



JUDICIAL COUNCIL MEETING

Open to the Public (Cal. Rules of Court, rule 10.6(a))
Ronald M. George State Office Complex • Malcolm M. Lucas Board Room
455 Golden Gate Avenue • San Francisco, California 94102-3688
June 24, 2011 • 8:30 a.m.–12:40 p.m.

AGENDA

- 8:30–8:40 a.m. Public Comment**
[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]
- 8:40–8:45 a.m. [Approval of Minutes](#)**
Minutes of the April 29, 2011, business meeting
- 8:45–9:00 a.m. Chief Justice’s Report**
Chief Justice Tani Cantil-Sakauye will report.
- 9:00–9:15 a.m. [Administrative Director’s Report](#)**
Mr. William C. Vickrey, Administrative Director of the Courts, will report.
- 9:15–10:20 a.m. [Judicial Council Committee Presentations](#)**
[under Committee Reports Tab]
Executive and Planning Committee
Hon. Richard D. Huffman, Chair
Policy Coordination and Liaison Committee
Hon. Marvin R. Baxter, Chair
Rules and Projects Committee
Hon. Douglas P. Miller, Chair
California Court Case Management System (CCMS) Internal Committee
Hon. James E. Herman, Chair
Including status report on CCMS from:
Hon. Terence L. Bruiniers, Chair, CCMS Executive Committee
Mr. Ronald G. Overholt, Chief Deputy Director
Mr. Mark A. Moore, Executive Program Director,
CCMS Program Management Office

NOTE: Time is estimated. Actual start and end times may vary.

CONSENT AGENDA (ITEMS 1–5)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

Item 1 **[Report to the Legislature: Annual Summary of Trial Court Security Plans \(Action Required\)](#)**

The Working Group on Court Security recommends that the council approve the report to the Legislature, as required by statute, with a summary of the submissions from the courts of their security plans. This report fulfills a Government Code section 69925 requirement that the council submit an annual report on the status of locally-negotiated trial court security plans.

Hon. Richard D. Aldrich, Chair, Working Group on Court Security

Mr. Malcolm Franklin, Office of Emergency Response and Security

Item 2 **[Jury Instructions: Additions and Revisions to Civil Jury Instructions \(Action Required\)](#)**

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

Hon. H. Walter Croskey, Chair, Advisory Committee on Civil Jury Instructions

Mr. Bruce Greenlee, Office of the General Counsel

Item 3 **[Judicial Branch Administration: Audit Reports for Judicial Council Acceptance \(Action Required\)](#)**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) recommends that the Judicial Council accept the eight audit reports which pertain to the Superior Courts of Colusa, Lassen, Merced, Plumas, San Mateo (two reports), Santa Cruz, and Shasta Counties. This complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports, prior to their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Hon. William R. McGuiness, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Mr. John A. Judnick, Finance Division

Item 4 **[Traffic: 2011 Uniform Bail and Penalty Schedules \(Action Required\)](#)**

The Traffic Advisory Committee proposes revisions to the Uniform Bail and Penalty Schedules to become effective July 1, 2011. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of

Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The proposed revisions bring the schedules into conformance with recent legislation that extends the sunset date from July 1, 2011, to July 1, 2013, for the court security fee of \$40 per conviction in criminal cases, including traffic infraction cases.

Hon. Deborah A. Ryan, Chair, Traffic Advisory Committee

Mr. Courtney Tucker, Office of the General Counsel

Item 5 [Criminal Fines and Fees: Court-Ordered Debt Task Force Interim Report to the Judicial Council and Legislature \(No Action Required.\)](#)

The Judicial Council Court-Ordered Debt Task Force presents this interim report, as required by Penal Code Section 1463.02, to the Judicial Council and to the Legislature on its efforts to evaluate and explore means to streamline the existing structure for imposing and distributing criminal and traffic fines and fees in the State of California. The task force makes initial recommendations regarding the priority in which court-ordered debts should be satisfied and the use of comprehensive collection programs authorized pursuant to Penal Code Section 1463.07, including associated cost-recovery practices.

Hon. Mary Ann O'Malley, Superior Court of Contra Costa County

Hon. David S. Wesley, Superior Court of Los Angeles County

Mr. Curt Soderlund, Trial Court Administrative Services

DISCUSSION AGENDA (ITEMS 6–11)

Item 6 **10:20–10:40 a.m.**

[Budget: Allocation of \\$17.862 Million in 2010 Budget Act Funding for Trial Court Employee Benefits \(Action Required\)](#)

The Administrative Office of the Courts (AOC) and the Trial Court Budget Working Group (TCBWG) recommend an allocation of \$17.862 million in funding provided by the Budget Act of 2010 (Stats. 2010, ch. 712) to address fiscal year (FY) 2010–2011 cost changes in court employee retirement, retiree health, and health benefits.

Presentation (10 minutes) • Discussion/Council Action (10 minutes)

Speakers: Mr. Stephen Nash, Finance Division

Break **10:40–10:55 a.m.**

Item 7 **10:55–11:10 a.m.**

**Alternative Dispute Resolution (ADR): Use of Remaining Funds Fiscal Year 2010–2011
Judicial Administration Efficiency and Modernization Fund Allocation for ADR
Projects (Action Required)**

The AOC recommends that the Judicial Council approve using a portion of the remaining fiscal year 2010–2011 Judicial Administration Efficiency and Modernization Fund (Modernization Fund) that the council allocated for alternative dispute resolution (ADR) projects to (1) increase 10 previously approved FY 2010–2011 Civil Mediation and Settlement Program Awards to superior courts; and (2) produce a video, suitable for statewide use by courts, to promote and facilitate the use of court-connected mediation programs for civil harassment cases. Increasing the Civil Mediation and Settlement Program Awards will enable the recipient courts to continue currently operating ADR projects until December 31, 2011. The proposed video is intended to help reduce court workloads and increase litigant satisfaction in civil harassment cases.

Presentation (10 minutes) • Discussion/Council Action (5 minutes)

Speakers: Mr. Alan Wiener, Office of the General Counsel
 Mr. Colin Simpson, Finance Division

Item 8 **11:10–11:55 p.m.**

**Judicial Branch Administration: Presentation of Audit Reports for Judicial Council
Acceptance (Action Required)**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) recommends that the Judicial Council accept the two audit reports which pertain to the Superior Courts of San Francisco and Tehama Counties. This complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports, prior to their placement on the California public website to facilitate public access. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Presentation (30 minutes) • Discussion/Council Action (15 minutes)

Speakers: Hon. William R. McGuinness, Chair
 Advisory Committee on Financial Accountability and Efficiency
 for the Judicial Branch
 Mr. T. Michael Yuen, Executive Officer
 Superior Court of San Francisco County
 Mr. John A. Judnick, Finance Division

Item 9 11:55 a.m.–12:15 p.m.

Telephone Appearances: Fees and Revenues Amend Cal. Rules of Court, rules 3.670 and 5.324; approve apportionment and allocation of FY 2009–2010 revenue amounts (Action Required)

To implement Senate Bill 857, the 2010 judicial-branch related budget trailer bill that requires the Judicial Council to establish statewide, uniform telephone appearance fees by July 1, 2011, the Office of the General Counsel and the Finance Division of the Administrative Office of the Courts recommend that the Judicial Council amend rule 3.670 of the California Rules of Court to establish a uniform telephone appearance fee, a late fee, and a cancellation fee to be charged by vendors and courts for parties and their attorneys to appear by telephone at court hearings, conferences, and proceedings in civil cases. This report also recommends that rule 5.324 on telephone appearances in Title IV-D child support proceedings be amended to be consistent with the amendments to rule 3.670. Finally, this report recommends that the Judicial Council (1) approve the proposed method of apportioning among vendors an amount equal to the total revenue received by courts from vendors in fiscal year (FY) 2009–2010, and (2) approve the proposed method for allocating the fiscal year 2009–2010 revenue amount among eligible superior courts.

Presentation (10 minutes) • Discussion (10 minutes)

Speakers: Mr. Patrick O'Donnell, Office of the General Counsel
 Mr. Colin Simpson, Finance Division

Item 10 12:15–12:25 p.m.

Judicial Council Resolution: Recognizing the Service of African-American Justices in the California Courts (Action Required)

The Administrative Office of the Courts recommends that the Judicial Council commend the significant achievements of the African-American justices who have served, or are serving, on the California Supreme Court and California Courts of Appeal. Recognizing their achievements this year is especially significant since 2011 marks the 70th anniversary year of the appointment of California's first African-American judge and the 50th anniversary year of the appointment of California's first African-American justice.

Presentation (5 minutes) • Discussion/Council Action (5 minutes)

Speakers: Mr. William C. Vickrey
 Administrative Director of the Courts
 Hon. Martin J. Jenkins, Court of Appeal
 First Appellate District, Division Three

Item 11 12:25–12:40 p.m.

Tentative Item

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[Trial Courts: Quarterly Investment Report for First Quarter of 2011](#)

This Trial Court Quarterly Investment Report provides the financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program. The period covered by this report is from January 1, 2011, through March 31, 2011.

[Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours \(Report #4\)](#)

In the 2010 Judiciary Budget Trailer Bill, Senate Bill 857, the Legislature provided fee increases and fund transfers for the courts and also added a new section 68106 to the Government Code. The latter directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website and relay to the Legislature all such court notices. This is the fourth report providing information about the implementation of these notice requirements. Since the first three reports, one more court, Siskiyou, has given such notice, which it issued on May 27, 2011. Another court, San Francisco, which issued notice of limited service on November 22, 2010, gave notice on May 9, 2011, of the continuation of the limited service.

Circulating Orders since the last business meeting [CO-11-02 Tab]

[CO-11-02, Joint Recipients for New Judicial Council Distinguished Service Award: The Richard D. Huffman Justice for Children and Families Award](#)

[Appointment Orders Since the last business meeting](#) [Appointment Orders Tab]