

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Minutes of the Business Meeting—January 23, 2014**  
**Administrative Office of the Courts • Sacramento**  
**Fourth Floor, Veranda Rooms A, B, and C**  
**2860 Gateway Oaks Drive, Suite 400**  
**Sacramento, California 95833**

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**THURSDAY, JANUARY 23, 2014**  
**OPEN MEETING (RULE 10.6 (A))—BUSINESS MEETING AGENDA**

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**Judicial Council members present:** Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Marvin R. Baxter, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, James R. Brandlin, David De Alba, Emilie H. Elias, Sherrill A. Ellsworth, Teri L. Jackson, Mary Ann O’Malley, David Rosenberg, David M. Rubin, and Dean T. Stout; Assembly Member Richard Bloom; Mr. Mark G. Bonino, and Mr. James P. Fox; **advisory members present:** Judges Robert A. Glusman, James E. Herman, Morris D. Jacobson, Brian L. McCabe, Kenneth K. So, Charles D. Wachob, and Brian Walsh; Commissioner Sue Alexander; Supreme Court Clerk Frank A. McGuire, Court Executive Officers Mary Beth Todd and David H. Yamasaki; **secretary to the council:** Steven Jahr, Administrative Director of the Courts.

**Members absent:** State Senator Noreen Evans; Ms. Angela J. Davis and Mr. Mark P. Robinson, Jr.

**Others present:** Presiding Judge Jonathan B. Conklin, Superior Court of California, County of Fresno; Assistant Presiding Judge Steven K. Austin, Superior Court of California, County of Contra Costa; Ms. Deena Fawcett, Clerk/Administrator, Court of Appeal, Third Appellate District; Ms. Colette Bruggman, Assistant Clerk/Administrator, Court of Appeal, Third Appellate District; Ms. Sheran L. Morton, Court Executive Officer, Superior Court of California, County of Fresno; Mr. Robert Oyung, Chief Technology Officer, Superior Court of California, County of Santa Clara; **members of the public:** Ms. Mary Lou Aranguren, Ms. Morgan Carvajal, Ms. Kelli Evans, Mr. Christian Feng, Mr. Michael Ferreira, Ms. Diana Glick, Mr. Ignacio Hernandez, Ms. Anna Medina, Ms. Elizabeth Dietzen Olsen, Mr. Richard Park, Mr. Ariel Torrone; **media representatives:** Mr. Paul Jones, *Daily Journal*.

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 8:30 a.m. in Veranda Rooms A, B, and C on the fourth floor of the Sacramento office of the Administrative Office of the Courts (AOC).

**Chief Justice’s Remarks**

The Chief Justice commented on the significance of these meetings in Sacramento, which enables the council members, in addition to conducting regular council business, to advocate with the sister branches of government for the necessary reinvestment in the judicial system. She

reported that council members held a number of productive and informative visits with legislators and their staff the day before this meeting during which they had an opportunity to advocate for the judicial branch and the courts and discuss issues relating to equal access to justice for all Californians.

The Chief Justice thanked the Judicial Council members for their participation in the legislative visits. She also thanked the AOC Office of Governmental Affairs for organizing the legislative visits and the staff of the AOC for arranging this council meeting and the upcoming one in February. The Chief Justice looks forward to continuing the dialogue and conversations with the Governor and the Legislature. She indicated that these meetings—which consist of a collaborative process with the trial and appellate courts, judicial branch agencies, and coequal branches of government—would continue not only in February, but throughout the entire budget process, culminating with the Budget Act in June.

### **Approval of Minutes**

The Judicial Council approved the minutes of the December 12–13, 2013, Judicial Council meeting.

### **Chief Justice's Report**

The Chief Justice presented her report summarizing her engagements and ongoing outreach activities on behalf of the judicial branch since the December council meeting. She focused on a key issue that she believes remains a key stumbling block for equal access for all court users: adequate funding for the courts and the justice system.

The Chief Justice expressed that it was appropriate that Dr. Martin Luther King Jr. Day was celebrated earlier in the week with a “day on,” as the council took that time to prepare for this council meeting and the legislative visits to make the case for equal access for all court users through adequate funding for all of the courts throughout the state. She cited one Dr. King’s quotes, “Injustice anywhere is a threat to justice everywhere,” as a statement that rings true as courts close, services are curtailed, and reports are heard from people in the courts ranging from domestic violence victims seeking protection to small business owners trying to resolve civil disputes. To address the access needs of Californians, as outlined in her vision of Access 3D—a framework for increased access to the courts emphasizing physical, remote, and equal access—and to be responsive to the requests from legislators for statistics, the Chief Justice reported that she launched a *Three-Year Blueprint for a Fully Functioning Judicial Branch* at a press conference in Sacramento on January 14, 2014. She also announced a plan establishing a blue ribbon commission on the future of the judicial branch; details on its charter and membership will be presented at a future council meeting. The *Blueprint* itemizes the reinvestment of \$1.2 billion needed over three years to address the ongoing budget cuts to the branch since 2008. Although the Chief Justice welcomes the reinvestment in the Governor’s January budget proposal to the branch, she indicated that more is needed this year and in the coming budget year.

The Chief Justice was grateful that many legislative colleagues—especially Senate President pro Tempore Darrell Steinberg, Senator (and Judicial Council member) Noreen Evans, and

Assembly Member Bob Wieckowski—could attend the press conference and speak on the topics of access needs and judicial branch funding. She also appreciated the attendance and support of Assembly Members Roger Dickinson and Luis Alejo and appreciated Assembly Member (and Judicial Council member) Richard Bloom’s comments following the press conference.

The Chief Justice also expressed the importance of standing shoulder to shoulder with court users such as Ms. Marcie Daniluke, Ms. Alzada Knickerbocker, and Mr. Travis Hauser, who have benefited from the services and support that the courts provide.

The Chief Justice was also grateful that many judicial colleagues and justice system partners could attend the press conference, including:

- Administrative Presiding Justice Vance W. Raye, Court of Appeal, Third Appellate District, along with a number of the justices from his court;
- Judge Robert A. Glusman, President, California Judges Association (CJA; and Judicial Council member), and Judge of the Superior Court of California, County of Butte;
- Judge James M. Mize, Bench-Bar Coalition, and Judge of the Superior Court of California, County of Sacramento;
- Mr. Luis A. Rodriguez, President, State Bar of California, and Judge of the Superior Court of California, County of Orange;
- Mr. Allan Zaremborg, President and Chief Executive Officer, California Chamber of Commerce;
- Ms. Nancy Drabble, Chief Executive Officer, Consumer Attorneys of California;
- Mr. Paul R. Kiesel, Cochair, California Open Courts Coalition;
- Ms. Michelle Orrock, Statewide Communications Director, National Federation of Independent Business;
- Mr. Tom Scott, Executive Director, California Citizens Against Lawsuit Abuse;
- Ms. Kimberly Stone, President, Civil Justice Association of California;
- Mr. Brian A. Allison, Political And Legislative Advocate, American Federation of State, County and Municipal Employees;
- Mr. Robbie Hunter, President, State Building & Construction Trades Council of California; and
- Mr. B. J. Susich, President, and Ms. Mary J. Burroughs, Executive Director, Sacramento County Bar Association.

Additionally, the Chief Justice was pleased that a number of judges from the Superior Courts of Sacramento and San Francisco Counties and Judicial Council members, as well as retired Justice Arthur G. Scotland, were in the audience. She noted that the press conference offered a great opportunity to point out the diverse interests and disciplines represented by a group of people who otherwise might advocate against each other, but who support the common goal of equal access to justice for all Californians.

The Chief Justice reported that she attended the Governor's State of the State Address the day before this meeting with other constitutional officers and statewide elected officials, including her colleagues from the Supreme Court of California Justices Marvin R. Baxter, Carol A. Corrigan, and Goodwin H. Liu. She agrees with Governor Brown's closing statement that "we will build for the future, but not steal from it" and is looking forward to the opportunity to constructively contribute to his efforts.

The Chief Justice concluded by quoting Dr. King: "The time is always right to do what is right" and "The best way to solve any problem is to remove its cause." She expressed that she is optimistic that through all of the ongoing advocacy efforts, with the support and collaboration of justice system partners and the sister branches of government, as judicial branch leaders, they can continue to, as Dr. King encouraged, do the right thing and remove the causes of the problems with a reinvestment in a fully functioning judicial branch.

### **Administrative Director's Report**

Judge Steven Jahr, Administrative Director of the Courts, provided in the materials for this council meeting his written report outlining the activities of the AOC to further the Judicial Council's goals and priorities for the judicial branch. The report focuses on action since the council's December meeting and is exclusive of issues on the business agenda for this council meeting.

Judge Jahr supplemented his written report by reporting that listening sessions are being convened to gather information relating to the development of the California Courts Statewide Language Access Plan. A meeting was held in San Francisco the day before this council meeting with the California Federation of Interpreters (CFI) representing court employee interpreters. Two previous listening sessions were held in Burbank earlier in the month with organizations representing independent interpreters and representatives of legal service organizations. The final listening sessions are scheduled to take place at the end of January with the presiding judges and court executive officers. The cochairs of the Joint Working Group for California's Language Access Plan—Justice Maria Rivera, Court of Appeal, First Appellate District, and Judge Manuel Covarrubias, Superior Court of California, County of Ventura—identified key stakeholders from whom to gather public input. Additionally, Judge Jahr announced that three larger public hearings on language access are scheduled to take place in late February and early March. Judge Jahr reported that the Joint Working Group intends to submit a draft Language Access Plan to the council in June and a final, revised Language Access Plan in December.

Judge Jahr reported that the Chief Justice and members of the AOC have met with representatives of the United States Department of Justice (DOJ) both on the West Coast and in Washington, D.C., in the past few months. As requested by Judge Jahr, Mr. Curtis L. Child, AOC Chief Operating Officer, introduced Ms. Anna Medina from the DOJ's Civil Rights Division in Washington, D.C., and Mr. Richard Park from the United States Attorney's Office in Los Angeles, who have been working closely with the council and the AOC on the issue of language access. Mr. Child reported that they would be spending time with the working group chairs and other members of the working group and with the Court Interpreters Advisory Panel.

With respect to council directives relating to the restructuring of the AOC, Judge Jahr reported that the AOC's Human Resources Services Office (HRSO) is currently managing the rollout of the classification and compensation study being conducted by Fox Lawson & Associates, which began in December. Communications were sent to all AOC staff on the study requirements, including the Position Description Questionnaires to be completed by all employees. The AOC's mandatory employee performance management process, separate from the classification and compensation study, was also to begin in January. Judge Jahr, however, determined that it would be excessively burdensome for the AOC to be simultaneously engaged in the classification and compensation study and the employee performance management process. He reported, therefore, that he has delayed the commencement of the performance evaluation review process until April 1. Judge Jahr explained that the initial review process, which is a one-year process to be triggered by an employee's anniversary date, was originally scheduled to begin January 1, with recurring and ongoing annual reviews in succeeding years. The initial review process will now begin on April 1 of this year and conclude on March 31 of next year.

Judge Jahr reported that the Governor made 17 new judicial appointments effective December 27, 2013, and an additional 3 appointments effective on January 31, 2014. The appointments initiated a series of outreach efforts by the AOC to the new appointees involving several of its offices: HRSO relative to payroll and benefits, the Center for Judiciary Education and Research concerning educational offerings and requirements, the Legal Services Office regarding litigation insurance, and the Office of Security regarding the Judicial Privacy Protection Program. Judge Jahr added that he and the Chief Justice welcomed a group of new judges participating in the New Judges Orientation program that took place during the week preceding this meeting.

Judge Jahr concluded by reporting on Senate Bill 794, a bill proposed and sponsored by the California Judges Association that seeks to reduce the number of preemptory challenges in criminal misdemeanor cases. The bill passed the Senate Public Safety Committee on January 14 and is scheduled to be heard in the coming weeks on the Senate floor. Judge Jahr expressed that the judicial branch's work in support of this bill highlights the excellent collaboration that regularly occurs between the courts and the AOC on behalf of the council.

#### **Public Comment**

Mr. Ariel Torrone, President, and Mr. Ignacio Hernandez, Legislative and Policy Advocate, of the California Federation of Interpreters commented on agenda Items D and E.

#### **Written Comments Received**

No written comments were received.

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## CONSENT AGENDA (ITEMS A–C)

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**Item A     Judicial Branch Report to the Legislature: State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2012–2013**

The AOC recommended that the Judicial Council approve the *Annual Report of State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2012–2013* and direct the AOC to submit the report to the Legislature.

***Council action***

The Judicial Council approved the *Annual Report of State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2012–2013* and directed the AOC to submit the report to the Legislature.

**Item B     Judicial Council Report to the Legislature: Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2012–2013**

The AOC recommended that the Judicial Council approve the *Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2012–2013*, as required by Government Code sections 68502.5(b) and 77202.5(b), to be sent to the chairs of the Senate Committee on Budget and Fiscal Review, the Senate Committee on Judiciary, and the Assembly Committees on Budget and Judiciary.

***Council action***

The Judicial Council approved the *Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2012–2013* and directed the AOC to submit the report to the chairs of the Senate Committee on Budget and Fiscal Review, the Senate Committee on Judiciary, and the Assembly Committees on Budget and Judiciary.

**Item C     Judicial Council Report to the Legislature: Fee Revenue and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2012–2013**

The AOC recommended that the Judicial Council approve the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2012–2013*, as required by Government Code section 68086(c), to be sent to the chair and vice-chair of the Joint Legislative Budget Committee.

***Council action***

The Judicial Council approved the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal*

Year 2012–2013 and directed the AOC to submit the report to the chair and vice-chair of the Joint Legislative Budget Committee.

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## DISCUSSION AGENDA (ITEMS D–J)

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### **Item D Court Interpreters: Expenditure of Unused Savings from Program 45.45**

The Ad Hoc Joint Working Group to Address Court Interpreter Issues recommended that the Judicial Council make explicit that allowable expenses for court interpreter funds in the Trial Court Trust Fund (Program 45.45) funds, and the unused savings related to Program 45.45 funds, include expenditures on court interpreters for all appearances in domestic violence cases, family law cases in which there is a domestic violence issue, and elder or dependent abuse cases, thereby eliminating the \$1.73 million cap currently in place for such expenditures. The working group also recommended that the council make explicit that allowable expenses for Program 45.45, and the unused savings related to Program 45.45, include expenditures on court interpreters for indigent parties in civil cases.

#### ***Council action***

The Judicial Council, effective immediately, expanded the allowable use of the Program 45.45 appropriation and directed the use of the unused savings related to the Program 45.45 appropriation accumulated since fiscal year 2009–2010 in the following ways:

1. Authorized that trial courts can request reimbursement from the Trial Court Trust Fund Program 45.45 appropriation for costs related to court interpreters incurred during fiscal year 2013–2014 and subsequent fiscal years for all appearances in domestic violence cases, family law cases in which there is a domestic violence issue, and elder or dependent adult abuse cases, thereby eliminating the \$1.73 million cap currently in place for such expenditures. Directed that if expenditures in Program 45.45 exceed the \$92 million expenditure authority, any unused savings related to the Program 45.45 appropriation since fiscal year 2009–2010 may also be used for these purposes.
2. Clarified that trial courts can request reimbursement from the Trial Court Trust Fund Program 45.45 appropriation, and any unused savings from that appropriation, for expenditures incurred during fiscal year 2013–2014 and subsequent fiscal years on court interpreters for indigent parties in civil cases as limited by recommendation 6 below. Approved that each court may determine how best to implement providing interpreters in civil matters based on varying court and community needs, resource limitations due to availability of funds, availability of interpreters, and other court operational needs. If a court elects to implement in some case types only, suggested

case types include family law, civil harassment, unlawful detainer, probate conservatorship, and guardianship.

3. Directed AOC staff to provide guidance to courts of the changes regarding what is reimbursable.
4. Directed the Civil and Small Claims Advisory Committee to create a new form for parties requesting interpreters in civil matters. The form is to include space for the party to indicate the language in which an interpreter is required and to indicate whether a waiver of court fees and costs has been granted. The form is also to advise parties that interpreters are available in civil cases only for parties that are indigent.
5. Directed staff of the Center for Judiciary Education and Research to develop training resources, as appropriate, for court staff on how the new form may be used to assist in the calendaring of cases and scheduling of interpreters.
6. Directed the Trial Court Budget Advisory Committee (TCBAC) to provide recommendations to the council at the April 2014 council meeting on the maximum amount each court would be eligible to receive in reimbursement from the unused savings pursuant to recommendations 1 and 2 above. The TCBAC's recommendations are to be developed in a manner that will result in complete exhaustion of the unused savings by the end of fiscal year 2014–2015.
7. Directed that trial courts track the use of interpreters in civil matters and report this information to the AOC in the format and timeframe specified by the AOC.

#### **Item E Judicial Council–Sponsored Legislation: Providing Interpreters in Civil Matters**

The Policy Coordination and Liaison Committee and the Ad Hoc Joint Working Group to Address Court Interpreter Issues recommended that the Judicial Council sponsor legislation to add a section to the Government Code to authorize courts, subject to available funding, to provide interpreters to parties in civil actions at no cost to the parties, regardless of the income of the parties.

#### ***Council action***

The Judicial Council approved sponsoring legislation in 2014 to add a new section to the Government Code allowing courts the discretion to provide interpreters in civil actions, regardless of the income of the parties to the case. The proposed new section would clarify that existing Government Code sections, which provide that the cost of interpreters shall be paid by the parties, are not a bar to the court from opting, on its own authority, to provide interpreter services at no cost to the parties.



**Item F Domestic Violence—Family Law Interpreter (DVFLI) Program Allocations**

The council's approval of recommendation 1 in Item D of this agenda, authorizing reimbursement from the Trial Court Trust Fund Program 45.45 appropriation for all costs related to court interpreters for all appearances in domestic violence cases, ancillary family law matters, and elder or dependent adult abuse cases, eliminating the \$1.73 million cap currently in place, rendered this item unnecessary.

***No council action***

**Item G Court Facilities: Update on Bidding and Construction of San Diego Central Courthouse**

The AOC's Chief Operating Officer and Judicial Branch Capital Program Office staff provided an overview of the new court building project and results of the Bidding Phase of the New San Diego Central Courthouse. Construction recently began on the new San Diego Central Courthouse; the accepted bids are approximately \$3 million, or 0.6 percent, below the approved construction budget.

***No council action***

**Item H Governor's Proposed Budget for 2014–2015**

The AOC presented an informational update on the Governor's proposed 2014–15 budget, which was released on January 10, 2014.

***No council action***

**Item I Judicial Branch Technology: Technology Planning Task Force Update**

The Judicial Council Technology Committee (JCTC) provided an update to the Judicial Council on the work to date of the Technology Planning Task Force (TPTF). This task force is charged with defining judicial branch technology governance; developing a strategic plan for technology at the Supreme Court, Court of Appeal, and superior court levels; and developing recommendations for funding judicial branch technology. The JCTC recommended that the Judicial Council conceptually approve the TPTF draft, *Judicial Branch Technology Governance, Strategy, and Funding Proposal: Executive Summary*, to be used in support of the budget change proposal process for technology initiatives.

***Council action***

The Judicial Council conceptually approved the TPTF draft, *Judicial Branch Technology Governance, Strategy, and Funding Proposal: Executive Summary*, to be used in support of the budget change proposal process for technology initiatives.

## **Item J     Judicial Branch Technology: Budget Change Proposal Update**

The Judicial Council Technology Committee provided an update on the *Fiscal Year 2014–2015 Judicial Branch Budget Change Proposal: Foundation for Digital Courts—Phase One (Case Management Systems Replacement and Expansion of LAN/WAN Telecommunications Program)*. A summary of the projects in this BCP, including costs, is detailed in the table in Attachment A.

***No council action***

### **In Memoriam**

The Chief Justice closed the meeting in memory of the following judicial colleagues recently deceased and in honor of their service to their courts and the cause of justice:

- Judge Thomas W. Cain (Ret.), Superior Court of California, County of Santa Clara
- Judge Cynthia Rayvis (Ret.), Superior Court of California, County of Los Angeles
- Judge Robert E. Carey (Ret.), Superior Court of California, County of San Mateo
- Judge Frank J. Creede, Jr. (Ret.), Superior Court of California, County of Fresno
- Judge James L. Curry (Ret.), Superior Court of California, County of Yuba

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## **INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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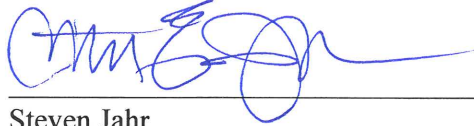
### **INFO 1     Court Facilities: Trial Court Facility Modification Advisory Committee Fiscal Year 2012–2013 Annual Report**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for fiscal year 2012–2013. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the TCFMAC submitted its annual report for fiscal year 2012–2013.

### **INFO 2     Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 1 of Fiscal Year 2013–2014**

The TCFMAC has completed its facility modification funding for the first quarter of fiscal year 2013–2014. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the TCFMAC submitted its *Trial Court Facility Modification Quarterly Activity Report: Quarter 1, Fiscal Year 2013–2014*.

Respectfully submitted,



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Steven Jahr  
Administrative Director of the Courts and  
Secretary to the Judicial Council

**Attachment**

Attachment A: Summary of the projects in the case management system replacement budget change proposal

## Policy and Cost Implications

A summary of the projects in this BCP, including costs, is detailed in the following table:

Court	Project Description	One-Time		Ongoing
		FY 14–15	FY 15–16	
Calaveras	Deploy a new vendor-hosted CMS for all case types	\$141,000	\$84,096	\$0
Glenn	Deploy a new vendor-hosted CMS for all case types	\$230,222	\$0	\$0
Lassen	Deploy a new vendor-hosted CMS for all case types	\$371,825	\$0	\$0
Los Angeles	Deploy a new locally hosted CMS for probate cases	\$425,000	\$241,800	\$0
Monterey	Deploy a new locally hosted CMS for civil cases	\$500,000	\$0	\$0
San Diego	Deploy a new locally hosted CMS for family law	\$2,461,483	\$962,947	\$0
Alpine, Los Angeles, Orange, and San Diego	Replace local network infrastructure	\$3,462,120	\$0	\$2,453,522
<b>Total</b>		<b>\$7,591,650</b>	<b>\$1,288,843</b>	<b>\$2,453,522</b>