



## Judicial Council of California · Administrative Office of the Courts

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

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 26 & 27, 2014

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Title	Agenda Item Type
Administrative Director's Report	Information Only
Submitted by	Date of Report
Steven Jahr	June 23, 2014
Administrative Director of the Courts	Contact
	Tina Carroll, 415-865-4242
	<a href="mailto:tina.carroll@jud.ca.gov">tina.carroll@jud.ca.gov</a>

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### **Executive Summary**

The following information outlines some of the many activities staff is engaged in to further the Judicial Council's goals and priorities for the judicial branch. The report focuses on action since the council's April meeting and is exclusive of issues on the June business meeting agenda.

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**Legislative Advocacy:** The Office of Governmental Affairs continues to facilitate Judicial Council-sponsored legislation through the legislative process:

- SB 1222 (Block): Amends Penal Code section 1385(a) to require that the reasons for dismissal be set forth either on the record or in an order entered upon the minutes. *Status: Assembly Public Safety Committee*
- AB 1657 (Gomez): Authorizes the court to provide a court interpreter in any civil action or proceeding at no cost to the parties, regardless of the income of the parties. *Status: Senate Judiciary Committee*
- AB 1618 (Chesbro): Clarifies that the authorization for those specified persons to inspect the case file includes persons serving in a similar capacity for, or an authorized representative of, an Indian tribe, reservation, or tribal court when the case file involves an Indian child. *Status: Senate Judiciary Committee*
- AB 2190 (Maienschein): Adds a new subdivision to Welfare and Institutions Code section 5354 to: Require that when a conservatorship investigation results from a criminal court ordering an evaluation of a defendant's mental condition pursuant to section 5200, the officer conducting the investigation must submit a copy of the report to the defendant or defendant's attorney, who may authorize its distribution to the criminal court, prosecution and probation and establish limits on the distribution and access to the conservatorship report in instances where it is released to the criminal court and justice partners. Amends Penal Code sections 1601(a), 1602(a) and (b), and 1603(a) pertaining to outpatient status for mentally disordered and developmentally disabled offenders. The amendment to section 1601(a) would allow the court, when appropriate, to conditionally release a defendant found incompetent to stand trial to a placement in the community, rather than in a custodial or in-patient setting, to receive mental health treatment until competency is restored. *Status: in Senate*
- AB 2487 (Wagner) **\*efficiency**: Clarifies that preliminary hearing transcripts must be produced only when a defendant is held to answer the charge of homicide. *Status: Senate Public Safety Committee*
- AB 2645 (Dababneh): Amends Penal Code section 1203.9 to modify intercounty transfer procedures. The proposal would modify those procedures to: (1) require transferring courts to determine the amount of any victim restitution before transfer unless the court is unable to determine the amount within a reasonable time and (2) to prohibit transfers of misdemeanor cases unless: (a) they involve certain sex crimes, firearms, violence, or multiple driving under the influence offenses and (b) the court determines that the continued supervision of the probationer in the county of residence is in the best interests of the public or any victim. *Status: Senate Public Safety Committee*

- AB 2683 (Cooley): Amends Penal Code section 166 to delete a category of juror misconduct that constitutes misdemeanor contempt of court—the willful disobedience by a juror of a court admonishment against any communication or research about a pending trial, including electronic or wireless communications. *Status: Senate Public Safety*
- AB 2745 (Assembly Judiciary): Ratifies the authority of the Judicial Council to convert 10 subordinate judicial officer positions to judgeships in the 2014–15 fiscal year when the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer. Note: other provisions of AB 2745-relating to family centered case resolution plans are not Judicial Council sponsored provisions.-however, PCLC adopted a support position on these provisions. *Status: Senate Judiciary Committee*

The following bills failed to pass or have been held in the Legislature:

- SB 1190 (Jackson): Funds the second set of 50 judgeships approved in 2007, creates a third set of 50 judgeships, and provides for two additional justices in Division Two of the Fourth Appellate District. SB 1190 also allocates approved judgeships based on the latest judicial needs assessment approved by the council. *Status: Held in Senate Appropriations*
- SB 1313 (Nielsen) **\*efficiency**: Repeals various Government Code sections to eliminate the requirement that the enumerated courts use court reporters in specified case types. *Status: Failed passage in Senate Judiciary Committee*

**Trial Court Presiding Judges Advisory Committee Day in Sacramento:** Members of the advisory committee participated in Day in Sacramento activities. The team of 17 judges, representing all regions of the state met with 70 local Senate and Assembly representatives or their staff, providing them with reference materials on the judicial branch budget and key legislative priorities.

**Chief Justice Liaison Meeting with the Office of the Attorney General:** The Chief Justice, Justice Marvin Baxter, and Executive Office leadership met with the Attorney General and representatives from her office to discuss issues of mutual interest or common concern including budget, criminal justice realignment, reporting of armed persons with mental illness, and truancy/chronic absenteeism. The Chief Justice’s regular liaison meetings with various justice system partners continue to be a tool in building relationships with our stakeholders.

**Court Security:** The Office of Security completed 42 trial court security grant projects for fiscal year 2013–2014, installing camera and duress alarm systems, security fencing, and other security construction projects, and conducting emergency planning training and exercises.

**Juror Appreciation Week:** Each year, during the second full week of May, courts recognize jurors’ essential role in access to justice. To support local court activities, staff provided courts

with templates for juror certificates of recognition (signed by the Chief Justice and each presiding judge), bookmarks, and a press release template to promote jury service through local media outlets.

**JusticeCorps 10th Anniversary Event:** JusticeCorps celebrated its 10th year with a special graduation event held at the Superior Court of Los Angeles County. This national service program recruits college students and recent graduates to assist self-represented litigants as they try to resolve family, small claims, and civil legal issues. The anniversary event honored 2013–2014 graduating members and celebrated the 2000 program alumni statewide. Chief Justice Cantil-Sakauye provided the keynote address at the event and presented the Chief Justice’s Award for Exemplary Service and Leadership to program leaders.

**California Risk Assessment Pilot Project:** At a court project managers’ meeting with participation from each of the probation departments in the four pilot counties (Napa, San Francisco, Santa Cruz, and Yolo), the agenda included county-specific status reports on evidence-based supervision practices, a discussion of the need for individual-level data on the effectiveness of rewards and sanctions response grids, a presentation of the proposed methodology to be used in an upcoming Inter-rater Reliability study (designed to measure the accuracy of the risk and needs assessment information provided to the courts by the probation departments), and a discussion of the continued impact of the 2011 Public Safety Realignment Act on the probation departments and the courts.

**Criminal Justice Realignment:**

- Criminal Justice Court Services staff prepared a statutorily-mandated report to the Legislature on the Senate Bill 678 program for formal receipt by the Judicial Council.
- Staff attorneys continue to provide guidance to courts on various legal issues related to realignment, most recently including questions related to mandatory supervision, custody credits, and tolling of the supervision period.
- Criminal justice realignment workload data reported by the courts was presented to the Trial Court Budget Advisory Committee to be used for realignment funding allocation recommendations. Staff is implementing a data collection system that will allow courts and probation personnel to submit and update legislatively mandated reports more easily and efficiently.

**Mental Health Records and Firearms Reporting:** Staff created a reporting requirements list to assist courts with compliance on statutory requirements to report certain findings to the California Department of Justice for enforcement of firearm possession prohibitions. The list, which specifies the statutory basis, method for reporting, and any deadlines, has been disseminated to all presiding judges and court executive officers.

**Judicial Resources and Technical Assistance Program:** Staff visited the juvenile courts in Butte, Calaveras, Mariposa, Modoc, Mono, San Diego, San Luis Obispo, Santa Clara, and Siskiyou Counties to conduct courtesy file reviews of foster care cases and to provide follow up

requests for technical assistance. Staff attorneys advise and consult with juvenile court bench officers, court staff, and agency stakeholders on the practices and procedures required by federal and California law to protect children from abuse and neglect and prevent the loss of federal foster care funding.

**Clerk/Administrators of the Courts of Appeal:** At the quarterly meeting, staff made presentations and responded to questions and updates on technology, budget, human resources, and other issues of import to the appellate courts.

**Reporting of Contract and Payment Data:** Staff provided training and one-on-one support to the superior courts in preparing the contract data portion of the required Judicial Branch Contracting Law semiannual report for period January 1–June 30, 2014. The report is based on data generated from the Phoenix Financial System.

**State-Federal Judicial Council:** The council, which is co-chaired by Chief Justice Cantil-Sakauye and Arthur Alarcon, Chief Judge, United States Court of Appeals for the Ninth Circuit, heard a presentation on mediation of state prisoners' claims and received reports from the following subcommittees: Capital Habeas Corpus, Education, Public Confidence in the Judiciary, and Tribal Courts Relations.

## Facilities

### Capital Projects:

- There are 31 active capital projects totaling \$3.8 billion, three projects that remain in the warranty or project close-out phase, and 11 projects, totaling over \$1.7 billion, currently in construction.
- *New San Bernardino Courthouse:* The Chief Justice addressed almost 200 attendees at the dedication ceremony for the new 35-courtroom facility in downtown San Bernardino. (<http://www.courts.ca.gov/facilities-sanbernardino.htm>)
- *New Stockton Courthouse:* Representing the Chief Justice and the Judicial Council, Judge David De Alba joined court, city, and county officials for the groundbreaking ceremony for the new courthouse. The Stockton courthouse is the last of the SB 1732 funded projects to enter into construction. It is expected to be completed in fall 2016. (<http://www.courts.ca.gov/facilities-sanjoaquin-stockton.htm#tab3685>)

**Real Estate and Facilities Management:** Transactions were conducted relative to 21 leases, including court-funded leases, revenue leases and licenses, lease terminations, and event licenses.

#### Leases/licenses

- Expense Leases: Superior Court of Orange County, Mission Viejo (replaces Laguna Hills Lease)
- Revenue Licenses: County of San Bernardino (Needles Courthouse/Clerk's Office)

#### Lease renewals

- Newport Beach Parking License (Orange) (court-funded)
- Revenue Café license with Nasra Family Partnership (San Francisco)
- Court Administration Main Building Lease (Mariposa) (court-funded)
- Self-Help Center Lease (Mariposa) (court-funded)

#### Lease/license terminations

- Lease for Superior Court of San Benito county, due to relocation to new Hollister Courthouse
- Lease for the Superior Court of San Bernardino County temporary parking, due to relocation to new courthouse

#### Event licenses

- Execution of 12 short-term event licenses

- As of June 1, 2014, there were 568 active facility modification projects with an estimated value of \$78 million.

## **Human Resources**

### **Labor Relations/Negotiations:**

- Over the past quarter, staff assisted 11 trial courts in their labor negotiations, four of which have recently concluded with a ratified agreement. Support is being provided to three trial courts in responding to labor matters in either assisting with a grievance or responding to the Public Employee Relations Board.
- The Annual Labor Relations Academies concluded with 43 participants in the southern California academies, representing 10 courts, and 76 participants in the northern California academies representing 28 courts.

**Trial Court Employee Relations:** Support is being provided to seven trial courts on matters involving employee investigations, discipline matters, and issues related to leave. Recruitment support has also been provided to three trial courts seeking new court executive officers.

**Phoenix HR System Deployments:** The Phoenix payroll system was successfully implemented at the Superior Court of Yuba County in May 2014, automating the court's human resources and payroll services. Work has commenced on implementation of the payroll system in the Superior Court of Lassen County and is anticipated to be completed in October 2014, bringing the total number of trial courts on the system to 10.

**Classification and Compensation:** Independent consultants Fox Lawson and Associates conducted approximately 20 occupational panel meetings with management and staff in May. The classification phase of the study continues while the compensation phase of the study begins. The Executive Office met with the vendor to begin the process of identifying comparable markets. The five internal chairs also were briefed.

## Technology

**Telecommunications Infrastructure and Security:** The program initiated equipment replacement projects in 17 superior courts to be completed by May 2015.

**Solutions Delivery Life Cycle Training:** Technology staff is participating in training for using a formalized methodology for undertaking IT projects using a structured, consistent, and repeatable process. This process includes over 20 templates available for use such as: project business case, project charter, functional specification, user acceptance testing, communication plan, and phase gate signoff.

### **Case Management Systems and E-Business Applications Services:**

- *Civil, Small Claims, Probate, and Mental Health (V3) Case Management System:* Staff is providing data conversion support for the Superior Court of San Joaquin County's move to a new case management system.
- *Sustain Justice Edition:* The council funds program management oversight for this case management system. For Sustain courts hosted at the California Courts Technology Center, maintenance activities included production support updates, system patching, and security certificate renewals. Staff assisted the Superior Court of Merced County in copying Sustain data for implementation of the Tyler Technologies Odyssey case management system. The Superior Court of San Benito County is testing the new version of the Pervasive database. The GC Services Collections interface was installed in production for Superior Court of Imperial County.

**Justice Partner Outreach/E-Services Initiatives:** Staff is providing project management oversight for the First District Court of Appeal's E-Filing Pilot and the California Disposition Reporting Project. In this period, criminal and juvenile case filings went live. It is anticipated that original proceedings will go live on June 30. An appellate steering team was formed to analyze the pilot and begin planning for future deployments.

**Web Services:** Staff provided ongoing website content migration assistance to the Superior Courts of El Dorado and Plumas Counties to assist them in adopting the Trial Court Web Templates developed by council staff. The Superior Court of Los Angeles County requested the web templates for their site redesign.

**Computer-Aided Facilities Management System:** Staff successfully implemented numerous system improvements including the service work order cost calculations. This enhancement has significantly reduced the need for manual cost corrections. A system tuning activity has reduced latency and improved system response time.



**Uniform Civil Fees System:** This system supports distribution and mandated reporting of uniform civil fees collected by all 58 superior courts, with an average of \$52 million distributed per month. The team completed an upgrade of the application server.

**Oracle Financial System:** This system supports the Judicial Council, Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Commission on Judicial Performance in managing financial, accounting and procurement transactions. During this reporting period, staff updated the online procurement system, evaluated AB 1773 (public contract) reporting requirements for possible impact to the financial system, developed and tested the agency's feature forecast process reports, and conducted interface testing with the Courts of Appeal Court-Appointed Counsel System.

### **Advisory Committees/Task Forces/Working Groups**

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

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

1. California Tribal Court/State Court Forum
2. Court Executives Advisory Committee, Executive Committee
3. Court Facilities Advisory Committee, Courthouse Cost Reduction Subcommittee
4. Criminal Law Advisory Committee
5. Financial Accountability and Efficiency for the Judicial Branch Advisory Committee
6. Joint Working Group for California's Language Access Plan
7. Advisory Committee on Criminal Jury Instructions
8. Mental Health Issues Implementation Task Force
9. Power of Democracy Steering Committee
10. Traffic Advisory Committee
11. Trial Court Facility Modification Advisory Committee
12. Trial Court Presiding Judges Advisory Committee, Executive Committee
13. Workload Assessment Advisory Committee

### **Meeting Details**

#### **California Tribal Court/State Court Forum:**

- Discussed proposed next steps contained in workbooks from the annual in-person forum meeting that was attended by 60 tribal and state court judges, and directed staff to implement projects addressing cross-jurisdictional issues.
- Discussed inter-jurisdictional issues relating to traffic cases and received a legislative update.
- Judge John Smith, former Minnesota district court judge and current member of the Minnesota Court of Appeals and Judge Korey Wahwassuck, former judge of the Leech lake

Band of Ojibwe Tribal Court and currently District Court Judge for the Ninth District in Minnesota presented on the first joint jurisdictional court in the country— the Leech Lake Band of Ojibwe Tribal Court and the Cass and Itasca County District Courts in Minnesota, with its origins in the high incidence of drug and alcohol-related traffic accidents resulting in fatalities and a grant opportunity to develop a drug court.

**Court Executives Advisory Committee, Executive Committee:**

- Discussed security funding, status of fiscal year 2014–2015 budget change proposals (BCPs), the fiscal year 2015–2016 Trial Court BCP Survey, and outcomes from the Trial Court Budget Advisory Committee meeting.
- Discussed proposed templates for courtroom design and construction developed by the council’s Court Facilities Advisory Committee, conferred with the chair of the Rules and Projects Committee in providing input regarding court impacts from changes to the statewide rule-making process.

**Court Facilities Advisory Committee, Courthouse Cost Reduction Subcommittee:**

- Reviewed three projects: Siskiyou–New Yreka Courthouse, Imperial–New El Centro Criminal Courthouse, and Riverside–New Indio Juvenile and Family Courthouse, which are all in the preliminary plans phase of design.
- Reviewed the status and next steps on the Los Angeles–Hollywood Courthouse Modernization Project, which includes developing performance criteria and a design-build procurement methodology to be presented to the Judicial Council at the June 2014 meeting.
- Reviewed the pre-construction status and 100 percent bridging documents for the Alameda–New East County Courthouse. By cash funding this court-county shared use project rather than using county financing, the state will save over \$20 million. (To date, approximately \$380 million in reduced construction costs have been achieved.)

**Criminal Law Advisory Committee:**

- Developed various rule, form, and legislative proposals currently circulating for public comment, including proposals to facilitate parole revocation proceedings and empower courts with discretion to recall county jail sentences under Penal Code section 1170(d).
- Disseminated information from the California Department of Justice to promote court compliance with statutory requirements related to a state authorized risk assessment tool for sex offenders.
- Developing legislation to apply competency procedures to post-supervision revocation proceedings, including parole, post release community supervision, and mandatory supervision.

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

- Approved the pending audit report for the Superior Court of Sutter County for consideration by the council.

**Joint Working Group for California's Language Access Plan:**

- Discussed stakeholder input from three public hearings on language access held in February and March (<http://www.courts.ca.gov/24466.htm>).
- Reviewed and refined a draft plan scheduled to be submitted to the Judicial Council in July and for a public comment period on the California courts website.

**Judicial Council Advisory Committee on Criminal Jury Instructions:**

- Considered proposed revisions and updates to the Judicial Council Criminal Jury Instructions for circulation for public comment through June 20, 2014.

**Mental Health Issues Implementation Task Force:**

- Held its final meeting to review its final report to the Judicial Council and identify issues remaining for future consideration by other Judicial Council advisory bodies, including potential rule of court changes related to handling of cases involving individuals with mental illness, potential legislative considerations for council sponsorship, addressing competency issues for juveniles, and curriculum and course recommendations.

**Power of Democracy Steering Committee:**

- Led by the Chief Justice and State Superintendent of Public Instruction with funding from the California Bar Foundation, collaborated with courts to conduct 13 Civic Learning Award events across California, during which judicial officers presented awards to public high schools that are doing an outstanding job preparing students for participation in our democracy.
- Launched a new Power of Democracy website, featuring a blog by the Chief Justice and other California civic leaders seeking to promote the importance of civic learning and engagement ([www.powerofdemocracy.org](http://www.powerofdemocracy.org)).

**Traffic Advisory Committee:**

- Considered recommendations on recent traffic-related legislation for court procedures, including trial by written declaration, failure to appear or pay in traffic cases, civil assessments, community service, statewide bail schedules, and a voluntary amnesty program for courts to offer to defendants with unpaid citations.
- Considered a proposal to provide traffic defendants with the right to request that courts provide a courtesy notice by e-mail or text message for traffic cases. The committee is considering recommendations on proposals to provide courts with voluntarily options to offer traffic defendants the convenience of requesting a courtesy notice through electronic registration on court websites, automated phone systems, or other methods.
- Preparing recommendations for invitation to comment, to be effective in 2015, on a draft proposal for revision of a rule of court and form to provide guidelines and requirements for electronically issued traffic citations issued on a proposed notice to appear citation form.

**Trial Court Facility Modification Advisory Committee:**

- Reviewed and approved 217 facility modification projects with a total potential cost of just over \$11 million.

**Trial Court Presiding Judges Advisory Committee, Executive Committee:**

- Discussed the status of fiscal year 2014–2015 budget change proposals, and outcomes from the Trial Court Budget Advisory Committee meeting.
- Reviewed lessons learned related to opening of a new courthouse and proposed templates for courtroom design and construction developed by the council’s Court Facilities Advisory Committee.
- Conferred with the council’s Rules and Projects Committee and provided input regarding court impacts from changes made to the statewide rule-making process.

**Workload Assessment Advisory Committee:**

- Approved a motion to forward the fiscal year 2014–2015 Resource Assessment Study estimates for full-time equivalent trial court staff to the Trial Court Budget Advisory Committee for use with the Workload Allocation Funding Methodology model;
- Approved forwarding an analysis of subordinate judicial officer conversions based on updated workload data to the Executive and Planning Committee; and
- Discussed Office of Court Research pros and cons of separately calculating workload related to special circumstance cases.

**Judicial Branch Education and Training****Summary****Judicial Education**

1. Appellate Justices Institute
2. Assigned Judges Program
3. Cow County Institute
4. Criminal Law Institute
5. Family Law Webinar: The Affordable Care Act in Family Law
6. Juvenile Law Webinar: Transfers in Juvenile Court: Nuts and Bolts and Creating a Protocol
7. Juvenile Law Webinar: Keeping Kids in School and Out of Court
8. Primary Assignment Orientations
  - Criminal Law
  - Family Law
  - Traffic
  - Orientation for Experienced Civil Law Judges
  - Immigration Issues in Domestic Violence Cases
9. Privileges and Expert Testimony in Criminal Trials

10. Qualifying Judicial Ethics
11. New Judge Orientation

### **Judicial Officers, Court Employees, and other Justice System Partners**

12. Classification and Compensation Fundamentals (for trial and appellate Human Resources employees)
13. Court Interpreter Workshop
14. Core Leadership and Training Skills (for trial court lead employees)
15. Everything You Always Wanted to Know about Habeas (for appellate court personnel)
16. Fiscal Year-End Training (for trial court personnel)
17. Institute for Court Management courses (for trial and appellate managers)
  - Fundamental Issues of Caseflow Management
  - Managing Technology Projects and Technology Programs

### **Faculty Training**

18. Judicial College Seminar Leader Training

### **Broadcasts**

19. *Continuing the Dialogue: Cultural Competency and Court Culture*
20. Preventing and Responding to Sexual Harassment
21. Small Claims Processing (for trial court personnel)
22. *Workforce Management and Development: Knowledge Management* (for court managers and supervisors)

### **Updates to Online Courses**

23. Real World Judicial Ethics I, II, III

### **Video Production**

24. Appellate Judicial Attorneys Institute
25. Ten-Minute Mentor: Setting Bonds in Probate Court Proceedings

### **Program Details**

**Appellate Staff Continuing Education:** This program for deputy clerks, judicial assistants, and judicial secretaries in the Supreme Court and the Courts of Appeal included remarks by the Chief Justice, a presentation by the council's Chief Operating Officer, and a presentation on the e-filing pilot project under way in the First District.

**Appellate Justices Institute:** The Chief Justice addressed participants. The agenda included sessions on criminal law, ethics, opinion writing, and small group discussion.

**Assigned Judges Program:** An orientation was held for 18 retired judges admitted to the program. The training included a best practices panel conducted by veteran assigned judges, and modules on judicial officer security, judicial ethics, and Lexis/Nexis research resources.

**Court Interpreter Workshop:** A workshop for interpreter coordinators and human resource managers from Region 2 courts (i.e., trial courts within the First and Sixth Appellate Districts), enabled attendees to share ideas/concerns about language access, discusses the process for cross-assigning interpreters and how the recently ratified Memorandum of Understanding differs from the prior agreement.

**Cow County Institute:** This program is designed for judges who handle multiple types of calendars and the agenda included substantive law courses in multiple disciplines and discussion forums regarding case and court management. Courses focused on issues affecting smaller, rural courts such as Sovereign Citizens, Human Trafficking Awareness in Rural Courts, and Starting from Scratch: Creating an Adult Felony Drug Court or Behavioral Health Court with Existing Resources, and Jurisdiction and Tribal Lands.

**Criminal Law Institute:** This two-day program for 106 experienced judges in a criminal assignment featured sessions on three-strike sentencing, criminal justice realignment, criminal motions, Marcy's Law, advanced issues in criminal evidence, domestic violence and cross-over issues, DNA evidence, gang cases, and mental health issues. Faculty included experienced judges, as well as a district attorney, a public defender, and a forensic psychologist and former Southern Region Mental Health Director at the California Department of Corrections and Rehabilitation.

**Privileges and Expert Testimony in Criminal Trials:** This advanced criminal evidence course was offered as a regional program in Sacramento and Rancho Cucamonga. Two faculty groups discussed the privilege against self-incrimination as it relates to criminal defendants and witnesses and grants of immunity. They also explored issues pertaining to expert testimony, including the *Crawford* analysis when an expert relies on hearsay.

**Classification and Compensation Fundamentals:** This new full-day course offered three times was a pilot for trial and appellate court HR professionals.

**Core Leadership and Training Skills:** A two and one half-day class for trial court employees in lead positions is part of the "core" series of classes and is designed for those who wish to move into supervisory positions. Class topics included group development, learning styles, and training.

**Everything You Always Wanted to Know about Habeas:** Two 90-minute videoconference sessions were provided for appellate court personnel.

**Fiscal Year-End Training:** The Phoenix Shared Services Center provided year-end training to the trial courts in the areas of procurement, trust accounting, and general ledger. This training was offered to staff from all 58 courts.

**Broadcast facilitator guides for court faculty and trainers:** Twelve new broadcast facilitator guides for court faculty and trainers have been made available online. They focus on Appellate Court Records and Files; Introduction to Coaching Employees; Coaching: The Importance of Communicating Effectively; Employee Motivation; Leading Change; Managing Workplace Stress; Professional Demeanor in the Courts; Sexual Harassment: Understanding Your Rights and Responsibilities; Preventing and Responding to Sexual Harassment; Stages of Group Development; Traffic Basics: Citation to Appeals, Parts 1 and 2; and Workplace Violence and Threat Assessment. The guides allow local courts to use existing broadcast programs to develop a course for their staff.

**Knowledge Management Basics:** This broadcast for supervisors and managers focused on practical tools and strategies for the current environment of reduced resources. Topics included how to ensure that essential knowledge stays within the organization, and ensuring time is not lost during transitions.

**Small Claims Processing:** This broadcast for legal processing/counter clerks and supervisors new to small claims introduced small claims as a jurisdictional area and outlined the process of a small claims action from filing through judgment.

**Tribal/State Programs:** Staff provided local and regional trainings as follows:

- Los Angeles County Round Table.
- Two sessions at the Cow County Judges Conference: (1) Jurisdiction on tribal lands and (2) Indian Child Welfare Act: updates and hot topics.
- One session on Full Faith and Credit at the Domestic Violence Institute.
- Staff were invited to serve as faculty for a workshop on tribal justice systems and inter-cooperation between tribal justice systems and the state courts in California at the Law and Society Association's Annual Conference Program: Law and inequalities: Global and Local in Minnesota.

**Violence against Women Education Project:** The project conducted a series of programs:

- Domestic Violence and Cross-over Issues for the Criminal Law Judge as part of the Criminal Law Institute.
- Four workshops at the Cow County Judges Institute on elder abuse, human trafficking, firearms restrictions, and stalking and cyber bullying.
- The Domestic Violence Institute attended by 45 judges. Segments focused on fact-finding, victim and perpetrator behavior, decision making, fairness and cultural issues, and court leadership.
- Domestic violence components of the Family Law and Criminal Law Primary Assignment Orientations.
- A local domestic violence program for the Superior Court of San Bernardino County focused on enhancing a court-community response to domestic violence cases and introduced a new e-filing process for restraining orders.





## Staffing Report as of May 31, 2014

See definition of terms on the following page.

STAFFING	Leadership Services Division								Operations Services Division						Administrative Services Division					AOC	
	Executive Office	Office of Gov't Affairs	Internal Audit Services	Legal Services Office	JC Support Services	Office of Communications	Special Projects Office	Trial Court Liaison Office	Center for Families, Child. & Courts	Court Ops Special Svc Office	Criminal Justice Court Svc Office	Center for Judiciary Education & Research	Office of Appellate Court Services	Office of JB Capital Programs	Fiscal Services Office	HR Services Office	Information Technology Services Office	Office of Admin Services	Office of Real Estate & Fac. Mgmt		TC Admin Services Office
Authorized Position (FTE)	8.00	12.00	14.00	60.00	11.80	8.00	6.00	8.00	68.00	45.40	14.00	68.50	8.00	57.00	76.00	37.00	135.90	10.00	81.00	86.00	814.60
Filled Authorized Position (FTE)	6.95	12.00	14.00	44.30	11.60	7.00	5.00	8.00	59.80	37.20	13.18	62.10	3.00	46.00	68.00	31.00	109.88	10.00	77.60	83.88	710.49
Headcount - Employees	7	12	14	45	12	7	5	8	61	38	14	63	3	46	68	31	110	10	78	84	716.00
Vacancy (FTE)	1.05	0.00	0.00	15.70	0.20	1.00	1.00	0.00	8.20	8.20	0.83	6.40	5.00	11.00	8.00	6.00	26.03	0.00	3.40	2.13	104.14
Vacancy Rate (FTE)	13.1%	0.0%	0.0%	26.2%	1.7%	12.5%	16.7%	0.0%	12.1%	18.1%	5.9%	9.3%	62.5%	19.3%	10.5%	16.2%	19.2%	0.0%	4.2%	2.5%	12.8%
AOC Temporary Employee (909)	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	3.00
*Employment Agency Temporary Worker (FTE)	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	1.0	1.0	1.0	2.0	0.0	1.0	5.0	2.0	0.0	0.0	0.0	0.0	14.00
Contractors (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.5	0.0	0.0	1.0	9.0	0.0	1.0	46.0	0.0	0.0	0.0	57.50
<b>TOTAL WORKFORCE</b> (based on FTE, 909s, Agency Temps & Contractors)	<b>8.95</b>	<b>12.00</b>	<b>14.00</b>	<b>45.30</b>	<b>11.60</b>	<b>7.00</b>	<b>5.00</b>	<b>8.00</b>	<b>60.80</b>	<b>38.70</b>	<b>14.18</b>	<b>64.10</b>	<b>4.00</b>	<b>56.00</b>	<b>73.00</b>	<b>35.00</b>	<b>155.88</b>	<b>10.00</b>	<b>77.60</b>	<b>83.88</b>	<b>784.99</b>

<b>Definitions:</b>	
<b>Authorized Position (FTE)</b>	Authorized positions include all regular ongoing positions approved in the Budget Act for that year. The number is based on the position's approved full time equivalency.
<b>Filled Authorized Position (FTE)</b>	Filled authorized positions are the number of authorized positions filled based on the employee's full time equivalency.
<b>Headcount</b>	The actual count of persons employed by the AOC, regardless of FTE. This number could be more than the FTE count due to part-time employees being counted as "1". It does not include Temporary Employees (909) or Employment Agency Temporary Workers.
<b>Vacancy (FTE)</b>	The number of vacancies is the number of authorized positions minus the number of filled authorized positions.
<b>Vacancy Rate (FTE)</b>	Vacancy Rate is calculated by dividing the number of authorized positions by the number of vacant authorized positions. This number excludes temporary employees ("909" funded employees). See definition of temporary employees below.
<b>AOC Temporary Employees (909)</b>	The 909 category is the State Controller code used to reference a temporary position or temporary employee. A 909 position may not be funded through the Budget Act. It is categorized as a temporary position in the absence of an authorized position. 909 positions may be occupied by regular full-time employees due to the unavailability of an authorized vacant position and may receive benefits if employed at least half-time for more than six months. Types of "909" Employees include: Retired Annuitants: A retiree hired by a former employer or other employer that participates in the same retirement system as the former employer. This includes a former participant in a state retirement system who previously retired and currently receives retirement benefits. Temporary Employees: Employed on a temporary basis - they do not receive full benefits (but do receive Calipers retirement service credit).
<b>Employment Agency Temp. Worker (FTE)</b>	These are workers from an employment agency. They are employees of the employment agency, not the AOC, but provide short-term support for workload.
<b>Contractor (FTE)</b>	Individuals augmenting the work of the AOC and providing services for a limited period of time or on a specific project, where a particular skill set is required that is either (1) not within an existing classification and/or job description or (2) where recruitment issues require the use of a contractor.
<b>Full Time Equivalency (FTE)</b>	Full Time Equivalency is the number of total maximum compensable hours designated in a year divided by actual hours worked in a year. For example, the work year is defined as 2,080 hours; one employee occupying a paid full time job all year would consume one FTE. One employee working for 1,040 hours each would consume .5 FTE.
<b>Time Base</b>	Full time: Employee is scheduled to work 40 hours per week. Receives full benefits. Part time: Employee is scheduled to work less than 40 hours per week. Employees that work more than 20 hours per week receive full benefits. Intermittent: Employees have no established work schedule and work on an as-needed basis that varies from one pay period to the next. Eligibility for certain benefits may be limited for these employees.
<b>Regular Employee</b>	Commonly referred to as "permanent employees" – They receive full benefits.
<b>Limited Term</b>	Limited Term Position – A position funded through the Budget Act with a specific end date and counted as an authorized position. Employee in limited term positions may be regular or temporary.

## New Judgeships and Vacancies Report

Number of Judgeships Authorized, Filled and Vacant as of **May 31, 2014**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	Filled(Last Month)	Vacant(Last Month)
Supreme Court	1	7	6	1	0	6	1
Courts of Appeal	6	105	95	10	0	95	10
Superior Courts	58	1706	1568	88	50*	1572	134
<b>All Courts</b>	<b>65</b>	<b>1818</b>	<b>1669</b>	<b>149</b>		<b>1673</b>	<b>145</b>

\*Authorized January 1, 2008, 50 new (AB 159) judgeships are added, however, funding has not yet been provided. The allocation list has been updated per the Judicial Council action December 13, 2013. (see <http://www.courts.ca.gov/documents/jc-20131213-itemV.pdf>)

### New Vacancies that occurred in May 2014

#### JUDICIAL VACANCIES: SUPREME COURT

	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Supreme Court	1	Retirement	Hon. Joyce L. Kennard	04/05/14
<b>TOTAL VACANCIES</b>	<b>1</b>			

#### JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
First Appellate District, Division One	2	Retirement	Hon. James J. Marciano	03/15/13
First Appellate District, Division Two		Retirement	Hon. James R. Lambden	07/31/13
Second Appellate District, Division One	6	Retirement	Hon. Robert M. Mallano	02/28/14
Second Appellate District, Division Two		Retirement	Hon. Kathryn Doi Todd	01/22/13

Second Appellate District, Division Four		Retirement	Hon. Steven C. Suzukawa	02/28/14
Second Appellate District, Division Five		Retirement	Hon. Orville A. Armstrong	07/31/13
Second Appellate District, Division Six		Retirement	Hon. Paul H. Coffee	01/31/12
Second Appellate District, Division Seven		Retirement	Hon. Frank Y. Jackson	06/30/13
Third Appellate District	1	Elevated	Hon. Tani G. Cantil- Sakaue	01/02/11
Fifth Appellate District	1	Retirement	Hon. Rebecca A. Wiseman	10/31/13
<b>TOTAL VACANCIES</b>	<b>10</b>			

**JUDICIAL VACANCIES: SUPERIOR COURTS**

<b>County</b>	<b>Vacancies</b>	<b>Reason for Vacancy</b>	<b>Judge to be Replaced</b>	<b>Last Day In Office</b>
Alameda	4	Retirement	Hon. Hugh A. Walker	02/18/14
Alameda		Retirement	Hon. Joan S. Cartwright	01/31/14
Alameda		Transferred	Hon. Carrie McIntyre Panetta	09/20/13
Alameda		Retirement	Hon. Marshall Ivan Whitley	06/30/13
Contra Costa	3	Retirement	Hon. David B. Flinn	04/30/14
Contra Costa		Retirement	Hon. Barbara Ann Zúñiga	04/04/14
Contra Costa		Retirement	Hon. William M. Kolin	11/10/13
<b>El Dorado</b>	<b>1</b>	<b>Retirement</b>	<b>Hon. Daniel B. Proud</b>	<b>05/31/14</b>
<b>Fresno</b>	<b>1</b>	<b>Converted</b>	<b>New Position</b>	<b>11/24/13</b>
Kern	3	Retirement	Hon. Louis P. Etcheverry	10/24/13
Kern		Retirement	Hon. Jerold L. Turner	08/01/13
Kern		Retirement	Hon. Jon Edward Stuebbe	06/16/13
Los Angeles	26	Retirement	Hon. Carlos A. Uranga	04/30/14
Los Angeles		Retirement	Hon. Ronald M. Sohigian	04/16/14
Los Angeles		Retirement	Hon. Candace J. Beason	04/15/14
Los Angeles		Retirement	Hon. R. Bruce Minto	03/31/14
Los Angeles		Retirement	Hon. Joseph S. Biderman	03/18/14

Los Angeles		Retirement	Hon. David Sherman Milton	03/15/14
Los Angeles		Retirement	Hon. John Vernon Meigs	03/07/14
Los Angeles		Retirement	Hon. Jessica Perrin Silvers	02/19/14
Los Angeles		Retirement	Hon. Michael C. Solner	02/19/14
Los Angeles		Retirement	Hon. Janice Claire Croft	02/18/14
Los Angeles		Retirement	Hon. Louis M. Meisinger	02/07/14
Los Angeles		Retirement	Hon. Charles W. McCoy, Jr.	08/28/13
Los Angeles		Dis Retirement	Hon. Cynthia Rayvis	08/22/13
Los Angeles		Converted	New Position	08/12/13
Los Angeles		Converted	New Position	08/12/13
Los Angeles		Converted	New Position	08/12/13
Los Angeles		Converted	New Position	08/12/13
Los Angeles		Converted	New Position	08/12/13
Los Angeles		Converted	New Position	08/12/13
Los Angeles		Converted	New Position	08/12/13
Los Angeles		Retirement	Hon. Shari Kreisler Silver	07/31/13
Los Angeles		Retirement	Hon. Lawrence J. Mira	07/24/13
Los Angeles		Retirement	Hon. John H. Reid	06/02/13
Los Angeles		Retirement	Hon. Dewey Lawes Falcone	05/08/13
Los Angeles		To Fed Court	Hon. Beverly Reid O'Connell	05/01/13
Los Angeles		Retirement	Hon. Diana M. Wheatley	04/16/13
Marin	2	Retirement	Hon. Lynn Duryee	02/28/14
Marin		Retirement	Hon. James R. Ritchie	12/31/13
Monterey	1	Retirement	Hon. Susan M. Dauphiné	03/05/14
Orange	11	Retirement	Hon. Ronald P. Kreber	05/05/14
Orange		Retirement	Hon. Luis A. Rodriguez	04/30/14
Orange		Retirement	Hon. Marjorie Laird Carter	03/31/14
Orange		Retirement	Hon. Wendy Lindley	02/19/14
Orange		Retirement	Hon. Nancy Wieben Stock	02/11/14
Orange		Converted	New Position	10/25/13

Orange		Retirement	Hon. John Nho Trong Nguyen	09/25/13
Orange		Converted	New Position	08/12/13
Orange		Retirement	Hon. B. Tam Nomoto Schumann	04/22/13
Orange		Retirement	Hon. Francisco F. Firmat	02/25/13
Orange		Retirement	Hon. Craig E. Robison	01/07/13
Riverside	5	Retirement	Hon. Elisabeth Sichel	05/29/14
Riverside		Retirement	Hon. Sherrill A. Ellsworth	03/01/14
Riverside		Retirement	Hon. Gary B. Tranbarger	01/28/14
Riverside		Retirement	Hon. David B. Downing	04/29/13
Riverside		Retirement	Hon. Jean Pfeiffer Leonard	03/29/13
Sacramento	2	Retirement	Hon. Roland L. Candee	05/15/13
Sacramento		To Fed Court	Hon. Troy L. Nunley	03/25/13
San Bernardino	3	Retirement	Hon. Larry W. Allen	11/30/13
San Bernardino		Retirement	Hon. Shahla S. Sabet	11/29/13
San Bernardino		Retirement	Hon. John B. Gibson	09/19/13
San Diego	8	To Fed Court	Hon. Cynthia A. Bashant	05/07/14
San Diego		Retirement	Hon. Susan D. Huguenor	03/12/14
San Diego		Retirement	Hon. Allan J. Preckel	03/08/14
San Diego		Converted	New Position	02/07/14
San Diego		Retirement	Hon. Richard E. Mills	10/28/13
San Diego		Retirement	Hon. William H. McAdam, Jr.	09/30/13
San Diego		Retirement	Hon. John S. Einhorn	08/31/13
San Diego		Retirement	Hon. Richard G. Cline	08/19/13
San Francisco	2	Retirement	Hon. Patrick J. Mahoney	02/28/13
San Francisco		Retirement	Hon. Katherine A. Feinstein	02/01/13
San Joaquin	1	Retirement	Hon. Terrence R. Van Oss	02/28/14
San Mateo	1	Retirement	Hon. Beth Labson Freeman	02/25/14
Santa Barbara	1	Retirement	Hon. George C. Eskin	10/15/13
Santa Clara	8	Retirement	Hon. Kevin E. McKenney	04/30/14
Santa Clara		Retirement	Hon. James P. Kleinberg	04/15/14

Santa Clara		Retirement	Hon. Rene Navarro	03/31/14
Santa Clara		Retirement	Hon. Thomas W. Cain	12/02/13
Santa Clara		Retirement	Hon. Andrea Y. Bryan	12/01/13
Santa Clara		Retirement	Hon. Diane Northway	03/16/13
Santa Clara		Retirement	Hon. Jerome S. Nadler	01/18/13
Santa Clara		Retirement	Hon. Joyce Allegro	01/03/13
Stanislaus	1	Retirement	Hon. Susan D. Siefkin	11/30/13
Trinity	1	Retirement	Hon. James P. Woodward	01/05/13
Tulare	2	Retirement	Hon. Joseph A. Kalashian	03/13/14
Tulare		Dis Retirement	Hon. Elisabeth B. Krant	12/06/13
Ventura	1	Retirement	Hon. Barbara A. Lane	11/30/13
<b>SUBTOTAL:</b>	<b>88</b>			

Authorized January 1, 2008, 50 new (AB 159) judgeships for which funding has not yet been provided. The allocation list has been updated per the Judicial Council action December 13, 2013. (see <http://www.courts.ca.gov/documents/jc-20131213-itemV.pdf>)

Fresno	2	(AB 159)*	New Positions	1/1/2008
Humboldt	1	(AB 159)*	New Position	1/1/2008
Imperial	1	(AB 159)*	New Position	1/1/2008
Kern	3	(AB 159)*	New Positions	1/1/2008
Kings	1	(AB 159)*	New Position	1/1/2008
Los Angeles	2	(AB 159)*	New Positions	1/1/2008
Merced	2	(AB 159)*	New Positions	1/1/2008
Orange	2	(AB 159)*	New Positions	1/1/2008
Placer	2	(AB 159)*	New Positions	1/1/2008
Riverside	9	(AB 159)*	New Positions	1/1/2008
Sacramento	3	(AB 159)*	New Positions	1/1/2008
San Bernardino	9	(AB 159)*	New Positions	1/1/2008
San Joaquin	3	(AB 159)*	New Positions	1/1/2008
Shasta	1	(AB 159)*	New Position	1/1/2008
Solano	1	(AB 159)*	New Position	1/1/2008
Sonoma	1	(AB 159)*	New Position	1/1/2008
Stanislaus	3	(AB 159)*	New Positions	1/1/2008
Sutter	1	(AB 159)*	New Positions	1/1/2008
Tulare	1	(AB 159)*	New Position	1/1/2008
Ventura	2	(AB 159)*	New Positions	1/1/2008
<b>TOTAL VACANCIES:</b>	<b>138</b>			

**Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month: From May 2012 through May 2014 (two years)\***

Month	Superior Courts				Courts of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Apr-12	1,680	1,554	126	7.5%	105	99	6	5.7%
May-12	1,680	1,568	112	6.7%	105	98	7	6.7%
Jun-12	1,682	1,566	116	6.9%	105	100	5	4.8%
Jul-12	1,682	1,560	122	7.3%	105	100	5	4.8%
Aug-12	1,684	1,561	123	7.3%	105	100	5	4.8%
Sep-12	1,685	1,554	131	7.8%	105	100	5	4.8%
Oct-12	1,686	1,553	133	7.9%	105	100	5	4.8%
Nov-12	1,687	1,565	122	7.2%	105	100	5	4.8%
Dec-12	1,693	1,583	110	6.5%	105	103	2	1.9%
Jan-13	1,694	1,590	107	6.3%	105	102	3	2.9%
Feb-13	1,695	1,581	114	6.7%	105	102	3	2.9%
Mar-13	1,695	1,574	125	7.4%	105	101	4	3.8%
Apr-13	1,695	1,567	128	7.6%	105	101	4	3.8%
May-13	1,695	1,576	119	7.0%	105	101	4	3.8%
Jun-13	1,695	1,571	124	7.3%	105	100	5	4.8%
Jul-13	1,695	1,579	116	6.8%	105	98	7	6.7%
Aug-13	1,703	1,582	121	7.1%	105	98	7	6.7%
Sep-13	1,703	1,579	124	7.3%	105	98	7	6.7%
Oct-13	1,704	1,575	129	7.6%	105	97	8	7.6%
Nov-13	1,705	1,570	135	7.9%	105	97	8	7.6%
Dec-13	1,705	1,601	104	6.1%	105	97	8	7.6%
Jan-14	1,705	1,601	104	6.1%	105	97	8	7.6%
Feb-14	1,706	1,591	115	6.7%	105	95	10	9.5%
Mar-14	1,706	1,580	126	7.4%	105	95	10	9.5%
Apr-14	1,706	1,572	134	7.9%	105	95	10	9.5%
May-14	1,706	1,568	138	8.1%	105	95	10	9.5%

\* As of May 31, 2014

**Authorized Judgeships and Vacancies in the Superior Courts**

