



JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.6(a))

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

Thursday, December 12, 2013 • 1:00 p.m.–6:00 p.m.

Friday, December 13, 2013 • 8:30 a.m.–12:45 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support Services. Please check the agenda at <http://www.courts.ca.gov/24345.htm> for recent postings of hyperlinked reports.

THURSDAY, DECEMBER 12, 2013, AGENDA

NON-BUSINESS MEETING—CLOSED (RULE 10.6(A) AND 10.6(B))

Session 1:00–2:05 p.m.

Break 2:05–2:20 p.m. (approx.)

OPEN MEETING (RULE 10.6(A))—EDUCATIONAL AND BUSINESS MEETING AGENDA (ITEMS 1–3)

2:20–2:25 p.m. [Approval of Minutes](#)
Approve minutes of the October 24–25, 2013, Judicial Council meeting.

2:25–2:45 p.m. **Chief Justice's Report**
Chief Justice Tani G. Cantil-Sakauye will report.

2:45–2:55 p.m. [Administrative Director's Report](#)
Hon. Steven Jahr, Administrative Director of the Courts, will report.

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

2:55–3:15 p.m. Judicial Council Committee Presentations

[under Committee Reports Tab]

Policy Coordination and Liaison Committee

Hon. Kenneth K. So, Chair

Executive and Planning Committee

Hon. Douglas P. Miller, Chair

Rules and Projects Committee

Hon. Harry E. Hull, Jr., Chair

Technology Committee

Hon. James E. Herman, Chair

Item 1 3:15–3:25 p.m.

Legislative Resolution: Recognition of Beth Jay, Principal Attorney to the Chief Justice of California (No Action Required.)

Speaker: Hon. Noreen Evans, Member, California State Senate and Member, Judicial Council of California

Item 2 3:25–4:10 p.m.

Judicial Council Report to the Legislature: Implementation of Open Meetings Rule (Action Required)

The chairs of the Judicial Council internal committees recommend the Judicial Council approve the Report on Implementation of an Open Meetings Rule and direct the Office of Governmental Affairs to submit it to the Joint Legislative Budget Committee by January 1, 2014. Supplemental report language from the fiscal year (FY) 2013–2014 Budget Package directs the Judicial Council to report to the Joint Legislative Budget Committee on implementation of an open meetings rule by January 1, 2014, and annually thereafter regarding any amendments adopted in the intervening fiscal year.

Presentation (30 minutes) • Discussion (15 minutes)

Speaker(s): Hon. Douglas P. Miller, Chair, Executive and Planning Committee
Hon. Harry E. Hull, Chair, Rules and Projects Committee
Hon. Kenneth K. So, Chair, Policy and Coordination Liaison Committee
Hon. James E. Herman, Chair, Judicial Council Technology Committee
Hon. Mary Ann O’Malley, Chair, Litigation Management Committee

Break 4:10–4:30 p.m. (transition from third floor to lower level)

Note: the following agenda item presentation will be held in the Milton Marks Conference Center Auditorium (lower level of the Ronald M. George State Office Complex). This portion of the meeting is open to the public; audiocasting of the proceedings is not technically available.

Item 3 4:30–6:00 p.m.

Judicial Council Distinguished Service Awards for 2013 (No Action Required. There are no materials for this item.)

The Judicial Council honors the winners of the annual Distinguished Service Awards for significant and positive contributions to court administration in California. The council approved the winners at its August 22, 2013, meeting. The Ronald M. George Award for Judicial Excellence honors members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice statewide. The William C. Vickrey Leadership in Judicial Administration Award honors individuals in judicial administration for significant statewide contributions to and leadership in their profession. The Bernard E. Witkin Amicus Curiae Award honors individuals other than members of the judiciary for their outstanding contributions to the courts of California. The Richard D. Huffman Justice for Children and Families Award honoring an individual for significant contributions to advancing justice for children and families in California. The Stanley Mosk Defender of Justice Award honors individuals from federal, state, and local government for significant contributions to advancing equal access to fair and consistent justice in California.

Presentation (60 minutes) • Discussion (30 minutes)

- Recipients: **Hon. Laurie M. Earl**, Presiding Judge of the Superior Court of California, County of Sacramento—*2013 Ronald M. George Award for Judicial Excellence*
- Ms. Kim Turner**, Court Executive Officer of the Superior Court of California, County of Marin—*2013 William C. Vickrey Leadership Award in Judicial Administration*
- Hon. David Rothman**, Judge of the Superior Court of California (ret.), County of Los Angeles—*2013 Bernard E. Witkin Amicus Curiae Award*
- Hon. Becky L. Dugan**, Judge of the Superior Court of California, County of Riverside—*2013 Richard D. Huffman Justice for Children and Families Award*
- Hon. Laurence D. Kay**, Presiding Justice of the Court of Appeal (ret.)—*2013 Richard D. Huffman Justice for Children and Families Award*
- Hon. Leon E. Panetta**, former United States Secretary of Defense—*2013 Stanley Mosk Defender of Justice Award*
- Hon. James R. Lambden**, Associate Justice of the Court of Appeal (ret.)—*2013 Benjamin Aranda III Access to Justice Award*

- Speakers: Chief Justice Tani Cantil- Sakauye, Chair, Judicial Council of California
 Hon. Steven Jahr, Administrative Director of the Courts

FRIDAY, DECEMBER 13, 2013 AGENDA—BUSINESS MEETING

8:30–9:15 a.m. Judicial Council Members’ Liaison Reports
Judicial Council members will report on their liaison work.

9:15–9:45 a.m. Public Comment

[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to

judicialcouncil@jud.ca.gov or mail or deliver your request to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Roma Cheadle. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Tuesday, December 10, 2013**. In the request, please state:

- The speaker’s name, occupation, and (if applicable) name of the entity that the speaker represents;
- The speaker’s e-mail address, telephone number, and mailing address; and
- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences.

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than five minutes, the specific time allocation to be determined based on the number of speakers and available time.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

Written Comments Received

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to judicialcouncil@jud.ca.gov or mailed or delivered to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Roma Cheadle.

Only written comments received by **1 p.m. on Wednesday, December 11, 2013**, will be distributed to council members at the meeting. All

comments received will be posted directly to the public Judicial Council web page.

CONSENT AGENDA (ITEMS A1–A6 THROUGH S)

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.

ITEMS A1–A6 RULES AND FORMS

Appellate

[Item A1 Appellate Procedure: Number of Copies of Filed Documents \(Action Required\)](#)

The Appellate Advisory Committee recommends amending the California Rules of Court relating to: (1) reduce the number of copies of some documents that must be filed in the Supreme Court and Courts of Appeal when an electronic copy is filed; (2) specifically permit reviewing courts to adopt local rules providing for submission of electronic copies in lieu of some or all of the paper copies of filed documents; (3) make other changes. These changes will provide cost savings and efficiencies for litigants and reviewing courts.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

[Item A2 Unlawful Detainer: Answer to Complaint \(Action Required\)](#)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise *Answer—Unlawful Detainer* (form UD-105) to allow a party to assert, as an affirmative defense, that the landlord terminated or failed to renew a tenancy based on acts against a tenant or a tenant’s household member that constitute human trafficking. The revisions to form UD-105 will satisfy a legislative mandate in recent amendments to Code of Civil Procedure section 1161.3 and will incorporate amended statutory text that goes into effect January 1, 2014.

Hon. Patricia M. Lucas, Chair, Civil and Small Claims Advisory Committee

Ms. Anne M. Ronan, Legal Services Office

Civil Jury Instructions

[Item A3 Civil Jury Instructions \(CACI\): New, Revised, Restored, Renumbered, and Revoked Instructions and Verdict Forms \(Action Required\)](#)

The Advisory Committee on Civil Jury Instructions recommends approving for publication the civil jury instructions prepared by the committee. On Judicial Council approval, the

instructions will be published in the official 2014 edition of the *Judicial Council of California Civil Jury Instructions*.

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

Mr. Bruce Greenlee, Legal Services Office

Family and Juvenile Law

Item A4 Protective Orders: Update Emergency Protective Order Form (Action Required)

The Family and Juvenile Law Advisory Committee recommends revising *Emergency Protective Order* (form EPO-001), a mandatory form used by law enforcement officers throughout the state, to implement Assembly Bills 539 and 238.

Hon. Kimberly J. Nystrom-Geist and Hon. Jerilyn L. Borack, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Tamara Abrams, Center for Families, Children & the Courts

Item A5 Juvenile Law: Technical Change to Joinder Rule (Action Required)

The Administrative Office of the Courts (AOC) recommends amending rule 5.575, which addresses notice requirements for a joinder hearing, to conform to amendments circulated for comment during the spring 2013 invitation-to-comment cycle and recommended by the Family and Juvenile Law Advisory Committee for adoption. Language that the committee had recommended deleting from the existing rule inadvertently remained in the amendments adopted by the Judicial Council at its October 25, 2013, meeting.

Hon. Kimberly J. Nystrom-Geist and Hon. Jerilyn L. Borack, Cochairs, Family and Juvenile Law Advisory Committee

Mr. Corby Sturges, Center for Families, Children & the Courts

Traffic

Item A6 Uniform Bail and Penalty Schedules: 2014 Edition (Action Required)

The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2014. 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 recommended revisions bring the schedules into conformance with recent legislation.

Hon. Mark S. Borrell, Chair, Traffic Advisory Committee

Mr. Courtney Tucker, Criminal Justice Court Services Office

Item B Judicial Council–Sponsored Legislation: Conservatorship Investigator Report for Gravely Disabled Persons (Action Required)

The Policy Coordination and Liaison Committee (PCLC) and the Mental Health Issues Implementation Task Force (MHIITF) recommend that the Judicial Council sponsor legislation to add a new subdivision to Welfare and Institutions Code section 5354. The new subdivision would require that if a criminal court with jurisdiction orders an evaluation of the defendant’s mental condition pursuant to section 5200, and that evaluation leads to a conservatorship investigation, the officer conducting the investigation must submit a copy of the report to the defendant or defendant’s attorney who may authorize its release to the criminal court. It would also make the conservatorship report otherwise confidential. This legislation would increase the options available to courts when handling criminal cases involving potentially mentally ill offenders, and improve coordination between the conservatorship court and the criminal court when they have concurrent jurisdiction over a mentally ill individual.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Hon. Richard J. Loftus, Jr., Chair, Mental Health Issues Implementation Task Force

Ms. Carrie Zoller, Center for Families, Children & the Courts

Ms. Sharon Reilly, Office of Governmental Affairs

Item C Judicial Council-Sponsored Legislation: Dismissals in the Interest of Justice (Action Required)

The PCLC and the Criminal Law Advisory Committee (CLAC) recommend that the Judicial Council sponsor legislation to amend Penal Code section 1385(a) to permit trial courts to state the reasons for a dismissal in the furtherance of justice either on the record or by setting forth the reasons in an order entered upon the minutes. Current law requires that trial courts state the reasons for a dismissal only in an order entered upon the minutes. The proposal is designed to relieve trial courts of an unnecessary mandate and eliminate extraneous proceedings resulting from automatic reversals for failure to set forth the reasons in the minutes.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

Mr. Arturo Castro, Criminal Justice Court Services Office

Ms. Sharon Reilly, Office of Governmental Affairs

Item D Judicial Council–Sponsored Legislation: Intercounty Transfers (Action Required)

The PCLC and CLAC recommend that the Judicial Council sponsor legislation amending Penal Code section 1203.9 to modify intercounty transfer procedures. The proposal would modify those procedures to require transferring courts to determine the amount of any victim restitution before transfer unless the court is unable to determine the amount within a reasonable time and to prohibit transfers of misdemeanor cases unless (1) they involve certain sex crimes, firearms, violence, or multiple driving-under-the-influence offenses; and (2) the court determines that the continued supervision of the probationer in the county of residence is in the best interests of the public or any victim.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

Mr. Arturo Castro, Criminal Justice Court Services Office

Ms. Sharon Reilly, Office of Governmental Affairs

Item E Judicial Council–Sponsored Legislation: Misdemeanor Juror Contempt (Action Required)

The PCLC and CLAC recommend that the Judicial Council sponsor legislation to amend Penal Code section 166 to delete a category of juror misconduct that constitutes misdemeanor contempt of court: the willful disobedience by a juror of a court admonishment against any communication or research about a pending trial, including electronic or wireless communications. The proposal was developed at the request of numerous criminal judges who expressed concerns that the provision inadvertently impairs the ability of courts to investigate whether juror misconduct occurred, increasing the risk of mistrial and reversal on appeal.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

Mr. Arturo Castro, Criminal Justice Court Services Office

Ms. Sharon Reilly, Office of Governmental Affairs

Item F Judicial Council–Sponsored Legislation: Outpatient Status for Mentally Disordered and Developmentally Disabled Offenders (Action Required)

The PCLC and MHIITF recommend that the Judicial Council sponsor legislation to amend Penal Code sections 1601–1603 pertaining to outpatient status for mentally disordered and developmentally disabled offenders. The amendment to section 1601 would allow the court, when appropriate, to conditionally release a defendant found incompetent to stand trial to a placement in the community, rather than in a custodial or inpatient setting, to receive mental health treatment until competency is restored. Under the amended section, conditional release would be appropriate if the court finds that the alternative placement would provide more appropriate treatment for the defendant and that the placement would not pose a danger to the health and safety of others. The amendments to sections 1602 and 1603 would require the

court to consider all listed criteria before placing an offender who is subject to section 1601 on outpatient status instead of requiring the court to find that all of the listed criteria have been met.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Hon. Richard J. Loftus, Jr., Chair, Mental Health Issues Implementation Task Force

Ms. Carrie Zoller, Center for Families, Children & the Courts

Ms. Sharon Reilly, Office of Governmental Affairs

Item G Judicial Council–Sponsored Legislation: Tribal Access to Confidential Juvenile Court Files (Action Required)

As a result of comments from tribal court judges and advocates, the PCLC, the California Tribal Court/State Court Forum, and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council sponsor legislation to amend section 827 of the Welfare and Institutions Code to address the issue of tribal access to confidential juvenile court files involving tribal children. The proposed legislation seeks to ensure tribal access to juvenile court files involving tribal children consistent with the mandates of existing federal and state law. Both federal and state law mandate notice to tribes of all juvenile dependency and some juvenile delinquency matters involving tribal children and provide tribes with the right to participate in these proceedings. However, Welf. & Inst. Code § 827, which governs access to confidential juvenile court files, does not mention tribes.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Hon. Richard C. Blake and Hon. Dennis M. Perluss, Cochairs, California Tribal Court/State Court Forum

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Ann Gilmour, Ms. Jennifer Walter, Ms. Julia Weber, and Mr. Christopher Wu, Center for Families, Children & the Courts

Mr. Alan Herzfeld, Office of Governmental Affairs

Item H Judicial Council: 2013 Legislative Policy Summary (Action Required)

The PCLC recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2013 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with strategic plan goals.

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Ms. Laura E. Speed, Office of Governmental Affairs

Item I Access to Visitation: Program Funding Allocation Methodology for Fiscal Year 2014–2015 (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve a methodology for one-year continuation, Access to Visitation grant funding allocations for fiscal year (FY) 2014–2015 (i.e., April 1, 2014 through March 31, 2015). The recommended process will fund current programs that were previously approved by the Judicial Council for FY 2013–2014. Courts will complete a simplified request for application process, and the proposed allocations for each court will be submitted to the Judicial Council for approval in early 2014. This approach will allow the Access to Visitation Funding Working Group to prepare recommendations regarding a new funding solicitation and allocation methodology for fiscal year 2015–2016.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Shelly La Botte and Ms. Anna L. Maves, Center for Families, Children & the Courts

Item J Equal Access Fund: Distribution of Funds for Partnership Grants (Action Required)

As stated in its report on the *Equal Access Fund: Distribution of Fourteenth Year Equal Access Fund Partnership Grants*, the State Bar Legal Services Trust Fund Commission requests that the Judicial Council approve the distribution of \$1,518,000 in partnership grants for 2014, according to the statutory formula in the state Budget Act, and approve the commission’s findings that the proposed budget for each individual grant complies with statutory and other guidelines.

Mr. Adrian Dollard and Ms. Donna Hershkowitz, Cochairs, State Bar Legal Services Trust Fund Commission

Ms. Bonnie Rose Hough, Center for Families, Children & the Courts

Item K Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and the AOC recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Monterey*. This acceptance is consistent 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 before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Mr. John A. Judnick, Internal Audit Services

Item L Judicial Branch Administration: Judicial Branch Contracting Manual (Action Required)

The A&E Committee recommends that the Judicial Council adopt proposed revisions to the *Judicial Branch Contracting Manual*. The California Judicial Branch Contract Law directs the Judicial Council to adopt and publish a manual incorporating procurement and contracting policies and procedures that must be followed by judicial branch entities. The council adopted the initial manual on August 26, 2011, and adopted revisions to the manual on three subsequent occasions. The proposed revisions address issues identified in an audit report issued by the California State Auditor, promote compliance with applicable law, and make other corrections and improvements, including those suggested by members of the Judicial Branch Contracting Manual Working Group and other judicial branch personnel. In addition, the A&E Committee recommends that the council approve a proposed change in reporting practices as recommended by the California State Auditor.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Ms. Mary M. Roberts, Mr. Oliver Cheng, and Mr. Todd Torr, Legal Services Office

Item M Judicial Branch Administration: Reduced Annual Membership Dues for the National Center for State Courts (Action Required)

State court judicial councils and administrative offices pay membership dues annually for the support of and participation in activities of the National Center for State Courts (NCSC). The NCSC is a nonprofit organization charged with improving judicial administration in state courts through efforts directed by the Conference of Chief Justices, the Conference of State Court Administrators, and other associations of judicial leaders. In October 2012, given the level of cumulative budget reductions for the Judicial Council/AOC, the AOC recommended, and the council approved, a reduction in the annual payment to the NCSC for the 2013 calendar year. As the Judicial Council/AOC did not receive any new funding in the 2013–2014 State Budget, the AOC is once again recommending a reduced payment for the NCSC’s annual dues assessment for 2014.

Hon. Steven Jahr, Administrative Director of the Courts

Item N Judicial Branch Report to the Legislature: Receipts and Expenditures From Local Courthouse Construction Funds (Action Required)

The Judicial Branch Capital Program Office of the AOC recommends approving *Receipts and Expenditures From Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for submission to these committees of the Legislature. The report provides information for the reporting period of July 1, 2012, through June 30, 2013, on receipts and expenditures from local courthouse construction funds, as reported by each county. The annual submission of this report is required under Government Code section 70403(d).

Mr. William Guerin and Ms. Gisele Corrie, Judicial Branch Capital Program Office

Item O Judicial Council Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant (Action Required)

The AOC recommends that the Judicial Council approve the report Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Penal Code section 1170.45, which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to defendants' race and ethnicity. Since 2001 the AOC's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the State of California Department of Justice. Consistent with those of previous years, the 2013 report finds that when controlling for prior record and type of offense, the data show no consistent patterns in the severity of sentences that are principally related to the defendants' race/ethnicity.

Ms. Donna Hershkowitz, Ms. Leah Rose-Goodwin, and Mr. David Smith, Court Operations Special Services Office

Item P Judicial Council Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice (Action Required)

Government Code section 77001.5 requires the Judicial Council to adopt and annually report on "judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) Providing equal access to courts and respectful treatment for all court participants; (2) Case processing, including the efficient use of judicial resources; and (3) General court administration." AOC staff recommend that the Judicial Council approve the transmittal of the attached report to the Legislature.

Ms. Leah Rose-Goodwin, Court Operations Special Services Office

Item Q Judicial Council Report to the Legislature: Standards of Timely Disposition Published in the 2013 Court Statistics Report (Action Required)

The AOC recommends that the Judicial Council direct that staff transmit the *2013 Court Statistics Report* to the Legislature and the Governor. Doing so fulfills the requirements of Government Code section 68604, which requires the Judicial Council to report annually regarding the standards of timely disposition adopted under section 68603. The *2013 Court Statistics Report* contains case-processing and time-to-disposition statistics that meet the requirements of Government Code section 68604.

Ms. Donna Hershkowitz, Court Operations Special Services Office

Mr. Chris Belloli, Court Operations Special Services Office

Item R Judicial Council Report to the Legislature: Statewide Collection of Court-Ordered Debt (Action Required)

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

The Enhanced Collections Unit of the AOC Fiscal Services Office recommends approving the fiscal year 2012–2013 annual *Report to the Legislature on the Statewide Collection of Court-Ordered Debt*, as required by Penal Code section 1463.010.

Mr. Zlatko Theodorovic and Mr. Bob Fleshman, Fiscal Services Office

Item S Judicial Council Report to the Legislature: Status of the Phoenix Program, 2013 (Action Required)

The Administrative Office of the Courts recommends that the Judicial Council approve the Status of the Phoenix Program, 2013, as required by Government Code section 68511.8(a), to be sent to the chairs of the Joint Legislative Budget Committee, Senate Committee on Budget and Fiscal Review, and Assembly Committee on Budget.

Hon. Steven Jahr, Administrative Director of the Courts

Mr. Zlatko Theodorovic, Fiscal Services Office

DISCUSSION AGENDA (ITEMS T–Z)

Item T 9:45–10:10 a.m.

Judicial Council: 2014 Legislative Priorities (Action Required)

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and sets its legislative priorities for the upcoming legislative year. For 2014, PCLC recommends for consideration the following as Judicial Council legislative priorities: (1) advocate for a robust reinvestment in our justice system to avoid further reductions and to preserve access to justice for all Californians, including a method to provide stable and reliable funding, including growth funding; (2) advocate to secure new judgeships and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; and (3) advocate for legislation that will expand access to interpreters in civil cases. These legislative priorities embody the Chief Justice’s Access 3D framework for increased access to the courts.

Public Comment and Presentation (15 minutes) • Discussion (10 minutes)

Speakers: Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee
 Mr. Cory T. Jasperson, Office of Governmental Affairs
 Ms. Laura E. Speed, Office of Governmental Affairs

Item U 10:10–10:30 a.m.

Status Report from the Technology Planning Task Force (No Action Required. There are no materials for this item.)

Status will be provided on the work to date of the Technology Planning Task Force. 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 trial court levels; and developing recommendations for funding judicial branch technology. This update will include the new prioritization model for technology projects. A more extensive update will be provided at the January 2014 meeting.

Public Comment and Presentation (15 minutes) • Discussion (5 minutes)

Speakers: Hon. James E. Herman, Chair, Technology Advisory Committee and
Technology Planning Task Force
Hon. David De Alba, Vice Chair, Technology Advisory Committee
Mr. Robert Oyung, Technology Planning Task Force

Break 10:30–10:45 a.m. (approx.)

Item V 10:45–11:25 a.m.

Judicial Workload Assessment: Updated Workload Data and Allocation of New Judgeships (Action Required)

The Senate Bill 56 Working Group recommends that the Judicial Council review this report and consider the three options presented for allocating the next 50 judgeships to the trial courts. The chairs of E&P and PCLC requested that the SB 56 Working Group provide the Judicial Council with information on how the most recent judicial needs assessment, prepared in 2012, would change the allocation of judgeships compared to what was approved by the Judicial Council in 2007. The judgeships in question are commonly referred to as the “second 50” judgeships that were authorized, but not funded, through Assembly Bill 159 (Stats. 2007, ch. 722). Since the needs assessment and priority ranking list are also used for facilities planning, this report includes a discussion of the impact of using the most recent judicial needs assessment on upcoming facilities projects in the affected courts.

Public Comment and Presentation (20 minutes) • Discussion (20 minutes)

Speakers: Hon. Lorna Alksne, Chair, SB 56 Working Group
Ms. Leah Rose-Goodwin, Court Operations Special Services Office

Item W 11:25–11:40 a.m.

Judicial Branch Administration: Report and Recommendation to Improve the Governance, Structure, and Organization of a Judicial Council Advisory Group—the SB 56 Working Group (Action Required)

The chairs of the council’s E&P, PCLC, Rules and Projects, and Technology Committees recommend establishing the Judicial Branch Resource Needs Assessment Advisory Committee, a standing Judicial Council advisory committee, to succeed the Senate Bill (SB) 56 Working Group previously established by the Administrative Director of the Courts. This recommendation

continues with improvements to the governance, structure, and organization of the council's advisory groups commenced by the council in April 2013.

Public Comment and Presentation (10 minutes) • Discussion (5 minutes)

Speakers: Hon. Douglas P. Miller, Chair, Executive and Planning Committee
 Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee
 Hon. James E. Herman, Chair, Technology Committee
 Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Item X 11:40 a.m.–12:05 p.m.

[Family Law: Final Report of the Elkins Family Law Implementation Task Force \(Action Required\)](#)

This report to the Judicial Council presents the final report of the Elkins Family Law Implementation Task Force. It presents the recommendations from the Elkins Family Law Task Force report that have been put into place, that remain to be done, and that require ongoing education, technical assistance, research, and evaluation. As directed by E&P and PCLC, the Implementation Task Force has reviewed the remaining work and is recommending that the council direct the Family and Juvenile Law Advisory Committee and the Access and Fairness Advisory Committee to be responsible for the remaining tasks of the Elkins Family Law Implementation Task Force. Both committees agree with the recommendation.

Public Comment and Presentation (15 minutes) • Discussion (10 minutes)

Speaker: Hon. Laurie D. Zelon, Chair, Elkins Family Law Implementation Task Force

Item Y 12:05–12:25 p.m.

[AOC Restructuring: Implementation of New Guidelines for Conducting Cost-Benefit Analysis for AOC Projects \(No Action Required\)](#)

The AOC's Chief Administrative Officer and director of the Fiscal Services Offices present this informational report on efforts relating to the various common aspects of Judicial Council Directives 7–13, 21, 40, 91, and 145, which were combined as part of a broader review and policy discussion pertaining to the application of a cost-benefit/business case analysis for AOC projects.

Public Comment and Presentation (10 minutes) • Discussion (10 minutes)

Speakers: Mr. Curt Soderlund, Chief Administrative Officer
 Mr. Zlatko Theodorovic, Fiscal Services Office

Item Z 12:25–12:45 p.m.

[Judicial Branch Administration: California State Auditor Report, Armed Persons with Mental Illness \(No Action Required\)](#)

In October 2013, the California state auditor released a report, *Armed Persons with Mental Illness: Insufficient Outreach From the Department of Justice and Poor Reporting From*

Superior Courts Limit the Identification of Armed Persons With Mental Illness, that details trial courts' compliance with a reporting requirement related to the identification of armed persons with mental illness. This informational item will provide an overview of the state auditor's report, including the recent passage of legislation on this topic, and AOC efforts to reach out to trial courts regarding this and other firearms-related reporting requirements.

Public Comment and Presentation (10 minutes) • Discussion (10 minutes)

Speakers: Ms. Shelley Curran, Criminal Justice Court Services Office
Mr. John Judnick, Internal Audit Services

Lunch 12:45 p.m. (approx.)

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[INFO 1 Judicial Council: Implementation of Judicial Council Directives on AOC Restructuring](#)

The chair of E&P presents this informational report on the implementation of the Judicial Council AOC Restructuring Directives, as approved by the Judicial Council on August 31, 2012. The AOC Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

[INFO 2 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours \(Gov. Code, § 68106—Report No. 23\)](#)

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 23rd report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, three superior courts—Ventura, Siskiyou, and Yolo Counties—have issued new notices.

[INFO 3 Court Records: Trial Court Records Manual](#)

This report presents the revised *Trial Court Records Manual*, prepared by the Court Executives Advisory Committee. The manual is an important resource, containing references to statutes, rules, industry standards, and best practices relating to records management. The revised manual includes updates and amendments to the retention and destruction periods for court records. It implements Assembly Bill 1352 and becomes effective January 1, 2014.

INFO 4 Court Facilities: Lease-Revenue Bond Issuances, Fall 2012–Spring 2013

As authorized and directed by the Judicial Council, the Administrative Director of the Courts presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2012 and spring 2013 for the financing of court facilities projects.

INFO 5 Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 4 of Fiscal Year 2012–2013

The Judicial Council’s Trial Court Facility Modifications Advisory Committee (TCFMAC) has completed its facility modification funding for the fourth quarter of fiscal year 2012–2013. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 4, Fiscal Year 2012–2013* as information for the council.

INFO 6 Trial Courts: Quarterly Investment Report for Third Quarter of 2013

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 report is submitted under the *Resolutions Regarding Investment Activities for the Trial Courts*, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2013, through September 30, 2013.

INFO 7 Trial Courts: State Auditor Review of Bank Accounts

In October 2013, the California State Auditor released a report, *Accounts Outside the State’s Centralized Treasury System: Processes Exist to Safeguard Money, but Controls for These Accounts Need Strengthening*. The State Auditor discussed the bank accounts of the trial courts under California Penal Code section 1463.1 and California Government Code section 77009 that facilitate court operations and hold money in trust. There were no issues identified regarding the trial courts having these accounts.

There have been no Circulating Orders since the last business meeting.

There have been no Appointment Orders since the last business meeting.