

JUDICIAL COUNCIL OF CALIFORNIA
Meeting Minutes—December 11–12, 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, DECEMBER 11, 2014

Non-Business Meeting—Closed Session
Personnel and Other Confidential Matters
(Rule 10.6(b))

The meeting was called to order at 2:30 p.m. and adjourned at 4:00 p.m.

FRIDAY, DECEMBER 12, 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 Douglas P. Miller; Judges Marla O. Anderson, Brian John Back, James R. Brandlin, David De Alba, Emilie H. Elias, Gary Nadler, David Rosenberg, David M. Rubin, Dean T. Stout, and Martin J. Tangeman; Mr. Mark G. Bonino, Mr. James P. Fox, Ms. Donna D. Melby, and Ms. Debra Elaine Pole; **advisory members present:** Judges Daniel J. Buckley, Brian L. McCabe, James E. Herman, Morris D. Jacobson, Marsha Slough, Kenneth K. So, Charles D. Wachob, and Joan P. Weber; Commissioner David E. Gunn; Court Executive Officers Richard D. Feldstein and Mary Beth Todd; Supreme Court Clerk Frank A. McGuire; **secretary to the council:** Mr. Martin Hoshino, Administrative Director.

Members absent: Assembly Member Richard Bloom.

Speakers present: Judge Lorna A. Alksne, Superior Court of California, County of San Diego.

Others present: Mr. Aaron Garavaglia, Superior Court of Santa Clara County; **members of the public:** Ms. Yupa Assawasuksant, Ms. Angeliqne Barboa, Ms. Logan Begneaud, Mr. Stephen V.

Burdo, Ms. Ruth Hull, Ms. Diane Hunter, Ms. Barbara A. Kauffman, Mr. R. Kernohan, Mr. Will Korathan, Ms. Helen Lynn, Ms. Kelsey McAllister, Ms. Paulette Morris, Ms. Tanya Nemcik, Mr. Charles Palik, Mr. Ronald Pierce, Ms. Kathleen Russell, Dr. Cherie Safapou, Mr. Hal Sauka, Mr. Edward Thomas Snell, and Mr. Einer Storm; **media representatives:** Mr. Paul Jones, *Daily Journal*.

Call to Order

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order 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.

Opening Remarks from the Chief Justice

The Chief Justice noted that the council’s December business meeting is traditionally a meeting that both concludes a calendar year’s worth of council policymaking and decisionmaking, and also sets out the legislative and advocacy agenda for the coming year. It provides the opportunity to reflect on accomplishments and progress for the judicial branch and consider the work that always remains to be done going forward. She indicated that the ongoing process is vividly illustrated in the past, present, and future, especially, by one individual and one group in attendance at this meeting: her “left-hand man” on the council and on the Supreme Court, Justice Marvin Baxter; and the faculty of and participants in the Judicial Council’s New Judicial Officer Orientation Program.

New Judicial Officer Orientation Program

The Chief Justice was pleased to have the faculty and the new judges and commissioners join her in her chambers earlier in the week and she welcomed them to the meeting. The program’s faculty who imparted their knowledge and the benefits of their experience were:

- Judge William Dato, Superior Court of California, County of San Diego;
- Assistant Presiding Judge Denine Guy, Superior Court of California, County of Santa Cruz;
- Judge Barbara Kronlund, Superior Court of California, County of San Joaquin; and
- Judge Norman Perry Tarle, Superior Court of California, County of Los Angeles.

The Chief Justice also welcomed to the meeting the 12 new, or newer, judges and commissioners who were participating in the program:

- From the Superior Court of California, County of Los Angeles, Judges Rupert Byrdsong, Sherilyn Garnett, and Christopher Lui;
- From the Superior Court of California, County of Orange, Judges Thomas Delaney and Nancy Zelter;
- From the Superior Court of California, County of Contra Costa, Judge Danielle Douglas;
- From the Superior Court of California, County of Tulare, Judge Nathan Ide;
- From the Superior Court of California, County of Fresno, Commissioners Heather Jones and Leanne Le Mon;

- From the Superior Court of California, County of Kern, Commissioner Alisa Knight;
- From the Superior Court of California, County of Sacramento, Judge Jennifer Rockwell; and
- From the Superior Court of California, County of Shasta, Commissioner Tamara Wood.

The Chief Justice thanked all of them for their service to the rule of law, the cause of justice, and the people of California.

Recognition of Justice Baxter

The Chief Justice stated that all in her profession, on and off the bench, have benefited from the guidance and support of role models, mentors, peers, and colleagues through their careers. She expressed that many jurists, including herself, have been fortunate enough to know, work with, and learn from Justice Baxter.

The Chief Justice noted that over 700 judges were appointed when Justice Baxter served as Appointments Secretary for Governor George Deukmejian. She announced that, in January, Justice Baxter will conclude 32 consecutive years of public service, 24 years as an Associate Justice of the Supreme Court of California, and 18 years of dedicated service to the Judicial Council and improving the statewide administration of justice for all Californians.

The Chief Justice reported that, at a recent Supreme Court oral argument session in Los Angeles, Justice Baxter’s friend and colleague, Supreme Court Justice Ming Chin, shared the following list of characteristics of good judges that all apply to Justice Baxter, characteristics which she believes all new and long-serving jurists should aspire to possess: common sense, integrity, poise, courtesy, humility, a sense of humor, patience in court, open mindedness, impartiality, intellectual courage, creativity, strong concern for justice, knowledge of the law, adherence to professional ethics, avoidance of improprieties, punctuality in court, decisiveness in judicial rulings, and sound judgment. Additionally, the Chief Justice reported that, at a reception in his honor that took place the night before this meeting, Justice Baxter received a Judicial Council resolution commemorating his many years of outstanding public service, modeling all of those characteristics of a good judge.

The Chief Justice stated that Justice Baxter leaves a rich legacy to the people of California that will last for many years to come. She added that his legal reasoning has significantly contributed to the “documents of state” that the Supreme Court’s opinions represent and, therefore, to the rule of law. The Chief Justice noted that his sage advice and counsel as the vice-chair of the Judicial Council for 18 years and chair of the council’s Policy Coordination and Liaison Committee for 16 years has helped the judicial branch to mature and to grow strong as an independent coequal branch of government, serving all the people of California.

The Chief Justice expressed her gratitude to Justice Baxter for his steadfast support for the judicial branch, and rule of law, and the policies of the Judicial Council as he has overseen many of the changes in its structure and strength as an institution. She thanked Justice Baxter for his service, guidance, and friendship, and, because it was Justice Baxter’s last Judicial Council

meeting, as is the custom for departing members, she presented him with a copy of the Federalist Papers.

Justice Baxter thanked the Chief Justice for her comments. He expressed that he will miss a great deal the relationships that he has formed, not only on the court, having worked with three Chief Justices and 12 associate justices during his 24 years on the bench, but also the relationships he formed during his 18 years of service on the council. Justice Baxter also expressed regret that he has only had a limited opportunity to get to know and work with the newly appointed council members. Justice Baxter indicated that he will always remember that no matter how controversial or divisive issues might be, the manner in which the council has worked—under the leadership of the three Chief Justices for whom he has worked—has always been professional and responsible, sometimes disagreeing on issues, but never in a disagreeable manner.

Approval of Meeting Minutes

The Chief Justice reported that the minutes of the October 27–28 Judicial Council meeting will be provided to the council members after the meeting for review and approval by circulating order.

Chief Justice’s Report

The Chief Justice presented her report summarizing her engagements and ongoing outreach activities since the October council meeting. She began by reporting that her engagements during this reporting period took her from Washington D.C. to Fresno, which she described as two centers of political power in the nation. The Chief Justice reported that, in our nation’s capital, she attended the annual Rehnquist Award Reception, hosted by United States Chief Justice John G. Roberts, with Ms. Melby and Mr. Hoshino. While in Washington D.C., she also attended a meeting of the Board of Directors of the Conference of Chief Justices, where she attended “Conversations with the Chief Justices,” engaging with justice system partners from the legal profession, along with a justice roundtable, “Civil Justice Improvements for the 21st Century,” which was moderated by Oregon Chief Justice Thomas Balmer.

The Chief Justice reported that in Fresno, which took on the appearance of the state capital for the Justice Marvin Baxter Retirement Tribute Dinner, she joined over 850 other friends and admirers of Justice Baxter in celebrating his career and accomplishments. She noted that this event was one of a number of such recognitions of Justice Baxter that she had the great pleasure of attending.

The Chief Justice reported that Mr. Hoshino and she had a very engaging and open conversation with Governor Brown in November at his office in Sacramento. She indicated that they continue to have regular contacts with the Governor’s administration as this January’s State Budget proposal approaches. The Chief Justice added that she also had the pleasure of administering the oath of office to the newly elected state Senators in the Senate chamber. The Chief Justice reported that the Judicial Council’s Governmental Affairs facilitated two additional liaison meetings with the Consumer Attorneys of California, the Public Defenders Association, and the California Attorneys for Criminal Justice to discuss issues and share strategies.

The Chief Justice reported that she met briefly with the board of the State Justice Institute as they considered grant applications for next year to support their goal of improving the quality of justice in California. She added that Mr. Hoshino, Ms. Patel, Mr. Child, and Mr. Soderlund were also with her to provide an update on what is taking place in California and the need for grant money for some initiatives. She also engaged with foundations, legal aid and civic organizations, law firms, and the legal community at a reception celebrating California's courts, which was hosted by Justice at Stake. She indicated that they expressed concerns about the impact nationally on fair and impartial courts by attack-style ads in judicial elections and that they have been active across the country trying to stave off the unnecessary political attacks on the judiciary.

The Chief Justice reported that the 50th anniversary of the Civil Rights Act, which was a theme from her State of the Judiciary Address to the Legislature earlier this year, was acknowledged at an event in San Francisco to celebrate the Equal Rights Advocates' 40th anniversary, "A Conversation Among Women Chiefs." She participated on a panel with federal Chief Judge Claudia Wilken and Senior Presiding Justice Joan Dempsey Klein from the California Court of Appeal, Second Appellate District, to discuss diversity and the evolving role of women in the judiciary and in the legal profession and the need to push for further action.

The Chief Justice reported that she attended a retirement reception hosted by the justices of the Second Appellate District of the Court of Appeal for Presiding Justice Klein. She noted, however, that Presiding Justice Klein will join her on the bench one additional time on December 22 when the Commission on Judicial Appointments considers the appointment by Governor Brown of Ms. Leondra Kruger to the Supreme Court. The Chief Justice described Presiding Justice Klein as a true trailblazer for all women in the legal profession and the judiciary.

The Chief Justice reported that, during commission hearings that took place earlier in the week, panels that consisted of Attorney General Kamala Harris, Administrative Presiding Justice Brad Hill, Presiding Justice J. Anthony Kline, and herself voted to confirm two justices to the appellate courts: two for the First Appellate District, Justices Marla J. Miller and Jon. B. Streeter; and one for the Fifth Appellate District, Justice M. Bruce Smith.

The Chief Justice reported that, earlier in the week, she also hosted her annual press briefing with representatives from local and state media, legal affairs correspondents and reporters, and a national news agency. Budget, appointments, and the impacts of ballot measures were some of the themes and topics discussed. The Chief Justice added that Mr. Hoshino shared some of his impressions of his "honeymoon" period with the judicial branch.

The Chief Justice reported that the future, as it relates to California's youth, was a unifying theme for three of her other engagements: a leadership summit—"Creating Leaders for the 21st Century," which was organized by the State Bar of California's Council on Access and Fairness; the 10th anniversary celebration and recognition for the Marin YMCA Youth Court; and a summit organized by the Center for Youth Wellness, "Children Can Thrive: California's Response to Adverse Childhood Experiences." She concluded her report on a positive and

optimistic note, expressing that engagements such as these show her that the future of the state is in good hands, that children can succeed if they are given a chance, and that keeping kids in school is a worthwhile initiative for the judicial branch.

Administrative Director's Report

In the materials for this council meeting, Mr. Hoshino, Administrative Director, provided his written report outlining 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 October council meeting and is exclusive of issues on the business agenda for this council meeting.

Mr. Hoshino began by stating the focus of his supplemental report: Proposition 47 and the budget-making process, two issues that he described as dominating the landscape in the judicial branch since the October council meeting. He reported that, coincidentally, he had scheduled a visit with Judge Rosenberg at the Superior Court of Yolo County on November 5, the day after the passage of Proposition 47. As a result, Mr. Hoshino had the good fortune of watching part of criminal justice history unfold while at the court with the implementation of Proposition 47. He noted that as soon as court opened in the morning, Proposition 47 was discussed.

Mr. Hoshino reported that he observed Judge Rosenberg, the district attorney, and various defense counsels answer numerous questions relating to the passage of Proposition 47. The experience was allowed him the opportunity to observe the workload, which is beginning to spread—not just beyond the judicial branch but to enforcement partners—having effects throughout the state more than anybody could surmise. Mr. Hoshino reported that he continued his visit at the superior court by touring the court and then immediately proceeded to the state capital to report on what he had observed and relay what is taking place in the California courts overall.

Mr. Hoshino thanked Judge Slough and Ms. Todd for being instrumental in assisting the council and staff in quantifying and identifying workload in the courts. He indicated that analysis needs to be done in the area and, therefore, a survey is in the final stages of development, which will be disseminated to the trial courts to begin collecting workload information. Mr. Hoshino hopes that this analysis will build toward an explanation and justification of resources to manage the impact, relaying the message that, as a result of the budget reductions as well as reductions in the reserves, it will be more difficult to absorb workload, especially with the effects of Proposition 47. Mr. Hoshino added that the effects of Proposition 47 could serve to delay, reduce, or slow down those innovations and efficiencies that are starting to be implemented in the court system. He reiterated that the need for some remedy, relief, or assistance in this area is essential and cannot be overstated.

On that note, Mr. Hoshino reported that a meeting was convened of all criminal justice system partners, including officials from the Department of Finance, the Governor's administration, the sheriff's office, probation, Health and Human Services, and state hospitals. This first meeting focused on determining the issues. Mr. Hoshino announced that follow-up meetings are scheduled and will occur, hopefully, within the next six to 12 months.

On the subject of the budget-making process, Mr. Hoshino reported that the Trial Court Budget Advisory Committee is continuing its work, primarily focusing on some of the reduced allocations related to the 1 percent cap on trial court funding reserves. His understanding is that the committee will be making some presentations and recommendations at the council's January meeting. Mr. Hoshino added that, simultaneously, the Judicial Council's Governmental Affairs has been working on not only cataloging another year of the impacts of the reductions, but also collecting information about what is being done to adapt to those reductions.

Mr. Hoshino reported that a general fund update series is being completed by the Department of Finance. As the end of the budget season approaches, in preparation for the Governor's proposal, the Judicial Council's Finance office will be receiving that update to be informed of the overall state budget picture. He anticipates—not just in the last couple weeks of the budget development, but also after the budget is passed—a broader discussion over the course of the year about how the judicial branch budget is funded: what the revenue streams are, what the sources are, how it is implemented, and whether or not a more stable funding source, or funding system, or model for the judicial branch can be developed. Mr. Hoshino reported discussions have begun both internally and with the Department of Finance. He stated that time should be spent threading the challenges of the current year and what is being experienced with the longer-term plans. Mr. Hoshino is looking forward to working with members of the judicial branch during the course of the year on this issue.

Mr. Hoshino concluded by reporting that he was able to visit some of the superior courts since the October council meeting. In addition to the superior court in Yolo, Mr. Hoshino also visited the superior courts in Sonoma and Fresno.

Public Comment

Mr. Stephen V. Burdo, Ms. Ruth Hull, Ms. Diane Hunter, Ms. Barbara A. Kauffman, Ms. Kelsey McAllister, Ms. Tanya Nemcik, Mr. Ronald Pierce, Ms. Kathleen Russell, Mr. Edward Thomas Snell, and Mr. Einer Storm presented comments on judicial administration issues.

Written Comment

Written comments were received from Judge Steve White, Superior Court of Sacramento County, Ms. Yupa Assawasuksant, Mr. David L. Feldman, Ms. Ruth Hull, Ms. Barbara A. Kauffman, Ms. Linda Kincaid, Ms. Tanya Nemcik, Ms. Malinda Sherwyn, Ms. Lynn Sibley, and Ms. Sharon Stephens. An anonymous written comment was also received.

Judicial Council Members' Liaison Reports

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

- Judges Brandlin and Weber reported on their visits to the Superior Court of California, County of San Diego;
- Judge Rosenberg reported on his visit to the Superior Court of California, County of Colusa; and

- Judge Rubin reported on his visit to the Superior Court of California, County of San Bernardino.

Judicial Council Internal Committee Presentations

Executive and Planning Committee (E&P)

Justice Miller, Chair, noted that his written report would be posted online after the meeting with the agenda for this meeting. Justice Miller began his supplemental report by announcing that the committee met with the chairs of two advisory committees, Judge Slough of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Ms. Todd of the Court Executives Advisory Committee (CEAC), to review the annual agendas of those advisory committees. The purpose was to improve Judicial Council oversight of its advisory bodies. The Judicial Council has streamlined the advisory bodies and ensured that every single advisory body reports either to a Judicial Council internal committee or to the Administrative Director.

Justice Miller reported that E&P, the Rules and Projects Committee (RUPRO), and the Judicial Council Technology Committee (JCTC) have instituted a more detailed and significant review of advisory body annual agendas in which chairs and staff are asked to provide an overview of the work that their advisory bodies do, the work they have accomplished, and explanations for subgroups within their advisory bodies that they proposed to establish. He noted that the reviews of the annual agendas are conducted in open, public meetings. Justice Miller stated that the process provides proper oversight and governance, which ensures that all the components of the judicial branch are marching in the same direction as it taps into the creativity and energy throughout the branch, with over 400 individuals from the branch working on the different advisory bodies.

In reviewing the work of TCPJAC and CEAC, Justice Miller reported that the committee was especially pleased by the suggestions presented by Judge Slough and Ms. Todd to create small subgroups to serve as resources for other advisory bodies such as the Court Facilities Advisory Committee and the Court Technology Advisory Committee. Judge Slough and Ms. Todd noted that other advisory bodies often ask for input on recommendations being developed and these new subgroups would serve to increase broad-based early input from presiding judges and court executive officers. Justice Miller reported that the committee was also pleased that TCPJAC updated its publication *Making Judicial Assignments*, especially in light of some of the public comments presented at the October council meeting relating to family law. The publication highlighted the importance of making appropriate assignments for these difficult, complex, and emotional family law matters and of providing appropriate resources for family courts. He reported that he also spent some time speaking with representatives from the Judicial Council's Center for Judiciary Education and Research (CJER) based on some of the public comments and was told that CJER will be incorporating those comments into training for judicial officers who serve in the family law assignments.

Justice Miller concluded his report by indicating that written comments received from the public by the deadline are now being delivered electronically directly to council members before each

meeting. He noted that written comments received will not be posted on the California Courts website as is consistent with the practice of other public entities; however, he assured that council members will be provided with all written comments from the public for their review and consideration.

Policy Coordination and Liaison Committee

Judge So, Chair, reported that the committee has not met since the October council meeting, during which he reported that the committee completed its review of and adopted recommendations on legislative priorities and proposals for council-sponsored legislation. He indicated that those proposals appear on the consent agenda for this meeting as Items J through P. Judge So reported that the Legislature will reconvene during the first week of January. He stated that the committee will update the council at future meetings as legislation is introduced, positions are taken, and council-sponsored legislation proceeds through the approval process.

Rules and Projects Committee (RUPRO)

Justice Hull, Chair, reported that the committee had met twice by teleconference and once in person since the October council meeting. On November 5, the committee reviewed four proposals, three of which have been circulated for comment. Justice Hull noted that the remaining one makes minor revisions to the civil jury instructions and that the council delegated to RUPRO the authority to approve those revisions. Of the three considered, one proposal relating to subordinate judicial officers was referred back to the advisory committee that authored it for further consideration. The committee recommended approval of the other two, which appear as Items A1 and A3 on the consent agenda for this meeting. Additionally, the committee recommended approval of the minor revisions to the civil jury instructions, which appears as Item A1 on the consent agenda for this meeting.

On November 20, the committee met jointly with E&P by teleconference to consider public comments received on a proposal to amend California Rules of Court governing several Judicial Council advisory bodies. The committee recommended approval of the proposal, which appears as Item 5 on the consent agenda for this meeting. The committee also recommended for approval the uniform bail and penalty schedules, which are included in Item R on the consent agenda for this meeting, and two forms proposals, which appear as Items A2 and A4 on the consent agenda for this meeting. On December 10, the committee met to consider a proposal for circulation for public comment during the winter cycle, which the committee approved. Justice Hull reported that the committee expects this proposal to be on the business meeting agenda for the April council meeting. Justice Hull concluded by reporting that the committee also considered and approved the 2015 annual agendas of the following advisory bodies, all of which were extremely well done: Advisory Committee on Civil Jury Instructions, Advisory Committee on Criminal Jury Instructions, Appellate Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee, Probate and Mental Health Advisory Committee, and Traffic Advisory Committee.

Judicial Council Technology Committee (JCTC)

Judge Herman, Chair, reported the committee had two open meetings since the October council meeting, once by teleconference and once in person. Committee vice chair Judge De Alba participated in the October 31 Court Technology Advisory Committee (CTAC) meeting, and he participated in the December 5 CTAC meeting. During those meetings, Judge Herman and Judge De Alba provided updates on the work of the committee and the upcoming change to the rule of court as part of the recommendations from the Court Technology Governance and Strategic Plan, which was approved by the council at its October meeting. They also discussed the state-level data exchanges and the justice partners interfaces workstream. For the benefit of the new members of CTAC, they outlined the history and role of the committee and its relationship to CTAC.

Judge Herman reported that, in his capacity as committee chair, he participated in periodic meetings on the judicial branch procurement information systems audit by the California State Auditor and that a report is due back on December 19. He reminded the council that the focus of this audit was on data security. Judge Herman indicated that he will provide more details during his report at the January council meeting. Judge Herman reported that he also participated in discussions between members of CTAC and the Joint Working Group for California's Language Access Plan on the remote video interpreting project.

At its November 10 meeting, Judge Herman reported the committee reviewed the annual agenda of CTAC. During its review, the committee received updates on the current and upcoming work of CTAC and its activities and the information technology budget. During its December 11 in-person meeting, committee member Mr. David Yamasaki, Court Executive Officer of the Superior Court of California, County of Santa Clara, who is also a former member of the Judicial Council, provided an update on the data exchanges and partner interfaces. In terms of the restructuring of the way CTAC approaches certain projects, Judge Herman explained the workstream projects with an executive sponsor—in this case, Mr. Yamasaki—to oversee the project. Subject matter experts from the trial courts will participate in the workstreams to ensure the committee is working from the ground up on these projects. Judge Herman indicated this project is the first time workstreams have been used at the JCTC level and it aligns with the new governance structure. He noted that the project is critical because more than 30 courts are in the process of deploying a new case management system. Judge Herman stated it is critical that numerous state justice partners collaborate with the trial courts and the vendors work out both administrative and technological standards for exchanging data.

Judge Herman reported that a Trial Court Budget Advisory Committee (TCBAC) recommendation that was approved by the council was that a plan be developed by the committee to eventually eliminate subsidies to the V3 courts and the Sustain Justice Edition courts hosted at the technology center and that the committee is working on this. A subgroup of TCBAC has been examining the IMF fund to eventually make recommendations on how pressures on that fund can be reduced.

Consent Agenda (Items A1–A5 through R)

ITEMS A1–A5 RULES AND FORMS

Civil Jury Instructions

Item A1 Jury Instructions: New, Revised, Renumbered, and Revoked Civil Jury Instructions and Verdict Forms

The Advisory Committee on Civil Jury Instructions recommended approving for publication the civil jury instructions prepared by the committee. On Judicial Council approval, the instructions will be published in the official 2015 edition of the *Judicial Council of California Civil Jury Instructions*.

Council action

The Judicial Council, effective December 12, 2014, approved for publication under rules 2.1050 and 10.58 of the California Rules of Court the civil jury instructions prepared by the committee, which will be published in the official 2015 edition of the *Judicial Council of California Civil Jury Instructions*.

Collaborative Justice Courts

Item A2 Military Service: Notification of Military Status

The Collaborative Justice Courts Advisory Committee recommended revisions to the optional Notification of Military Status form (form MIL-100). These revisions respond to recent legislation directing courts (1) to inform criminal defendants at arraignment that there are provisions of law designed for former or current military service members who have been charged with a crime and (2) that the defendant may request a copy of the Judicial Council military form explaining those rights. The legislation directed the Judicial Council to revise the military form accordingly.

Council action

The Judicial Council, effective January 1, 2015, revised the optional *Notification of Military Status* (form MIL-100) as follows:

1. Added a second page (on the back side of the existing form) to include information explaining the rights of individuals who have active duty or veteran military status under Penal Code section 1170.9, as amended effective January 1, 2015; section 1170.91, as enacted effective January 1, 2015; and section 1001.80, as enacted effective January 1, 2015.

2. Added the following language to page one of the form: “Consult your attorney before submitting this form. You may decline to submit this form to the court without penalty.” (See Pen. Code, § 858(d), enacted effective January 1, 2015, by Senate Bill 1110.)
3. Revised item 1 on page one to change check boxes indicating what type of proceeding the individual is a party to (criminal, family, juvenile, other) to a single check box stating, “I am a party in a superior court case.”
4. Renumbered item 4 as item 5 and added new item 4 to page one to read, “I understand that if I submit this form to the court as a defendant in a criminal case, the court will send copies of the form to the county veterans service officer and the Department of Veterans Affairs.” (Pen. Code, § 858(e).)
5. Added language to the “Notice” box on page one to read, “Certain provisions of California law apply to current and former members of the U.S. Military who have been charged with a crime when certain conditions are met. *Please see the back of this form for more information.* To submit this form as a party in a criminal case, you must file it with the court and serve it on the prosecuting attorney and defense counsel.” (*Ibid.*)
6. Added text field to page one for local court to provide contact information for local County Veterans Services Office. (Pen. Code, § 858(c).)
7. Added reference to sections 1170.91 and 1001.80 to the right footer on page one.
8. Made minor technical and citation revisions to page one.

Criminal Law

Item A3 Criminal Justice Realignment: Imposition of Mandatory Supervision

The Criminal Law Advisory Committee recommended amendments to rules 4.411 and 4.411.5 of the California Rules of Court and adoption of a new rule to govern the imposition of mandatory supervision under Penal Code section 1170(h)(5), including criteria for court consideration and the contents and requirements for related probation reports, as required by recent legislation that mandates adoption of these rules by January 1, 2015.

Council action

The Judicial Council, effective January 1, 2015:

1. Adopted rule 4.415 of the California Rules of Court to govern the imposition of mandatory supervision under Penal Code section 1170(h)(5), including criteria for

court consideration when determining the length and conditions of supervision and whether to deny supervision in the interests of justice;

2. Amended rule 4.411 of the California Rules of Court to apply existing requirements for presentence probation reports to cases in which the defendant is eligible for a term of imprisonment in county jail under Penal Code section 1170(h); and
3. Amended rule 4.411.5 of the California Rules of Court to require presentence probation reports to include recommendations regarding the appropriate term of imprisonment in county jail under Penal Code section 1170(h), the denial of mandatory supervision in the interests of justice, and the length and conditions of mandatory supervision.

Family Law

Item A4 Family Law: Technical Change to Response for Dissolution, Legal Separation, and Nullity of Marriage and Domestic Partnership

The Family and Juvenile Law Advisory Committee recommended amending *Response—Marriage/Domestic Partnership (Family Law)* (form FL-120) to correct an error in a notification regarding when automatic restraining orders become effective on the respondent and to reinstate a provision notifying the respondent that a proof of service must be filed with the Response. These changes to the existing form were inadvertently made when the form was revised to look more similar to the *Petition—Marriage/Domestic Partnership (Family Law)* (form FL-100) and the error was identified after the Judicial Council meeting on October 24, when the revised form was adopted.

Council action

The Judicial Council, effective January 1, 2015, revised the *Response—Marriage/Domestic Partnership (Family Law)* (form FL-120) to correct an inaccurate reference to when restraining orders are effective on the respondent and to add information inadvertently removed which alerts the respondent that a proof of service must be filed with the Response.

Miscellaneous

Item A5 Judicial Administration: Rules for Advisory Groups

The Executive and Planning Committee recommended that the Judicial Council adopt California Rules of Court for three Judicial Council advisory committees and amend two rules: one for an advisory committee and one that addresses concurrent membership on the council and a council advisory committee. At its meeting on April 25, 2013, the Judicial Council approved the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial*

Council Advisory Groups (Report and Recommendations) submitted by the Rules and Projects Committee, the Executive and Planning Committee, and the Judicial Council Technology Committee. Among the recommendations was the establishment by rule of the Trial Court Facility Modification Advisory Committee (TCFMAC). This proposal would establish a rule for the TCFMAC, the Workload Assessment Advisory Committee, and the Judicial Branch Workers' Compensation Advisory Committee, and amend the rule for the Governing Committee of the Center for Judicial Education and Research.

Council action

The Judicial Council, effective December 12, 2014:

1. Adopted rules 10.65, 10.66, and 10.67 of the California Rules of Court to establish by rule the Trial Court Facility Modification Advisory Committee (TCFMAC), the Workload Assessment Advisory Committee, and the Judicial Branch Workers' Compensation Advisory Committee;
2. Amended rule 10.2 to acknowledge that other rules may provide that a council member may concurrently serve on a council advisory committee;
3. Amended rule 10.50 for the Center for Judicial Education and Research Governing Committee (CJER) to increase the number of judicial officer members from 8 to 11, and to provide for a member who is a supervisor or manager in a trial or appellate court; and
4. Revised the *Trial Court Facility Modifications Policy*.

Item B Access to Visitation: Program Funding Allocation for Federal Grant Fiscal Years 2015–2016 through 2017–2018

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve Access to Visitation Grant Program funding allocation and distribution of approximately \$755,000 to \$770,000 statewide for federal grant fiscal years 2015–2016 through 2017–2018, which begins on April 1 and ends on March 31. The funding allocations would be directed to 11 superior courts representing 16 counties and involving 21 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

Council action

The Judicial Council, effective December 12, 2014:

1. Approved the funding allocation and distribution of approximately \$755,000 to \$770,000 to the 11 superior courts for federal grant fiscal years 2015–2016 through 2017–2018 (each federal fiscal year), as set forth in the report.
2. Approved the allocation and distribution to the next ranking court if any of the selected courts decline their grant award amount after the Judicial Council allocation approval but before execution of a funding contract with the Judicial Council.

Item C Judicial Council Report to the Legislature: California Parolee Reentry Court Evaluation Report

Judicial Council staff recommended that the Judicial Council receive the *California Parolee Reentry Court Evaluation Report* and direct the Administrative Director to submit this report to the California Legislature and Governor, as mandated by Penal Code section 3015. Under the statute, the Judicial Council is required to submit a final evaluation report that assesses the pilot reentry court program’s effectiveness in reducing recidivism no later than three years after the establishment of a reentry court. The report was developed in consultation with the California Department of Corrections and Rehabilitation.

Council action

The Judicial Council, effective December 12, 2014, received the *California Parolee Reentry Court Evaluation Report*, which documents program evaluation findings for the pilot California reentry court program outlined in Penal Code section 3015, and directed the Administrative Director to submit this report to the California Legislature and Governor by December 20, 2014.

Item D Trial Courts: Distribution Request Process for Children’s Waiting Rooms and Distribution Request from a Court

The Trial Court Budget Advisory Committee recommended that the Judicial Council approve the Superior Court of San Francisco County’s request for an increase in the court’s children’s waiting room distribution amount, effective January 1, 2015, as well as amendments to the process for courts to request children’s waiting room distributions or distribution adjustments.

Council action

The Judicial Council, effective December 12, 2014:

1. Approved the Superior Court of San Francisco County’s request to increase its children’s waiting room (CWR) distribution from \$4 to \$5 per filing, effective January 1, 2015.
2. Amended the process for courts to request CWR distributions to specify that courts applying for new CWR distributions can request that distributions begin no more

than one year in advance of the planned opening date of the CWR, unless there are extenuating circumstances. If a court wants to begin receiving distributions more than one year in advance of the planned opening date of a CWR, the request should include an explanation of the extenuating circumstance(s).

3. Further amended the process for courts to request CWR distributions to specify that once any court's request to decrease its existing CWR distribution is approved by the Judicial Council, the request can be implemented by Judicial Council staff, effective either January 1 or July 1.

Item E Court Interpreters: Revised Policy on Use of Unused Savings from Program 45.45

The Court Interpreters Advisory Panel (CIAP) recommended that the Judicial Council update the action taken on January 23, 2014, on the proper usage of unused interpreter savings in light of the enactment of Assembly Bill 1657 (Stats. 2014, ch. 721). On January 23, 2014, the Judicial Council authorized the use of unused interpreter savings for civil matters where the parties are indigent. AB 1657, effective January 1, 2015, authorizes courts to provide interpreters to all parties in civil matters, regardless of income, and sets forth a priority and preference order when courts do not have sufficient resources to provide interpreters for all persons. CIAP recommended that the Judicial Council authorize the use of unused interpreter savings consistent with the requirements of the newly enacted statute.

Council action

The Judicial Council, effective January 1, 2015, authorized trial courts to request reimbursement from the Trial Court Trust Fund Program 45.45 appropriation, and any unused savings from that appropriation, for expenditures on court interpreters for parties in civil cases, consistent with the priorities and preferences set forth in Evidence Code section 756, as enacted by AB 1657 (Stats. 2014, ch. 721).

Item F Judicial Branch Administration: Amendment of the Conflict of Interest Code for the Judicial Council

Judicial Council staff recommended that the Judicial Council adopt amendments to the Judicial Council Conflict of Interest Code (Code) and bring the Code up to date with the current organizational structure that, after a recent consolidation, now includes the former Administrative Office of the Courts. In accordance with Government Code sections 87303 and 87306, the Code must be updated "when change is necessitated by changed circumstances" (Gov. Code, § 87306). The council must review proposed amendments and approve the Code as amended or direct that it be further revised and resubmitted for approval.

Council action

The Judicial Council, effective December 12, 2014, adopted the amendments to the Judicial Council Conflict of Interest Code that reflect the organization's changes since it

combined with the Judicial Council staff (the former Administrative Office of the Courts) as follows:

1. Combined the separate codes for Judicial Council members and Judicial Council staff into one consolidated Code;
2. Referenced the laws requiring a public agency to adopt a Conflict of Interest Code;
3. Accurately designated Judicial Council members by separating them into voting and nonvoting categories; and subcategorizing the voting members into justices, judges, legislators, and attorneys;
4. Accurately addressed the number of Judicial Council staff designations required to submit disclosure statements, thereby improving the efficiency of the collection process;
5. Revised Appendix A, which explains how voting and nonvoting Judicial Council members must disclose their financial interests;
6. Revised Appendix B, which is a list of designated job classifications and their disclosure categories;
7. Consolidated and clarified the disclosure categories, streamlining the submittal process for designated employees by having a clarifying statement in the opening paragraph of Appendix C; and
8. Added Appendix D, which instructs designated incumbents on the parameters of submitting their statements of financial interests.

Item G Judicial Council Report to the Legislature: Receipts and Expenditures from Local Courthouse Construction Funds

The Judicial Council Capital Program recommended approving *Receipts and Expenditures from Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for submission to the Legislature. The report provides information for the reporting period of July 1, 2013, through June 30, 2014, on receipts and expenditures from local courthouse construction funds, as reported by each county. The annual submission of this report is required under Government Code section 70403(d).

Council action

The Judicial Council, effective December 12, 2014, approved *Receipts and Expenditures from Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for the period of July 1, 2013, to June 30, 2014, on receipts and

expenditures from local courthouse construction funds, as reported by each county, and directed staff to submit the report to the Legislature.

Item H Judicial Council: 2014 Legislative Policy Summary

The Policy Coordination and Liaison Committee (PCLC) recommended that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2014 legislative year. Adoption of this updated summary of positions taken on court-related legislation would assist the council in making decisions about future legislation, consistent with strategic plan goals.

Council action

The Judicial Council, effective December 12, 2014, adopted the updated Legislative Policy Summary reflecting actions through the 2014 legislative year.

Item I Judicial Council Report to the Legislature: Statewide Collection of Delinquent Court-Ordered Debt for Fiscal Year 2013–2014

The Revenue and Collections Unit of Judicial Council Finance recommended approving for submittal to the Legislature the annual *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt* on the collection of delinquent court-ordered debt in California for fiscal year (FY) 2013–2014, in accordance with Penal Code section 1463.010.

Council action

The Judicial Council, effective December 12, 2014, approved the FY 2013–2014 annual *Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt*, as required by Penal Code section 1463.010, and directed staff to transmit the report to the Legislature.

Item J Judicial Council–Sponsored Legislation: Monetary Sanctions Against Jurors

The PCLC and Criminal Law Advisory Committee (CLAC) proposed amending Code of Civil Procedure section 177.5 to expressly include jurors in the category of persons subject to sanctions for violating a lawful court order under that section. The proposal was developed at the request of judges to eliminate any ambiguity about whether courts are authorized to sanction jurors.

Council action

The Judicial Council, effective December 12, 2014, approved sponsoring legislation to amend section 177.5 to add jurors to the list of persons subject to sanctions under that section.

Item K Judicial Council–Sponsored Legislation (Criminal Justice Realignment): Parole Holds

The PCLC and Criminal Law Advisory Committee (CLAC) recommended that the Judicial Council sponsor legislation to amend Penal Code sections 1203.2(a), 3000.08(c), 3056(a), and 3455(b) and (c) to provide courts with discretion to order the release of supervised persons from custody, unless otherwise serving a period of flash incarceration, regardless of whether a petition has been filed or a parole hold has been issued. This proposal was developed at the request of criminal law judges to enhance judicial discretion to decide the custody status of supervised persons.

Council action

The Judicial Council, effective December 12, 2014, approved sponsoring legislation to amend Penal Code sections 1203.2(a), 3000.08(c), 3056(a), and 3455(b) and (c) to:

1. Provide courts with discretion to order the release of supervised persons from custody, unless otherwise serving a period of flash incarceration, regardless of whether a petition has been filed or a parole hold has been issued; and
2. Empower courts to fashion any terms and conditions of release deemed appropriate, in order to enhance public safety.

Item L Judicial Council–Sponsored Legislation: Recalling Felony Sentences Under Criminal Justice Realignment

The PCLC and CLAC proposed amending Penal Code section 1170(d)(1) to apply existing court authority to recall felony prison sentences to sentences now served in county jail under section 1170(h). This proposal was developed at the request of criminal law judges to enhance judicial discretion by applying existing recall authority to a new category of felony sentences created by criminal justice realignment.

Council action

The Judicial Council, effective December 12, 2014, approved sponsoring legislation to amend Penal Code section 1170(d)(1) to apply existing court authority to recall felony prison sentences to sentences now served in county jail under section 1170(h).

Item M Judicial Council–Sponsored Legislation: Appeals of the Imposition or Calculation of Fines and Fees

The PCLC and CLAC proposed adding Penal Code section 1237.2 and amending section 1237 to prohibit appeals in felony cases based solely on the grounds of an error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs unless the defendant first presents the claim to the trial court. This proposal was developed at the request of courts to

reduce the burdens associated with formal appeals and resentencing proceedings stemming from a common sentencing error.

Council action

The Judicial Council, effective December 12, 2014, approved sponsoring legislation to:

1. Add Penal Code section 1237.2 to prohibit appeals based solely on the grounds of an error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs unless the defendant first presents the claim in the trial court at the time of sentencing, or, if the error is not discovered until after sentencing, the defendant first makes a motion for correction in the trial court; and
2. Amend Penal Code section 1237 to include new Penal Code section 1237.2 in the list of statutory exceptions to the appellate procedure set forth in that section.

Item N **Judicial Council–Sponsored Legislation: Evidentiary Objections in Summary Judgment Proceedings**

The PCLC, Civil and Small Claims Advisory Committee, and the Appellate Advisory Committee (collectively “advisory committees”) recommended that the Judicial Council sponsor legislation to amend Code of Civil Procedure section 437(c) to provide that in deciding a motion for summary judgment, the court need rule only on objections to evidence that are material to the disposition of the summary judgment motion and that objections not ruled on are preserved on appeal.

Council action

The Judicial Council, effective December 12, 2014, approved amendments to the Code of Civil Procedure section 437(c) to limit the requirement that the court rule on objections to evidence and to provide that objections not ruled on are preserved on appeal.

Item O **Judicial Council–Sponsored Legislation: Sentencing Report Deadlines**

The PCLC and the CLAC recommended amending Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.

Council action

The Judicial Council, effective December 12, 2014, approved sponsoring legislation to amend Penal Code section 1203 to require courts to find good cause before continuing a sentencing hearing for failure by the probation department to provide a sentencing report by the required deadlines.

Item P Judicial Council–Sponsored Legislation: State Court Facilities Construction Fund Report

Government Code section 70371.8 requires the Judicial Council to report annually, by March 1, to the Joint Legislative Budget Committee, and the chairs of the Senate Committee on Budget and Fiscal Review, and the Assembly Committee on Budget on the status of each project established by the State Public Works Board under Government Code section 70371.7 to be funded by the Immediate and Critical Needs Account of the State Court Facilities Construction Fund. The report is required to include an accounting of the revenues generated and the expenditures made in the Immediate and Critical Needs Account. In preparing this report for FY 2013–2014, the need to amend the due date in section 70371.8 for the report from March 1 to November 1 was raised. The actual expenditures per year-end financial statements for each fiscal year are not available until August. Judicial Council staff recommended sponsoring legislation that will change the due date from March 1 to November 1 to allow the report to be completed with the expenditure information as reported in year-end financial statements and to go through the Judicial Council review process before submission to the Legislature.

Council action

The Judicial Council, effective December 12, 2014, approved sponsoring legislation to amend Government Code section 70371.8 to allow the annual report on the Immediate and Critical Needs Account of the State Court Facilities Construction Fund to be submitted to the Legislature by November 1 rather than March 1 each year.

Item Q Judicial Council Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant

Court Operations Services and its Office of Court Research recommended that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Penal Code section 1170.45, which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to the defendants' race and ethnicity. Since 2001, the Judicial Council's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the California State Department of Justice. Consistent with previous years, the 2014 report finds that when controlling for prior record and type of offense, the data show no consistent patterns in the severity of sentences that are principally related to the defendants' race and ethnicity.

Council action

The Judicial Council, effective December 12, 2014, approved the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* and directs staff to transmit it to the Legislature.

Item R Uniform Bail and Penalty Schedules: 2015 Edition

The Traffic Advisory Committee recommended revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2015. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269(b), must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation.

Council action

The Judicial Council, effective January 1, 2015, adopted the revised *Uniform Bail and Penalty Schedules, 2015 Edition*.

Discussion Agenda (Items S–U)

Item S Judicial Branch Planning: Proposal to Re-Adopt the Strategic Plan for California’s Judicial Branch for Fiscal Years 2006–2012

The chairs of the Judicial Council’s five internal committees proposed that the Judicial Council re-adopt *Justice in Focus: The Strategic Plan for California’s Judicial Branch, 2006–2012* with an amendment to add a seventh goal on securing the funding necessary to meet the operational needs of the judicial branch and fulfill the branch’s constitutional duties to the public. An extension of the goals and policies of the expired plan was advised for the two-year period in which the Chief Justice’s Commission on the Future of California’s Court System will be conducting a comprehensive examination of the priorities of the branch for the next decade and beyond.

Council action

The Judicial Council, effective December 12, 2014, re-adopted the strategic plan, *Justice in Focus: The Strategic Plan for California’s Judicial Branch, 2006–2012* as follows, and extended it to 2016, until another successive plan is developed following the work of the Chief Justice’s Commission on the Future of California’s Court System:

1. Continued promotion and implementation of the six strategic goals:
 - a. Goal I: Access, Fairness, and Diversity
 - b. Goal II: Independence and Accountability
 - c. Goal III: Modernization of Management and Administration

- d. Goal IV: Quality of Justice and Service to the Public
- e. Goal V: Education for Branchwide Professional Excellence
- f. Goal VI: Branchwide Infrastructure for Service Excellence

2. Amended the plan to include a seventh goal:

Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

Consistent with the Judicial Council’s legislative priority to advocate for investment in our justice system to preserve access to justice for all Californians, the branch must make every effort to achieve greater financial independence and flexibility for funding the court system at a level of sufficiency.

California’s state court system, the largest in the nation, serves an increasingly diverse population of 38 million people. The judicial branch is accountable for ensuring that the courts remain accessible to all Californians, court procedures are fair and understandable to court users and the public, and court services are provided to earn the public’s trust and confidence in the statewide administration of justice. Accomplishing these fundamental responsibilities of government requires a reliable funding base that will sustain branch operations on a continual, uninterrupted basis.

The branch must pursue a comprehensive approach to financially adapt to a shifting state budget outlook. This strategic goal represents a call for continued advocacy and a resolve to define new financial strategies.

- The branch must continue advocacy for sufficient fund balances allowing courts to manage cash flow challenges, a method for stable and reliable growth funding for courts to address annual cost increases in baseline operations, and sufficient additional resources to allow courts to (1) improve physical access to the courts by keeping courts open, (2) expand access by increasing the ability of court users to conduct branch business online, and (3) restore programs and services that were reduced or eliminated in recent years.
- Beyond a legislative program, the branch must also focus on comprehensive solutions for managing scarce resources to achieve a position of relative strength in uncertain economic times. This includes, but is not limited to: revenue-generation strategies, alternative funding mechanisms, business process reengineering to achieve further efficiencies, and program evaluation to support financial planning.

Item T Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships

The Workload Assessment Advisory Committee recommended that the Judicial Council approve the *Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. This report, which fulfills the requirements of Government Code section 69614(c)(1), shows that nearly 270 new judicial officers are needed to meet the workload-based need for new judgeships. This report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3). The advisory committee further recommended that the Judicial Council adopt a revision to the current methodology that is used to prioritize any new judgeships that may be authorized and funded by the Legislature for the trial courts. The proposed revision to the Judicial Council’s methodology would allow smaller courts whose workload need is substantial, but less than the one full-time equivalent threshold currently required, to be eligible for consideration for a new judgeship.

Council action

The Judicial Council, effective December 12, 2014:

1. Approved the attached report, *The Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment*, for transmission to the Legislature and the Governor; and
2. Approved a modification to the methodology used to prioritize any new judgeships that may be authorized and funded for the trial courts.

Item U Judicial Council: 2015 Legislative Priorities

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. For the 2015 legislative year, the Policy Coordination and Liaison Committee recommended an approach similar to that of 2014, following the Chief Justice’s Access 3D framework: (1) advocate for reinvestment in our justice system and avoid further reductions to preserve access to justice for all Californians, including a method to provide stable and reliable funding; (2) advocate to secure new judgeships for communities most in need, and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; and (3) advocate for legislation to expand access to interpreters.

Council action

The Judicial Council, effective December 12, 2014, approved, with two opposing votes, the following as legislative priorities for the council in 2015:

1. Advocate budget stability for the judicial branch to include: (a) sufficient fund balances to allow courts to manage cash flow challenges; (b) a method for stable and reliable funding for courts to address annual cost increases in baseline operations; and (c) sufficient additional resources to allow courts to improve physical access to the courts by keeping courts open, to expand access by increasing the ability of court users to conduct branch business online, and to restore programs and services that were reduced or eliminated in the past few years. This advocacy includes sponsorship or support of proposals that provide operational efficiencies, cost recovery, or new revenue, including seeking the extension of sunset dates on increased fees implemented in the FY 2012–2013 budget (the sunset date is July 1, 2015, unless noted otherwise).
 - \$40 increase to first paper filing fees for unlimited civil cases, where the amount in dispute is more than \$25,000 (Gov. Code, § 70602.6)
 - \$40 increase to various probate and family law fees (Gov. Code, § 70602.6)
 - \$20 increase to various motion fees (Gov. Code, §§ 70617, 70657, 70677)
 - \$450 increase to the complex case fee (Gov. Code, § 70616)
 - \$15 or \$20 fee for various services, to be distributed to the Trial Court Trust Fund (Sargent Shriver project), with sunset expiring on July 1, 2017 (Gov. Code, § 68085.1)
 - \$40 probate fee enacted in 2013, sunsetting on January 1, 2019 (Gov. Code, § 70662)

2. Seek additional judgeships and subordinate judicial officer conversions.
 - Secure funding for critically needed judgeships. Seek funding for 10 of the remaining 50 unfunded judgeships, assigned to the courts with the greatest need based on the most recently approved Judicial Needs Assessment.
 - Secure funding for two additional justices in Division Two of the Fourth Appellate District (Riverside/San Bernardino). Seek funding for one additional justice in FY 2015–2016 and the second additional justice in FY 2016–2017.
 - Advocate, as is done each year, for legislative ratification of the Judicial Council’s authority to convert 16 subordinate judicial officer (SJO) positions in eligible courts to judgeships, and sponsor legislation for legislative ratification of the council’s authority to convert up to 10 additional SJO positions to

judgeships if the conversion will result in an additional judge sitting in a family or juvenile law assignment that was previously presided over by an SJO.

3. Support legislation to increase access, fairness, and diversity, as well as the quality of justice and service to the public, by allowing courts to provide services for litigants who face challenges accessing the courts due to language barriers and the lack of interpreter services. Support or sponsor legislation to implement the recommendations of the statewide Language Access Plan.

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 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 was the 28th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, three superior courts—those of Calaveras, San Diego, and Mono Counties—have issued new notices.

INFO 3 Trial Courts: Quarterly Investment Report for Third Quarter of 2014

This *Trial Courts: Quarterly Investment Report for Third Quarter of 2014* provided the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report has been submitted pursuant to Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2014, through September 30, 2014.

INFO 4 Court Facilities: Lease-Revenue Bond Issuances, Fall 2013, Spring and Fall 2014

As authorized and directed by the Judicial Council, the Administrative Director presented this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2013, and spring and fall 2014 for the financing of court facilities projects.

Circulating Orders (Approved Since the October Business Meeting)

No circulating orders were approved since the October business meeting.

Appointment Orders (Since the October Business Meeting)

- November 6, 2014: Appointments to the internal committees of the Judicial Council.

Adjournment

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 Holley Graham (Ret.), San Bernardino County Municipal Court
- Judge Melvin E. Cohn (Ret.), Superior Court of California, County of San Mateo
- Judge Robert T. Baca (Ret.), Superior Court of California, County of Kern
- Judge Phillip R. McGraw (Ret.), Orange County Municipal Court

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at 11:50 a.m.

Respectfully submitted,



Martin Hoshino
Administrative Director and
Secretary to the Judicial Council

Attachments

Judicial Council Roll Call/Voting Sheets for the Consent Agenda and Discussion Agenda Items S, T, and U.

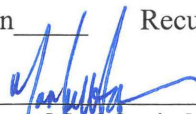
JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Friday, December 12, 2014 Meeting

Agenda Item # / Subject: CONSENT Roll Call _____ Voice Vote X

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE	
1.	Justice Tani G. Cantil-Sakauye, Chair	X					
2.	Judge Marla O. Anderson	X					
3.	Justice Judith Ashmann-Gerst T	X					
4.	Judge Brian John Back	X					
5.	Justice Marvin R. Baxter	X					
6.	Assemblyman Richard Bloom	X					
7.	Mr. Mark G. Bonino	X					
8.	Judge James R. Brandlin T	X					
9.	Judge David De Alba T	X					
10.	Judge Emilie H. Elias T						
11.	SEN. EVANS REPLACEMENT	N/A		N/A	N/A	N/A	N/A
12.	Mr. James P. Fox						
13.	Justice Harry E. Hull, Jr.	X					
14.	Ms. Donna D'Angelo Melby T	X					
15.	Justice Douglas P. Miller	X					
16.	Judge Gary Nadler	X					
17.	Ms. Debra E. Pole T	X					
18.	Judge David Rosenberg	X					
19.	Judge David M. Rubin	X					
20.	Judge Dean T. Stout	X					
21.	Judge Martin J. Tangeman	X					

NON-VOTING MEMBERS		PRESENT
1.	Judge Daniel J. Buckley	X
2.	Mr. Richard D. Feldstein	X
3.	Commissioner David E. Gunn	
4.	Judge James E. Herman	X
5.	Judge Morris D. Jacobson	X
6.	Judge Brian L. McCabe	X
7.	Mr. Frank A. McGuire	X
8.	Judge Marsha G. Slough	X
9.	Judge Kenneth K. So	X
10.	Ms. Mary Beth Todd	X
11.	Judge Charles D. Wachob	X
12.	Judge Joan P. Weber	X

Totals: Present _____ Absent _____ Yes X No _____ Abstain _____ Recuse _____



 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

* T = attending by telephone

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

*** For a voice vote, the Secretary indicates votes as he or she heard them.

JUDICIAL COUNCIL ROLL CALL / VOTING SHEET

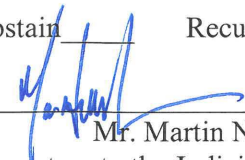
Friday, December 12, 2014 Meeting

Agenda Item # / Subject: 5 - STRATEGIC PLAN Roll Call _____ Voice Vote X

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE
1.	Justice Tani G. Cantil-Sakauye, Chair					
2.	Judge Marla O. Anderson					
3.	Justice Judith Ashmann-Gerst T					
4.	Judge Brian John Back					
5.	Justice Marvin R. Baxter					
6.	Assemblyman Richard Bloom					
7.	Mr. Mark G. Bonino					
8.	Judge James R. Brandlin T					
9.	Judge David De Alba T					
10.	Judge Emilie H. Elias T					
11.	SEN. EVANS REPLACEMENT	N/A	N/A	N/A	N/A	N/A
12.	Mr. James P. Fox					
13.	Justice Harry E. Hull, Jr.					
14.	Ms. Donna D'Angelo Melby T					
15.	Justice Douglas P. Miller					
16.	Judge Gary Nadler					
17.	Ms. Debra E. Pole T					
18.	Judge David Rosenberg					
19.	Judge David M. Rubin					
20.	Judge Dean T. Stout					
21.	Judge Martin J. Tangeman					

NON-VOTING MEMBERS		PRESENT
1.	Judge Daniel J. Buckley	
2.	Mr. Richard D. Feldstein	
3.	Commissioner David E. Gunn	
4.	Judge James E. Herman	
5.	Judge Morris D. Jacobson	
6.	Judge Brian L. McCabe	
7.	Mr. Frank A. McGuire	
8.	Judge Marsha G. Slough	
9.	Judge Kenneth K. So	
10.	Ms. Mary Beth Todd	
11.	Judge Charles D. Wachob	
12.	Judge Joan P. Weber	

Totals: Present _____ Absent _____ Yes X No _____ Abstain _____ Recuse _____



 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

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

JUDICIAL COUNCIL ROLL CALL / VOTING SHEET

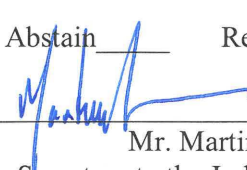
Friday, December 12, 2014 Meeting

Agenda Item # / Subject: T - NEW JUDGESHIPS Roll Call _____ Voice Vote X

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE
1.	Justice Tani G. Cantil-Sakauye, Chair					
2.	Judge Marla O. Anderson					
3.	Justice Judith Ashmann-Gerst T					
4.	Judge Brian John Back					
5.	Justice Marvin R. Baxter					
6.	Assemblyman Richard Bloom					
7.	Mr. Mark G. Bonino					
8.	Judge James R. Brandlin T					
9.	Judge David De Alba T					
10.	Judge Emilie H. Elias T					
11.	SEN. EVANS REPLACEMENT	N/A	N/A	N/A	N/A	N/A
12.	Mr. James P. Fox					
13.	Justice Harry E. Hull, Jr.					
14.	Ms. Donna D'Angelo Melby T					
15.	Justice Douglas P. Miller					
16.	Judge Gary Nadler					
17.	Ms. Debra E. Pole T					
18.	Judge David Rosenberg					
19.	Judge David M. Rubin					
20.	Judge Dean T. Stout					
21.	Judge Martin J. Tangeman					

NON-VOTING MEMBERS		PRESENT
1.	Judge Daniel J. Buckley	
2.	Mr. Richard D. Feldstein	
3.	Commissioner David E. Gunn	
4.	Judge James E. Herman	
5.	Judge Morris D. Jacobson	
6.	Judge Brian L. McCabe	
7.	Mr. Frank A. McGuire	
8.	Judge Marsha G. Slough	
9.	Judge Kenneth K. So	
10.	Ms. Mary Beth Todd	
11.	Judge Charles D. Wachob	
12.	Judge Joan P. Weber	

Totals: Present _____ Absent _____ Yes X No _____ Abstain _____ Recuse _____



 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

* **T** = attending by telephone

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

*** For a voice vote, the Secretary indicates votes as he or she heard them.

Motion 1: TANGEMAN

JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Friday, December 12, 2014 Meeting

#1-2-3 as proposed excluding the fee sunset extension.

Agenda Item # / Subject: U - LEG PRIORITIES Roll Call X

Voice Vote the fee sunset extension.

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE
1.	Justice Tani G. Cantil-Sakauye, Chair					
2.	Judge Marla O. Anderson			X		
3.	Justice Judith Ashmann-Gerst T			X		
4.	Judge Brian John Back			X		
5.	Justice Marvin R. Baxter			X		
6.	Assemblyman Richard Bloom	<u>Ⓟ</u>				
7.	Mr. Mark G. Bonino		X			
8.	Judge James R. Brandlin T			X		
9.	Judge David De Alba T			X		
10.	Judge Emilie H. Elias T			X		
11.	SEN. EVANS REPLACEMENT	N/A	N/A	N/A	N/A	N/A
12.	Mr. James P. Fox			X		
13.	Justice Harry E. Hull, Jr.			X		
14.	Ms. Donna D'Angelo Melby T			X		
15.	Justice Douglas P. Miller			X		
16.	Judge Gary Nadler			X		
17.	Ms. Debra E. Pole T	<u>Ⓟ</u>				
18.	Judge David Rosenberg			X		
19.	Judge David M. Rubin			X		
20.	Judge Dean T. Stout			X		
21.	Judge Martin J. Tangeman		X			

NON-VOTING MEMBERS		PRESENT
1.	Judge Daniel J. Buckley	
2.	Mr. Richard D. Feldstein	
3.	Commissioner David E. Gunn	
4.	Judge James E. Herman	
5.	Judge Morris D. Jacobson	
6.	Judge Brian L. McCabe	
7.	Mr. Frank A. McGuire	
8.	Judge Marsha G. Slough	
9.	Judge Kenneth K. So	
10.	Ms. Mary Beth Todd	
11.	Judge Charles D. Wachob	
12.	Judge Joan P. Weber	

Totals: Present _____ Absent _____ Yes _____ No X Abstain _____ Recuse _____

[Signature]
Mr. Martin N. Hoshino
Secretary to the Judicial Council

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Motion 2

JUDICIAL COUNCIL ROLL CALL / VOTING SHEET

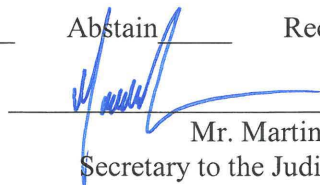
Friday, December 12, 2014 Meeting

Agenda Item # / Subject: U - LEG PRIORITIES RA 2 Balance of the Year Roll Call _____ Voice Vote X

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE
1.	Justice Tani G. Cantil-Sakauye, Chair					
2.	Judge Marla O. Anderson					
3.	Justice Judith Ashmann-Gerst T					
4.	Judge Brian John Back					
5.	Justice Marvin R. Baxter					
6.	Assemblyman Richard Bloom					
7.	Mr. Mark G. Bonino					
8.	Judge James R. Brandlin T					
9.	Judge David De Alba T					
10.	Judge Emilie H. Elias T					
11.	SEN. EVANS REPLACEMENT	N/A	N/A	N/A	N/A	N/A
12.	Mr. James P. Fox					
13.	Justice Harry E. Hull, Jr.					
14.	Ms. Donna D'Angelo Melby T					
15.	Justice Douglas P. Miller					
16.	Judge Gary Nadler					
17.	Ms. Debra E. Pole T					
18.	Judge David Rosenberg					
19.	Judge David M. Rubin					
20.	Judge Dean T. Stout					
21.	Judge Martin J. Tangeman					

NON-VOTING MEMBERS		PRESENT
1.	Judge Daniel J. Buckley	
2.	Mr. Richard D. Feldstein	
3.	Commissioner David E. Gunn	
4.	Judge James E. Herman	
5.	Judge Morris D. Jacobson	
6.	Judge Brian L. McCabe	
7.	Mr. Frank A. McGuire	
8.	Judge Marsha G. Slough	
9.	Judge Kenneth K. So	
10.	Ms. Mary Beth Todd	
11.	Judge Charles D. Wachob	
12.	Judge Joan P. Weber	

Totals: Present _____ Absent _____ Yes X No _____ Abstain _____ Recuse _____


 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

* T = attending by telephone

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