

JUDICIAL COUNCIL OF CALIFORNIA
Meeting Minutes—April 16–17, 2015
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, APRIL 16, 2015

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, APRIL 17, 2015

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

Voting Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; 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, 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.

Judicial Council members absent: Supreme Court Justice Ming W. Chin; Senator Hannah-Beth Jackson; Assembly Member Richard Bloom.

Speakers present: Judge Laurie M. Earl, Superior Court of Sacramento County; Ms. Sherri R. Carter, Court Executive Officer, Superior Court of Los Angeles County.

Others present: Judge Rhonda Burgess, Superior Court of Alameda County; Judge Nancy L. Davis, Superior Court of San Francisco County; Judge Shawna Schwarz, Superior Court of Santa Clara County; **members of the public:** Ms. Logan Begneaud, Mr. Stephen V. Burdo, Mr. Gregg Byron, Ms. Allison Cruz, Ms. Jennifer Daly, Mr. Dominick Franco, Mr. Stuart Gasner, Mr. Scott Goeriz, Ms. Andrea Goodman, Mr. Kenneth Krekorian, Mr. Michael Loeb, Ms. Mariko Nakanyhi, Ms. Alicia Park, Ms. Caren Shapiro, Mr. Ryan Sheets, Ms. Kathie Van Sickle, Mr. Nicholas Soter, Ms. Madaliene Sowers, Ms. Mary Lee Strebl, and Ms. Evguenia Vatchkova; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Mr. Joshua Sebold, *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.

Approval of Meeting Minutes

The Judicial Council approved the minutes of the February 19, 2015, Judicial Council meeting.

Chief Justice's Report

The Chief Justice presented her report summarizing her engagements and ongoing outreach activities since the February council meeting. She began by reporting that, on the day after the February council meeting, she held her annual visit with Ms. Jody Cooperman's class at Sutter Middle School in Sacramento. She noted that she has been making these visits since she was a judge in Superior Court of Sacramento County. The Chief Justice expressed that these visits, along with her experiences with her own children, have cemented her commitment to the need for civics education. She was joined on this visit by Chief United States District Judge Morrison England, Jr., of the United States District Court for the Eastern District of California who brought a federal perspective to the discussions with the students, which included a discussion of the Bill of Rights among other topics. The Chief Justice emphasized that civic engagement helps develop the students' skills and awareness of the world around them and increases their chances of graduating. She added that they all have the potential to be future local, state, and municipal leaders.

The Chief Justice reported that she continued her ongoing outreach activities to justice system partners and stakeholders in Los Angeles. She attended the Los Angeles County Bar Association's Board Meeting in February, where court funding was a key topic of interest as was the impact of Proposition 47. The Chief Justice took the opportunity to thank the Los Angeles County Bar Association and the members of the Open Courts Coalition for their ongoing advocacy efforts on behalf of the judicial branch.

The Chief Justice reported that, when the Supreme Court "rode the circuit" for oral argument this month, council member Supreme Court Clerk McGuire and she attended the Los Angeles County Bar Association Appellate Courts Section luncheon where the speaker was Professor Laurie Levenson from Loyola Law School. Partnership was also the theme for a series of

meetings with legislators, associations, and judges. Along with the Administrative Director and Mr. Cory Jaspersen, Director, Governmental Affairs, the Chief Justice held informal meetings with Assembly Member Mark Stone, chair of the Assembly Judiciary Committee, and Assembly Member Mike Gipson, chair of the Joint Legislative Audit Committee.

The Chief Justice reported that council member Senator Jackson and the Legislative Women's Caucus invited her to attend the caucus' monthly Bread Breaking with Women Leaders dinner. She thanked council member Judge Herman for arranging the invitation. It was a great opportunity to share her experiences with them and learn about how these women legislators strive to make a positive impact in California.

The Chief Justice reported that she attended one of her regular liaison meetings with the California Association of Counties. Additionally, the council's internal chairs and she met with members of the Executive Board of the California Judges Association (CJA), council member Judge Weber in her role as CJA president, former council member Assistant Presiding Judge Robert Glusman of the Superior Court of Butte County, Judge Kathleen Kelly of the Superior Court of San Francisco County, and Judge Michael Groch of the Superior Court of San Diego County. The Chief Justice noted that the Judicial Council and CJA have an 86-year working relationship that continues to support the judiciary and the need for equal access to justice for all Californians.

The Chief Justice welcomed the 63 members of the Commission on the Future of California's Court System to their first public meeting and breakout planning sessions. Led by Supreme Court Justice Carol Corrigan, as its chair, and Administrative Presiding Justice William McGuinness, Court of Appeal, First Appellate District, as its vice-chair, the commission helps ensure that the judicial branch is doing all it can to ensure that California's court system is as accessible and efficient as possible. The commission represents a broad spectrum of key stakeholders, including justices, judges, court administrators, attorneys, sheriffs, district attorneys, public defenders, chief probation officers, as well as Department of Finance Director Michael Cohen. The Chief Justice reported that the commission has created subcommittees focusing on the key areas of civil, criminal and traffic, family and juvenile, and court fiscal administration. She noted that the commission has already received a great amount of input and comments from interested parties and the public. The Chief Justice believes that the commission is another logical step in the process of improvement, self-assessment, and transparency.

The Chief Justice also welcomed nearly 40 judges to the Supervising Judges Institute—judges new to the supervisory role as courthouse site supervisors or bench assignment supervisors. Along with the Chief Justice, council members Justice Miller, Justice Hull, and Judge Rubin also took the opportunity to engage in a dialogue with the supervising judges. Dr. Yvonne Stedham from the University of Nevada, who also teaches at the National Judicial College, engaged the judges in discussions of judicial leadership and management.

The Chief Justice reported that she was pleased to attend an event in Sacramento hosted by the Association of Defense Counsel. She had the opportunity to speak to an audience that included young lawyers, federal and state judges, and defense counsel.

The Chief Justice reported that, within the past two months, she had received from the Business Law Section of the American Bar Association (ABA) its Women's Business Advocate Award relating to the advancement of women in the legal profession, and she had presented the California Lawyer Magazine's Attorneys of the Year Awards. Known as the CLAY Awards, they honored 62 attorneys in 17 areas of legal practice. The recipients included attorneys in solo practice, nonprofits, and international firms. The Chief Justice noted that five of the cases recognized involved pro bono work. She reported that she had the opportunity to again share the importance of civics education and civic engagement.

The Chief Justice noted that, in 2001, the State of California Task Force on Court Facilities issued its final report, and the activities and legislation that resulted from that report established the Judicial Council's Capital Construction Program. She reported that, on March 19, 2015, after much legislation, the first new construction project ever funded under Senate Bill 1407 reached completion and had its dedication ceremony: the North Butte courthouse in Chico. Nearly 500 members of the local Chico and Butte community joined the Superior Court of Butte County, along with Presiding Judge Kristen Lucena and council member Commissioner Gunn, in the celebration of the new courthouse. She was pleased to see many other judges from different counties attend the celebration, dedication, and opening of the new courthouse. The Chief Justice indicated that this project, which was seven years in the making, is a great example of collaboration involving the Judicial Council and its staff, the court, the county, and the city, resulting in a secure, seismically safe, accessible, and efficient courthouse for the area's growing population.

The Chief Justice reported that, in Washington, D.C., she attended a reception at the United States Supreme Court hosted by the Legal Services Corporation and addressed by United States Supreme Court Justice Ruth Bader Ginsburg. The issues of civil legal aid for low-income Americans and equal access to justice were key topics of conversation. The Chief Justice reported that, on the day following the reception, the same themes were discussed during a White House forum on increasing access to justice. She participated on a judiciary panel that included the chief justices from Texas, Florida, Tennessee, New York, and Kentucky, and federal judges from the United States District Court and Court of Appeals. Additionally, business leaders and technology panels addressed an audience consisting of law firms, law schools, the judiciary, the American Bar Association, and private corporations and foundations.

The Chief Justice noted that California is challenged by its poverty rate, which is likely the largest in the nation based on the state's population, the impacts of the global financial crisis on its courts and the public, and the need for pro bono or free legal aid. She emphasized that, fortunately, those challenges are being addressed by the council's Advisory Committee on Providing Access and Fairness, self-help initiatives and centers, bench guides, and the newly adopted Language Access Plan. Additionally, the council has established a number of successful

partnerships, including those with the Sargent Shriver Civil Counsel Program and the Legal Services Summit. The Chief Justice also noted that the State Bar of California has supported the California Access to Justice Commission since 1997.

The Chief Justice reported that, in Sacramento, she had the great pleasure of accepting an invitation from California State Senate President Pro Tem Kevin de León and Assembly Speaker Toni Atkins to deliver her State of the Judiciary address to a joint session of the Legislature. One of the themes that she emphasized was the interdependence of the state's three branches of government and how they have come to a better understanding through questioning, information sharing, and collaboration, resulting both in the executive and legislative branches acting to provide funding for the judicial branch and the judicial branch emphasizing accountability and efficiencies. The Chief Justice was pleased to be able to discuss the state of the judiciary in person with Governor Brown at the reception in the Court of Appeal, Third Appellate District that took place after her address. She hopes to continue the spirit of open dialogue and the advocacy for, and new investment in, the judicial branch.

The Chief Justice concluded her report by addressing the issue of traffic fines, fees, and penalties, which, she stated, has generated a lot of discussion throughout the country. She indicated that, before she departed for Washington, D.C., she was aware of the discussions among presiding judges and court executive officers on this issue. It struck a nerve with her because she has cautioned about a "pay-to-play" justice system in the past and, moreover, about the broad impacts of the fiscal crisis on self-represented litigants in the state. The Chief Justice pointed out that the issue is not only one of access to justice but also a fiscal one as these same fines and fees fund many state programs, not just ones for the judiciary. The Chief Justice stated that, in the same spirit of collaboration that she mentioned earlier in her report, she believes that the council can work with the Governor's administration and the Legislature to address both the fiscal and access to justice issues. She noted that the Governor's recent budgets have included measures to mitigate the funding reliance on the declining fines and fee revenues. The Chief Justice reported that the Commission on the Future of California's Court System, which she appointed and is chaired by Supreme Court Justice Carol Corrigan, and other branch leaders have heard and voiced concern regarding this issue. Although legal and structural challenges may arise, the Chief Justice believes that a collective will among the branches will lead to collaboration on an effective, efficient, and fair solution to fines, fees, and funding.

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 February council meeting and is exclusive of issues on the business agenda for this council meeting. He began his supplemental report by providing information on the budget hearings. Mr. Hoshino reported that a hearing on the judicial branch budget was held by the Senate subcommittee on March 26. During that hearing, the committee held open many budget items related to the first hearing, which he noted was not all that uncommon. Mr. Hoshino announced,

however, that the Senate subcommittee voted to approve the first-year funding for Proposition 47. The subcommittee withheld consideration of second year funding subsequent to reporting requirements in terms of actual impact, which was not unexpected given that the budget proposal came quickly after passage of Prop. 47 this past November. He announced that the next hearing is scheduled to take place on April 22 before the Assembly subcommittee. Mr. Hoshino acknowledged the support of presiding judges, court executive officers, and members of the civil and criminal bars, and others working at the Capitol who have been testifying in hearings and speaking on behalf of the judicial branch in support of the budget.

Mr. Hoshino reported that, since the February council meeting, he had the opportunity to visit the Superior Courts of Contra Costa, Marin, and Orange Counties, and he thanked the courts for the opportunity. With regard to the court site visits, he believes that they help him to not only be aware of the issues facing the courts, but to also understand them by having the chance to observe and experience the challenges faced by staff. More importantly, Mr. Hoshino believes that he is fortunate to observe the innovations at work in the courts and all the efforts made by staff on a daily basis.

Mr. Hoshino recalled that a 2011 report from the Task Force for Criminal Justice Collaboration on Mental Health Issues cited that 18.5 percent of arraigned defendants and 23 percent of California's prison population had serious mental illness issues. He reported that the council supported the task force's multiple recommendations for improvements in numerous principal areas. The council's response demonstrated its commitment to collaboration with justice partners, which is critical in promoting improved outcomes for adult and juvenile offenders with mental illness, improving public safety, lowering recidivism rates, and establishing greater efficiency and cost savings. Mr. Hoshino reported that, at the time he left employment with the criminal justice system last year, the numbers from the report had increased, with 30 percent of the prison population having serious mental illness, the fastest growing segment of the California prison population. Mr. Hoshino announced that, on March 18, the Forensics Mental Health Association of California presented its highest award to the Judicial Council in recognition of its work in addressing the needs of mentally ill offenders, including its support of the state's 46 mental health courts and the new processes established to address mental competency issues such as expanding online education for officers and conducting evaluations to identify evidence-based and promising practices. He reported that Judge Richard Loftus, Jr., Superior Court of Santa Clara County, and chair of the Mental Health Issues Implementation Task Force, accepted the award on behalf of the council.

With regard to the audit of the California State Auditor, Mr. Hoshino recalled that, during the February council meeting, council member Judge Slough, as chair of the Trial Court Presiding Judges Advisory Committee (TCPJAC), and he provided a status report on the work of the Working Group on Audit Recommendations, which is charged with reviewing recommendations by the California State Auditor. He reported that the 60-day status report drafted by the working group was submitted to the California State Auditor as required, and the council received a response from the auditor to its submission. Mr. Hoshino reported that the auditor generally

concluded that the council has completed addressing three of the items in the auditor's report; however, it is the council's opinion that it has actually completed four of the items—the working group and staff will work with the auditor on this discrepancy. He added that the auditor commented that implementation of some items could happen sooner than the working group estimated. Mr. Hoshino reported that the working group will work on figuring out and adjusting the timelines. He indicated that facility consolidation is in the implementation stages and still being analyzed. Additionally, the drafting of policies and procedures in support of some of the deficiencies that were noted in the audit is continuing. Mr. Hoshino reported a hearing was held that included the chairs of the Assembly Budget Subcommittee and the Assembly Judiciary Committee. He noted that the hearing was well attended by members of the council and the judicial branch—he thanked them for their participation in the hearing.

Mr. Hoshino concluded his report by providing information on the council's water conservation efforts in response to the drought. He noted that the council is joining the executive branch to do its part in terms of water conservation both now and in the future. Mr. Hoshino reported that, earlier in the month, the Governor issued an executive order on water conservation goals now that the state is in the fourth year of an extreme drought. The council will work closely with the appellate and superior courts to identify immediate and long-term steps to address water usage at court facilities. Mr. Hoshino reported that staff plans to present water conservation proposals to the Facility Policies Working Group in May and eventually submit these proposals to the council in June for its consideration. He explained that the proposals will identify steps to meet the aggressive conservation goals that have been outlined by the Governor as well as present a plan for a long-term design aimed at sustainability. Mr. Hoshino reported that base line data, where available, will be shared with the courts for the purpose of tracking usage in court facilities. Mr. Hoshino added that staff will also reexamine construction projects to ensure that facilities being built are as water-efficient as possible.

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. 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 has held numerous meetings working towards formulating the six-month response due to the auditor on July 7. Justice Miller thanked the working group members who have been working tirelessly on this effort. The members include Justice James Humes, Presiding Justice of the Court of Appeal, First Appellate District, Division One; Judge Laurie Earl of the Superior Court of Sacramento County and chair of the Trial Court Budget Advisory Committee (TCBAC); council members Judge Charles Wachob and Judge Brian McCabe, who were the chair and vice-chair, respectively, of the Strategic Evaluation Committee; Judge Marsha Slough; Ms. Mary Beth Todd; and the Administrative Director and his staff.

Justice Miller reported that the committee held a two-day, open meeting with the Working Group on Audit Recommendations to review the Judicial Council Restructuring Directives that were based on the recommendations of the Strategic Evaluation Committee. He indicated that the directives were discussed in detail and that an informational report on the implementation of the directives is included as Item J on the Discussion Agenda for this meeting.

Justice Miller reported that the committee is seeking nominations for the council's Distinguished Service Award. The Distinguished Service Award is the highest award presented by the Judicial Council. For over 20 years, the council has honored judges, court administrators, and justice system partners for their extraordinary service to the judicial branch. Justice Miller reported that, over the years, the scope of the contributions being made by these individuals has broadened and diversified. Recognizing this evolution, beginning this year, the Judicial Council for the first time is streamlining its award process by consolidating previously separate awards into a single Distinguished Service Award. He noted that the council still may select multiple awardees in a single year—it will depend on the number and quality of nominations received. It is the committee's hope to honor those individuals who have worked to promote the judicial branch goals as outlined in its Strategic Plan. Justice Miller reported that a committee, consisting of the chairs of the council's internal committees as well as the chairs of TCPJAC and the Court Executives Advisory Committee (CEAC), will review and make its recommendations to the Chief Justice. He concluded his supplemental report by indicating that the nomination forms will be available online on the California Courts website and that a notice will be sent out to the branch and the public.

Policy Coordination and Liaison Committee

Judge So, chair, reported that the committee has met five times since the February council meeting: once in February, twice in March, and twice in April. The committee took positions on behalf of the council on 28 separate pieces of legislation and approved three legislative proposals to be circulated for public comment. Judge So reported that the committee, during its meetings, also adopted a recommendation on one proposal for Judicial Council sponsorship and approved one piece of legislation for cosponsorship. He noted that the bills have been vetted extremely thoroughly because most of these bills have been reviewed by the advisory committees. The committee received the positions of the advisory committees, which assist the committee in its consideration of the position to take on behalf of the council on each of the bills.

Judge So proceeded to highlight a few of the bills considered by the committee. During its February and March meetings, the committee acted to oppose Senate Bill 127 and Assembly Bills 311, 455, and 1068, which all related to the California Environmental Quality Act. The committee also approved cosponsorship of SB 213, with the California Judges Association, which related to preemptory challenges. Additionally, the committee was presented with the Bench-Bar Coalition's past accomplishments and goals, and objectives for the upcoming legislative year. Judge So reported that, on April 9, the committee approved sponsorship of a legislative proposal on the disposition of the surplus San Pedro courthouse in the Superior Court of Los Angeles County. The committee also approved for circulation for public comment three

legislative proposals from the Criminal Law Advisory Committee, the Probate and Mental Health Advisory Committee, and the Civil and Small Claims Advisory Committee. Judge So reported that the committee has taken an opposed position on SB 682, unless amended. This bill replicates AB 566, which was introduced in 2013, and last year's AB 2332. He noted that this bill is known as the "contracting out bill." The committee also took an opposed position on SB 266, which is related to flash incarceration. Judge So added that the committee met the day before this meeting to consider four bills, one of which was AB 874, which relates to collective bargaining for Judicial Council staff. The committee took a neutral position on that bill.

Judge So concluded by reporting that, after the Chief Justice delivered her State of the Judiciary address to a joint session of the Legislature, the committee members were able to meet with government leaders and legislators on issues of critical importance to the judicial branch.

Rules and Projects Committee (RUPRO)

Justice Hull, chair, reported that the committee has met twice and acted once by e-mail since the February council meeting. On March 20, the committee met by teleconference to review eight proposals that circulated for public comment during the winter rules cycle: one proposal regarding technical amendments that was not circulated for comment, and one proposal to circulate on a special cycle. The committee approved the proposal for circulation on a special cycle and deferred consideration of one proposal, requesting the proponents to provide additional information. Justice Hull reported that the committee recommended for council approval the remaining nine items, which appeared as Items A1 through A9 on the Consent Agenda for this meeting. The committee acted by e-mail on February 25 to approve a technical correction to a form. The committee met in person the day before this meeting to consider 34 proposals to circulate for public comment during the spring rules cycle. Justice Hull reported that the committee approved the proposals for circulation for public comment through June 17. He indicated that, after the comment period and further review by the advisory committees, these proposals are expected to be submitted to the Judicial Council for consideration during its October 2015 business meeting. Justice Hull concluded by reporting that the committee, during the same meeting, also considered and recommended for approval two proposals that are expected to be submitted to the council for consideration during its June business meeting and reviewed one item for informational purposes only.

Judicial Council Technology Committee (JCTC)

Judge Herman, chair, reported the committee has held two open opening meetings and one closed meeting—all of which were teleconferences—as well two actions by e-mail since the February council meeting. He noted that the primary focus of the committee's work since the February council meeting, and for a substantial period of time before, has been working with the V3 Case Management System courts and with TCBCAC to develop a strategy for these courts to transition off of the V3 system. Judge Herman reported that a subgroup, consisting of JCTC vice-chair Judge De Alba, Judge Buckley, Mr. Feldstein, and himself, met with the V3 courts to obtain their feedback on various transitioning strategies being considered. During the committee's March 26 closed meeting, the V3 courts provided information. On the same day, the

committee held an open meeting during which Judge Laurie Earl, chair of TCBAC, reported on the actions of TCBAC to try to resolve the shortfall related to the State Trial Court Improvement and Modernization Fund (IMF); the V3 courts were invited to share their concerns. Judge Herman reported that the committee developed recommendations, which appeared as Item G on the Discussion Agenda for this meeting. He added that he presented the recommendations to the Revenue and Expenditure Subcommittee at its April 2 meeting, and the subcommittee concurred with the recommendations.

Judge Herman reported that, during its April 13 open meeting, the committee received an update on the work of the Court Technology Advisory Committee (CTAC) from its chair, Justice Terence Bruiniers. During the same meeting, the committee reviewed a proposal to amend rules 10.16 and 10.53 of the California Rules of Court to implement the recommendations of the Court Technology Governance and Strategic Plan, which included the transitioning of the name of CTAC to the Information Technology Advisory Committee (ITAC) and the updating of the roles and responsibilities of both JCTC and ITAC. Judge Herman reported that the committee approved the proposal and it will now proceed through the rules approval process, including circulation for public comment. The committee also received an update on the activities related to the funding of the Sustain Justice Edition (SJE) case management system. Judge Herman noted that Ms. Deborah Norrie, Court Executive Officer of the Superior Court of Plumas County, who has been the leader of the SJE user group, made a presentation to the committee. He reported that Mr. Feldstein, a member of the TCBAC's Revenue and Expenditure Subcommittee, JCTC, and CEAC's executive committee, will be a key member of the new joint working group, which will include members of JCTC as well as the subcommittee, to work together towards a solution for funding for the interim case management systems as proposed in Item G.

Judicial Council Members' Liaison Reports

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

- Justice Judith Ashmann-Gerst reported on her visit to the Superior Court of Ventura County;
- Justice Harry E. Hull, Jr., reported on his visits to the Superior Court of Nevada County; and
- Judge Emilie H. Elias reported on her visit to the Superior Court of Imperial County.

Public Comment

Ms. Roberta Fitzpatrick, Ms. Annamarie Jones, Ms. Tammy Leonis, Mrs. Helen Lynn, Ms. Kathleen Russell, Ms. Anna Saucedo, Mr. ET Snell, and Ms. Connie Valentine presented comments on judicial administration issues.

Judge Rhonda Burgess, Judge Shawna Schwarz, Ms. Deborah Bennett, Ms. Dane D. Burcham, Mr. Michael Burns, Mr. Andrew Cain, Mr. Roger Chan, Ms. AnnaLisa Chung, Ms. Mariah N. Corder, Ms. Marcie Daniluke, Ms. Nef Franks, Ms. Michelle Gilleece, Ms. Leslie Heimov, Ms. Jill E. McInerney, Mr. David M. Meyers, Mr. David Otsuka, Mr. Robert Patterson, Ms. Jennifer Turner, and Ms. Danielle Butler Vappie presented comments on Discussion Agenda Item I.

Written Comment

Judge Jim Luther (Ret.), Superior Court of Mendocino County, submitted written comments on Discussion Agenda Item C.

Presiding Judge Gary L. Paden and Court Executive Officer LaRayne Cleek of the Superior Court of Tulare County, Mr. John W. Kecker, and Mr. Jeffrey L. Bleich submitted written comments on Discussion Agenda Item F.

Presiding Judge Glenda Sanders, Assistant Presiding Judge Charles Margines, and Chief Executive Officer Alan Carlson of the Superior Court of Orange County; Presiding Judge Robert Hight of the Superior Court of Sacramento County; and Presiding Judge Donald Coleman, Assistant Presiding Judge Patricia Murphy, and Court Executive Officer Michael Planet of the Superior Court of Ventura County submitted written comments on Discussion Agenda Item G.

Presiding Judge Winifred Younge Smith of the Superior Court of Alameda County; Judge Michael I. Levanas of the Superior Court of Los Angeles County; Judges Heather Morse and John Gallagher of the Superior Court of Santa Cruz County; Supervisors Michael D. Antonovich, Don Knabe, Sheila Kuehl, Hilda L. Solis, and Mark Ridley-Thomas of the Board of Supervisors of the County of Los Angeles; Mr. Joseph M. Ahart, Mr. Andrew Bridge, Mr. Dane D. Burcham, Mr. Michael F. Burns, Mr. Roger Chan, Ms. Margaret Coyne, Ms. Renée Espinoza, Ms. Leslie Starr Heimov, Ms. Cheryl L. Hicks, Dr. Kathryn Icenhower, Ms. Martha Matthews, Ms. Candi M. Mayes, Ms. Jill E. McInerney, Mr. David M. Meyers, Mr. Timothy Moppin, Mr. Gregory P. Priamos, Mr. Guy B. Pittman, Ms. Amy L. Reisch, Ms. Abigail Trillin, and Mr. Andrew M. Wolf submitted written comments on Discussion Agenda Item I.

Mr. Eyron Ike Rosenberg, Ms. Carol Saia, and Ms. Connie Valentine submitted written comments on topics of general court administration.

Consent Agenda (Items A1–A9 and B–E)

ITEMS A1–A9 RULES AND FORMS

Civil and Small Claims

Item A1 Rules and Forms: Confidential Information Form under Civil Code §1708.85

The Civil and Small Claims Advisory Committee recommended adopting a new form to implement Assembly Bill 2643, which creates a private right of action against a person who distributes sexually explicit material. Effective July 1, 2015, the new law authorizes a plaintiff in such an action to proceed using a pseudonym instead of his or her true name and requires all parties to avoid or redact certain identifying information from any pleading filed in the action. The law mandates that the Judicial Council, by July 1, 2015, adopt a confidential information

form on which the parties are to provide the plaintiff's true name and any redacted material to the court, so that the information may be kept outside the public record.

Council action

The Judicial Council, effective July 1, 2015, adopted new *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125).

Item A2 Rules and Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment

The Civil and Small Claims Advisory Committee recommended the adoption of the new notice form, which was mandated by the Legislature in the recently enacted Tribal Court Civil Money Judgment Act. The act provides for the enforcement of certain tribal court money judgments in state courts. The statute requires that the judgment creditor in the tribal court action use a form prescribed by the Judicial Council to serve—in the same manner as service of a summons—the judgment debtor with notice of filing the application for recognition of the judgment. The proposed form is intended to comply with those requirements.

Council action

The Judicial Council, effective July 1, 2015, adopted the new *Notice of Application for Recognition and Entry of Tribal Court Money Judgment* (form EJ-115).

Collaborative Justice

Item A3 Military Service: Notification of Military Status

The Collaborative Justice Courts Advisory Committee recommended that the Judicial Council revise the optional *Notification of Military Status* (form MIL-100) to ensure the language is consistent throughout the form and that all relevant statutory provisions are referenced. The form was previously revised effective January 1, 2015, in response to legislative changes that became effective on that same date. The short time available for that revision did not allow for a period of public comment prior to the council's action in approving the revisions. The January 1, 2015, version of the form has since been circulated for public comment and was submitted for further revision.

Council action

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

1. Added reference to Penal Code section 858 to the right footer of page 1;

2. Added “possibly” following “Rights include” under “California Penal Code 1001.80: Diversion in misdemeanor cases” on page 2 to achieve consistency with preceding language describing Penal Code 1170.9;
3. Added “Eligible for diversion and court orders diversion” under the “Requirements include” section under “California Penal Code 1001.80: Diversion in misdemeanor cases” on page 2 to achieve consistency with preceding language describing Penal Code section 1170.9; and
4. Combined the language from two currently distinct bullet points stating “Waiver of the right to speedy trial” and “Consent to diversion” under the “Requirements include” section under “California Penal Code 1001.80: Diversion in misdemeanor cases” on page 2 into one bullet point to read “Waiver of the right to speedy trial and consent to diversion.”

Family and Juvenile Law

Item A4 Domestic Violence and Family Law: Technical Changes to Forms

The Family and Juvenile Law Advisory Committee recommended making technical revisions to one domestic violence form and three family law forms. The revision to the domestic violence form was suggested by court staff to avoid the perception that a court hearing is required before obtaining a judge’s signature on the form. The technical changes to the two family law summary dissolution forms are mandated by Family Code section 2400 to reflect an increase in the California Consumer Price Index. The third summary dissolution form was updated to remove a citation to a recently revoked form and update the title of the mandatory form used to initiate an action for dissolution of a marriage or domestic partnership.

Council action

The Judicial Council, effective July 1, 2015:

1. Revised *Order to Register Out-of-State or Tribal Court Protective/Restraining Order (CLETS)* (form DV-600) by:
 - a. Replacing “(CLETS)” in the form’s title with “(CLETS-OOS),” as requested by the Department of Justice, and
 - b. Deleting the incorrect reference to “*Notice of Court Hearing*” in the Clerk’s Certificate and replacing it with the correct form title “*Order to Register Out-of-State or Tribal Court Protective/Restraining Order,*” as approved by the Department of Justice;

2. Approved and adopted the calculations in Attachment 1, which result in the maximum dollar amounts for community and separate property assets that parties can have to proceed by summary dissolution;
3. Revised summary dissolution forms FL-800 and FL-810 to reflect an increase in the maximum limits for community and separate property assets under Family Code section 2400(a)(7) from \$40,000 to \$41,000; and
4. Revised form FL-830 to delete the reference to revoked form FL-103 and update the title of form FL-100.

Judicial Administration

Item A5 Judicial Administration: Changes to Delegations in Rules of Court

The Rules and Projects Committee recommended amending rules 10.70, 10.101, and 10.804 of the California Rules of Court to change the Judicial Council's delegations of authority to better align them with council governance policies. This need arose from the October 17, 2013, recommendations of the Executive and Planning Committee to the council concerning delegations of authority that the council issued to its Administrative Director.

Council action

The Judicial Council, effective July 1, 2015:¹

1. Amended rule 10.70 to eliminate reference to the Administrative Director's authority to establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council's standing advisory committees, and to add a subdivision providing that the Administrative Director may establish working groups to work on specific projects identified by the Administrative Director;
2. Amended rule 10.101 to provide that the council, and not the Administrative Director, must develop policies and procedures for the creation and implementation of a yearly budget for the judicial branch; that the Chief Justice, on behalf of the council, has exclusive authority to allocate funding for the council and its staff, the Supreme Court, the Courts of Appeal, the trial courts, and the Habeas Corpus Resource Center; and make clarifying changes to the rule; and
3. Amended rule 10.804 to provide that before amending the *Trial Court Financial Policies and Procedures Manual*, the Judicial Council, and not the former

¹ After the council's action on this item, the effective date provided in the recommendation was corrected to be consistent with the July 1, 2015, effective date listed on the first page of the text of the amended rules.

Administrative Office of the Courts, must make it available to certain interested parties for comment.

Miscellaneous

Item A6 Forms: Miscellaneous Technical Changes

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff identified errors in forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommended making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

Council action

The Judicial Council, effective July 1, 2015:

1. Revised CR-110/JV-790 and CR-111/JV-791 to correct a reference in the footer from “§ 6774(a)(7)” and “§ 647”, respectively, to “§ 674(a)(7)” and “§ 674”;
2. Revised CR-132 to correct two penal code references in item 2, from “1466(2)(B)” to “1466(b)(1)”, and to restore language in item 3.a. inadvertently replaced in a previous revision;
3. Amended the Notary Acknowledgement on page 2 of forms DE-305 and FL-632 to reflect revised Civil Code § 1189(a)(1);
4. Revised form GC-350, page 2, Notice, paragraph 4, to add “conservatorship or” before “guardianship.”

Trial Courts

Item A7 Judicial Branch Education: Court Executive Officers Education

TCPJAC and CEAC recommended the amendment of rule 10.473 of the California Rules of Court that addresses education for trial court executive officers. Among other provisions, it requires that continuing education be completed every three years and that half of the required hours be in the form of live, face-to-face education. The proposed amendment would instead allow the presiding judge discretion to determine the number of hours of live, face-to-face education required to meet the court executive officer’s continuing education requirement.

Council action

The Judicial Council, effective July 1, 2015, amended rule 10.473 of the California Rules of Court to give the presiding judge of a court discretion as to the number of hours of

live, face-to-face education to be completed by that court's executive officer to meet the court executive officer's continuing education requirement, to be effective July 1, 2015.

Item A8 Subordinate Judicial Officers: Complaints and Notice Requirements

TCPJAC recommended amending rules 10.603 and 10.703 of the California Rules of Court to (1) simplify the procedures a presiding judge must follow while reviewing and investigating complaints against subordinate judicial officers (SJOs); (2) clarify a presiding judge's authority in conducting an investigation and determining the appropriate action to be taken; and (3) clarify the circumstances under which discipline against an SJO must be reported to the Commission on Judicial Performance (CJP). The proposed amendments were prompted in part by a suggestion from Victoria B. Henley, Director–Chief Counsel of the CJP, that the rule be amended to address ambiguity as to what types of disciplinary action a presiding judge can impose after an investigation and what types of action must be reported to the CJP.

Council action

The Judicial Council, effective January 1, 2016,² amended rule 10.703 of the California Rules of Court as follows:

1. Replaced the two-tier investigation process in subdivisions (i) and (j) with one investigation;
2. Deleted from subdivision (j)(3) the list of possible actions available to the presiding judge and replaced it with a provision (proposed subdivision (i)(4)) that a presiding judge must, in his or her discretion, close the complaint, impose discipline, or take other appropriate corrective action, which may include oral counseling, oral reprimand, or warning;
3. Added new subdivision (f)(3) to provide that a presiding judge has discretion to investigate anonymous complaints;
4. Amended subdivision (h)(3) to provide that when a presiding judge closes a complaint after initial review under subdivision (h)(1) without having contacted the SJO, it is optional to advise the SJO in writing of the disposition;
5. Added subdivision (i)(5) to clarify that when a presiding judge closes a complaint after investigation without having contacted the SJO, the presiding judge must give the SJO written notice of the final action taken on the complaint only if the presiding judge is aware that the SJO knows about the complaint;

² The Judicial Council set the effective date of the amendments to January 1, 2016, to give presiding judges, SJOs, and court administrators time to adjust to the new procedures in the rule, schedule trainings, if they wish, on the revised procedures, and revise courts manuals developed on handling SJO complaints.

6. Deleted from subdivision (j)(2)(B) the phrase “sufficient to allow a meaningful response to the allegations” because at that stage of the process, the SJO is responding only to the proposed discipline, not to the allegations;
7. Added to subdivision (j)(4)(A) the phrase “to the intended final action” to clarify that, at that stage of the process, the SJO is responding to the intended final action, not to the allegations;
8. Amended subdivision (j)(5) to provide that if the SJO requests an opportunity to respond to the intended final action, the presiding judge “must” (rather than “should”) allow the SJO an opportunity to respond during the investigation, and amended subdivision (j)(7) to eliminate the reference to denying the SJO an opportunity to respond;
9. Amended subdivisions (g)(1) and (3) to provide that in exceptional circumstances, a presiding judge may ask the presiding judge of another court to investigate a complaint and provide the results of the investigation to the court for adjudication;
10. Added a provision as new subdivision (a)(4) stating that the procedures in the rule do not restrict the discretion of the presiding judge in taking appropriate corrective action;
11. Added a definition of “written reprimand” as new subdivision (b)(4);
12. Amended subdivisions (f)(4) and (l)(1) to clarify that a presiding judge must give written notice to the complainant of receipt of the complaint and the final court action only if the complainant is known;
13. Added “hearing officer” to the definition of “subordinate judicial officer” in subdivision (b)(1); and
14. Deleted from subdivision (l)(1) the words “and the subordinate judicial officer” because the requirement that the presiding judge notify the SJO of the final court action is also stated in subdivisions (i)(5) and (j)(6).

Item A9 Trial Courts: Reporting of Reciprocal Assignment Orders

TCPJAC and CEAC recommended the amendment of rule 10.630 of the California Rules of Court that addresses the reporting of reciprocal assignment orders. It defines a reciprocal assignment order as “an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other’s courts.” (Cal. Rules of Court, rule 10.630.) The rule also requires the trial courts to report monthly to the Judicial Council each assignment of a judge from another county to its court under a reciprocal assignment order. The proposed amendment would remove the reporting requirement, while leaving the definition unchanged.

Council action

The Judicial Council, effective July 1, 2015, amended rule 10.630 of the California Rules of Court to eliminate the requirement that trial courts report reciprocal assignment orders to the Judicial Council.

Item B Child Support: Midyear Funding Reallocation for Fiscal Year 2014–2015 and Base Funding Allocation for Fiscal Year 2015–2016 for the Child Support Commissioner and Family Law Facilitator Program

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2014–2015. The committee also recommended that the Judicial Council approve the allocation of funding for this same program for FY 2015–2016, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). Finally, the committee sought approval to reconsider the allocation methodology developed in 1997 for implementation in future allocations. The funds are provided through a cooperative agreement between the California Department of Child Support Services and the Judicial Council. At midyear, under an established procedure described in the standard agreement with each superior court, the Judicial Council redistributes to courts with a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants that year. The courts are also offered an option to use local court funds up to an approved amount to draw down, or qualify for, federal matching funds.

Council action

The Judicial Council, effective April 17, 2015:

1. Approved the reallocation for funding of child support commissioners for FY 2014–2015, subject to the state Budget Act;
2. Approved the reallocation for funding of family law facilitators for FY 2014–2015, subject to the state Budget Act;
3. Approved allocation for funding of child support commissioners for FY 2015–2016, subject to the state Budget Act;
4. Approved the allocation for funding of family law facilitators for FY 2015–2016, subject to the state Budget Act; and
5. Directed the Family and Juvenile Law Advisory Committee to pursue, with oversight provided by the Executive and Planning Committee, formation of a joint subcommittee that will include representatives from the Family and Juvenile Law Advisory Committee, including the cochairs or their designees, the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and

the California Department of Child Support Services, to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.

Item C Judicial Council Report to the Legislature: Annual Report of Court Facilities Trust Fund Expenditures

Judicial Council staff recommended approving the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2013–2014 Report to the Legislature*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

Council action

The Judicial Council, effective April 17, 2015, approved the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2013–2014 Report to the Legislature* and directed Judicial Council staff to submit the report to the Legislature.

Item D Judicial Council Report to the Legislature and the Department of Finance: 2 Percent Set-Aside in the Trial Court Trust Fund for Fiscal Year 2014–2015

Judicial Council staff recommended approval of the *Report on the Allocation of the 2 Percent Set-Aside in the Trial Court Trust Fund for FY 2014–2015*. Government Code section 68502.5(c)(2)(C) requires that the Judicial Council report to the Legislature and the Department of Finance each fiscal year regarding all requests and allocations made from the 2 percent set-aside in the Trial Court Trust Fund to the superior courts.

Council action

The Judicial Council, effective April 17, 2015, approved the *Report on the Allocation of the 2 Percent Set-Aside in the Trial Court Trust Fund for FY 2014–2015* and directed the staff to submit the report to the Legislature and the Department of Finance.

Item E Judicial Council Report to the Legislature: Electronic Recording Equipment

Judicial Council staff recommended approval of the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2014)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

Council action

The Judicial Council, effective April 17, 2015, approved the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2014)* and directed the staff to submit the report to the Legislature.

Discussion Agenda (Items F–M)

Item F Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund and the Trial Court Trust Fund for 2015–2016

The Trial Court Budget Advisory Committee (TCBAC) recommended fiscal year (FY) 2015–2016 allocations for various programs and projects funded from Improvement and Modernization Fund (IMF) (\$59.372 million) and the Trial Court Trust Fund (\$139.371 million); the elimination of IMF funding starting in 2015–2016 or 2016–2017 for various programs and projects; the shift of IMF costs for various programs either to other judicial branch funds, the courts, or other sources; and other funding-related proposals. Depending on the outcome of the Budget Act of 2015, TCBAC might propose changes to these recommendations for the council’s consideration at its July 2015 meeting.

Council action

With one opposing vote, the Judicial Council, effective April 17, 2015:

1. Allocated \$59.372 million from the State Trial Court Improvement and Modernization Fund (IMF) in FY 2015–2016, including:
 - a. A net reduction of \$10.848 million from the total 2014–2015 allocation level approved by the council;
 - b. The total elimination of funding for nine programs (\$7.4 million) and partial elimination (\$122,000) for one program, including the following:
 - HR–Court Investigations, and if this program is determined to be a priority, conduct an analysis on whether council staff are able to provide the service under a Judicial Council master agreement whereby participating courts would pay for their costs from the Trial Court Trust Fund (TCTF),
 - Worker’s Compensation Reserve,
 - Audit Contract,
 - Justice Partners Outreach/e-services,
 - ADR Centers,
 - Complex Civil Litigation,
 - Judicial Conduct Reporter,

- Trial Court Security Grants, and if this program is determined to be a priority, consider whether it is appropriate to fund from one of the state construction funds (see 1(g) below), and
 - One position from the Trial Court Procurement, and if determined that this program is a priority, consider whether it is appropriate to fund from one of the state construction funds.
- c. The elimination of funding for ongoing maintenance costs for the California Law Enforcement Telecommunications Systems (CLETS) program (\$433,400). If the Judicial Council believes that this program is a priority, they could conduct an analysis on whether trial courts that wish to continue participation in this program could pay for their costs from the TCTF. Collecting payments from the court's TCTF distribution would require that the Judicial Council grant an exception to the council's statewide administrative infrastructure funding policy (also part of recommendation 5);
 - d. Direction to the council to reconsider its February 2015 decision to not allocate any funding in 2015–2016 for the Jury Management Systems program, and allocating \$19,000 from 2015–2016 jury instruction royalties to the Jury System Improvement Projects and any remaining royalties to the Jury Management Systems program;
 - e. The imposition of a 15 percent reduction to the Center for Judiciary Education and Research (CJER) allocation and allow the CJER Governing Committee to determine how to assign the recommended \$1.202 million allocation among the five education program categories;
 - f. The imposition of a \$500,000 reduction to the Litigation Management program and direct that Judicial Council staff of the program bring before the TCBAC Revenue and Expenditure Subcommittee any claims whose costs cannot be covered within the amount allocated for funding consideration from the IMF; and
 - g. With an additional provision approved by the Judicial Council, refer the Trial Court Security Grants program proposed for elimination to the Executive and Planning Committee for assignment to the appropriate advisory committee to determine and further recommend funding options, including the option of funding from one of the state construction funds.
2. Eliminated IMF funding for the JusticeCorps program starting in 2016–2017, directed council staff to work with all interested courts for possible participation in

the JusticeCorps program starting in 2016–2017, and required courts to fund their share of the cost of the program.

3. Approved consideration of shifting costs away from the IMF starting in 2016–2017 as follows:
 - a. Shift the costs of translating domestic violence forms under the Domestic Violence–Family Law Interpreter Program to the TCTF Program 45.45 Court Interpreter appropriation and advise TCBAC of the council’s decision by the council’s October 2015 meeting;
 - b. Shift the “core central office” costs of the Court Interpreters Program (CIP)—Testing, Development, Recruitment and Education, Treasury Services—Cash Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group programs to the Judicial Council’s General Fund appropriation and advise TCBAC of the council’s decision by the council’s October 2015 meeting;
 - c. Have council staff determine whether the costs of the Trial Court Transactional Assistance Program can be provided on a fee-for-service basis, having the courts reimburse the applicable state fund for services used, and have staff advise the TCBAC of their determination by October 1, 2015; and
 - d. With an additional provision approved by the Judicial Council, refer the proposals for the cost shifts described in 3a. and 3b.(translating domestic violence forms, the Court Interpreters Program, Treasury Services—Cash Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group programs) to the Executive and Planning Committee for assignment to the appropriate advisory committee(s) to further evaluate and recommend funding options.
4. Approved determining the viability of cost recovery for two programs by:
 - a. Directing council staff to determine if a cost recovery model for the CFCC Publications program can be established with justice partners that share the materials beginning in 2016–2017 and to report back to the TCBAC by October 1, 2015; and
 - b. Directing council staff to explore a reimbursable option for the California Courts Protective Order Registry (CCPOR) program in 2016–2017 and onward, to evaluate the effects on the CCPOR program of the recommendation to have courts fund the CLETS program instead of the IMF, and to report back to the TCBAC by October 1, 2015.

5. Allocated \$139.37 million from the Trial Court Trust Fund (TCTF) for specific programs and projects, including a reduction of \$1.5 million in reimbursement of courts' eligible jury costs, and \$1.259 million in allocations for three programs previously paid for from the IMF: court investigations (see recommendation 1(b)), CLETS program (see recommendation 1(b)), and Other Post-Employment Benefits Valuations. These recommended allocations are at the level that Judicial Council staff have stated are required at this time to maintain these programs.
 - a. For the reimbursement of jury costs, directed council staff to make, if eligible jury costs exceed the total allocation, a year-end allocation adjustment so that each court receives a share of the approved allocation proportionate to their share of the statewide allowable jury expenditures.
6. Approved the requirement that any new proposal that would rely on Trial Court Trust Fund or State Trial Court Improvement and Modernization Fund funding, or that would add new costs to an existing program above the program's FY 2014–2015 level, must include information on alternative funding options and must be reviewed by the Trial Court Budget Advisory Committee prior to presentation to the Judicial Council for consideration.
7. Directed the Workload Assessment Advisory Committee to develop a recommendation regarding a complex civil caseweight that could be used in the Resource Assessment Study computation of workload on an interim basis, until such time as the validity of the caseweight can be reviewed, and to bring its recommendation for consideration to the council's June 2015 meeting. The approved caseweight is to be effective on July 1, 2015.

Item G Technology: V3 Interim Case Management System Funding

As directed by the Judicial Council during its April 2014 meeting, the Judicial Council Technology Committee (JCTC) recommended its plan to eliminate funding from the Improvement and Modernization Fund (IMF) and Trial Court Trust Fund (TCTF) for the V3 Case Management System (V3). In February 2015, the council adopted the joint recommendation from JCTC and the Trial Court Budget Advisory Committee (TCBAC) that JCTC continue to work with the affected courts to align V3 and Sustain Justice Edition case management systems with JCTC strategy. The V3 courts consider taking on maintenance and operations costs for V3, as well as funding a replacement case management system for V3, to be a major challenge due to the judicial branch budget, the need to replace case management systems for other case types, the lack of control the V3 courts have over the cost of V3 operations and maintenance, and the negative impact of the Workload-Based Allocation and Funding Methodology (WAFM) on their budgets. JCTC has collaborated with the V3 courts on a path forward that will allow the courts time to transition to another case management system or assume the costs for V3 previously allocated from the IMF or TCTF.

Council action

With respect to the V3 interim case management system programs, the Judicial Council, effective April 17, 2015:

1. Will cease branch funding for the V3 case management system after a period of four years, starting on July 1, 2015, and ending June 30, 2019;
2. Will fund the V3 case management system for the first fiscal year of the four-year period (July 1, 2015, to June 30, 2016); and
3. For the remaining three fiscal years (July 1, 2016, to June 30, 2019), directed a working group comprised of members of the Judicial Council Technology Committee (JCTC) and TCBAC to work together on the source of funding.

Item H Trial Court Allocation: Restoration of Benefits Funding in 2015–2016 (Action Required)

Prior to the business meeting, this item was deferred to a future council meeting.

Item I Juvenile Dependency: Court-Appointed–Counsel Funding Reallocation

The Trial Court Budget Advisory Committee (TCBAC) recommended that the Judicial Council approve changes to the method used to allocate annual funding for court-appointed dependency counsel among the courts. The revised allocations were based on the caseload-based calculation of funding for each court provided by the workload model approved by the Judicial Council through the *DRAFT Pilot Program and Court-Appointed Counsel* report of October 26, 2007. The method also adjusted the calculation of total funding required to meet the workload standard to the amount of funding that is currently available statewide, and provided a four-year reallocation process to bring all courts to an equivalent percentage of workload met by available statewide funding. The committee also recommended a method to allocate any new funding provided for court-appointed dependency counsel through the state budget process, and that a joint working group of TCBAC and the Family and Juvenile Law Advisory Committee be formed to review the current workload model for possible updates and revisions.

Council action

The Judicial Council, effective April 17, 2015:

1. Approved a process to allocate dependency court-appointed counsel funds to the courts that is based on each court’s workload as calculated by the workload model for juvenile dependency, and adjusted to available funding statewide (“workload-based funding”).
2. Directed that the new allocations be phased with annual increases or decreases in fiscal year (FY) 2015–2016, FY 2016–2017, and FY 2017–2018, and that in

FY 2018–2019, all courts receive an equivalent percentage of statewide funding as calculated by the workload model (“workload-based funding”). The allocations are to be phased in by basing each court’s annual allocation on a percentage of its historical base in FY 2014–2015, and a percentage of its workload-based funding in the current fiscal year; and the percentages are to be changed annually as follows, unless revised by the Judicial Council on or before its April 2016 meeting based on a reevaluation of the workload model:

- a. FY 2015–2016: court receives 10% of workload-based funding and 90% of historical base;
 - b. FY 2016–2017: 40% of workload-based funding and 60% of historical base;
 - c. FY 2017–2018: 80% of workload-based funding and 20% of historical base; and
 - d. FY 2018–2019: 100% of workload-based funding.
3. Directed that any court-appointed dependency counsel funding that is estimated to remain unspent at the end of the year be reallocated by Judicial Council staff to courts by workload as early in the fiscal year as possible using the formula and method approved by the Judicial Council for this purpose on January 22, 2015, and that this policy be made permanent beginning in FY 2015–2016.
 4. Directed that any new state funds designated for court-appointed dependency counsel in addition to the current \$103.7 million budget be allocated to courts with a ratio of historical base funding to workload-based funding that is below the statewide ratio of total base funding to total funding required to meet the workload standard.
 5. Directed Judicial Council staff to develop a process to reimburse courts for unexpected and significant cost increases that includes reserving up to \$100,000 of the court-appointed dependency counsel budget for that purpose and implementing guidelines with an application and reimbursement process; directed that the unspent funds in this reserve be available in the following year; and directed that this process be approved by the Judicial Council by April 2016.
 6. Directed that the Superior Court of Colusa County be provided with an allocation for court-appointed dependency counsel equal to 76 percent of workload-based funding.
 7. Directed that a joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be established to review the workload model for court-appointed dependency counsel and include in its review the following issues:

- a. Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries;
- b. Whether the attorney salaries used in the model should be updated;
- c. Whether the calculation for benefits costs in the model is accurate or if it should be changed;
- d. Whether the calculation for overhead costs in the model is accurate or if it should be changed;
- e. Whether the state child welfare data reported through the University of California, Berkeley, accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data should be used;
- f. Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed;
- g. Whether a modified methodology should be used for funding small courts; and
- h. Whether dependency counsel funding should be a court or county obligation.

Recommendations from the joint working group are to be brought to the respective committees in time for consideration by the Judicial Council at its April 2016 meeting.

Item J Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring

During the meeting, the Chief Justice deferred this item to the next business meeting.

Item K Court Facilities: Declaration of San Pedro Courthouse as Surplus Property

In connection with the Judicial Council’s authority and responsibility to dispose of surplus court facilities under Government Code section 70391(c) and rule 10.183 of the California Rules of Court, the Facilities Policies Working Group (FPWG) recommended that the council declare the San Pedro Courthouse to be surplus property. The FPWG further recommended that the council direct Judicial Council staff to notify the Legislature that the court facility is surplus and take all actions necessary to obtain the Legislature’s authorization to dispose of the surplus facility in accordance with Government Code sections 70391(c) and 11011.

Council action

The Judicial Council, effective April 17, 2015:

1. Declared the San Pedro Courthouse to be surplus property;
2. Directed staff to report to the Legislature that the court facility is a surplus court facility and to take all actions necessary to obtain the Legislature's authorization to dispose of the facility in accordance with Government Code sections 70391(c) and 11011;
3. Authorized the sale of the surplus facility to the County of Los Angeles; and
4. Delegated to the Administrative Director the authority to sign a real property sales agreement and any associated documents in order to complete the sale, contingent on staff's obtaining legislative authorization for the sale of the surplus property.

Item L Court Facilities: Request for Approval to Lease Plumas-Sierra Courthouse to Third Party

The Facilities Policies Working Group recommended (1) the Plumas-Sierra Courthouse be leased to a third party; and (2) delegation of authority to the Administrative Director to sign a lease and any associated documents. The short-term lease of the closed courthouse would assist in reducing judicial branch facility expenditures.

Council action

The Judicial Council, effective April 17, 2015:

1. Authorized staff to negotiate with third parties in order to lease the Plumas-Sierra Courthouse; and
2. Delegated to the Administrative Director the authority to sign a lease and any associated documents in order to complete a lease transaction.

Item M Judicial Branch Workers' Compensation Program: Origins and Update

During the meeting, the Chief Justice deferred this item to the next business meeting.

Information Only Items (No Action Required)

INFO 1 Trial Courts: Quarterly Investment Report for Fourth Quarter of 2014

This *Trial Courts: Quarterly Investment Report for Fourth 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 is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of October 1, 2014, through December 31, 2014.

INFO 2 Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 2 of Fiscal Year 2014–2015

The Trial Court Facility Modification Advisory Committee has completed its facility modification funding for the second quarter of FY 2014–2015. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the advisory body submitted its *Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2014–2015* as information for the council. This report summarized the activities of the Trial Court Facility Modification Advisory Committee from October 1, 2014, to December 31, 2014.

INFO 3 Judicial Council Restructuring: Policy 8.9, Working Remotely (Telecommuting) Program: Status Update

The Judicial Council’s Human Resources office (HR) prepared this annual status report on the progress of Judicial Council Directive 26, which states that: “...the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy.” This report provided a one-year update on the telecommuting program that officially began on July 1, 2014, following the council’s April 24, 2014, decision to convert the program from the original 12-month pilot program. It also included information on how the program has responded to the council directive concerning appropriate performance management for the *ad hoc* program. The report also provided details regarding employee usage, how accountability has been monitored, and next steps in the process.

Circulating Orders (Approved Since the February Business Meeting)

No circulating orders were approved since the February business meeting.

Appointment Orders (Since the February Business Meeting)

- March 9, 2015: Vice-Chair of the Judicial Council and Succession

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 William E. Burby, Jr. (Ret.), Superior Court of Los Angeles County
- Judge David Calfee (Ret.), Contra Costa County Municipal Court
- Judge Edward L. Davenport (Ret.), Los Angeles County Municipal Court
- Judge Joseph J. DiGiuseppe (Ret.), Superior Court of Los Angeles County
- Judge John D. Jelletich (Ret.), Superior Court of Kern County
- Judge Thomas M. Jenkins (Ret.), Superior Court of San Mateo County
- Judge David V. Kenyon (Ret.), Superior Court of Los Angeles County
- Judge Peter E. Riddle (Ret.), Superior Court of San Diego County
- Judge Harold J. Sinclair (Ret.), Los Angeles 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

1. Asset and Debt Limits in Summary Dissolution Proceedings (Fam. Code, § 2400)
2. Judicial Council Roll Call/Voting Sheets for Discussion Agenda Items F, G, I, K, and L

Asset and Debt Limits in Summary Dissolution Proceedings (Fam. Code, § 2400)

Formula

Under Family Code section 2400(b), the dollar limits for community property debts and community and separate property assets in actions for Summary Dissolution shall be adjusted by multiplying the base amount by the percentage change in the California Consumer Price Index as compiled by the Department of Industrial Relations, with the result rounded to the nearest thousand dollars.

$$\text{Adjusted limit} = \left[\frac{\text{CCPI(AA) 2014} - \text{CCPI(AA) 2012}}{\text{CCPI(AA) 2012}} + 1 \right] \times \text{Published limit}$$

Definition

CCPI (AA) is the California Consumer Price Index, Annual Average, as established by the California Department of Industrial Relations.

January 1, 2015, calculation and adjustment for community debts

Under Family Code section 2400(a)(6), effective July 1, 2015, there is no change to the maximum dollar amount for unpaid obligations incurred by either or both of the parties after their date of marriage, excluding the amount of any unpaid obligation with respect to an automobile community debts. The calculation is as follows:

$$\$6,199.03 = \left[\frac{246.055 - 238.155}{238.155} + 1 \right] \times \$6,000.00$$

The adjusted limit under Family Code section 2400(b), when rounded to the nearest thousand dollars, remains the same as the current published limit at \$6,000.

January 1, 2015, calculation and adjustment for community and separate property assets

Under Family Code section 2400(a)(7), the total fair market value of community and separate property assets, excluding all encumbrances and automobiles, including any deferred compensation or retirement plan, effective July 1, 2015, shall not exceed **\$41,000**.

The calculation is as follows:

$$\$41,326.87 = \left[\frac{246.055 - 238.155}{238.155} + 1 \right] \times \$40,000.00$$

The adjusted limit under Family Code section 2400(b), when rounded to the nearest thousand dollars, results in a \$1,000.00 increase in the current published limit.

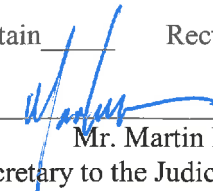
JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Friday, April 17, 2015 Meeting

Agenda Item # / Subject: F/ Texas Court Associations* 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 <i>absent</i>					
6.	Mr. Mark G. Bonino					
7.	Judge James R. Brandlin					
8.	Justice Ming W. Chin <i>absent</i>	N/A	N/A	N/A	N/A	N/A
9.	Judge David De Alba					
10.	Judge Emilie H. Elias					
11.	Mr. James P. Fox					
12.	Justice Harry E. Hull, Jr.					
13.	Sen. Hannah Beth Jackson <i>absent</i>					
14.	Ms. Donna D'Angelo Melby					
15.	Justice Douglas P. Miller					
16.	Judge Gary Nadler					
17.	Ms. Debra E. Pole			X		
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 3 Yes 18 No 1 Abstain _____ Recuse _____


 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

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

* For As Modified #1 Court Secretary Refer To E+P + #7 Modified by Proposed Internal Case Weight. Revised 4/17/2015

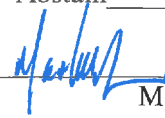
JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Friday, April 17, 2015 Meeting

Agenda Item # / Subject: G/ TECHNOLOGY : V3 FUNDING 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 <i>absent</i>					
6.	Mr. Mark G. Bonino					
7.	Judge James R. Brandlin					
8.	Justice Ming W. Chin <i>absent</i>	N/A	N/A	N/A	N/A	N/A
9.	Judge David De Alba					
10.	Judge Emilie H. Elias					
11.	Mr. James P. Fox					
12.	Justice Harry E. Hull, Jr.					
13.	Sen. Hannah Beth Jackson <i>absent</i>					
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 3 Yes 17 No 0 Abstain _____ Recuse _____



 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

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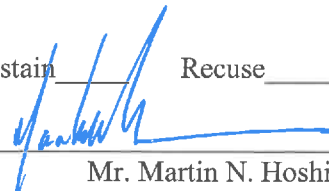
JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Friday, April 17, 2015 Meeting

Agenda Item # / Subject: I / JUVENILE DEPENDENCY AWARD * 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.	Asst. Attorney General Richard Bloom <i>absent</i>					
6.	Mr. Mark G. Bonino					
7.	Judge James R. Brandlin					
8.	Justice Ming W. Chin <i>absent</i>	N/A	N/A	N/A	N/A	N/A
9.	Judge David De Alba					
10.	Judge Emilie H. Elias					
11.	Mr. James P. Fox					
12.	Justice Harry E. Hull, Jr.					
13.	Sen. Hannah Beth Jackson <i>absent</i>					
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 3 Yes 17 No 0 Abstain _____ Recuse _____



 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

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* SUBSTITUTE MOTION PASSED.

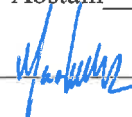
JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Friday, April 17, 2015 Meeting

Agenda Item # / Subject: K/FACILITIES - SAN PEDRO 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					
4.	Judge Brian John Back	X				
5.	Asst. Assemblyman Richard Bloom <i>absent</i>					
6.	Mr. Mark G. Bonino	X				
7.	Judge James R. Brandlin					
8.	Justice Mine W. Chin <i>absent</i>	N/A	N/A	N/A	N/A	N/A
9.	Judge David De Alba	X				
10.	Judge Emilie H. Elias					
11.	Mr. James P. Fox					
12.	Justice Harry E. Hull, Jr.	X				
13.	Sen. Hannah Beth Jackson <i>absent</i>					
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					

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 12 No 0 Abstain _____ Recuse _____


 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

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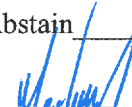
JUDICIAL COUNCIL ROLL CALL / VOTING SHEET
Friday, April 17, 2015 Meeting

Agenda Item # / Subject: L/FACILITIES PLUMAS-SIERRA 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					
4.	Judge Brian John Back	X				
5.	Assemblyman Richard Bloom <i>absent</i>					
6.	Mr. Mark G. Bonino	X				
7.	Judge James R. Brandlin					
8.	Justice Ming W. Chin <i>absent</i>	N/A	N/A	N/A	N/A	N/A
9.	Judge David De Alba	X				
10.	Judge Emilie H. Elias					
11.	Mr. James P. Fox					
12.	Justice Harry E. Hull, Jr.	X				
13.	Sen. Hannah Beth Jackson <i>absent</i>					
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					

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 12 No 0 Abstain _____ Recuse _____



 Mr. Martin N. Hoshino
 Secretary to the Judicial Council

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