



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date

October 28, 2011

Action Requested

For Information Only

To

Members of the Judicial Council

Deadline

N/A

From

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Subject

Report on Activities of the
Administrative Office of the Courts

The following information outlines some of the many activities in which the Administrative Office of the Courts is engaged to further the Judicial Council's goals and agenda for the judicial branch.

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Reports to the Legislature: Four mandated reports were submitted to the Legislature during this reporting period:

1. Annual Supplementary Schedule of Operating Expenses and Equipment for the Administrative Office of the Courts (September 2011).
2. Transfer of \$71.6 Million to the Trial Court Trust Fund to Offset Reductions to Trial Court Funding (September 2011).
3. California Court Case Management System Independent Third Party Quality Assurance Reports (August 2011).
4. Purchase and Lease of Electronic Recording Equipment by Superior Courts, as Required Under Government Code Section 69958 (August 2011).

The reports are posted online at www.courts.ca.gov.

Judicial Branch Audit Program:

- A regular cycle comprehensive audit was initiated for the Superior Court of Tuolumne County.
- Regular cycle comprehensive audits completed and pending review of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch are for the Superior Courts of Mono, Riverside, and San Diego Counties.

Presiding Judges and Court Executive Officers Regional Meetings: The AOC sponsors regional meetings that offer judicial branch leaders an opportunity to plan and discuss topics of interest for courts in their region. Meetings were held in September.

- Bay Area/Northern Coastal Region: 14 of 16 courts were represented.
- Northern/Central Region: 30 of 31 courts were represented.
- Southern Region: All 11 courts were represented.

Common agenda items included: court deficiency funding; how to prepare for the fiscal year 2012–2013 budget; state required fund balance reports; legislative issues; and criminal justice realignment.

Bench-Bar Coalition: Sixty-five members attended the fall meeting, including newly-elected members of the State Bar Board of Governors; and representatives from the Alameda County Family Justice Center, and the Philippine American, Kern County, San Diego County, and Santa Clara County Bar associations. Members were briefed on the allocation and impact of budget reductions to the judicial branch including mitigating measures the branch has taken and forecasts for the fiscal year 2012–2013 budget.

Increased Funding for Tribal Court Projects: The California Emergency Management Agency confirmed increased funding to tribal projects from \$75,000 to \$150,000 for the next fiscal year.

Support for Federal Tax Intercept Program for Outstanding Court-Ordered Debt: Federal legislation would authorize the Inland Revenue Service to intercept federal income tax refunds from individuals who have outstanding court-ordered restitution, fees, fines, penalties, and assessments, currently estimated at over \$7 billion. The Chief Justice and 20 presiding judges sent letters supporting the two measures to the California Congressional delegation. Senators Feinstein and Boxer, and Representatives Baca, Bilbray, Costa, Garamendi, and Honda have signed on as co-sponsors. If enacted, this legislation, modeled after existing intercepts for unpaid child support, is expected to result in the recovery of about \$68 million annually in delinquent debt. The legislation is pending before the Senate Finance Committee and the House Ways and Means Committee.

Community Corrections Programs/Criminal Justice Realignment:

- Approximately 500 local justice system partners attended a meeting regarding the *public safety realignment and evidence-based sentencing/practices*. The Governor made opening remarks and AOC Judge-in-Residence Roger K. Warren (Ret.) participated on a panel. Realignment and evidence-based sentencing training also was provided to judges, court staff, and justice partners at the Superior Courts of Alameda, Los Angeles, Placer, Riverside, Santa Clara, and Yolo Counties.
- The *Parolee Reentry Pilot Court* judges, AOC staff, and other team members met to discuss the impact of the criminal justice realignment on their programs, funding opportunities, and promising practices in the field.
- The *California Risk Assessment Pilot Project* managers held their quarterly meeting on next steps for the project, which likely will include more extensive work in these counties around implementing evidence sentencing under the realignment.

Drug Court Data Collection: Staff established ongoing meetings with statewide collaborative court system partners to ensure that drug court data collection processes and technical assistance to the courts are maintained after public safety realignment is implemented.

Collaborative Homeless Court Evaluation: This technical assistance project, launched at the request of a court, will provide assistance for local data collection in evaluating homeless court programs.

National Convocation of Commissions on Children: AOC staff and Judge Juan Ulloa of the Superior Court of Imperial County, representing local Blue Ribbon Commissions, presented at a meeting of state foster care commissions convened by the National Center for State Courts and Casey Family Programs, highlighting the importance of increased collaboration in tough economic times.

Data Sharing to Improve Outcomes for Children Served by Courts and Child Welfare: The AOC, in conjunction with Stewards of Change, and with the assistance of the Stuart Foundation, conducted a series of local meetings in Sacramento, Orange, Alameda, San Diego, Ventura, and Fresno Counties, which provided information for a three-day statewide symposium held in October. Goals of this project are to advance key solutions—technological, regulatory, and systemic—that improve information sharing; address issues of confidentiality across jurisdictions and service delivery systems; and develop plans to use new federal funding streams and regulatory changes embedded in the Affordable Care Act. Funding for this project comes from the United States Department of Health and Human Services Court Improvement Program.

Working Group to Eliminate Disparity: Staff attended meetings of the state Working Group to Eliminate Disparity and the State Interagency Team to discuss the impact of high-level policy decisions on racial and ethnic groups.

Judicial Administration Fellowship Program: The 10 fellows of the 2011–2012 Judicial Administration Program were selected from a pool of more than 240 nationwide applicants. The program is administered by the Center for California Studies at California State University, Sacramento, and cosponsored by the Judicial Council. Fellows serve as full-time professional staff in judicial branch offices for 10 months. Assignments were made to the following courts and offices: Superior Courts of San Bernardino, San Francisco, Sacramento, Butte, Stanislaus, Los Angeles, Orange, and Placer Counties, and the AOC's Office of Governmental Affairs.

Administrative Infrastructure

Court Case Management Systems

California Court Case Management System (CCMS)

- *CCMS Governance Structure:* The CCMS Executive Committee and the advisory committees continue to meet regularly. The committees continue to address CCMS decisions and concerns expressed by the trial courts and are dedicated to having their decisions be transparent.
- *Development:* External components product acceptance testing was completed, with the exception of the Judicial Branch Statistical Information Systems (JBSIS), and the final pieces of CCMS user documentation were received in August 2011. External components include the portal, statewide reporting data warehouse, data exchanges, and e-filing. Twelve JBSIS reports are being updated to be consistent with policy changes and resolve some outstanding issues.
- *Civil, Small Claims, Probate and Mental Health Case Management System (V3):* The AOC assumed responsibility for all maintenance and support operations, effective September. This is expected to achieve significant cost savings in labor charges through fiscal year 2013–2014, while building in-house functional and technical knowledge for future support

of CCMS. The Superior Court of San Diego County continues to work toward full implementation of imaging, having successfully begun with one courtroom. The court is developing an e-filing configuration and policy, and working with their selected vendor to begin e-filing in early 2012.

- *Criminal and Traffic Case Management System (V2)*: User acceptance testing began on the next application maintenance release. This release resolves critical fiscal defects and includes process changes for moving cases into collections. A major clean up of the database was completed to improve security and efficiency in database maintenance processes.
- *Electronic Filing Initiative for Courts*: Connectivity testing in the CCMS test environment was completed for implementation of the family law e-filing data exchange within CCMS. A fully integrated end-to-end test is scheduled to begin in November 2011, as well as additional testing with state justice partners.
- *Outreach*: CCMS outreach activities included product demonstrations and presentations to: the Legislature, the Advisory Committee on Financial Accountability and Efficiency, the Strategic Evaluation Committee, and the Bureau of State Audits.

Award for California Courts Protective Order Registry:

- The registry won the Center for Digital Government's national "2011 Digital Government Achievement Award" in the government-to-government category.
- The Hoopa, Quechan, and Yurok tribal courts now have read-only access to the registry as part of the Tribal Court Access pilot program.

Phoenix Financial and Human Resources Management System

Award for Human Resources Management System: The AOC was selected for an SAP Public Services Best in Class Project Award at the technology company's Western Region Roundtable. The AOC was recognized for its partnership with the Superior Court of San Bernardino County to extend the SAP-supported human resources management system and self-service modules to all employees of the court, and develop a deployment toolkit and end-user training curriculum that will guide the Phoenix Program in continuing deployments to the remaining courts statewide.

Financial Management System:

- *Assisting Courts with Cost Tracking*: New project codes in the Phoenix Fiscal Management System will help courts track one-time and ongoing costs related to initiatives including the Traffic Amnesty Program, the Criminal Justice Realignment Act, and Judicial Branch Contract Law. Additionally, the AOC conducted statewide conference calls with the trial courts regarding the implementation of Public Contracting Code as it pertains to the use of Phoenix and the reporting requirements.

- *System Cost Savings:* This project converted Phoenix testing and training environments to a high speed storage network and will save \$40,000 annually going forward. Staff is evaluating the ability to leverage this technology for the Phoenix staging environment, which would further add to savings.

Technology Infrastructure and Security

Local Area Network/Wide Area Network Program: This technology refreshment program is now in the fifth cycle. Of the participating 52 courts, deployments are complete for 14 courts. The Superior Court of Orange County's security project was completed in October bringing the court's security network within standard and saving the court money.

California Courts Technology Center: The firewall replacement project replaces existing firewalls in both the Tempe and Omaha data centers to enhance operating security using industry best practice. The migration methodology testing and development environment in Omaha have been completed. The remaining environments should be completed by mid-November. This project requires testing support from court and application teams.

Data Integration

Electronic Filing of Traffic Citations: Almost all of California's traffic citations are submitted to courts by law enforcement agencies as hard copy documents and manually entered into automated case management systems. The AOC is leveraging existing statewide infrastructure, including the CCMS data exchange standards, and working with the California Highway Patrol to deploy an eCitation solution. With limited resources, the pilot program will be deployed in the Superior Courts of Orange, San Bernardino, and Santa Clara Counties by year end. The AOC has been awarded additional grant funding from Office of Transportation Safety to initiate future pilot projects.

Facilities

Facility Maintenance Pilot Program: A working group has been formed to plan a pilot program in which the AOC will delegate authority and funding for facility maintenance to 12 trial courts. Working group courts selected through the council's Court Executives Advisory Committee include the Superior Courts of Butte, Del Norte, Merced, Napa, Orange, Placer, San Luis Obispo, Santa Clara, Sonoma, Riverside, Tulare, and Yolo Counties. In November, the working group will publish the draft pilot program's framework for court comment, after which courts will be invited to participate in the program itself. The pilot is expected to launch in mid-2012.

Capital Projects:

Fifty-One Projects Moving Forward: The new Mammoth Lakes courthouse was dedicated in September, bringing the total number of completed projects to eight. Site selections and acquisitions for 27 new courthouse projects are in progress, in addition to design on 15 projects (renovations and new construction), five projects are pending a bond sale, and construction on three new courthouses is under way.

State Public Works Board Approval:

- Site selection:
 - Mendocino: New Ukiah courthouse
 - Plumas: New Quincy courthouse (2 sites)
 - Siskiyou: New Yreka courthouse
 - Sonoma: New Santa Rosa criminal courthouse

Facility Modifications:

- Eight hundred and ninety-five active facility modifications at a value of \$57.4 million are in progress.

Security

Continuity of Operations Planning: The AOC's Office of Emergency Response and Security assisted the superior courts in Riverside and San Diego Counties with the development of continuity of operations plans. Assistance includes tools, training, and a dedicated emergency planner for the branch. To date, training has been provided to 92 percent of trial courts and more than two-thirds of appellate courts; 26 percent have completed plans.

Human Resources

Labor Relations: Labor negotiations assistance is being provided to 18 courts. A majority of the courts are in need of concessions or reductions due to budget reductions, resulting in challenging and often protracted negotiations.

Employee Relations: Employee relations assistance is being provided to 10 courts. Assistance includes training for court staff, supervisors and managers; employee investigations; performance management; and employee disciplinary actions.

Classification and Compensation: A classification study for 29 incumbents is being conducted at the request of a trial court, as well as ongoing assistance to the appellate courts, and the Habeas Corpus Resource Center.

Advisory Committees/Task Forces/Working Groups

Advisory committees will hold only one in-person meeting per year until the fiscal situation improves. Other meetings will be convened using video- or audio-conferencing.

The following committees met since the Judicial Council's August meeting:

1. Advisory Committee on Criminal Jury Instructions
2. Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
3. Appellate Advisory Committee
4. Blue Ribbon Commission on Children in Foster Care
5. Collaborative Justice Courts Advisory Committee
6. Court Facilities Working Group
7. Court-Ordered Debt Task Force
8. Criminal Law Advisory Committee
9. Domestic Violence Practice and Procedure Implementation Task Force
10. Family and Juvenile Law Advisory Committee, Violence Against Women Education Project Planning Committee
11. Probate and Mental Health Advisory Committee
12. Traffic Advisory Committee
13. Tribal Court and State Court Forum

Advisory Committee on Criminal Jury Instructions: Considered and approved proposed revisions and additions to the jury instructions for posting for public comment. Comments are being accepted on proposed revisions and additions through November 30, 2011.

Appellate Advisory Committee: Approved a joint proposal with the Administrative Presiding Justices Advisory Committee for rule amendments and form revisions to implement urgency legislation establishing new fees for the first document filed by a party other than the appellant or petitioner in proceedings in the Supreme Court and Court of Appeal.

Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch:

- Presentations were made to the committee on the state budget process and judicial branch funding, and the AOC compensation structure in comparison to the executive branch and trial courts. AOC division directors and the executive office also shared information on their divisions' structure, staffing, budget and services.
- Reviewed and approved pending audit reports completed in four superior courts (Alpine, El Dorado, Napa, and San Joaquin Counties) for submission to the Judicial Council.

Blue Ribbon Commission on Children in Foster Care: Commission Chair Justice Richard Huffman met with local Blue Ribbon Commissions in Imperial County, Orange County, and San

Joaquin Counties encouraging them to maintain their strong court and agency collaborations for foster youth and their families.

Collaborative Justice Courts Advisory Committee: Discussed the impact of public safety realignment on collaborative courts and new procedures being implemented to collect data on the state's drug courts.

Court Facilities Working Group:

- Convened first meeting and directed the AOC to engage an independent consultant who will assist the working group in its oversight of the judicial branch construction program. Approved a draft scope of services for the consultant. A subcommittee of the working group will direct the selection process.
- Reviewed the history of the court facilities program since its establishment under the Trial Court Facilities Act of 2002, including its legislative underpinnings, funding mechanisms, prioritization of projects, and the current status of the 41 projects authorized under Senate Bill (SB) 1407.
- Developed recommendations on how the SB 1407 projects will move forward having solicited input from the 34 superior courts scheduled to receive new or renovated courthouses under SB 1407; established a public comment process, including inviting public comment. Written comments were received from 110 people.
- Recommendations will be submitted to the Judicial Council in December 2011.

Court-Ordered Debt Task Force:

- Established the Data Collection Working Group to develop a new survey for courts and counties to better capture special fund expenditure information as required by statute.
- Discussed exploring the reclassification or decriminalization of misdemeanors to infractions to reduce costs by avoiding court appearances and the cost of counsel.

Criminal Law Advisory Committee: Approved for consideration for adoption by the Judicial Council proposed rules and a form to facilitate recent criminal justice realignment legislation that requires courts to conduct certain post-release community supervision revocation proceedings.

Domestic Violence Practice and Procedure Implementation Task Force: Conducted three grant-funded court meetings in Burbank, San Francisco, and Sacramento Counties focused on danger and lethality assessment and protocols for implementing California Rules of Court relating to firearms relinquishment in criminal domestic violence cases. Judges, commissioners, defense attorneys, prosecutors, and probation officers joined task force members to discuss best practices in these areas. The task force will develop a bench card on the issue of risk assessment and submit a report to the Judicial Council on implementation of the rule.

Family and Juvenile Law Advisory Committee, Violence Against Women Education Project Planning Committee:

- Reviewed activities from April–September 30, 2011, in the context of evaluating grant-funded activities relating to domestic violence education and technical assistance and advising staff of priorities and new initiatives to propose to the funder.
- Staff presented overviews of the California Courts Protective Order Registry Project, funded in part by the education project grant; and grant-funded tribal projects relating to domestic violence and sexual assault.
- Reviewed plans for new activities including courses to be conducted at the Primary Assignment Orientation program, the Criminal Assignment Courses program, and the Criminal Law Institute. Future educational activities also include a course on ethics and self-represented litigants in domestic violence cases and workshops at the Beyond the Bench Conference.

Probate and Mental Health Advisory Committee:

- Reconsidered a proposal to be submitted to the Judicial Council's Rules and Projects Committee for consideration for adoption by the Judicial Council to adopt a new rule of court on court filing fee waivers in probate matters.
- Convened first meeting of a joint working group of the Probate and Mental Health Advisory Committee and the Tribal Court and State Court Forum to address how the forum's legislative proposal on the recognition and enforcement of tribal civil judgments can be extended to cover probate and mental health cases.

Traffic Advisory Committee: Considered proposed amendments to the current rule of court and forms for trials by written declaration under Vehicle Code section 40902.

Tribal Court and State Court Forum: Heard reports by forum members on national and statewide conference presentations (National Indian Judges Association and California Indian Lawyers Association), a report on two rule and form proposals, a report on legislative proposal (reticulating for another 90 days), and a Leadership Forum discussion.

Judicial and Court Employee Education Programs

Judicial Education

1. Domestic Violence Courses in Primary Assignment Orientation Program
2. Judicial Security, Privacy Protection and Stalking, and Threat Assessment
3. Limited Jurisdiction, Small Claims, and Unlawful Detainer Orientation
4. Procedural Fairness and how it relates to customer service (offered through the California Courts Association)
5. Pro Se Litigation Workshop (for the American Judges Association Conference)
6. Public Speaking and Community Outreach (for appellate justices)

7. Qualifying Judicial Ethics Training
8. Unlawful Detainer
9. What Makes a Good Opinion Great (for appellate justices)

Judicial Officer, Court Employee, and Justice System Stakeholder Education

1. Assessing Conservatorships (for probate court investigators)
2. Core 40–Court Management (for court managers and supervisors)
3. Court Clerk Training Institute
4. Difficult Conversations (Superior Court of Alameda County)
5. Family Law Judgments (for court staff and supervisors)
6. Grant Management: Administering Grants Awarded to Your Court or Agency (for court and AOC staff)
7. Human Resources in the California Courts: Roles and Responsibilities (for court HR professionals)
8. Institute for Court Management Courses for Managers and Supervisors: Caseflow; Finance; Courtools; Leadership
9. Indian Child Welfare Act and Tribal Customary Adoption Trainings
10. Interacting and Communicating With Persons With Disabilities (for interpreters)
11. National Association of Counsel for Children's National Children Law Conference
12. New Laws Workshops (for training coordinators)
13. Regional Family Dispute Resolution Directors Meetings
14. Sargent Shriver Civil Representation Pilot Project Workshop (Annual Meeting of the State Bar of California)
15. Special Motion to Strike (for judicial officers and research attorneys)
16. Successful E-Mail Communication (for appellate staff)
17. Time Management (for JusticeCorp volunteers)
18. Tribal Court Programs (for the Statewide Indian child Welfare Act Advisory Work Group, and the Violence Against Women Education Program)
19. Trusts 101 (for probate court investigators)

Faculty Development

20. Design Workshop for Family, Traffic, and Juvenile faculty
21. Faculty Development Fundamentals
22. Faculty Development Program: Human Trafficking

Broadcasts

1. Criminal Justice Realignment: Post-Release Supervision Revocation Hearings in the Courts
2. Everyday Managing and Supervising: A Day in the Life of a Project: Resources and Tools
3. Everyday Managing and Supervising: Supervising a Probate Department
4. Exploring the Code of Ethics
5. Juvenile Procedures: Confidentiality and Sealed Records
6. Presiding Judges and Court Executive Officers Roundtable: The Role of the Commission on Judicial Performance
7. Today's Law: Sentencing After Criminal Justice Realignment

2011 Broadcast Usage Data:

- Forty-six of 58 trial courts responded to a set of questions recently asked about broadcast use. Five of the six districts for the Courts of Appeal also responded.
- **Judges:** 33 courts report that judges watch broadcasts in groups on the day of broadcast; 41 courts report that judges watch broadcast videos on the Serranus Web site; 34 courts report that judges watch broadcast video on DVDs; 15 courts report that judges watch broadcast videos locally in facilitated sessions after the broadcast has aired.
- **Court employees:** 47 courts report that court staff/supervisors/managers attend broadcast courses in groups on the day they air; 27 courts report that their court routinely records the broadcasts when they air; 39 courts report that they have subsequently used broadcast tapes/DVDs in facilitated courses locally after the broadcast; and 47 courts report that court employees watch broadcast training from tapes/DVDs.
- Several courts mentioned that due to the current budget constraints on travel, they are relying more and more on broadcast and other distance delivery of education programs.

New Online Courses

1. Civil Trial Evidence: I Object!

Online Resources

1. Assigning Judges to Family Law, studio video lecture
2. Criminal Justice Realignment, video
3. Psychology and the Law, studio video lecture
4. Sexually Violent Predators, video
5. Ten-Minute Mentor: Making a Record in Family Law Proceedings, video
6. Criminal Justice Realignment, Webinar

Revised Benchguides

1. Custody and Visitation
2. Probation Revocation
3. Juvenile Dependency Proceedings: Review Hearings

Benchbook

1. Civil Proceedings—Trial Update 2011

Judicial Officer, Court Employee, and Justice System Stakeholder Education

Assessing Conservatorships: Two day-long regional sessions for probate court investigators included course topics on different types of conservatorships, roles and responsibilities of court investigators during the conservatorship process, duties related to initial interviews, status reports, and follow-up reviews, and best practices.

Core 40: This five-day regional training session for 18 court managers and supervisors from the Contra Costa, Marin, Solano, and San Mateo courts included course topics on the role of the supervisor, group development and group dynamics, leadership styles, employment law, and elements of performance management.

Court Clerk Training Institute: The first week of a two week institute, split over two one week periods, was attended by 86 courtroom and legal process clerks, with courses on felony criminal counter and courtroom procedures; family counter and courtroom procedures; and juvenile dependency counter and courtroom procedures.

Domestic Violence Courses in Primary Assignment Orientation Program: The grant-funded Violence Against Women Education Project developed and delivered domestic violence components within the Center for Judicial Education and Research (CJER) Primary Assignment Orientations Program in the areas of probate, family, and criminal law.

Faculty Development Fundamentals: Ten judges from Los Angeles, Santa Clara, Riverside, and San Diego Counties participated in this program that prepares faculty to teach judicial education programs. A second Advanced Faculty Development program explored learning styles, and was attended by judges, court managers, and AOC staff.

Faculty Development Program–Human Trafficking: The grant-funded Violence Against Women Education Project participated in a CJER-sponsored faculty development program focusing on course design. A team of four judicial officers worked to create a lesson plan on human trafficking.

Family Law Judgments: In three, day-long regional programs for court clerks and examiners and court supervisors, participants identified the types of family law judgments, described the overall judgment process, and demonstrated a working understanding of ancillary issues affecting judgments (fee waivers, disclosure requirements, military status, and identified ways to correct errors and omissions in the judgment process).

Grant Management–Administering Grants Awarded to Your Court or Agency: Course topics for this regional class for court and AOC employees included analyzing grant award offers and conditions for acceptance, negotiating, accepting and declining an award offer, and key steps in implementing a grant-funded project.

Human Resources in the California Courts–Roles and Responsibilities: This day-long regional program for HR generalists and specialists in the trial and appellate courts included the evolving role of human resources in the courts, potential organizational barriers to implementing HR practices, best practices in staffing, recruitment, compensation, benefits, organizational development and risk management.

Indian Child Welfare Act and Tribal Customary Adoption Trainings: Trainings for multi-disciplinary audiences were held in Alameda and Humboldt Counties.

Institute for Court Management Courses: This regional session for managers, supervisors and assistant court executive officers in Fresno and surrounding courts focused on the fundamentals of caseload management; Court Performance Standards: Courtools was offered in the San Bernardino court via their State Justice Institute grant, and surrounding courts were invited. Court Leadership training was offered in the Northern/Central Regional Office.

National Association of Counsel for Children's Law Conference: Staff moderated a plenary panel on the recent United States Supreme Court decision in *Greene v. Camreta*, dealing with fourth amendment issues involving a warrantless interview of an alleged victim of child abuse. Staff also presented a workshop on collaborating to address domestic violence and child welfare cases, and a workshop on representing child welfare clients in rural areas.

Procedural Fairness and How It Relates to Customer Service: At this half-day training, participants defined procedural fairness, described the relationship between customer service and procedural fairness, identified key elements that influence a court user's perception of being treated fairly, and explored techniques to improve customer service skills that directly relate to procedural fairness issues and perceptions.

Qualifying Judicial Ethics Training: Six core ethics classes of the Fourth Qualifying Ethics cycle were held. Additionally, three courses for Supreme Court and Court of Appeal justices addressed "Public Speaking and Community Outreach" and "What Makes a Good Opinion Great."

Regional Family Dispute Resolution Directors Meetings: Family Court Services Directors held regional meetings in the Bay Area and Southern regions. AOC staff reported on related rules, projects, and training. Meetings provide an opportunity for collaboration and discussion about innovative responses to challenges currently facing family dispute resolution services.

Restorative Justice: Staff presented a workshop on Restorative Justice to CityMatch, a national organization focused on improving community health care.

Successful E-Mail Communication: Four 90-minute courses were held via videoconference for appellate court staff, addressing best practices for writing e-mails.

Trusts 101: Two, day-long programs for probate court investigators focused on basic elements of a trust, conservator and guardian duties, mechanisms to bring a trust under court jurisdiction or supervision, duties, powers, and liability the trustee has to the beneficiary, requirements for trusts to be valid and the different types of trusts.

Broadcasts

A Dialogue with the Commission on Judicial Performance (CJP) broadcast aired with CJP members and staff discussing how the CJP can assist court leaders in recognizing, managing, and resolving disciplinary matters involving judges and subordinate judicial officers. Additionally, how investigations work and the role of the court during and after the investigations were discussed. In addition, an online course was developed on CJP's role to provide an overview of the Commission's authority, explain judicial responsibilities with respect to the CJP, and describe the disciplinary process.

New broadcasts included **A Day in the Life of a Project- Resources and Tools** focusing on effective project management skills for court supervisors and managers.

Supervising a Probate Department was a new broadcast for court supervisors, and introduced probate roles and responsibilities and discussed relationships with other supervisors, officers, and divisions, common terms, and case types that come to the probate department.

Another new broadcast for court staff, **Juvenile Procedures: Confidentiality and Sealed Records**, reviewed the rules and codes that outline confidentiality and sealed record procedures, identified common challenges, discussed the impact of not following confidentiality rules and procedures, and identified best practices for handling daily challenges.

Exploring the Code of Ethics, an encore broadcast for court staff, applied the tenets of the code to everyday court workplace situations.

Limited Jurisdiction, Small Claims, and Unlawful Detainer Orientation was a three-day program offered to judges and subordinate judicial officers new to the assignment or returning to the assignment after an absence of more than two years. The program was held during Primary Assignment Orientation week.

Ten-Minute Mentor video: Making a Record in Family Law Proceedings provided practical suggestions on procedures. Topics included required findings, when and how to take cases under submission, trial issues, and evidentiary findings.

New Judgeships and Judicial Vacancy Report

- The Commission on Judicial Appointments confirmed Professor Goodwin Liu as Associate Justice of California Supreme Court.
- Currently, there are 3 Court of Appeal and 57 trial court judicial vacancies.

Number of Judgeships Authorized, Filled, and Vacant as of October 28, 2011

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	<i>Filled(Last Month)</i>	<i>Vacant(Last Month)</i>
Supreme Court	1	7	7	0	0	7	0
Courts of Appeal	6	105	102	3	0	102	3
Superior Courts	58	1673	1566	57	50*	1576	97
All Courts	65	1785	1675	110		1685	100

* Authorized January 1, 2008, 50 new (AB 159) judgeships are added, however, funding for these positions has been deferred.

Italics: New Vacancies that occurred since August 26, 2011.

COURTS OF APPEAL

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Third Appellate District	1	Elevated	Hon. Tani G. Cantil-Sakauye	01/02/11
Fourth Appellate District, Division Three	1*	Retirement	Hon. David G. Sills	05/31/11
Sixth Appellate District	1	Retirement	Hon. Richard J. McAdams	02/28/11
TOTAL VACANCIES	3			

* Chief Justice Tani Cantil-Sakauye selected Associate Justice William F. Rylaarsdam to serve as Acting Presiding Justice of the Court of Appeal, Fourth Appellate District, Division Three in Santa Ana. Justice Rylaarsdam, who sits on Division Three, will temporarily fill the vacancy created by the retirement of Presiding Justice David G. Sills until the Governor appoints a replacement who must then be confirmed by the Commission on Judicial Appointments.

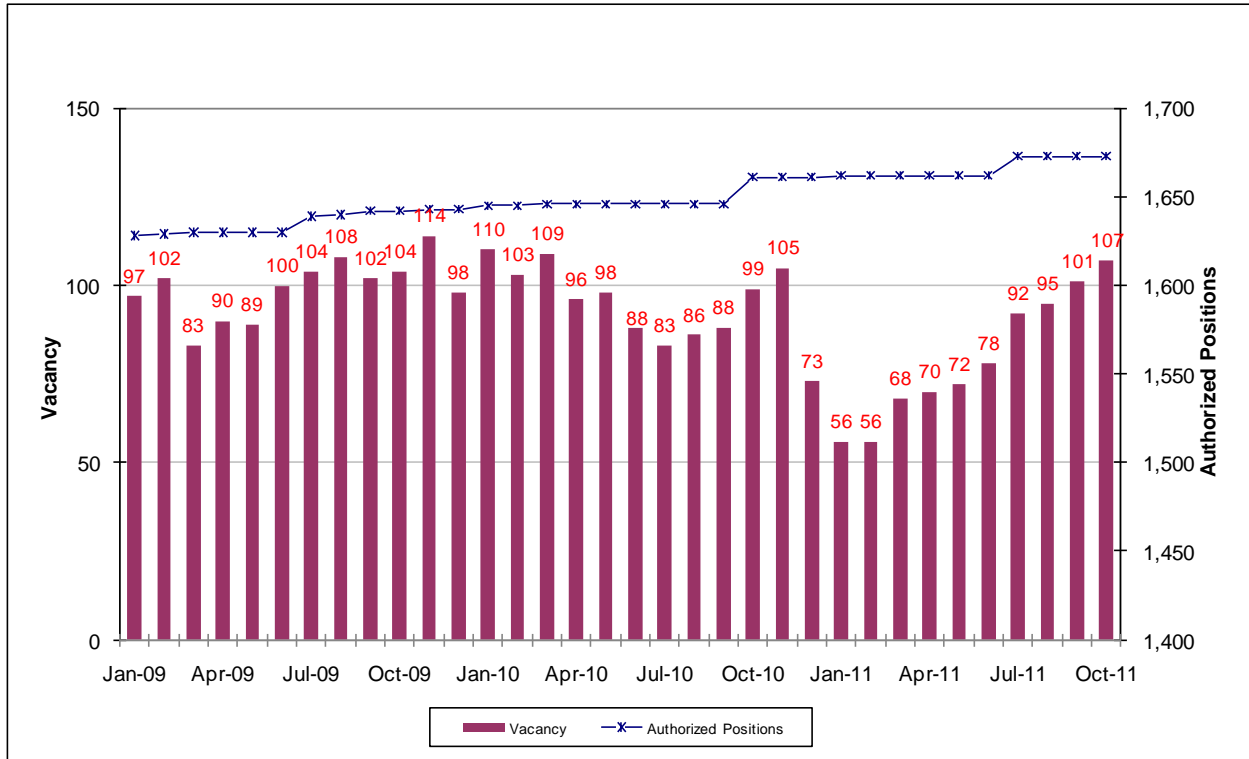
SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
<i>Alameda</i>	<i>2</i>	<i>Retirement</i>	<i>Hon. Beverly Daniels-Greenberg</i>	<i>10/14/11</i>
<i>Alameda</i>		<i>Resigned</i>	<i>Hon. Paul D. Fogel</i>	<i>09/30/11</i>
Imperial	2	Retirement	Hon. Joseph Zimmerman	11/10/10
Imperial		Deceased	Hon. Barrett J. Foerster	11/10/10
<i>Kern</i>	<i>1</i>	<i>Retirement</i>	<i>Hon. Robert J. Anspach</i>	<i>09/09/11</i>
<i>Los Angeles</i>	<i>20</i>	<i>Retirement</i>	<i>Hon. Maral Injejikian</i>	<i>09/05/11</i>
<i>Los Angeles</i>		<i>Retirement</i>	<i>Hon. Michael Allen Latin</i>	<i>09/05/11</i>
<i>Los Angeles</i>		<i>Retirement</i>	<i>Hon. Judith L. Champagne</i>	<i>08/31/11</i>
Los Angeles		Retirement	Hon. Martha Bellinger	07/31/11
Los Angeles		Converted	New Position	07/31/11
Los Angeles		Retirement	Hon. John P. Shook	07/15/11
Los Angeles		Retirement	Hon. William J. Birney	07/07/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Retirement	Hon. Andrew C. Kauffman	05/15/11
Los Angeles		Retirement	Hon. Charles E. Horan	05/06/11
Los Angeles		To Fed Court	Hon. John A. Kronstadt	04/25/11
Los Angeles		Retirement	Hon. Marlene A. Kristovich	03/31/11
Los Angeles		Retirement	Hon. Jerry E. Johnson	03/02/11
Los Angeles		Retirement	Hon. Conrad Richard Aragon	02/17/11
Los Angeles		Retirement	Hon. Dennis A. Aichroth	02/17/11
Madera	1	Dis Retirement	Hon. Eric C. Wyatt	05/23/11
Marin	1	Converted	New Position	07/01/11

Mendocino	2	Retirement	Hon. Jonathan M. Lehan	03/04/11
Mendocino		Dis Retirement	Hon. Ronald Brown	01/31/11
Monterey	1	Retirement	Hon. Terrance R. Duncan	08/17/11
Napa	1	Dis Retirement	Hon. Stephen Thomas Kroyer	05/23/11
<i>Orange</i>	<i>6</i>	<i>Retirement</i>	<i>Hon. Kazuharu Makino</i>	<i>09/30/11</i>
<i>Orange</i>		<i>Retirement</i>	<i>Hon. David C. Velasquez</i>	<i>09/09/11</i>
Orange		Retirement	Hon. Michael J. Naughton	08/05/11
Orange		Deceased	Hon. James Patrick Marion	07/10/11
Orange		Converted	New Position	07/01/11
Orange		Converted	New Position	07/01/11
Riverside	3	Retirement	Hon. W. Charles Morgan	01/31/11
Riverside		Retirement	Hon. Paul E. Zellerbach	01/02/11
Riverside		Elevated	Hon. Carol D. Codrington	01/02/11
Sacramento	1	Retirement	Hon. James L. Long	03/10/11
San Bernardino	1	Retirement	Hon. W. Robert Fawke	04/22/11
San Francisco	1	Retirement	Hon. Mary Carolyn Morgan	03/03/11
<i>San Mateo</i>	<i>2</i>	<i>Retirement</i>	<i>Hon. H. James Ellis</i>	<i>08/31/11</i>
<i>San Mateo</i>		<i>Retirement</i>	<i>Hon. Rosemary Pfeiffer</i>	<i>03/31/11</i>
<i>Santa Barbara</i>	<i>1</i>	<i>Retirement</i>	<i>Hon. James W. Brown</i>	<i>09/30/11</i>
<i>Santa Clara</i>	<i>5</i>	<i>Retirement</i>	<i>Hon. Douglas K. Southard</i>	<i>09/30/11</i>
Santa Clara		Retirement	Hon. Kevin J. Murphy	05/31/11
Santa Clara		Retirement	Hon. Alfonso Fernandez	04/12/11
Santa Clara		Retirement	Hon. Eugene Michael Hyman	03/01/11
Santa Clara		To Fed Court	Hon. Edward J. Davila	03/01/11
Santa Cruz	1	Converted	New Position	07/01/11
<i>Shasta</i>	<i>1</i>	<i>Retirement</i>	<i>Hon. Wilson Curle</i>	<i>09/30/11</i>
Solano	1	Retirement	Hon. Allan P. Carter	02/25/11
Stanislaus	1	Retirement	Hon. John G. Whiteside	04/15/11
Tuolumne	1	Retirement	Hon. Douglas C. Boyack	12/31/10
Ventura	1	Retirement	Hon. David W. Long	05/16/11
SUBTOTAL:	57			

Butte	1	(AB 159)*	New Position	1/1/2008
Contra Costa	1	(AB 159)*	New Position	1/1/2008
Del Norte	1	(AB 159)*	New Position	1/1/2008
Fresno	4	(AB 159)*	New Positions	1/1/2008
Kern	3	(AB 159)*	New Positions	1/1/2008
Kings	1	(AB 159)*	New Position	1/1/2008
Los Angeles	1	(AB 159)*	New Position	1/1/2008
Madera	1	(AB 159)*	New Position	1/1/2008
Merced	2	(AB 159)*	New Positions	1/1/2008
Monterey	1	(AB 159)*	New Position	1/1/2008
Orange	1	(AB 159)*	New Position	1/1/2008
Placer	2	(AB 159)*	New Positions	1/1/2008
Riverside	7	(AB 159)*	New Positions	1/1/2008
Sacramento	6	(AB 159)*	New Positions	1/1/2008
San Bernardino	7	(AB 159)*	New Positions	1/1/2008
San Joaquin	3	(AB 159)*	New Positions	1/1/2008
Shasta	1	(AB 159)*	New Position	1/1/2008
Solano	1	(AB 159)*	New Position	1/1/2008
Sonoma	1	(AB 159)*	New Position	1/1/2008
Stanislaus	2	(AB 159)*	New Positions	1/1/2008
Tulare	2	(AB 159)*	New Positions	1/1/2008
Yolo	1	(AB 159)*	New Position	1/1/2008
TOTAL VACANCIES:	107			

**Trial Court Authorized Positions and Vacancies
January 2009 through October 2011**



**Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month,
from January 2009 through October 2011***

Month	Superior Court				Court of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Jan-09	1,628	1,531	97	6.0%	105	98	7	6.7%
Feb-09	1,629	1,527	102	6.3%	105	96	9	8.6%
Mar-09	1,630	1,547	83	5.1%	105	96	9	8.6%
Apr-09	1,630	1,540	90	5.5%	105	96	9	8.6%
May-09	1,630	1,541	89	5.5%	105	96	9	8.6%
Jun-09	1,630	1,530	100	6.1%	105	100	5	4.8%
Jul-09	1,639	1,535	104	6.3%	105	101	4	3.8%
Aug-09	1,640	1,532	108	6.6%	105	102	3	2.9%
Sep-09	1,642	1,540	102	6.2%	105	102	3	2.9%
Oct-09	1,642	1,538	104	6.3%	105	102	3	2.9%
Nov-09	1,643	1,529	114	6.9%	105	102	3	2.9%
Dec-09	1,643	1,545	98	6.0%	105	102	3	2.9%
Jan-10	1,645	1,535	110	6.7%	105	102	3	2.9%
Feb-10	1,645	1,542	103	6.3%	105	101	4	3.8%
Mar-10	1,646	1,537	109	6.6%	105	101	4	3.8%
Apr-10	1,646	1,550	96	5.8%	105	102	3	2.9%
May-10	1,646	1,548	98	6.0%	105	102	3	2.9%
Jun-10	1,646	1,558	88	5.3%	105	101	4	3.8%
Jul-10	1,646	1,563	83	5.0%	105	102	3	2.9%
Aug-10	1,646	1,560	86	5.2%	105	103	2	1.9%
Sep-10	1,646	1,558	88	5.3%	105	103	2	1.9%
Oct-10	1,661	1,562	99	6.0%	105	102	3	2.9%
Nov-10	1,661	1,556	105	6.3%	105	102	3	2.9%
Dec-10	1,661	1,588	73	4.4%	105	102	3	2.9%
Jan-11	1,662	1,606	56	3.4%	105	104	1	1.0%
Feb-11	1,662	1,606	56	3.4%	105	104	1	1.0%
Mar-11	1,662	1,594	68	4.1%	105	103	2	1.9%
Apr-11	1,662	1,592	70	4.2%	105	103	2	1.9%
May-11	1,662	1,590	72	4.3%	105	103	2	1.9%
Jun-11	1,662	1,584	78	4.7%	105	102	3	2.9%
Jul-11	1,673	1,581	92	5.5%	105	102	3	2.9%
Aug-11	1,673	1,578	95	5.7%	105	102	3	2.9%
Sep-11	1,673	1,572	101	6.0%	105	102	3	2.9%
Oct-11	1,673	1,566	107	6.4%	105	102	3	2.9%

* As of October 17, 2011

Recap of Select Updates Shared with the Council Between Business Meetings

Retirement Announcement of Judge Burt Pines: Judicial Council member, Judge Burt Pines announced his plan to retire at the end of the calendar year.

Judicial Branch Strategic Planning. Development of the 2012–2015 operational plan for the judicial branch is under way. The council's internal Executive and Planning Committee has appointed judicial officer and judicial administrator groups to oversee input from trial and appellate courts. A similar process has begun for internal and advisory committees, task forces, and other justice system partners.

Hearings on Access to the Courts and Legal Services for Californians in Need. In consultation with the Chief Justice and the State Bar of California, One Justice, a non-profit organization working to expand legal help for Californians in need, will convene a series of four public hearings around the state on the impact of funding cuts to courts and legal services. The AOC and the State Bar are assisting with the hearings, which will take place in November and December. A survey of legal services nonprofits also will provide supporting data for a final report that will, among other things, support the courts in the state legislative and budget process. I have agreed to serve as a member of the advisory group for the hearings with other leaders from the courts, the Legislature, State Bar, law schools, and the business community. (The hearings are modeled after similar hearings convened in New York in 2010.)

Traffic Ticket Amnesty Program. The State Department of Finance has provided \$500,000 to help courts and counties with the amnesty program. The AOC will distribute the funds to courts and counties to reimburse private vendors who provide collection services related to the program.

Inyo County Domestic Violence Council Symposium. The AOC provided assistance for the domestic violence symposium at which two hundred judges and justice system partners from Inyo and several surrounding counties participated during Domestic Violence Awareness Month.

California Well Represented at National Court Technology Conference. Court leaders from across the country attended the National Center for State Courts week-long Court Technology Conference in Long Beach. Many California judges and court executives and staff attended the conference, as did the Chair of the Judicial Council Court Technology Committee Justice Ming Chin and the Chair of the CCMS Executive Committee Justice Terence Bruiniers. AOC staff made presentations on our work with the Institute for the Future on an e-business strategy to integrate with the branch's strategic plan, as well as presentations on standards-based data sharing, courthouse design and technology, and disposition and warrant management. Judicial Council member Alan Carlson served as a panelist for a discussion on the capabilities of cloud computing Internet technology. Representatives from seven of California's trial courts shared

their expertise as panelists and presenters on topics ranging from innovations in serving self-help center users to managing information technology resources in difficult financial times.

Local Court Visits: Over the past few months, I have visited almost 25 local courts to hear from presiding judges and court executive officers about day-to-day and long-term challenges for their courts, to discuss how the AOC can help, and to reaffirm our commitment to partner with courts in maintaining adequate services. Feedback from the courts on these meetings has been positive, and it has been a helpful process for me and the AOC. I will continue to meet with other trial and appellate courts during the next several months.

Facilities Program. The judicial branch received the following approvals from the State Public Works Board:

1. Authorization for the sale of lease revenue bonds for San Bernardino, Riverside Mid-County, and Porterville Courthouses. Pricing for these is scheduled for November 1 or 2, 2011, with actual sale about seven days later.
2. Transfer of title for the Inglewood Courthouse in Los Angeles County.
3. Authorization for site selection for new courthouses in Plumas and Sonoma Counties.

Award: At the presentation of its 2011 Distinguished Project Awards, the nonprofit Western Council of Construction Consumers recognized the new Richard E. Arnason Justice Center in Contra Costa County with its Distinguished Award, while the B. F. Sisk Courthouse renovation in Fresno received a Notable Award.

Facilities Operations and Maintenance: Local court leaders were advised that the transition to the three new regional operations and maintenance service providers for the courts is complete. We appreciate the assistance of the many courts that reviewed the request for proposals and restructured contracts and who participated in the selection process. In addition to working directly with the service providers and having ongoing, routine contact with staff of the Administrative Office of the Courts, Office of Court Construction and Management (OCCM), court liaisons:

- Meet monthly with OCCM staff to discuss any concerns about specific projects, costs, procedures, or communications issues;
- May submit and track requests through the Computer-Aided Facilities Management System;
- Complete quarterly surveys to provide feedback for improvements; and
- May contact the Trial Court Facility Modification Working Group for concerns about facility modification projects.

Judicial Council-Sponsored Legislation: 2011 marked the first year of a two-year legislative session. The session ended September 9, 2011, and Governor Brown had until October 9, 2011, to sign or veto all of the regular session bills that made it to his desk. Among those bills were five pieces of Judicial Council-sponsored legislation. The Governor signed all but one of the

council-sponsored bills. The vetoed bill relates to judicial pension reform. State pension reform will be addressed as a whole by the Administration.

AB 458 (Atkins)—Guardianship: Prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed, and specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation. Requires the court in which a guardianship proceeding is filed to communicate with each court where a custody or visitation proceeding is pending prior to making a determination on maintaining or transferring the guardianship proceeding. Requires the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement the bills inter-court communication provisions. *Status: Signed into law (Stats. 2011, ch. 102)*

SB 405 (Corbett)—Judgeships: Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in the 2011–12 fiscal year where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer. *Status: Signed into law (Stats. 2011, ch. 705)*

SB 503 (Vargas)—Judges' Retirement: Amends the Judges' Retirement System II (JRS II) statutes to allow JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years at the time they retire. *Status: Vetoed; See veto message here: http://gov.ca.gov/docs/SB_503_Veto_Message.pdf*

SB 647 (Committee on Judiciary)—Civil Law: Omnibus Bill: Among other things, amends the law governing the process for obtaining a subpoena in connection with an out-of-state proceeding by requiring the first page of the pleading to state whether or not the person filing the document is a party to the out-of-state case. Makes clarifying amendments to recently enacted legislation (AB 131[Evans], Stats. 2009, ch. 413) to allow courts to collect the costs of providing court appointed counsel in dependency cases from those parents who have the ability to pay. Requires the Judicial Council to adopt policies and procedures allowing a court to recover from the money collected the costs associated with implementing the reimbursements program. Makes technical changes to provisions in the Small Claims Act by deleting erroneous cross-references. *Status: Signed into law (Stats. 2011, ch. 308)*

SB 731 (Committee on Judiciary)—Civil Actions: Makes various changes to improve the handling of judicial arbitration awards, and streamlines the procedures governing vexatious litigants. In the judicial arbitration area: (1) provides that a party need not file a request for a trial de novo to stop entry of the arbitrators award as the judgment in the case but instead could file a request for dismissal; and (2) gives parties up to 60 days after the filing of the arbitrators

award to file either of the requests. In the vexatious litigants area: (1) clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate authority to make the prefiling determination that an individual is a vexatious litigant or is permitted to file an action; (2) authorizes the presiding justice or presiding judge to order that notice be given of a vexatious litigant's status if the clerk mistakenly files litigation without a prefiling order; and (3) provides procedures for an application to vacate a prefiling order and remove a litigant's name from the Judicial Council's list of vexatious litigants, along with guidance for the courts in deciding the application. *Status: Signed into law (Stats. 2011, ch. 49)*

One two-year bill sponsored by the Judicial Council is still pending in the Legislature:

AB 1405 (Committee on Judiciary)—Courts: Judgeships: Authorizes the third set of 50 additional judgeships to be allocated to the various county superior courts, pursuant to uniform criteria approved by the Judicial Council. Specifies that the creation of judgeships is contingent upon moneys being identified for that purpose in the annual Budget Act. *Status: 2-year bill; Assembly Judiciary Committee*

Legislation on Which the Judicial Council Took a Position:

In addition to the six sponsored bills, the Judicial Council took positions of support or opposition on the following bills in 2011:

AB 73 (Feuer)—Dependency Proceedings: Public Access: Requires the Judicial Council, subject to the provision of private funding, to establish a four-year pilot project in three courts (Los Angeles, Ventura, and an unspecified court) to impose a presumption that juvenile dependency proceedings are open to the public. Requires the court at the commencement of the proceedings to inform the parties that the hearing is open and to inquire as to whether there is any reason to close the proceedings. If the proceedings remain open, requires the court to admonish the parties to refrain from disclosing any information that would personally identify the child, his or her siblings, or the parents. If there is a request to close the proceeding, requires the court to consider whether opening the proceedings is contrary to the child's best interests. Requires the child's attorney to advise the child of his or her right to request that the proceeding be closed and, if no attorney is present for the child, requires the court to make that advisement. Requires the Judicial Council to contract with an independent organization to evaluate the pilot and sets forth the issues to be addressed in the evaluation. Provides that the pilot shall begin within one year of securing private funding for the pilot project and evaluation. *Status: 2-year bill; Assembly Human Services Committee*

AB 141 (Fuentes)—Jurors: Electronic Communications: Requires the court, when admonishing the jury against conversing about a trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of communication, research, and

dissemination of information, including electronic and wireless devices. Requires the officer in charge of a jury to prevent any form of electronic or wireless communication. Provides that violation of this admonishment constitutes criminal and civil contempt of court. *Status: Signed into law (Stats. 2011, ch. 181)*

AB 212 (Beall)—California Fostering Connections to Success: Clarifies the provisions of the California Fostering Connections to Success Act (AB 12 [Beall and Bass]; Stats. 2010, ch. 559). Specifically the bill (1) clarifies the requirements for a youth to be eligible for extended care consistent with federal requirements; (2) clarifies the process by which a nonminor can re-enter foster care and petition the court for reinstatement of jurisdiction; (3) clarifies the process for providing extended care to eligible delinquent youth in foster care and establishes a new jurisdictional status for youth exiting delinquency into extended care; (4) conforms provisions relating to Kin-GAP guardianships in the delinquency statutes to reflect federal requirements; and (5) restores a provision erroneously deleted from law that allows youth in Kin-GAP guardianships to receive support up to age 19 if they are in the process of completing high school or an equivalency certificate.

Status: Signed into law (Stats. 2011, ch. 459)

AB 314 (Gorell)—Court Facilities: As introduced, requires that contracts pertaining to the acquisition and construction of court facilities be subject to the provisions of the Public Contract Code, as specified. *Status: 2-year bill; Assembly Business Professions and Consumer Protection Committee*

AB 362 (Lowenthal)—Elections: Office Of Superior Court Judge: Write-In Candidate: Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest from 100 to at least 0.1 percent of the registered voters qualified to vote, with respect to the office, provided that the petition contain at least 100 signatures and need not contain more than 600 signatures. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record. *Status: Signed into law (Stats. 2011, ch. 214)*

AB 618 (Furutani)—Court Interpreters: Enacts the California Language Access Bill of Rights. Requires the court to provide separate interpreters for defendants and witnesses, and for codefendants in specified proceedings. Allows a defendant to object to the use of a noncertified, nonregistered interpreter if the interpreter appears unqualified. Requires the court to follow existing rules and procedures to record that objection. Prohibits any noninterpreter staff person of the court, sheriff's department, probation department, or specified other local government entities from providing interpreter services unless the court uses existing mechanisms for qualifying a noncertified interpreter. *Status: 2-year bill; Senate Appropriations Committee*

AB 738 (Hagman)—Public Employees' Retirement: Elected Officials: As introduced, provides that a person who is publicly elected to any office on or after January 1, 2012, shall not become a member of any retirement system by virtue of that service and shall not acquire any retirement rights or benefits for serving in that elective office unless required by the Constitution. Also prohibits an elected official elected on or after January 1, 2012, from becoming a member or obtaining any retirement rights or benefits from specified state and local retirement systems for serving in an elective office (does not include Judges' Retirement Systems). *Status: 2-year bill; Assembly Public Employees, Retirement and Social Security Committee*

AB 973 (Campos)—Trial Courts: Budget Process: Public Meeting: Requires each trial court, until January 1, 2017, prior to adopting a baseline budget plan for the fiscal year, to provide the public notice of, and an opportunity for public input on, that court's proposed budget plan. Provides that the opportunity for input may be by submission of written comment or by public hearing, at the court's discretion. Note that the bill no longer requires a court to hold a public hearing on the budget plan, as was required in earlier versions of the bill. Requires that, during the current 60-day notice period regarding notice of courtroom closures, or closures of or reductions in the hours of clerks' offices, the public be given an opportunity to submit written comments on the court's plan. Amends the law governing notice of courtroom closures, or closures or reductions in the hours of clerks' offices during regular business hours on any day, by requiring a trial court to provide notification of such events by electronic distribution to individuals who have subscribed to the court's electronic distribution service. Specifies that those required notifications must include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. Requires the court to review and consider all public comments submitted and immediately post a revised notice if the court's plan changes as a result of those comments. *Status: Signed into law (Stats. 2011, ch. 687)*

AB 1067 (Huber)—Civil Procedure: Orders: Provides that an order denying a motion for reconsideration made pursuant Code of Civil Procedure section 1008(a) is not separately appealable. Provides further, however, that if the order that was the subject of the motion for reconsideration is appealable, the denial of the motion for reconsideration is reviewable as part of an appeal from that order. *Status: Signed into law (Stats. 2011, ch. 78)*

AB 1208 (Calderon)—Trial Courts: Administration: As amended May 18, 2011, makes fundamental changes to the governance of the judicial branch by, among other things:

- Removing from the Judicial Council its responsibility and authority to allocate funds to trial courts in a manner that supports implementation of statewide policies and initiatives and removing the council's role of ensuring the stability of trial court operations and providing management or oversight of trial court budgets.

- Eliminating the authority of the Judicial Council to transfer funding to finance specific trial court projects or assist courts confronting unanticipated budget shortfalls or other urgent fiscal needs.
- Striking statutory references to the goals intended to inform Judicial Council decisions on allocating funding: to best assure the ability of courts to carry out their functions, promote implementation of statewide policies, promote the implementation of efficiencies and cost saving measures in court operations, guarantee equal access to courts. *Status: 2-year bill; Assembly Floor*

AB 1264 (Hagman)—Statewide Bail Commission: Statewide Bail Schedule: As introduced, repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for allailable felony, misdemeanor and infraction offenses except Vehicle Code infractions. *Status: 2-year bill; Assembly Public Safety Committee*

AB 1284 (Hagman)—Probation Bonds: As introduced, permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing. *Status: 2-year bill; Assembly Public Safety Committee*

AB 1403 (Committee on Judiciary)—Civil Actions; Voir Dire: Makes various changes to the law governing voir dire in civil trials, including: (1) providing that the trial judge should allow a brief opening statement by counsel for each party prior to the commencement of the oral questioning phase of the voir dire process; (2) prohibiting a blanket policy of time limits for voir dire; (3) providing that the parties should be given reasonable time to evaluate the responses to any written questionnaires, if used, before oral questioning commences; and (4) providing that the judge in civil trials should provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called. Amends the statute governing additur and remittitur to: (1) provide that if a deadline is not set forth in the conditional order, the deadline for acceptance or rejection of the addition or reduction of damages is 30 days from the date the conditional order granting a new trial is issued; (2) provide that failure to respond to the order shall be deemed a rejection of the addition or reduction of damages, and a new trial limited to the issue of damages shall be granted automatically; and (3) require a party serving an acceptance of a conditionally ordered addition or reduction of damages to prepare an amended judgment reflecting the modified judgment amount as well as any other uncontested judgment awards. Provides that a prevailing party can recover costs for court interpreter fees for a qualified court interpreter, authorized by the court for an indigent person, as specified. *Status: Signed into law (Stats. 2011, ch. 409)*

AB 1406 (Committee on Judiciary)—Dissolution of Marriage: Disclosure: Requires that a petitioner or respondent for dissolution, separation, or nullity of marriage serve a copy of the

preliminary declaration of disclosure at the time the petition or response is filed, or within 60 days of filing the petition or response unless that time period is extended by written agreement or court order. Also requires that the declarant include the prior two years tax returns as part of the disclosure. *Status: 2-year bill; Senate Judiciary Committee*

SB 221 (Simitian)—Small Claims Court: Jurisdiction: Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays operation of this increase until January 1, 2015 only for bodily injury claims resulting from vehicle accidents in cases where a defendant is covered by an automobile insurance policy that includes a duty to defend. *Status: Signed into law (Stats. 2011, ch. 64)*

SB 270 (Hernandez)—State Employees: Compensation: As introduced, continuously appropriates from the General Fund, the amount necessary to fully compensate state employees should a budget not be enacted before July 1, of any given fiscal year. Does not extend its protections to employees of the judicial branch. *Status: Senate Appropriations Committee—Suspense File*

SB 326 (Yee)—Court Records: Public Access: Requires the Judicial Council, within 18 months of enactment of the legislation, to adopt a rule of court that would require courts to provide same-day access to specified civil and criminal case-initiating documents received within 30 minutes of the court closing to the extent possible and practicable. Provides further that in no case would a document be made available later than 60 minutes after the court opens on the next court day. Requires courts to provide copies of the court records at no cost. *Status: Assembly Appropriations Committee—Suspense File*

SB 384 (Evans)—Civil Actions; Complex Case Filing Fee: Requires the payment of a single complex case fee on behalf of all plaintiffs, as specified, and provides that these changes are declaratory of existing law. Authorizes, until January 1, 2015, a party to move for summary adjudication of a legal issue or claim for damages other than punitive damages that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty according to specified procedures. Clarifies that a demand for money served by an attorney to a building owner or tenant containing a construction-related accessibility claim, which must under existing law include a written advisory of the owners or tenants rights and obligations, is defined as such whether or not the attorney intends to file a complaint and whether or not the attorney eventually files a complaint in state or federal court. Provides that a violation of an attorneys obligation to include a written advisory of rights and obligations to a defendant regarding a construction-related accessibility claim constitutes cause for the imposition of discipline against the attorney. *Status: Signed into law (Stats. 2011, ch. 419)*

SB 848 (Emmerson)—Court of Appeal Districts: Reorganizes the Courts of Appeal into seven districts by removing San Bernardino, Inyo, and Riverside Counties from the 4th Appellate District and creating a 7th Appellate District consisting of those counties. Provides

that the 7th Appellate District would consist of one division of seven judges and would hold its regular sessions in the San Bernardino/Riverside area, and the 4th Appellate District would thereafter consist of two divisions that hold regular sessions in San Diego and Orange Counties. Specifies that the provisions of current law which require the Governor, on the creation of a new court of appeal district or division, to appoint judges to serve on that court, and the procedures to be followed for the election of the judges, do not apply to the creation of the 7th Appellate District. Provides instead that existing judges of Division 2 of the 4th Appellate District would serve as the judges of the new district, that the terms of office of those judges would not be affected by the reorganization, and that no action by the Commission on Judicial Appointments would be necessary. *Status: 2-year bill; Senate Judiciary Committee*

SB 858 (Gaines)—Probation: Chief Probation Officer of Nevada County: As amended April 25, 2011, provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors. *Status: 2-year bill; Senate Public Safety Committee*

Other Selected Legislation of Interest:

AB 126 (Davis)—Courts: Judicial Appointments: Requires all members of the Commission on Judicial Nominees Evaluation to receive one hour of training on fairness and bias in the judicial appointments process at an initial orientation and an additional hour if serving more than one term. Specifies the categories to be used by the State Bar and the Administrative Office of the Courts when reporting the race or ethnicity of judicial applicants, nominees, or judges and justices. *Status: Signed into law (Stats. 2011, ch. 667)*

AB 1358 (Fuentes)—Extension of Amnesty Program: Extends the amnesty program under current law that applies to delinquent court-ordered debt for Vehicle Code infractions to also apply to specified Vehicle Code misdemeanors. Makes the misdemeanor amnesty program, which will run concurrently with the infraction amnesty program, optional, upon agreement by the court and county. Applies the same eligibility criteria as the infraction amnesty program. *Status: Signed into law (Stats. 2011, ch. 662)*

SB 182 (Corbett)—Judiciary: Demographic Data: Requires the State Bar, the Governor's office, and the Administrative Office of the Courts to request demographic data on gender identity and sexual orientation in addition to the information currently collected on gender, race and ethnicity for judicial nominees, applicants, appointees, judges and justices. *Status: Signed into law (Stats. 2011, ch. 720)*