soderlund

Chief Administrative Officer
Administrative Division
and Trial Court Administrative Services Office
916-263-5512
curt.soderlund@jud.ca.gov



Judicial Council of California
CONTACT INFORMATION

**Executive Office
Staff**

Ms. Tina Carroll
Executive Office Liaison
415-865-4242
tina.carroll@jud.ca.gov

Ms. Stephanie Elam
Executive Secretary to the Chief of Staff
[Patel]
916-269-1900
stephanie.elam@jud.ca.gov

Ms. Sara Hurd Kuenstler
Executive Secretary to the
Administrative Director [Hoshino]
415-865-4241
sara.hurd@jud.ca.gov

Ms. Lusia Siaki
Executive Secretary to the Chief
Operating Officer
415-865-4558
lusia.siaki@jud.ca.gov

Ms. Christine Whipkey
Executive Secretary to the Chief
Administrative Officer [Soderlund]
916-263-1399
christine.whipkey@jud.ca.gov

**Judicial Council Support
Staff**

Ms. Nancy Carlisle
Supervisor
415-865-7614
nancy.carlisle@jud.ca.gov

Mr. Clifford Alumno
415-865-7683
clifford.alumno@jud.ca.gov

Ms. Roma Cheadle
415-865-7640
roma.cheadle@jud.ca.gov

Ms. Benita Downs
415-865-7957
benita.downs@jud.ca.gov

Ms. Cristina Foti
415-865-7455
cristina.foti@jud.ca.gov

Ms. Maria Kwan
415-865-4543
maria.kwan@jud.ca.gov

Ms. Kelly Parrish
415-865-8018
kelly.parrish@jud.ca.gov

Judicial Council of California
CONTACTS FOR SPECIFIC TOPICS

Topic	Name	Contact Information
Judicial Council Meeting Materials and Scheduling	Ms. Cristina Foti Judicial Council Support	415-865-7455 cristina.foti@jud.ca.gov
Hotel Accommodations and Travel for Judicial Council Meetings	Ms. Benita Downs Judicial Council Support	415-865-7957 benita.downs@jud.ca.gov
Communications Manager	Mr. Peter Allen Communications	415-865-7451 peter.allen@jud.ca.gov
Questions Regarding Ethics, Vendors, or Other Judicial Council–Related Legal Matters	Ms. Deborah Brown (See Legal Services Contact List)	415-865-7667 deborah.brown@jud.ca.gov
Public Information Regarding the Judicial Council and the Courts	California Courts website	www.courts.ca.gov/
Password-Protected Information for Judicial Branch Leaders	Serranus website	www.serranus.courtinfo.ca.gov
Security-Related Matters	Mr. Edward Ellestad	415-865-4538 edward.ellestad@jud.ca.gov
Judicial Council Conference Center	Receptionist	415-865-4200



JUDICIAL COUNCIL OF CALIFORNIA

LEGAL SERVICES

455 Golden Gate Avenue
San Francisco, California 94102-3688
Telephone 415-865-7446
Fax 415-865-7664
TDD 415-865-4272

SERVICES AND CONTACT LIST

(as of August 3, 2015)

For general information or questions, please call:
415-865-7446

Ms. Deborah C. Brown, Chief Counsel	415-865-7667	deborah.brown@jud.ca.gov
Mr. Robert C. Buckley, Senior Managing Attorney	415-865-4539	robert.buckley@jud.ca.gov

Below is a list of supervising and managing attorneys in each unit of the Judicial Council's Legal Services to contact for assistance. Please see the links for each unit under the "Individual units and projects" section of the [Legal Services](#) home page on Serranus for more details.

Unit	Contact	Phone	E-mail Address
Labor and Employment	Ms. Patti Williams, Supervising Attorney	415-865-4608	patti.williams@jud.ca.gov
Legal Opinions on Court Administration	Mr. Michael I. Giden, Supervising Attorney	818-558-4802	michael.giden@jud.ca.gov
Litigation Management	Mr. Eric Schnurpfeil, Supervising Attorney	415-865-8936	eric.schnurpfeil@jud.ca.gov
Real Estate	Ms. Leslie G. Miessner, Supervising Attorney	415-865-4056	leslie.miessner@jud.ca.gov
Rules and Forms	Ms. Heather Anderson, Supervising Attorney	415-865-7691	heather.anderson@jud.ca.gov
Transactions and Business Operations	Mr. John Prestianni, Supervising Attorney	415-865-7591	john.prestianni@jud.ca.gov



STRATEGIC AND OPERATIONAL PLANNING

The Judicial Council of California regularly reviews state and national trends, court system values, external mandates, stakeholder expectations, and other forces that shape the environment of the courts. The council responds to these issues by setting long-range strategic goals and developing systematic initiatives to meet these goals. The council developed its first strategic plan in 1992 in response to challenges facing the state's courts. Since 1992, the council has regularly reviewed and revised branchwide strategic and operational priorities on six- and three-year cycles, respectively.

Strategic Planning

The strategic plan for California's judicial branch is usually revised in six-year cycles. Multiple stakeholder groups, including members of the Judicial Council's advisory committees and task forces and members of the legal community at large, participate in this important event. On December 1, 2006, the council adopted *Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012* (available at www.courts.ca.gov/documents/strategic_plan_2006-2012.pdf). On December 12, 2014, the council readopted the strategic plan, extending it to 2016 (see www.courts.ca.gov/documents/jc-20141212-itemS.pdf) and amending it to add a seventh goal.

The goal of the strategic plan is to state the goals, values, and policies that are essential to the effective administration of justice in California and that ensure systemwide improvements. The strategic plan guides the priorities and work of the council, its advisory committees, the trial and appellate courts, and the Judicial Council's staff.

The strategic plan, as readopted and amended, enumerates seven goals:

Goal I: Access, Fairness, and Diversity

California's courts will treat everyone in a fair and just manner. All persons will have equal access to the courts and court proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds. The makeup of California's judicial branch will reflect the diversity of the state's residents.

Goal II: Independence and Accountability

The judiciary must maintain its status as an independent, separate, and co-equal branch of government. The independence of judicial decisionmaking will be protected in order to preserve the rule of law and ensure the fair, impartial, and efficient delivery of justice. The judiciary will unify in its advocacy for resources and policies that support and protect independent and impartial judicial decisionmaking in accordance with the constitution and the law. The branch will maintain the highest standards of accountability for its use of public resources, and adherence to its statutory and constitutional mandates.

Goal III: Modernization of Management and Administration

Justice will be administered by a highly qualified judicial and executive leadership team in a fair, timely, efficient, and effective manner by using modern management practices that implement and sustain innovative ideas and effective practices.

Goal IV: Quality of Justice and Service to the Public

The judicial branch will deliver the highest quality of justice and service to the public. In order to remain responsive to the varying needs of diverse court users, the judicial branch will work with branch constituencies to better ascertain court user needs and priorities. The branch will also employ community outreach to provide information about the judicial branch to the public, and effect programs and strategies to ensure that court procedures and processes are fair and understandable.

Goal V: Education for Branchwide Professional Excellence

High-quality education and professional development will be provided to enhance the ability of all individuals serving in the judicial branch to achieve high standards of professionalism, ethics, and performance. Judicial branch personnel will have access to the resources and training necessary to meet the diverse needs of the public and to enhance trust and confidence in the courts.

Goal VI: Branchwide Infrastructure for Service Excellence

The judicial branch will enhance the quality of justice by providing an administrative, technological, and physical infrastructure that supports and meets the needs of the public, the branch, and its justice system and community partners, and that ensures business continuity.

Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

Consistent with the Judicial Council's [legislative priority](#) to advocate for investment in our justice system to preserve access to justice for all Californians, the branch must make every effort to achieve greater financial independence and flexibility for funding the court system at a level of sufficiency.

The goals and policies of the strategic plan form the basis for development of the operational plan objectives.

Operational Planning

The operational plan for California's judicial branch is usually revised in three-year cycles. Multiple stakeholder groups, including members of the Judicial Council's advisory committees and task forces and members of the legal community at large, participate in this important event. On April 25, 2008, the Judicial Council adopted a revised operational plan for California's judicial branch for the years 2008–2011 (available at www.courts.ca.gov/documents/2008_operational_plan_text.pdf).



JUDICIAL COUNCIL
OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

May 2011

Procedural Fairness in the California Courts

Building on the momentum generated by the Judicial Council's 2005–2006 public trust and confidence assessment, the branch initiative on procedural fairness is focusing on strategies to ensure that the public perceives the highest standards of fairness and quality treatment in court procedures. The council is committed to enhancing public trust and confidence in the California courts by supporting and promoting the branch policy of achieving procedural fairness in all types of cases.

Background

Research tells us that court user satisfaction with, approval of, and levels of trust and confidence in the courts are more closely linked with fair treatment than with favorable case outcomes. A growing body of national research indicates that public approval of and confidence in the courts is linked to the public's sense that court decisions are made through fair processes. These findings build on other research that demonstrates that litigant satisfaction with the overall process and the quality of treatment received leads to the perception that the court's authority is legitimate, which in turn leads to increased compliance with court orders. The Judicial Council's phase I and II public trust and confidence studies, completed in 2005 and 2006, confirm these significant findings.

What is procedural fairness?

Procedural fairness refers to court users' perceptions regarding the fairness and the transparency of the processes by which their disputes are considered and resolved, as distinguished from the outcome of their cases. Perceptions of procedural fairness are also significantly affected by the quality of treatment they receive during every interaction with the court. The perceived fairness of court outcomes is important but is consistently secondary to how court users perceive their cases to have been handled and the quality of treatment they received. Court users' perceptions of procedural fairness are most significantly influenced by four key elements: respect, voice, neutrality, and trust.

Respect

People react positively when they feel they are treated with politeness, dignity, and respect and that their rights are respected. In addition, helping people understand how things work and what they must do demonstrates respect and leads to court user satisfaction.

Voice

People want the opportunity to tell their side of the story, to explain their situation and views to an authority who listens carefully.

Neutrality

People are more likely to accept court decisions when those in authority act with fairness and neutrality (i.e., users have been treated equally, and legal principles and assistance from court personnel were consistent). Users also respond more positively to court decisions when the importance of facts is emphasized and the reasons for a decision have been clearly explained.

Trust

People observe behavior or look for actions to indicate that they can trust the character and sincerity of those in authority and that those in authority are aware of and sincerely concerned with their needs (e.g., they look for conduct that is benevolent and caring).

Current efforts

The Center for Court Innovation (New York, NY) has released *Procedural Fairness in California: Initiatives, Challenges, and Recommendations* (2011), a report that describes initiatives under way and makes further recommendations on how California courts can improve public perceptions of procedural fairness. The redesigned California Courts website also highlights policies and programs that help the courts achieve procedural fairness, enhance the court user experience, and strengthen public trust and confidence.

Contact:

Douglas G. Denton, Senior Court Services Analyst, Court Language Access Support Program, 415-865-7870, douglas.denton@jud.ca.gov

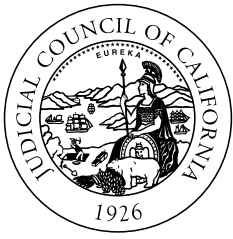
Additional resources:

For additional information, a website has been established to feature model court programs regarding procedural fairness, provide additional resources and articles, and highlight the goals and ongoing work of the initiative. It is located at www.courts.ca.gov/programs-profair.htm

The phase I and phase II public trust and confidence documents are available at www.courts.ca.gov/5275.htm

Justice in Focus: The Strategic Plan for California's Judicial Branch, 2006–2012 contains policies that directly reference procedural fairness and focus on enhancing the court user experience. The plan is available at www.courts.ca.gov/3045.htm

The Operational Plan for California's Judicial Branch, 2008–2011 sets forth specific objectives and desired outcomes for achieving the goals stated in *Justice in Focus*, including objectives and outcomes related to procedural fairness. The plan is available at www.courts.ca.gov/3045.htm



JUDICIAL COUNCIL
OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

May 2011

Trust and Confidence in the California Courts: Phase I

Trust and confidence in our state courts is essential to the rule of law and, therefore, of paramount importance. The California Constitution directs the Judicial Council to improve the administration of justice by surveying judicial business and recommending improvements. Feedback from the public and other stakeholders helps to inform the council's strategic planning and priority setting for the branch. In 2005, the council undertook a statewide survey of the public and of practicing attorneys to determine current levels of trust and confidence in the state courts, and to obtain information concerning expectations and performance of the state courts. The September 2005 survey, phase I of the council's most recent assessment of trust and confidence, reached over 2,400 members of the public and over 500 practicing attorneys.

Changes Since Prior Study

A statewide survey of public trust and confidence in the California courts was last conducted in 1992. Since that time, dramatic changes both in the state's demographics and in court administration have taken place. Almost one-third of the representative sample of Californians reached by the 2005 survey were born outside the United States. Almost half reported an ethnic identity other than white. One out of five was interviewed in a language other than English. Administrative changes since 1992 include statewide court unification, shifts from local to state funding of the trial courts and from local to state ownership of court facilities, and the establishment of many innovative collaborative justice programs such as drug courts.

2005 Survey Findings

Extensive findings of the 2005 survey include the following:

- Public trust and confidence in the state courts has significantly improved since 1992. Sixty-seven percent of the Californian public has an overall positive opinion of the courts today, compared to less than half in 1992. For practicing attorneys, the percentages are 82 percent today, compared to 79 percent in 1992.

- The most important factor predictive of the public's confidence in the courts is a perception of whether fair procedures are practiced. A perception of fair outcomes is the second most important factor for the public. For practicing attorneys, the reverse is true: a perception of fair outcomes is most predictive of confidence, while a perception of fair procedures is secondary.
- The public's sense of how much they know about the courts remains unchanged since 1992, with two out of three responding that they are only somewhat familiar or not at all familiar with the court system. At the same time, 55 percent feels it is very important for the courts to report regularly on their job performance to the public.

A report on the methodology and findings of the 2005 survey may be downloaded from the website address provided below under "Additional Resources."

How Will the Findings Be Used?

The council, through its strategic planning process, has already begun steps to further develop and act upon recommendations for improving trust and confidence in the courts, based upon the 2005 survey findings. The council also is widely disseminating the findings to the bench, the bar, other justice partners, and the public.

Continuing Efforts

The council intends to institutionalize efforts for understanding and improving trust and confidence in the California courts. Work in 2006 has been completed to obtain additional information from court users, judicial officers, and court staff in phase II of the trust and confidence assessment. The council will continue to conduct periodic assessments of the public, attorneys, court constituents, and other justice partners in order to measure progress and develop actions that will ensure the broadest possible trust and confidence in the California courts.

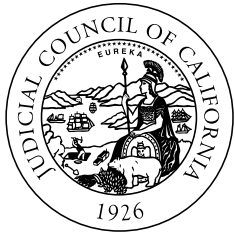
Contact:

Douglas Denton, Senior Court Services Analyst, Court Language Access Support Program, 415-865-7870, douglas.denton@jud.ca.gov

Additional resources:

The phase I and phase II trust and confidence documents are available at www.courts.ca.gov/5275.htm

A companion fact sheet, *Trust and Confidence in the California Courts: Phase II*, provides an overview of the 2006 assessment efforts and is available at www.courts.ca.gov/7338.htm



JUDICIAL COUNCIL
OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

May 2011

Trust and Confidence in the California Courts: Phase II

In 2005, the Judicial Council of California undertook a statewide survey of the public and of practicing attorneys to determine current levels of trust and confidence in the state courts, and to obtain information concerning expectations and performance of the state courts. The survey, phase I of a recently completed trust and confidence assessment, reached over 2,400 members of the public and over 500 practicing attorneys.

Phase II

The Judicial Council of California's landmark 2005 study *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys* was the foundation for phase II of the council's trust and confidence assessment. In 2006, phase II of the study delved more deeply into key issues raised by stakeholders. Using focus groups and interviews, the researchers Public Agenda (New York, NY) and Doble Research Associates (Englewood Cliffs, NJ) sought direct information from court users—new information to yield specific, effective strategies for addressing customer concerns identified by the 2005 survey. Mirroring the findings of phase I, court users in the phase II focus groups indicated that they hold generally high levels of confidence in the state's courts and have an especially high regard for judges. The focus groups also confirmed that having a sense of procedural fairness—that court procedures are made through court processes that are fair—is the strongest predictor by far of whether members of the public approve of or have confidence in the California courts.

In addition, the phase II researchers solicited input from two previously untapped stakeholder groups—judicial officers and court administrators—to yield an insiders' perspective on the California courts as well as identify possible means of improving the delivery of justice. These judicial branch members say that improved communication with the public as well as with others on the bench will allow the courts to better serve the public.

Areas of Focus

The following six thematic areas that emerged from the 2005 survey results were explored in phase II. Some highlights of key findings from phase II are identified below. Recommendations for the courts are included in the final report, *Trust and Confidence in the California Courts, Phase II: Public Court Users and Judicial Branch Members Talk About the California Courts*.

Receiving and seeking court information

Court users and judicial branch members in the phase II focus groups overwhelmingly favored having more self-help centers inside the courthouse, with court users also favoring newsletters and mobile self-help centers in key community locations. As noted in phase I, relatively few court users in the phase II focus groups had used court websites, but those who had were very positive about the content and helpfulness of these sites.

Experience in a court case: Incidence and consequences

Californians who use some of the highest volume courts, such as family or traffic court, often report feeling stress and confusion. These court users were more likely to give the courts a less favorable rating. On the other hand, although some wanted more information, most of those with jury experience gave the courts high ratings. Further, they appreciated changes in the jury system that have made jury duty more convenient.

Barriers to taking a case to court

As in phase I, the phase II focus groups cited finding a good, affordable attorney as the main barrier preventing Californians from taking a case to court. One consequence of this barrier has been the rise in the number of litigants who represent themselves in court. This increase in self-representation has led to court delays and a drain on the court system's resources, according to judicial branch members.

Diversity and the needs of a diverse population

California's diverse population creates many challenges for the courts in meeting the needs of court users. Language and interpretation issues are becoming increasingly prevalent in the courts, and court users and branch members agreed that the courts need more interpreters. Court users, community leaders, and judicial branch members alike believe that more diversity on the bench would strengthen confidence in the courts among minorities.

Fairness in procedures and outcomes

On three of the four essential elements of procedural fairness—respect, trust, and neutrality—the majority of Californians say the courts do an outstanding job, according to both the phase I survey and the phase II focus groups.

On the fourth element of procedural fairness—voice, or the sense that those in authority listen to the people involved in a court case—Californians are less likely to say that the courts are doing a good job. Self-represented litigants, Latinos, and African Americans are especially likely to feel this way.

Expectations and performance

In both the phase I survey and the phase II focus groups, the unmet expectation identified most often by Californians was the desire for the courts to be accountable to the public. Increased contact between the public and the courts may make it easier for the public to assess and provide feedback on the performance of the courts while enabling the courts to better understand and communicate with various communities.

How Will the Information Be Used?

The phase II report, *Trust and Confidence in the California Courts, Phase II: Public Court Users and Judicial Branch Members Talk About the California Courts*, is available online (see “Additional resources” below). Preliminary phase II results were delivered in June 2006 and helped inform the Judicial Council’s 2006–2012 strategic planning cycle, including its reassessment of the branchwide strategic plan. The phase II results can also assist the Judicial Council and trial courts in establishing a course of direction and in improving training, public education, and community outreach. As a helpful reference, a companion DVD was also developed to accompany the phase II report. The DVD includes key findings from the phase II report and video clips from the public focus groups showcasing court user comments about the courts.

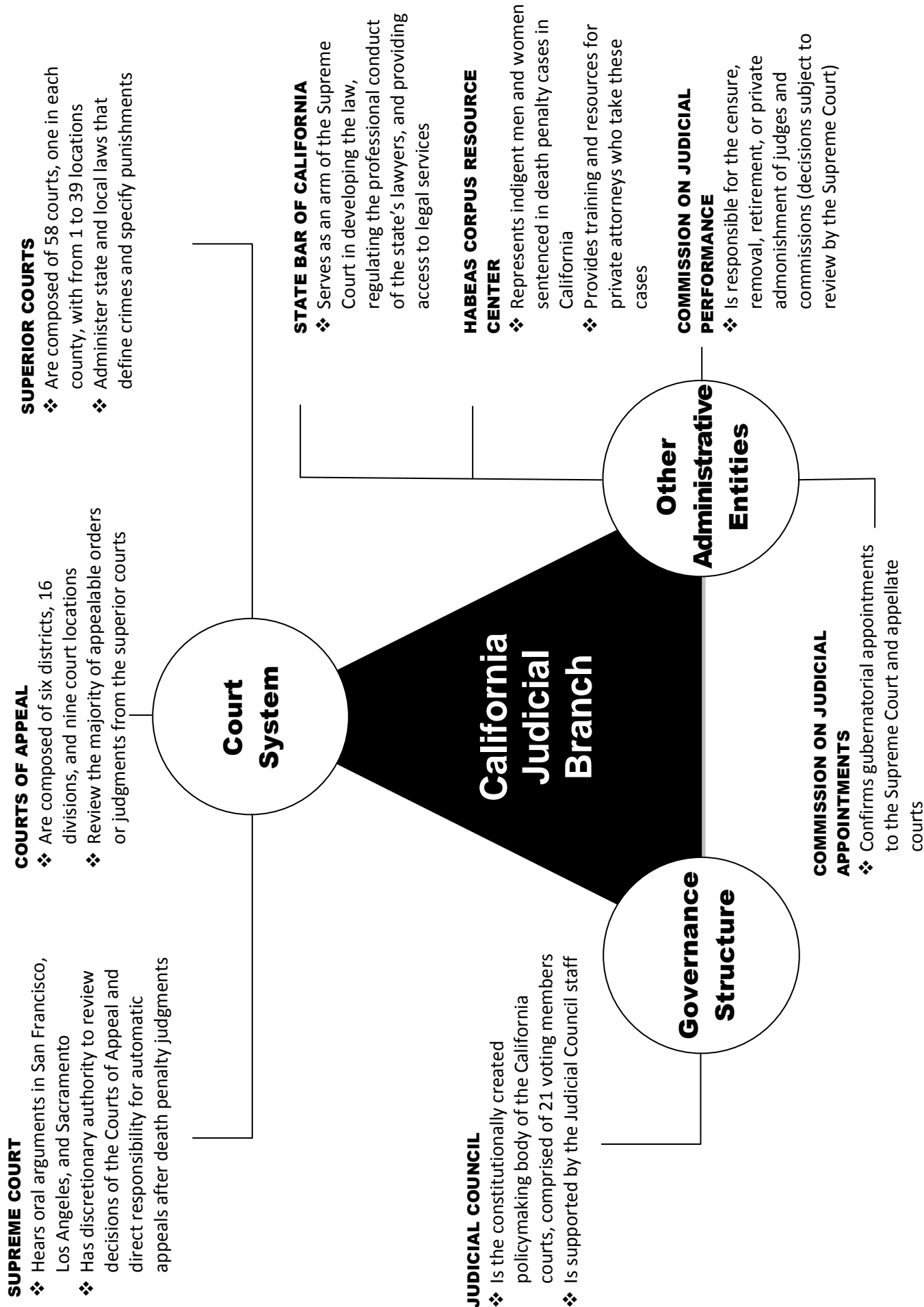
Contact:

Douglas Denton, Senior Court Services Analyst, Court Language Access Support Program, 415-865-7870, douglas.denton@jud.ca.gov

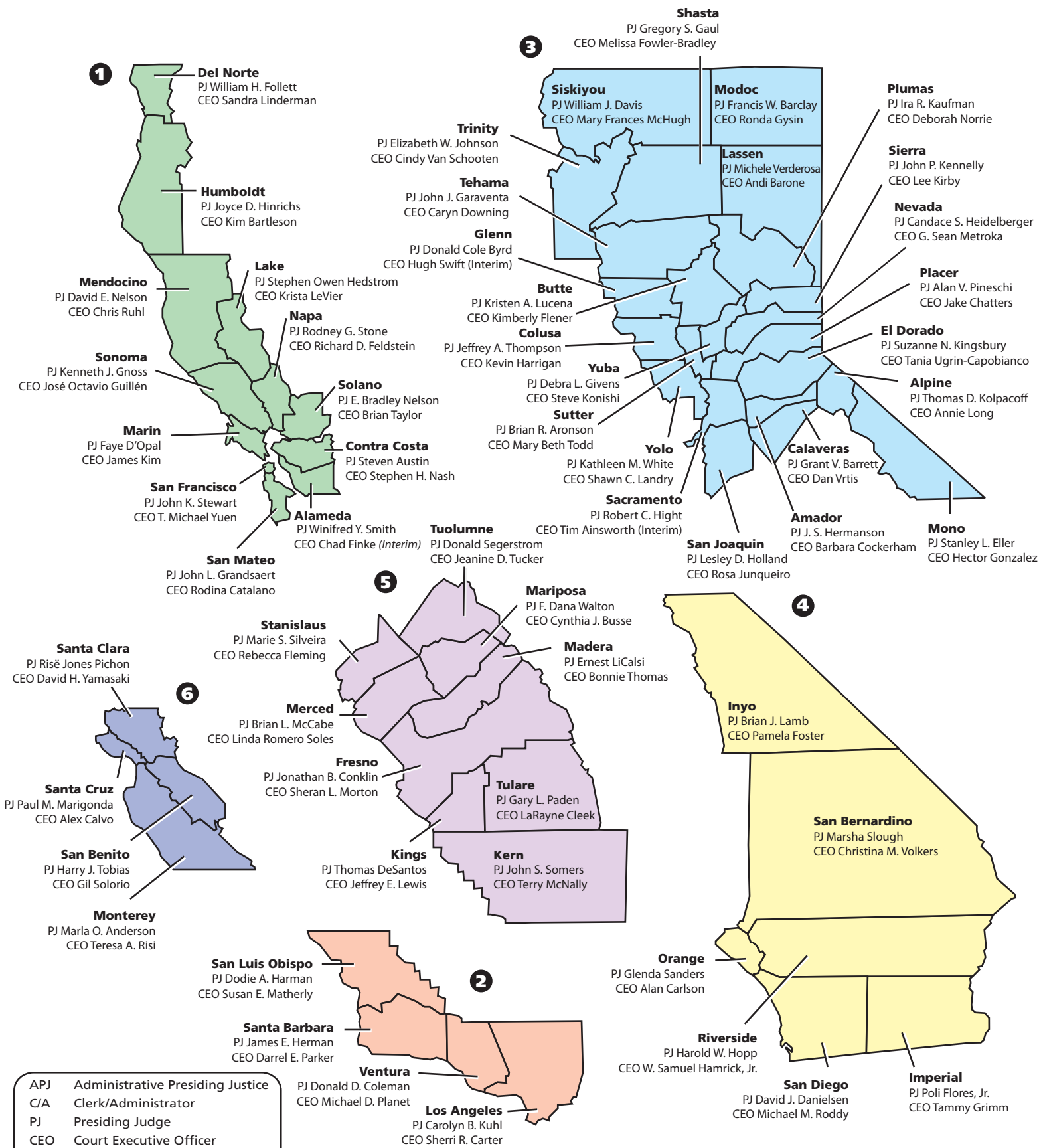
Additional resources:

The phase I and phase II trust and confidence documents are available at www.courts.ca.gov/5275.htm

Highlights of the phase I survey results are described in a companion fact sheet entitled *Trust and Confidence in the California Courts: Phase I*, available at www.courts.ca.gov/7338.htm



California Court Leaders

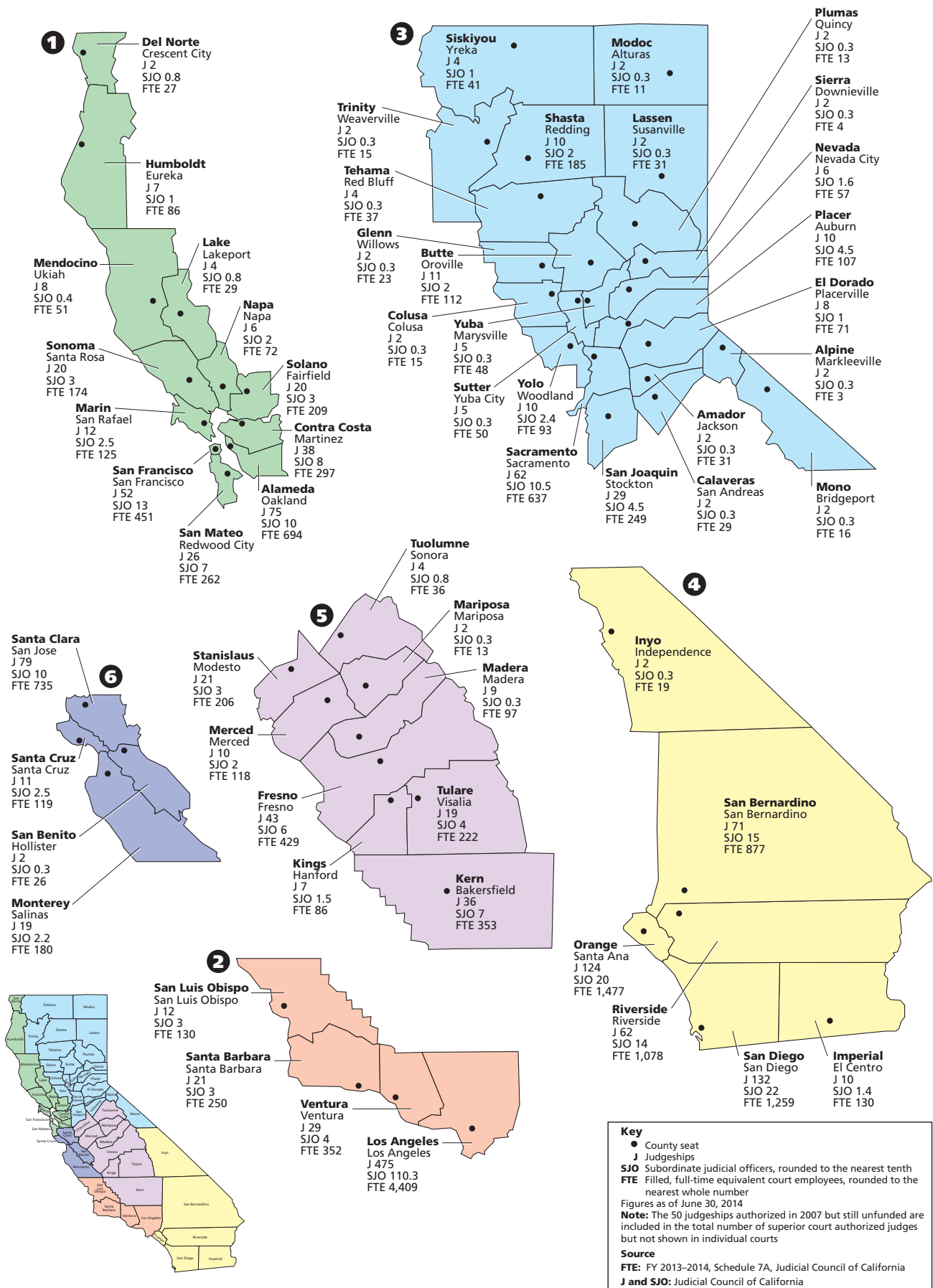


APJ Administrative Presiding Justice
 C/A Clerk/Administrator
 PJ Presiding Judge
 CEO Court Executive Officer

September 25, 2015

- First Appellate District** **1**
 APJ William R. McGuiness
 C/A Diana Herbert
- Second Appellate District** **2**
 APJ Roger W. Boren
 C/A Joseph A. Lane
- Third Appellate District** **3**
 APJ Vance W. Raye
 C/A Deena Fawcett
- Fourth Appellate District** **4**
 APJ Judith D. McConnell
 C/A Kevin J. Lane
- Fifth Appellate District** **5**
 APJ Brad R. Hill
 C/A Charlene Ynson
- Sixth Appellate District** **6**
 APJ Conrad Lee Rushing
 C/A Daniel P. Potter

California Judicial Officers and Court Employees



First Appellate District
 Justices 20
 FTE 89 **1**

Second Appellate District
 Justices 32
 FTE 222 **2**

Third Appellate District
 Justices 11
 FTE 76 **3**

Fourth Appellate District
 Justices 25
 FTE 168 **4**

Fifth Appellate District
 Justices 10
 FTE 64 **5**

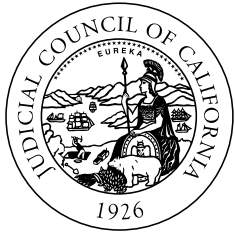
Sixth Appellate District
 Justices 7
 FTE 43 **6**

Supreme Court
 Justices 7
 FTE 128

Superior Courts
 Authorized judges 1,706
 Authorized SJOs 318
 Total FTEs 16,951

State of California • Courts of Appeal Appellate Districts





JUDICIAL COUNCIL
OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

August 2015

California Courts Website [www.courts.ca.gov]

The California Courts website provides information about judicial branch policies, programs, and services. The site includes information about the California courts, legal opinions, Rules of Court, Judicial Council forms, and resources to help Californians navigate the legal system. Highlights include:

California Courts

- Searchable Supreme Court and Court of Appeal opinions, 1850 to the present
- Summaries of Supreme Court cases accepted for review
- Oral argument calendars for the Supreme Court and Courts of Appeal
- Appellate case information lookup
- California Rules of Court
- Links to superior courts' websites

Judicial Council of California

- Downloadable Judicial Council forms
- Judicial Council meeting dates and agendas, audiocasts, and meeting materials
- Judicial Council programs and Chief Justice initiatives
- Official news releases, YouTube channel, Twitter feed, and other social media tools

Online Self-Help Center and Other Programs

- Access to comprehensive self-help legal resources in English and Spanish
- Statewide court interpreters program to increase access to the courts
- Jury service information for jurors and employers
- Criminal Justice and Realignment information
- Judicial branch job listings and online job application system
- Court-related legislation and branchwide initiatives

Contact:

Judicial Council Web Services, 415-865-4200, websitefeedback@jud.ca.gov



ABBREVIATIONS & ACRONYMS COMMONLY USED BY JUDICIAL COUNCIL STAFF

2GEFS	Second Generation Electronic Filing Specifications
ACCMS	Appellate Court Case Management System
ACS	Appellate Court Services (<i>Judicial Council office</i>)
ACTF	Appellate Court Trust Fund
ADA	Americans with Disabilities Act (<i>federal</i>)
ADR	alternative dispute resolution (<i>no caps</i>)
A&E	Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (<i>Judicial Council advisory body</i>)
AED	automated external defibrillator
AIDOAC	Appellate Indigent Defense Oversight Advisory Committee (<i>special committee of the Chief Justice</i>)
AJN	assessed judicial need
AJPs	authorized judicial positions
ASFA	Adoption and Safe Families Act (<i>federal</i>)
ASL	American Sign Language
ASTAR	Advanced Science and Technology Adjudication Resource Center (<i>national</i>)
<i>BAJI</i>	<i>Book of Approved Jury Instructions (California Jury Instructions, Civil; replaced by CACI)</i>
BARJ	balanced and restorative justice
BBC	Bench-Bar Coalition
BCP	budget change proposal (<i>after Judicial Council approval</i>)/budget concept proposal (<i>before Judicial Council approval</i>)
BGSF	building gross square feet
BJA	Bureau of Justice Assistance (<i>part of U.S. Department of Justice</i>)
BSA	Bureau of State Audits (<i>replaced by CSA, California State Auditor</i>)
BSCC	Board of State and Community Corrections
CAAL	California Academy of Appellate Lawyers
CACC	California Association of Collaborative Courts (<i>formerly California Association of Drug Court Professionals, CADCP</i>)
<i>CACI</i>	<i>California Civil Jury Instructions (Judicial Council civil jury instructions; italicized when it stands alone; roman when followed by No. as in CACI No. 209)</i>
CAFM	Computer Aided Facilities Management
CAFR	Comprehensive Annual Financial Report
CalCASA	California Court Appointed Special Advocate Association
<i>CALCRIM</i>	<i>California Criminal Jury Instructions (Judicial Council criminal jury instructions; italicized when it stands alone; roman when followed by No. as in CALCRIM No. 852)</i>
CalDOG	California Dependency Online Guide (<i>website</i>)

Cal EMA	California Emergency Management Agency (<i>part of/succeeded by Governor's Office of Emergency Services, Cal OES</i>)
CALJIC	<i>California Jury Instructions, Criminal</i> (replaced by <i>CALCRIM</i>)
CalPERS	California Public Employees' Retirement System
CalRAPP	California Risk Assessment Pilot Project
CalTech	California Department of Technology (<i>formerly California Technology Agency (CTA) and, before that, Office of the State Chief Information Officer (OCIO)</i>)
CalVet	California Department of Veterans Affairs (<i>compare with VA below</i>)
CalWORKS	California Work Opportunity and Responsibility to Kids
CAPS	Contacts and Positions System (<i>database</i>)
CAPTA	Child Abuse Prevention and Treatment Act (<i>federal</i>)
CARI	California Alliance of Rehabilitation Industries
CARM	<i>Court Administration Reference Manual</i>
CARPOS	California Restraining and Protective Order System (<i>formerly Domestic Violence Restraining Order System</i>)
CARS	Court Accounting and Reporting System (<i>now part of Phoenix Financial System</i>)
CART	communication access real-time translation (<i>accommodation for persons with hearing loss</i>)
CASA	Court Appointed Special Advocate
CASCI	California Association of Superior Court Investigators
CAYC	California Association of Youth Courts
CCA	California Court Association, Inc. (<i>formerly CCCA, California Court Clerks Association</i>)
CCASDHH	California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc.
CCBA	Conference of California Bar Associations
CCF	courthouse construction funds
CCLEA	California Coalition of Law Enforcement Associations
CCPOR	California Courts Protective Order Registry
CCTC	California Courts Technology Center
CCTI	Court Clerk Training Institute
CDAA	California District Attorneys Association
CDCR	California Department of Corrections and Rehabilitation
CDPH	California Department of Public Health (<i>successor to California Department of Health Services (CDHS), for certain functions; see DHCS</i>)
CDSS	California Department of Social Services
CEAC	Court Executives Advisory Committee (<i>Judicial Council advisory body</i>)
CEB	Continuing Education of the Bar
CEFTS	California Electronic Filing Technical Standards
CEP	Coordinated Enforcement Plan (<i>related to JABG</i>)
CEQA	California Environmental Quality Act
CFCC	Center for Families, Children & the Courts (<i>Judicial Council office</i>)
CFP	county facility payments
CFSR	Child and Family Services Reviews
CFTF	Court Facilities Trust Fund (<i>maintenance funds</i>)

CGSF	component gross square feet
CIAP	Court Interpreters Advisory Panel (<i>Judicial Council advisory body</i>)
CIDCS	Court Interpreter Data Collection System
CII	Criminal Identification and Information (<i>database</i>)
CIMCE	Court Interpreter Minimum Continuing Education
CIP	Court Improvement Project (<i>states, including California</i>)
CIP	Court Improvement Program (<i>federal</i>)
CITOC	Court Information Technology Officers' Consortium
CJA	California Judges Association
CJCL	California Judicial Center Library
CJER	Center for Judicial Education and Research (<i>Judicial Council office</i>)
CJP	Commission on Judicial Performance
CJS	Criminal Justice Services (<i>Judicial Council office</i>)
CJSP	Continuing Judicial Studies Program
CLASP	Court Language Access Support Program (<i>Judicial Council staff unit; formerly Court Interpreters Program (CIP)</i>)
CLETS	California Law Enforcement Telecommunications System
CMAR	construction manager at risk (<i>no hyphens for both noun and adjective uses</i>)
CMAS	California Multiple Award Schedules
COMET	Court Online Mentoring, Education, and Training (<i>website</i>)
COMIO	Council on Mentally Ill Offenders
Comm/Comm	Communications About Committees (<i>Judicial Council staff entity</i>)
COBCP	capital-outlay budget change proposal
COOP	Continuity of Operations Plan
COS	Court Operations Services (<i>Judicial Council office</i>)
COSCA	Conference of State Court Administrators
CPDA	California Public Defenders Association
CPOC	Chief Probation Officers of California
CPPCA	California Probation, Parole and Correctional Association
CRF	Constitutional Rights Foundation
CRT	Collections Reporting Template
CSA	California State Auditor (<i>formerly Bureau of State Audits (BSA)</i>)
CSAC	California State Association of Counties
CSCR	California State Contracts Register
CSMA	California State Marshals' Association
CSSA	California State Sheriffs' Association
CTAC	Court Technology Advisory Committee (<i>Judicial Council advisory body</i>)
CTCCA	Coalition of Trial Court Clerk Associations
CWS/CMS	Child Welfare Services/Case Management System
CYA	California Youth Authority (<i>renamed Division of Juvenile Justice, California Department of Corrections and Rehabilitation</i>)
DA, DAs	district attorney, district attorneys
DBB	design, bid, build

DBFO	design, build, finance, operate
DBFOM	design, build, finance, operate, and maintain
DCSS	California Department of Child Support Services
(Decd.)	Deceased (<i>in parentheses, after person's name</i>)
DGS	Department of General Services (<i>California</i>)
DHCS	Department of Health Care Services (<i>California; successor to California Department of Health Services (CDHS), for certain functions; see CDPH</i>)
DOF	Department of Finance (<i>California</i>)
DOJ	Department of Justice (<i>U.S. or California</i>)
DRAFT	Dependency Representation, Administration, Funding, and Training (<i>court-appointed dependency counsel program</i>)
DSA	Division of the State Architect
DUI	driving under the influence (<i>used interchangeably with DWI (driving while intoxicated)</i>)
DVBE	Disabled Veteran Business Enterprise
DV-FLIP	Domestic Violence—Family Law Interpreter Program
DVPA	Domestic Violence Prevention Act
DVSP	Domestic Violence Safety Partnership (<i>project</i>)
EEOC	U.S. Equal Employment Opportunity Commission
EGG	Editing and Graphics Group (<i>Judicial Council staff, part of JCS</i>)
E&P	Executive and Planning Committee (<i>Judicial Council internal committee</i>)
EBPs	evidence-based practices
EFSPs	electronic filing service providers
EIA	CSAC Excess Insurance Authority
EIS	environmental impact study (<i>required under CEQA</i>)
ELAN	Executive Legislative Action Network
ESIP	Extended Service Incentive Program
FAPE	free, appropriate public education
FEO	financial evaluation officer (<i>related to JDCCP</i>)
FLEXCOM	State Bar of California, Family Law Section executive committee
FLSA	Fair Labor Standards Act (<i>federal</i>)
FLTF	Family Law Trust Fund
FMLA	Family and Medical Leave Act (<i>federal</i>)
FTB-COD	Franchise Tax Board Court-Ordered Debt
FTB-IIC	Franchise Tax Board Interagency Intercept Collection
FTE	full-time equivalent
GAAP	Generally Accepted Accounting Principles
GED	general educational development (<i>but OK to use acronym alone</i>)
HCRC	Habeas Corpus Resource Center
HIPAA	Health Insurance Portability and Accountability Act (<i>federal</i>)
HREMS	Human Resources and Education Management System
HRMIS	Human Resources Management Information System
HR	Human Resources (<i>Judicial Council office</i>)
IBR	Incremental Budget Request

I-CAN	Interactive Community Assistance Network
ICM	Institute for Court Management
ICNA	Immediate and Critical Needs Account (<i>SB 1407 funds</i>)
ICWA	Indian Child Welfare Act (<i>federal</i>)
IEP	individualized education program
IMF	State Trial Court Improvement and Modernization Fund (<i>sometimes referred to as STCIMF; combines former JAEMF (or Mod Fund) and TCIF</i>)
IOLTA	Interest on Lawyers' Trust Accounts
ISB	Integrated Services Backbone
IT	Information Technology (<i>Judicial Council office</i>)
ITC	invitation to comment
JABG	Juvenile Accountability Block Grants (<i>federal</i>)
JAEMF	Judicial Administration Efficiency and Modernization Fund (<i>more commonly called Modernization Fund or Mod Fund; replaced by IMF</i>)
JAG	Judge Advocate General
JAIC	Judicial Administration Institute of California (<i>former administrative education department of the Judicial Council's staff agency; part of CJER since 1994</i>)
JBCL	Judicial Branch Contract Law (<i>California</i>)
JBCM	<i>Judicial Branch Contracting Manual</i>
JBSIS	Judicial Branch Statistical Information System
JCAR	Judicial Council Agenda Request form
JCCC	Judicial Council Conference Center (<i>full name is William C. Vickrey Judicial Council Conference Center</i>)
JCS	Judicial Council Support (<i>Judicial Council office, combines Editing and Graphics Group (EGG) and former Secretariat</i>)
JCTC	Judicial Council Technology Committee (<i>Judicial Council internal committee</i>)
JDCCP	Juvenile Dependency Counsel Collections Program
JEF	Judicial Education Fund
JILL	Judicial Image Library and Locator (<i>database</i>)
JLBC	Joint Legislative Budget Committee (<i>California</i>)
JNE	Commission on Judicial Nominees Evaluation of the State Bar (<i>informally referred to as the "Jenny" Commission</i>)
JPE	judicial position equivalent
JRS	Judges' Retirement System
JRTA	Judicial Resources and Technical Assistance (<i>project</i>)
JXDD	Justice XML Data Dictionary
Kin-GAP	Kinship Guardianship Assistance Payment program
LAIF	Local Agency Investment Fund (<i>California</i>)
LAO	Legislative Analyst's Office
LAP	language access plan
LBJP	Long Beach Judicial Partners (<i>formerly California Judicial Partners</i>)
LEA	local educational agency; law enforcement agency
LEED	Leadership in Energy and Environmental Design

LEP	limited English proficiency (<i>noun</i>); limited-English-proficiency (<i>adjective</i>)
LERU	Labor and Employee Relations Unit (<i>former name of unit within Judicial Council Human Resources office; now called Labor and Employee Relations Services</i>)
LEU	Labor and Employment Unit (<i>within Judicial Council Legal Services office</i>)
LLC	limited liability company
LLEA	Local Law Enforcement Assistance
LLP	limited liability partnership
MCLE	Minimum Continuing Legal Education
MEPA	Multiethnic Placement Act of 1994 (<i>federal</i>)
MMCC	Milton Marks Conference Center
MND	mitigated negative declaration
Mod Fund	Judicial Administration Efficiency and Modernization Fund (<i>replaced by IMF</i>)
MOE	maintenance of effort
MOU/MOUs	memorandum of understanding/memoranda of understanding
NACM	National Association for Court Management
NADCP	National Association of Drug Court Professionals
NAJIT	National Association of Judiciary Interpreters and Translators
NASJE	National Association of State Judicial Educators
NASPO	National Association of State Procurement Officials
NCSC	National Center for State Courts
NEO	New Employee Orientation (<i>for Judicial Council staff</i>)
NJO	New Judge Orientation (<i>CJER</i>)
NSF	net square feet
OCJP	Office of Criminal Justice Planning (<i>California department, dismantled in 2004</i>)
OCR	Office of Court Research (<i>Judicial Council staff unit</i>)
OJJDP	U.S. Office of Juvenile Justice and Delinquency Prevention
OPS	oral proficiency screening (<i>of court interpreters</i>)
OSDS	Office of Small Business and Disabled Veteran Business Enterprise Services (<i>California</i>)
PACER	Public Access to Court Electronic Records (<i>federal service</i>)
PAF	Advisory Committee on Providing Access and Fairness (<i>Judicial Council advisory body</i>)
PAJAR	public access to judicial administrative records (<i>see Cal. Rules of Ct., rule 10.500</i>)
PBI	performance-based infrastructure (<i>used interchangeably with PPP</i>)
PCLC	Policy Coordination and Liaison Committee (<i>Judicial Council internal committee</i>)
PDF	portable document format
PDQ	position description questionnaire
PERB	Public Employment Relations Board (<i>California</i>)
PFR	probation failure rate
PORAC	Peace Officers Research Association of California
PPP	public-private partnership (<i>also known as P3</i>)
PRCS	postrelease community supervision
RAR	RUPRO Action Request form

RAS	Resource Allocation Study
RCP	Review of Capital Project
REFM	Real Estate and Facilities Management (<i>Judicial Council office</i>)
RFI	request for information
RFP	request for proposals
RFQ	request for qualifications
RID	Registry of Interpreters for the Deaf, Inc.
RVP	remote video proceedings (<i>for traffic infractions</i>)
RUPRO	Rules and Projects Committee (<i>Judicial Council internal committee</i>)
SC:L	Specialist Certificate: Legal
SABRC	State Agency Buy Recycled Campaign (<i>California</i>)
SAIL	Secure Access Internet Login
SAL	state appropriations limit
SAM	State Administrative Manual
SAP	systems, applications, and products software
SARB	School Attendance Review Board
SARMS	Substance Abuse Recovery Management System
SCFCF	State Court Facilities Construction Fund (<i>SB 1732 funds</i>)
SCM	State Contracting Manual
SCO	State Controller's Office
SDU	State Disbursement Unit (<i>for child support collection by DCSS</i>)
SEBS	Statewide Electronic Business Services
SEC	Strategic Evaluation Committee (<i>special committee of the Chief Justice</i>)
SELPA	special education local plan area
SJI	State Justice Institute
SJO	subordinate judicial officer
SLAPP	strategic lawsuit against public participation
SMEs	subject-matter experts
SMIF	Surplus Money Investment Fund
SNAP	Supplemental Nutrition Assistance Program (<i>federal government name for program formerly known as Food Stamps; in California CalFresh is the new name</i>)
SPWB	State Public Works Board
SUSRS	Statewide Uniform Statistical Reporting System
T&D	training and development position
TANF	Temporary Assistance for Needy Families (<i>replaced AFDC</i>)
TCAS	Trial Court Administrative Services (<i>Judicial Council office</i>)
TCBAC	Trial Court Budget Advisory Committee (<i>Judicial Council advisory body</i>)
TCIF	Trial Court Improvement Fund (<i>replaced by IMF</i>)
TCL	Trial Court Liaison (<i>Judicial Council office</i>)
TCPJAC	Trial Court Presiding Judges Advisory Committee (<i>Judicial Council advisory body</i>)
TCRM	Trial Court Records Manual
TCTF	Trial Court Trust Fund
TDD	telecommunications device for the deaf

TIFF	Tagged Image File Format
TILP	Transitional Independent Living Plan
TPTF	Technology Planning Task Force (<i>Judicial Council advisory body</i>)
UCCJEA	Uniform Child Custody Jurisdiction and Enforcement Act (<i>federal</i>)
UCF	Uniform Civil Fees and Standard Fee Schedule Act of 2005 (<i>California</i>)
UFC	unified family court
USGBC	U.S. Green Building Council (<i>administers LEED program</i>)
VA	U.S. Department of Veterans Affairs (<i>before 1981 this stood for Veterans Administration; see also CalVet above</i>)
VAWA	Violence Against Women Act (<i>federal</i>)
VAWEP	Violence Against Women Education Project
VfM	value for money
VoIP	Voice over Internet Protocol
VORP	victim offender reconciliation program
VRI	video remote interpreting (<i>for American Sign Language</i>)
VSIP	Voluntary Separation Incentive Program
WAAC	Workload Assessment Advisory Committee (<i>Judicial Council advisory body; replaces Judicial Branch Resource Needs Assessment Advisory Committee, which replaced the SB 56 Working Group</i>)
WAFM	Workload-Based Allocation and Funding Methodology
WAMS	Web access management system
WSCA	Western States Contracting Alliance



Cross-Cultural Court Exchange—Yurok Tribe

Klamath Tribal Offices

190 Klamath Blvd
Klamath, CA 95548

January 6, 2016

Judges Abby Abinanti, William Follett, and Christopher G. Wilson are co-hosting this cross-court exchange on child support with cross-over issues relating to domestic violence. This exchange is financially assisted through Grant Award Number CW14131535 from the California Office of Emergency Services (CalOES).

- 9:00 – 9:15 a.m. **Welcome**
Hon. Abby Abinanti
Hon. William Follett
Hon. Christopher G. Wilson
- 9:15 – 9:45 a.m. **Tribal Court Tour**
Hon. Abby Abinanti
- 9:45 – 10:00 a.m. **Session 1: History of Collaboration**
Hon. Abby Abinanti
Hon. William Follett
Hon. Christopher G. Wilson
- 10:00 – 10:30 a.m. **Session 2: History of Tribal IV-D Program**

National Context and Roadmap:
Ms. Kathleen Hrepich, Chief Counsel
California Department of Child Support Services
Mr. Michael Wright (invited)

Yurok Tribal IVD Program: Description of the Court and Services
Hon. Abby Abinanti and TBD
- 10:30 – 10:40 a.m. **Break**
- 10:40 – 11:15 a.m. **Session 3: Concurrent Jurisdiction**
Hon. Rebecca Wightman, Commissioner (invited)
Superior Court of San Francisco County



11:15 a.m. – 12:15 p.m.

Session 4: Transfer Process- Roles and Responsibilities

Facilitator: TBD

Facilitated discussion to clarify participants' roles and responsibilities
(*In advance and as part of the invitation, participants will be asked to prepare a short paragraph describing their role and responsibilities, which will be provided as a handout and starting place for discussion.*)

- DCSS
- Local child support agency
- Local family law facilitator
- Local tribal support program team members
- Local tribal IVD attorney
- Tribal court judge
- State court judge or Commissioner

12:15 – 1:15 p.m.

Lunch

1:15 – 2:15 p.m.

Session 5: Transfer Process–Examining Rule 5.372 of the California Rules of Court

Facilitator: TBD

Facilitated discussion to identify which parts of the current process are working and which parts are not.

2:15 – 3:30 p.m.

Session 6: Hypotheticals–Working Through Implementation Questions

Facilitator: TBD

3:30 – 3:45 p.m.

Break

3:45 – 5:00 p.m.

Discussion/Next Steps

Facilitated by Judges Abinanti, Follett, and Wilson

- A. Rule Recommendations
- B. Protocols, Guidelines, FAQs Development
- C. Annual IVD Conference Workshop
- D. Child Support Guideline Study
- E. Other

Qualifies for 6.0 hours of continuing education units (MCLE)

CALIFORNIA COURTS

THE JUDICIAL BRANCH OF CALIFORNIA

[close this page](#)

Civic Learning Initiative

THE POWER OF DEMOCRACY

Chief Justice Tani G. Cantil-Sakauye is committed to a broad and far-reaching effort to improve civic awareness, learning, and engagement in California. The Power of Democracy campaign is supported statewide in partnership with the judicial branch to help revitalize democracy in California.



2015 California PTA Convention

The power of civic learning and engagement was front and center at the California PTA Convention, when Chief Justice Tani G. Cantil-Sakauye was interviewed by past PTA president Carol Kocivar.

CIVIC LEARNING AND ENGAGEMENT EFFORTS

[The Power of Democracy Steering Committee](#)

The Chief Justice appointed this statewide judicial branch leadership group to promote civics literacy in California's schools. The committee includes representatives of all three levels of the California courts, the State Bar and local bar associations, as well as local and state education organizations that are also actively supporting the effort.

[Chief Justice's Civic Learning Award](#)

Presented in collaboration with the State Superintendent of Public Instruction, this award was first announced at the [Civic Learning Summit](#) in Feb 2013. In its first two years, the awards program recognized public high schools for their achievements in civics education. In 2015, the award concentrated on public elementary and middle schools. These award-winning school programs serve as models and are shared with educators throughout the state committed to improving their own local civic learning efforts.



[Law Day](#)

This annual event is commemorated during the first week in May. Courts, in partnership with local bar associations, host local events.

[Civic Learning Presentations](#)

The Chief Justice and members of the leadership group frequently speak about civic learning and present at conferences such as the California School Boards Association, the Association of California School Administrators, and the California Council for the Social Studies conferences.

[Courts in the Classroom](#)

The judicial branch partners with the Constitutional Rights Foundation to host this animated online resource about the courts for middle and high school students. The two organizations also co-sponsor the annual Bill of Rights Cartoon Contest with the California PTA.

[Online Civic Education Resources](#)

The California On My Honor program was defunded in 2011 due to budget cuts. The products of that program are still of great value by providing online civic learning resources for teachers and students, including a free searchable collection of K-12 lesson plans created for teachers by teachers.

Supreme Court

Hundreds of California high school, college, and law school students attend the student outreach sessions of the [California Supreme Court](#). The program includes instructional materials for teachers, online legal briefs, and a live statewide broadcast of the court's oral arguments on important legal issues.

Appellate Courts

The [Appellate Court Experience \(ACE\)](#) is a program designed to deepen high school students' understanding of the judicial system. The program includes a classroom curriculum, followed by a visit to a Court of Appeal to observe oral arguments in the case previously studied in the classroom.



Watch this video about how one appellate court collaborated with the local school district to develop artwork depicting famous court cases for its new courthouse.

Superior Courts

[Youth courts in California](#) have been growing at a phenomenal rate over the last 15 years. In 1991, there were only two youth courts in California. Now there are now over 80 in California and over 1,400 nationwide.

- Courts host competitive mock trial competitions with their County Offices of Education.
- Students visit the courts, observe trials, and interact with judges and court staff.



Watch this video of New Technology High School's visit to the Superior Court of Sacramento County.

Advisory Body Name

Annual Agenda—2016

Approved by E&P/RUPRO: _____

I. ADVISORY BODY INFORMATION

Chair:	Judge Abby Abinanti and Justice Dennis M. Perluss
Staff:	Ms. Jennifer Walter, Supervising Attorney, Center for Families, Children & the Courts
<p>Advisory Body's Charge: The forum makes recommendations to the council for improving the administration of justice in all proceedings in which the authority to exercise jurisdiction by the state judicial branch and the tribal justice systems overlaps.</p> <p>In addition to the general duties and responsibilities applicable to all advisory committees as described in rule 10.34, the forum must:</p> <ol style="list-style-type: none">1. Identify issues of mutual importance to tribal and state justice systems, including those concerning the working relationship between tribal and state courts in California;2. Make recommendations relating to the recognition and enforcement of court orders that cross jurisdictional lines, the determination of jurisdiction for cases that might appear in either court system, and the sharing of services between jurisdictions;3. Identify, develop, and share with tribal and state courts local rules of court, protocols, standing orders, and other agreements that promote tribal court–state court coordination and cooperation, the use of concurrent jurisdiction, and the transfer of cases between jurisdictions;4. Recommend appropriate activities needed to support local tribal court–state court collaborations; and5. Make proposals to the Governing Committee of the Center for Judicial Education and Research on educational publications and programming for judges and judicial support staff. <p>[Excerpted from California Rules of Court, Rule 10.60]</p>	

Advisory Body’s Membership: Twenty-nine positions—1 vacancy and 28 members representing the following categories:

- 12 Tribal Court Judges (nominated by their tribal leadership, representing 13 of the 23 tribal courts currently operating in California; these courts serve approximately 39 tribes)
- Director of the California Attorney General’s Office of Native American Affairs (ex officio)
- Tribal Advisor to the California Governor (ex officio)
- 1 Appellate Justice
- 7 Chairs or their Designees of the following California Judicial Council advisory committees:
 - Access and Fairness Advisory Committee
 - Center for Judicial Education and Research (CJER) Governing Committee
 - Civil and Small Claims Advisory Committee
 - Criminal Law Advisory Committee
 - Family and Juvenile Law Advisory Committee
 - Probate and Mental Health Advisory Committee
 - Traffic Advisory Committee
- 5 Trial Court Judicial Officers (selected from local courts in counties where tribal courts are situated and one from Los Angeles*)
- 1 Retired Judge (advisory)

* Judge D. Zeke Zeidler, who was originally appointed as a member of the Access and Fairness Advisory Committee, is finishing out his term, which expires on September 14, 2017.

Subgroups/Working Groups: None

Advisory Body’s Key Objectives for 2016:

1. Make policy recommendations that enable tribal and state courts to improve access to justice, to issue orders, and to enforce orders to the fullest extent allowed by law.
2. Increase Tribal/State Partnerships that identify issues of mutual concern and proposed solutions.
3. Make recommendations to committees developing judicial education institutes, multi-disciplinary symposia, distance learning, and other educational materials to include content on federal Indian law and its impact on state courts, including interjurisdictional issues.

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1	<p>Policy Recommendations: A. Legislative Study</p> <p>SB 406, Judicial Council-sponsored legislation, included both a “sunset” provision (Code of Civ. Proc. § 1742) providing that the legislation will expire on January 1, 2018 unless legislative action is taken to extend it, and a requirement that the California Law Revision Commission “conduct a study of the standards for recognition of a tribal court or a foreign court judgment under the Tribal Court Civil Money Judgment Act and the Uniform Foreign-Country Money Judgments Recognition Act, and submit a report of its findings and recommendations to the Legislature and the Governor no later than January</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal II: Independence and Accountability. Operational Plan Objective 3.</p> <p>Strategic Plan Goal III: Modernization of Management and Administration. Operational Plan Objective 5.</p> <p>Strategic Plan Goal VI: Branchwide Infrastructure for Service Excellence. Operational Plan Objective 4.</p> <p>Origin of Project: Forum</p> <p>Resources: Forum and Policy Coordination and Liaison Committee (PCLC)</p> <p>Judicial Council Staffing: Office of Governmental Affairs (OGA)</p> <p>Key Objective Supported: 1</p>	January 1, 2018	Study completed; findings and recommendations submitted to the council for consideration by the Legislature and the Governor.

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>1, 2017.” (Stats. 2014, ch. 243, § 1.)</p> <p>In light of the Judicial Council’s interest in the subject matter, the forum proposes researching the effects, if any, of SB 406—specifically, how it has been used, whether it has achieved its goal of simplifying the recognition and entry of tribal court civil money judgments, and whether there are any issues or concerns with extending the legislation.</p> <p>To undertake this research, the forum is collaborating with Professor Katherine Florey at the U.C. Davis School of Law.</p>		<p>Make policy recommendations that enable tribal and state courts to improve access to justice, to issue orders, and to enforce orders to the fullest extent allowed by law.</p>		
2	<p>Policy Recommendation: B. Rules and Forms-Indian Child Welfare Act</p> <p><i>Major Tasks:</i> (i) Monitor pending California Supreme Court case <i>In re Abigail (2014) 226 Cal.App.4th 1450 [173 Cal.Rptr.3d 191]</i>, review</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal II: Operational Plan Objective 3.</p> <p>Strategic Plan Goal III: Operational Plan Objective 5.</p> <p>Strategic Plan Goal VI: Operational Plan Objective 4.</p>	2017	<p>Rule and form recommendations that comply with case law and federal rules and guidelines implementing the Indian Child Welfare Act.</p>

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p><i>granted Sept. 10, 2014, S220187 for possible amendments to rules 5.482(c) and 5.484(c)(2) and</i></p> <p>(ii) Review pending <i>Regulations for State Courts and Agencies in Indian Child Custody Proceedings</i> (as published in the Federal Register on March 20, 2015 (Vol. 80 FR No. 54 14880) and approved Bureau of Indian Affairs Guidelines (as published in the Federal Register on February 25, 2015 (Vol. 80 FR No. 37 10146) for possible amendments to Title 5. Family and Juvenile Rules relating to the Indian Child Welfare Act.</p>		<p>Origin of Project: California Department of Social Services and Statewide Workgroup on the Indian Child Welfare Act</p> <p>Resources: Appellate Advisory Committee, Family and Juvenile Law Advisory Committee, and Forum</p> <p>Judicial Council Staffing: LSO</p> <p>Key Objective Supported: 1</p>		
3	<p>Policy Recommendations:</p> <p>C. Technological Initiatives</p> <p><i>Major Tasks</i></p> <p>(i) Consult with the California Attorney General’s Office regarding access to California Law Enforcement Telecommunications System (CLETS) by tribal courts.</p> <p>(ii) Recommend Judicial Council staff continue giving tribal courts access to the</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal II: Operational Plan Objective 3</p> <p>Strategic Plan Goal III:</p> <p>Operational Plan Objective 5: Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.</p>	Ongoing	<p>(i) Tribal court judges will be able to enter their protective orders into CLETS and enforcement will be improved</p> <p>(ii) State and tribal courts will be able to see each other’s protective orders, to</p>

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>California Courts Protective Order (CCPOR) Registry.</p> <p>(iii) Consult with the Stanford Design Center regarding the development of an electronic application to improve inquiry and notice under the Indian Child Welfare Act.</p>		<p>Strategic Plan Goal VI:</p> <p>Operational Plan Objective 4: Implement new tools to support the electronic exchange of court information while balancing privacy and security.</p> <p>Origin of Project: Forum</p> <p>Resources: Forum</p> <p>Judicial Council Staffing: Information Technology</p> <p>Collaborations: California Attorney General's Office</p> <p>Key Objective Supported: 1</p>		<p>avoid conflicting orders, and to promote enforcement of these orders.</p> <p>(iii) Application will be developed and will improve inquiry and notice practices under the Indian Child Welfare Act.</p>
4	<p>Policy Recommendation:</p> <p>D. Other</p> <p>Prepare a request to the California Supreme Court's Advisory Committee on the Code of Judicial Ethics to amend the canons to permit a judge who sits concurrently on a tribal court and a state court to fundraise on behalf of a tribal court.</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal II Operational Plan Objective 3</p> <p>Strategic Plan Goal III Operational Plan Objective 5</p> <p>Strategic Plan Goal VI Operational Plan Objective 4</p> <p>Origin of Project: Forum and legislative study by CLRC</p>	2016	Request submitted.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Resources: Forum Judicial Council Staffing: Collaborations: CLRC Key Objective supported: 1		
5	Increase Tribal/State Partnerships: A. Sharing Resources and Communicating Information About Partnerships Major Tasks: (i) Identify council and other resources that may be appropriate to share with tribal courts. (ii) Identify tribal justice resources that may be appropriate to share with state courts. (iii) Identify grants for tribal/state court collaboration (iv) Share resources and information about partnerships through Forum E-Update, a monthly electronic newsletter (v) Publicize these partnerships at conferences, on the	2(b)	Judicial Council Direction: Strategic Plan Goal I: Access, Fairness, & Diversity. Operational Plan Objectives 1, 2, 4: <ul style="list-style-type: none"> • Ensure that all court users are treated with dignity, respect, and concern for their rights and cultural backgrounds, without bias or appearance of bias, and are given an opportunity to be heard. • Identify and eliminate barriers to court access at all levels of service; ensure interactions with the court are understandable, convenient, and perceived as fair. • Expand the availability of legal assistance, advice and representation for litigants with limited financial resources. Strategic Plan Goal IV: Quality of Justice and Service to the Public. Operational Plan Objectives 1, 3:	Ongoing	

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>Innovation Knowledge Center (IKC), and at other in-person or online venues.</p>		<ul style="list-style-type: none"> • Foster excellence in public service to ensure that all court users receive satisfactory services and outcomes. • Develop and support collaborations to improve court practices to leverage and share resources and to create tools to educate court stakeholders and the public. <p>Origin of Projects: Forum and California State-Federal Judicial Council</p> <p>Resources: Court Executives Advisory Committee (CEAC), Forum, and Task Force on Trial Court Fiscal Accountability</p> <p>Judicial Council Staffing: Court Operations Special Services Office, and Leadership Services Division</p> <p>Collaborations: Local tribal and state courts</p> <p>Key Objective Supported: 2 Increase Tribal/State Partnerships that identify issues of mutual concern and proposed solutions.</p>		

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
6	<p>Increase Tribal/State Partnerships:</p> <p>B. Education and technical assistance to promote partnerships and understanding of tribal justice systems</p> <p>Major Tasks:</p> <p>(i) Make recommendation to Judicial Council staff to continue providing educational and technical assistance to local tribal and state courts to address domestic violence and child custody issues in Indian Country</p> <p>(ii) Make recommendation to Judicial Council staff to continue giving technical assistance to tribal and state courts interested in establishing a joint jurisdictional court.</p> <p>(iii) Make recommendation to the Judicial Council staff to develop civics learning opportunities for youth that exposes them to opportunities and careers in tribal and state courts.</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal I Operational Plan Objectives 1, 2, 4</p> <p>Strategic Plan Goal IV Operational Plan Objectives 1, 3</p> <p>Origin of Projects: Forum and California State-Federal Judicial Council</p> <p>Resources: Court Executives Advisory Committee (CEAC), Forum, and Task Force on Trial Court Fiscal Accountability</p> <p>Judicial Council Staffing: Court Operations Special Services Office, and Leadership Services Division</p> <p>Collaborations: Local tribal and state courts</p>	Ongoing	

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	(iv) Make recommendation for a voluntary tribal/state program that gives state and federal court judges the opportunity to serve as a tribal court judge.				
7	<p>C. Tribal/State collaborations that increase resources for courts</p> <p>Major Tasks:</p> <p>(i) Develop and implement strategy to seek resources</p>	2(b)	<p>Key Objective Supported: 2</p> <p>Judicial Council Direction: Strategic Plan Goal IV Operational Plan Objectives 1, 3</p> <p>Origin of Projects: Forum</p> <p>Resources: Forum</p> <p>Judicial Council Staffing:</p> <p>Collaborations: Local tribal and state courts</p> <p>Key Objective Supported: 2</p>	Ongoing	
8	<p>Education:</p> <p>A. Judicial Education (Program)</p> <p>In collaboration with the CJER Curriculum Committees, consult on and participate in making recommendations to revise the CJER online toolkits so</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal V</p> <p>Operational Plan Objective 1:</p> <ul style="list-style-type: none"> • Provide relevant and accessible education and professional development opportunities for all judicial officers (including court- 	Ongoing, completion date depends on funding.	CJER toolkits, located on the Judicial Resources Network, will be updated to include federal Indian law.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>that they integrate resources and educational materials from the forum’s online federal Indian law toolkit. Forum judges are working together with committee representatives from the following curriculum committees: (1) Access, Ethics, and Fairness; (2) Civil; (3) Criminal; (4) Family; (5) Juvenile Dependency and Delinquency; and (6) Probate.</p>		<p>appointed temporary judges) and court staff.</p> <p>Origin of Projects: Forum and California State-Federal Judicial Council Resolution (June 1, 2012).</p> <p>Resources: Center for Judicial Education and Research (CJER) Governing Committee and forum</p> <p>Judicial Council Staffing:</p> <p>Key Objective Supported: 3</p>		
9	<p>Education: B. Education- Documentary Consult on and participate in the production of a documentary describing tribal justice systems and highlighting collaboration between these systems and the state justice system in California.</p>	2(b)	<p>Judicial Council Direction: Strategic Plan Goal V</p> <p>Operational Plan Objective 1:</p> <ul style="list-style-type: none"> • Provide relevant and accessible education and professional development opportunities for all judicial officers (including court-appointed temporary judges) and court staff. <p>Origin of Projects: Forum and California State-Federal Judicial Council Resolution (June 1, 2012).</p>	Ongoing, completion date depends on funding.	

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Resources: Center for Judicial Education and Research (CJER) Governing Committee and forum Judicial Council Staffing: Key Objective Supported: 3		

III. STATUS OF 2015 PROJECTS:

[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
I.	<p>Policy Recommendation: Legislation A.1. Made recommendations to support amendment to Family Code to expressly authorize tribal court judges to solemnize marriages. AB 445 was identified as the vehicle for this policy recommendation; the Legislature made it a two-year bill.</p>	Ongoing
	<p>Policy Recommendation: Legislation A.2. Prepared Comment, which was approved by the council and submitted to the to the Federal Office of Child Support Enforcement on the <i>Notice of Proposed Rule Making (NPRM): Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs</i> (as published in the Federal Register on November, 17, 2014 (Vol. 79 FR No. 221 68548)</p>	January 15, 2015.
	<p>Policy Recommendation: Rules and Forms- Indian Child Welfare Act and Inter-Court Transfer of Cases B. Prepared Rule and Form Proposal, which was approved by the council, concerning the transfer of court proceedings involving an Indian child from the jurisdiction of the state court to a tribal court. This proposal was in response to provisions of Senate Bill 1460 (Stats. 2014, ch. 772) (SB 1460) and the Court of Appeal decision in <i>In re. M.M. (2007) 154 Cal.App.4th 897</i>. SB 1460 requires the state juvenile court to give the tribal court specific information and documentation when a case governed by the Indian Child Welfare Act is transferred. The <i>In re M.M.</i> decision implicates an objecting party’s right to appeal a decision granting a transfer to a tribal court. (proposal amended Cal. Rules of Court, rules 5.483 and 5.590, and revised forms ICWA-060 and JV-800)</p>	October 27, 2015
	<p>Policy Recommendations: Technological Initiative</p>	Completed/Recommendation made, but due to funding, unable to implement

	C.3. Recommend a pilot project that would provide electronic notice to tribes in Indian Child Welfare Act (ICWA) cases.	
	Policy Recommendations: Technological Initiative C.4. Recommend continuation of tribal Domestic Assistance Self Help (DASH) Tribal/State Program.	Completed/Recommendation made, but due to funding, unable to implement
	Policy Recommendation: Other D.1. Work with the <u>California Law Review Commission</u> (CLRC) on its study of the enforcement of tribal civil money judgments (see <u>SB 406</u> , Stats. 2014, Ch. 243, effective January 1, 2015).	Ongoing
	Policy Recommendation: Other D. 2. Developed a proposal to promote the education of federal Indian law in California law schools. Made presentation to the deans of California law schools and wrote letter requesting that the California State Bar Examination (Bar) include American Indian law as either one of the topics on the essay and/or the multistate bar exam (MSBE), or as part of the civil procedure topic of the Bar.	June 8, 2015
II.	Increase Tribal/State Partnerships A. Sharing Resources and Communicating Information About Partnerships 1. Disseminated information to tribal court judges and state court judges on a monthly basis through the Forum E-Update, a monthly electronic newsletter with information on the following: <ul style="list-style-type: none"> • Grant opportunities; • Publications; • News stories; and • Educational events. 2. Fostered tribal court/state court partnerships, such as the Los Angeles Superior Court’s Indian Child Welfare Act Roundtable, a court-coordinated community response to Indian Child Welfare Act (ICWA) cases in Los Angeles County.	Ongoing

	<ol style="list-style-type: none"> 3. Launched the first joint jurisdictional court in El Dorado, a partnership between Shingle Springs Band of Miwok Indians and the Superior Court of El Dorado County. 4. Developed a Federal/State/Tribal Court Administrator Toolkit. 	
	<p>B. Partnerships and Understanding of Tribal Justice Systems Education and Technical Assistance to Promote</p> <ol style="list-style-type: none"> 1. Launched the State/Tribal Education, Partnerships, and Services (S.T.E.P.S) to Justice—Domestic Violence and Child Welfare programs and provided local educational and technical assistance services 2. Established the first joint jurisdictional court in California. The El Dorado Superior Court, in partnership with the Shingle Springs Band of Miwok Indians, is operating a Family Wellness Court. The two judges hear cases together. (See links for press on this innovative court: http://www.marketwired.com/press-release/shingle-springs-tribal-court-superior-court-el-dorado-countycollaborate-on-tribal-juvenile-1879359.htm and http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.9300709/k.2758/Article_8D_Kingsbury_Williams.htm.) 3. Developed and disseminated a Federal/State/Tribal Court Administrator Toolkit that fosters cross-court educational exchanges. This toolkit was endorsed by the California Court Clerks Association, the California Tribal Court Clerks Association, the California Federal/State Judicial Council, the Judicial Council’s Court Executives Advisory Committee, and the National Judicial College. 	
	<p>C. Tribal/State Collaborations that Increase Resources for Courts</p> <p>Obtained funding from the Office on Violence Against Women, U.S. Department of Justice that is administered through the California Office of Emergency Services (CalOES). This funding pays for the associated travel expenses for judges to participate in cross-court educational exchanges. These exchanges are judicially</p>	Ongoing

	<p>led and shaped by the host judges (one tribal court judge and one state court judge) and enable the judges to continue the dialogue on domestic violence and elder abuse in tribal communities, which began as part of a statewide needs assessment. At these exchanges, judges utilize a checklist of problems and solutions identified through the needs assessment to determine how they can work together to address these issues locally.</p> <p>Obtained funding from the California Department of Social Services. This funding pays for the associated travel expenses for forum members to improve compliance with the Indian Child Welfare Act.</p>	
<p>III.</p>	<p>Education A. Judicial Education Made recommendations to the Judicial Council’s CJER Governing Committee to incorporate federal Indian law into all appropriate educational publications and programming for state court judges and advise on content; revisions to include federal Indian law and the interjurisdictional issues that face tribal and state courts.</p>	<p>Ongoing, completion date depends on resources to incorporate recommendations.</p>
	<p>Education D. Education- Court Extranet Name Change Recommend to the judicial council staff that it change the name of the Judicial Branch Court Extranet/Serranus</p>	<p>Ongoing, completion date depends on website redesign date.</p>

D. Subgroups/Working Groups - Detail

Subgroups/Working Groups: *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]*

Subgroup or working group name:

Purpose of subgroup or working group:

Number of advisory body members on the subgroup or working group:

Number and description of additional members (not on this advisory body):

Date formed:

Number of meetings or how often the subgroup or working group meets:

Ongoing or date work is expected to be completed:

Dear ___:

You are invited to provide input – and help make policy – on the enforcement of tribal judgments in California by participating in the attached survey. This survey, a collaboration between the California Judicial Council’s Tribal Court-State Court Forum and Professor Katherine Florey of the U.C. Davis School of Law, aims to study the effects of SB 406, the Tribal Court Civil Money Judgment Act. Specifically, the survey looks at how SB 406 has been used, whether it has achieved its goal of simplifying the recognition and entry of tribal court civil money judgments, and whether there are any issues or concerns with extending the legislation.

Research in this area is important because the legislature will likely be evaluating SB 406 on several fronts. First, SB 406 includes a sunset provision providing that the legislation will expire on January 1, 2018 unless legislative action is taken to extend it. Second, SB 406 also requires the California Law Revision Commission to conduct a study of the standards for recognition of tribal court judgments; we believe this survey may aid in that effort. Finally, the legislature may in future consider expanding SB 406 to cover all tribal civil judgments, as was originally proposed.

Gaining the feedback of judges and practitioners with on-the-ground experience in this area is vital to the future of SB 406. We greatly appreciate your taking a few minutes of your time to fill out this survey.

Thank you.

Hon. Abby Abinanti
Forum Cochair

Hon. Dennis M. Perluss
Forum Cochair

State Court Survey Questions

This survey consists of 4 question areas. The first question area focuses on the recognition of tribal orders, while the second focuses on enforcement. The third asks about establishing an effective procedure for the recognition and enforcement of tribal court orders. The final questions ask for your contact information.

1. Court's Experience with Recognizing Tribal Court Civil Orders (Excluding cases involving the Indian Child Welfare Act and Tribal Customary Adoption)
 - How often has the court been asked to recognize an order from a tribal court?
 - Never (Skip to question 3)
 - Sometimes: Estimate number in the past 5 years _____ and, if you recall the case types, indicate here: _____
 - Since January 1, 2015, how many forms, [EJ-115 Notice of Application for Entry and Recognition of Tribal Court Money Judgment](#), has the court received?
 - None (Skip to question 3)
 - 1 or more, please indicate number here: _____
 - If you recall the names of the tribal courts, list them here:

 - How many evidentiary hearings did the court hold? _____
 - Did form EJ-115 and the Tribal Court Civil Money Judgment Act [California Code of Civil Procedure §§1730 – 1742] provide an efficient process for the court to recognize and enforce tribal court civil money judgments?
 - Yes
 - No, explain _____
2. Court's Experience with Enforcement of Tribal Court Civil Orders (Excluding cases involving the Indian Child Welfare Act and Tribal Customary Adoption)
 - How often has the court been asked to enforce an order from a tribal court?
 - Never (Skip to question 4)
 - Sometimes: Estimate number in the past 5 years _____ and, if you recall the case types, indicate here: _____
3. Effective Procedure to Recognize and Enforce Tribal Civil Judgments

- Would you like to see a process similar to the one for civil money judgments extended to other case types?

Yes (check all that apply)

- Animal control
- Conservator issues
- Contract disputes
- Dissolution of marriages and divorce cases
- Employment
- Environmental offenses
- Evictions/land disputes
- Family law
- Game, fish and wildlife management
- Guardianships
- Housing (unlawful detainers)
- Name and birth certificate changes
- Nuisance
- Probate
- Small claims
- Torts
- Trespass
- Other: _____ (please describe)

No, explain _____

- Do you have any other thoughts you would like to share on the subject of recognition and enforcement of civil tribal court orders? _____

4. Contact Information

- Name
- Title
- Court
- Email
- Phone

Thank you for completing this survey!

Tribal Court Survey Questions

This survey consists of 7 question areas. The survey asks you to respond separately to questions about the recognition of tribal orders and the enforcement of tribal orders.

1. Experience Issuing Tribal Court Civil Money Judgments

- Does your court have jurisdiction under tribal law to hear issues relating to civil money orders or judgments?
- Has your court ever issued a tribal court civil money order or judgment?
 Yes No (if no, skip to question 5)

2. Experience with Having Tribal Court Civil Money Judgments Recognized in California

- Are you aware of any challenges by a party to the recognition of your court's tribal court civil money order or judgment in California?
 Yes No (if no, skip to question 4)

- If yes, please indicate where by stating:

- In which county or counties: _____

- In which state courts (name and location) _____

- If yes, do you recall in what year(s): _____

- If yes, please describe the nature of the challenge:

- Are you aware of the [EJ-115 Notice of Application for Entry and Recognition of Tribal Court Money Judgment](#) and procedures under the Tribal Court Civil Money Judgment Act [California Code of Civil Procedure §§1730 – 1742]?

Yes No

- If yes, how would you rate the ease of use of the EJ-115 as compared to the system in place prior to the EJ-115?

() Much easier;

() Somewhat easier;

() No difference

() Somewhat more difficult;

() Much more difficult;

() No opinion

3. Experience with Having Tribal Court Civil Money Judgments Enforced in California

- Are you aware of any challenges by a party to the enforcement of your court's tribal court civil money order or judgment in California?

Yes No (if no, skip to question 5)

- If yes, please state:

- The name of the agency: _____
- The nature of the difficulty:

4. Experience with Having Other Civil Orders (Excluding Cases Involving the Indian Child Welfare Act and Tribal Customary Adoption) Recognized and Enforced in California

- Have there been challenges by a party to the recognition and enforcement of these orders outside of the reservation boundaries?

Yes No (if no, skip to question 6)

- If yes, please describe the nature of the difficulty:

- If yes, please state what case type(s) these judgments or orders relate to (check all that apply):

- Animal control
- Conservator issues
- Contract disputes
- Dissolution of marriages and divorce cases
- Employment
- Environmental offenses
- Evictions/land disputes
- Family law
- Game, fish and wildlife management
- Guardianships
- Housing (unlawful detainers)
- Name and birth certificate changes
- Nuisance
- Probate
- Small claims
- Torts
- Trespass

Other: _____ (please describe)

- Approximate number of cases in which someone has sought to have your court order recognized and enforced in state court?
 - I don't know (Skip to question 5)
 - Never (Skip to question 5)
 - Sometimes: Estimate number in the past 5 years _____ and, if you recall the case types, indicate here: _____

5. Experience with Having Other Civil Orders (Excluding Cases Involving the Indian Child Welfare Act and Tribal Customary Adoption) Recognized and Enforced Outside California

- Have there been challenges by a party to the recognition and enforcement of your court's civil tribal court judgment or order in a state other than California?
 - Yes no (if no, skip to question 7)

- If yes, please indicate which state:

- If you answered yes, please state what case type(s) these judgments or orders relate to (check all that apply):

- Animal control
- Conservator issues
- Contract disputes
- Dissolution of marriages and divorce cases
- Employment
- Environmental offenses
- Evictions/land disputes
- Family law
- Game, fish and wildlife management
- Guardianships
- Housing (unlawful detainers)
- Name and birth certificate changes
- Nuisance
- Probate
- Small claims
- Torts
- Trespass
- Other: _____ (please describe)

- If you answered yes, please indicate how your experience in the other state compared to your experience in California. Was your experience in the other state:

- () Much easier;
- () Somewhat easier;
- () No difference
- () Somewhat more difficult;
- () Much more difficult;
- () No opinion

6. Effective Procedure to Recognize and Enforce Tribal Civil Judgments

- Would you like to see a process similar to the one for civil money judgments extended to other case types?

Yes (check all that apply)

- Animal control
- Conservator issues
- Contract disputes
- Dissolution of marriages and divorce cases
- Employment
- Environmental offenses
- Evictions/land disputes
- Family law
- Game, fish and wildlife management
- Guardianships
- Housing (unlawful detainers)
- Name and birth certificate changes
- Nuisance
- Probate
- Small claims
- Torts
- Trespass
- Other: _____ (please describe)

No, explain

- Do you have any other thoughts on the topic of recognition and enforcement of civil tribal court judgments and orders?

7. Contact Information

- Name
- Title
- Court
- Email
- Phone

Thank you for completing this survey!

DRAFT

Tribal Practitioner Survey Questions

This survey will ask you 7 sets of questions about several distinct categories of cases: cases involving tribal civil money judgments, cases involving other civil judgments, cases involving the recognition of these judgments, both in and outside California, cases involving the enforcement of these judgments, both in and outside California. The final questions ask about your experience with an effective procedure for the recognition and enforcement of these judgments and your contact information.

1. Experience with Seeking Tribal Court Civil Money Judgments

- Have you ever obtained a tribal court civil money order or judgment?
 Yes No (if no, skip to question 5)

2. Experience with Having Tribal Court Civil Money Judgments Recognized in California

- Have you ever had or attempted to have a tribal court civil money order or judgment recognized in California?
 Yes No (if no, skip to question 4)

- Which tribal court(s) were the judgment(s) or orders(s) from:

- In which county or counties was enforcement sought:

- In which state courts (name and location) was enforcement sought

- If you recall, in what year(s):

- Did you encounter any difficulties in having the state court recognize the order or judgment?

Yes No (if no, skip to question 4)

- What was the nature of the difficulty:

- Are you aware of the [EJ-115 Notice of Application for Entry and Recognition of Tribal Court Money Judgment](#) and procedures under the Tribal Court Civil Money Judgment Act [California Code of Civil Procedure §§1730 – 1742]?

Yes No (if no, skip to question 4)

- Have you used this form and procedure?

Yes No

- How would you rate the ease of use of the EJ-115 as compared to the system in place prior to the EJ-115?

- () Much easier;
- () Somewhat easier;
- () No difference
- () Somewhat more difficult;
- () Much more difficult;
- () No opinion

- If no, why not? _____

3. Experience with Having Tribal Court Civil Money Judgments Enforced in California

- Did you encounter any difficulties in having an executive agency enforce the tribal court order or judgment?

Yes No (if no, skip to question 5)

- If yes, please state:

- The name of the executive agency: _____
- The nature of the difficulty: _____

4. Experience with Having Other Civil Orders (Excluding Cases Involving the Indian Child Welfare Act and Tribal Customary Adoption) Recognized and Enforced in California

- Have you ever had or attempted to have a tribal court civil order or judgment recognized California?

Yes No (if no, skip to question 6)

- Which tribal court(s) were the judgment(s) or orders(s) from:

- In which county or counties was enforcement sought:

-
- In which state courts (name and location) was enforcement sought
-

- If yes, do you recall in what year(s): _____

- Did you encounter any difficulties in having the state court recognize the order or judgment?

Yes No (if no, skip to question 6)

- What was the nature of the difficulty:
-
-

- Which case type(s) did these judgments or orders relate to (check all that apply):

- Animal control
- Conservator issues
- Contract disputes
- Dissolution of marriages and divorce cases
- Employment
- Environmental offenses
- Evictions/land disputes
- Family law
- Game, fish and wildlife management
- Guardianships
- Housing (unlawful detainers)
- Name and birth certificate changes
- Nuisance
- Probate
- Small claims
- Torts
- Trespass
- Other: _____ (please describe)

5. Experience Having Other Civil Orders (Excluding Cases Involving the Indian Child Welfare Act and Tribal Customary Adoption) Recognized and Enforced Outside of California?

- Have you ever had or tried to have a civil tribal court judgment or order recognized and enforced in a state other than California? Yes No (if no, skip to question 6)

- In which state(s):

-
- Which case type(s) did these judgments or orders relate to (check all that apply):

- Animal control
- Conservator issues
- Contract disputes
- Dissolution of marriages and divorce cases
- Employment
- Environmental offenses
- Evictions/land disputes
- Family law
- Game, fish and wildlife management
- Guardianships
- Housing (unlawful detainers)
- Name and birth certificate changes
- Nuisance
- Probate
- Small claims
- Torts
- Trespass
- Other: _____ (please describe)

- How would you rate your experience in the other state as compared to your experience in California. Was your experience in the other state:

- () Much easier;
- () Somewhat easier;
- () No difference
- () Somewhat more difficult;
- () Much more difficult;
- () No opinion

Comments: _____

6. Effective Procedure to Recognize and Enforce Tribal Civil Judgments

- Would you like to see a process similar to the one for civil money judgments extended to other case types?

- Yes (check all that apply)

- Animal control

- Conservator issues
- Contract disputes
- Dissolution of marriages and divorce cases
- Employment
- Environmental offenses
- Evictions/land disputes
- Family law
- Game, fish and wildlife management
- Guardianships
- Housing (unlawful detainers)
- Name and birth certificate changes
- Nuisance
- Probate
- Small claims
- Torts
- Trespass
- Other: _____ (please describe)

No, explain

- Do you have any other thoughts on the topic of recognition and enforcement of civil tribal court judgments and orders?

7. Contact Information

- Name
- Title
- Organization
- Email
- Phone

Thank you for completing this survey!



JUDICIAL COUNCIL OF CALIFORNIA

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

MEMORANDUM

Date	Action Requested
November 16, 2015	Please Review – consider supporting research effort to extend the legislation
To	Deadline
Hon. Raymond M. Cadei, Chair Civil and Small Claims Advisory Committee	N/A
From	Contact
Hon. Abby Abinanti, Co-Chair Hon. Dennis Perluss, Co-Chair Tribal Court-State Court Forum	Jennifer Walter, Supervising Attorney 415-865-7687 jennifer.walter@jud.ca.gov
Subject	
SB 406 - Tribal Court Civil Money Judgment Act (Code Civ. Proc., § 1730 et seq.)	

In response to information from tribal court judges about inefficiencies and inconsistencies in the procedures for recognition and enforcement of tribal court judgments, in 2012 the Tribal Court-State Court Forum (forum) and Civil and Small Claims Advisory Committee (Committee) recommended that the Judicial Council sponsor legislation to streamline and clarify the process for recognition and entry of tribal court civil judgments, where full faith and credit was not already provided for in federal or state law. That original proposal can be found here <http://www.courts.ca.gov/documents/LEG11-04.pdf>

In response to comments, the scope of the legislation was narrowed to apply only to tribal court civil money judgments. Ultimately SB 406, the Tribal Court Civil Money Judgment Act, was passed by the Legislature, signed by the Governor on August 22, 2014, and chaptered as Stats 2014, ch. 243. That enactment can be found at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB406

SB 406 included both a “sunset” provision (Code of Civ. Proc. § 1742) providing that the legislation will expire on January 1, 2018 unless legislative action is taken to extend it, and a requirement that the California Law Revision Commission “conduct a study of the standards for recognition of a tribal court or a foreign court judgment under the Tribal Court Civil Money Judgment Act and the Uniform Foreign-Country Money Judgments Recognition Act, and submit a report of its findings and recommendations to the Legislature and the Governor no later than January 1, 2017.” (Stats. 2014, ch. 243, § 1.)

In light of the Judicial Council’s interest in the subject matter, the forum proposes researching (see attached draft survey questions) the effects, if any, of SB 406— specifically, how it has been used, whether it has achieved its goal of simplifying the recognition and entry of tribal court civil money judgments, and whether there are any issues or concerns with extending the legislation.

To undertake this research, the forum proposes collaborating with Professor Katherine Florey at the U.C. Davis School of Law. The forum anticipates it will provide comments on any findings and recommendations that will be made to the Legislature and the Governor.

The forum seeks the Committee’s support for this research effort.



JUDICIAL COUNCIL OF CALIFORNIA

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

MEMORANDUM

Date	Action Requested
December 1, 2015	Please Review
To	Deadline
Hon. Brian L. McCabe, Chair Trial Court Presiding Judges Advisory Committee	N/A
Ms. Mary Beth Todd, Chair Court Executives Advisory Committee	Contact
	Jennifer Walter, Supervising Attorney 415-865-7687 jennifer.walter@jud.ca.gov
From	
Hon. Abby Abinanti, Co-Chair Hon. Dennis Perluss, Co-Chair Tribal Court-State Court Forum	
Subject	
SB 406 - Tribal Court Civil Money Judgment Act (Code Civ. Proc., § 1730 et seq.)	

In response to information from tribal court judges about inefficiencies and inconsistencies in the procedures for recognition and enforcement of tribal court judgments, in 2012 the Tribal Court-State Court Forum (forum) and Civil and Small Claims Advisory Committee (committee) recommended that the Judicial Council sponsor legislation to streamline and clarify the process for recognition and entry of tribal court civil judgments, where full faith and credit was not already provided for in federal or state law. That original proposal can be found here <http://www.courts.ca.gov/documents/LEG11-04.pdf>

In response to comments, the scope of the legislation was narrowed to apply only to tribal court civil money judgments. Ultimately SB 406, the Tribal Court Civil Money Judgment Act, was passed by the Legislature, signed by the Governor on August 22, 2014, and chaptered as Stats

2014, ch. 243. That enactment can be found at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB406

SB 406 included both a “sunset” provision (Code of Civ. Proc. § 1742) providing that the legislation will expire on January 1, 2018 unless legislative action is taken to extend it, and a requirement that the California Law Revision Commission “conduct a study of the standards for recognition of a tribal court or a foreign court judgment under the Tribal Court Civil Money Judgment Act and the Uniform Foreign-Country Money Judgments Recognition Act, and submit a report of its findings and recommendations to the Legislature and the Governor no later than January 1, 2017.” (Stats. 2014, ch. 243, § 1.)

In light of the Judicial Council’s interest in the subject matter, the forum and committee propose researching (see attached draft survey questions) the effects, if any, of SB 406— specifically, how it has been used, whether it has achieved its goal of simplifying the recognition and entry of tribal court civil money judgments, and whether there are any issues or concerns with extending the legislation.

To undertake this research, the forum and committee are collaborating with Professor Katherine Florey at the U.C. Davis School of Law. Following this research, we anticipate providing our findings and recommendations to the Legislature and the Governor. We seek your support for this research study, and plan to send the survey to each of the 58 superior courts, 23 tribal courts, and practitioners in January 2016.



Enter your email address to subscribe to updates to this case:

Dollar General Corporation v. Mississippi Band of Choctaw Indians

Docket No.	Op. Below	Argument	Opinion	Vote	Author	Term
13-1496	5th Cir.	Dec 7, 2015 Tr.	TBD	TBD	TBD	OT 2015

Disclosure: Goldstein & Russell, P.C., whose attorneys contribute to this blog in various capacities, is among the counsel to the petitioners in this case.

Issue: Whether Indian tribal courts have jurisdiction to adjudicate civil tort claims against nonmembers, including as a means of regulating the conduct of nonmembers who enter into consensual relationships with a tribe or its members. **CVSG: 5/12/2015.**

SCOTUSblog Coverage

- [Argument analysis: Is tribal court civil jurisdiction over non-Indians truly a constitutional issue, or one of settled precedent?](#) (Ed Gehres)
- [A “view” from the Courtroom: Committee of the Whole](#) (Mark Walsh)
- [Argument preview: The future of tribal courts – the power to adjudicate civil torts involving non-Indians](#) (Ed Gehres)
- [A gesture in favor of a woman's abortion choice](#) (Lyle Denniston)
- [Solicitor General recommends double denials in invitation briefs](#) (Amy Howe)
- [Petition of the day](#) (Maureen Johnston)

Date	Proceedings and Orders
Jun 12 2014	Petition for a writ of certiorari filed. (Response due July 18, 2014)
Jul 8 2014	Order extending time to file response to petition to and including August 22, 2014, for all respondents.
Jul 18 2014	Brief amicus curiae of South Dakota Bankers Association filed.
Aug 21 2014	Brief of respondents Mississippi Band of Choctaw Indians, et al. in opposition filed.
Sep 2 2014	Reply of petitioners Dollar General Corporation, et al. filed.
Sep 4 2014	Supplemental brief of respondents Mississippi Band of Choctaw Indians, et al. filed.
Sep 10 2014	DISTRIBUTED for Conference of September 29, 2014.
Oct 6 2014	The Solicitor General is invited to file a brief in this case expressing the views of the United States.
May 12 2015	Brief amicus curiae of United States filed.
May 19 2015	DISTRIBUTED for Conference of June 4, 2015.
May 19 2015	Supplemental brief of petitioners Dollar General Corporation, et al. filed. (Distributed)
Jun 8 2015	DISTRIBUTED for Conference of June 11, 2015.
Jun 15 2015	Petition GRANTED.
Jul 10 2015	The time to file the joint appendix and petitioners' brief on the merits is extended to and including August 14, 2015.
Jul 10 2015	The time to file respondents' brief on the merits is extended to and including September 28, 2015.
Jul 29 2015	The time to file the joint appendix and petitioner's brief on the merits is further extended to and including August 31, 2015.
Jul 29 2015	The time to file respondents' brief on the merits is further extended to and including October 15, 2015.
Aug 7 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for the petitioners.
Aug 10 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for the

respondents.

Aug 31 2015	Joint appendix filed. (Statement of costs filed.)
Aug 31 2015	Brief of petitioners Dollar General Corporation, et al. filed.
Sep 4 2015	Brief amicus curiae of South Dakota Bankers Association filed.
Sep 4 2015	Brief amici curiae of Oklahoma, et al. filed.
Sep 8 2015	Brief amicus curiae of Retail Litigation Center, Inc. filed.
Sep 8 2015	Brief amicus curiae of Association of American Railroads filed.
Oct 9 2015	SET FOR ARGUMENT on Monday, December 7, 2015
Oct 15 2015	Brief of respondents Mississippi Band of Choctaw Indians, et al. filed.
Oct 21 2015	Brief amici curiae of American Civil Liberties Union and the ACLU of Mississippi filed.
Oct 22 2015	Brief amici curiae of Puyallup Tribe of Indians, et al. filed.
Oct 22 2015	Brief amici curiae of National Congress of American Indians, et al. filed.
Oct 22 2015	Brief amicus curiae of United States filed.
Oct 22 2015	Brief amici curiae of Historians and Legal Scholars Gregory Ablavsky, et al. filed.
Oct 22 2015	Brief amici curiae of The Cherokee Nation, et al. filed.
Oct 22 2015	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed.
Oct 22 2015	Brief amici curiae of National Indigenous Women's Resource Center, et al. filed.
Oct 22 2015	Brief amici curiae of Mississippi, et al. filed. (Distributed)
Oct 27 2015	CIRCULATED
Nov 9 2015	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED.
Nov 16 2015	Reply of petitioners Dollar General Corporation, et al. filed. (Distributed)
Dec 7 2015	Argued. For petitioners: Thomas C. Goldstein, Bethesda, Md. For respondents: Neal K. Katyal, Washington, D. C.; and Edwin S. Kneeder, Deputy Solicitor General, Department of Justice, Washington, D. C. (for United States, as amicus curiae.)



The New York Times | <http://nyti.ms/1Qsa4wi>

POLITICS

Justices Weigh Power of Indian Tribal Courts in Civil Suits

By **ADAM LIPTAK** DEC. 7, 2015

WASHINGTON — The Supreme Court on Monday seemed poised to limit the power of Indian tribal courts to hear civil cases against outsiders.

Monday's case, *Dollar General Corp. v. Mississippi Band of Choctaw Indians*, No. 14-1175, started when a 13-year-old Indian boy accused the manager of a Dollar General Store of sexually molesting him.

The manager was not a member of the tribe. The store was on Indian land, and the company that owned the store had agreed to have at least claims concerning its lease heard in tribal court.

The boy and his parents sued the manager and the company in tribal court. A federal appeals court allowed the suit against the company to proceed, reasoning that the company's connection to the tribe was sufficient to allow the tribal court to have jurisdiction.

Several of the Supreme Court's more liberal members seemed inclined to agree, but they were in the minority.

"What's wrong with the tribal courts?" Justice Stephen G. Breyer asked. "We've seen lots of tribal courts, which I can't distinguish them in the fairness and procedure and so forth from every other court in the country."

Thomas C. Goldstein, a lawyer for the company, said the quality and independence of tribal courts varied but that all of them fell short as a constitutional matter.

“The Constitution is the supreme law of the land in the United States,” he said. “This court is the Supreme Court of the United States.” But those “bedrock principles,” he added, do not apply to tribal courts.

The Supreme Court has said that the Bill of Rights does not apply to Indian tribal governments, though in 1968 Congress imposed some comparable protections in a statute.

Mr. Goldstein said the parties to a contract could explicitly agree to have their cases heard in tribal courts, just as they could agree to arbitration. He added that Congress could, within limits, expand the jurisdiction of tribal courts.

Justice Anthony M. Kennedy seemed to disagree on the second point. “I don’t know what authority Congress has to subject citizens of the United States to that nonconstitutional forum,” he said, referring to tribal courts.

Neal K. Katyal, a lawyer for the tribe, the Mississippi Band of Choctaw Indians, butted heads with Chief Justice John G. Roberts Jr. early in his argument. Mr. Katyal said that allowing the tribal court to hear the case was routine and unexceptional.

Chief Justice Roberts responded that “we have never before recognized Indian court jurisdiction over a nonmember” of the tribe.

Mr. Katyal said that several decisions suggested that such suits were proper. (There is no dispute that tribal courts may not prosecute nonmembers for crimes.) He added that the company, Dollar General, had in effect agreed to be sued in tribal court.

“Nobody forced Dollar General to show up on the tribal lands,” he said in a response to a question from Justice Kennedy. “Nobody forced Dollar General to sell to these customers. Nobody forced Dollar General to have this Youth Opportunity

Program. And yes, like every employer in this country, Justice Kennedy, when you do those things, you open yourselves up to the reasonable liability that follows.”

Chief Justice Roberts repeatedly raised an objection about the juries in tribal courts. “Does it violate due process for a nonmember to be subjected to a jury verdict where the jury consists solely of tribal members?” he asked. Justice Kennedy said the answer was no because “tribes are not governed by the due process clause,” a point that seemed to trouble him.

Justice Breyer said it was not unusual for defendants to have to face presumptively hostile hometown courts. A Yankees fan, for instance, he said, might be tried before a Massachusetts jury.

Mr. Katyal agreed, and the chief justice jumped in.

“You think that’s the same as subjecting a nonmember accused of a terrible assault on an Indian to jurisdiction before a jury consisting solely of members of the tribe?” Chief Justice Roberts asked.

Mr. Goldstein concluded his argument by urging the court to articulate a clear principle. “The other side says we have a test about nexus and foreseeability,” he said. “I have a standard that says, write it down in a contract.”

Justice Sonia Sotomayor said that would represent a blow to Native Americans. “What then,” she asked, “remains of the sovereignty of the Indians?”

Follow the New York Times’s politics and Washington coverage on Facebook and Twitter, and sign up for the First Draft politics newsletter.

A version of this article appears in print on December 8, 2015, on page A24 of the New York edition with the headline: Justices Weigh the Role of Indian Tribal Courts in Suits Against Outsiders.

sign in

search

jobs

US edition

home > opinion

US world sports soccer tech arts lifestyle fashion business travel  all onn

US supreme court Opinion

Native Americans' sovereignty is at risk, and the high court must help save it

Stephen Pevar

The US supreme court case Dollar General Corporation v Mississippi Band of Choctaw Indians could further erode tribal self-government





A Dollar General store in Westminster, Colorado. Photograph: Rick Wilking/Reuters

Monday 7 December 2015
06.30 EST



 Save for later

Shares
6,807

Comments
201

Sovereignty isn't a difficult concept. If a US citizen crosses the northern border for work and commits a crime, that person should expect to be subject to a Canadian court applying Canadian law. By simply crossing the border, the US citizen consented to the jurisdiction of another authority and is expected to follow the laws of the land.

But for [Native Americans](#) with sovereign tribal land, the concept isn't so simple, thanks to a 1978 US supreme court ruling that tribes can't prosecute non-natives who commit crimes on their sovereign land. And a new case before the high court Monday has raised fears that Native people's right to police their own territory will be even further compromised.

In 2000, the multi-billion dollar retailer Dollar General opened a store on the

Mississippi Choctaw reservation. Three years later, the manager of that store, Dale Townsend, agreed to participate in a tribal program that placed tribal youth in clerkships with stores operating on the reservation. Townsend, the tribe claims, sexually assaulted a 13-year-old boy assigned to work in the store through the program.

My six nation
Haudenosaunee
passport is not a
'fantasy document'
Sid Hill

Read
more

The US attorney's office in Mississippi could have filed criminal charges against Townsend but declined to do so, meaning Townsend would never be held accountable in criminal court, because the US supreme court [ruled](#) in 1978 that Indian tribes cannot arrest and prosecute non-natives who commit crimes on Indian reservations.

That decision created a vacuum of law enforcement on reservations across the United States, one which has seriously impacted native women. One in three native women [reports being raped](#) at least once in her lifetime, and they are far more likely to be assaulted than any other ethnic group in the country. Over 80% of the alleged rapes or sexual assaults against native women are perpetrated by non-natives, [according to Justice Department statistics](#), which means violent crimes go unpunished if they occur on reservations, unless victims sue civilly for damages.

This was the situation facing the boy and his family. With no possibility for a criminal conviction, the boy and his parents then decided to sue Townsend and Dollar General for civil damages in tribal court. They argued the company was liable for Townsend's alleged crimes and negligent in his hiring, training and supervision.

Before going to trial, however, Dollar General filed suit in federal district court, seeking an order halting the tribal action. When the federal district court refused order a halt, Dollar General appealed to the US court of appeals for the fifth circuit. The appellate court also ruled against Dollar General, reasoning that the tribe's ability to hear these types of cases in its courts is "plainly central to the tribe's power of self-government".

Canada wants First
Nation people to sell
land for cheap and give
up their rights
Julian Brave
NoiseCat

Read
more

But Dollar General wasn't done. It then asked the supreme court to hear the case. Each year, the court is asked to hear about 8,000 cases, and it accepts fewer than 100. In an ominous turn of events, the court agreed in spite of the lower courts' rulings and over the objections of the US solicitor general, who is responsible for arguing the federal government's cases before the high court. The case, which is scheduled to be argued on 7 December, rightly

frightens native tribes all across the United States because it could trample on their right to self-government.

The brief [filed](#) by Dollar General asks the supreme court to rule that tribal courts cannot hear cases filed against non-Indians unless Congress has expressly authorized such a suit or if the non-Indian has expressly consented to such a suit, neither of which applies here. The tribe [claims](#), on the other hand, that it has – and must retain – the authority to resolve these types of disputes in a tribal court, particularly cases involving such substantial interests as protecting tribal youth from sexual predators. Otherwise its sovereignty is a cruel joke.

The ACLU filed an amicus brief in support of the tribe. In our view, this issue should be decided based on the principle of “fair notice”. Did Dollar General and the manager have fair notice that a sexual assault by the manager could subject them to tribal court authority? We believe so on multiple grounds.

The supreme court has repeatedly recognized tribal sovereignty over the past two centuries. Prior decisions have upheld a tribe’s right to tax non-native people engaging in commerce on Indian reservations and to resolve the inevitable disputes that occur from such economic activities. And if a government can tax an individual or business, it has the power to subject them to a civil court proceeding.

Then there’s Dollar General’s deliberate decision to establish a store on Choctaw land in pursuit of profit. According to the lease agreement signed by Dollar General, the company agreed that “[e]xclusive venue and jurisdiction shall be in the Tribal Court of the Mississippi Band of Choctaw Indians” when disputes over the lease arise. The company and its store manager also agreed to the work program that put the 13-year-old in the manager’s care. Therefore, Dollar General and Townsend had fair notice that this type of misconduct could result in a lawsuit in tribal court seeking damages.

There’s a reason Dollar General Corporation v Mississippi Band of Choctaw Indians has been called the most important case in decades for native people by many Indian tribes and tribal organizations: a victory for Dollar General would be devastating for native tribes. It would mean that tribes lack the governmental authority to regulate misconduct by non-natives and protect their people.

This wouldn’t be sovereignty. It would be subservience.

INTEGRATION OF RESOURCES OF THE CALIFORNIA TRIBAL COURT-STATE COURT FORUM AND THE CJER

CURRICULUM COMMITTEE TOOLKITS

MATCHING PAIRS

(Roster prepared by Project Lead: David Nelson, Mendocino)

CJER SUBJECT MATTER AND CJER

Staff: Bob Lowney, bob.lowney@jud.ca.gov
415-865-7833

TRIBAL COURT-STATE COURT FORUM

Staff: Jenny Walter, Jennifer.Walter@jud.ca.gov
415-865-7687

COMMITTEE REPRESENTATIVES

ACCESS, ETHICS AND FAIRNESS

Tamila Ipema, San Diego
619-450-7064, ipema@sdcourt.ca.gov

FORUM REPRESENTATIVES

Lester Marston, Blue Lake Rancheria,
707-462-6846, marstonl@pacifibell.net
Mark Radoff, Chemehuevi Tribal Court,
760-746-1815, mrادoff@calindian.org

CIVIL

Paul Marigonda, Santa Cruz
831-420-2381, paul.marigonda@santacruzcourt.org

Joseph Wiseman, Dry Creek Rancheria
707-495-5427 jjwiseman@wisemanlawgroup.com

CRIMINAL

Dan Healy, Solano
707-561-7802, djhealy@solano.courts.ca.gov

David Nelson, Mendocino
707-467-2510,
judge.den@mendocino.courts.ca.gov

FAMILY

Mark Juhas, Los Angeles
213-680-3778, majuhas@lacourt.org

Mark Juhas, Los Angeles
213-680-3778

JUVENILE DEPENDENCY AND DELINQUENCY

Matthew McGlynn, Tehama
530-529-6109, mmcglynn@tehamacourt.ca.gov

David Nelson, Mendocino
707-467-2510
judge.den@mendocino.courts.ca.gov

PROBATE

Maria Stratton, Los Angeles
213-633-0245, mestratton@lacourt.org

J. Mitchell Beckloff, Los Angeles
213-974-6977, mbeckloff@lacourt.org