



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For special meeting on: June 8, 2015

Title	Agenda Item Type
Traffic Law: Appearance in Court for Infractions without Deposit of Bail	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt rule 4.105 of the California Rules of Court	June 8, 2015
Recommended by	Date of Report
Hon. Harry E. Hull, Jr. Chair, Rules and Projects Committee	May 29, 2015
	Contact
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Executive Summary

The Rules and Projects Committee recommends that the Judicial Council adopt a new rule of court to state that courts must allow traffic infraction defendants to appear as promised for arraignment and trial without prior deposit of bail unless certain specified exceptions apply, and must provide defendants with notice of the option to appear in court for arraignment and trial without the deposit of bail in any instructions or other materials regarding bail provided by the court to the public. The rule was developed on an urgency basis at the request of Chief Justice Cantil-Sakauye in response to recent concerns about court procedures for deposit of bail when defendants challenge infraction citations in court.

Recommendation

The Rules and Projects Committee (RUPRO) recommends that the Judicial Council, effective June 8, 2015, adopt rule 4.105 of the California Rules of Court to:

1. State that courts must allow traffic infraction defendants to appear for arraignment and trial without the deposit of bail unless a specified exception applies;
2. Describe three specific exceptions to the requirement that courts allow traffic infraction defendants to appear for arraignment and trial without prior deposit of bail;
3. Require courts to inform traffic infraction defendants of the option to appear in court without the deposit of bail in any instructions or other materials provided to the public that relate to bail for traffic infractions, including any website information, written instructions, courtesy notices, and forms¹; and
4. Emphasize in an advisory committee comment that the purpose of the rule is not to modify or contravene any of the various statutory provisions that authorize or require the deposit of bail in lieu of appearing in court.

In addition, RUPRO recommends that the council direct the Traffic Advisory Committee to expeditiously review the Judicial Council traffic forms and to recommend any revisions that are needed to make the forms consistent with rule 4.105.

The text of proposed rule 4.105 is attached at pages 8–9.

Previous Council Action

Proposed rule 4.105 is new. There is no previous Judicial Council action to report directly related to this rule.

Rationale for Recommendation

Background

Recent criticisms aimed at state traffic infraction laws have raised significant concerns about procedural fairness in traffic infraction proceedings. In particular, concerns have been voiced about trial court procedures for deposit of bail for traffic infractions before defendants appear in court to challenge their infraction citations.

In response, Chief Justice Cantil-Sakauye charged the Judicial Council's Rules and Projects Committee with developing a recommendation, on an emergency basis, to establish fair and

¹ To provide sufficient time for courts to carry out the rule, it provides that courts must implement the provision on revising instructions and other materials as soon as reasonably possible, but no later than August 15, 2015.

effective statewide practices related to the deposit of bail in traffic infraction cases. The purpose of the recommendation is to improve access to justice for traffic infraction defendants who appear as promised to challenge their infractions in court. Responding to many of the issues about procedural fairness in traffic infraction cases will require statutory changes and solutions that are outside of the scope of the authority of the Judicial Council to act unilaterally. This proposal is limited to an immediate concern that is appropriate to address on an expedited basis. It is limited in scope to improve uniformity in traffic infraction bail procedures for pre-trial proceedings. There are additional actions to be considered in the near future, including procedures other than arraignment and trial and post-conviction practices, under the usual procedures for consideration of rules and forms or through the work of the Chief Justice's Commission on the Future of the Courts.

Traffic Infractions and Bail

Violations of the Vehicle Code are classified as an infraction offense unless expressly provided otherwise. (Veh. Code, § 40000.1.) The Vehicle Code provides specific provisions for processing arrests for violations of the Vehicle Code, but the procedures are not exclusive of other methods prescribed by law for arrest and prosecution of an infraction. (Veh. Code, § 40300.) Infractions are public offenses that are not punishable by imprisonment. (Pen. Code, §§ 16, 17, and 19.) Except as otherwise provided by law, “all provisions of law relating to misdemeanors shall apply to infractions,” including the “powers of peace officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial and burden of proof.” (Pen. Code, § 19.7.) Infraction defendants are not entitled to a jury trial and trial is by the court. (Pen. Code, §§ 19.6 and 1042.5.) A public defender or court-appointed counsel is not provided unless a defendant is arrested and not released on a written promise to appear, on his or her own recognizance, or on a deposit of bail. (Pen. Code, § 19.6.)

Courts are vested with statutory authority to fix bail in misdemeanor and infraction matters. (See, e.g., Pen. Code, § 1458 [“The provisions of this code relative to bail are applicable to bail in misdemeanor and infraction cases. The defendant, at any time after arrest and before conviction, may be admitted to bail”].) As explained below, there are various statutory alternatives regarding the deposit of bail in traffic infraction cases. When a person is arrested for a traffic infraction and refuses to sign a promise to appear in court and is taken in custody by the arresting officer and brought before a magistrate, the person may be released upon his or her own recognizance or posting of bail set by the magistrate. (Veh. Code, §§ 40302 and 40306.)

Arraignment procedure

An arraignment is a court hearing at which an individual accused of a public offense—an infraction, a misdemeanor, or a felony—is informed of the nature of the charge or charges and given an opportunity to enter a plea. (Pen. Code, § 988.) It is typically the defendant's first court appearance and unless a statute expressly provides otherwise, entry of a plea occurs in open court at arraignment. (Pen. Code, §§ 1017 and 1018.)

Unless detained in custody, defendants typically appear in court as directed on citations to appear, which include a written notice to appear in court that provides the time, place, and date of the court appearance. (Pen. Code, § 853.6.) The date to appear is usually the date for entry of a plea at the arraignment. (Pen. Code, § 1003.)

In the absence of a traffic-specific alternative provision regarding the arraignment and deposit of bail, the basic arraignment procedure described above generally applies to infractions. As discussed below, however, there are several such traffic-specific statutory provisions.

Traffic-specific arraignment procedures

Several Vehicle Code sections prescribe traffic-specific arraignment and bail procedures that are entirely distinct from misdemeanor procedures for non-traffic offenses, including the following, which authorize the deposit of bail before the appearance date under specified circumstances:

- ***Deposit of Bail:*** Vehicle Code sections 40510 and 40521 authorize defendants to deposit bail before the appearance date. This is the common mechanism many defendants use to avoid having to appear in court by allowing the court to declare forfeiture of the posted bail in *uncontested* cases.
- ***Declaration of Intention to Plead Not Guilty:*** Under Vehicle Code section 40519(a), infraction defendants “may elect,” prior to the first appearance date, to deposit bail and declare the intention to plead not guilty. Depositing bail in advance under this provision allows the defendant to choose whether to have an arraignment and trial on the same or separate days. The actual plea in the case must be made in court at the arraignment.
- ***Not Guilty Pleas in Writing:*** Under Vehicle Code section 40519(b), infraction defendants “may elect,” prior to the first appearance date, to plead not guilty in writing lieu of appearing in court to enter a plea. These defendants must also deposit bail when the written plea is filed with the court. Thereafter, the arraignment and trial are set on the same day, unless the defendant requests separate dates, and the case proceeds to trial as if the defendant had appeared in person to enter the plea at arraignment.
- ***Trial by Written Declaration:*** Under Vehicle Code section 40902 (and related rules of court), certain infraction defendants “may elect” to have a trial by written declaration for traffic infractions in lieu of appearing in court. If the defendant elects this option, the defendant must deposit bail in advance and the case proceeds by submission of testimony and evidence without appearing in person.

The proposed rule is not intended to modify or interfere with these statutory alternatives regarding bail, arraignment, and setting of trial in traffic infraction cases.

Proposed Rule 4.105

Rule 4.105 is designed to address concerns about access to justice in traffic infraction cases and reduce uncertainties about the rights of defendants to appear for arraignment and trial without deposit of bail in such cases. The purpose of the rule is to make it clear that if a defendant declines to utilize a statutorily authorized alternative, courts must allow the defendant to appear as promised for arraignment and trial without prior deposit of bail. The rule is not intended to

modify or contravene any statutorily authorized alternatives to appearing in court or to address post-conviction proceedings.

Application.

Rule 4.105 is located in title 4 of the California Rules of Court (Criminal Rules). The rule specifically applies to any traffic infraction violation of the Vehicle Code for which the defendant has received a written notice to appear. (See subdivision (a).)

Appearance without deposit of bail.

Subdivision (b) provides that courts must allow a defendant to appear as promised for arraignment and trial without deposit of bail, except as provided in subdivision (c).

Deposit of bail.

Subdivision (c) describes specific circumstances under which courts may require defendants who appear as promised to deposit bail. Specifically, subdivision (c) provides that:

- Courts must require the deposit of bail when the defendant elects a statutory procedure that requires the deposit of bail;²
- Courts may require the deposit of bail when the defendant does not sign a written promise to appear as required by the court; and
- Courts may require a deposit of bail before trial if the court finds, based on the circumstances of a particular case, that the defendant is unlikely to appear as ordered without a deposit of bail and the court expressly states the reasons for the finding.³

Notice.

Rule 4.105(d) requires courts to inform defendants of the option to appear in court as promised without the deposit of bail in any instructions or other materials courts provide for the public that relate to bail for traffic infractions, including any website information, written instructions, courtesy notices, and forms. Subdivision (d) also recognizes that courts will require time to

² To provide additional guidance, an Advisory Committee Comment has been included with rule 4.105 describing specific statutory provisions that authorize traffic infraction defendants who have received a written notice to appear to elect bail in lieu of appearing in court or in advance of the notice to appear date. For example, the comment refers to Vehicle Code section 40510 [authorizing defendants to deposit bail before the notice to appear date]; section 40519(a) [authorizing defendants who have received a written notice to appear to declare the intention to plead not guilty and deposit bail before the notice to appear date for purposes of electing to schedule an arraignment and trial on the same date or on separate dates]; section 40519(b) [authorizing defendants who have received a written notice to appear to deposit bail and plead not guilty in writing in lieu of appearing in person]; and section 40902 [authorizing trial by written declaration with deposit of bail].

³ An Advisory Committee Comment has also been included about this provision. It states that, in exercising discretion to require deposit of bail in a particular case, courts should consider the totality of the circumstances, including, among other factors, whether previous failures to pay or appear were willful or involved adequate notice.

implement this new notice provision. Hence, subdivision (d) states that courts must implement this subdivision as soon as reasonably possible but no later than August 15, 2015.

Revision of Traffic Forms

A preliminary review of Judicial Council traffic forms indicates that some of these forms may need to be revised to provide improved notice to defendants in traffic infraction cases. Therefore, in addition to the adoption of rule 4.105, this report recommends that the council direct the Traffic Advisory Committee to expeditiously review the Judicial Council traffic forms and to recommend any revisions that are needed to make the forms consistent with rule 4.105.

Comments, Alternatives Considered, and Policy Implications

Because of concerns about the issues relating to traffic infraction cases, and more specifically about defendants' access to trial in such cases, the adoption of this rule proposal has been considered an urgent matter. For this reason, this proposal has been handled on an expedited basis.

Although the recommendation for the adoption of rule 4.105 was undertaken without the usual period for public comment, there has been some opportunity for comment both within and outside the judicial branch.

Before the draft rule was finalized, informal feedback on the proposed rule was received from the Joint Rules Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees (JRS) and the Traffic Advisory Committee. Notably, subdivision (c)(3) of the rule was originally drafted to require courts to state the reasons for a finding that the defendant is not likely to appear "on the record." Based on the JRS's comments, to reduce confusion in instances where court reporters are not available in traffic infraction cases, the phrase "on the record" was deleted. In addition, an advisory committee comment was added to provide more guidance on the circumstances under which courts would exercise discretion to require deposit of bail.

In addition, the draft rule was posted publicly on May 27, 2015. The notice solicited written comments from the public. [These comments will be considered by the members of RUPRO for their meeting on the rule on June 1, 2015. Additional information will be included in the final report to the Judicial Council].

Implementation Requirements, Costs, and Operational Impacts

The rule recognizes that courts will require some time to implement the notice requirements in subdivision (d). To give courts sufficient opportunity to revise instructions, websites, and forms, the rule provides that subdivision (d) must be implemented as soon as reasonably possible but no later than August 15, 2015. Depending on courts' current notice, arraignment, and trial setting procedures, varying amount of costs and implementation efforts will be required to fully implement the new rule.

Relevant Strategic Plan Goals and Operational Plan Objectives

The adoption of rule 4.105 would advance the Judicial Council goal of providing access and fairness in the courts. (See *Justice in Focus: The Strategic Plan for California's Judicial Branch*, Goal I, Access, Fairness, and Diversity).

Attachment

Rule 4.105 is attached, at pages 8–9.

Rule 4.105 of the California Rules of Court would be adopted, effective June 8, 2015, to read:

1 **Rule 4.105. Appearance without deposit of bail in traffic infraction cases**

2
3 **(a) Application**

4
5 This rule applies to any traffic infraction violation of the Vehicle Code for which
6 the defendant has received a written notice to appear.

7
8 **(b) Appearance without deposit of bail**

9
10 Except as provided in (c), courts must allow a defendant to appear for arraignment
11 and trial without deposit of bail.

12
13 **(c) Deposit of bail**

14
15 (1) Courts must require the deposit of bail when the defendant elects a statutory
16 procedure that requires the deposit of bail;

17
18 (2) Courts may require the deposit of bail when the defendant does not sign a
19 written promise to appear as required by the court; and

20
21 (3) Courts may require a deposit of bail before trial if the court finds, based on
22 the circumstances of a particular case, that the defendant is unlikely to appear
23 as ordered without a deposit of bail and the court expressly states the reasons
24 for the finding.

25
26 **(d) Notice**

27
28 Courts must inform defendants of the option to appear in court without the deposit
29 of bail in any instructions or other materials courts provide for the public that relate
30 to bail for traffic infractions, including any website information, written
31 instructions, courtesy notices, and forms. Courts must implement this subdivision
32 as soon as reasonably possible but no later than August 15, 2015.

33
34 **Advisory Committee Comment**

35
36 **Subdivision (c)(1).** Various statutory provisions authorize traffic infraction defendants who have
37 received a written notice to appear to elect to deposit bail in lieu of appearing in court or in
38 advance of the notice to appear date. (See, e.g., Veh. Code, §§ 40510 [authorizing defendants to
39 deposit bail before the notice to appear date]; 40519(a) [authorizing defendants who have
40 received a written notice to appear to declare the intention to plead not guilty and deposit bail
41 before the notice to appear date for purposes of electing to schedule an arraignment and trial on
42 the same date or on separate dates]; 40519(b) [authorizing defendants who have received a

1 written notice to appear to deposit bail and plead not guilty in writing in lieu of appearing in
2 person]; and 40902 [authorizing trial by written declaration].)

3
4 This rule is not intended to modify or contravene any statutorily authorized alternatives to
5 appearing in court. The purpose of this rule is to clarify that if the defendant declines to utilize a
6 statutorily authorized alternative, courts must allow the defendant to appear *without* prior deposit
7 of bail as provided above.

8
9 **Subdivision (c)(3).** In exercising discretion to require deposit of bail on a particular case, courts
10 should consider the totality of the circumstances, including, among other factors, whether
11 previous failures to pay or appear were willful or involved adequate notice.



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MEMORANDUM

<p>Date May 21, 2015</p> <p>To Judicial Council Executive and Planning Committee</p> <p>Judicial Council Rules and Projects Committee</p> <p>From Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair</p> <p>Trial Court Budget Advisory Committee Hon. Laurie Earl, Chair</p> <p>Subject Addition of Joint Subcommittees to Annual Agendas:</p> <p>Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee</p> <p>Juvenile Dependency: Court-Appointed- Counsel Funding Allocation Methodology Joint Subcommittee</p>	<p>Action Requested Approve Additions to Annual Agendas</p> <p>Deadline June 17, 2015</p> <p>Contact Audrey Fancy 415-865-7706 audrey.fancy@jud.ca.gov</p> <p>Julia F. Weber 415-865-7693 julia.weber@jud.ca.gov</p> <p>Bob Fleshman 415-865-7531 bob.fleshman@jud.ca.gov</p>
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Executive Summary

At the April 17, 2015, Judicial Council meeting the Council directed the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee to form two joint subcommittees; one of these joint subcommittees was also directed to include members of the Workload Assessment Advisory Committee¹ and the Department of Child Support Services (DCSS). To begin working on this effort the committees request that these joint subgroups be added to the annual agenda for each advisory body and that a representative from DCSS be appointed to the Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee.

Action Requested

The Family and Juvenile Law Advisory Committee requests that the Judicial Council Rules and Projects Committee approve adding to the 2015 Annual Agenda of the Family and Juvenile Law Advisory Committee:

(1) New item 27: Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee:

To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

(2) New item 28: Juvenile Dependency: Court-Appointed-Counsel Funding Allocation Methodology Joint Subcommittee:

To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Trial Court Budget Advisory Committee to review the workload model for court-appointed dependency counsel and report back no later than the April 2016 Judicial Council meeting.

The Trial Court Budget Advisory Committee requests that the Executive and Planning Committee approve adding to the 2015 Annual Agenda of the Trial Court Budget Advisory Committee:

(3) Additional key objective relating to the review and consider options to the current allocation methodology for Child Support Commissioner and Family Law Facilitator Program funding.

¹ The Workload Assessment Advisory Committee will submit a separate memo regarding its annual agenda, including information related to this joint subcommittee, because that agenda requires modifications beyond the addition of the joint subcommittee.

(4) To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of Family and Juvenile Law Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the AB 1058 funding allocation methodology developed in 1997 and to report back at the February 2016 Judicial Council meeting.

(5) To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Family and Juvenile Law Advisory Committee to review the workload model for court-appointed dependency counsel and report back no later than the April 2016 Judicial Council meeting.

(6) Finally, the committees request that the Judicial Council Executive and Planning Committee approve adding Ms. Alisha, Director, California Department of Child Support Services (DCSS), as the DCSS representative on the Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee.

Basis for Request

At the April 17, 2015 Judicial Council meeting the council considered two separate items related to allocation of funding that resulted in direction to advisory bodies to create joint subgroups:

Item B: Child Support: Midyear Funding Reallocation for Fiscal Year 2014–2015 and Base Funding Allocation for Fiscal Year 2015–2016 for the Child Support Commissioner and Family Law Facilitator Program

Direct the committee to pursue, with oversight provided by the Executive and Planning Committee, formation of a joint sub-committee that will include representatives from the Family and Juvenile Law Advisory Committee, including the cochairs or their designees, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

Item I: Juvenile Dependency: Court-Appointed–Counsel Funding Reallocation

That a joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be established to review the workload model for court-appointed dependency counsel and include in its review the following issues:

- a. Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries;
- b. Whether the attorney salaries used in the model should be updated;
- c. Whether the calculation for benefits costs in the model is accurate or if it should be changed;

- d. Whether the calculation for overhead costs in the model is accurate or if it should be changed;
- e. Whether the state child welfare data reported through the University of California, Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data should be used;
- f. Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed;
- g. Whether a modified methodology should be used for funding small courts; and
- h. Whether dependency counsel funding should be a court or county obligation.

Currently the Family and Juvenile Law Advisory Committee’s Annual Agenda includes the following related items:

#	Project	Priority	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
3.	<p>Assembly Bill 1058 Child Support Program Funding Provide recommendations to the council for allocation of funding pursuant to Family Code sections 4252(b) and 17712.</p>	1	<p>Judicial Council Direction: Legislative mandate and council delegation to the committee.</p> <p>Origin of Project: Legislative mandate</p> <p>Resources: Judicial Council Finance Staff</p> <ol style="list-style-type: none"> 1. Key Objective Supported: Provide recommendations to the Judicial Council on funding and allocation methods for specified legislatively mandated court-related programs. 	Ongoing	Council will receive recommendations so council members can take required action allocating federal funds to local courts

<p>7.</p>	<p>Blue Ribbon Commission on Children in Foster Care (BRC) recommendations Review and consider for action, when resources become available, the BRC recommendations related to court reform that have been ongoing, but have not yet been fully implemented because of significant budget challenges. Those recommendations broadly include:</p> <ol style="list-style-type: none"> 1. Reducing caseloads for judicial officers, attorneys, and social workers; 2. Ensuring a voice in court and meaningful hearings for participants; 3. Ensuring adequately trained and resourced attorneys, social workers, and Court Appointed Special Advocates (CASA); and 4. Establish and monitor data exchange standards and information between the courts and child welfare agencies and those to be monitored by the Judicial Council Technology Committee, in 	<p>1</p>	<p>Judicial Council Direction: Refer by the Judicial Council</p> <p>Origin of Project: Judicial Council</p> <p>Resources: CFCC staff and members Key Objective Supported: 1</p>	<p>Ongoing</p>	
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	<p>consultation with the Family and Juvenile Advisory Committee, develop technical and operational administration standards for interfacing court case management systems and state justice partner information systems.</p>				
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Family and Juvenile Law Advisory Committee Annual Agenda request

The Family and Juvenile Law Advisory Committee requests that the Judicial Council Rules and Projects Committee approve adding to the 2015 Annual Agenda of the Family and Juvenile Law Advisory Committee:

New item 27 Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee:

To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

The Priority of the item is 1. The specifics for the item would be:

- Judicial Council Direction: Committee charge under rule 10.43
- Origin of Project: Judicial Council, April 17, 2015 meeting
- Resources: Finance, Office of Court Research, CFCC
- Key Objective Supported:
 - Provide recommendations to the Judicial Council on funding and allocation methods for specified legislatively mandated court-related programs.
 - Coordinate with related advisory groups to fulfill council directives in the area of domestic violence, family law, and juvenile law.

The proposed Completion Date would be December 31, 2015.

New item 28: Juvenile Dependency: Court-Appointed-Counsel Funding Allocation Methodology Joint Subcommittee:

To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Trial Court Budget Advisory Committee to review the workload model for court-appointed dependency counsel and report back no later than the April 2016 Judicial Council meeting.

The Priority of the item is 1. The specifics for the item would be:

- Judicial Council Direction: Committee charge under rule 10.43
- Origin of Project: Judicial Council, April 17, 2015 meeting
- Resources: Finance, Office of Court Research, CFCC
- Key Objective Supported:
 - Provide recommendations to the Judicial Council on funding and allocation methods for specified legislatively mandated court-related programs.
 - Coordinate with related advisory groups to fulfill council directives in the area of domestic violence, family law, and juvenile law.

The proposed Completion Date would be April 1, 2016.