

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Minutes of the Business Meeting—February 20, 2014**  
**Administrative Office of the Courts—Sacramento Office**  
**2860 Gateway Oaks Drive**  
**Fourth Floor, Veranda Rooms A, B, and C**  
**Sacramento, California 95833**

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**CLOSED MEETING (RULE 10.6(A))—NON-BUSINESS MEETING**

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The meeting was called to order at 9:00 a.m. and was adjourned at 9:55 a.m.

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**OPEN MEETING (RULE 10.6 (A))—BUSINESS MEETING**

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**Judicial Council members present:** Chief Justice Tani G. Cantil-Sakauye; Justices 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 (by phone), and Dean T. Stout; State Senator Noreen Evans; Mr. Mark G. Bonino, Ms. Angela J. Davis, Mr. James P. Fox, and Mr. Mark P. Robinson, Jr. (by phone); **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; Court Executive Officers Mary Beth Todd and David H. Yamasaki; **secretary to the council:** Steven Jahr, Administrative Director of the Courts.

**Members absent:** Justice Judith Ashmann-Gerst; Assembly Member Richard Bloom; Supreme Court Clerk Frank A. McGuire.

**Others present:** Presiding Judge Thomas DeSantos, Superior Court of California, County of Kings; Judge Laurie M. Earl, Superior Court of California, County of Sacramento; Assistant Presiding Judge Steven D. Barnes, Superior Court of California, County of Kings; Judge Brenda Harbin-Forte, Superior Court of California, County of Alameda; Judge Steve White, Superior Court of California, County of Sacramento; Presiding Justice Arthur G. Scotland (Ret.), Court of Appeal, Third Appellate District; Mr. Jake Chatters, Court Executive Officer, Superior Court of California, County of Placer; **members of the public:** Ms. Stella Felix, Ms. Courtney Hawkins, Ms. Kris Inman, Ms. Vickie Jaurigui, Ms. Teneya Johnson, Ms. Patricia Lee, Ms. Elizabeth McCarthy; Ms. Elizabeth Dietzen Olsen, Ms. Kimberly Rosenberger, Ms. Heather Scott; **media representatives:** Mr. Paul Jones, *Daily Journal*; Ms. Alexei Koseff, *Sacramento Bee*.

**Chief Justice’s Opening Remarks**

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 10:00 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).

The Chief Justice noted that this meeting is the second of the two Judicial Council meetings scheduled to take place in Sacramento this calendar year in order to facilitate direct advocacy with legislators by Judicial Council members on behalf of the judicial branch and the courts. She reported that the visits with legislators that took place the day before this meeting—and the visits that took place in conjunction with the January council meeting—provided council members with an opportunity to share the compelling argument for reinvestment in California’s justice system, to address questions and misconceptions, and to share firsthand experiences with legislators about how the ongoing budget cuts have impacted access to justice. The Chief Justice recognized the many voices sharing the needs of the judicial branch and the public served, and acknowledged the importance of having one vision of the funding needs of a fully functioning judicial branch.

The Chief Justice expressed that the Legislative Analyst’s Office report on the Governor’s criminal justice proposals, which was released the day before this meeting, shows the benefit of ongoing, focused advocacy in addressing judicial branch funding needs. The Chief Justice reported that the council will continue its efforts to share information and to collaborate with the trial and appellate courts, judicial branch agencies, and the coequal branches of government in support of a common vision, a blueprint for a fully functioning judicial branch.

The Chief Justice thanked the Judicial Council members for their active participation in the legislative visits. Additionally, the Chief Justice thanked the AOC’s Office of Governmental Affairs (OGA) staff for organizing the legislative visits and the AOC staff for supporting the council in conducting this business meeting, and the previous council meeting in January, in Sacramento.

### **Approval of Meeting Minutes**

The Judicial Council approved the minutes of the January 23, 2014, 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 January council meeting, which reflect her three roles as Chief Justice of California, Chief Justice of the Supreme Court of California, and Chair of the Judicial Council. She reported that she had the honor of swearing in the national officers of the American Board of Trial Advocates (ABOTA). The officers included current national president and Judicial Council member Mr. Mark P. Robinson, Jr. The Chief Justice reported that Mr. Robinson facilitated a question-and-answer session during which she was able to speak on two critical and interrelated issues: judicial branch funding and the importance of civics education.

As a member of the Board of Directors of the Conference of Chief Justices, the Chief Justice attended the conference’s midyear meeting in Georgia. Apart from hearing budget impact stories and strategies from her peers around the nation, she expressed that it was beneficial for her to participate at a national level in the work of the conference’s committees and task forces.

The Chief Justice is currently a member of the Courts, Children, and Families Committee; the Criminal Justice Committee; and the Western Region Task Force on the Regulation of Foreign Lawyers and the International Practice of Law.

After the Supreme Court's February oral argument session in Sacramento, the Chief Justice reported that she addressed students from the C.K. McClatchy High School's Law and Public Policy Academy. She also continued a tradition that she began when she was a superior court judge in Sacramento by visiting seventh and eighth grade civics classes at Sutter Middle School.

The Chief Justice reported that she, along with Justice Miller, attended the annual joint meeting of the San Bernardino and Riverside County Inns of Court. During the meeting, Judge L. Jackson Lucky IV of the Superior Court of Riverside County moderated a conversation in which she had the opportunity to present details about Access 3D—a framework for increased access to the courts emphasizing physical, remote, and equal access. While in Southern California, the Chief Justice, along with Judge Jahr, also spoke with the editorial board of the *Los Angeles Times*.

The Chief Justice emphasized that legislative advocacy remains a major component of her engagements and outreach efforts during this time of the year. In addition to conversations with State Bar President Luis J. Rodriguez and California Open Courts Coalition Cochair Mr. Paul Kiesel, she held a number of meetings with legislators from the Senate and the Assembly, as well as representatives from the Governor's administration, including Senator Bob Huff; Assembly Member Reginald Byron Jones-Sawyer, Sr.; Assembly Member Connie Conway; Mr. Michael Cohen, Finance Director, California Department of Finance (DOF); and Senator Noreen Evans, who is also serves on the Judicial Council.

The Chief Justice also met with Senator Jim Nielsen, Senator Joel Anderson, and Assembly Member Donald Wagner in their roles with budget and judiciary committees. She concluded her report by expressing that the meetings are vital to the ongoing collaboration and information sharing throughout the state budget process because they provide her with opportunities to answer questions, provide facts, clarify issues, and put forward the judicial branch's perspective and the facts about the courts' fiscal condition in order for legislators to make informed decisions.

### **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 January meeting and is exclusive of issues on the business agenda for this council meeting.

Judge Jahr began by expressing his appreciation to the AOC Office of Governmental Affairs (OGA) staff, under the leadership of Mr. Cory Jasperson, for their efforts in coordinating the over 100 meetings between council members and legislators and their staff, which took place concurrently with this council meeting and with the January council meeting. He reported that

the legislative visits that took place the day before this meeting culminated with a reception with the representatives of the sister branches of government in the newly-restored Stanley Mosk Library and Courts Building by the State Capitol. In addition to coordinating the council members' legislative visits, the OGA staff are continuing to schedule and prepare materials for the ongoing series of meetings that he and the Chief Justice are having with legislative and executive branch partners, as mentioned during the Chief Justice's report.

Judge Jahr reported that, earlier in the month, the Chief Justice and he had two separate such meetings with Assembly Member Jones-Sawyer, who is the chair of the budget subcommittee responsible for the judicial branch budget. Assembly Member Jones-Sawyer raised some issues regarding the financial management of the Judicial Council, the AOC, and administered court funds. The Chief Justice and Judge Jahr clarified that the state appropriation for the trial courts is allocated under the new Workload Allocation Funding Model (WAFM) formula by the Judicial Council. The AOC exercises no discretion and only administers the council's direction and reports the appropriations in detail to the Legislature. They also informed Assembly Member Jones-Sawyer of an independent, external financial audit of the AOC scheduled to occur this year by the DOF's Office of State Audits and Evaluations. To demonstrate the scope of reporting that already occurs and the level of transparency that exists, Assembly Member Jones-Sawyer's office was provided with six binders containing over 4,500 pages of reports that the AOC has provided to the legislative and executive branches within the past year alone and was advised of the substantial series of audits that the Judicial Council and the AOC have undergone over the last several years.

Judge Jahr reported that the AOC has also been working with the DOF to seek a legislative amendment relating to how summary information of the Judicial Council/AOC budget is displayed out of the concern that funds that have been historically included as part of trial court budget funds until two fiscal years ago are now included in the Governor's budget summary as part of the Judicial Council/AOC budget. He explained that this inconsistency could lead legislators to make incompatible comparisons and thus create a misconception that the expenditures by, and the appropriations to, the Judicial Council and the AOC for operations have risen since fiscal year 2007–2008. Judge Jahr reported that the DOF has authorized the use of its expanded budget display, which now clearly and correctly shows that the Judicial Council/AOC operations budget and expenditures, representing 3.6 percent of the overall judicial branch budget, have decreased.

Judge Jahr reported that the council was made aware of a letter that Assembly Member Jones-Sawyer recently sent to the Joint Legislative Audit Committee requesting an audit of the Judicial Council and the AOC. At the request of Assembly staff, the AOC provided comments on the substance of the letter. Copies of the letter annotated by the AOC were provided to the council members during Judge Jahr's report and made available to those in attendance at this meeting (see Attachment 1). Judge Jahr noted that the annotated letter identifies inaccuracies and areas of incompleteness, most notably a misunderstanding of the Governor's budget display concerning judicial branch spending over the last five years, and the AOC's comments

demonstrate the significant reductions in AOC expenditures during that time. The documents referenced by the AOC in the annotated letter (see Attachment 2) and a document containing an itemized list of the reports that the AOC is required to provide to the Legislature (see Attachment 3) were also made available to those in attendance at this meeting.

Judge Jahr pointed out that members of the public can access the legislative reports that he referenced through the California Courts website. Also included on the website is information on the internal and external audits of the Judicial Council and the AOC by entities that include the California State Auditor, the State Controller's Office, and the Office of State Audits and Evaluations. He emphasized that the AOC has abided by and will continue to abide by all reporting and auditing requests.

As a final budget-related note, Judge Jahr reported that the DOF made the request again this year—as it did last year—that, by April, the trial courts provide their projected fund balances as of June 30, 2014, the last day of the current fiscal year. Judge Jahr announced that the AOC will formally forward the request and work with the trial courts to compile those projections for transmittal to the DOF in a timely manner.

Judge Jahr reported on preparations by the judicial and bar members of the Bench-Bar Coalition for the upcoming Day in the District visits by regional teams of judges and attorneys to legislators and their district offices.

Regarding judicial branch education provided by the AOC, Judge Jahr indicated that improving access to justice was the central underpinning for the array of judicial branch education program offerings highlighted in his written report. The diverse subjects covered by the programs conducted for judicial officers, court employees, and justice system stakeholders since the January council meeting included sentencing for drug-involved offenders, ethics and self-represented litigants in domestic violence cases, and an overview of the California Environmental Quality Act, which the Center for Judiciary Education and Research (CJER) Civil Law Curriculum Committee has now recommended be produced as a benchguide for judicial officers. Judge Jahr emphasized that these valuable programs draw on the expertise of AOC subject-matter experts and the justices, judges, and court administrators who volunteer their time to share their vast knowledge and experience with their judicial branch colleagues. Their investment is greatly appreciated and an infinite value to California's justice system.

### **Judicial Council Internal Committee Presentations**

#### *Executive and Planning Committee (E&P)*

Justice Douglas P. Miller, Chair, began his report by congratulating E&P committee member Mr. Mark P. Robinson, Jr., for being named the president of the ABOTA, as mentioned during the Chief Justice's report. He continued by reporting that, as chair of E&P, he represented the council and spoke at the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee statewide business meetings that took place on January 30 and 31.

Regarding the committee's activities, Justice Miller reported that, since his last report during the December council meeting, the committee had met four times by teleconference. Additionally, the committee has met twice in person jointly with the Rules and Projects Committee (RUPRO) and the Judicial Council Technology Committee (JCTC) primarily to review the proposed new and amended California Rules of Court relating to Judicial Council advisory groups. The final report to the council appeared as Item I on the discussion agenda for this meeting.

Justice Miller reported that a preliminary draft of the proposed open-meeting rule was circulated for public comment. The comment period ended on February 7 and the internal committee chairs had begun their review of the comments received. Justice Miller noted the council's need to balance the need for transparency with the ethical concerns of justices and judges who volunteer to serve on its advisory groups because the council relies on its advisory groups to guide the work that it undertakes for the judicial branch. Justice Miller concluded his report by emphasizing that the council's focus is to make the California judicial branch the most transparent branch of government in the country.

*Policy Coordination and Liaison Committee (PCLC)*

Judge Kenneth K. So, Chair, reported that the committee had met once since the January council meeting. The committee, along with the Administrative Presiding Justices Advisory Committee, approved a recommendation of Judicial Council sponsorship of a legislative proposal authorizing two new justice positions for Division Two of the Fourth Appellate District of the Court of Appeal to address the substantial and growing workload in that appellate district. The final report to the council is included as Item D on the consent agenda for this meeting.

Judge So concluded his report by announcing that February 21 was the last day to introduce bills. He reported that OGA staff will be reviewing all bills to identify to the committee those that will impact the judicial branch.

*Rules and Projects Committee (RUPRO)*

Justice Harry E. Hull, Jr., Chair, reported that the committee had met three times and has also considered proposals by e-mail three times since his last report during the December council meeting. On December 19, in a joint meeting with the four other internal committees, the committee met to consider circulating for public comment the preliminary draft of a rule proposal on opening advisory committee meetings to public attendance. During that meeting, the committee approved the proposal to be circulated for public comment. Justice Hull reported that the internal committee chairs are currently considering the comments received, as mentioned by Justice Miller during his report, and that the final report is expected to be submitted to the council for inclusion on its April meeting agenda.

Justice Hull reported that the committee also met jointly in person with E&P and the JCTC on January 23 to consider public comments on a proposal formally establishing the JCTC and three advisory committees, amending two rules for existing advisory committees, amending rules addressing committees generally, and repealing one rule. The proposal was introduced to

implement recommendations in the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups* that were submitted by RUPRO, E&P, and the JCTC and approved by the council in April 2013. He added that those three internal committees communicated by e-mail on February 14 to consider revisions to the proposal, which was eventually approved by RUPRO. That final report appeared as Item I on the discussion agenda for this meeting.

Justice Hull reported that the committee met by phone on January 29 to consider two proposals, and recommended approval of those proposals. The final reports to the council appeared as Items A1 and A2 on the consent agenda for this meeting. Additionally, the committee communicated by e-mail on February 5 to consider a technical correction to the Uniform Bail and Penalty Schedule. The committee recommended approval of the correction. The final report appeared as Item A4 on the consent agenda for this meeting. Justice Hull concluded by reporting that the committee communicated by e-mail on February 10 to consider technical amendments to three forms to reflect changes in the federal poverty guidelines and recommended approval of the amendments. The final report appeared on the consent agenda for this meeting as Item A3.

#### *Judicial Council Technology Committee (JCTC)*

Judge James E. Herman, Chair, reported that, in addition to the joint meetings of the internal committees already mentioned, the committee has held two meetings since his last report at the December council meeting. During its January 6 meeting, the committee, in its oversight role, reviewed, provided input, and approved the updated version of the annual agenda of the Court Technology Advisory Committee (CTAC).

Judge Herman reported that the committee reviewed and approved the budget change proposal (BCP) requests in 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)* from the six courts for case management system upgrades as well as the expansion of the WAN/LAN communications program. During its February 6 meeting, the committee received updates on the progress of the Technology Planning Task Force, including the governance review structure, and on video remote interpreting, which is included in the annual agenda for the CTAC.

On February 7, Judge Herman attended the meeting of the Joint Working Group for California's Language Access Plan. He reported that the focus of the meeting was on video remote interpreting. The meeting included a discussion and a presentation from the Superior Court of Fresno County on its video remote interpreting (VRI) project and an update on Cisco Systems, which has offered workshop opportunities to the courts, the council, and the AOC. An issue regarding public contracting was discussed and resolved.

Judge Herman reported that the committee held two meetings with the executive branch on January 24. Judge Herman; Judge David De Alba, JCTC vice-chair; Mr. Curtis L. Child, AOC Chief Operating Officer; Mr. Curt Soderlund, AOC Chief Administrative Officer; and Mr. Mark

Dusman, Director of the AOC's Information and Technology Office (ITSO) had the opportunity to meet with Mr. Carlos Ramos, the head of the executive branch's California Department of Technology. The other meeting was with the Department of Human Resources, during which the department made a presentation relating to its child welfare case management system and its consideration of data exchange between its case management system and the trial courts' case management systems.

Judge Herman reported that the committee approved the addition of six superior courts—Madera, Napa, Nevada, San Francisco, Sierra, and Trinity—to the Statewide California Courts Protective Order Registry with grant funding of \$330,000 from the Department of Justice.

In preparation for the next fiscal year, Judge Herman requested the ITSO staff to brief the committee on technology projects that are covered by the Improvement and Modernization Fund in order to examine how to continue to support those technology projects. In addition, he requested the ITSO staff to brief the committee on the full history and background of the V3 and Sustain Justice Edition case management systems. He indicated that the Trial Court Budget Advisory Committee has recommended that the committee examine the issue of winding down courts off of financial support from the branch and, instead, like many other courts in the state, having those courts support their own case management systems financially.

Judge Herman concluded his report by providing an update on the work of the Technology Planning Task Force. Since the committee's presentation at the January council meeting of an executive summary of the proposed recommendations for judicial branch technology governance, strategy, and funding, a draft of the full plan has been completed. The draft will be circulated for comment within the branch. After receiving judicial branch feedback, the committee will circulate it for public comment, and then submit its final report to the Judicial Council for its approval.

### **Judicial Council Members' Trial Court Liaison Reports**

The following Judicial Council members reported on their liaison visits with their assigned courts:

- Judge Stephen H. Baker, on the Superior Courts of Humboldt and Modoc Counties; and
- Judge Brian L. McCabe, on the Superior Court of Modoc County.

### **Public Comment**

The following individuals commented in the following order regarding judicial administration issues:

- Presiding Justice Arthur G. Scotland (Ret.), Court of Appeal, Third Appellate District; and
- Judge Steve White, Superior Court of Sacramento County, and President, Alliance of California Judges.



Additionally, Judge Brenda Harbin-Forte, Superior Court of Alameda County, commented on Item I of the business meeting agenda.

### **Written Comments Received**

Written comments were received from Ms. Kris Inman.

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## **Consent Agenda (Items A1–A4 to G)**

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### **ITEMS A1–A4 RULES AND FORMS**

#### ***Criminal Jury Instructions***

##### **Item A1 Jury Instructions: Revisions to Criminal Jury Instructions**

The Advisory Committee on Criminal Jury Instructions recommended that the Judicial Council, effective February 20, 2014, approve for publication under rule 2.1050 of the California Rules of Court the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)* prepared by the committee, which would keep CALCRIM current with statutory and case authority.

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

The Judicial Council, effective February 20, 2014, approved for publication under rule 2.1050 of the California Rules of Court the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

#### ***Criminal Law***

##### **Item A2 Criminal Procedure: Intercounty Transfers of Probation and Mandatory Supervision Cases**

The Criminal Law Advisory Committee recommended amending rule 4.530 of the California Rules of Court, which governs intercounty transfers of probation and mandatory supervision cases, to delete an exception for certain drug possession cases commonly known as Proposition 36 cases, as required by recent legislation that amended Penal Code section 1203.9 to apply a single intercounty transfer procedure to all probation and mandatory supervision cases.

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

The Judicial Council, effective February 24, 2014, amended rule 4.530 of the California Rules of Court to apply the rule to all probation cases by deleting the following exception for Proposition 36 cases from subdivision (a): “[The rule] does not apply to transfers of cases in which probation has been granted under Penal Code section 1210.1.”

## **Judicial Council Forms**

### **Item A3 Judicial Council Forms: Change in Federal Poverty Guidelines**

The Civil and Small Claims, the Family and Juvenile Law, and the Appellate Advisory Committees recommended that three Judicial Council forms containing figures based on the federal poverty guidelines be amended to reflect the changes in those guidelines recently published by the federal government.

#### **Council action**

The Judicial Council revised *Request to Waive Court Fees* (form FW-001) and *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO) to reflect 2014 increases in the federal poverty guidelines. The Judicial Council also revised *Financial Declaration—Juvenile Dependency* (form JV-132) to reflect 2014 increases in the federal poverty guidelines.

## **Traffic**

### **Item A4 Uniform Bail and Penalty Schedules: March 2014 Edition**

The Traffic Advisory Committee recommended revisions to the Uniform Bail and Penalty Schedules, effective March 1, 2014, to make a technical correction to page x of the preface to the schedules. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. The Judicial Council adopted the Uniform Bail and Penalty Schedules, 2014 Edition, effective January 1, 2014. Page x of the preface to the March 2014 schedules was revised to correct the sample calculation of assessments imposed on multiple traffic violations upon completion of a traffic violator school program, which will facilitate proper collection of assessments for traffic cases.

#### **Council action**

The Judicial Council, effective March 1, 2014, adopted the revised Uniform Bail and Penalty Schedules, March 2014 Edition.

### **Item B Access to Visitation: Program Funding Allocation for Grant Fiscal Year 2014-2015**

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve the allocation and distribution of \$776,549 statewide for the Access to Visitation Grant Program for federal grant fiscal year 2014–2015 funds for projects within the period April 1, 2014, through March 31, 2015. The funding is directed to 11 superior courts representing 18 counties and involving 17 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group

counseling services. Family Code section 3204(b) (2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

**Council action**

The Judicial Council, effective February 20, 2014, approved the funding allocation and distribution among the 11 superior courts of \$776,549 for grant FY 2014–2015 as set forth in the allocation table in the report (see Attachment 4).

**Item C Judicial Branch Report to the Legislature: Annual Report of Fiscal Year 2012–2013 Court Facilities Trust Fund Expenditures**

The AOC recommended approving the *Annual Report of Fiscal Year 2012–2013 Court Facilities Trust Fund Expenditures*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

**Council action**

The Judicial Council approved the *Annual Report of Fiscal Year 2012–2013 Court Facilities Trust Fund Expenditures* and directed the AOC to submit the report to the Legislature.

**Item D Judicial Council–Sponsored Legislation: Two New Court of Appeal Justices**

The Policy Coordination and Liaison Committee and the Administrative Presiding Justices Advisory Committee recommended that the Judicial Council sponsor legislation to authorize two new justice positions for Division Two of the Fourth Appellate District of the Court of Appeal, to address the substantial and growing workload in the Fourth Appellate District.

**Council action**

The Judicial Council approved sponsoring legislation to authorize two new justice positions for Division Two of the Fourth Appellate District of the Court of Appeal along with funding for those positions and the related staff complement of three research attorneys and one judicial assistant per justice.

**Item E Judicial Council Report to the Legislature: California’s Access to Visitation Grant Program (Fiscal Years 2012–2013 and 2013–2014) (Action Required)**

The AOC’s Center for Families, Children & the Courts recommended that the Judicial Council approve *California’s Access to Visitation Grant Program (Fiscal Years 2012–2013 and 2013–2014): 2014 Report to the Legislature* for submission to the Legislature. The report provides information on the programs funded for fiscal years 2012–2013 and 2013–2014 under California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity

for Nonresidential Parents. This report to the Legislature must be submitted in even-numbered years and is required by Family Code section 3204(d).

***Council action***

The Judicial Council, effective March 1, 2014, approved the report *California's Access to Visitation Grant Program (Fiscal Years 2012–2013 and 2013–2014): 2014 Report to the Legislature* and directed the AOC to submit the report to the Legislature.

**Item F      Judicial Council Report to the Legislature: Compliance with Education Requirements of Welfare and Institutions Code Section 304.7**

The CJER Governing Committee recommended that the Judicial Council review and approve submission to the Legislature of a report on the compliance by trial court judges, commissioners, and referees with the education requirements of Welfare and Institutions Code section 304.7. The report was derived from data submitted by the trial courts.

***Council action***

The Judicial Council approved the 2013 Juvenile Judicial Officer Training Survey report for submission to the Legislature pursuant to Welfare and Institutions Code section 304.7(c). The Judicial Council also referred the report to the CJER Governing Committee for its review, in consultation with the Center for Judiciary Education and Research and the Center for Families, Children & the Courts, to consider whether any further action is needed.

**Item G      Judicial Council Report to the Legislature: Trial Court Interpreters Program Expenditure Report for Fiscal Year 2012–2013**

The AOC recommended that the Judicial Council approve the annual report on trial court interpreter expenditures for submission to the Legislature. This report to the Legislature is required by the Budget Act of 2012 (Stats. 2012, ch. 21).

***Council action***

The Judicial Council approved the report to the Legislature summarizing the fiscal year 2012-2013 trial court interpreter expenditures in conformance with the requirements of the Budget Act of 2012 (Stats. 2012, ch. 21) and directed the AOC to submit the report to the Legislature.

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## Discussion Agenda (Items H to L)

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### **Item H     **Judicial Branch Administration: California State Auditor Audit Report on Procurement Practices, Review of Information Systems, and Semiannual Contract Reporting****

In December 2013, the California State Auditor released a report, *Judicial Branch Procurement: Semiannual Reports to the Legislature Are of Limited Usefulness, Information Systems Have Weak Controls, and Certain Improvements in Procurement Practices Are Needed*, that is required to be performed to assess the implementation of the Judicial Branch Contract Law by the Supreme Court, Courts of Appeal, the AOC, and the Habeas Corpus Resource Center. The California State Auditor reported that, although these entities are generally complying with the law's requirements and with the provisions of the Judicial Branch Contracting Manual, they need to improve certain practices. The California State Auditor also reviewed the controls of the information systems utilized in the procurement process to determine data reliability and identified pervasive deficiencies that led to an assessment of the data reliability as "not sufficiently reliable." At its February 11, 2014, meeting, the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch discussed the audit and recommended that the California State Auditor's audit report and the report on recommendations and responses be sent to the Judicial Council for discussion and acceptance.

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

The Judicial Council accepted the California State Auditor's report, *Judicial Branch Procurement: Semiannual Reports to the Legislature Are of Limited Usefulness, Information Systems Have Weak Controls, and Certain Improvements in Procurement Practices Are Needed*, including the responses to the recommendations contained in the report.

### **Item I     **Judicial Administration: Rules for Advisory Groups****

The Judicial Council's Rules and Projects Committee, Executive and Planning Committee, and Technology Committee (three of its internal committees) recommended the adoption of four new California Rules of Court formally establishing by rule the Judicial Council Technology Committee and three advisory committees; the amendment of two rules for existing advisory committees, one rule addressing internal committees generally, and two rules addressing advisory committees generally; and the repeal of one rule. At its meeting on April 25, 2013, the Judicial Council approved the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*, which included these recommendations. The internal committees also recommended a technical change to rule 10.960.

**Council action**

The Judicial Council, effective February 20, 2014:

1. Adopted rule 10.16 of the California Rules of Court to establish by rule the Judicial Council Technology Committee;
2. Adopted rules 10.62, 10.63, and 10.64 to establish by rule the Court Facilities Advisory Committee, the Advisory Committee on Financial Accountability and Efficiency, and the Trial Court Budget Advisory Committee;
3. Amended rule 10.55, concerning the Advisory Committee on Providing Access and Fairness, to change the name of the committee and make clarifying changes;
4. Amended rule 10.48 to combine the Conference of Court Executives and the Court Executives Advisory Committee into one group with an executive committee;
5. Amended rule 10.960 to make a technical change that reflects the new responsibility of the Advisory Committee on Providing Access and Fairness in the Courts to recommend to the council updated guidelines and procedures for court self-help centers, as needed; and
6. Repealed rule 10.49 concerning the Conference of Court Executives.

**Item J Trial Court Allocations: Criminal Justice Realignment, Court-Appointed Dependency Counsel, and Workers' Compensation Liabilities**

The Trial Court Budget Advisory Committee recommended that the council allocate \$7.64 million in funding from the Trial Court Trust Fund and the State Trial Court Improvement and Modernization Fund for costs associated with criminal justice realignment, court-appointed dependency counsel, and the settlement of workers' compensation tail claim liabilities.

**Council action**

The Judicial Council, effective February 20, 2014:

1. For the purpose of reimbursing courts for costs incurred to reduce court-appointed attorney caseloads in dependency proceedings beyond their share of the current \$103.7 million base allocation, allocated to courts a one-time share of the \$2.31 million in the Trial Court Trust Fund, using the methodology adopted by the council on August 23, 2013, and approved distributing the funding on a reimbursement basis;
2. Allowed any of the \$2.3 million allocation that was not distributed to a court in 2013–2014 to carry forward to subsequent fiscal years;

3. For court costs related to criminal justice realignment, allocated \$4.61 million in one-time funding from the Trial Court Trust Fund using a method that incorporates equally both population and workload metrics, as described in the report; and
4. Allocated \$719,749 from the State Trial Court Improvement and Modernization Fund to pay the County of Sacramento for workers' compensation tail claim liabilities settlements.

**Item K Trial Court Allocations: Revisions to the Workload-Based Allocation and Funding Methodology**

The Trial Court Budget Advisory Committee recommended that the council approve several revisions to the Workload-Based Allocation and Funding Methodology (WAFM), including one that would establish an absolute funding floor, and direct the Judicial Branch Resource Needs Assessment Advisory Committee to study special circumstance/death eligible cases in their next round of updates to the Resource Assessment Study.

***Council action***

The Judicial Council, with one opposing vote, effective February 20, 2014:

For determining funding needs:

1. Approved the WAFM's use of the most current three-year average salary data for determining each court's Bureau of Labor Statistics (BLS) salary adjustment.
2. For courts whose WAFM workload need is less than 50 full-time equivalents (FTEs), adopted a per-FTE dollar allotment floor that is the median BLS-adjusted average FTE dollar allotment of all courts with a need of fewer than 50 FTEs.

For allocating trial court base funding for court operations:

3. Established an absolute funding floor (\$750,000 in fiscal year 2014–2015) and approved funding the shortfall between a court's actual WAFM allocation and the absolute floor by reducing, pro rata, the allocations of courts that do not qualify for an absolute or graduated funding floor.
4. Established a graduated funding floor that is based on a court's WAFM funding need (\$875,000, \$1,250,000, and \$1,875,000 in FY 2014–2015) and approved funding the shortfall between a court's actual WAFM allocation and the applicable graduated floor by reducing, pro rata, the allocations of courts that do not qualify for an absolute or graduated funding floor.

5. Adopted a cap on the amount of the allocation adjustment that courts eligible for funding at the graduated floor level can receive in a given fiscal year, as described in the report.

Additionally, the Judicial Council:

6. Eliminated the cluster 1 courts' exemption from having their historical base allocations be reallocated using the WAFM.
7. Directed the Judicial Branch Resource Needs Assessment Advisory Committee (JBRNAAC) to study special circumstance/death eligible cases in their next round of workload study updates and directed the Court Executives Advisory Committee to work with the JBRNAAC to determine how best to collect the data necessary to support the study and, if a determination is made, direct the trial courts to start reporting such data.

#### **Item L Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve**

The AOC submitted to the Judicial Council for its consideration a recommendation, including options, on the application of the Superior Court of Kings County for supplemental funding for the second-year deployment of a new case management system. The amount remaining in the 2 percent state-level reserve set-aside in the Trial Court Trust Fund for 2013–2014 is \$35.2 million. By statute, the Judicial Council, after October 31 and before March 15 of each year, may distribute the remaining funds if there has been a request from a trial court for unforeseen emergencies or unanticipated expenses for existing programs. Additionally, the AOC suggested that the Judicial Council allocate a proportionate share of any unexpended funds from the 2 percent state-level reserve to be distributed after March 15, 2014, to all trial courts.

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

The Judicial Council approved, with two opposing votes, the supplemental funding request from the Superior Court of Kings County of \$130,000 for the second-year cost of deployment of a new case management system. Additionally, the Judicial Council allocated a proportionate share of any unexpended funds from the 2 percent state-level reserve to be distributed after March 15, 2014, to all trial courts.

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### **Information Only (No Action Required)**

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#### **INFO 1 Judicial Council: Implementation of Judicial Council Directives on AOC Restructuring**

The chair of E&P presented an 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 Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 2 of Fiscal Year 2013–2014**

The Trial Court Facility Modification Advisory Committee (TCFMAC) completed its facility modification funding for the second 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 2, Fiscal Year 2013–2014* as information for the council.

**INFO 3 Trial Courts: Quarterly Investment Report for Fourth Quarter of 2013**

This *Trial Court Quarterly Investment Report* provided 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 was 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 October 1, 2013, through December 31, 2013.

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**Circulating Orders (Approved Since the January Business Meeting)**

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- Circulating Order (CO-14-01)—Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments for the Period July 1 through December 31, 2013
- Circulating Order (CO-14-02)—Trial Courts: Allocation from the State Trial Court Improvement and Modernization Fund for the Telecommunications Support Program

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**Appointment Orders (Since the January Business Meeting)**

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- Appointments to the Judicial Council Court Security Advisory Committee for terms ending September 14, 2015
- Appointments to the Judicial Council Court Security Advisory Committee for terms ending September 14, 2016
- Appointments to the Judicial Council Court Security Advisory Committee for terms ending September 14, 2017

- Appointment to the Judicial Council Judicial Branch Resource Needs Assessment Advisory Committee for a term ending September 15, 2015

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## Adjournment

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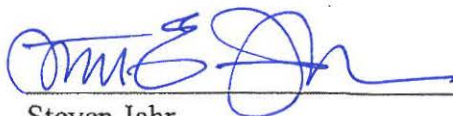
### In Memoriam

The Chief Justice adjourned the meeting in memory of Judge Elisabeth B. Krant (Ret.), Superior Court of California, County of Tulare, in honor of her service to her court and the cause of justice.

### Adjournment

With this meeting's public business completed, the Chief Justice adjourned the meeting at 2:15 p.m.

Respectfully submitted,



Steven Jahr

Administrative Director of the Courts and  
Secretary to the Judicial Council

### Attachments

1. Letter to Hon. Adam Gray, Chair, Joint Legislative Audit Committee, from Assembly Member Reginald Byron Jones-Sawyer, Sr., annotated by the AOC
2. Documents referenced in the annotated letter in Attachment 1
3. Itemized list of the reports that the AOC is required to provide to the Legislature
4. Table of Superior Courts and Grant Award Amounts for Grant Fiscal Year 2014–2015
5. Written comment from Ms. Kris Inman
6. Judicial Council Roll Call/Voting Sheets: Agenda Items K and L

February 11, 2014

Honorable Adam Gray  
Chair, Joint Legislative Audit Committee  
1020 N Street, Room 107  
Sacramento, CA 95811

Dear Assembly Member Gray:

I respectfully request the Joint Legislative Audit Committee approve an audit of all expenditures from the Judicial Branch's State Operations budget as overseen by the Judicial Council and the Administrative Office of the Courts (AOC).

**Background:**

- In 2009, the Judicial Council responded to the state budget crisis by authorizing an unprecedented statewide closure of courtrooms, effectively closing courtrooms that managed to keep their doors open during the Great Depression. Since 2009, our trial courts have lost over 2500 employees and 80 courthouses have been closed.

This is incomplete and incorrectly links the one day a month court closures authorized by the Legislature (SBx4-13, Chapter 22, Statutes of 2009-10 Fourth Extraordinary Session) and Judicial Council during fiscal year 2009-2010 with closures of entire courthouses that did not occur until later. In fact, the vast majority (82 percent) of courthouse/courtroom closures occurred after 2011. In contrast, 6.4 percent of the closures occurred in 2009-2010.

The numbers for courthouse closures and reduced employees are incorrect. As of January 2014, 51 courthouses and 203 courtrooms have been closed and the number of trial court employee FTEs is down by 3,902 (a reduction of 19 percent since 2008-2009).

Also, it is important to note that the Judicial Council, absent statutory authority from the Legislature and Governor, does not have the authority to close courthouses. The court closure legislation was enacted in response to a significant fiscal crisis in the midst of a state budget deficit estimated at \$21 billion. Those unique circumstances are set forth in the findings and declarations contained in SBx4-13:

*“The Legislature finds and declares that the current fiscal crisis, one of the most serious and dire ever to affect the state, threatens the continued operations of the judicial branch. This situation requires a unique response to effectively use judicial branch resources while protecting the public by ensuring that courts remain open and accessible and that the core functions of the judicial branch are maintained to the greatest extent possible.”*

See attached “Court Closure Days in 2009” document for additional background.

- During the same period, the Judicial Council expended hundreds of millions of public dollars on a computer project (CCMS) that will never be used as intended.

The Court Case Management System expenditures totaled \$527 million. These expenditures for systems development, maintenance, and support did not occur all at once, but rather, over a ten-year period beginning in 2002 until the project was cancelled by the Judicial Council in 2012. In fact, more than a third (\$201 million) of the total CCMS expenditures supported the development and deployment of V2 and V3; the balance (\$326 million) supported the development of V4 which, unlike V2 and V3, ultimately was not deployed.

Expenditures from 2009 to 2012, as referenced here, totaled \$142.6 million. Expenditures prior to 2009 totaled \$384.9 million.

CCMS was initiated in early 2002 to provide the trial courts with a single, statewide case management system to replace 70 individual case systems in use among the California courts. The concept was to improve public safety and business efficiencies by enabling trial courts to exchange information with each other as well as other justice system partners (e.g., the Department of Justice, the Department of Social Services, and local law enforcement agencies), and to improve service to attorneys and provide online access to the public.

CCMS was developed in three phases and provided case management for criminal and traffic cases (V2) followed by civil, small claims, probate and mental health cases (V3). V3 is in use in six trial courts: Sacramento, Orange, Los Angeles, San Diego, Ventura, and San Joaquin. Twenty-five percent all civil filings in the state are currently processed by V3.

CCMS V4, the final version, was designed to handle all case types, provide for data exchange among courts and justice system partners, and provide public access statewide.

On March 27, 2012, the Judicial Council voted to stop deployment of CCMS V4. At that time, programming, testing, and validation of V4 had been completed. Nevertheless, the council canceled the project because of the branch’s significant budget constraints and the fact that projected deployment costs had significantly increased to over \$1 billion, making the system too costly to deploy.

In July 2012, as part of the 2012–2013 Budget Act, the Legislature amended Government Code section 68085 to prohibit the Judicial Council from expending any Trial Court Trust Fund monies beginning in fiscal year 2012–2013 on CCMS without the consent of the Legislature. The legislation specifically excluded the operations and maintenance of CCMS V2 and V3 from this prohibition.

See attached “CCMS Funding and Expenditures (2002-2012)” for additional detail.

- The Judicial Council and the AOC are responsible for hundreds of millions of dollars annually. As the Department of Finance and the Legislative Analyst's Office do not currently receive a detailed annual budget for the Judicial Council or AOC, there exists no mechanism to ensure accountability of public funds with which it is entrusted.

This is incorrect. The Judicial Council/AOC does, in fact, like all other state entities, provide extensive and detailed budget information to the Department of Finance, Legislative Analyst, and the Legislature.

#### Detailed annual budget:

Consistent with state law and Department of Finance policy, the Administrative Office of the Courts provides detailed budget information to the Department of Finance as well as to the Legislative Analyst's Office throughout the year. This is consistent with what is required of all state entities that are required to provide budget detail to the Department of Finance and the LAO and includes details about positions and position changes, actual, estimated, and proposed expenditures for three years (the past, current, and budget year) on personnel, benefits, and operations expenses and equipment. Also, all judicial branch funds must be reviewed, updated, and reconciled with year-end accounting information by the Department of Finance and the State Controller's Office. This reconciliation process is the same for all state entities.

Any requests for additional information by the Department of Finance and the Legislative Analyst's Office are always honored. The Judicial Council and the Administrative Office of the Courts fully participate in the budget development process, for the branch and statewide branch entities, as well as for the benefit of the trial courts.

See "[Judicial Branch Budget](http://www.ebudget.ca.gov/2014-15/pdf/GovernorsBudget/0010/0250.pdf)" link for additional detail. [www.ebudget.ca.gov/2014-15/pdf/GovernorsBudget/0010/0250.pdf]

#### Transparency and accountability of public funds:

The Judicial Council and its staff arm, the Administrative Office of the Courts, currently comply with a large number of auditing and reporting requirements. Since January 1, 2013, more than 4,500 pages of audits and reports have been submitted to the Legislature. That includes 22 AOC-related audits that were conducted by the Department of Finance, the State Controller, the State Auditor, and internal audit services, as well as 30 reports required by the Legislature.

The AOC has been independently evaluated or audited twice in the last three years. The first in-depth review was conducted at the request of the Chief Justice by an independent group of judges (judges who do not sit on the Judicial Council) who were appointed to the Strategic Evaluation Committee (SEC). The second audit was conducted at the Judicial Council's request by the Department of Finance's Office of State Audits and Evaluations (OSAE) and involved a risk assessment of the AOC's fiscal processes and a review of internal controls and contract processes.

The Judicial Council adopted the SEC's recommendations and created 151 directives based on the recommendations. These directives reaffirmed Judicial Council authority over the AOC, restructured the AOC, and established a plan for monthly monitoring of the implementation of the directives by the Judicial Council's Executive and Planning Committee. To date, 100 of the directives have been completed. The remaining directives are currently in the process of implementation, study or review.

This year, the AOC will undergo another independent external financial audit that will also be conducted by the Department of Finance.

See attached "Judicial Branch Audits and Legislative Reports" and "Legislative Reports LIAP Chart" documents for additional detail.

- In 2012, the Legislature adopted SB 1021 (Chapter 41, Statutes of 2012) making several reforms to trial court funding, operations and how the Judicial Council and AOC manages and allocates state funds. These reforms were significant and were aimed at bringing about greater transparency and accountability of funds that the Legislature allocates to the judicial branch via the Judicial Council and AOC.

SB 1021 enacted the public safety budget trailer bill for the Budget Act of 2012, and contained the following changes relative to the judicial branch:

Non-fee related changes: (1) set forth the intent of the Legislature that, in making the hard decisions about how to implement budget reductions, courts give the highest priority to keeping civil and criminal courts open; (2) directed the Judicial Council, in determining allocations to trial courts, to set aside 2% of the amount appropriated for support of the trial courts, to be allocated to trial courts to address unforeseen emergencies, unanticipated expenses for existing programs, and unavoidable funding shortfalls, and further directed the Judicial Council to distribute any remaining funds from the 2% reserve pro rata to all courts after March 15; (3) effective June 30, 2014 limited the amounts courts could carry forward as a fund balance to an amount not to exceed 1% of a court's operating budget from the prior fiscal year; (4) consolidated the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund into a single statewide fund known as the State Trial Court Improvement and Modernization Fund to support statewide trial court projects and initiatives; (5) made changes to the Superior Court Law Enforcement Act of 2002 (GC sections 69920 – 69927) to reflect the realignment obligations and responsibilities of courts, counties, and sheriffs in light of the 2011 realignment of trial court security funding; (6) prohibited trial courts from calculating the cost of court reporter transcripts based on a methodology that counts actual words and instead requires payment based on a per-page rate unless the court switched to a per-word methodology prior to January 1, 2012; and (7) directed the Administrative Office of the Courts to collect from trial courts information regarding implementation of the 2011 criminal justice realignment, including statistics regarding dispositions of felonies at sentencing and petitions to revoke probation, post-release community supervision, mandatory supervision, and parole.

Filing and other fee changes included in SB 1021: (1) made jury fee deposits nonrefundable; (2) eliminated the sunset date on civil first paper filing fee increases imposed in 2010; (3) eliminated the sunset date on the fee for telephonic appearances; (4) eliminated the sunset date on the fee increases imposed in 2011 to the summary judgment fee and fee to appear pro hac vice; (5) eliminated the sunset date on the added \$3 penalty on parking offenses under Government Code 76000.3; (6) eliminated the sunset date on the \$10 increase to the court operations assessment (formerly referred to as the court security fee) imposed on criminal convictions; (7) imposed a \$30 fee to be assessed by courts for court

reporter services in civil proceedings lasting less than one hour; (8) increased appellate first paper filing fees by 20% to offset cuts to the Supreme Court and Courts of Appeal; (9) until July 1, 2015, adds an additional \$40 first paper filing fee on unlimited civil actions; (10) until January 1, 2015, increases the complex case filing fee from \$550 to \$1000; (11) until January 1, 2015, increases the fee for a motion or other paper requiring a hearing subsequent to the first paper from \$40 to \$60; and (12) established a fee of \$50 for delivery of a will to the court.

See attached “SB 1021 (Chapter 41, Statutes of 2012)” document for additional detail.

- Despite several budget cuts, the Judicial Council's budget grew while funding for trial court operations declined. For example, the Judicial Council's budget for 2013-2014 is stated at \$141.5 million. This is \$20.9 million more than was spent in 2011-2012.

This conclusion is incorrect.

At page 122 of the Governor’s Budget Summary, a display appears (Figure JUD-01) which results in the misleading conclusion that the expenditures by, and thus the appropriations to the Judicial Council/AOC have risen since FY 2007-2008. This is not the case. On the contrary, the Judicial Council budget has actually been reduced by approximately \$10 million over this time period.

The Judicial Council budget for 2014-2015 appears larger than in 2007-2008, because it fails to note that funding was transferred from local assistance to the Judicial Council budget beginning in 2012-2013. While this transfer was made in the Budget Act, the funds are still used for the same purpose as before, in support of trial court operations and programs.

The Department of Finance has provided an updated budget display that illustrates this problem by isolating the local assistance expenditures that were transferred to the Judicial Council’s budget.

### Judicial Branch Expenditures, State Funds

(Dollars in Thousands)

Judicial Branch Expenditures by Program	2007-08 Actual	2012-13 Actual	2013-14 Estimated	2014-15 Governor's Budget
Supreme Court	\$44,397	\$42,678	44,262	44,927
Courts of Appeal	200,706	202,020	207,824	211,211
Judicial Council	(130,396)	(134,775)	(141,528)	(140,943)
<i>Judicial Council Operations</i>	<b>130,396</b>	<b>114,857</b>	<b>123,220</b>	<b>120,809</b>
<i>Statewide Programs Operated on behalf of Trial Courts</i> <sup>1</sup>	0	19,918	18,308	20,134
Habeas Corpus Resource Center	12,553	12,617	13,775	13,964
Facility Program	(49,965)	(195,105)	(266,771)	(331,637)
<i>Staff and OE&amp;E</i>	22,634	25,951	31,202	30,791
<i>Trial Court Facility Expenses</i>	27,331	169,154	235,569	300,846
Trial Courts	3,288,873	2,237,495	2,442,708	2,531,164
<b>Total</b>	<b>\$3,726,890</b>	<b>\$2,824,690</b>	<b>\$3,116,868</b>	<b>\$3,273,846</b>
<b>Adjustments to Trial Courts</b> <sup>2</sup>	<b>\$3,288,873</b>	<b>\$2,237,495</b>	<b>\$2,442,708</b>	<b>\$2,531,164</b>
<i>Trial Court Facility Expenses</i>	\$27,331	\$169,154	\$235,569	\$300,846
<i>Statewide Programs Operated on behalf of Trial Courts</i> <sup>1</sup>	0	19,918	18,308	20,134
<i>Offsets:</i>				

<i>Reserves and Redirections</i>		402,000	264,000	
<i>Transfers and Redirections</i> <sup>3</sup>		(440,000)	(357,000)	(131,365)
<b>Sub-total, Trial Courts</b>	<b>\$3,316,204</b>	<b>\$2,828,567</b>	<b>\$2,960,585</b>	<b>\$2,852,144</b>
<i>Trial Court Security Costs</i> <sup>4</sup>	-444,901	(496,400)	(496,400)	(496,400)
<b>Adjusted Total, Trial Courts</b>	<b>\$2,871,303</b>	<b>\$2,828,567</b>	<b>\$2,960,585</b>	<b>\$2,852,144</b>

<sup>1</sup> In 2012-13, the Legislature permanently shifted expenditures from Program 45.10, Support of Trial Court Operations to Program 30-Judicial Council to reflect programs operated by the Judicial Council at the statewide level on behalf of the trial courts. Expenditures included in this chart and the AOC's chart tie to Finance's budget documents.

<sup>2</sup> Due to availability of data, all offsets may not be displayed.

<sup>3</sup> Transfers and Redirections are non-additive and reflect adjustments that mitigate the impact of General Fund reductions.

<sup>4</sup> For comparison purposes, court security costs for 2007-08 are removed from trial court expenditure totals due to the realignment of court security costs in 2011-12 and ongoing.

The net reduction of approximately \$10 million explains the significant Judicial Council/AOC staffing reductions and ongoing furloughs over the past five years.

See attached "Judicial Council Budget Data Display" document for additional detail.

- Recently the Judicial Council and the AOC have made laudable strides to effectuate improvements and solutions for the catastrophic cuts to their budget. These remedies only serve as triage to a judicial system that needs major surgery on how it manages its scarce resources.

Concerns about the distribution of funding to the trial courts have been present since the Trial Court Funding Act of 1997 shifted responsibility for the funding of the courts from the counties to the state. Even after the Trial Court Funding Act became law, the distribution of General Funds remained locked in time, based largely on the historic allocations that each court received at the local level from the county. In 2012, the Chief Justice and the Governor appointed the Trial Court Funding Workgroup (Workgroup) to evaluate the progress in implementing the Trial Court Funding Act.

The Workgroup found that the judicial branch has essentially satisfied the stated goals and requirements of the Act by increasing access to justice; implementing greater uniformity; achieving efficiencies and economies of scale; simplifying court processes and procedures; and, making overall structural improvements in statewide access to justice.

The Workgroup also concluded that work remained regarding a more transparent and equitable allocation of trial court funding. To that end, presiding judges and court executive officers developed a new workload-driven allocation methodology (WAFM), adopted by the Judicial Council in July 2012, resulting in a more transparent and equitable distribution of funds among the 58 local trial courts.

The implementation of WAFM in the current year represents a historic overhaul of how funds are allocated to California's trial courts. It is based on a three-year rolling average of filings, and takes into consideration variations in case types and court resources needed for those various case types. WAFM provides an equitable basis for determining funding levels to support trial court functions and help the state's most under-resourced courts.

- There is a need to examine whether the size of the AOC staff is appropriate and needed. At 800 employees, plus temporary and contract employees. For instance, there are 68 employees in the



Judicial Education Division, but most judicial education is performed by judges on a volunteer basis.

The Judicial Council is the policy making body for the judicial branch. The Administrative Office of the Courts serves as the staff arm of the Judicial Council.

In the current year, the Judicial Council/AOC makes up 3.6 percent of the judicial branch budget.

The \$63 million budget augmentation in the current year (\$60 million to trial courts, \$3 million to Supreme Court, Courts of Appeal, and Habeas Corpus Resource Center) did not include an allocation for the Judicial Council/AOC.

The AOC provides many critical core services to judges and trial courts (see attached “Services Provided by the Administrative Office of the Courts”). The AOC also provides administrative services to all six Courts of Appeal and the California Supreme Court.

#### AOC Staffing:

Reductions: Since July 1, 2011 AOC staffing has been reduced from 1121 (the high water mark) to 796 as of January 31, 2014—a net reduction of 325 positions, or nearly 30%. These figures include temporary and contract employees.

This link provides current AOC staffing details: [www.courts.ca.gov/documents/hr-aoc-staffing-metrics.pdf](http://www.courts.ca.gov/documents/hr-aoc-staffing-metrics.pdf)

Furloughs: Since July 2009, AOC employees, as well as other state-level judicial branch employees, have experienced a pay cut of 4.62 percent due to monthly furloughs. Savings from staff reductions allowed the number of furlough days to be reduced in the current fiscal year from 12, where it had been for five years, to 6.

Cost of Living Adjustment: No COLAs have been granted to AOC employees or other state-level judicial branch employees since 2007.

#### AOC Services:

Center for Judicial Education and Research (CJER): CJER provides education programs and products for the approximately 2,000 judicial officers in California, including substantive orientation programs, extensive online videos, simulations, courses, and a series of over 60 legal publications. CJER also provides training for court staff, including producing broadcasts provided at over 350 sites across the state, online courses, court management training programs, and training at local courts as requested. Volunteer faculty are critical to the success of these programs and help us keep the costs of our efforts low. CJER staff author the legal publications, research and prepare judicial training materials, provide infrastructure support for online resources, broadcasts and video productions, as well as train the judicial faculty to effectively teach. Staff is also necessary to provide logistical support for all of CJER’s programs and products and to provide training for court staff. Since 2011, CJER has reduced its staffing by 37 percent.

#### **Audit Scope:**

I am seeking a state audit to answer the following questions related to the use of the Judicial Branch's State Operations budget and the state's trial court reserve policy:

- (1) Are the Judicial Council and AOC complying with the reforms contained in SB 1021?
- (2) Are public funds being utilized in the most effective manner?
- (3) Are public funds being accounted for and budgeted to administration staffing in a manner consistent with comparable sized state entities?
- (4) Are any of the functions being supported by the AOC's budget no longer necessary/relevant when paralleled with recent reductions in local trial court funding, law/policy changes, courtroom closures, and layoffs?
- (5) Are there available funds that can be redirected to trial court operations for the immediate future?
- (6) Is the current 1-percent state trial court reserve policy adequate to support trial court operations?

**Conclusion:**

Several years ago, the Joint Legislative Audit Committee requested an audit of the CCMS program. The audit uncovered mismanagement, waste, and a lack of meaningful oversight that led to the program's eventual termination. As a result, taxpayers saved hundreds of millions of dollars, and members of the public who must rely on courts were spared even deeper cuts to services. I believe a thorough and complete audit of the funds administered by the Judicial Council and the AOC is warranted to ensure that the Legislature's directives as contained in SB 1021 are complied with and to examine whether there is potential to point the way to substantial additional savings and a better and more informed allocation of our scarce resources.

Thank you for your consideration. I look forward to talking with you about this request.

Sincerely,

REGINALD BYRON JONES-SAWYER, SR.  
State Assemblyman, 59<sup>th</sup> District

cc: Members, Joint Legislative Audit Committee

## COURT CLOSURE DAYS IN 2009-2010

(February 12, 2014)

In fiscal year 2009-2010 the judicial branch budget was reduced by \$400 million. To help absorb this reduction and continue to provide the greatest access possible on days of operation, the Legislature authorized the Judicial Council to provide for a court closure day one day per month during 2009-2010 (SBx4-13, Chapter 22, Statutes of 2009-10 Fourth Extraordinary Session). In order to implement this closure and achieve savings of approximately \$85 million, the legislation also provided that judges could volunteer for a 4.62 percent pay decrease.

Accordingly, the Judicial Council, at its July 28, 2009 meeting, designated the third Wednesday of the month as the court closure day for all Superior Courts, Courts of Appeal, and the Supreme Court, beginning in September 2009 and continuing through June 2010. While a number of court closure alternatives were considered, the Judicial Council ultimately designated the same closure day for all courts in order to minimize disruption to the public and court users while ensuring equal availability of court services statewide.

The court closure legislation was enacted in response to a significant fiscal crisis in the midst of a state budget deficit estimated at \$21 billion. Those unique circumstances are set forth in the findings and declarations contained in SBx4-13:

*“The Legislature finds and declares that the current fiscal crisis, one of the most serious and dire ever to affect the state, threatens the continued operations of the judicial branch. This situation requires a unique response to effectively use judicial branch resources while protecting the public by ensuring that courts remain open and accessible and that the core functions of the judicial branch are maintained to the greatest extent possible.”*

Additional info:

SBx4-13 (Ducheny) Omnibus judiciary and corrections trailer bill to the 2009-10 Budget Act  
[www.leginfo.ca.gov/pub/09-10/bill/sen/sb\\_0001-0050/sbx4\\_13\\_bill\\_20090728\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0001-0050/sbx4_13_bill_20090728_chaptered.pdf)

Judicial Council report on plan for statewide court closures  
[www.courts.ca.gov/documents/072909item3.pdf](http://www.courts.ca.gov/documents/072909item3.pdf)

LAO: Overview of the 2009-10 May Revision  
[www.lao.ca.gov/2009/bud/may\\_revise/may\\_revision\\_052109.aspx](http://www.lao.ca.gov/2009/bud/may_revise/may_revision_052109.aspx)

San Jose Mercury News: California courts face unprecedented closures one day each month  
[www.mercurynews.com/breakingnews/ci\\_12945295](http://www.mercurynews.com/breakingnews/ci_12945295)

**California Court Case Management System (CCMS)  
Project, Ongoing Programs and Services, and Interim Case Management System  
Funding and Expenses  
(FY 2002-2003 through FY 2011-2012)**

	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	Total
<b>FUND SOURCES</b>											
General Fund	\$ -	\$ 4,499,992	\$ 265,729	\$ 238,366	\$ 301,156	\$ 309,067	\$ 266,732	\$ 1,216,646	\$ 483,250	\$ 290,632	\$ 7,871,570
Modernization Fund	-	4,364,781	13,198,412	2,549,915	11,133,122	8,651,394	13,209,416	18,685,848	142	-	\$ 71,793,030
Trial Court Trust Fund	20,516,563	-	-	-	50,000,000	-	19,674,138	24,845,839	51,312,869	25,354,222	\$ 191,703,631
Trial Court Improvement Fund	-	1,447,738	4,494,679	24,121,932	39,162,716	73,026,650	32,620,875	19,266,202	2,719,927	1,437	\$ 196,862,157
Development Vendor Delay Cost Reimbursement	-	-	-	-	-	-	-	-	-	(16,000,000)	\$ (16,000,000)
Trial Court Reimbursements (state expenses reimbursed by courts)	-	-	200,000	1,647,987	3,948,790	3,396,790	1,875,435	1,878,995	1,314,947	1,314,947	\$ 15,577,890
Trial Court Expenditures (court expenses not reimbursed by state)	-	-	-	20,760,508	20,590,630	8,080,415	190,654	-	6,032,570	4,126,796	\$ 59,781,573
<b>TOTAL FUNDING</b>	\$ 20,516,563	\$ 10,312,511	\$ 18,158,820	\$ 49,318,708	\$ 125,136,415	\$ 93,464,316	\$ 67,837,249	\$ 65,893,530	\$ 61,863,705	\$ 15,088,033	\$ 527,589,851
<b>EXPENDITURES</b>											
<b>CCMS Project Costs</b>											
Civil, Small Claims, Probate, MH Development & Deployment	\$ 11,694,435	\$ 8,198,699	\$ 14,744,964	\$ 30,596,298	\$ 21,177,607	\$ 8,080,415	\$ 190,654	\$ -	\$ -	\$ -	\$ 94,683,072
CCMS Development (Incl. Planning & Strategy)	4,285,582	1,638,143	556,999	237,791	64,781,131	48,599,380	33,178,862	43,081,672	20,608,139	1,844,843	\$ 218,812,541
Development Vendor Delay Cost Reimbursement	-	-	-	-	-	-	-	-	-	(16,000,000)	\$ (16,000,000)
CCMS Deployment	-	-	-	-	-	-	-	3,681,676	9,018,066	2,414,140	\$ 15,113,883
Document Management System (DMS) Development & Deployment	-	-	-	-	-	-	-	-	-	-	\$ -
<b>TOTAL CCMS PROJECT</b>	\$ 15,980,017	\$ 9,836,842	\$ 15,301,963	\$ 30,834,089	\$ 85,958,739	\$ 56,679,795	\$ 33,369,516	\$ 46,763,348	\$ 29,626,206	\$ (11,741,017)	\$ 312,609,496
<b>Ongoing Program &amp; Services</b>											
CCMS Maintenance & Support	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,492,460	\$ 11,187,471	\$ 13,679,931
DMS Maintenance & Support	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL OPERATIONAL</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,492,460	\$ 11,187,471	\$ 13,679,931
<b>Interim CMS</b>											
Criminal & Traffic Development & Deployment	\$ 4,433,993	\$ 475,669	\$ 1,390,809	\$ 4,712,923	\$ 615,768	\$ 1,600,000	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 14,229,162
Criminal & Traffic Maintenance & Support	102,554	-	-	11,167,579	15,835,959	13,583,386	10,433,201	5,063,592	5,976,782	4,256,993	\$ 66,420,047
Civil, Small Claims, Probate, MH Maintenance & Support	-	-	1,466,049	2,604,117	22,725,949	21,601,136	23,034,532	14,066,590	23,768,257	11,384,587	\$ 120,651,216
<b>TOTAL INTERIM CMS</b>	\$ 4,536,546	\$ 475,669	\$ 2,856,858	\$ 18,484,619	\$ 39,177,677	\$ 36,784,521	\$ 34,467,734	\$ 19,130,182	\$ 29,745,039	\$ 15,641,580	\$ 201,300,425
<b>TOTAL CCMS PROGRAM EXPENDITURES</b>	\$ 20,516,563	\$ 10,312,511	\$ 18,158,820	\$ 49,318,708	\$ 125,136,415	\$ 93,464,316	\$ 67,837,249	\$ 65,893,530	\$ 61,863,705	\$ 15,088,033	\$ 527,589,851



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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### Judicial Branch Audits and Legislative Reports:

The Judicial Council/Administrative Office of the Courts (JC/AOC) currently complies with a number of auditing and reporting requirements. Since January 1, 2013 alone, more than 4,500 pages of audits and reports have been submitted to the Legislature.

The following is offered as an overview and high level summary of judicial branch obligations to provide financial audits and reports to the Legislature, executive agencies, and internal oversight entities within the branch. There are audits performed by internal, as well as, external auditors, including the California State Auditor, the State Controller's Office, and the Department of Finance's Office of State Audits and Evaluations (OSAE).

During the 2014 calendar year, pursuant to section 77206 of the Government Code, the AOC will undergo an independent external financial audit that will be conducted by OSAE. This section also provides for independent financial audits of all superior courts at least once every four years. These audits ensure compliance with governing statutes, rules, regulations, and policies relating to the revenues, expenditures, and fund balances of all material and significant AOC funds.

This will be the second independent financial audit of the AOC performed by OSAE in the last three years. The previous audit, performed at the AOC's request, involved a risk assessment of AOC fiscal processes and internal controls, a review and analysis of the authorization, processing and payment of expenditures, and a review of AOC financial statements. The independent audit report (issued in May 2011) concluded that AOC fiscal controls generally were adequate, and expenditures properly recorded. The report is located at: [www.dof.ca.gov/osae/audit\\_reports/documents/FinalReport-JudicialCouncilofCaliforniaAdministrativeOfficeoftheCourtsAudit.pdf](http://www.dof.ca.gov/osae/audit_reports/documents/FinalReport-JudicialCouncilofCaliforniaAdministrativeOfficeoftheCourtsAudit.pdf)

In addition to these audits, the JC/AOC regularly provides nearly three dozen reports to the Legislature, some of which are due annually, biennially or quarterly. Two recent reports of note include (1) the August 2013 report of each of the 58 local trial courts' expenditure plans for the additional \$60 million allocation the trial courts received in the current-year as required by provision 12 of the Budget Act of 2013 (as required, a follow-up report will be provided in May 2014) and (2) the October 2013 report of all approved allocations and reimbursements to the trial courts in accordance with section 77202.5(a) of the Government Code. This report details allocations of various funds in FY 2012–2013 toward: reimbursement

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of specific trial court expenditure items including jury, self-help center, court interpreter, and court-appointed dependency counsel costs; fee revenue amounts that are distributed directly back to the courts as directed in statute or by the Judicial Council; and funding awarded to individual trial courts from statewide programs, including state and federal grants.

The judicial branch is also required to perform audits of the trial courts, as well as prepare a variety of reports that disclose the details of the branch budget and fiscal operations to the Legislature once, and sometimes multiple times, per year. Further, all court contracts are subject to disclosure, auditing and, reporting requirements, including a comprehensive report detailing every judicial branch contract--submitted to the Legislature twice each year, all of which are produced regularly and made public.

Beyond the budgetary allocations and expenditures of the trial courts, audits and reporting of the judicial branch encompass a wide range of fiscal and operational activities. Details are provided below.

- *Court Revenue Audits.* Under authority of Government Code section 68103, the State Controller's Office performs audits on a regular cycle of court collections remitted to the State Treasurer and their distributions. These audit reports are conducted for each county and are located at [www.sco.ca.gov/aud\\_court\\_revenues.html](http://www.sco.ca.gov/aud_court_revenues.html).
- *Internal Audits and Reporting.* The judicial branch conducts internal audits of operations, the results of which are made available to the public. The Office of Internal Audit Services was established in 2001 in response to the Trial Court Funding Act of 1997, which made the JC/AOC responsible for financial oversight of the trial courts. Auditing responsibilities of this unit include all entities within the judicial branch. The unit conducts risk assessments, develops audit programs, performs audits of the judicial branch entities, assists state and external auditors, and recommends improvements based on audit results, thereby playing a key role in meeting the branch's fiscal oversight responsibilities. These audits are reviewed by the Judicial Council's Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch prior to being sent to the Judicial Council for acceptance and posted on the California Courts web site at [www.courts.ca.gov/12050.htm](http://www.courts.ca.gov/12050.htm). These comprehensive audits of the courts encompass financial and operational activities in compliance with statutes, regulations, rules of court, and internal policies.

The Office of Internal Audit Services also does internal audit reports of the AOC, such as the audit of the Office of Court Construction and Management (OCCM) Facilities Management Unit. This report, titled Compliance Audit of Management and Maintenance Services Contracts (2006 through 2011), is available at [www.courts.ca.gov/documents/FMU-Final-Combined-Audit-Report-4-26-2013.pdf](http://www.courts.ca.gov/documents/FMU-Final-Combined-Audit-Report-4-26-2013.pdf).

Additionally, Chief Justice Tani G. Cantil-Sakauye appointed the Strategic Evaluation Committee (SEC) in March 2011 to conduct an in-depth review of the AOC with a view

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toward promoting transparency, accountability, and efficiency. The report recommended significant changes regarding the restructuring and realignment of the AOC. In August 2012, the Judicial Council adopted the SEC's recommendations and formed them into 151 directives, organized by thematic category. These directives reaffirmed Judicial Council authority over the AOC, restructured the AOC, and established a plan for monthly monitoring of the implementation of the directives by the Judicial Council's Executive and Planning Committee (E&P).

The AOC reports monthly on the progress of these directives to the Judicial Council. A status report detailing implementation of the directives is provided at each Judicial Council meeting and all of this information is posted on the public website at [www.courts.ca.gov/19567.htm](http://www.courts.ca.gov/19567.htm). To date, over 100 of the directives (more than 65%) have been completed.

Progress on the directives represents significant steps toward improved efficiency and greater production of public value by the branch. For example, several directives were combined as part of a broader review and policy discussion about effectively coordinating and managing important branchwide projects. In completing these directives, AOC staff developed a process for approval of branchwide projects and other significant initiatives to ensure an appropriate evaluation was completed, including a comprehensive cost-benefit analysis as necessary. That evaluation is to include the input and collaboration of all stakeholders; a complete analysis of scope; accurate cost estimates and funding streams and associated controls; documentation of decision-making processes; and full transparent consideration of fiscal, operational, and other impacts to the courts and stakeholders.

- *California Judicial Branch Contract Law (JBCL; Chapter 10, Statutes of 2011)*. The JBCL requires superior and appellate courts, the JC/AOC, and the Habeas Corpus Resource Center (HCRC) to comply with provisions of the Public Contract Code that are applicable to state agencies and departments related to the procurement of goods and services. The JBCL applies to contracts, including purchase orders, entered into or amended on or after October 1, 2011. The requirements for judicial branch procurement and contracting activities under the JBCL and *Judicial Branch Contracting Manual*<sup>1</sup> are often in addition to those in the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), AOC policy 7.2.1 Procurement of Goods and Services, and other applicable policies. Other features of the JBCL include the following:

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<sup>1</sup> Public Contract Code 19206 of the JBCL requires the Judicial Council to adopt and publish a Judicial Branch Contracting Manual incorporating procurement and contracting policies and procedures Judicial Branch Entities (JBEs) must follow. JBEs include the superior and appellate courts, Judicial Council/Administrative Office of the Courts, and Habeas Corpus Resource Center (HCRC).

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- Local contracting manuals: The JBCL requires each court, the AOC, and the HCRC to adopt a local contracting manual for procurement and contracting.
- Reporting: The JBCL imposes mandatory periodic reporting requirements on the Judicial Council concerning contracting activities of the judicial branch.
- Audits (Section 19210 of the Public Contract Code): The State Auditor is required to audit the trial courts to assess their implementation of the JBCL. The first round of audits has been completed, and will continue as required by statute.

The first audit, conducted in 2013, evaluated six trial courts and found the procurement process and contracts to be generally compliant with policy. The audit report is at [www.bsa.ca.gov/pdfs/reports/2012-301.pdf](http://www.bsa.ca.gov/pdfs/reports/2012-301.pdf) . Starting in Fiscal Year 2014-2015 and biennially thereafter, five judicial branch entities (excluding the AOC) will be audited for implementation of the JBCL.

The State Auditor is also required to audit the appellate courts, the AOC, and the HCRC to assess their implementation of the JBCL. The first round of audits has been completed, and will continue as required by statute. The report for this audit is at [www.bsa.ca.gov/pdfs/reports/2013-302and2013-303.pdf](http://www.bsa.ca.gov/pdfs/reports/2013-302and2013-303.pdf) and like the trial court audit issued earlier last year the results were similar for the procurement and contract process. The AOC is scheduled to be audited biennially starting in Fiscal Year 2014-2015.

- Large contracts: The JBCL requires that the courts, the AOC, and the HCRC notify the State Auditor, in writing, within 10 business days of entering a contract with a total cost estimated to be more than \$1 million.
- *Capital Construction Program Audits.* The AOC in 2012 contracted with Pegasus Global Holdings, Inc. to perform an audit of the policies and processes in place that are intended to guide and control the management of all construction projects undertaken by the AOC and then audit the actual practices followed during capital project execution. The audit will encompass a multi-year review. The first audit report was issued August 13, 2012 and is available at [www.courts.ca.gov/documents/Pegasus-Global-AOC-OCCM-Final-Audit-Report.pdf](http://www.courts.ca.gov/documents/Pegasus-Global-AOC-OCCM-Final-Audit-Report.pdf).
- *California Technology Agency Reviews.* Contracts for administrative or infrastructure IT projects with total costs estimated to be more than \$5 million are subject to the review and recommendations of the California Technology Agency (CTA). Recently, Orange Superior Court noticed CTA concerning a systems development project meeting the criteria of the statute. Additionally, independent project oversight, verification and validation reviews are being performed on case management system development



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projects at three superior courts. These reviews involve regular reporting to the Judicial Council's Technology Oversight Advisory Committee.

- *California State Auditor audits generally.* The California State Auditor performs assessments of financial and operational activities and federal compliance by state government entities including the judicial branch. In addition to the previously mentioned audits, other recent California State Auditor audits of the judicial branch are on their web site ([www.bsa.ca.gov/reports](http://www.bsa.ca.gov/reports)) and include:
  - 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 ([www.bsa.ca.gov/pdfs/reports/2013-103.pdf](http://www.bsa.ca.gov/pdfs/reports/2013-103.pdf))
  - Sacramento and Marin Superior Courts: Both Courts Need to Ensure That Family Court Appointees Have Necessary Qualifications, Improve Administrative Policies and Procedures, and Comply With Laws and Rules ([www.bsa.ca.gov/pdfs/reports/2009-109.pdf](http://www.bsa.ca.gov/pdfs/reports/2009-109.pdf))
- *Legislative reports.* The judicial branch prepares nearly three dozen reports, totaling hundreds of pages, for submission to the Legislature, some of which are due annually, biennially or quarterly. One in particular is a comprehensive report detailing all judicial branch contracts. It is submitted twice per year, and regularly reaches at least 700 pages in length. These reports, including the fifth semiannual report just issued (February 2014), to comply with section 19209 of the Public Contract Code, are available at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

Other reports are requested on limited bases, from just one time (13 of which are due this fiscal year or in the next two fiscal years), to once every three to five years. These reports are also on the same web site as the semi-annual report.

- *Local trial court budgets.* Prior to adopting a budget for each fiscal year, each trial court is required to provide public notice of, and an opportunity for input on, the trial court's proposed budget plan pursuant to Section 68511.7 of the Government Code.

## **SB 1021 (CHAPTER 41, STATUTES OF 2012)**

**Summary Description:** Enacts the public safety trailer bill to the Budget Act of 2012, including amendments relating to the judicial branch.

### ***State Trial Court Improvement and Modernization Fund***

Consolidates the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund into a single statewide fund known as the State Trial Court Improvement and Modernization Fund to support statewide trial court projects and initiatives. (Gov. Code, § 77209(a).)

### ***Budget and the Trial Courts***

Sets forth the Legislature's intent that courts give the highest priority to keeping courtrooms open for civil and criminal proceedings and specifically states the Legislature's intent that, in the allocation of resources by and for trial courts, budget cuts not fall disproportionately on civil cases and that the right to trial by jury be preserved. (Gov. Code, § 68196(a)(1).)

Requires the Judicial Council, when making the preliminary allocation to trial courts, to set aside in the Trial Court Trust Fund two percent of the total funds appropriated from the annual Budget Act to be allocated to trial courts by the Judicial Council for unforeseen emergencies, unanticipated expenses for existing programs, or unavoidable shortfalls. Requires unavoidable funding shortfall requests for up to 1.5 percent of these funds to be submitted by the trial courts to the Judicial Council no later than October 1 of each year. By October 31, the Judicial Council shall review and evaluate requests and make funding determinations. By March 15 of each year, the Judicial Council shall distribute any remaining funds to any unavoidable funding shortfall requests that have already been reviewed, evaluated, and approved at a prorated basis. No later than April 15 of each year, the Judicial Council shall report to the Legislature and the Department of Finance all requests and allocations made under this section. (Gov. Code, § 68502.5(c)(2)(B)-(C).)

Adds trial court operations, as defined in section 77003 of the Government Code, to the permissible uses for funds in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. (Gov. Code, § 70371.5(a)(4).)

Starting June 30, 2014, limits the amounts courts may carry forward from year to year as a fund balance to an amount not to exceed one percent of the court's operating budget from the prior fiscal year. (Gov. Code § 77203.)

### ***Court Security***

Amends the Superior Court Security Act to reflect obligations and responsibilities of courts, counties, and sheriffs in light of the 2011 realignment of trial court security funding. (Gov. Code, §§ 69920-69927.) Among other things, states that a superior court shall not pay for court security except as provided in the Act, but a court may, subject to the memorandum of understanding between the sheriff, on behalf of the county, (see Gov. Code, § 69926(b)), pay for court security service delivery or other significant programmatic changes that would not otherwise have been

required absent the realignment of superior court security finding enacted in AB 118 (Chapter 40 of the Statutes of 2011). (Gov. Code, § 69923.)

### ***Criminal Justice Realignment Data***

Requires the Administrative Office of the Courts, beginning January 1, 2013, to collect from trial courts information regarding the implementation of the 2011 criminal justice realignment. Specifies that this information shall include statistics for each county regarding the dispositions of felonies at sentencing and petitions to revoke probation, postrelease community supervision, mandatory supervision, and, commencing July 1, 2013, parole. The trial courts must provide this information not less frequently than twice a year. Trial courts may use funds provided to them for the implementation of criminal justice realignment for the purpose of collecting the information and providing it to the AOC. The AOC shall make this data available to the Department of Finance, the Board of State and Community Corrections, and the Joint Legislative Budget Committee on or before September 1, 2013, and annually thereafter. (Pen. Code, § 13155.)

### ***Jury Fee Deposits***

Clarifies that each party demanding a jury trial shall deposit \$150 in advance jury fees with the clerk or judge. Establishes that these advance jury fees are nonrefundable. (Code Civ. Pro., §§ 631, 631.3.) (See discussion of AB 1481, above.)

### ***Telephonic Appearances***

Eliminates the sunset date on the \$20 fee related to telephonic appearances that is deposited in the Trial Court Trust Fund. (Code of Civ. Pro., § 376.6, Gov. Code, § 72011.)

### ***Appellate Filing Fees***

In order to offset cuts to the Supreme Court and Courts of Appeal, increases the following filing fees:

- For filing a notice of appeal in a civil case appealed to a court of appeal from \$485 to \$605. (Gov. Code, § 68926(a)(1).)
- For filing a petition for a writ within the original civil jurisdiction of the Supreme Court from \$420 to \$540. (Gov. Code, § 68926(a)(2).)
- For filing a petition for writ within the original civil jurisdiction of a court of appeal from \$485 to \$605. (Gov. Code, § 68926(a)(3).)
- For a party other than appellant filing its first document in a writ proceeding within the original jurisdiction of the Supreme Court from \$325 to \$390. (Gov. Code, § 68926(b)(1).)
- For a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of the Supreme Court from \$325 to \$390. (Gov. Code, § 68926(b)(2).)
- For a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of a court of appeal from \$325 to \$390. (Gov. Code, § 68926(b)(3).)
- For filing a petition for review in a civil case in the Supreme Court after a decision in a court of appeal from \$420 to \$540. (Gov. Code, § 68927(a).)
- For a party other than petitioner filing its first document in a civil case in the Supreme Court after a decision in a court of appeal from \$325 to \$390. (Gov. Code, § 68927(b).)

***Court Fees in Unlimited Civil Cases***

Adds a supplemental fee, in addition to any other supplemental fees, of \$40 for any first paper in an unlimited civil action, with a July 1, 2015 sunset date. If after the 2013-2014 fiscal year, the amount of the General Fund Transfer to the Trial Court Trust Fund is more than 10 percent decreased from the 2013-14 fiscal year and is not offset by another source, the \$40 fee will be decreased proportionately. (Gov. Code, § 70602.6.)

***Complex Case Fees***

Until July 1, 2015, increases the complex case fee from \$550 to \$1000, and also increases the cap on complex fees that may be collected from all the defendants, intervenors, respondents, or other adverse parties from \$10,000 to \$18,000 until July 1, 2015. (Gov. Code, § 70616.)

***Uniform Fee for Filing a Motion***

Increases the uniform fee for filing a motion, application, or any other paper requiring a hearing subsequent to the first paper from \$40 to \$60 until July 1, 2015, (Gov. Code, § 70617.), including filings under the Probate Code, (Gov. Code, § 70657.), and other filings, including, but not limited to, an order to show cause until July 1, 2015. (Gov. Code, § 70677.)

***Fee of Delivery of a Will***

Establishes a fee of \$50 for delivering a will to the clerk of the superior court in which the estate of a decedent may be administered, as required by section 8200 of the Probate Code. (Gov. Code, § 70626(d), Prob. Code, § 8200(d).)

***Sunsetting Fees***

Eliminates the sunset date on supplemental civil first paper filing fees imposed in 2010. (Gov. Code, § 70602.5.)

Eliminates the sunset date on fee increases for summary judgment filings and applications to appear as counsel pro hac vice, as well as the renewal fee for applications to appear pro hac vice. (Gov. Code, § 70617(g).)

Eliminates the sunset date on the additional \$3 penalty for each parking offense where a penalty, fine, or forfeiture is imposed. (Gov. Code, § 76000.3.)

Eliminates the sunset date for the latest \$10 increase to the court operations assessment (formerly referred to as the court security fee) imposed on criminal convictions. (Gov. Code, § 1465.8.)

***Court Reporters and Transcriptions***

Adds a \$30 fee for the reasonable costs of the service of an official court reporter in civil proceedings lasting less than one hour. (Gov. Code, § 68086(a)(1)(A).)

Prohibits trial courts from calculating the cost of court reporter transcripts based on a methodology that counts actual words and instead requires payment based on an estimate or assumption as to the number of words or folios on a typical transcript page unless the court switched to a per-word methodology prior to January 1, 2012. (Gov. Code, § 69950.)

## JUDICIAL COUNCIL BUDGET DATA DISPLAY

(February 19, 2014)

At page 122 of the Governor's Budget Summary, a display appears (Figure JUD-01) which results in the misleading conclusion that the expenditures by, and thus the appropriations to the Judicial Council/AOC have risen since FY 2007-2008. This is not the case. In fact, the Judicial Council budget has actually been reduced by approximately \$10 million over this time period.

Figure JUD-01  
**Judicial Branch Expenditures**  
(Dollars in Thousands)

Judicial Branch Expenditures by Program	2007-08 Actual	2012-13 Actual	2013-14 Estimated	2014-15 Governor's Budget
Supreme Court	\$44,397	\$42,678	44,262	44,927
Courts of Appeal	200,706	202,020	207,824	211,211
Judicial Council	130,396	134,775	141,528	140,943
Habeas Corpus Resource Center	12,553	12,617	13,775	13,964
Facility Program	(49,965)	(195,105)	(266,771)	(331,637)
<i>Staff and OE&amp;E</i>	22,634	25,951	31,202	30,791
<i>Trial Court Facility Expenses</i>	27,331	169,154	235,569	300,846
Trial Courts	3,288,873	2,237,495	2,442,708	2,531,164
<b>Total</b>	<b>\$3,726,890</b>	<b>\$2,824,690</b>	<b>\$3,116,868</b>	<b>\$3,273,846</b>
<b>Adjustments to Trial Courts</b>	<b>\$3,288,873</b>	<b>\$2,237,495</b>	<b>\$2,442,708</b>	<b>\$2,531,164</b>
<i>Trial Court Facility Expenses</i>	\$27,331	\$169,154	\$235,569	\$300,846
<i>Use of Local Reserves</i>		402,000	264,000	
<b>Sub-total, Trial Courts</b>	<b>\$3,316,204</b>	<b>\$2,808,649</b>	<b>\$2,942,277</b>	<b>\$2,832,010</b>
<i>Trial Court Security Costs</i> <sup>1</sup>	-444,901			
<b>Adjusted Total, Trial Courts</b>	<b>\$2,871,303</b>	<b>\$2,808,649</b>	<b>\$2,942,277</b>	<b>\$2,832,010</b>

<sup>1</sup> For comparison purposes, court security costs for 2007-08 are removed from trial court expenditure totals due to the realignment of court security costs beginning in 2011-12.

It is important to note that the Judicial Council budget for 2014-2015 appears larger than actuals for 2007-2008, not because it is inaccurate but because it fails to note that funding was transferred from local assistance to the Judicial Council budget in 2012-2013. While this transfer was made in the Budget Act, the funds are still used for the same purpose as before, in support of trial court operations and programs. [This transfer of local assistance dollars should either be attributed to the Judicial Council line item across the board going back in time (just as a similar adjustment has been made for court security costs as indicated in footnote 1 in the display) or they should be removed going forward, to produce an apples-to-apples comparison.]

Below is an updated display prepared by the Department of Finance that illustrates the problem.

### Judicial Branch Expenditures, State Funds

(Dollars in Thousands)

Judicial Branch Expenditures by Program	2007-08 Actual	2012-13 Actual	2013-14 Estimated	2014-15 Governor's Budget
Supreme Court	\$44,397	\$42,678	44,262	44,927
Courts of Appeal	200,706	202,020	207,824	211,211
Judicial Council	(130,396)	(134,775)	(141,528)	(140,943)
<i>Judicial Council Operations</i>	<b>130,396</b>	<b>114,857</b>	<b>123,220</b>	<b>120,809</b>
<i>Statewide Programs Operated on behalf of Trial Courts</i> <sup>1</sup>	0	19,918	18,308	20,134
Habeas Corpus Resource Center	12,553	12,617	13,775	13,964
Facility Program	(49,965)	(195,105)	(266,771)	(331,637)
<i>Staff and OE&amp;E</i>	22,634	25,951	31,202	30,791
<i>Trial Court Facility Expenses</i>	27,331	169,154	235,569	300,846
Trial Courts	3,288,873	2,237,495	2,442,708	2,531,164
<b>Total</b>	<b>\$3,726,890</b>	<b>\$2,824,690</b>	<b>\$3,116,868</b>	<b>\$3,273,846</b>
<b>Adjustments to Trial Courts</b> <sup>2</sup>	<b>\$3,288,873</b>	<b>\$2,237,495</b>	<b>\$2,442,708</b>	<b>\$2,531,164</b>
<i>Trial Court Facility Expenses</i>	\$27,331	\$169,154	\$235,569	\$300,846
<i>Statewide Programs Operated on behalf of Trial Courts</i> <sup>1</sup>	0	19,918	18,308	20,134
<i>Offsets:</i>				
<i>Reserves and Redirections</i>		402,000	264,000	
<i>Transfers and Redirections</i> <sup>3</sup>		(440,000)	(357,000)	(131,365)
<b>Sub-total, Trial Courts</b>	<b>\$3,316,204</b>	<b>\$2,828,567</b>	<b>\$2,960,585</b>	<b>\$2,852,144</b>
<i>Trial Court Security Costs</i> <sup>4</sup>	-444,901	(496,400)	(496,400)	(496,400)
<b>Adjusted Total, Trial Courts</b>	<b>\$2,871,303</b>	<b>\$2,828,567</b>	<b>\$2,960,585</b>	<b>\$2,852,144</b>

<sup>1</sup> In 2012-13, the Legislature permanently shifted expenditures from Program 45.10, Support of Trial Court Operations to Program 30-Judicial Council to reflect programs operated by the Judicial Council at the statewide level on behalf of the trial courts. Expenditures included in this chart and the AOC's chart tie to Finance's budget documents.

<sup>2</sup> Due to availability of data, all offsets may not be displayed.

<sup>3</sup> Transfers and Redirections are non-additive and reflect adjustments that mitigate the impact of General Fund reductions.

<sup>4</sup> For comparison purposes, court security costs for 2007-08 are removed from trial court expenditure totals due to the realignment of court security costs in 2011-12 and ongoing.

As you can see, the funding transfer from local assistance to the Judicial Council budget in 2012-2013, and going forward, is about \$20 million. Properly accounting for this fund transfer reveals that the Judicial Council's budget has actually been reduced by approximately \$10 million over the past few years, rather than increased.

This explains the significant Judicial Council/AOC staffing reductions and ongoing furloughs over the past 5 years.

Staffing Reductions – Since July 1, 2011 Judicial Council/AOC staffing has been reduced from 1121 (the high water mark) to 796 as of January 31, 2014—a net reduction of 325 positions, or approximately 30%. Here’s the link to AOC’s current staffing levels:

[www.courts.ca.gov/documents/hr-aoc-staffing-metrics.pdf](http://www.courts.ca.gov/documents/hr-aoc-staffing-metrics.pdf)

Furloughs – AOC (and all other state judicial branch employees) have experienced a pay cut of 4.62 percent since 2009 due to monthly furloughs. Savings from staff reductions allowed the number of furlough days to be reduced in the current fiscal year from 12, where it has been for five years, to 6.

Cost of Living Adjustment - No COLAs have been granted to AOC (and all other state judicial branch employees) since 2007.

**Services Provided by the Administrative Office of the Courts  
to California Courts**

**Due to shifts in responsibility for court management from the counties to the Judicial Council as a result of the Lockyer-Eisenberg Trial Court Funding Act of 1997, the council required its staff – the Administrative Office of the Courts<sup>1</sup> – to undertake the following functions, and oversee programs on behalf of all<sup>2</sup> courts in California...**

**Office of Appellate Court Services**

Staff provides resources, support, and technical assistance for all services required and mandated for the appellate courts, such as:

- Appellate Court Appointed Counsel Program
- Civil Case Coordination Program
- Workload standards and analysis
- Training
- Administrative, program, and management support

**Access and Innovation**

- Assigned Judges Program
- Criminal justice realignment
- Court interpreter recruitment, certification, training
- Local court strategic and court-community planning
- Trial court business process reengineering subject matter expertise and assistance
- Compilation of efficient and effective trial court programs
- Ensuring remote access to council meetings and activities
- Analytical subject matter expertise for trial courts
- Public website for the branch which includes links to all courts, self-help information, and rules of court

**Appellate Court Services**

Staff provides resources, support, and technical assistance for all services required and mandated for the appellate courts, such as:

- Appellate Court Appointed Counsel Program
- Civil Case Coordination Program
- Workload standards and analysis
- Training
- Administrative, program, and management support

**Audits, Special Investigations, and Non-audit consultative review**

- Regular financial, operational, and compliance audits
- Special investigations concerning defalcations, potential losses, etc.
- Non-audit consultative reviews
- Technical audit, accounting, and operational advice

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<sup>1</sup> Consistent with Article VI, Section 6(c) of the Constitution of California, the council appointed an Administrative Director of the Courts who performs functions as delegated by the council. In 1961, the Judicial Council established the Administrative Office of the Courts as a mechanism to formally provide the Administrative Director with appropriate staff to undertake the council's work as directed.

<sup>2</sup> Small and medium size courts typically rely on the Administrative Office of the Courts for such services. As a result of significant economies of scale, larger courts may have their own legal services, human resources, and technology departments and rely on the Administrative Office of the Courts for these services to a lesser degree.



- Whistleblower hotline responsibilities (complaints against anyone except judicial officers)

### **Children and Families in the Courts**

Staff provides assistance with funding, data, identifying effective, evidence-based practices, and technical assistance for a variety of collaborative court programs and related services for children and families, with specific expertise in the following:

- Community Courts
- Domestic Violence Courts
- Dependency and Juvenile Drug Courts
- DUI Courts: Juvenile Justice Drug Courts
- Elder Courts
- Homeless Courts
- Mental Health Courts: Mental Health Issues in Dependency and Juvenile Justice
- Reentry Courts, focusing on family issues (i.e., child support and custody)
- Unified Courts for Families
- Veterans Courts and Military Families (i.e., dependency, child support and custody)
- Youth/Peer Courts
- Violence Against Women Education Program
- Family Courts
  - AB1058 Child Support Commissioners and Family Law Facilitators
  - Website content: [www.familieschange.ca.gov](http://www.familieschange.ca.gov) and [www.changeville.ca.gov](http://www.changeville.ca.gov)
- Family dispute resolution
- Self-represented litigants programs
  - Judicial Branch Online Self-Help Website content
  - Self-Help education and educational materials
  - On-line document assembly (TurboTax-like) programs to assist self-represented litigants to complete the court forms.
  - Funding and technical Assistance for:
    - Self Help Centers
    - Sargent Shriver Civil Counsel Pilot Project
    - Equal Access Fund
    - Family Law Information Centers
    - Model Self Help Pilot Programs
    - Domestic Violence Safety Planning Project
    - Translations of forms, self-help website, signage and other resources for the courts
- Tribal projects
- Juvenile delinquency and dependency support for courts
  - Dependency Representation, Administration, Funding and Training (DRAFT) program
  - Court-Appointed Special Advocates (CASA) grant program
  - Psychotropic Medication Consultation funding
  - Dependency Collections Program
  - Judicial Resources and Technical Assistance (JRTA) program
  - Information and Technical Assistance to juvenile courts
  - Mandated training to all new court-appointed dependency counsel
  - Multidisciplinary Education Program

- California Dependency Online Guide (CalDog)
- Updates to Child Welfare County Data Profiles on Serranus
- Assistance with juvenile court management information and analytics

### **Criminal Justice**

- Criminal Justice Realignment: Staff provides technical and program assistance and program related to the implementation of realignment; Data collection and dissemination; Provides legal advice to courts to clarify new statutory requirements and responsibilities; Acts as a justice partner liaison. Assists courts with statewide implementation of new felony sentencing laws and parole revocation responsibilities, including rules of court and forms for use by courts and supervising agencies to, for example, initiate revocation proceedings and facilitate the issuance and recall of warrants for parolees.
- Adult criminal collaborative courts: Staff provides support and technical assistance for a variety of adult collaborative court programs, including the following: Reentry Courts for parolees and realigned populations, Veterans Courts, Mental Health Courts, DUI Courts, and Adult Drug Courts
- Special Programs: Provides program evaluation and identification of evidence based and promising practices related to Reentry Courts and the use of Risk and Needs Assessments at sentencing and violations response, pretrial programs, firearms reporting requirements, and data collection and program support for Community Corrections projects.

### **Education**

Staff, working with judicial bench officers and court personnel, develops and deliver a wide range of education, training and educational resources, including:

- Orientation programs for new justices, judges and subordinate judicial officers
- Ethics training
- Judicial assignments training with specialty training in areas such as CEQA, death penalty, complex civil, and criminal
- Judicial publications (over 60 publications available online)
- Court staff training (broadcast to approximately 350 sites)
- ADA consultation and training for the courts
- Court management training programs
- Executive training for presiding judges, supervising judges and court executive officers
- Faculty development
- Online training and resources for court personnel
- On-site training (provided to local courts upon request)
- Criminal justice realignment training
- Online courses for judicial officers
- Simulations training and video lectures by master faculty and subject matter experts

### **Facilities**

- Courthouse design, construction, and maintenance<sup>3</sup>

### **Financial Services—Controller Function**

- Budgeting

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<sup>3</sup> The AOC became responsible for maintenance and upkeep of 533 courthouse facilities and related edifices spanning every county in the state.

- Centralized treasury
- Payroll and controller services
- Master procurement contracts/procurement/assistance
- Financial management–accounting and reporting
- Enhanced collections assistance
- Financial policies and procedures
- Grants administration

### **Human Resources**

- Labor relations and collective bargaining services
- Employee relations/investigations/progressive discipline/leave management
- Human resources management system (for state judicial branch entities only)
- Judicial payroll and benefits
- Judicial branch workers' compensation program
- Recruitment, classification, and compensation
- Court payroll services through Phoenix and ADP

### **Information Technology**

- Technology equipment management
- Network hosting, security, and support
- Case management systems support
- Website and intranet services

### **Legal Services and Responsibilities**

- Claims and litigation management Legal advice and training on labor and employment law matters
- Management of labor-related litigation, such as Public Employment Relations Board hearings and arbitrations
- Legal advice and consultation on court administration matters
- Legal advice and consultation on transactional and business issues, including real estate transactions
- Contract and solicitation documents review and drafting
- Subject matter expertise and technical assistance with issues regarding:
  - Appellate practice and procedure
  - Alternative Dispute Resolution
  - Civil and Small Claims
  - Complex Litigation
  - Judicial Administration
  - Judicial Ethics
  - Jury Instructions
  - Probate and Mental Health

### **Safety and Security**

- Courthouse security assessments, inside and out
- Provision and maintenance of security equipment
- Emergency planning and preparedness/continuity of operations planning

Frequency	Bill no. Topic	Code section	Summary
Fixed period, current	Court Plans for \$60M: (1) individual court plans regarding expenditure of budget allocations; (2) individual court expenditures of budget allocations	2013 Budget Act	Individual court plans regarding expenditure of \$60 million budget augmentation. Provision 12 of Item 0250-101-0932  On or after April 14, 2014, but in no event later than May 14, 2014, the Judicial Council shall file a written report to the appropriate fiscal and policy committees of the Legislature on how funds identified in this provision were or will be expended during the 2013–14 fiscal year.
Ongoing Quarterly	AB 1497; Stats. 2012, ch. 29 Budget Act of 2012, Trial Court Trust Fund Expenditures for FY, Quarter	Budget Act 2012	The Administrative Office of the Courts shall provide to the Joint Legislative Budget Committee and the Department of Finance a quarterly report, within 30 days of the end of each quarter, detailing: (a) all expenditures made from this item and (b) between July 1, 2012, and January 1, 2013, any and all expenditures or encumbrances of funds from the Trial Court Trust Fund, including expenditures or encumbrances of funds that are not pursuant to an appropriation contained within this act and excluding Schedules (2), (3), and (4) of Item 0250-001-0932 and direct allocations to trial courts.
Ongoing Quarterly	SB 678 (Stats. 2009, ch. 608) Criminal recidivism; SB 75 (Stats. 2013, ch.31) Courts budget trailer bill	PEN 1231(d)	The AOC shall, in consultation with the chief probation officer of each county and the Department of Corrections and Rehabilitation, provide a quarterly statistical report to the Department of Finance including, but not limited to, the statistical information listed at Pen. Code 1231(d)(1)-(20). <b>Amended by SB 75 (2013), which added 10 more pieces of statistical information to be included in the report.</b>
Ongoing Semiannual Feb. 1 and Aug. 1	SB 78 (Stats. 2011, ch.10); SB 10 (Stats. 2011, ch. 265) Semiannual Report on Judicial Branch Contracts	PCC 19209	Beginning 2012, requires the Judicial Council to provide information to the JLBC and the State Auditor, on a semiannual basis, related to the procurement of contracts by the branch. Reports shall include a list of all vendors or contractors receiving payments. The report shall include amount of payment, type of goods or services provided, and the branch entity that procured the goods or services, contract amendments. Reports shall also include a list of all contract amendments, including the identity of contractor, type of service, nature, duration, and cost of the contract amendment.
Ongoing Semiannual - Apr. 1 and Oct. 1	Electronic recording equipment	GOV 69958	Each <u>superior court</u> shall report to the Judicial Council on or before October 1, 2004, and semiannually thereafter, and the <u>Judicial Council</u> shall report to the Legislature on or before Dec 31, 2004, and semiannually thereafter, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.
Ongoing Annual - Jan. 1	Receipts & Expenditures From Local Courthouse Construction Funds	GOV 70403(d)	The Judicial Council on or before each January 1 (starting Jan 1, 2007) shall submit a report to the Budget and fiscal committees of the Legislature based on information received from counties (per Government Code §70403) including any amounts required to be repaid by counties.

JUDICIAL COUNCIL REPORTS TO THE LEGISLATURE

Ongoing Annual - Jan. 1	Allocation of Funding in FYxx for Support of New Judgeships Authorized in FY2007-08	Budget Act of 2007-08 (Stats 2007, ch 171)	Requires the Judicial Council to report to the Legislature on January 1, 2008, and each January 1 thereafter, until all judgeships are appointed and new staff hired, on the amount of funds allocated to each trial court to fund new positions.
Ongoing Annual - Jan. 1	Disposition of Crim Cases According to Race & Ethn of Defendant	PEN 1170.45	The Judicial Council shall collect data on criminal cases statewide relating to the disposition of those cases according to the race and ethnicity of the defendant, and report annually thereon to the Legislature beginning no later than January 1, 1999. It is the intent of the Legislature to appropriate funds to the Judicial Council for this purpose.
Ongoing Annual - Jan. 1	Court data	GOV 68513	The Judicial Council shall report to the Legislature on or before January 1, 1998, and annually thereafter on the uniform entry, storage, and retrieval of court data as provided for in this section.
Ongoing Annual - Feb. 1	Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings	GOV 68086(c)	The Judicial Council shall report on or before February 1 of each year to the JLBC on the total fees collected and the total amount spent for official reporter services in civil proceedings in the prior fiscal year.
Ongoing Annual - Feb. 1	Training of judges	WIC 304.7	The Judicial Council shall submit an annual report to the Legislature on compliance by judges, commissioners and referees with the education and training standards described in subdivisions (a) and (b) [training for dependency court judicial officers].
Ongoing Annual - Mar. 1	AB 2393 (Stats. 2012, ch.646) Low income obligor adjustment	FAM 4055(b)(7)	The Judicial Council shall, starting Mar. 1, 2012, and annually thereafter until January 1, 2018, determine the amount of the net disposable income adjustment based on the change in the annual California Consumer Price Index for All Urban Consumers, published by the California Department of Industrial Relations, Division of Labor Statistics.
Ongoing Annual - Mar. 1	AB 1005 (Stats. 2013, ch. 113) New judges demographic data	GOV 12011.5(a)(1)(c)	On or before March 1 of each year, the Judicial Council shall report collected demographic data reported by judicial officers. New for 2014: Demographic data relative to disability and veteran status shall be required for judges elected or appointed, or judicial applicants or nominees who apply or are nominated, on or after January 1, 2014. Disability and veteran status demographic data is to be included in March 1 report beginning in 2015.
Ongoing Annual - Mar. 1	Court Interpreters	Budget Act of 2010 (SB 870)	The Judicial Council shall set statewide or regional rates and policies for payment of court interpreters, not to exceed the rate paid to certified interpreters in the federal court system. The Judicial Council shall adopt appropriate rules and procedures for the administration of the funds specified in Schedule 4. The Judicial Council shall report to the Legislature and the Department of Finance annually regarding expenditures from Schedule 4.

Ongoing Annual - Apr. 15	SB 1021 (Stats. 2012, ch. 41) Allocation of 2% Set-Aside in TC Trust Fund (emergency reserve funds)	GOV 68502.5(c)(2)(C)	The Judicial Council shall, no later than April 15 of each year, report to the Legislature and to the Department of Finance all requests and allocations made pursuant to Gov. Code 68502.5(c)(2)(b).
Ongoing Annual - July 1 (by Rule of Court)	Court security plans	GOV 69925	The Judicial Council shall annually submit to the Senate Judiciary Committee and Assembly Judiciary Committee a report summarizing the court security plans reviewed by the Judicial Council, including, but not limited to, a description of each plan, the cost involved, and whether each plan complies with the rules for the most efficient practices for providing court security services.
Ongoing Annual - Sept. 1	SB 1021 (Stats. 2012, ch. 41) Criminal justice realignment data collection	PEN 13155	Requires the AOC to collect information from trial courts at least twice per year regarding the implementation of the 2011 Criminal Justice Realignment Legislation. The AOC shall make this data available to the Department of Finance, the Board of State and Community Corrections, and the Joint Legislative Budget Committee on or before September 1, 2013 and annually thereafter.
Ongoing Annual - Sept. 30	Trial Court Allocations	GOV 77202.5(a)	The Judicial Council shall report all approved allocations and reimbursements to the trial courts in each fiscal year, including funding received for increased programmatic or operational costs resulting from statutory changes, to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary on or before September 30 following the close of each fiscal year. The report shall include all of the following: (1) A statement of the intended purpose for which each allocation or reimbursement was made. (2) The policy governing trial court reserves.
Ongoing Annual - Nov. 1	Judicial Administration Standards and Measures That Promote Fair and Efficient Administration of Justice	GOV 77001.5	On or before November 1, 2007, the Judicial Council shall adopt and shall report annually thereafter upon, judicial administration standards and measures that promote the fair and efficient administration of justice, including the following: (1) Equal access to courts and respectful treatment of court participants; (2) Case processing, including the efficient use of judicial resources; (3) General court administration.
Ongoing Annual - Nov. 1	Trial court delay reduction: Court Statistics Report	GOV 68604	The Judicial Council shall collect and maintain statistics, and shall publish them at least on a yearly basis, regarding the compliance of the superior court of each county and of each branch court with the standards of timely disposition adopted pursuant to Section 68603. In collecting and publishing these statistics, the Judicial Council shall measure the time required for the resolution of civil cases from the filing of the first document invoking court jurisdiction, and for the resolution of criminal cases from the date of arrest, including a separate measurement in felony cases from the first appearance in superior court.  The Judicial Council shall report its findings and recommendations to the Legislature in a biennial Report on the State of California's Civil and Criminal Justice Systems.

JUDICIAL COUNCIL REPORTS TO THE LEGISLATURE

Ongoing Annual - Dec. 1	Trial Court Funding: Judicial Administration and Efficiency Modernization Fund	Budget Act of 2000	The Judicial Council shall report to JLBC and Legislature's fiscal committees by December 1, 2000 and yearly thereafter on: (1) Allocation of the fund; including the amounts allocated to each trial court and the programs and services the allocations will support; and (2) Judicial Council's proposed expenditures for the fund.
Ongoing Annual - Dec. 1, until project completion	Status of the Phoenix Program	GOV 68511.8	On or before December 1 of each year until project completion, the Judicial Council shall provide an annual status report to the chairperson of the budget committee in each house of the Legislature and the chairperson of the JLBC with regard to the California Case Management System and Court Accounting and Reporting System.
Ongoing Annual - Dec. 1 until project completion	Case management and accounting systems	GOV 68511.8	On or before December 1 of each year until project completion, the Administrative Office of the Courts shall provide, on an annual basis to the chairperson of the budget committee in each house of the Legislature and the chairperson of the JLBC, <u>copies of any independent project oversight report for the CCMS.</u>
Ongoing Annual - Dec. 31	State Trial Court Trust Fund Expenditures, Allocations [Budget Trailer Bill SB 1021 (2012)]	GOV 68502.5(b); GOV 77202.5(b)	The Judicial Council shall provide to the Legislature on Dec. 31, 2001, and yearly thereafter, budget expenditures data at the program component level for each court. Judicial Council must summarize data by court and report it to chairs of budget committees and judiciary committees, and post information on public Internet web site on or before each December 31.
Ongoing Annual - Dec. 31	Statewide Collection of Court-Ordered Debt	PEN 1463.010(c)	Requires Judicial Council to develop performance measures and benchmarks to review the effectiveness of collection programs. Courts to report to Judicial Council on template by September 1, 2009 and yearly thereafter. Requires the Judicial Council to report on the collection programs to the Legislature by December 31, 2009 and annually thereafter.
Ongoing Annual - Dec. 31	Trial Court Allocations	GOV 77202.5(b)	The trial courts shall report to the Judicial Council, on or before September 15 each fiscal year, all court revenues, expenditures, reserves, and fund balances from the prior fiscal year for funding from all fund sources. The report shall specify all expenditures, including those associated with administrative costs, by program, component, and object. The Judicial Council shall summarize this information by court and report it to the chairs of the Senate and Assembly Committees on Budget and the Judiciary and post that information on a public Internet Web site on or before December 31, 2009, and on or before December 31 following the close of each fiscal year thereafter.
Ongoing Annual	Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year ____	GOV 77209(i)	The Judicial Council shall present an annual report to the Legislature on the use of the Trial Court Improvement Fund. The report shall include appropriate recommendations.
Ongoing Annual - After the end of each fiscal year	Court Facilities Trust Fund	GOV 70352c	The Judicial Council shall recommend to the Governor and the Legislature each fiscal year the proposed expenditures from the fund and submit a report on actual expenditures after the end of each fiscal year.

Ongoing Annual	AOC: Supplementary Schedule of Operating Expenses & Equipment	Budget Act of 2010 Supplemental Report	The AOC shall annually provide to the budget committees of both houses and the LAO a supplementary schedule for its operating expenses and equipment.
Ongoing Annual	AB 159 (Stats. 2007, ch. 722), SJO conversions; Notification of Vacancies & Allocation of Conversion of SJO Positions	GOV 69615	Beginning with vacancies to be filled in FY 2008-09, the Judicial Council shall file notice of vacancies and allocations for converted SJO positions with Sen. Rules Committee, Assembly Speaker, and chairs of the Senate and Assembly Committees on the Judiciary.
18 months after initial receipt of funding and annually thereafter	SB 678 (Stats. 2009, ch. 608) Criminal recidivism, SB 75 (Stats. 2013, ch. 31) Courts budget trailer bill. (CA Community Corrections Performance Incentive Act of 2009: Findings from SB 678 Program)	PEN 1232	Commencing no later than 18 months following the initial receipt of funding pursuant to this act and annually thereafter, the AOC, in consultation with the Dept. of Corrections and Rehabilitation, the Dept. of Finance, and the Chief Probation Officers of California, shall submit to the Governor and the Legislature a comprehensive report on the implementation of this act. The report shall contain the information listed in Pen. Code 1232(a)-(e). Amended by SB 75 (2013)
Ongoing Annual	2013 Budget, Supplemental Report, Item number 0250-101-0932, Open Working Groups	not codified	Not later than January 1, 2014, the Judiciary Council shall submit to the Joint Legislative Budget Committee a report on the implementation of an open meetings rule in accordance with the following: (a) The rule shall apply to any committee, subcommittee, advisory group, working group, task force, or similar multimember body that review issues and reports to the Judicial Council. (b) The rule shall provide for telephone access for requesting persons. (c) The rule shall establish public notice requirements for any meeting of a body described above. For each fiscal year beginning with 2014-15, the report shall include the rule for that fiscal year and specific detail on amendments to the rule adopted in the prior fiscal year.
Ongoing Annual as required	California Case Management System	Budget Act of 2008-09 Supplemental Report	The Judicial Council shall report to the Legislature annually, <u>at regular hearings</u> of the Senate and Assembly budget committees, on the deployment of the case management system, including whether deadlines for development and deployment are being met.
Ongoing - Mar. 1 of every even-numbered year	Grant funding: visitation and custody	FAM 3204(d)	The Judicial Council shall, on March 1, 2002, and on the first day of March of each even-numbered year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between non-custodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.



<p>Ongoing - Nov. 1 of every even-numbered year</p>	<p>Trial court judges</p>	<p>GOV 69614</p>	<p>The Judicial Council shall report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using the uniform criteria for allocation of judgeships described in GC sec 69614(b), as updated and applied to the average of the prior three calendar years' filings. Beginning with the report due to the Legislature on November 1, 2012, the Judicial Council shall report on the implementation and effect of subparagraph (C) of paragraph (1) of subdivision (c) of GC 69615.</p>
<p>Ongoing - every three years</p>	<p>AB 929 (Stats. 2012, ch. 678) Debtor Exemptions: bankruptcy</p>	<p>CCP 703.150(e)</p>	<p>Debtor Exemptions: Starting on April 1, 2004 and every three years thereafter, Judicial Council shall publish a list of the current dollar amounts of exemptions provided in Section 703.140(b), and Article 3 commencing with 704.010 utilizing the California Consumer Price Index (CPI) as defined in CCP 703.150(d), together with the date of the next scheduled adjustment. Starting on April 1, 2013 and every three years thereafter, the Judicial Council also shall submit to the Legislature the amount by which the homestead exemption (CCP section 704.730(a)) may be increased if the CPI is applied. Note, however, that the Homestead Exemption only may be increased by action of the Legislature.</p>
<p>Ongoing - Every three years on Apr. 1</p>	<p>AB 2767 Enforcement of Judgments: exemptions: homesteads</p>	<p>CCP 703.150</p>	<p>(d) The Judicial Council shall determine the amount of the adjustment based on the change in the annual California Consumer Price Index for All Urban Consumers, published by the Department of Industrial Relations, Division of Labor Statistics, for the most recent three-year period ending on December 31 preceding the adjustment, with each adjusted amount rounded to the nearest twenty-five dollars (\$25). (e) Beginning April 1, 2004, the Judicial Council shall publish a list of the current dollar amounts of exemptions provided in subdivision (b) of Section 703.140 and in Article 3 (commencing with Section 704.010), together with the date of the next scheduled adjustment. In any year that the Legislature votes to increase the exemptions provided in subdivision (a) of Section 704.730, the Judicial Council shall publish a list of current dollar amounts of exemptions.</p>

<p>Ongoing - At least every 4 years</p>	<p>Child support</p>	<p>FAM 4054</p>	<p>Requires the Judicial Council to periodically review the statewide uniform guideline to recommend to the Legislature appropriate revisions, including economic data on the cost of raising children and analysis of case data, gathered through sampling or other methods, on the actual application of the guideline after the guideline's operative date. The review shall also include an analysis of guidelines and studies from other states, and other research and studies available to or undertaken by the Judicial Council.</p> <p>The initial review by the Judicial Council shall be submitted to the Legislature and to the Department of Child Support Services on or before December 31, 1993, and subsequent reviews shall occur at least every four years thereafter unless federal law requires a different interval.</p>
<p>Ongoing - Every 5 years</p>	<p>AB 227 (Stats. 2013, ch. 581)</p>	<p>H&amp;S 25249.7</p>	<p>On April 1, 2019, and at each five-year interval thereafter, the dollar amount of the civil penalty provided pursuant to this subparagraph shall be adjusted by the Judicial Council based on the change in the annual California Consumer Price Index for All Urban Consumers, published by the Department of Industrial Relations, Division of Labor Statistics, for the most recent five-year period ending on December 31 of the year preceding the year in which the adjustment is made, rounded to the nearest five dollars (\$5). The Judicial Council shall quinquennially publish the dollar amount of the adjusted civil penalty provided pursuant to this subparagraph, together with the date of the next scheduled adjustment.</p>
<p>Ongoing - July 1, every 5 years</p>	<p>Court Interpreters</p>	<p>GOV 68563</p>	<p>The Judicial Council shall conduct a study of language and interpreter use and need in court proceedings, with commentary, and shall report its findings and recommendations to the Governor and to the Legislature not later than July 1, 1995, and every five years thereafter. The study shall serve as a basis for (1) determining the need to establish interpreter programs and certification examinations, and (2) establishing these programs and examinations through the normal budgetary process. The study shall also serve as a basis for (1) determining ways in which the Judicial Council can make available to the public, through public service announcements and otherwise, information relating to opportunities, requirements, testing, application procedures, and employment opportunities for interpreters, and (2) establishing and evaluating these programs through the normal budgetary process.</p>
<p>Ongoing</p>	<p>SB 78 (Stats. 2011, ch.10); SB 10 (Stats. 2011, ch. 265) IT Contracts</p>	<p>PCC 19204</p>	<p>Requires all judicial branch entities to provide written notice to the State Auditor within 10 business days of entering a non-IT contract with a total estimated cost of more than \$1 million</p>

Ongoing	SB 857 (Stats. 2010, ch. 720) Budget Trailer Bill: Courts Audits	GOV 77206	Requires the Judicial Council to issue RFP for: (1) audits of trial courts (“pilots”) to commence no later than December 15, 2012; (2) additional trial court audits to commence by December 15, 2013; and (3) AOC audits to commence by December 15, 2013.
Ongoing	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons		(c) Provide court procedures, personnel, training and case management administrative methods that reflect best practices to ensure meaningful access to justice for unrepresented parties;
Ongoing	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons		(d) Collect information on outcomes
Ongoing - As needed	Budget Trailer Bill: Courts, Courtroom closure notices	GOV 68526	Requires the Judicial Council to post notices of closure of courtrooms and reduction in Court Clerk’s office hours and transmit the information to the Legislature.
Ongoing - As needed	Budget Trailer Bill: Court-ordered debt	VEH 42008.7	Requires the Judicial Council to, as necessary, adopt a Rule of Court specifying information to be included in an application for discharge from accountability for court-ordered debt or bail.
Ongoing - As needed	Supplemental Report: Judicial Branch	Budget Act of 2010 Supplemental Report	AOC shall report to the budget committees of each house any facility modifications that must be completed earlier than originally reported due to an emergency.
Ongoing - As needed	Court Facilities Construction	GOV 70371.5(f)(1)	The Judicial Council shall make recommendations to the State Public Works Board for projects based on its determination that the need for a project is most immediate and critical using the then most recent version of the Council-adopted Prioritization Methodology.
Ongoing - As needed	AB 1248 (Stats. 2007, ch.738) Court Operations: Travel policies	GOV 68506.5	Requires the Judicial Council to adopt travel reimbursement policies, procedures, and rates for the judicial branch.
Ongoing Make available	Court Facilities Construction	GOV 70371.5(e)	Directs the Judicial Council to collect and make available upon request information regarding the moneys deposited in the ICNA resulting from new and increased fees, assessments, and penalties.
One time	AB 1464; Budget Act of 2012		No later than September 30, 2012, the Judicial Council shall report to the chairpersons of the budget committees of each house of the Legislature, the appropriate budget subcommittees of each house of the Legislature, and the Department of Finance on the actions taken by the Judicial Council to achieve an ongoing \$4,000,000 reduction in expenditures from the programs within this item.
One time	Budget Trailer Bill: Courts Collections Report	GOV 68106	Requires the Judicial Council to prepare a report to the Legislature summarizing the information submitted by county collections programs under the new Collections Amnesty program.

One time	Budget Trailer Bill: Courts Collections	Gov. Code 70371.9	Requires the Judicial Council to conduct an analysis of the costs incurred by trial courts related to the default prove-up process in collections cases, and report to Legislature and Legislative Analyst Office on different methods trial courts use in these cases.
One time	Budget Trailer Bill: Courts Criminal Collections Taskforce	PEN 1463.02	On or before June 30, 2011, the Judicial Council shall establish a task force to evaluate criminal and traffic-related court-ordered debts imposed against adult and juvenile offenders. The task force shall, among other things, evaluate and make recommendations to the Judicial Council and the Legislature on or before June 30, 2011, regarding the priority in which court-ordered debts should be satisfied and the use of comprehensive collection programs.
One time	AB 1325 Tribal Customary Adoption	WIC 366.24 (f)	Revises provisions governing the adoption of children who are, or may be, Indian. Requires the Judicial Council to submit a report to the Legislature on or before January 1, 2013.
One time	SB 78, SB 10 Court construction	uncodified	Requires the Judicial Council to provide, by Jan 15, 2013, a report to the JLBC on the process, transparency, costs and timeliness of the branch's construction procurement program for each project completed between 1/1/08 – 1/1/13. (NOTE: LAO to conduct an analysis within 25 days of receiving report.)
One time	AB 900 Expedited CEQA process	PRC 21189.2	Establishes judicial review procedures in the Court of Appeal for CEQA cases for specific qualifying projects. Requires the Judicial Council to report to the Legislature on or before January 1, 2015 on the description of the benefits, costs, and detriments of the certification of projects pursuant to these provisions.
One time	AB 900 Expedited CEQA process	PRC 21185(b)	Establishes judicial review procedures in the Court of Appeal for CEQA cases for specific qualifying projects. Requires the Judicial Council to adopt a Rule of Court to implement the expedited judicial review.
One-time	SB 743 (Stats. 2013, ch. 386); King's Arena	PRC 21168.6.6 (d)	On or before July 1, 2014, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for the project or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings pursuant to subdivision (f).

One-time	SB 743 (Stats. 2013, ch. 386); AB 900-certified projects	PRC 21185	On or before July 1, 2014, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for an environmental leadership development project certified by the Governor pursuant to this chapter or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, within 270 days of certification of the record of proceedings pursuant to Section 21186 (concerning preparation and certification of administrative record for leadership project certified by Governor).
One time	Budget Trailer Bill: Court construction	GOV 70371.9(a)-(e)	Requires the Judicial Council to conduct a pilot program assessing impact of requiring subcontractors on SB 1407 projects to cover healthcare benefits for employees and offering quality points to construction managers at risk for providing benefits. Also requires the Judicial Council to issue a report to the Legislature summarizing data and analysis.
One time	SB 75 (Stats. 2013, ch. 31) Court budget trailer bill	not codified	The Judicial Council shall report to the appropriate budget and policy committees of the Legislature, the Joint Legislative Budget Committee, the Legislative Analyst's Office, and the Department of Finance, on or before June 30, 2014, on an evaluation of the Long Beach court building performance based infrastructure project. The evaluation shall assess the implementation of the project agreement and compare the project to other court construction projects the Judicial Council has pursued using the traditional public sector approach. The evaluation shall address whether the project was a cost-effective approach compared to the Judicial Council's other court construction projects. The evaluation shall include, but not be limited to, all of the elements listed in (a)-(f) of section 27 of the bill.
One time	AB 2480 Dependent Children: Counsel	WIC 317 & 395	The Judicial Council shall report to the Legislature regarding the status of appellate representation of dependent children and recommendations made by Blue Ribbon Commission.
One time	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons	Gov. Code 68651	Directs the Judicial Council to develop three-year pilot projects in selected courts using a competitive grant process to provide legal services for low-income persons in certain types of civil matters. Requires the Judicial Council to conduct a study to demonstrate the effectiveness and continued need for the pilot program, and to report its findings and recommendations to the Governor and the Legislature on or before January 31, 2016.
One time	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons	GOV 68650 & 68561	(a) Develop an RFP and select pilot project(s) including process for distribution of funds;

One time	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons		(b) Appoint Committee to select projects
One time	AB 131 Juvenile Proceedings: costs	WIC 903.47	Requires the Judicial Council to adopt: (1) A statewide standard for determining ability to pay reimbursements for counsel; and (2) Policies and procedures allowing a court to recover the costs associated with collecting delinquent reimbursements.
One time	SB 241 Legal representation of minors in probate proceedings	PROB 1470	Requires the Judicial Council to adopt guidelines to assist courts in determining financial eligibility for county payment of appointed counsel.
One time (Rule 7.1014)	AB 458 Guardianship	PROB 2204	The Judicial Council shall, on or before January 1, 2013, adopt rules of court to implement the provisions of this subdivision (relating to custody or visitation proceedings for the guardianship of a minor if such proceeding has already been filed in one or more other counties).
One time	AB 1674 (Stats. 2013, ch. 692) Supervised visitation	FAM 3200.5(a)	Establishes, among other things, a statutory framework to govern Judicial Council standards for supervised visitation providers. Also requires professional providers to complete a declaration or a Judicial Council form confirming that they meet the requirements to be a provider. Judicial Council must amend existing standards for supervised visitation providers to conform to new FC § 3200.5.
One time	SB 1483 Child Support	FAM 17441	Establishes a pilot project in five counties until 2010 to expedite the modification of child support orders where neither party contests the change. Requires the Judicial Council in cooperation with the Department of Child Support Services to evaluate the pilot efforts and report to the Legislature by the end of FY 2008-09.
One time	AB 1775 Wage garnishment; exempt earnings	CCP 706.050	Raises the minimum floor of a judgment debtor's wages that are exempt from levy under an earnings withholding order from 30 times the federal minimum hourly wage to 40 times the California minimum hourly wage. The Judicial Council shall, in order to implement this act, revise the instructions contained in the employer's instructions pursuant to CCP § 706.127 to specify the method of computations described in the newly amended CCP § 706.050.
One time	SB 731 Civil actions	CCP 397.1, 398.8, 1141.20, & 1141.23	Makes changes related to the handling of judicial arbitration awards and streamlines procedures governing vexatious litigants. Implied requirement for the Judicial Council to adopt a form to implement the judicial arbitration changes.
One time	SRL Budget Act of 2011 Criminal Justice Realignment		NOTE: After the notice of vacancies and allocations listed above has been approved by the Judicial Council, a letter must be sent to the Governor stating, among other things, that judgeship appointments may be made.
One time	SB X3 18 Parolee Reentry Court Program	PEN 3015(e)(1)	Subject to funding made available for this purpose, the secretary of the Dept. of Corrections and Rehabilitation shall enter into a memorandum of understanding with the AOC for the purpose of the establishment and operation of parolee reentry court programs.

One time	SB X3 18 (Stats. 2009, ch. 28) Parolee Reentry Court Program	PEN 3015(e)(2)	The Judicial Council, in collaboration with the Dept. of Corrections and Rehabilitation, shall design and perform an evaluation of the program that will assess its effectiveness in reducing recidivism among parolees and reducing parole revocations.
One time	SB X3 18 (Stats. 2009, ch. 28) Parolee Reentry Court Program	PEN 3015(e)(3)	The Judicial Council, in collaboration with the Dept. of Corrections and Rehabilitation, shall submit a Final report of the Findings from its evaluation of the program to the Legislature and the Governor no later than 3 years after the establishment of a reentry court pursuant to this section.
One time	SB 678, SB X3 18 Criminal recidivism	PEN 1231(b)	The AOC, in consultation with the Chief Probation Officers of California, shall specify and define minimum required outcome-based measures, which shall include, but are not limited to, those listed at Pen. Code 1231(b)(1)-(4).
One time	SB 678 (Stats. 2009, ch. 608) Criminal recidivism	not codified	The Judicial Council shall consider the adoption of appropriate modifications to the Criminal Rules of Court, and of other judicial branch policies, procedures, and programs, affecting felony probation services that would support implementation of the evidence-based probation supervision practices described in this chapter.
One time	AB 2073 Orange County electronic filing and service of documents pilot project	CCP 1010.6(d)(2)	Allows Orange County Superior Court to establish a pilot project for parties in specific civil actions to electronically file and serve documents. If the pilot program is implemented, the Judicial Council shall conduct an evaluation of the pilot project and report to the Legislature on the results of the evaluation. The evaluation shall review, among other things, the cost of the program to participants, cost-effectiveness for the court, effect on unrepresented parties and parties with fee waiver, and ease of use for participants.
One time	AB 2073 Orange County electronic filing and service of documents pilot project	CCP 1010.6(f)	The Judicial Council shall adopt uniform rules to permit the mandatory electronic filing and service of documents for specified civil actions in the trial courts of the state, which shall be informed by any study performed pursuant to the above evaluation and which shall include statewide policies on vendor contracts, privacy, access to public records, unrepresented parties, parties with fee waivers, hardships, reasonable expectations to electronic filing, and rules relating to the integrity of electronic service.
One time	SB 78, SB 10 CCMS	GOV 68511.8(d)- (f)	Requires the Judicial Council to retain an independent consultant to provide a written assessment of CCMS and to transmit the consultant's report to the budget committees.
One time	Flood Control Channels Safety Injury Report	GOV 831.9(a)	Requires the Judicial Council to submit a report to the Legislature on or before January 31, 2012, on the incidences of injuries incurred, claims asserted, and the results of any civil action or proceeding.

February 11, 2014

Honorable Adam Gray  
Chair, Joint Legislative Audit Committee  
1020 N Street, Room 107  
Sacramento, CA 95811

Dear Assemblymember Gray:

I respectfully request the Joint Legislative Audit Committee approve an audit of all expenditures from the Judicial Branch's State Operations budget as overseen by the Judicial Council and the Administrative Office of the Courts (AOC).

**Background:**

- In 2009, the Judicial Council responded to the state budget crisis by authorizing an unprecedented statewide closure of courtrooms, effectively closing courtrooms that managed to keep their doors open during the Great Depression. Since 2009, our trial courts have lost over 2500 employees and 80 courthouses have been closed.
- During the same period, the Judicial Council expended hundreds of millions of public dollars on a computer project (CCMS) that will never be used as intended.
- The Judicial Council and the AOC are responsible for hundreds of millions of dollars annually. As the Department of Finance and the Legislative Analyst's Office do not currently receive a detailed annual budget for the Judicial Council or AOC, there exists no mechanism to ensure accountability of public funds with which it is entrusted.
- In 2012, the Legislature adopted SB 1021 (Chapter 41, Statutes of 2012) making several reforms to trial court funding, operations and how the Judicial Council and AOC manages and allocates state funds. These reforms were significant and were aimed at bringing about greater transparency and accountability of funds that the Legislature allocates to the judicial branch via the Judicial Council and AOC.
- Despite several budget cuts, the Judicial Council's budget grew while funding for trial court operations declined. For example, the Judicial Council's budget for 2013-2014 is stated at \$141.5 million. This is \$20.9 million more than was spent in 2011-2012.



- Recently the Judicial Council and the AOC have made laudable strides to effectuate improvements and solutions for the catastrophic cuts to their budget. These remedies only serve as triage to a judicial system that needs major surgery on how it manages its scarce resources.
- There is a need to examine whether the size of the AOC staff is appropriate and needed. At 800 employees, plus temporary and contract employees. For instance, there are 68 employees in the Judicial Education Division, but most judicial education is performed by judges on a volunteer basis.

### **Audit Scope:**

I am seeking a state audit to answer the following questions related to the use of the Judicial Branch's State Operations budget and the state's trial court reserve policy:

- (1) Are the Judicial Council and AOC complying with the reforms contained in SB 1021?
- (2) Are public funds being utilized in the most effective manner?
- (3) Are public funds being accounted for and budgeted to administration staffing in a manner consistent with comparable sized state entities?
- (4) Are any of the functions being supported by the AOC's budget no longer necessary/relevant when paralleled with recent reductions in local trial court funding, law/policy changes, courtroom closures, and layoffs?
- (5) Are there available funds that can be redirected to trial court operations for the immediate future?
- (6) Is the current 1-percent state trial court reserve policy adequate to support trial court operations?

### **Conclusion:**

Several years ago, the Joint Legislative Audit Committee requested an audit of the CCMS program. The audit uncovered mismanagement, waste, and a lack of meaningful oversight that led to the program's eventual termination. As a result, taxpayers saved hundreds of millions of dollars, and members of the public who must rely on courts were spared even deeper cuts to services. I believe a thorough and complete audit of the funds administered by the Judicial Council and the AOC is warranted to ensure that the Legislature's directives as contained in SB 1021 are complied with and to examine whether there is potential to point the way to substantial additional savings and a better and more informed allocation of our scarce resources.

Thank you for your consideration. I look forward to talking with you about this request.

Sincerely,

REGINALD BYRON JONES-SAWYER, SR.  
State Assemblyman, 59<sup>th</sup> District

cc: Members, Joint Legislative Audit Committee

Frequency	Bill no. Topic	Code section	Summary
Fixed period, current	Court Plans for \$60M: (1) individual court plans regarding expenditure of budget allocations; (2) individual court expenditures of budget allocations	2013 Budget Act	Individual court plans regarding expenditure of \$60 million budget augmentation. Provision 12 of Item 0250-101-0932  On or after April 14, 2014, but in no event later than May 14, 2014, the Judicial Council shall file a written report to the appropriate fiscal and policy committees of the Legislature on how funds identified in this provision were or will be expended during the 2013–14 fiscal year.
Ongoing Quarterly	AB 1497; Stats. 2012, ch. 29 Budget Act of 2012, Trial Court Trust Fund Expenditures for FY, Quarter	Budget Act 2012	The Administrative Office of the Courts shall provide to the Joint Legislative Budget Committee and the Department of Finance a quarterly report, within 30 days of the end of each quarter, detailing: (a) all expenditures made from this item and (b) between July 1, 2012, and January 1, 2013, any and all expenditures or encumbrances of funds from the Trial Court Trust Fund, including expenditures or encumbrances of funds that are not pursuant to an appropriation contained within this act and excluding Schedules (2), (3), and (4) of Item 0250-001-0932 and direct allocations to trial courts.
Ongoing Quarterly	SB 678 (Stats. 2009, ch. 608) Criminal recidivism; SB 75 (Stats. 2013, ch.31) Courts budget trailer bill	PEN 1231(d)	The AOC shall, in consultation with the chief probation officer of each county and the Department of Corrections and Rehabilitation, provide a quarterly statistical report to the Department of Finance including, but not limited to, the statistical information listed at Pen. Code 1231(d)(1)-(20). <b>Amended by SB 75 (2013), which added 10 more pieces of statistical information to be included in the report.</b>
Ongoing Semiannual Feb. 1 and Aug. 1	SB 78 (Stats. 2011, ch.10); SB 10 (Stats. 2011, ch. 265) Semiannual Report on Judicial Branch Contracts	PCC 19209	Beginning 2012, requires the Judicial Council to provide information to the JLBC and the State Auditor, on a semiannual basis, related to the procurement of contracts by the branch. Reports shall include a list of all vendors or contractors receiving payments. The report shall include amount of payment, type of goods or services provided, and the branch entity that procured the goods or services, contract amendments. Reports shall also include a list of all contract amendments, including the identity of contractor, type of service, nature, duration, and cost of the contract amendment.
Ongoing Semiannual - Apr. 1 and Oct. 1	Electronic recording equipment	GOV 69958	Each <u>superior court</u> shall report to the Judicial Council on or before October 1, 2004, and semiannually thereafter, and the <u>Judicial Council</u> shall report to the Legislature on or before Dec 31, 2004, and semiannually thereafter, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.
Ongoing Annual - Jan. 1	Receipts & Expenditures From Local Courthouse Construction Funds	GOV 70403(d)	The Judicial Council on or before each January 1 (starting Jan 1, 2007) shall submit a report to the Budget and fiscal committees of the Legislature based on information received from counties (per Government Code §70403) including any amounts required to be repaid by counties.

Ongoing Annual - Jan. 1	Allocation of Funding in FYxx for Support of New Judgeships Authorized in FY2007-08	Budget Act of 2007-08 (Stats 2007, ch 171)	Requires the Judicial Council to report to the Legislature on January 1, 2008, and each January 1 thereafter, until all judgeships are appointed and new staff hired, on the amount of funds allocated to each trial court to fund new positions.
Ongoing Annual - Jan. 1	Disposition of Crim Cases According to Race & Ethn of Defendant	PEN 1170.45	The Judicial Council shall collect data on criminal cases statewide relating to the disposition of those cases according to the race and ethnicity of the defendant, and report annually thereon to the Legislature beginning no later than January 1, 1999. It is the intent of the Legislature to appropriate funds to the Judicial Council for this purpose.
Ongoing Annual - Jan. 1	Court data	GOV 68513	The Judicial Council shall report to the Legislature on or before January 1, 1998, and annually thereafter on the uniform entry, storage, and retrieval of court data as provided for in this section.
Ongoing Annual - Feb. 1	Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings	GOV 68086(c)	The Judicial Council shall report on or before February 1 of each year to the JLBC on the total fees collected and the total amount spent for official reporter services in civil proceedings in the prior fiscal year.
Ongoing Annual - Feb. 1	Training of judges	WIC 304.7	The Judicial Council shall submit an annual report to the Legislature on compliance by judges, commissioners and referees with the education and training standards described in subdivisions (a) and (b) [training for dependency court judicial officers].
Ongoing Annual - Mar. 1	AB 2393 (Stats. 2012, ch.646) Low income obligor adjustment	FAM 4055(b)(7)	The Judicial Council shall, starting Mar. 1, 2012, and annually thereafter until January 1, 2018, determine the amount of the net disposable income adjustment based on the change in the annual California Consumer Price Index for All Urban Consumers, published by the California Department of Industrial Relations, Division of Labor Statistics.
Ongoing Annual - Mar. 1	AB 1005 (Stats. 2013, ch. 113) New judges demographic data	GOV 12011.5(a)(1)(c)	On or before March 1 of each year, the Judicial Council shall report collected demographic data reported by judicial officers. New for 2014: Demographic data relative to disability and veteran status shall be required for judges elected or appointed, or judicial applicants or nominees who apply or are nominated, on or after January 1, 2014. Disability and veteran status demographic data is to be included in March 1 report beginning in 2015.
Ongoing Annual - Mar. 1	Court Interpreters	Budget Act of 2010 (SB 870)	The Judicial Council shall set statewide or regional rates and policies for payment of court interpreters, not to exceed the rate paid to certified interpreters in the federal court system. The Judicial Council shall adopt appropriate rules and procedures for the administration of the funds specified in Schedule 4. The Judicial Council shall report to the Legislature and the Department of Finance annually regarding expenditures from Schedule 4.

Ongoing Annual - Apr. 15	SB 1021 (Stats. 2012, ch. 41) Allocation of 2% Set-Aside in TC Trust Fund (emergency reserve funds)	GOV 68502.5(c)(2)(C)	The Judicial Council shall, no later than April 15 of each year, report to the Legislature and to the Department of Finance all requests and allocations made pursuant to Gov. Code 68502.5(c)(2)(b).
Ongoing Annual - July 1 (by Rule of Court)	Court security plans	GOV 69925	The Judicial Council shall annually submit to the Senate Judiciary Committee and Assembly Judiciary Committee a report summarizing the court security plans reviewed by the Judicial Council, including, but not limited to, a description of each plan, the cost involved, and whether each plan complies with the rules for the most efficient practices for providing court security services.
Ongoing Annual - Sept. 1	SB 1021 (Stats. 2012, ch. 41) Criminal justice realignment data collection	PEN 13155	Requires the AOC to collect information from trial courts at least twice per year regarding the implementation of the 2011 Criminal Justice Realignment Legislation. The AOC shall make this data available to the Department of Finance, the Board of State and Community Corrections, and the Joint Legislative Budget Committee on or before September 1, 2013 and annually thereafter.
Ongoing Annual - Sept. 30	Trial Court Allocations	GOV 77202.5(a)	The Judicial Council shall report all approved allocations and reimbursements to the trial courts in each fiscal year, including funding received for increased programmatic or operational costs resulting from statutory changes, to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary on or before September 30 following the close of each fiscal year. The report shall include all of the following: (1) A statement of the intended purpose for which each allocation or reimbursement was made. (2) The policy governing trial court reserves.
Ongoing Annual - Nov. 1	Judicial Administration Standards and Measures That Promote Fair and Efficient Administration of Justice	GOV 77001.5	On or before November 1, 2007, the Judicial Council shall adopt and shall report annually thereafter upon, judicial administration standards and measures that promote the fair and efficient administration of justice, including the following: (1) Equal access to courts and respectful treatment of court participants; (2) Case processing, including the efficient use of judicial resources; (3) General court administration.
Ongoing Annual - Nov. 1	Trial court delay reduction: Court Statistics Report	GOV 68604	The Judicial Council shall collect and maintain statistics, and shall publish them at least on a yearly basis, regarding the compliance of the superior court of each county and of each branch court with the standards of timely disposition adopted pursuant to Section 68603. In collecting and publishing these statistics, the Judicial Council shall measure the time required for the resolution of civil cases from the filing of the first document invoking court jurisdiction, and for the resolution of criminal cases from the date of arrest, including a separate measurement in felony cases from the first appearance in superior court.  The Judicial Council shall report its findings and recommendations to the Legislature in a biennial Report on the State of California's Civil and Criminal Justice Systems.

Ongoing Annual - Dec. 1	Trial Court Funding: Judicial Administration and Efficiency Modernization Fund	Budget Act of 2000	The Judicial Council shall report to JLBC and Legislature's fiscal committees by December 1, 2000 and yearly thereafter on: (1) Allocation of the fund; including the amounts allocated to each trial court and the programs and services the allocations will support; and (2) Judicial Council's proposed expenditures for the fund.
Ongoing Annual - Dec. 1, until project completion	Status of the Phoenix Program	GOV 68511.8	On or before December 1 of each year until project completion, the Judicial Council shall provide an annual status report to the chairperson of the budget committee in each house of the Legislature and the chairperson of the JLBC with regard to the California Case Management System and Court Accounting and Reporting System.
Ongoing Annual - Dec. 1 until project completion	Case management and accounting systems	GOV 68511.8	On or before December 1 of each year until project completion, the Administrative Office of the Courts shall provide, on an annual basis to the chairperson of the budget committee in each house of the Legislature and the chairperson of the JLBC, <u>copies of any independent project oversight report for the CCMS.</u>
Ongoing Annual - Dec. 31	State Trial Court Trust Fund Expenditures, Allocations [Budget Trailer Bill SB 1021 (2012)]	GOV 68502.5(b); GOV 77202.5(b)	The Judicial Council shall provide to the Legislature on Dec. 31, 2001, and yearly thereafter, budget expenditures data at the program component level for each court. Judicial Council must summarize data by court and report it to chairs of budget committees and judiciary committees, and post information on public Internet web site on or before each December 31.
Ongoing Annual - Dec. 31	Statewide Collection of Court-Ordered Debt	PEN 1463.010(c)	Requires Judicial Council to develop performance measures and benchmarks to review the effectiveness of collection programs. Courts to report to Judicial Council on template by September 1, 2009 and yearly thereafter. Requires the Judicial Council to report on the collection programs to the Legislature by December 31, 2009 and annually thereafter.
Ongoing Annual - Dec. 31	Trial Court Allocations	GOV 77202.5(b)	The trial courts shall report to the Judicial Council, on or before September 15 each fiscal year, all court revenues, expenditures, reserves, and fund balances from the prior fiscal year for funding from all fund sources. The report shall specify all expenditures, including those associated with administrative costs, by program, component, and object. The Judicial Council shall summarize this information by court and report it to the chairs of the Senate and Assembly Committees on Budget and the Judiciary and post that information on a public Internet Web site on or before December 31, 2009, and on or before December 31 following the close of each fiscal year thereafter.
Ongoing Annual	Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year ____	GOV 77209(i)	The Judicial Council shall present an annual report to the Legislature on the use of the Trial Court Improvement Fund. The report shall include appropriate recommendations.
Ongoing Annual - After the end of each fiscal year	Court Facilities Trust Fund	GOV 70352c	The Judicial Council shall recommend to the Governor and the Legislature each fiscal year the proposed expenditures from the fund and submit a report on actual expenditures after the end of each fiscal year.

Ongoing Annual	AOC: Supplementary Schedule of Operating Expenses & Equipment	Budget Act of 2010 Supplemental Report	The AOC shall annually provide to the budget committees of both houses and the LAO a supplementary schedule for its operating expenses and equipment.
Ongoing Annual	AB 159 (Stats. 2007, ch. 722), SJO conversions; Notification of Vacancies & Allocation of Conversion of SJO Positions	GOV 69615	Beginning with vacancies to be filled in FY 2008-09, the Judicial Council shall file notice of vacancies and allocations for converted SJO positions with Sen. Rules Committee, Assembly Speaker, and chairs of the Senate and Assembly Committees on the Judiciary.
18 months after initial receipt of funding and annually thereafter	SB 678 (Stats. 2009, ch. 608) Criminal recidivism, SB 75 (Stats. 2013, ch. 31) Courts budget trailer bill. (CA Community Corrections Performance Incentive Act of 2009: Findings from SB 678 Program)	PEN 1232	Commencing no later than 18 months following the initial receipt of funding pursuant to this act and annually thereafter, the AOC, in consultation with the Dept. of Corrections and Rehabilitation, the Dept. of Finance, and the Chief Probation Officers of California, shall submit to the Governor and the Legislature a comprehensive report on the implementation of this act. The report shall contain the information listed in Pen. Code 1232(a)-(e). Amended by SB 75 (2013)
Ongoing Annual	2013 Budget, Supplemental Report, Item number 0250-101-0932, Open Working Groups	not codified	Not later than January 1, 2014, the Judiciary Council shall submit to the Joint Legislative Budget Committee a report on the implementation of an open meetings rule in accordance with the following: (a) The rule shall apply to any committee, subcommittee, advisory group, working group, task force, or similar multimember body that review issues and reports to the Judicial Council. (b) The rule shall provide for telephone access for requesting persons. (c) The rule shall establish public notice requirements for any meeting of a body described above. For each fiscal year beginning with 2014-15, the report shall include the rule for that fiscal year and specific detail on amendments to the rule adopted in the prior fiscal year.
Ongoing Annual as required	California Case Management System	Budget Act of 2008-09 Supplemental Report	The Judicial Council shall report to the Legislature annually, <u>at regular hearings</u> of the Senate and Assembly budget committees, on the deployment of the case management system, including whether deadlines for development and deployment are being met.
Ongoing - Mar. 1 of every even-numbered year	Grant funding: visitation and custody	FAM 3204(d)	The Judicial Council shall, on March 1, 2002, and on the first day of March of each even-numbered year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between non-custodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.

<p>Ongoing - Nov. 1 of every even-numbered year</p>	<p>Trial court judges</p>	<p>GOV 69614</p>	<p>The Judicial Council shall report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using the uniform criteria for allocation of judgeships described in GC sec 69614(b), as updated and applied to the average of the prior three calendar years' filings. Beginning with the report due to the Legislature on November 1, 2012, the Judicial Council shall report on the implementation and effect of subparagraph (C) of paragraph (1) of subdivision (c) of GC 69615.</p>
<p>Ongoing - every three years</p>	<p>AB 929 (Stats. 2012, ch. 678) Debtor Exemptions: bankruptcy</p>	<p>CCP 703.150(e)</p>	<p>Debtor Exemptions: Starting on April 1, 2004 and every three years thereafter, Judicial Council shall publish a list of the current dollar amounts of exemptions provided in Section 703.140(b), and Article 3 commencing with 704.010 utilizing the California Consumer Price Index (CPI) as defined in CCP 703.150(d), together with the date of the next scheduled adjustment. Starting on April 1, 2013 and every three years thereafter, the Judicial Council also shall submit to the Legislature the amount by which the homestead exemption (CCP section 704.730(a)) may be increased if the CPI is applied. Note, however, that the Homestead Exemption only may be increased by action of the Legislature.</p>
<p>Ongoing - Every three years on Apr. 1</p>	<p>AB 2767 Enforcement of Judgments: exemptions: homesteads</p>	<p>CCP 703.150</p>	<p>(d) The Judicial Council shall determine the amount of the adjustment based on the change in the annual California Consumer Price Index for All Urban Consumers, published by the Department of Industrial Relations, Division of Labor Statistics, for the most recent three-year period ending on December 31 preceding the adjustment, with each adjusted amount rounded to the nearest twenty-five dollars (\$25). (e) Beginning April 1, 2004, the Judicial Council shall publish a list of the current dollar amounts of exemptions provided in subdivision (b) of Section 703.140 and in Article 3 (commencing with Section 704.010), together with the date of the next scheduled adjustment. In any year that the Legislature votes to increase the exemptions provided in subdivision (a) of Section 704.730, the Judicial Council shall publish a list of current dollar amounts of exemptions.</p>

Ongoing - At least every 4 years	Child support	FAM 4054	<p>Requires the Judicial Council to periodically review the statewide uniform guideline to recommend to the Legislature appropriate revisions, including economic data on the cost of raising children and analysis of case data, gathered through sampling or other methods, on the actual application of the guideline after the guideline's operative date. The review shall also include an analysis of guidelines and studies from other states, and other research and studies available to or undertaken by the Judicial Council.</p> <p>The initial review by the Judicial Council shall be submitted to the Legislature and to the Department of Child Support Services on or before December 31, 1993, and subsequent reviews shall occur at least every four years thereafter unless federal law requires a different interval.</p>
Ongoing - Every 5 years	AB 227 (Stats. 2013, ch. 581)	H&S 25249.7	<p>On April 1, 2019, and at each five-year interval thereafter, the dollar amount of the civil penalty provided pursuant to this subparagraph shall be adjusted by the Judicial Council based on the change in the annual California Consumer Price Index for All Urban Consumers, published by the Department of Industrial Relations, Division of Labor Statistics, for the most recent five-year period ending on December 31 of the year preceding the year in which the adjustment is made, rounded to the nearest five dollars (\$5). The Judicial Council shall quinquennially publish the dollar amount of the adjusted civil penalty provided pursuant to this subparagraph, together with the date of the next scheduled adjustment.</p>
Ongoing - July 1, every 5 years	Court Interpreters	GOV 68563	<p>The Judicial Council shall conduct a study of language and interpreter use and need in court proceedings, with commentary, and shall report its findings and recommendations to the Governor and to the Legislature not later than July 1, 1995, and every five years thereafter. The study shall serve as a basis for (1) determining the need to establish interpreter programs and certification examinations, and (2) establishing these programs and examinations through the normal budgetary process. The study shall also serve as a basis for (1) determining ways in which the Judicial Council can make available to the public, through public service announcements and otherwise, information relating to opportunities, requirements, testing, application procedures, and employment opportunities for interpreters, and (2) establishing and evaluating these programs through the normal budgetary process.</p>
Ongoing	SB 78 (Stats. 2011, ch.10); SB 10 (Stats. 2011, ch. 265) IT Contracts	PCC 19204	<p>Requires all judicial branch entities to provide written notice to the State Auditor within 10 business days of entering a non-IT contract with a total estimated cost of more than \$1 million</p>



Ongoing	SB 857 (Stats. 2010, ch. 720) Budget Trailer Bill: Courts Audits	GOV 77206	Requires the Judicial Council to issue RFP for: (1) audits of trial courts (“pilots”) to commence no later than December 15, 2012; (2) additional trial court audits to commence by December 15, 2013; and (3) AOC audits to commence by December 15, 2013.
Ongoing	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons		(c) Provide court procedures, personnel, training and case management administrative methods that reflect best practices to ensure meaningful access to justice for unrepresented parties;
Ongoing	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons		(d) Collect information on outcomes
Ongoing - As needed	Budget Trailer Bill: Courts, Courtroom closure notices	GOV 68526	Requires the Judicial Council to post notices of closure of courtrooms and reduction in Court Clerk’s office hours and transmit the information to the Legislature.
Ongoing - As needed	Budget Trailer Bill: Court-ordered debt	VEH 42008.7	Requires the Judicial Council to, as necessary, adopt a Rule of Court specifying information to be included in an application for discharge from accountability for court-ordered debt or bail.
Ongoing - As needed	Supplemental Report: Judicial Branch	Budget Act of 2010 Supplemental Report	AOC shall report to the budget committees of each house any facility modifications that must be completed earlier than originally reported due to an emergency.
Ongoing - As needed	Court Facilities Construction	GOV 70371.5(f)(1)	The Judicial Council shall make recommendations to the State Public Works Board for projects based on its determination that the need for a project is most immediate and critical using the then most recent version of the Council-adopted Prioritization Methodology.
Ongoing - As needed	AB 1248 (Stats. 2007, ch.738) Court Operations: Travel policies	GOV 68506.5	Requires the Judicial Council to adopt travel reimbursement policies, procedures, and rates for the judicial branch.
Ongoing Make available	Court Facilities Construction	GOV 70371.5(e)	Directs the Judicial Council to collect and make available upon request information regarding the moneys deposited in the ICNA resulting from new and increased fees, assessments, and penalties.
One time	AB 1464; Budget Act of 2012		No later than September 30, 2012, the Judicial Council shall report to the chairpersons of the budget committees of each house of the Legislature, the appropriate budget subcommittees of each house of the Legislature, and the Department of Finance on the actions taken by the Judicial Council to achieve an ongoing \$4,000,000 reduction in expenditures from the programs within this item.
One time	Budget Trailer Bill: Courts Collections Report	GOV 68106	Requires the Judicial Council to prepare a report to the Legislature summarizing the information submitted by county collections programs under the new Collections Amnesty program.

One time	Budget Trailer Bill: Courts Collections	Gov. Code 70371.9	Requires the Judicial Council to conduct an analysis of the costs incurred by trial courts related to the default prove-up process in collections cases, and report to Legislature and Legislative Analyst Office on different methods trial courts use in these cases.
One time	Budget Trailer Bill: Courts Criminal Collections Taskforce	PEN 1463.02	On or before June 30, 2011, the Judicial Council shall establish a task force to evaluate criminal and traffic-related court-ordered debts imposed against adult and juvenile offenders. The task force shall, among other things, evaluate and make recommendations to the Judicial Council and the Legislature on or before June 30, 2011, regarding the priority in which court-ordered debts should be satisfied and the use of comprehensive collection programs.
One time	AB 1325 Tribal Customary Adoption	WIC 366.24 (f)	Revises provisions governing the adoption of children who are, or may be, Indian. Requires the Judicial Council to submit a report to the Legislature on or before January 1, 2013.
One time	SB 78, SB 10 Court construction	uncodified	Requires the Judicial Council to provide, by Jan 15, 2013, a report to the JLBC on the process, transparency, costs and timeliness of the branch's construction procurement program for each project completed between 1/1/08 – 1/1/13. (NOTE: LAO to conduct an analysis within 25 days of receiving report.)
One time	AB 900 Expedited CEQA process	PRC 21189.2	Establishes judicial review procedures in the Court of Appeal for CEQA cases for specific qualifying projects. Requires the Judicial Council to report to the Legislature on or before January 1, 2015 on the description of the benefits, costs, and detriments of the certification of projects pursuant to these provisions.
One time	AB 900 Expedited CEQA process	PRC 21185(b)	Establishes judicial review procedures in the Court of Appeal for CEQA cases for specific qualifying projects. Requires the Judicial Council to adopt a Rule of Court to implement the expedited judicial review.
One-time	SB 743 (Stats. 2013, ch. 386); King's Arena	PRC 21168.6.6 (d)	On or before July 1, 2014, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for the project or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings pursuant to subdivision (f).

One-time	SB 743 (Stats. 2013, ch. 386); AB 900-certified projects	PRC 21185	On or before July 1, 2014, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for an environmental leadership development project certified by the Governor pursuant to this chapter or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, within 270 days of certification of the record of proceedings pursuant to Section 21186 (concerning preparation and certification of administrative record for leadership project certified by Governor).
One time	Budget Trailer Bill: Court construction	GOV 70371.9(a)-(e)	Requires the Judicial Council to conduct a pilot program assessing impact of requiring subcontractors on SB 1407 projects to cover healthcare benefits for employees and offering quality points to construction managers at risk for providing benefits. Also requires the Judicial Council to issue a report to the Legislature summarizing data and analysis.
One time	SB 75 (Stats. 2013, ch. 31) Court budget trailer bill	not codified	The Judicial Council shall report to the appropriate budget and policy committees of the Legislature, the Joint Legislative Budget Committee, the Legislative Analyst's Office, and the Department of Finance, on or before June 30, 2014, on an evaluation of the Long Beach court building performance based infrastructure project. The evaluation shall assess the implementation of the project agreement and compare the project to other court construction projects the Judicial Council has pursued using the traditional public sector approach. The evaluation shall address whether the project was a cost-effective approach compared to the Judicial Council's other court construction projects. The evaluation shall include, but not be limited to, all of the elements listed in (a)-(f) of section 27 of the bill.
One time	AB 2480 Dependent Children: Counsel	WIC 317 & 395	The Judicial Council shall report to the Legislature regarding the status of appellate representation of dependent children and recommendations made by Blue Ribbon Commission.
One time	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons	Gov. Code 68651	Directs the Judicial Council to develop three-year pilot projects in selected courts using a competitive grant process to provide legal services for low-income persons in certain types of civil matters. Requires the Judicial Council to conduct a study to demonstrate the effectiveness and continued need for the pilot program, and to report its findings and recommendations to the Governor and the Legislature on or before January 31, 2016.
One time	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons	GOV 68650 & 68561	(a) Develop an RFP and select pilot project(s) including process for distribution of funds;

One time	AB 590 (Stats. 2009, ch. 457) Legal Representation in Civil Proceedings for Low-income Persons		(b) Appoint Committee to select projects
One time	AB 131 Juvenile Proceedings: costs	WIC 903.47	Requires the Judicial Council to adopt: (1) A statewide standard for determining ability to pay reimbursements for counsel; and (2) Policies and procedures allowing a court to recover the costs associated with collecting delinquent reimbursements.
One time	SB 241 Legal representation of minors in probate proceedings	PROB 1470	Requires the Judicial Council to adopt guidelines to assist courts in determining financial eligibility for county payment of appointed counsel.
One time (Rule 7.1014)	AB 458 Guardianship	PROB 2204	The Judicial Council shall, on or before January 1, 2013, adopt rules of court to implement the provisions of this subdivision (relating to custody or visitation proceedings for the guardianship of a minor if such proceeding has already been filed in one or more other counties).
One time	AB 1674 (Stats. 2013, ch. 692) Supervised visitation	FAM 3200.5(a)	Establishes, among other things, a statutory framework to govern Judicial Council standards for supervised visitation providers. Also requires professional providers to complete a declaration or a Judicial Council form confirming that they meet the requirements to be a provider. Judicial Council must amend existing standards for supervised visitation providers to conform to new FC § 3200.5.
One time	SB 1483 Child Support	FAM 17441	Establishes a pilot project in five counties until 2010 to expedite the modification of child support orders where neither party contests the change. Requires the Judicial Council in cooperation with the Department of Child Support Services to evaluate the pilot efforts and report to the Legislature by the end of FY 2008-09.
One time	AB 1775 Wage garnishment; exempt earnings	CCP 706.050	Raises the minimum floor of a judgment debtor's wages that are exempt from levy under an earnings withholding order from 30 times the federal minimum hourly wage to 40 times the California minimum hourly wage. The Judicial Council shall, in order to implement this act, revise the instructions contained in the employer's instructions pursuant to CCP § 706.127 to specify the method of computations described in the newly amended CCP § 706.050.
One time	SB 731 Civil actions	CCP 397.1, 398.8, 1141.20, & 1141.23	Makes changes related to the handling of judicial arbitration awards and streamlines procedures governing vexatious litigants. Implied requirement for the Judicial Council to adopt a form to implement the judicial arbitration changes.
One time	SRL Budget Act of 2011 Criminal Justice Realignment		NOTE: After the notice of vacancies and allocations listed above has been approved by the Judicial Council, a letter must be sent to the Governor stating, among other things, that judgeship appointments may be made.
One time	SB X3 18 Parolee Reentry Court Program	PEN 3015(e)(1)	Subject to funding made available for this purpose, the secretary of the Dept. of Corrections and Rehabilitation shall enter into a memorandum of understanding with the AOC for the purpose of the establishment and operation of parolee reentry court programs.

One time	SB X3 18 (Stats. 2009, ch. 28) Parolee Reentry Court Program	PEN 3015(e)(2)	The Judicial Council, in collaboration with the Dept. of Corrections and Rehabilitation, shall design and perform an evaluation of the program that will assess its effectiveness in reducing recidivism among parolees and reducing parole revocations.
One time	SB X3 18 (Stats. 2009, ch. 28) Parolee Reentry Court Program	PEN 3015(e)(3)	The Judicial Council, in collaboration with the Dept. of Corrections and Rehabilitation, shall submit a Final report of the Findings from its evaluation of the program to the Legislature and the Governor no later than 3 years after the establishment of a reentry court pursuant to this section.
One time	SB 678, SB X3 18 Criminal recidivism	PEN 1231(b)	The AOC, in consultation with the Chief Probation Officers of California, shall specify and define minimum required outcome-based measures, which shall include, but are not limited to, those listed at Pen. Code 1231(b)(1)-(4).
One time	SB 678 (Stats. 2009, ch. 608) Criminal recidivism	not codified	The Judicial Council shall consider the adoption of appropriate modifications to the Criminal Rules of Court, and of other judicial branch policies, procedures, and programs, affecting felony probation services that would support implementation of the evidence-based probation supervision practices described in this chapter.
One time	AB 2073 Orange County electronic filing and service of documents pilot project	CCP 1010.6(d)(2)	Allows Orange County Superior Court to establish a pilot project for parties in specific civil actions to electronically file and serve documents. If the pilot program is implemented, the Judicial Council shall conduct an evaluation of the pilot project and report to the Legislature on the results of the evaluation. The evaluation shall review, among other things, the cost of the program to participants, cost-effectiveness for the court, effect on unrepresented parties and parties with fee waiver, and ease of use for participants.
One time	AB 2073 Orange County electronic filing and service of documents pilot project	CCP 1010.6(f)	The Judicial Council shall adopt uniform rules to permit the mandatory electronic filing and service of documents for specified civil actions in the trial courts of the state, which shall be informed by any study performed pursuant to the above evaluation and which shall include statewide policies on vendor contracts, privacy, access to public records, unrepresented parties, parties with fee waivers, hardships, reasonable expectations to electronic filing, and rules relating to the integrity of electronic service.
One time	SB 78, SB 10 CCMS	GOV 68511.8(d)- (f)	Requires the Judicial Council to retain an independent consultant to provide a written assessment of CCMS and to transmit the consultant's report to the budget committees.
One time	Flood Control Channels Safety Injury Report	GOV 831.9(a)	Requires the Judicial Council to submit a report to the Legislature on or before January 31, 2012, on the incidences of injuries incurred, claims asserted, and the results of any civil action or proceeding.

**Judicial Council of California  
Administrative Office of the Courts  
Judicial and Court Operations Services Division  
Center for Families, Children & the Courts**

**ACCESS TO VISITATION GRANT PROGRAM**

**List of Administering Superior Courts and Grant Award Amounts  
for Grant Fiscal Year 2014–2015**

<b>Superior Courts of California</b>	<b>Counties Served</b>	<b>Total Grant Funding Allocation</b>
Superior Court of Butte County	Butte and Glenn	\$67,956
Superior Court of Contra Costa County	Contra Costa and Alameda	\$107,956
Superior Court of El Dorado County	El Dorado and Alpine	\$42,192
Superior Court of Mendocino County	Mendocino and Del Norte	\$52,956
Superior Court of Napa County	Napa	\$52,956
Superior Court of Orange County	Orange	\$107,956
Superior Court of Sacramento County	Sacramento	\$39,956
Superior Court of San Francisco County	San Francisco and Marin	\$107,956
Superior Court of Santa Clara County	Santa Clara	\$91,180
Superior Court of Tulare County	Tulare and Kings	\$67,956
Superior Court of Yuba County	Yuba and Sutter	\$37,529
<b>Total</b>		<b>\$776,549</b>

My name is Kris Inman. I have worked for Tulare County Courts for 29 years, starting as a traffic clerk to a Courtroom Clerk. During my employment with the Courts, I have seen things get worse. In the last five years, we have not gotten an income increase, including cost of living adjustments. In fact, each year my salary has decreased because of mandatory furlough days.

I have seen several outlying courts close, and many people laid off. As a result, my co-workers and I have had to endure increased job duties and workloads. I currently live and work in Porterville, where we moved last October into a newly constructed \$100 million state-of-the-art courthouse, that is now being considered to close because of lack of funding. If it closed it would be devastating to the community and would cause more layoffs.

I plan to retire in the next two years and I recently learned that my social security and retirement benefits will actually be reduced because of the reduction in my salary during the last years of my employment.

I have always prided myself in working for the Courts, but now I am insecure of its future. We need the funding restored to run our courts. Give back the security and pride of working for California Trial Courts again.

Thank you.

Kris Inman,  
Courtroom Clerk  
South County Justice Center  
Porterville, California  
kinman@tulare.courts.ca.gov


**JUDICIAL COUNCIL ROLL CALL / VOTING SHEET**  
**Thursday, February 20, 2014 Meeting**

Agenda Item # / Subject: ITEM "K" AS AMENDED. Roll Call \_\_\_\_\_ Voice Vote

VOTING MEMBERS	PRESENT	YES	NO	ABSTAIN	RECUSE
1. Hon. Tani G. Cantil-Sakauye, Chair					
2. <del>Hon. Judith Ashmann Gerst</del> <i>absent</i>	N/A	N/A	N/A	N/A	N/A
3. Hon. Stephen H. Baker		✓			
4. Hon. Marvin R. Baxter		✓			
<del>5. Hon. Richard Bloom</del>					
6. Mr. Mark G. Bonino		✓			
7. Hon. James R. Brandlin		✓			
8. Ms. Angela J. Davis		✓			
9. Hon. David De Alba		✓			
10. Hon. Emilie H. Elias		✓			
<del>11. Hon. Sherrill A. Ellsworth</del>					
<del>12. Hon. Noreen Evans</del>					
13. Hon. James P. Fox		✓			
14. Hon. Harry E. Hull, Jr.		✓			
15. Hon. Teri L. Jackson		✓			
16. Hon. Douglas P. Miller		✓			
17. Hon. Mary Ann O'Malley		✓			
18. Mr. Mark P. Robinson, Jr. T					
19. Hon. David Rosenberg			✓		
20. Hon. David M. Rubin T					
21. Hon. Dean T. Stout		✓			

NON-VOTING MEMBERS	PRESENT
1. Hon. Sue Alexander	
2. Hon. Robert A. Glusman	
3. Hon. James E. Herman	
4. Hon. Morris D. Jacobson	
5. Hon. Brian L. McCabe	
6. <del>Mr. Frank A. McGuire</del> <i>absent</i>	N/A
7. Hon. Kenneth K. So	
8. Ms. Mary Beth Todd	
9. Hon. Charles D. Wachob	
10. Hon. Brian C. Walsh	
11. Mr. David H. Yamasaki	

Totals: Present \_\_\_\_\_ Absent \_\_\_\_\_ Yes 13 No 1 Abstain \_\_\_\_\_ Recuse \_\_\_\_\_

  
 \_\_\_\_\_  
 Hon. Steven Jahr  
 Secretary to the Judicial Council

\* T = council member attending by telephone.  
 \*\* For a roll call vote, the Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain"). A member's recusal is indicated in the right column. After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. Changes of votes are permitted at this time, before the result is announced. In roll call voting, a record of how each member voted, as well as the result of the vote, will be entered in full in the minutes.  
 \*\*\* For a voice vote, the Secretary indicates votes as he or she heard them.



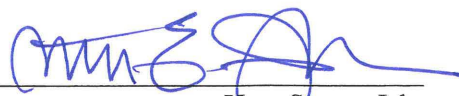
**JUDICIAL COUNCIL ROLL CALL / VOTING SHEET**  
**Thursday, February 20, 2014 Meeting**

Agenda Item # / Subject: ITEM "L" Roll Call \_\_\_\_\_ Voice Vote X

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE
1.	Hon. Tani G. Cantil-Sakaue, Chair					
2.	<del>Hon. Judith Ashmann Gerst</del> <i>absent</i>	N/A	N/A	N/A	N/A	N/A
3.	Hon. Stephen H. Baker		✓			
4.	Hon. Marvin R. Baxter		✓			
5.	<del>Hon. Richard Bloom</del>					
6.	Mr. Mark G. Bonino		✓			
7.	Hon. James R. Brandlin			✓		
8.	Ms. Angela J. Davis		✓			
9.	Hon. David De Alba		✓			
10.	Hon. Emilie H. Elias			✓		
11.	Hon. Sherrill A. Ellsworth		✓			
12.	<del>Hon. Noreen Evans</del>		✓			
13.	Hon. James P. Fox		✓			
14.	Hon. Harry E. Hull, Jr.		✓			
15.	Hon. Teri L. Jackson		✓			
16.	Hon. Douglas P. Miller		✓			
17.	Hon. Mary Ann O'Malley		✓			
18.	Mr. Mark P. Robinson, Jr. T					
19.	Hon. David Rosenberg		✓			
20.	Hon. David M. Rubin T					
21.	Hon. Dean T. Stout		✓			

NON-VOTING MEMBERS		PRESENT
1.	Hon. Sue Alexander	
2.	Hon. Robert A. Glusman	
3.	Hon. James E. Herman	
4.	Hon. Morris D. Jacobson	
5.	Hon. Brian L. McCabe	
6.	<del>Mr. Frank A. McGuire</del> <i>absent</i>	N/A
7.	Hon. Kenneth K. So	
8.	Ms. Mary Beth Todd	
9.	Hon. Charles D. Wachob	
10.	Hon. Brian C. Walsh	
11.	Mr. David H. Yamasaki	

Totals: Present \_\_\_\_\_ Absent \_\_\_\_\_ Yes 13 No 2 Abstain \_\_\_\_\_ Recuse \_\_\_\_\_

  
 \_\_\_\_\_  
 Hon. Steven Jahr  
 Secretary to the Judicial Council

\* T = council member attending by telephone.  
 \*\* For a roll call vote, the Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain"). A member's recusal is indicated in the right column. After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. Changes of votes are permitted at this time, before the result is announced. In roll call voting, a record of how each member voted, as well as the result of the vote, will be entered in full in the minutes.  
 \*\*\* For a voice vote, the Secretary indicates votes as he or she heard them.