

JUDICIAL COUNCIL OF CALIFORNIA
Meeting Minutes—January 22, 2015
Judicial Council of California • Sacramento
Fourth Floor, Veranda Rooms A, B, and C
2860 Gateway Oaks Drive, Suite 400
Sacramento, California 95833

THURSDAY, JANUARY 22, 2015

Business Meeting—Open Meeting
(Rule 10.6(a))

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Supreme Court Justice Ming W. Chin; 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; Assembly Member Richard Bloom; Mr. Mark G. Bonino, Mr. James P. Fox, Ms. Donna D. Melby, and Ms. Debra Elaine Pole; **advisory members present:** Judges Daniel J. Buckley, James E. Herman, Morris D. Jacobson, Brian L. McCabe, Marsha G. 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.

Speakers present: Associate Justice Maria P. Rivera, Court of Appeal, First Appellate District, Division Four; Presiding Judge Steven K. Austin, Superior Court of California, County of Contra Costa; Judge Manuel J. Covarrubias, Superior Court of California, County of Ventura; Judge Laurie M. Earl, Superior Court of California, County of Sacramento; Court Executive Officer Shawn Landry, Superior Court of California, County of Yolo.

Others present: Presiding Judge Jonathan B. Conklin, Superior Court of California, County of Fresno; **members of the public:** Ms. Angelique Barboa, Ms. Logan Begneaud, Mr. Stephen Burdo, Ms. Morgan Carjaval, Ms. Diane Chin, Mr. Brandon Daire, Ms. Demetria Daire, Ms. Melinda Daire, Ms. Semria Etefagh, Ms. Ana Maria Garcia, Ms. Michelle Garcia, Mr. Stephen Goldberg, Ms. Susan Gonzalez, Ms. Jacquelyne Gorton, Ms. Stacey Hart, Ms. Leslie Starr Heimov, Mr. Ignacio Hernandez, Ms. Tracy Husted, Ms. Fatima Katumbusi, Ms. Kerin Kay, Ms. Maureen Keffer, Mr. R. Kernohan, Ms. Lani Kitkowski, Ms. Kathrine Lester, Mr. Mark Light, Ms. Helen Lynn, Mr. M. Mirzazable, Mr. José A. Navarrete, Rev. Ashiya Odeye, Mr. Randall Padilla, Mr. Richard Park, Ms. Vanessa Phillip, Ms. Kathleen Russell, Mr. Ghobad Zareh Sadeghi, Dr. Cherie R. Safapou, Mr. Hazart Sanker, Ms. Vickie Van Sapo, Mr. Bob Saunders, Mr. Edwin Snell, Mr. Curt Taras, Mr. Ariel Torrone, Ms. Connie Valentine, and Mr. Tilahun Yilma.

Call to Order

Chief Justice Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 8:30 a.m. in Veranda Rooms A, B, and C on the fourth floor of the Sacramento office of the Judicial Council of California.

Swearing in of New Judicial Council Member

The Chief Justice welcomed Supreme Court Justice Ming Chin, new member and new vice-chair of the Judicial Council, to his first meeting. She indicated that she is pleased to have Justice Chin take on the role that Supreme Court Justice Marvin Baxter held for 18 years. Under article VI, section 6(a) of the California Constitution, the membership of the Judicial Council is designated to include “one other judge of the Supreme Court.”

The Chief Justice noted that Justice Chin has already served the council and the people of California as chair of three commissions and committees: the Court Technology Advisory Committee, the California Commission for Impartial Courts, and the Science and the Law Steering Committee. He was also an active member of two other advisory committees: the Advisory Committee on Racial and Ethnic Bias in the Courts and the Appellate Advisory Committee. The Chief Justice reported that, in rejoining the Judicial Council, Justice Chin will also bring his knowledge and passion for all things technology-related as a member of the Judicial Council Technology Committee (JCTC).

The Chief Justice indicated that, having served as an associate and partner at a law firm, a deputy district attorney, and superior court judge in Alameda County, and having served as an associate justice and presiding justice of the First District Court of Appeal in San Francisco before being elevated by Governor Pete Wilson and elected by a statewide vote of the people to serve on the Supreme Court of California, Justice Chin will have served with distinction for 19 years this coming March. She added that, as a decorated Vietnam army veteran, she is certain that he is well prepared for the additional work that lies ahead for him as vice-chair of the Judicial Council.

The Chief Justice proceeded by administering the oath of office to Justice Chin.

Opening Remarks from the Chief Justice

The Chief Justice commented on the significance of the January and February Judicial Council meetings taking place in Sacramento. She noted that this meeting is the fifth regularly scheduled council meeting in Sacramento since she became the Chief Justice in 2011. The Chief Justice reported that, beginning last year, the council initiated the custom of holding its January and February meetings in Sacramento to enable council members to conduct regular council business while also advocating with its sister branches of government for the necessary new investment in the judicial branch. She announced that over 100 legislative visits have been scheduled during this year’s January and February council meetings.

The Chief Justice reported that, on the day before this meeting, the council held a number of very productive and informative legislative visits during which its members and staff had an

opportunity to present a case for the branch and the courts, and to discuss issues with legislators and their staff relating to access and service. Many voices and diverse personalities shared information about the needs of the judicial branch, the impacts cuts have had on the public it serves, and the efficiencies courts have developed and implemented. The Chief Justice indicated that, importantly, the council presented a shared vision for the branch and the new funding necessary to be able to deliver equal access to justice for all Californians.

The Chief Justice emphasized that it is an appropriate role for council members to be advocating on behalf of the judicial branch as this year's budget cycle begins following the Governor's recent proposed budget. She thanked the council members for their participation and the council's Governmental Affairs staff for organizing the legislative visits. The Chief Justice looks forward to continuing the conversations and discussions with the Governor and the Legislature regarding the branch's needs and strategies for the future. She believes that the council has demonstrated good faith in adapting to the new budget realities with its new budget allocation process.

The Chief Justice reported that the council will continue the collaborative process with the trial and appellate courts, judicial branch agencies, and its co-equal branches of government. She added that the conversations and the related knowledge and information sharing will not only continue in February, but throughout the entire budget process, culminating with the Budget Act in June.

The Chief Justice reported that January has already brought two important actions for the council to consider, deliberate upon, and set a course of action for its staff. One is the Governor's Proposed Budget for 2015–2016. She welcomes the continued and additional investments by the Governor including a much needed increase in the overall branch budget as well as a baseline increase for trial court operations. The Chief Justice noted that it will be the third year of new investment by the Governor in his proposed budget for the trial courts, with additional investments to help stabilize funding for the entire branch. She reported that the Governor's proposal is consistent with the council's own multiyear approach to rebuild and create a more accessible and efficient court system to serve the people of California. The Chief Justice looks forward to further conversations with its sister branches in the coming months.

The Chief Justice reported that the second important action was the California State Auditor's report on an audit of judicial branch spending at the council's staff agency, which covered a four-year time period. She believes it provides the council, as the governing body, and Mr. Hoshino, as its Administrative Director, with another useful tool and practical recommendations to consider and act upon in the process of ongoing self-assessment that she initiated when she took office. The Chief Justice indicated that she looks forward to hearing about the deliberations of the Working Group on Audit Recommendations. She reported that the recommendations, some of which relate to policy while others relate to operations, will receive a considered review and action plan by this dynamic working group of branch leaders, judges, a justice, and a court executive, representing the council and her Strategic Evaluation Committee. The committee is

chaired by Justice Douglas Miller, chair of the Executive and Planning Committee (E&P), and its members are:

- Justice Jim Humes, Court of Appeal, First Appellate District;
- Judge Laurie Earl of the Superior Court of California, County of Sacramento, chair of the Trial Court Budget Advisory Committee (TCBAC);
- Judge Marsha Slough, council member and chair of the Trial Court Presiding Judges Advisory Committee (TCPJAC);
- Judges Charles Wachob and Brian McCabe, council members and former chair and vice-chair, respectively, of the Strategic Evaluation Committee; and
- Ms. Mary Beth Todd, council member and chair of the Court Executives Advisory Committee (CEAC).

Approval of Meeting Minutes

The Judicial Council approved the minutes of the December 11–12, 2014, Judicial Council meeting.

Chief Justice's Report

The Chief Justice presented her report summarizing her engagements and ongoing outreach activities since the December council meeting. She began by reporting that she continued her ongoing series of liaison meetings with justice system partners and stakeholders to share knowledge and information on key issues and topics of mutual interest by meeting with the California State Sheriffs' Association, the California District Attorneys Association, and the California Defense Counsel.

The Chief Justice reported that she had the great pleasure of participating one last time with now-retired Presiding Justice Joan Dempsey Klein, Court of Appeal, Second Appellate District, on the Commission on Judicial Appointments, along with Attorney General Kamala Harris, for the now-confirmed Supreme Court Justice Leondra R. Kruger. She was pleased to highlight the fact that it was an all-female Commission on Judicial Appointments restoring the female majority and expanding the diversity on California's Supreme Court. For the Supreme Court's January oral argument session in San Francisco, the Chief Justice was glad to, once again, have the full complement of sitting justices, with the addition of Justice Mariano-Florentino Cuéllar and Justice Kruger. She expressed her gratitude to all of the Court of Appeal justices who sat pro tempore on Supreme Court cases last year and assisted the high court.

The Chief Justice reported that, following last November's election, the new year brought new terms of office for many of the state's elected officials, and she was very pleased to participate in two swearing-in ceremonies involving Governor Brown. One was the Governor's own swearing-in at the Assembly Chambers of the State Capitol with representatives from the Legislature. The other was to support his swearing-in of his Supreme Court appointees, Justices Cuéllar and Kruger. The Chief Justice also administered the oaths of office to Attorney General Kamala Harris, Ms. Fiona Ma as a new member of the State Board of Equalization, and to justices of the Court of Appeal, Third Appellate District, in Sacramento. The Chief Justice

believes in the importance of the oath of office taken by elected officials and public servants and sees great significance in the ceremony, in the words being spoken, and in the oath being taken.

The Chief Justice reported that she participated in the Sacramento County Bar Association's Annual Meeting, where she delivered a keynote address and presented retired Presiding Justice Arthur G. Scotland, Court of Appeal, Third Appellate District, with its Distinguished Attorney of the Year Award.

The Chief Justice reported that she participated in studio televised interviews with Mr. Conan Nolan, anchor of NBC4's *NewsConference* program in Los Angeles and with Mr. Scott Schafer in San Francisco for KQED's *Newsroom*. Both journalists were interested in the budget proposal, the audit, the new Supreme Court, and her civics initiatives.

The Chief Justice reported that the budget was also the theme of a conference hosted by the UCLA-RAND Center for Law and Public Policy titled *Discount Justice: State Court Budgeting in an Era of Fiscal Austerity*. During the conference she delivered the lunchtime keynote address and participated in a question-and-answer session moderated by Ms. M.C. Sungaila, chair of the Appellate Law Section of the Orange County Bar Association. Council Member Ms. Donna Melby was on a panel with New York Court of Appeals Chief Judge Jonathan Lipmann titled "Constitutional Dimensions to the Funding of State Courts." Additionally, Ms. Mary McQueen from the National Center for State Courts, Mr. Craig Holden from the State Bar, and Judge Carolyn Kuhl from the Superior Court of Los Angeles County participated in other panel discussions related to funding, research, and access. The Chief Justice noted that although the conference had a national focus and audience, as the largest judicial branch in the nation, California experiences impacts that are more dramatic.

The Chief Justice concluded her report by stating that she remains optimistic that through ongoing advocacy efforts with the sister branches of government, the council can continue to achieve new investments in the judicial branch and to improve access to justice for all Californians.

Judicial Council Internal Committee Presentation: Executive and Planning Committee

The Chief Justice requested that Justice Miller, chair of the Executive and Planning Committee (E&P), give his presentation before the Administrative Director's report to provide the council with an overview of the Working Group on Audit Recommendations before the council received the Administrative Director's report.

Justice Miller noted that his written report would be posted online after the meeting. Justice Miller began his supplemental report by providing an update on the work of the Working Group on Audit Recommendations that the Chief Justice appointed as soon as the California State Auditor released her report. He reported that the working group had met twice since being appointed. The first meeting took place by teleconference during the week prior to this Judicial Council meeting and the second one took place in person the day before this meeting. Justice Miller reported that the working group's view is that the auditor's recommendations are sound,

with some of them already in process due to the Judicial Council's acceptance of the Strategic Evaluation Committee's report in 2012 and the work that the council has been conducting over the last couple of years to complete each of those recommendations. The working group believes that some of the recommendations can be achieved relatively quickly while others will require a deeper cost-benefit analysis, a survey referred to in the audit, and development of a Judicial Council and branchwide strategic plan. Justice Miller reported that the working group's goal is to develop a work plan and present it to the council at the February business meeting, including a complete business analysis of as many of the audit recommendations as possible. He emphasized that the working group itself will not be performing the analysis of the recommendations—the working group has assigned those tasks primarily to the Administrative Director and the Trial Court Budget Advisory Committee as the Judicial Council's advisory committee with delegated budget responsibility. Justice Miller concluded his report by expressing his deep appreciation to the members of the working group who bring their passion, engagement, civility, and a statewide perspective. He added that the working group is impressed with Mr. Hoshino who, with his practical, can-do approach to his job, truly inspires confidence even after only a little over three months with the council.

Administrative Director's Report

Mr. Hoshino, Administrative Director, began by reporting that, with respect to the audit, at the direction of the Working Group on Audit Recommendations, Judicial Council staff was delegated some tasks and staff has begun its work on those tasks. He indicated that the approach that staff has taken is to eventually provide a full analysis on (1) what recommendations should be implemented in full, (2) what recommendations might be implemented in part and what those parts should be, and (3) what recommendations do not make sense in their application, although, as Justice Miller stated during his report, it was concluded that the recommendations are sound overall. Mr. Hoshino reported that it was fortunate to hear the Governor's response last week to some of the questions related to the audit as it related to the branch budget, especially as the two issues will intersect during the course of the next six months as the council advocates for the branch budget.

Mr. Hoshino reported that, in terms of his arrival to the council, the audit report is timely because the auditor and the audit team have, most likely, had more time than he has had to analyze many of the components related to Judicial Council staff. He will, therefore, give it the attention that it fully deserves along with the many other reports that he has received since taking on his position as Administrative Director. Mr. Hoshino reported that he hopes to provide a report to the council at its February business meeting on the progress made on the tasks delegated to Judicial Council staff. He added that the council will also receive a similar report at its April business meeting. Mr. Hoshino reported that staff will develop schedules and timelines related to activities to be undertaken in response to the audit, including descriptions of steps that can be done in sequence and those that can be done in tandem with the goal of accelerating their completion as quickly as possible.

In the materials for this council meeting, Mr. Hoshino 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 December council meeting and is exclusive of issues on the business agenda for this meeting. He began his supplemental report by highlighting the legislative outreach activities currently in place. Mr. Hoshino reported that, in addition to the activity between the council and the Legislature, executive and legislative stakeholders are meeting with those in the local courts to obtain firsthand information on some of the impacts of the service reductions. He reported that the Governmental Affairs staff worked with the Superior Courts of Alameda and San Luis Obispo Counties to host visits by the Legislative Analyst's Office, which expressed interest in some of the case management activities occurring there. He firmly believes the best way to gather experience is to walk in the shoes of those who are administering the activities and operations in the courts. Mr. Hoshino attested to the value of that particular approach because, since October, he has had the privilege of visiting some courts and observing the activities and the challenges firsthand. As he has mentioned in previous reports, regarding the innovations that he has observed, the goal is to develop strategies to implement those innovations throughout the state.

Mr. Hoshino reported that, regarding Proposition 47, staff has collected and received data from approximately 35 courts on workload impact. Those courts reported that they have received over 40,000 filings for resentencing or reclassifications from November 5, 2014, the day after the act passed, to December 31, 2014. Additionally, over 1,400 individuals who were incarcerated in state prison (out of the approximately 5,300 that are eligible under Proposition 47) have been released from state prison to date. Mr. Hoshino thanked the presiding judges and the court executive officers for working together with staff in gathering the workload data and information. He noted that staff is still in the process of determining the true impacts and expects a heavy amount of activity between Judicial Council staff and himself on this particular subject in the coming months.

Mr. Hoshino reported that the Governor proposed a \$26.9 million budget for the trial courts. He indicated that the hope is that through the advocacy efforts that began last week, including the legislative visits that are taking place, the proposed amount will be approved in the final budget signed by the Governor. Mr. Hoshino stated that, if left unfunded, the workload will make the impacts of budget reductions much more difficult, worsen current problems, and, more importantly, harm or hamper innovations that are currently occurring throughout the court system.

Regarding the Phoenix payroll system, Mr. Hoshino reported that, since the December council meeting, 2 additional superior courts have sought assistance from Trial Court Administrative Services staff to transition out of their county payroll systems: the Superior Courts of Kern and Trinity Counties. With the addition of those 2 courts, the total number of courts that will be on the Phoenix payroll system will be 12, with the system then supporting the payroll for approximately 3,200 employees.

Mr. Hoshino concluded his report by recognizing a significant event in American history for the California judicial branch. Earlier this month, for the first time, judges of the Superior Court of El Dorado County were cross-sworn into the tribal court of the Shingle Springs Band of Miwok

Indians while the Chief Judge of the tribal court was cross-sworn into the superior court. They now jointly preside over cases involving tribal members. Mr. Hoshino reported that the cross-swearing in of judges was an initiative from the Tribal Court–State Court Forum, a council advisory committee composed of tribal court judicial officers appointed by their tribal leadership, the director of the California Attorney General’s Office of Native American Affairs, the tribal advisor to the California Governor, and state court judicial officers. He noted that California has 23 tribal courts that serve approximately 40 federally recognized tribes. Mr. Hoshino highlighted the implementation of this initiative as a great example of how the court system is continuing to innovate and improve access to justice in a state that really values the diversity among its population, and it is a positive note on which to begin the calendar year.

Public Comment

Ms. Angeliqe Barboa, Mr. Brandon Daire, Ms. Demetria Daire, Ms. Melinda Daire, Ms. Jacquelyne Gorton, Ms. Stacey Hart, Ms. Fatima Katumbusi, Ms. Lani Kitkowski, Ms. Kathrine Lester, Ms. Helen Lynn, Rev. Ashiya Odeye, Mr. Randall Padilla, Mr. Ghobad Zareh Sadeghi, Dr. Cherie R. Safapou, Mr. Bob Saunders, Mr. Edwin Snell, Ms. Connie Valentine, and Mr. Tilahun Yilma presented comments on judicial administration issues. Ms. Leslie Starr Heimov presented comments on Discussion Agenda Item J. Judge Jonathan Conklin, Ms. Ana Maria Garcia, Mr. Stephen Goldberg, Ms. Susan Gonzalez, Mr. Ignacio Hernandez, Ms. Tracy Husted, Ms. Maureen Keffer, Mr. José A. Navarrete, Ms. Vanessa Phillip, and Mr. Ariel Torrone presented comments on Discussion Agenda Item K.

Written Comment

Written comments were received from Court Executive Officer W. Samuel Hamrick, Jr., Superior Court of California, County of Riverside, Ms. Katie Bromet, Ms. Sheri Farinha, Ms. Roberta Fitzpatrick, Ms. Janice Green, Mr. Ghobad Zareh Sadeghi, and Ms. Carly Shaw.

Judicial Council Members’ Liaison Reports

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

- Judge Morris D. Jacobson reported on his visit to the Superior Court of California, County of San Francisco.
- Judge Gary Nadler reported on his visit to the Superior Court of California, County of Mendocino.
- Judge David Rosenberg reported on his visit to the Superior Court of California, County of Lake.

Judicial Council Internal Committee Presentations (Continued)

Policy Coordination and Liaison Committee

Judge So, Chair, reported that the committee had met once since the December council meeting. During its January 15 meeting, the committee was not presented with any legislation; however, it did take a position in support of a submission of comment addressed by the Tribal Court–State

Court Forum expressing concerns to the federal government about a proposed federal rule change concerning child support enforcement. Judge So reported that the Legislature convened on January 5 and the Governor's proposed budget was released on January 9. He noted that the council members' legislative visits that took place the day before this meeting were proactive and ideally timed to support action on pending budget items with special focus on advancing our key judicial branch priorities. Judge So concluded his report by thanking the Chief Justice for instituting the legislative visits.

Rules and Projects Committee (RUPRO)

Justice Hull, Chair, reported that the committee had not met since the December council meeting. He reported that the committee would meet on January 26 to consider additions and revisions to the *California Criminal Jury Instructions (CALCRIM)*.

Judicial Council Technology Committee (JCTC)

Judge Herman, Chair, reported that the committee had met twice by teleconference since the December council meeting, one being an open meeting and the other closed. He reported that during its January 12 meeting, the committee received a presentation on vendor costing models, which was the basis for the closed meeting, for the V3 Case Management System and its replacement. During its January 16 meeting, the committee received a report on expanding the California Courts Protective Order Registry to include three additional courts that responded to an earlier survey: the Superior Courts of Sonoma, Monterey, and Mariposa Counties. Judge Herman reported that the committee approved the proposal with one abstention. He indicated that deployment to the three courts will be supported by grant funding from the California Department of Justice.

Judge Herman reported that during the January 16 meeting, the committee also received a presentation from Judge Laurie Earl, TCBAC chair, and Mr. Robert Oyung, Court Executive Officer of the Superior Court of Santa Clara County, on TCBAC's working group's recommendations related to the Improvement and Modernization Fund (IMF) approved by TCBAC at its January 15 meeting. TCBAC recommended that the Judicial Council (1) recommend that JCTC oversee the implementation of the proposed actions, (2) direct the Judicial Council's Information Technology staff to consider reducing as many external contractors as possible, and (3) consider creating a working group or designating an existing advisory body to focus on information technology efficiencies and cost-saving measures for smaller courts.

Judge Herman noted that development of the above recommendations preceded the audit report; therefore, regarding the second recommendation above, the committee will discuss with Justice Miller how this recommendation aligns with the work of the Working Group on Audit Recommendations. Regarding the third recommendation above, Judge Herman noted that the larger courts have significant and robust internal committees in contrast to the most of the small and mid-level courts that have no internal information technology staff. Those courts, therefore, are receiving significant support from Judicial Council Information Technology staff. Judge Herman thanked Judge Earl and Mr. Oyung for the tremendous amount of work they have done

evaluating the IMF and evaluating ideas on how pressure can be taken off of the IMF fund, particularly in the area of technology. Judge Herman reported that JCTC also approved the above recommendations and that JCTC and TCBAC will jointly submit them to the council for its February business meeting agenda.

Judge Herman concluded by reporting that Judge De Alba, JCTC Vice-Chair, and he are working with Justice Terence L. Bruiniers, Court of Appeal, First Appellate District, Division Five, and Judge Robert B. Freedman, Superior Court of Alameda County, chair and vice-chair, respectively, of the Court Technology Advisory Committee (CTAC), on the transition of CTAC to the Information Technology Advisory Committee. He indicated that they are in the process of drafting a rule of court changing the role of the committee.

Consent Agenda (Items A–G)

Item A California State Auditor Report: Five Superior Courts Did Not Consistently Follow Judicial Branch Contracting Practices

In November 2014, the California State Auditor released a report, *Judicial Branch Procurement: Five Superior Courts Did Not Consistently Follow Judicial Branch Contracting Practices*, which was required to be performed by Public Contract Code section 19210 to assess biennially the implementation of the Judicial Branch Contract Law for five judicial branch entities. The California State Auditor concluded that the five superior courts in the audit could improve their compliance with the *Judicial Branch Contracting Manual*. The California State Auditor found instances of noncompliance with payment approval levels, lack of justification using a noncompetitive procurement process, and not having procedures to implement the State’s Disabled Veteran Business Enterprise program or the small business preference for competitive information technology procurements.

Council action

The Judicial Council, effective January 22, 2015, accepted the California State Auditor’s audit report, *Judicial Branch Procurement: Five Superior Courts Did Not Consistently Follow Judicial Branch Contracting Practices*.

Item B Child Support: Certification of Support Calculation Computer Software Programs

The Family and Juvenile Law Advisory Committee recommended certification of two support calculation computer software programs, FamilySoft SupportCalc and Family Law Software. The request for Judicial Council certification was submitted by the software developers as provided by California Rules of Court, rule 5.275.

Council action

The Judicial Council, effective January 22, 2015, certified the following two support calculation computer software programs as provided by California Rules of Court, rule 5.275:

1. FamilySoft SupportCalc, produced by Legal+Plus Software Group, Inc.; and
2. Family Law Software, produced by Family Law Software.

Item C 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 Lake*. This acceptance would be 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 January 22, 2015, accepted the “pending” audit report dated August 2014 entitled *Audit of the Superior Court of California, County of Lake*. This acceptance resulted 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 D Trial Court Allocation: Final Reduction Related to Statutory 1% Cap on 2013–2014 Fund Balance Carry-Over

The Trial Court Budget Advisory Committee recommended that the Judicial Council approve the final reduction allocation of \$1.7 million related to fund balance in fiscal year (FY) 2013–2014 before February 2015 as required by Government Code section 68502.5(c)(2)(A).

Council action

The Judicial Council, effective January 22, 2015:

1. Adjusted the preliminary reduction allocations approved in July 2014 to match the courts’ final calculations of the amount above the 1% cap; and
2. Directed Judicial Council staff to provide technical assistance to courts, individually, where warranted, and as a whole, on identified issues of concern in order to improve the process going forward.

Item E Judicial Council Report to the Legislature: Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2013–2014

Judicial Council staff recommended the Judicial Council approve the *Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2013–2014*, as required by Government Code sections 68502.5(b) and 77202.5(b), to be sent to the chairs of the Senate Committee on Budget and Fiscal Review, the Senate Committee on Judiciary, and the Assembly Committees on Budget and Judiciary.

Council action

The Judicial Council, effective January 22, 2015, approved the *Report of Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2013–2014*, and directed Judicial Council staff to submit the report to the Legislature.

Item F Judicial Council Report to the Legislature: Fee Revenue and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2013–2014

Judicial Council staff recommended that the Judicial Council approve the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2013–2014*. Government Code section 68086(f) requires that the Judicial Council report to the Joint Legislative Budget Committee, on an annual basis, information concerning court reporter fees collected under Government Code sections 68086(a)(1), 68086(a)(2), and 68086.1 and expenditures on court reporter services in superior court civil proceedings statewide.

Council action

The Judicial Council, effective January 22, 2015, approved the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2013–2014* and directed Judicial Council staff to submit the report to the Joint Legislative Budget Committee.

Item G Judicial Council Report to the Legislature: State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2013–2014

The Judicial Council staff recommended that the Judicial Council approve the *Annual Report of State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2013–2014*, as required by Government Code section 77209(i), to be sent to the Legislature.

Council action

The Judicial Council, effective January 22, 2015, approved the *Annual Report of State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2013–2014* and directed the Judicial Council staff to submit the report to the Legislature.

Discussion Agenda (Items H–J, L)

Item H Governor’s Proposed Budget for 2015–2016

Judicial Council staff presented an overview of the judicial branch items contained in the Governor’s Proposed Budget for FY 2015–2016.

No council action

Item I Budget: Fiscal Year 2015–2016 Budget Request for the Trial Courts

The Trial Court Budget Advisory Committee (TCBAC) recommended that the Judicial Council approve a proposed FY 2015–2016 budget request for court-provided security and request a growth percentage increase starting in 2016–2017. The TCBAC recommended that a BCP be submitted for the maintenance of court-provided security funding at 2010–2011 levels, and include a request for a growth percentage increase starting in 2016–2017. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. Spring BCPs are to be submitted to the state Department of Finance by the second week of February.

Council action

The Judicial Council, effective January 22, 2015, approved the preparation and submission of a FY 2015–2016 spring budget change proposal (BCP) to the state Department of Finance for trial court–provided security.

Item J Juvenile Dependency: Court Appointed Counsel Funding Reallocation

The Trial Court Budget Advisory Committee recommended that the Judicial Council approve a process to reallocate the dependency court appointed counsel funds which are estimated to remain unspent in FY 2014–2015. The reallocation would be based on the funding need of courts, as calculated by the caseload funding model approved by the council in 2008.

Council action

Applying only to FY 2014–2015, the Judicial Council, effective January 22, 2015:

1. Approved a process to reallocate those dependency court-appointed–counsel funds that are estimated to remain unspent in FY 2014–2015.
2. Directed that the courts eligible for the reallocation be those courts whose base dependency counsel funding allocation is less than 90 percent of their funding need, as calculated by the dependency counsel caseload funding model.

3. Directed that the formula used to reallocate funding to those eligible courts be based on each eligible court's proportion of actual need, which is calculated (in dollars) by subtracting funding need from base funding.
4. Directed that a reallocation be made in January 2015 that will consist of 50 percent of the unencumbered funding in the Dependency Representation, Administration, Funding and Training (DRAFT) program budget, or approximately \$550,000.
5. Directed that the reallocation process also be carried out by staff in April 2015 and, if necessary, in June 2015 based on unspent funding from all courts.

Item K California's Language Access Plan: Strategic Plan for Language Access in the California Courts

The Chief Justice deferred this item to take place after the Non-Business Meeting—Closed Session.

Item L California State Auditor's 2013 Assessment of Judicial Council Information Technology System Controls and Data Reliability

The Judicial Council Technology Committee and Judicial Council Administrative Division jointly updated the council on the implementation of the California State Auditor's recommendations from the 2013 procurement audit (2013-302 & 2013-303).

No council action

**Non-Business Meeting—Closed Session
(Rule 10.6(b))**

The meeting was called to order at 11:20 a.m. and adjourned at 12:10 p.m.

**Business Meeting—Open Meeting (Reconvened)
(Rule 10.6(a))**

Call to Order

The Chief Justice reconvened the open business meeting at 12:20 p.m. in Veranda Rooms A, B, and C on the fourth floor of the Sacramento office of the Judicial Council of California.

Discussion Agenda (Item K)

Item K California's Language Access Plan: Strategic Plan for Language Access in the California Courts

The Joint Working Group for California's Language Access Plan recommended that the Judicial Council adopt the *Strategic Plan for Language Access in the California Courts* (Language Access Plan). The plan is the result of an 18-month effort that included public hearings and public comment, including a 60-day period for submission of formal public comments on a draft plan. The final plan provides recommendations, guidance, and a consistent statewide approach to ensure language access to all limited English proficient (LEP) court users in California. Having completed its task, the Joint Working Group also recommended immediate formation of two groups that would report to the Judicial Council's Executive and Planning Committee: (1) a Language Access Implementation Task Force, which would develop and recommend the methods and means for implementing the Language Access Plan in all 58 counties, as well as coordinate with related advisory groups and Judicial Council staff on implementation efforts; and (2) a translation committee, which would oversee translation protocols for Judicial Council forms, written materials, and audiovisual tools.

Council action

The Judicial Council, with one abstention, effective January 22, 2015:

1. Adopted the *Strategic Plan for Language Access in the California Courts*;
2. Recommended to the Chief Justice the composition and establishment of a Language Access Implementation Task Force, to be overseen by E&P; and
3. Directed staff to report to E&P regarding the establishment of a translation committee to oversee translation protocols for Judicial Council forms, written materials, and audiovisual tools.

Additionally, in anticipation of approval of the strategic plan, the Chief Justice announced her appointment of Supreme Court Justice Mariano-Florentino Cuéllar as chair of the Language Access Implementation Task Force.

Information Only Items (No Action Required)

INFO 1 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 29)

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 29th to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, one superior court, the Superior Court of California, County of Butte, has issued a new notice.

INFO 2 Court Facilities: Trial Court Facility Modification Advisory Committee Fiscal Year 2013–2014 Annual Report

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for FY 2013–2014. In compliance with the *Trial Court Facility Modifications Policy* adopted by the Judicial Council on July 27, 2012, the TCFMAC submitted the annual report for FY 2013–2014.

INFO 3 Court Security: Report on Screening Equipment Replacement for Fiscal Year 2013–2014

The Screening Equipment Replacement Program has been in operation since FY 2006–2007 and provides \$2.286 million in funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. Each year, the Administrative Director approves the list of entrance screening equipment to be funded that year through this program. This report updated the council on the entrance screening equipment that was replaced in FY 2013–2014 using that funding.

Circulating Orders (Approved Since the December 2014 Business Meeting)

- Circulating Order CO-14-06: Approval of the October 27–28, 2014, Judicial Council Meeting Minutes

Appointment Orders (Since the December 2014 Business Meeting)

No appointment orders were issued since the December 2014 business meeting.

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:

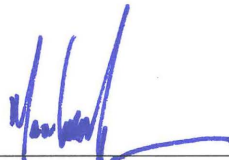
- Justice Orville A. Armstrong (Ret.), Court of Appeal, Second Appellate District;
- Justice Richard C. Neal (Ret.), Court of Appeal, Second Appellate District;
- Judge William B. Draper, Jr. (Ret.), Superior Court of California, County of San Diego;
- Judge Donald K. Fitzpatrick (Ret.), Superior Court of California, County of Los Angeles;
- Judge Denny R. Forland, Superior Court of California, County of Butte; and
- Judge Robert D. Monarch (Ret.), Superior Court of California, County of Orange.

The Chief Justice also acknowledged the passing of a Judicial Council staff member, Mr. Malcolm Franklin, Manager, Judicial Council's Office of Security. She announced that Mr. Franklin passed away unexpectedly this past December.

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at 1:15 p.m.

Respectfully submitted,



Martin Hoshino
Administrative Director and
Secretary to the Judicial Council

Attachments

Judicial Council Roll Call/Voting Sheets for attendance and Discussion Agenda Items I, J, and K.

Vote Roll ATTENDANCES

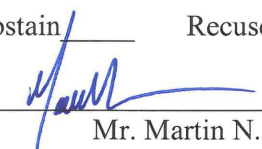
JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Thursday, January 22, 2015 Meeting

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

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	X				
4.	Judge Brian John Back	X				
5.	Assemblyman Richard Bloom	X				
6.	Mr. Mark G. Bonino	X				
7.	Judge James R. Brandlin	X				
8.	Justice Ming W. Chin	X				
9.	Judge David De Alba	X				
10.	Judge Emilie H. Elias	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	X				
15.	Justice Douglas P. Miller	X				
16.	Judge Gary Nadler	X				
17.	Ms. Debra E. Pole	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	
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 _____ Abstain _____ Recuse _____



 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

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

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

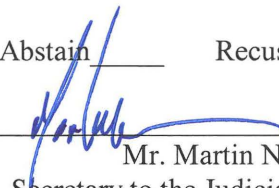
JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Thursday, January 22, 2015 Meeting

Agenda Item # / Subject: I - TCBCA Rev BCLM 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					
4.	Judge Brian John Back					
5.	Assemblyman Richard Bloom					
6.	Mr. Mark G. Bonino					
7.	Judge James R. Brandlin					
8.	Justice Ming W. Chin					
9.	Judge David De Alba					
10.	Judge Emilie H. Elias					
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					
15.	Justice Douglas P. Miller					
16.	Judge Gary Nadler					
17.	Ms. Debra E. Pole					
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 13 No 0 Abstain _____ Recuse _____


 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

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JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Thursday, January 22, 2015 Meeting

Agenda Item # / Subject: J - TCBCAC JUV DEP FUNDING Roll Call _____ Voice Vote X
(A) 1-6

VOTING MEMBERS		PRESENT	YES	NO	ABSTAIN	RECUSE
1.	Justice Tani G. Cantil-Sakauye, Chair					
2.	Judge Marla O. Anderson					
3.	Justice Judith Ashmann-Gerst					
4.	Judge Brian John Back					
5.	Assemblyman Richard Bloom					
6.	Mr. Mark G. Bonino					
7.	Judge James R. Brandlin					
8.	Justice Ming W. Chin					
9.	Judge David De Alba					
10.	Judge Emilie H. Elias					
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					
15.	Justice Douglas P. Miller					
16.	Judge Gary Nadler					
17.	Ms. Debra E. Pole					
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 19 No 0 Abstain _____ Recuse _____

 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

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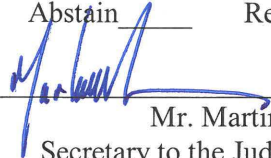
JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Thursday, January 22, 2015 Meeting

Agenda Item # / Subject: K - LANGUAGE ACCESS 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					
4.	Judge Brian John Back					
5.	Assemblyman Richard Bloom					
6.	Mr. Mark G. Bonino					
7.	Judge James R. Brandlin		<u>0 →</u>		<u>X</u>	
8.	Justice Ming W. Chin					
9.	Judge David De Alba					
10.	Judge Emilie H. Elias					
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					
15.	Justice Douglas P. Miller					
16.	Judge Gary Nadler					
17.	Ms. Debra E. Pole					
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

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