

JUDICIAL COUNCIL GOVERNANCE POLICIES JUNE 2008

I. Governance Process

A. The Judicial Council

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5. Role of Council Members

Council members communicate as representatives of the Judicial Council with the public, the courts, judicial officers, Judicial Council advisory bodies, other government entities, and justice system partners. They communicate knowledgeably about the council's processes, purposes, responsibilities, and issues and reasons for policy decisions, including those policy decisions where there is disagreement.

B. Council Internal Committees

1. Executive and Planning Committee

The Executive and Planning Committee has the following functions and makes regular reports to the full council on its actions:

j. Promoting effective policies for communications between the Judicial Council and the judicial branch of government. The Executive and Planning Committee, together with the chairs of the other internal committees, is responsible for developing and implementing a branchwide plan for general communications between the council and the judicial branch. This responsibility may address such matters as reporting through judicial branch communication channels to the courts and branch stakeholders on Judicial Council meetings and policy actions; communications with the media; communications through Judicial Council members' participation in court site visits, regional meetings, and new judge meetings; and communications from the judicial branch to the Judicial Council through meetings, advisory bodies, public comment processes, and other communication methods.

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2. Policy Coordination and Liaison Committee

The Policy Coordination and Liaison Committee has the following functions and makes regular reports to the full council on its actions:

c. Acting as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas.

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3. Rules and Projects Committee

The Rules and Projects Committee has the following functions and makes regular reports to the full council on its actions:

- a. Establishing and maintaining a rule-making process that is understandable and accessible to the legal-judicial community and the public. The Rules and Projects Committee:

II. Council-Staff Relationship

A. Unity of Control

4. The Administrative Director is responsible for staff performance and has sole authority to assign, supervise, and direct staff. The Administrative Director is responsible for ensuring the completeness and quality of reports and other work product presented to the council. Council members may from time to time request information or assistance from staff, unless in the Director's opinion such requests require an unreasonable amount of staff time or become disruptive. Council members and advisory body members may individually provide information to the Administrative Director on the performance of staff and the Administrative Office of the Courts.

CALIFORNIA RULES OF COURT

Rule 10.2. Judicial Council membership and terms

(c) Role of members

(3) Council members communicate as representatives of the Judicial Council with the public, the courts, judicial officers, Judicial Council advisory bodies, other government entities, and justice system partners. They communicate about the council's processes, purposes, responsibilities, and issues and reasons for policy decisions, including those policy decisions where there is disagreement.

Rule 10.5. Notice and agenda of council meetings

(c) Notice of business meetings

"Business meetings" are council meetings at which a majority of voting members are present to discuss and decide matters within the council's jurisdiction. The Administrative Office of the Courts must give public notice of the date, location, and agenda of each business meeting at least seven days before the meeting. The notice must state whether the meeting is open or closed. If the meeting is partly closed, the notice must indicate which agenda items are closed. A meeting may be conducted without notice in case of an emergency requiring prompt action.

(e) Form of notice

The notice and agenda for council meetings must be posted at the Administrative Office of the Courts and on the California Courts Web site (www.courtinfo.ca.gov). In addition, the notice and agenda for budget meetings must be provided to designated employee representatives who have submitted a written request to the Administrative Office of the Courts (attention Secretariat).

Rule 10.603. Authority and duties of presiding judge

(c) Duties

(8) *Liaison*

(B) Meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, or community to review problems and to promote understanding of the administration of justice, when appropriate; and

Rule 10.610. Duties of court executive officer

(c) Duties

(10) *Public relations*

Provide a clearinghouse for news releases and other publications for the media and public.

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1.0 Overview

The continuing evolution of the state judicial branch requires clear, consistent, and coordinated communications. This document proposes a framework to facilitate the multidirectional flow of information and increase opportunities for dialogue within the branch. It builds on recent successes in branch communications and establishes new channels to meet changing needs.

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1.1 Background: Challenges and Opportunities

Court leaders identified communications as a priority at the California Judicial Administration Conference (CJAC) in February 2003. A workgroup of presiding judges, court executives, and AOC executives soon began work on the development of a branchwide communications plan

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2.1 To consolidate and summarize communications:

- Establish *Court News Update* (weekly e-mail briefing from the AOC to court leaders) as the preferred channel for AOC-to-courts communication;

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Proposed Solutions

2.6 To engage in branchwide discussions:

- Encourage greater use of branchwide media (as readers and viewers but also as sources and contributors) among court leaders.

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Proposed Solutions

2.7 To establish channels to link courts statewide:

- Establish multiple listservs and corresponding shared online resource centers for communities of practice (finance, human resources, technology, etc.);

2.9 To increase participation in branchwide discussions:

- Encourage greater use of branchwide media (as readers and viewers but also as sources and contributors) among court staff.

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3.3 Proposed channels

Modifications and enhancement to channels include:

e. Timely, targeted publications:

- Expand distribution of *Court News Update* to court administrators and communities of practice.

g. **Consolidate news:** Consolidate news clipping services emanating from the AOC.

JUDICIAL COUNCIL STRATEGIC AND OPERATIONAL PLANS

The Strategic Plan for California's Judicial Branch

STRATEGIC GOALS AND POLICY DIRECTIONS

GOAL II: INDEPENDENCE AND ACCOUNTABILITY

B. Branch Independence and Accountability

5. Establish improved branchwide instruments for reporting to the public and other branches of government on the judicial branch's use of public resources.

7. Promote a basic understanding of the courts, the judicial branch, and issues of branchwide concern to other government branches and representatives, legal and educational communities, community groups, and the general public.

GOAL III: MODERNIZATION OF MANAGEMENT AND ADMINISTRATION

A. Trial and Appellate Court Management

2. Ensure that data collected by the judicial branch are complete, accurate, and current and provide a sound basis for policy decisions, resource allocations, and reports to other branches of government, law and justice system partners, and the public.

The Operational Plan for California's Judicial Branch

GOAL II: INDEPENDENCE AND ACCOUNTABILITY

Operational Objectives for 2008–2011 Desired Outcomes

Part B: Branch Independence and Accountability

Objective 3. Improve communication within the judicial branch, with other branches of government, with members of the bar, and with the public to achieve better understanding of statewide issues that impact the delivery of justice.

a. Communications by judicial branch leaders (including speeches, news releases, Web site content, legal opinions, position papers) about issues of importance to the judicial branch and made readily available to appropriate judicial branch personnel, parties within other branches of government, and the public

b. Communications to the courts, the public, and the press consistent with the branchwide strategic priorities

GOAL III: MODERNIZATION OF MANAGEMENT AND ADMINISTRATION

Operational Objectives for 2008–2011 Desired Outcomes

Part A: Trial and Appellate Court Management

Objective 2. Evaluate and improve management techniques, allocation of funds, internal operations, and services; support the sharing of effective management practices branchwide.

f. Effective branchwide communication to improve operations and service delivery

AOC POLICIES

Policy Number:	2.12
Title:	Using Copyrighted Materials
Contact:	Office of Communications, Executive Office Programs Division
Policy Statement:	Administrative Office of the Courts staff will preserve the intellectual property rights of others.
Contents:	<ol style="list-style-type: none">1. 1.0 General Information2. 2.0 Using Copyrighted Materials<ol style="list-style-type: none">1. 2.1. Obtaining Permission2. 2.2. Applying the Fair Use Doctrine3. 2.3. Notice Concerning Copyright Restrictions3. 3.0 Forms and References

- **1.0 General Information**

Federal copyright law gives the author of a copyrighted work certain valuable property rights, including the rights to copy, distribute, perform and publicly display the work and the right to create derivative works. To balance the rights of the author against the public's need to know and be informed, the Copyright Act gives the public the right to make limited use of a copyrighted work without permission of the copyright holder, provided that the use is deemed a fair use.

The Administrative Office of the Courts (AOC) recognizes the complexity of copyright law and the subjective nature of decisions involving the use of copyrighted materials. This policy outlines minimum standards for the use of copyrighted materials. For additional information regarding the use of copyrighted materials, please contact the Office of the General Counsel.

- **2.0 Using Copyrighted Materials**

The right to use copyrighted materials may be secured by obtaining the copyright owner's permission or using the materials in a manner permitted under the fair use doctrine. AOC libraries and archives that are open or available to the public or researchers, or are participating in interlibrary loan programs, are provided certain additional rights in the use of copyrighted materials.

- **2.1. Obtaining Permission**

A request for permission to use copyrighted materials should be made in writing to the copyright owner. Requests should include:

- Title, author and/or editor, date, and edition of material to be duplicated;
- Exact material to be used, specifying word count, page numbers, and chapters; if possible, a photocopy of the material;
- Number of copies to be made;
- Use to be made of duplicated materials;
- Manner of distribution (such as Web site, newsletter, or journal article); and
- Type of reprint (such as photocopy, offset printing, or typescript).

Written permission to use copyrighted materials should be kept on file with the Office of Communications. Please remember that the permission process can take a long time. Be sure to build this time in to your project plan.

- **2.2. Applying the Fair Use Doctrine**

AOC staff must consider the following four factors in determining whether or not using materials without the copyright holder's permission is permissible as a fair use of those materials:

- The purpose and character of the use. (Is it a commercial use or a nonprofit educational use?)
- The type of work being copied. (Is it a factual, educational work or a work of fiction?)
- The amount and substantiality of the portion used in relation to the whole. (As a general rule, the greater the proportion copied, the less likely it is that the copying constitutes a fair use.)
- The effect the use will have on the market or the value of the work.

Whether or not a specific activity is deemed permissible under the fair use doctrine depends on the facts and circumstances of the usage. To minimize the risk of infringing a copyright holder's rights, use the following guidelines:

- Use only the amount of material absolutely necessary to make your point;

- Do not use any work in its entirety, but ensure that the proportion of the work that you use does not "substitute for, or diminish the value of, the copyright owner's" work;
 - Consider whether the use to which you are putting the material would financially harm the author, particularly if it were widespread;
 - Use reasonable judgment when deciding whether the use is a valuable element in making the educational or instructional point; and
 - Provide a "credit line" that acknowledges the source and the copyright owner.
- **2.3. Notice Concerning Copyright Restrictions**

AOC libraries and archives should display the following notice prominently in the immediate vicinity of any devices that can produce copies of copyrighted works, including photocopiers, mimeograph machines, videocassette recorders, computers (with disk-copying capabilities), and audiotape machines (with reproduction capabilities):

NOTICE: WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material.

- **3.0 Forms and References**

Guidance on the Fair Use Doctrine

Permission Request

Policy Number:	2.7
Title:	News Media Inquiries
Contact:	AOC Office of Communications, Judicial Council and Court Leadership Services Division
Policy Statement:	The Office of Communications will coordinate incoming news media calls to ensure that information given to the news media is timely and accurate.
Contents:	<ol style="list-style-type: none"> 1. 1.0 Directing News Media Inquiries 2. 2.0 Responding to Requests for Technical Information

- **1.0 Directing News Media Inquiries**

The goal of the Administrative Office of the Courts (AOC) is to ensure that news media representatives are treated fairly and impartially and that uniform, consistent, and accurate information is distributed to the media.

The AOC Office of Communications (OC) will serve as the primary point of contact for news media inquiries relating to the Chief Justice, the Judicial Council of California, the Supreme Court of California, and the California Courts of Appeal.

The OC will also serve as the primary point of contact for news media inquiries relating to AOC programs and projects, as well as partnership projects involving the Superior Courts of California.

The Manager of the OC may select other spokespersons as appropriate. The Administrative Director of the Courts may designate other spokespersons to be responsible for keeping the Manager of the OC informed.

AOC staff may not speak with news media representatives on behalf of the Judicial Council and AOC without OC approval. If a media call comes directly to staff, staff should tell the media representative that all news media calls are handled through the OC. To ensure accuracy and uniformity of information given to the news media, directors, managers, and designated staff who speak directly with media representatives will do so in collaboration with the OC and will keep it informed of all their discussions with the news media.

In the event the Manager of the OC is unavailable to take a media call, the supervising communications specialist or communications specialists of the Office of Communications are designated backup staff for the Manager of the OC. Every attempt will be made to ensure that at least one of these staff members is available at all times to answer news media calls.

- **2.0 Responding to Requests for Technical Information**

The OC may contact staff for technical information needed to respond to news media inquiries. Press deadlines require a high level of responsiveness. To ensure that the goals of the judicial branch are met, staff will make best efforts to respond to the OC's requests for technical information within 24 hours or sooner if a news media deadline requires an immediate response. If a response within that time frame is not possible, then staff and the OC will work on a mutually agreeable time frame.

If requested technical information is not available, staff will inform the OC of this fact and discuss what, if any, information is reasonably available.

GUIDELINES FOR THE COMMISSION ON JUDICIAL APPOINTMENTS

Guideline 4. Pre-hearing procedures

(a)[Scheduling, notice, and location of public hearing] The chairperson shall schedule the confirmation hearing within a reasonable time after the nomination and shall issue a press release announcing the time, place, and subject of the hearing.

Guideline 5. Hearing procedures

(f) [Public attendance and broadcasting] The hearing shall be open to the public and to the media. Any request to broadcast, photograph, or record the hearing requires the approval of the chairperson, upon written application received no later than 5:00 p.m. on the second court day before the hearing. The request, as well as the broadcasting, photographing, and recording, shall comply with the provisions of California Rules of Court, rules 1.150 and 2.954, where applicable.

(g) [Announcement of decision] The commission may deliberate privately, but shall announce its decision publicly at the hearing, as well as by subsequent news release. If necessary, the hearing may be continued to a future date for further proceedings.

Guideline 8. Publication and distribution of these guidelines

(a) [Official guidelines] These guidelines for the Commission on Judicial Appointments shall be published by the Reporter of Decisions in the advance pamphlets of the California Official Reports and shall be made available on the judicial branch's Web site (at www.courtinfo.ca.gov/reference/documents/guidelinescja.pdf) or by calling the Public Information Office of the Administrative Office of the Courts at (415) 865-7740.

(b) [News release] Information regarding access to these guidelines shall accompany each news release announcing a commission hearing.