

JUDICIAL COUNCIL OF CALIFORNIA
Meeting Minutes—August 21–22, 2014
Ronald M. George State Office Complex
William C. Vickrey Judicial Council Conference Center
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688

THURSDAY, AUGUST 21, 2014
NON-BUSINESS MEETING—CLOSED MEETING AND
PRIVILEGED ATTORNEY–CLIENT DISCUSSIONS
(RULE 10.6(A) AND RULE 10.6(B))

The meeting was called to order at 11:00 a.m. and was adjourned at 12:00 p.m.

THURSDAY, AUGUST 21, 2014
BUSINESS MEETING—OPEN MEETING
(RULE 10.6(A))

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Supreme Court Justice Marvin R. Baxter; Court of Appeal Justices Judith Ashmann-Gerst, Harry E. Hull, Jr., and (by phone) Douglas P. Miller; Judges Stephen H. Baker, James R. Brandlin, David De Alba, Emilie H. Elias, Teri L. Jackson, Gary Nadler, Mary Ann O’Malley, David Rosenberg, David M. Rubin, and Dean T. Stout; Mr. Mark G. Bonino, Ms. Angela J. Davis, and Mr. Mark P. Robinson, Jr.; **advisory members present:** Judges Robert A. Glusman, James E. Herman, Morris D. Jacobson, Brian L. McCabe, Kenneth K. So, Charles D. Wachob, and Brian C. Walsh; Commissioner Sue Alexander; Court Executive Officers Mary Beth Todd and David H. Yamasaki; **secretary to the council:** Judge Steven Jahr, Administrative Director.

Members absent: State Senator Noreen Evans; Assembly Member Richard Bloom; Supreme Court Clerk Frank A. McGuire; Mr. James P. Fox.

Incoming members present: Presiding Judges Marla O. Anderson and Brian John Back; Judge Daniel J. Buckley; Commissioner David E. Gunn; Court Executive Officer Richard D. Feldstein; Ms. Donna D. Melby.

Incoming members absent: Presiding Judge Marsha G. Slough.

Speakers present: Hon. Judith D. McConnell, Administrative Presiding Justice, Court of Appeal, Fourth Appellate District; Hon. Laurie D. Zelon, Associate Justice, Court of Appeal, Second

Appellate District, Division Seven; Hon. Joseph L. Dunn, Executive Director, State Bar of California; Mr. Michael Cohen, Director, California Department of Finance; Mr. David W. Gordon, Sacramento County Superintendent of Schools; Mr. Jake Chatters, Court Executive Officer, Superior Court of California, County of Placer; Mr. Brian Cotta, Chief Information Officer/Director of Technology, Superior Court of California, County of Fresno; Mr. Robert Oyung, Chief Information Officer, Superior Court of California, County of Santa Clara.

Others present: Hon. Lesley D. Holland, Presiding Judge, Superior Court of California, County of San Joaquin; Hon. Kevin R. Culhane, Assistant Presiding Judge, Superior Court of California, County of Sacramento; Hon. Lloyd Connelly (Ret.), Superior Court of California, County of Sacramento; Hon. John Huerta, Jr., Mayor, City of Greenfield; **members of the public:** Ms. Mary Lou Aranguren, Ms. Susan Cresto Baker, Mr. Chris Ferguson, Ms. Mary Flynn, Ms. Anabelle Garay, Ms. Karen Jahr, and Ms. Brenda Murphy; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*.

Call to Order

Chief Justice Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 1:00 p.m. in the Malcolm M. Lucas Board Room of the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

The Chief Justice recognized and expressed her gratitude to the following outgoing members for their service on the Judicial Council:

- Judge O'Malley for her five years of service;
- Judges Baker and Jackson for their four years of service;
- Commissioner Alexander, Ms. Davis, Mr. Robinson, and Mr. Yamasaki for their three years of service; and
- Presiding Judge Walsh and Judge Glusman for their year of service.

The Chief Justice presented each of the outgoing members with a copy of the Federalist Papers. She thanked them for their active participation, attention to detail, innovative ideas, goodwill, humor, tenacity, and vision toward the cause of justice for a better California. She added that their contributions have improved the administration of justice and enhanced access to justice for all Californians.

Approval of Meeting Minutes

The Judicial Council approved the minutes of the Judicial Council meetings on July 2 and July 29.

Chief Justice's Report

The Chief Justice presented her report summarizing her engagements and ongoing outreach activities since the July 29 council meeting. She began by reporting on four major engagements since the July council meeting, which she grouped into two broad categories: (1) outward public

engagement and (2) internal branch engagement. She indicated that they reflect two of her key roles as Chief Justice of California and head of the judicial branch. The Chief Justice noted that the engagements represent the responsibility of her office to act as a convener on issues impacting not only the courts, but the communities they serve.

The Chief Justice reported that the Fifth Annual Safe Schools Conference, which was held in Garden Grove, brought together 600 K–12 school leaders, educators, law enforcement officials, and district attorneys to discuss the link between school safety, learning, attendance, and higher test scores. She noted that the goals of the conference were very much in line with the judicial branch’s Keeping Kids in School and Out of Court Initiative. The Chief Justice explained that suspensions, expulsions, truancy, and chronic absenteeism are linked to academic failure, but they are also a path to the juvenile system, and, possibly, the criminal justice system, for many school kids. She noted that rates of suspension are highly disproportionate for students of color, particularly African American and Native American students. The Chief Justice participated in a question-and-answer session on her personal experiences, her interest in keeping kids in school through civic engagement, and her commitment to civic learning.

The Chief Justice reported that civic learning was the key theme in Sacramento when the California Task Force on K–12 Civic Learning presented State Superintendent of Public Instruction Tom Torlakson and her with its final report. The Chief Justice praised the extraordinary effort by the task force and all those involved for the amount of work they accomplished in such a short time frame. The Chief Justice reported that the event was attended by a number of state legislators, including Senators Hannah-Beth Jackson and Mark Wyland, and Assembly Members Roger Dickinson and Jimmy Gomez. Students, teachers, and school administrators from throughout California also attended, as well as representatives from the California State Board of Education; Public Policy Institute of California; California State University, San Marcos; California School Boards Association; and the Mexican American Legal Defense and Educational Fund. Members of the media were also in attendance. She noted a presentation of the final report by Administrative Presiding Justice Judith McConnell and Superintendent David Gordon, Cochairs, Power of Democracy Steering Committee, and Executive Director Joseph L. Dunn of the State Bar of California, Member, Power of Democracy Steering Committee, appearing as Item 2 on the discussion agenda for this meeting.

The Chief Justice reported that she addressed the council’s Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) at their statewide business meeting in Rancho Cordova.

The Chief Justice reported that 72 new judges and commissioners, including newly confirmed Associate Justice Therese M. Stewart, Court of Appeal, First Appellate District, Division Two, and a number of council members participated in the B. E. Witkin Judicial College in San Jose. She indicated that this was an opportunity for the participants to review branch accomplishments and the need to support physical, remote, and equal access to justice, including language access. She added that the college also was also an opportunity to ask for volunteers from the ranks of

new judges and commissioners to be the future members of the council's internal and advisory committees, task forces, and working groups, as well as the council.

The Chief Justice concluded her report by recognizing Judge Steven Jahr on his retirement from the judicial branch at the end of September after serving two years as Administrative Director. Before joining the staff of the Judicial Council, Judge Jahr served 22 years as a judge in Shasta County. After the council members praised and thanked Judge Jahr for his service, the Chief Justice presented him with a resolution of commendation of behalf of the Judicial Council.

Administrative Director's Report

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

Judge Jahr began his supplemental report by highlighting the *Court Statistics Report*, which is published annually and was released earlier in the month addressing fiscal year (FY) 2012–2013. The report provides a statewide caseload data summary and a 10-year data trend on a wide range of court business in the Supreme Court, Courts of Appeal, and superior courts. Judge Jahr reported that the Office of Court Research is in the process of preparing individual management reports for each court with tailored 10-year trend data and other caseload management data for their consideration.

Judge Jahr reported that the statewide report showed a continued downward trend in case filings, \$7.7 million in FY 2012–2013, representing a 9.7 percent decrease from the previous year, much of the decline occurring in misdemeanors, infractions, small claims, and civil cases under \$25,000. He noted that Justice Miller's statement in the council's news release announcing the report appropriately identified this trend as worrisome because it coincides with the significant increase in court filing fees enacted by the Legislature in recent years to offset the considerable reductions in General Fund support for court operations. Unfortunately this decrease also coincides with closures of courtrooms and the ongoing reduction of service hours in courthouses. Judge Jahr indicated that the data reinforces the concerns about increased difficulties for the public in accessing the courts and exercising their rights, and it provides solid information supporting the Chief Justice's ongoing quest for reinvestment in the judicial branch.

Judge Jahr reported that he had completed his visits to all 58 superior courts. The purpose of the visits, as with the Judicial Council liaison visits, was to gain a three-dimensional understanding of the challenges facing each court. Judge Jahr stated that, during his visits, he observed that, in terms of challenges, very little separates the courts. In terms of problem solving, he confirmed that innovative solutions are being routinely developed and implemented in the superior courts, which makes perfect sense because it is in the courts where cause and effect both reside. Judge Jahr indicated that some innovations give rise to permanent statewide reforms while others are more the application of "baling wire" and "bandages" to resolve immediate crises. Judge Jahr

expressed the belief that his visits, along with the Judicial Council liaison visits and in conjunction with the work of the task force chaired by Presiding Judge Walsh, increase the process of cross-pollination of these ideas and innovations within the courts to maximize the benefit to the Californians that the courts serve.

Judge Jahr indicated that the most striking opportunity for reform in the advancement of every aspect of superior court service to the public, specifically, in the quality of justice and access to justice, is in an area where, at present, a considerable disparity from jurisdiction to jurisdiction exists: the transition to a digital, paperless environment. Judge Jahr expressed that the observable benefits in the courts where this transition has begun—from bench officers, to court staff, to counsel, to self-represented litigants, and to the public—are almost indescribable in their significance. Judge Jahr reported that during his visit to the Superior Court of Napa County, he was walked into the criminal felony calendar department just as it was concluding, and he observed that instead of being surrounded by the stacks of paper that would normally be on the judge’s bench, on the clerk’s table, and on pushcarts, the department was paper-free. He was shown the electronic display where the judge was able to look at every sheet of paper filed, all of which were scanned to produce electronic documents. It was explained to him that, at the conclusion of the calendar for that day, the clerks were done with both entering their minutes and calendaring all future events. Judge Jahr described the transformation as remarkable and a huge timesaver.

Judge Jahr noted that one of the challenges in the family law department is the timeliness of providing permanent custody and visitation orders involving minor children, which, by law, involves a multipart process, including referral to mediation followed by a return from mediation, and that an enormous time gap is now growing in most jurisdictions. One of the biggest problems is that the law requires participants to go through a mediation orientation session, which is problematic for those who, for example, have issues relating to work and travel. Additionally, court staff are routinely devoted to providing these orientation sessions. Judge Jahr reported that, in the Superior Court of Napa County, and also in other superior courts that he visited, the orientation process has been converted to something that takes place through the court’s website to allow members of the public to access their orientation sessions at their convenience—with only the actual mediation session needing to be scheduled. Judge Jahr described the conversion of the process as another example of how time and money are saved. He added that the Napa court does continue to have provisions for in-person mediation orientation sessions; however, it was reported to him that almost all orientation sessions were taking place through the website.

Judge Jahr reported that his court visits have presented an opportunity for him to connect with the leadership of all the superior courts and have enabled him to observe that the courts, even with all the challenges that they face, continue to be dedicated to serving the public. He added that court leadership expressed appreciation for the work and assistance provided to them by Judicial Council staff, which was usually characterized not by office, but by the specific staff who provided the assistance.

Judge Jahr concluded his report by acknowledging Ms. Bobbie Welling, supervising attorney with the Center for Families, Children & the Courts, who will be retiring after 33 years of service to the Judicial Council. He noted that Ms. Welling is currently the longest-serving member of the Judicial Council staff. On behalf of the council, Judge Jahr praised and thanked Ms. Welling for contributions to the council, the judicial branch, and to the people of California.

Discussion Agenda (Items 1–5)

Item 1 Department of Finance: Presentation on the State Budget

The Chief Justice acknowledged the positive working relationship and knowledge-sharing processes that have been developed between the Judicial Council and the Department of Finance in recent years. She reported that a significant amount of time and effort have been invested in building the relationship, resulting in better understanding by the judicial branch of the state budget process and, in turn, a better understanding, she believes, by the executive branch of how the judicial branch does business. The Chief Justice introduced Mr. Michael Cohen, Director, California Department of Finance, and thanked him for making a presentation to the council at this meeting to continue the process of cooperation, collaboration, information exchange, and knowledge sharing. Mr. Cohen then provided an outlook on the State Budget for fiscal year 2014–2015.

No council action

Item 2 Civic Education: Final Report of the California Task Force on K–12 Civic Learning and the *Fair and Free* Video

The Chief Justice established the Power of Democracy Steering Committee to promote access and fairness to the courts by increasing public understanding of the judicial branch and its role in our democracy. The Power of Democracy Steering Committee presented two related grant-funded products: (1) the final report of the California Task Force on K–12 Civic Learning, which was established by the Chief Justice and State Superintendent of Public Instruction to develop recommendations for elevating the status of civic learning in our public schools, and (2) *Fair and Free*, a video narrated by U.S. Supreme Court Justice Sandra Day O’Connor, which was produced by the National Association of Women Judges’ Informed Voter Project.

No council action

Item 3 Sargent Shriver Civil Counsel Act: Selection of Pilot Projects

The Sargent Shriver Civil Counsel Act Implementation Committee recommended that the Judicial Council award \$7,738,000 in grants to qualified legal service organizations and court

partners for pilot projects to provide legal representation and improved court procedures for eligible low-income litigants in civil cases affecting basic human needs.

Council action

The Judicial Council, effective October 1, 2014:

1. Approved Sargent Shriver Civil Counsel Act grants in an amount of \$7,738,000 (subject to the availability of funding) for distribution to the legal service agencies and superior courts below for pilot projects to provide legal representation and improved court services to eligible low-income litigants. If designated fee revenues are higher than projected, or if there are any encumbered and unspent funds from previous years, the project budgets are to be increased proportionately.

- **Bar Association of San Francisco**
Voluntary Legal Services Program
Superior Court of San Francisco County
 Child Custody Pilot Project\$394,364

- **Greater Bakersfield Legal Assistance**
Superior Court of Kern County
 Housing Pilot Project.....\$536,282

- **Legal Aid Society of San Diego**
San Diego Voluntary Legal Services Program
Superior Court of San Diego County
 Housing and Child Custody Pilot Project.....\$2,359,265

- **Legal Aid Society of Santa Barbara County**
Superior Court of Santa Barbara County
 Northern Santa Barbara County Housing and Probate
 Guardianship/Conservatorship Pilot Project\$761,714

- **Legal Services of Northern California**
Superior Court of Yolo County
 Housing Pilot Project.....\$302,385

- **Los Angeles Center for Law and Justice**
Superior Court of Los Angeles County
 Child Custody/Domestic Violence Project.....\$843,419

- **Neighborhood Legal Services of Los Angeles County**
Superior Court of Los Angeles County
 Housing Pilot Project.....\$2,540,571

2. Given that no program received the entire amount it requested, authorized the Sargent Shriver Civil Counsel Act Implementation Committee to request revised budgets and project plans from the projects.

Item 4 Judicial Branch Administration: Court Technology Governance and Strategic Plans

The Judicial Council Technology Committee (JCTC) recommended that the Judicial Council adopt the Court Technology Governance and Strategic Plan. The document outlines a new judicial branch technology governance and funding model, a strategic plan, and a tactical plan, all of which would provide a comprehensive and cohesive technology strategy with clear, measurable goals and objectives at the branch level.

Council action

The Judicial Council, with the understanding that JCTC will return to the Judicial Council at its October 2014 business meeting with updates to the Court Technology Governance and Strategic Plan addressing language access, effective September 1, 2014:

1. Adopted the Technology Governance and Funding Model;
2. Adopted the Strategic Plan for Technology;
3. Adopted the Tactical Plan for Technology; and
4. Directed Judicial Council staff to prepare any amendments to rules 10.16 and 10.53(a) and (b) of the California Rules of Court that may be necessary to implement the model and plans and to present those amendments for council action at a future date.

Item 5 Judicial Council Distinguished Service Awards and the Benjamin Aranda III Access to Justice Award: Recipients for 2014

The Judicial Council honored the recipients of the annual Distinguished Service Awards for significant and positive contributions to court administration in California. The council approved the recipients at its July 29, 2014, meeting. The Bernard E. Witkin Amicus Curiae Award honors individuals other than members of the judiciary for their outstanding contributions to the courts of California. The Richard D. Huffman Justice for Children and Families Award honors individuals for significant contributions to advancing justice for children and families in California. The Excellence in Judicial Education Award honors individuals or entities for their exceptional contributions to teaching and judicial education in California. The William C. Vickrey Leadership in Judicial Administration Award honors individuals in judicial administration for significant statewide contributions to and leadership in their profession. The Stanley Mosk Defender of Justice Award honors individuals or entities from federal, state, and

local government for significant contributions to advancing equal access to fair and consistent justice in California. The Ronald M. George Award for Judicial Excellence honors members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice statewide. In addition, the awards presentation included recognition of the recipient of the Benjamin Aranda III Access to Justice Award, conferred by the State Bar of California, Judicial Council, and California Judges Association, which honors members of the judiciary who have demonstrated a long-term commitment to improving equal access to our courts and have done significant work in improving access to our courts for low and moderate income Californians.

Recipients

- *2014 Bernard E. Witkin Amicus Curiae Award*
Mr. Ralph J. Shapiro, Attorney at Law, Shapiro Family Trust Foundation
- *2014 Richard D. Huffman Justice for Children and Families Award*
Hon. Michael Nash, Judge, Superior Court of California, County of Los Angeles
- *2014 Excellence in Judicial Education Award*
Hon. Carol A. Corrigan, Associate Justice, California Supreme Court
- *2014 Excellence in Judicial Education Award*
Hon. Mark B. Simons, Associate Justice, California Court of Appeal, First Appellate District, Division Five
- *2014 William C. Vickrey Leadership Award in Judicial Administration*
Mr. Curt Soderlund, Chief Administrative Officer
- *2014 Stanley Mosk Defender of Justice Award*
Bench-Bar Coalition, Open Courts Coalition, and State Bar of California
- *2014 Ronald M. George Award for Judicial Excellence*
Hon. Tricia Ann Bigelow, Presiding Justice, California Court of Appeal, Second Appellate District, Division Eight
- *2014 Benjamin Aranda III Access to Justice Award*
Hon. Sue Alexander, Commissioner, Superior Court of California, County of Alameda

FRIDAY, AUGUST 22, 2014
BUSINESS MEETING—OPEN MEETING
(RULE 10.6(A))

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Supreme Court Justice Marvin R. Baxter; Court of Appeal Justices Judith Ashmann-Gerst, Harry E. Hull, Jr., and (by phone) Douglas P. Miller; Judges Stephen H. Baker, James R. Brandlin, David De Alba, Emilie H. Elias, Teri L. Jackson, Gary Nadler, Mary Ann O’Malley, David Rosenberg, David M. Rubin, and Dean T. Stout; Mr. Mark G. Bonino, Ms. Angela J. Davis, and Mr. Mark P. Robinson, Jr.; **advisory members present:** Judges Robert A. Glusman, James E. Herman, Morris D. Jacobson, Brian L. McCabe, Kenneth K. So, Charles D. Wachob, and Brian C. Walsh; Commissioner Sue Alexander; Court Executive Officers Mary Beth Todd and David H. Yamasaki; **secretary to the council:** Judge Steven Jahr, Administrative Director.

Members absent: State Senator Noreen Evans; Assembly Member Richard Bloom; Supreme Court Clerk Frank A. McGuire; Mr. James P. Fox.

Incoming members present: Presiding Judges Marla O. Anderson and Brian John Back; Judge Daniel J. Buckley; Commissioner David E. Gunn; Court Executive Officer Richard D. Feldstein; Ms. Donna D. Melby.

Incoming members absent: Presiding Judge Marsha G. Slough.

Speakers present: Hon. Terence L. Bruiniers, Associate Justice, Court of Appeal, First Appellate District, Division Five; Hon. Richard D. Huffman, Associate Justice, Court of Appeal, Fourth Appellate District, Division One; Hon. Maria P. Rivera, Associate Justice, Court of Appeal, First Appellate District, Division Four; Hon. Ronald B. Robie, Associate Justice, Court of Appeal, Third Appellate District; Hon. Steven K. Austin, Assistant Presiding Judge, Superior Court of California, County of Contra Costa; Hon. Jerilyn L. Borack, Judge, Superior Court of California, County of Sacramento; Hon. David E. Power, Judge, Superior Court of California, County of Solano; Mr. Kevin J. Lane, Clerk/Administrator, Court of Appeal, Fourth Appellate District

Others present: members of the public: Ms. Anabelle Garay and Mr. Carlton Loeber; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Mr. Paul Jones, *Daily Journal*.

Call to Order

The Chief Justice reconvened the meeting at 8:30 a.m. in the Malcolm M. Lucas Board Room of the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Judicial Council Internal Committee Presentations

Executive and Planning Committee (E&P)

Justice Douglas P. Miller, Chair, noted that his written report would be posted online after the meeting with the agenda for this meeting. He began his supplemental report by announcing that earlier in the week, the committee circulated for public comment the last of the proposed amendments to California Rules of Court that apply to advisory bodies, signifying a historic milestone for the council and the judicial branch. It signifies the completion of a three-year review of all rules of court governing council advisory bodies, a project that was launched at the council's planning meeting in June 2011 when the council undertook a complete review of its governance roles and policies. He stated this review was one of the more significant reforms instituted by the Chief Justice and the council, which involved a detailed review and evaluation of the council's advisory bodies, including its internal committees, advisory committees, task forces, and working groups. Justice Miller explained that this issue was one that was underscored by the Strategic Evaluation Committee, which was commissioned by the Chief Justice in 2011.

Justice Miller reported that, since 2011, the council has streamlined a number of advisory bodies and ensured that each advisory body reports to one of the council's internal committee chairs. The council also strengthened the governance aspects relating to advisory bodies and the annual agenda process for advisory bodies. Justice Miller emphasized the importance of the work of the advisory bodies because they study issues and make substantive recommendations to the council in order for it to make informed decisions affecting the judicial branch.

Justice Miller reported that E&P evaluated almost 350 nominees for the council's advisory bodies during this year's nominations cycle and recently forwarded its recommendations to the Chief Justice, who, under the state Constitution, appoints the advisory body members. He indicated that the process that the committee follows is set forth in the Constitution and California Rules of Court. Justice Miller noted that the committee takes into consideration the Chief's and council's aspiration to select a diverse set of candidates who represent a broad, branchwide perspective as it reviews nominations to determine its recommendations. Approximately 400 volunteers currently serve on the various advisory bodies.

Justice Miller reported that, similar to how the State Bar and various state boards evaluate and review candidates, E&P's evaluation of nominees takes place during a closed session, which allows the committee to conduct frank and open discussions about nominees while protecting their privacy and also guarantees that the committee abides by the Canons of Judicial Ethics. A closed session also ensures that the candidates and their qualifications are discussed in a session that encourages the largest possible number of justices, judges, and others to submit their nominations in order to achieve a large and diverse body of candidates. Justice Miller reported that the Chief Justice is in the process of reviewing the committee's recommendations and that letters will be sent to the candidates in September.

Justice Miller concluded his report by thanking Judge Jahr for his service to the council, expressing that Judge Jahr will be truly missed and that the council and the judicial branch are better because of the opportunity they had to work with him.

Policy Coordination and Liaison Committee (PCLC)

Judge Kenneth K. So, Chair, reported that the committee met twice since the July 29 council meeting. The committee took positions on behalf of the council on three bills relating to mandatory supervision, elder and dependent adults, and gun violence restraining orders. Judge So added that the contracting bill has arisen again and it is the subject of further discussion. He indicated that Presiding Judge Walsh and Mr. Yamasaki are intimately involved with this issue, which he emphasized is going to be of great concern to the courts. Judge So reported that the Legislature has until the end of August to proceed with the bill, and PCLC is doing what it can to ensure that the fiscal stability of the trial courts is preserved.

Rules and Projects Committee (RUPRO)

Justice Harry E. Hull, Chair, reported that since the July 29 council meeting, RUPRO met twice by conference call and took action by e-mail once on a single matter. On July 17, the committee met by conference call to consider a proposal for rule amendments to retire the name “Administrative Office of the Courts.” The committee recommended approval of the proposal, which was adopted by the council during its July business meeting. Justice Hull reported that, on August 15, the committee considered by e-mail and recommended for approval proposed revisions to the *California Criminal Jury Instructions*, which is Item A on the consent agenda for this meeting. He also reported that the committee met jointly with E&P on August 19 to consider two proposals for new and amended rules pertaining to advisory bodies. During that meeting, RUPRO approved the circulation of the proposals for comment following further review by E&P and RUPRO. Justice Hull reported that one proposal is expected to be included on the council’s October business meeting agenda and the other is expected to be on the December business meeting agenda. Justice Hull concluded his report by adding that during its August 19 meeting, the committee also considered a proposal from the Criminal Law Advisory Committee, which it approved to be circulated for comment following further review by the Criminal Law Advisory Committee and RUPRO. The proposal is also expected to be included on the council’s October business meeting agenda.

Judicial Council Technology Committee (JCTC)

Judge James E. Herman, Chair, reported that since the July 29 council meeting, JCTC met once in person on August 21 and had one action by e-mail. The action by e-mail was to vote on an item discussed during the committee’s July 21 meeting, a budget change proposal (BCP) approved by the committee for a document management system for the Supreme Court and the Courts of Appeal. Judge Herman reported that the proposal was posted for a four-day public comment period. After the comment period, the committee voted by e-mail to approve the BCP, which appears as Item K on the discussion agenda for this meeting.

Judge Herman reported that he participated in the statewide meeting of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) on behalf of JCTC. Mr. Yamasaki and he made a presentation on the issue of justice partners and data exchanges for upgrading case management systems, an issue that he indicated is becoming more important as many courts are transitioning to new case management systems. Judge Herman reported that, as a follow-up to the presentation, JCTC presented to E&P for its approval a proposal for a project to develop technical and operational administration standards for interfacing court case management systems and state justice partner information systems. He reported that E&P conceptually approved the proposal, which will be accomplished, with JCTC's oversight, under the new branchwide Court Technology Governance and Strategic Plan that appeared as Item 4 on Thursday's discussion agenda for this meeting.

Judge Herman reported that on August 8, the presiding judges and court executive officers of the V3 courts—the Superior Courts of Orange, Sacramento, San Joaquin, San Diego, and Ventura Counties—met with JCTC vice-chair Judge De Alba, Judicial Council staff, and him for a first, informal meeting on the Trial Court Budget Advisory Committee's (TCBAC) request, approved by the Judicial Council, to transition the costs of the systems off of state funding. Judge Herman added that, during that same meeting, Mr. Curt Soderlund, the Judicial Council's Chief Administrative Officer, and he presented information on the letter distributed to the courts regarding trial court compliance with the Procurement Audit. The letter included technical information on the framework and what the courts can do to in order to be in compliance. The difficulty in terms of compliance is funding.

Judge Herman reported that JCTC met in person earlier in the day, before this meeting, during which the committee received reports and updates on statewide justice system partners and data exchanges, the V3 interim case management system related to the TCBAC's recommendation that became a Judicial Council directive, and video remote interpreting. Specifically, regarding video remote interpreting, the presiding judge, court executive officer, and, chief information technology officer of the Superior Court of Fresno County made a presentation on the court's remote traffic proceedings pilot project. The committee also received updates on the budget, specifically the Improvement and Modernization Fund (IMF) and the California State Auditor's report and framework. Judge Herman noted that approximately 40 percent of the IMF supports technology projects that, in turn, support the trial courts.

During its meeting, the committee also reviewed the report *Preliminary Evaluation of the E-Filing Project in the Superior Court in and for the County of Orange* and evaluated the project based on, among other things, the cost of the program to participants, cost-effectiveness for the courts, the effect on unrepresented parties and parties with fee waivers, and ease of use for participants. Judge Herman reported that the committee will conduct a follow-up on self-represented litigants specifically as an access issue, because a survey revealed that they are having difficulties in terms of interfacing by way of e-filing. He indicated that JCTC's review will be the basis for a report, which will be submitted to the Judicial Council for approval and for transmission to the Legislature.

Judge Herman concluded his report by recognizing the JCTC members whose terms are ending this fall.

- Judge Teri Jackson, for her service on the original Court Case Management System (CCMS) internal committee, which transitioned into the current JCTC;
- Mr. Mark P. Robinson, Jr., for his service as a longtime committee member; and
- Mr. David H. Yamasaki, who joined as a member this committee year, but who got involved quickly, and will continue to be involved at the branch level with technology issues affecting the courts, specifically taking on the role as executive sponsor for the workstream that will address standards and interfaces between state-level justice partners and the trial courts that are upgrading their case management systems.

Judicial Council Members' Trial Court Liaison Reports

The Judicial Council members below reported on their liaison visits with their assigned courts.

- Justice Judith Ashmann-Gerst reported on her visit to the Superior Court of California, County of Inyo.
- Judge James R. Brandlin reported on his visit to the Superior Court of California, County of Riverside.
- Judge Robert A. Glusman provided an update on his visit to the Superior Court of California, County of Lassen.
- Judge Herman reported on his visit to the Superior Court of California, County of San Luis Obispo.
- Judge Mary Ann O'Malley reported on her visit to the Superior Court of California, County of Alameda.
- Judge Dean T. Stout reported on his visit to the Superior Court of California, County of Santa Barbara.
- Commissioner Sue Alexander reported on her visits to the Superior Courts of California, Counties of Amador and Glenn.

Public Comment

Mr. Carl Loeber commented on a general topic of judicial administration. Mr. Anabelle Garay, representing the California Federation of Interpreters, commented on Discussion Agenda Item G.

Consent Agenda (Items A–F)

Item A Jury Instructions: Revisions to Criminal Jury Instructions

The Advisory Committee on Criminal Jury Instructions recommended approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)* to keep CALCRIM current with statutory and case authority.

Council action

The Judicial Council, effective August 22, 2014, approved for publication, under rule 2.1050 of the California Rules of Court, the criminal jury instructions prepared by the Advisory Committee on Criminal Jury Instructions. The revised instructions will be published in the official 2014 supplement edition of the *Judicial Council of California Criminal Jury Instructions*.

Item B Collaborative Justice: Recommended Allocations of Fiscal Year 2014–2015 Substance Abuse Focus Grants

The Collaborative Justice Courts Advisory Committee recommended that funding allocations for Collaborative Justice Courts Substance Abuse Focus Grants, through the California Collaborative and Drug Court Projects in the Budget Act of 2014 (Stats. 2014, ch. 25, § 45.55.020, item 0250-101-0001), and the Dependency Drug Court Augmentation to the Substance Abuse Focus Grants, through the federal Court Improvement Program funds, be distributed to court programs as proposed in the report. The report detailed the committee’s recommendations for funding programs in 51 courts for FY 2014–2015 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

Council action

The Judicial Council, effective August 22, 2014, approved the distribution of Collaborative Justice Courts Substance Abuse Focus Grants for 2014–2015 as detailed in the report.

Item C Court Facilities: Senate Bill 1407 Project Funding Requests and Judicial Branch AB 1473 Five-Year Infrastructure Plan for Fiscal Year 2015–2016

The Court Facilities Advisory Committee, to meet the September 2014 deadline of the state Department of Finance (DOF), recommended the submission of funding requests for the next phase of Senate Bill (SB) 1407 projects eligible for available SB 1407 funds and the annual update of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2015–2016.

Council action

The Judicial Council, effective August 22, 2014:

1. To meet the state DOF’s September 2014 deadline, approved the submission of funding requests for the next phase of SB 1407 projects eligible for available SB 1407 funds and the annual update of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan*—including a Trial Court Capital-Outlay Plan updated to 2014 dollars—for FY 2015–2016.
2. Delegated to the Administrative Director the authority to make technical changes to the FY 2015–2016 SB 1407 project funding requests and the five-year plan

document for submission to the DOF, subject to the review and approval of the chair and vice-chair of the Court Facilities Advisory Committee and the chair of the advisory committee's Courthouse Cost Reduction Subcommittee.

Item D Judicial Branch Administration: Audit Report for Judicial Council Acceptance

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and Judicial Council staff recommended that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Mendocino*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

Council action

The Judicial Council, effective August 22, 2014, accepted the “pending” audit report, dated July 2013, entitled *Audit of the Superior Court of California, County of Mendocino*, resulting in the audit report progressing from “pending” status to “final” status, and in the publication of the final report on the California Courts public website.

Item E Judicial Administration: Designation of the Violence Against Women Education Project Planning Committee as a Standing Subcommittee of the Family and Juvenile Law Advisory Committee

The cochairs of the Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve designation of the Violence Against Women Education Project (VAWEP) Planning Committee as a standing subcommittee of the advisory committee. The standing subcommittee's charge would be to provide guidance and evaluation for VAWEP grant-funded projects and to make recommendations to the advisory committee at its request on ways to improve practice and procedure in domestic violence cases. The cochairs further recommended that the council request the chair of the Criminal Law Advisory Committee to select one or more of that committee's members to serve on the standing subcommittee to help address questions that arise relating to domestic violence criminal proceedings.

Council action

The Judicial Council, effective August 22, 2014:

1. Designated the VAWEP Planning Committee as a standing subcommittee of the Family and Juvenile Law Advisory Committee.
2. Charged the standing subcommittee with:

- a. Continuing to provide guidance and evaluation of the VAWEF grant-funded projects; and
 - b. Making recommendations to improve court practice and procedure in domestic violence cases as directed by the Family and Juvenile Law Advisory Committee and as approved in the advisory committee's annual agenda.
3. Requested that the chair of the Criminal Law Advisory Committee select one or more members of that advisory committee to serve on the standing subcommittee to help address questions relating to court practice and procedure in criminal domestic violence matters.

Item F Subordinate Judicial Officers: Notification to Legislature on Conversions

Assembly Bill (AB) 159 (Stats. 2007, ch. 722), which authorized the conversion of 162 subordinate judicial officer positions to judgeships, requires periodic notification from the Judicial Council to the Legislature on what positions the council seeks to convert. Staff recommended approval of a letter that would serve as the council's notification to the Legislature for FY 2014–2015.

Council action

The Judicial Council, effective August 22, 2014, approved for submission to the Legislature a letter from the Administrative Director on subordinate judicial officer (SJO) position conversions. The letter informs the Legislature of the council's planned allocations of conversions of SJO positions to judgeships for FY 2014–2015 and the overall status of the conversions authorized in AB 159. It also provides a chart of the SJO positions already converted, broken down by superior court and year, and those that remain to be converted.

Discussion Agenda (Items G–O)

Item G California's Language Access Plan: Update on Development of the Strategic Plan for Language Access in the California Courts

Following extensive gathering of stakeholder input, the Joint Working Group for California's Language Access Plan prepared a draft *Strategic Plan for Language Access in the California Courts*. The working group provided an overview for the public and the Judicial Council on the formation of the draft plan, along with a summary of highlights of stakeholder input and possible recommendations. The draft plan was posted on the California Courts website for public comment on July 31, 2014, with the comment period continuing through September 29, 2014. Following the public comment process, the draft plan will be revised and a final plan will be presented to the Judicial Council for its review and adoption.

No council action

Item H Blue Ribbon Commission on Children in Foster Care: Final Report

The Judicial Council’s California Blue Ribbon Commission on Children in Foster Care (BRC) sunsetted on June 30, 2014. This final report from the commission addresses its implementation progress on recommendations for improving California’s juvenile dependency courts and foster care system and delineates its plans for the continuity of work on recommendations that are not fully implemented. The commission requested that the Judicial Council refer certain BRC recommendations that have not yet been implemented to the Family and Juvenile Law Advisory Committee for its review and consideration for action.

Council action

The Judicial Council, effective August 22, 2014, referred to the Family and Juvenile Law Advisory Committee for its review and consideration for action, when resources become available, the BRC recommendations related to court reform that have been ongoing, but have not yet been fully implemented because of significant budget challenges. Those recommendations broadly include:

1. Reducing caseloads for judicial officers, attorneys, and social workers;
2. Ensuring a voice in court and meaningful hearings for participants;
3. Ensuring adequately trained and resourced attorneys, social workers, and Court Appointed Special Advocates (CASA); and
4. As JCTC develops data and information exchange standards and technical and operational administration standards for interfacing court case management systems and state justice partner information systems involving child welfare, consulting between JCTC and the Judicial Council’s Family and Juvenile Law Advisory Committee to make sure that those standards align with the California Blue Ribbon Commission on Children in Foster Care’s data and information exchange recommendations.

Item I Judicial Branch Administration: Council Oversight of Judicial Council Contracts

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) performed a review of contracts of the Judicial Council (formerly of the Administrative Office of the Courts) in accordance with its oversight duty approved by the Judicial Council at its August 23, 2013, meeting. The A&E Committee decided to review consulting contracts in this review and judgmentally selected 16 contracts. During a two-day meeting in March 2014, committee members presented their review of 10 contracts. The A&E Committee’s review noted that the contracts reviewed generally met the established criteria to ensure that the contracts are in support of judicial branch policy, were for financial and efficient purposes, benefited the judicial branch, and, while administered by the Judicial Council, were

mainly of benefit to other judicial branch entities, and had very few issues raised as concerns by the A&E Committee.

Council action

The Judicial Council, effective August 22, 2014:

1. Received the report of the A&E Committee entitled *First Semi-annual AOC Contract Oversight Review*; and
2. Referred the report to E&P to follow up with and consider the recommendations in the report.

Item J Budget: Fiscal Year 2015–2016 Budget Requests for Supreme Court, Courts of Appeal, Judicial Council, and Judicial Branch Facilities Program

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommended that the Judicial Council (1) approve the proposed FY 2015–2016 budget requests for the Judicial Council, including the Judicial Branch Facilities Program. Staff recommended that the Judicial Council (2) approve the proposed FY 2015–2016 budget requests for the Supreme Court and Courts of Appeal and (3) delegate authority to the Administrative Director to make technical changes to any budget proposals, as necessary. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, BCPs are to be submitted to the state Department of Finance by September 2, 2014.

Council action

The Judicial Council, effective August 22, 2014:

1. Approved the proposed FY 2015–2016 budget requests for the Judicial Council and the Judicial Branch Facilities Program for submission to the state Department of Finance;
2. Approved the submission of budget change proposals to the state Department of Finance for FY 2015–2016 that would communicate funding needs for the Supreme Court and Courts of Appeal as identified in the report;
3. Delegated authority to the Administrative Director to develop budget proposals for submission to the state Department of Finance;
4. Delegated authority to the Administrative Director to make technical changes to budget proposals, as necessary; and
5. Consistent with the previous fiscal year, directed that the budget proposals be provided to E&P for review before submission to the state Department of Finance.

Item K Judicial Branch Technology: Budget Change Proposal Update

The Judicial Council Technology Committee recommended that the Judicial Council approve *FY 2015–2016 Judicial Branch Budget Change Proposal: Supreme Court and Courts of Appeal Document Management System* for submission to the Department of Finance in September. By acquiring a document management system (DMS), the Supreme Court and Courts of Appeal would capture, manage, store, share, and preserve essential case documents and administrative records. The DMS is necessary to improve efficiency, reduce costs associated with record storage/retrieval, and improve customer service to the bar and public.

Council action

The Judicial Council, effective August 22, 2014, approved *FY 2015–2016 Judicial Branch Budget Change Proposal: Supreme Court and Courts of Appeal Document Management System* so that this can be submitted to the Department of Finance in September. The budget change proposal is for the purchase of software and maintenance from a third party vendor that would be hosted at the California Courts Technology Center (CCTC), with Judicial Council staff assisting the courts with vendor oversight.

Item L Trial Courts: Benefit Funding Process

Finance staff of the Judicial Council was to present an information report on the process to be used for funding trial court benefits cost changes for employee health, retiree health, and retirement.

Council action

The Judicial Council deferred this item.

Item M Court Facilities: Disposition of Vacant State-Owned Court Facilities

In connection with the Judicial Council’s authority and responsibility to dispose of surplus court facilities under Government Code section 70391(c) and rule 10.183 of the California Rules of Court, the Trial Court Facility Modification Advisory Committee (TCFMAC) recommended that the council declare the following three state-owned court facilities in Fresno County to be surplus property: (1) Clovis, (2) Reedley, and (3) Firebaugh. The TCFMAC further recommended that the council direct staff to report to the Legislature that the three court facilities are surplus and take all actions necessary to obtain the Legislature’s authorization to dispose of the surplus facilities in accordance with Government Code sections 70391(c) and 11011. These three facilities have been vacated by the Superior Court of Fresno County, which has notified the Judicial Council that it does not have any future plans to re-open the facilities and supports efforts to dispose of them.

Council action

The Judicial Council deferred this item.

Item N Family Law: New Online “Parenting After Separation” Course

The Family and Juvenile Law Advisory Committee introduced “Parenting After Separation,” a component of the Families Change website (www.familieschange.ca.gov), providing a free online parent education course, which can be accessed at www.parenting.familieschange.ca.gov. The course provides approximately three hours of parent education addressing separation and divorce, children’s developmental needs, and the court process. The course was developed in response to requests from courts throughout the state for an efficient way of getting parents information they need before or during a child custody matter.

No council action

Item O Judicial Branch Education: Demonstration of New Judicial Branch Education Website CJER Online

The Judicial Education section of the Serranus website and the COMET website for court staff have been combined and redesigned into a single judicial branch education and resource website, CJER Online. The new website contains enhanced functionality to make searching, accessing content, and program registration easier for judicial branch members.

Council action

The Judicial Council deferred this item.

Information Only Items (No Action Required)

INFO 1 Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring

The chair of the Executive and Planning Committee (E&P) submitted an informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. The informational report provided an update on the progress of implementation efforts.

INFO 2 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks’ Office Hours (Gov. Code, § 68106—Report No. 26)

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks’ offices or reducing clerks’ regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This report was the 26th report to date listing the latest court notices received by the council under

this statutory requirement. Since the previous report, two superior courts—those of Santa Clara and Shasta Counties—have issued new notices.

INFO 3 Trial Courts: Court Realignment Data (Calendar Year 2013)

Pursuant to Penal Code section 13155, commencing January 1, 2013, the Judicial Council must collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and submit the data annually to the California Department of Finance (DOF), the Board of State and Community Corrections (BSCC), and the Joint Legislative Budget Committee (JLBC), by September 1. The first informational and data report was submitted to the Judicial Council at its August 23, 2013, business meeting and was submitted to the BSCC, DOF, and JLBC on August 26, 2013. This report is the second annual court realignment data report to the DOF, BSCC, and the JLBC.

INFO 4 Disposition of Judicial Council of California Equity in Calexico Courthouse

The Superior Court of California, County of Imperial vacated the Calexico Courthouse as of July 1, 2014, and has informed the Judicial Council that it has no foreseeable need for the facility. The County of Imperial (County) advised staff that it does not intend to repurchase the facility. Due to a right of reversion held by the City of Calexico (City) in the underlying deed to the County, the facility will be returned to the City via deed by the council.

Circulating Orders (Approved Since the July Business Meeting)

- Circulating Order (CO-14-04)—Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments for the Period of January 1 through June 30, 2014.

Appointment Orders (Since the July Business Meeting)

- July 29, 2014: appointment of Hon. Martin J. Jenkins to the California State-Federal Judicial Council, replacing Hon. Carol A. Corrigan, for a term ending July 31, 2017.

Adjournment

Closing Remarks

The Chief Justice, once again, acknowledged and thanked the nine departing council members for the extraordinary experience and the honor and privilege of serving with each of them through their respective terms on the council during unprecedented times for the branch.

In Memoriam

The Chief Justice adjourned the meeting in remembrance of the following judicial colleagues recently deceased, honoring their service to their courts and to the cause of justice:

- Judge Daniel Didier, Superior Court of California, County of Orange
- Judge Reginald Dunn, Superior Court of California, County of Los Angeles
- Judge Kurt E. Kumli, Superior Court of California, County of Santa Clara
- Judge Alicemarie Stotler, Superior Court of California, County of Orange
- Judge Arthur Eissinger, Sacramento County Municipal Court

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at 1:05 p.m.

Respectfully submitted,



Jody Patel
Chief of Staff
Judicial Council