

JUDICIAL COUNCIL MEETING
Minutes of the April 23, 2010, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:45 a.m. on Friday, April 23, 2010, at the Administrative Office of the Courts (AOC) in San Francisco.

Judicial Council members present: Chief Justice Ronald M. George; Justices Tani Cantil-Sakauye, Brad R. Hill, Richard D. Huffman, and Marvin R. Baxter; Judges George J. Abdallah, Jr., Lee Smalley Edmon, Terry B. Friedman, Dennis E. Murray, Winifred Younge Smith, Kenneth K. So, Sharon J. Waters, James Michael Welch, David S. Wesley, and Erica R. Yew; Mr. Anthony P. Capozzi, Ms. Miriam Aroni Krinsky, Mr. James N. Penrod, and Mr. William C. Vickrey; advisory members: Judge Michael P. Vicencia; Mr. Frederick K. Ohlrich, Commissioner Lon F. Hurwitz; Mr. Michael D. Planet, Mr. Michael M. Roddy, and Ms. Kim Turner.

Absent: Senator Ellen M. Corbett and Assembly Member Mike Feuer; Judge Mary Ann O'Malley and Mr. Joel S. Miliband.

Others present included: Justices Richard D. Aldrich, Laurence Donald Kay (Ret.), Douglas P. Miller, and Laurie D. Zelon; Judges Lorna A. Alksne, Deborah B. Andrews, Jerilyn L. Borack, Jeffrey S. Bostwick, Sharon A. Chatman, Mark A. Juhas, and Carol W. Overton; Commissioners Sue Alexander, Louise Bayles-Fightmaster, Irwin H. Joseph, and James B. Perry; Court Executive Officers José Octavio Guillén, Tressa S. Kentner, and Hugh K. Swift; Ms. Tülin D. Açikalin, Mr. Richard Barry, Ms. Nancy Cross, Ms. Julie C. Dodge, Ms. Patricia Foster, Ms. Ana Maria Garcia, Mr. Geoffrey Graybill, Mr. Vahan Hovsepien, Ms. Beth Jay, Mr. Shawn Landry, Mr. Lawrence E. Leone, Ms. Margaret Little, Ph.D., Ms. Judy B. Louie, Ms. Lorie S. Nachlis, Ms. Rebecca L. Prater, Mr. Stephen B. Ruben, Ms. Kathleen Russell, Mr. Joseph V. A. Partand, Mr. Brandon Scovill, and Ms. Connie Valentine; **staff:** Mr. Peter Allen, Mr. Clifford Alumno, Mr. Nick Barsetti, Mr. Dennis Blanchard, Ms. Deborah Brown, Ms. Dianne Bolotte, Ms. Sheila Calabro, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Mr. James Carroll, Mr. Arturo Castro, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Chris Cleary, Mr. Kenneth Couch, Ms. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Kurt Duecker, Mr. Mark Dusman, Mr. Edward Ellestad, Mr. Ekuike Falorca, Mr. Chad Finke, Mr. Robert Fleshman, Mr. Malcolm Franklin, Mr. Ernesto V. Fuentes, Ms. Marlene Hagman-Smith, Mr. Clifford Ham, Ms. Sue Hansen, Ms. Donna Hershkowitz, Mr. Burt Hirschfeld, Ms. Lynn Holton, Ms. Bonnie Rose Hough, Ms. Kathleen Howard, Mr. Kenneth L. Kann, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Ms. Eunice Lee, Ms. Susan McMullan, Ms. Debora Morrison, Mr. Stephen Nash, Ms. Diane Nunn, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Ms. Patricia Rivera, Ms. Mary M. Roberts, Ms. Teresa Ruano, Ms. Jeannine Seher, Mr. Tarlok Singh, Mr. Alan Slater, Mr. Curt Soderlund, Ms. Nancy E. Spero, Ms. Kim Taylor, Ms. Julia Weber, Ms. Bobbie Welling, Mr. Lee Willoughby, and Mr. Michael Wright; and **media**

representatives: Ms. Maria Diazco, *Courthouse News*, Mr. Paul Elias, *Associated Press*, Ms. Barbara Kauffman, *Justice California*, and Ms. Amy Yarbrough, *San Francisco Daily Journal*.

Public Comment Related to Trial Court Budget Issues

Two requests to address the council were received. A request was received for the opportunity to comment on the Elkins Family Law Task Force report. The Executive and Planning Committee, given the exceptional response to the public invitation to comment on the final report of the Elkins Family Law Task Force, considered the process for receiving additional public comment on the report at the Judicial Council's April 23, 2010, business meeting and exercised its discretion, under Rule 10.6(d), that the council will not take public comment on the final report at the stated meeting. The committee will consider further requests for public comment when specific task force recommendations are presented to the council for action at future meetings.

A second request was received, asking for an opportunity to comment on the Commission for Impartial Courts report. The Executive and Planning Committee determined that the proposed comments were not relevant to the agenda item nor of benefit to the council in its deliberations.

Approval of Minutes

The minutes of the February 26, 2010, business meeting were approved.

Judicial Council Committee Presentations

The approved minutes of the meetings of the Judicial Council's internal committees—the Executive and Planning Committee, Policy Coordination and Liaison Committee, and Rules and Projects Committee—can be found in the Committee Reports tab in the Judicial Council binders. The approved minutes are also linked to the Judicial Council Committee Presentations title on the business meeting agenda.

Executive and Planning Committee

Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met seven times since the February 26, 2010, Judicial Council meeting: three deliberations by teleconference call on March 8 and 29, and April 12, 2010; and four by e-mail on March 11 and 22, and April 15 and 19, 2010.

On March 8, the committee was briefed by AOC staff on an analysis of the costs for all 58 trial courts to individually replace their current case management systems for all case types. The committee discussed the findings of the analysis.

On March 11, via e-mail, the committee reviewed and approved staff recommendations to authorize 30 days of public comment on amendments to the AOC Conflict of Interest Code.

On March 22, via e-mail, the committee reviewed and approved AOC staff recommendations confirming the conversion of two vacant SJO positions and a third anticipated to be vacant on April 30, 2010, in the Superior Court of Los Angeles County. The effective date approved by the committee for converting each of these positions is July 1, 2010, or the date of legislative ratification of the authority to convert positions in Fiscal Year 2010–2011, whichever is later. The committee authorized the court to fill the converted positions, if desired, with a retired commissioner, pending the passage of the Budget Act for Fiscal Year 2010–2011 and until a judge is appointed and sworn for each position.

On March 29, the committee reviewed reports and began setting the agenda for the April 23, 2010, Judicial Council business meeting.

The committee also reviewed and approved, on behalf of the Judicial Council under Rule 10.11(a), interim policies for third-party use of appellate and trial court facilities. (A copy of the AOC staff memo and recommended policies is attached to these minutes.)

The committee also reviewed the results of a March 2009 survey of council members on their interests regarding future issues meeting topics and approved the recommendation to survey the council members in April 2010.

On April 12, upon the recommendation of Judicial Council member Hon. Brad R. Hill, the committee acted on behalf of the Judicial Council between meetings, under California Rules of Court, rule 10.11(a), by adding an additional advisory member position to the council and recommending to the Chief Justice that this position be filled by Hon. Terry B. Friedman (Ret.).

The committee then reviewed reports and set the agenda for the April 23 Judicial Council business meeting.

The committee also reviewed and approved, pursuant to authorization of the Judicial Council on October 23, 2009, staff recommendations regarding Civil Mediation and Settlement Project Awards from the Fiscal Year 2010–2011 Judicial Administration Efficiency and Modernization Fund.

Given the exceptional response to the public invitation to comment on the final report of the Elkins Family Law Task Force, the committee considered the process for receiving additional public comment on the report at the April 23, 2010, business meeting. The committee exercised its discretion under Rule 10.6(d) that the council will not take public comment on the final report at the April 23, 2010, meeting. The committee will consider further requests for public comment when specific task force recommendations are presented to the council for action at future meetings.

Lastly, the committee, acting on behalf of the Judicial Council under California Rules of Court, rule 10.11(a), with five votes in favor, and two abstentions, approved the request

from the Superior Court of Contra Costa County for an exception to the minimum clerk's office hours requirement set out in the Judicial Council's *Operating Guidelines and Directives for Budget Management in the Judicial Branch (Guidelines and Directives)*. This would allow the court to reduce its clerk's office hours in all seven locations from the existing schedule of 8 a.m. to 3 p.m. to the proposed schedule of 8 a.m. to 2 p.m., beginning May 1, 2010. (A copy of the AOC staff memo about the court's request and the *Guidelines and Directives* are attached to these minutes.)

On April 15, via e-mail, the committee reviewed and approved a resolution on behalf of the Judicial Council, between meetings under California Rules of Court, rule 10.11(a), thanking Mr. Jerry B. Epstein for his contributions to the state and to the judicial branch. The resolution recognizes Mr. Epstein's voluntary service as a governor-appointed member and president of the Los Angeles State Building authority for nearly 30 years and for his extensive role in improving California's infrastructure. During his tenure, he saw the completion of the Ronald Reagan Building, where the Court of Appeal, Second Appellate District is housed, and the Junipero Serra State Office Building, where numerous state agencies are located, in downtown Los Angeles. He has also served on several other state and local commissions concerned with California's infrastructure and has donated a rare copy of the Declaration of Independence along with other historic documents of civic interest to a public collection for the general public to enjoy.

Additionally, on April 16, 2010, via e-mail, the committee reviewed and approved the text of the premeeting advisory to be delivered by e-mail to all justices, judges, clerk/administrators, and court executive officers on April 16, 2010, communicating the key policy issues to be addressed during the council's April 23, 2010, business meeting.

Chief Justice's Announcement Regarding Judge Terry B. Friedman (Ret.)

Chief Justice Ronald M. George announced the recent appointment of Judge Terry B. Friedman (Ret.) as an advisory member on the Judicial Council.

Policy Coordination and Liaison Committee

Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met four times since the February 26, 2010, Judicial Council meeting.

Over the course of those meetings, the PCLC took positions on 25 separate pieces of legislation relating to, among other things, domestic violence, criminal procedure, civil procedure, judicial branch employee compensation and retirement, criminal penalties, the death penalty, juvenile dependency, subordinate judicial officers, traffic violator schools, jurors, probate, judicial elections, disqualification of judicial officers, and audits of the AOC and the trial courts.

The committee also considered one bill twice, a bill extending the whistleblower protection act to the judiciary. On that bill, the PCLC initially took a position to oppose unless amended, due to significant separation of powers concerns. After amendments by

the author addressing that concern, the PCLC reconsidered the measure and, by the time the bill was heard in the Assembly Judiciary Committee, reported that the Judicial Council was in support of the bill. Justice Baxter reported that, in view of the fact that this matter may reach the Supreme Court, he took no position and abstained from voting on the item.

The committee also approved four legislative proposals for circulation as part of the spring cycle of invitations to comment.

Judicial Council–sponsored bills continue to move through the Legislature.

Rules and Projects Committee

Judge Dennis E. Murray, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met four times since the February 26, 2010, Judicial Council meeting.

On March 24, RUPRO met by telephone to review several proposals that had circulated for public comment. RUPRO recommended approval of these proposals, which are items A1–A4, A6–A8, and A11 on today’s consent agenda. Handouts were distributed for items A6–A8, in which corrections were made to rule numbers, verb tenses, and other minor technical revisions. RUPRO also discussed item H, a proposal from the Domestic Violence Practice and Procedure Task Force recommending adoption of a rule addressing firearms relinquishment in criminal protective order cases. RUPRO did not take a position on this proposal but instead recommended that it be placed on the discussion agenda for a policy discussion by the full council.

On April 8, RUPRO met by telephone to consider a proposal having to do with electronic filing that had circulated for public comment. RUPRO recommended approval of this proposal, which is item A9 on today’s consent agenda. A handout was also distributed for this item, in which there was a minor technical correction.

The committee met in person on April 14 to consider 49 proposals to circulate for public comment in the spring 2010 rules cycle. The committee approved for public circulation 42 proposals, which are currently out for comment until June 18. Following public circulation and further review by the advisory committees and RUPRO, these proposals are expected to come before the Judicial Council at the October 2010 business meeting.

In addition, on April 6, the committee communicated by e-mail to consider a proposal. RUPRO recommended approval of that proposal, which is item A10 on today’s consent agenda.

Chief Justice’s Report

Chief Justice Ronald M. George reported on the activities in which he had been involved since the council’s last business meeting.

The Chief Justice regularly conducts meetings with justice system partners to discuss issues of mutual interest and noted several of those: his annual liaison meeting with the California State Association of Counties; meetings with Ms. Teri Takai, the State Chief Information Officer; with Mr. Leroy D. Baca, Sheriff of the Los Angeles Sheriff's Department; with leaders of the Consumer Attorneys of California on strategies for enhancing access to the court system; with the Civil Justice Institute; and with the general counsel of several major corporate entities to discuss their interests in supporting the court system. He also held meetings with Senator Darrell Steinberg, the President pro Tem of the State Senate, and Assembly Member John Perez, the Speaker of the State Assembly, on judicial branch budget issues and furthering the branch's objectives. He met with Assembly Member Mike Feuer, the Chair of the Assembly Judiciary Committee, who has been delegated by Assembly Speaker Perez as lead on judicial branch funding issues. The Chief Justice mentioned speaking engagements that included the presentation of awards to legal services volunteers for the Bar Association of San Francisco, swearing in the new members of the Judicial Nominees Evaluation (JNE) commission, and the supervising judges' institute organized by the Administrative Office of the Courts.

Returning to the subject of meetings in Sacramento and the branch's budget, Chief Justice George reminded the council of the \$414 million reduction in the branch budget for the current fiscal year, and the council's emergency session in July to decide a course of action to address the budget shortfall that resulted in the council's decision to implement statewide closure of the courts one day a month, in accordance with the Governor and the Legislature's authorization to do so. He also reiterated that the council redirected approximately \$160 million from various planned programs and activities in order to avoid major disruption in trial court operations. Those diversions of funds included substantial amounts taken from branch technology and the deployment of the California Court Case Management System (CCMS), in addition to the courts' construction program, as well as other funds. To avoid any further court closures in the coming fiscal year, the Judicial Council voted unanimously in December to focus efforts on seeking sufficient funding from the Legislature. This remains a focus of the Chief Justice's liaison meetings. In addition, the Chief Justice and others are exploring various budget solutions, some one-time and limited-term fixes along with permanent solutions that may help the courts to stay open, retain their staff, and maintain services.

The Chief Justice emphasized his belief in the need to continue to honor the branch's long-term commitments to infrastructure and those objectives that support access to justice, despite the difficult economic times. He advocated for using the various sources of funds available to the branch, as necessary, to avoid delays in deploying CCMS to the three early adopter courts (San Diego, Ventura, and San Luis Obispo) and to complete the 41 immediate and critical-needs courthouse construction and renovation projects that the council has previously approved. He advocated against deferring the branch's basic infrastructure needs, noting that to do so would harm the public and the legal and judicial communities served by the branch.

On the subject of branch technology, the Chief Justice announced that the Office of the State Chief Information Officer has completed a review of CCMS, *Review of the California Court Case Management System*, and was anticipating the report would be released later in the day. Chief Justice George observed that the report takes note of the size and complexity of CCMS and summarizes the challenges the project has encountered, with some positive suggestions for successfully managing and implementing the system. Of most significance to the Chief Justice, the report recognizes the need for CCMS to replace the existing multiple different case management systems currently in use by the courts (some failing and expensive to operate) and validates the Judicial Council's vision for the project. The Chief Justice observed that the investment in CCMS does not represent new money spent by the branch; instead, the branch is now making ongoing expenditures in increasingly antiquated local systems, when the same money could be better spent on a single, functioning system that serves all of the courts.

The Chief Justice also announced his decision to establish a new advisory committee to the council, the Advisory Committee on Financial Accountability and Efficiency, in order to support the Judicial Council's responsibility of oversight for the Administrative Office of the Courts (AOC). The creation of this committee is an outgrowth of the increasing complexity of the AOC's work and the growing number of legislative mandates under the AOC's purview. The committee's responsibilities are to include reviewing branch budget and funding proposals for submission to the Department of Finance, oversight of all court and branch financial audits, and making recommendations to the Chief Justice on annual proposed changes in compensation for AOC staff, a function that the Chief Justice is required by law to perform. The committee will also be charged with advising the Judicial Council on other related operational issues as requested by the Chief Justice, by the Judicial Council, and by the Administrative Director of the Courts. Membership is expected to include leaders from within the branch such as the chair of the Administrative Presiding Justices Advisory Committee representing the appellate courts and the chair and vice chair of the Trial Court Presiding Judges Committee representing the trial courts, as well as representation from court executive officers, the California Judges Association, and the state bar association.

This concluded the Chief Justice's report.

Administrative Director's Report

Mr. William C. Vickrey, Administrative Director of the Courts, distributed a written report on matters of significance since the last council meeting and reported on the activities in which he had been involved since the council's last business meeting.

He announced the selection of Mr. Chad Finke as the newly appointed director of the AOC's Appellate and Trial Court Judicial Services Division and included his congratulations. Mr. Finke succeeds Ms. Marcia Taylor, who retired in December 2009. The Division is responsible for oversight of the Court-Appointed Counsel Programs for the California Supreme Court and Courts of Appeal and supporting the Appellate Indigent Defense Oversight Advisory Committee as well as the Administrative Presiding

Justices Advisory Committee chaired by the Chief Justice. The division is also responsible for the assignment of active and retired judges in the trial and appellate courts, as well as the coordination of complex civil actions.

Commenting on the new Advisory Committee on Financial Accountability and Efficiency announced by the Chief Justice, Mr. Vickrey noted that the specific responsibility to review budget requests with recommendations to the council ended with the elimination of the budget change proposal process by the Governor's Office several years ago. However, it is necessary to have a formal process for examining and justifying funding changes in the AOC's budget and in the branch's annual compensation plan. The multiple sources of representation from across the branch participating on the committee will be useful to the process of review. This approach parallels the oversight structure in place for the federal courts.

Mr. Vickrey referred to the on-going series of budget meetings, set in the context of the broader financial challenges facing state government. Discussions have occurred with representatives from the Assembly Speaker's office, the Senate President pro Tem's office, employee organizations, the civil defense bar, consumer attorneys, the defense bar, and sheriffs. The focus of these meetings has been on funding solutions to meet the council's objective of keeping the courts open every day next year and eliminating the need for layoffs, restoring financial stability for the court system in the long run, and reaching agreement on priorities.

One proposal included in the Governor's proposed budget would replace general fund money provided to the judicial branch with revenues collected from a new automated traffic speed enforcement program (using cameras to identify and fine individuals exceeding posted speed limits). This raises concerns for the judicial branch over what would happen should the Legislature fail to adopt the speed enforcement program if the branch budget is reduced in anticipation of the program's enactment, or what would happen if the program is not implemented as expeditiously as anticipated, leaving the branch with severe, unanticipated shortfalls. Even if the program is adopted as proposed, there is no provision to address the substantial workload on the trial courts resulting from the program. These and other concerns need to be addressed in the future with the Governor as part of the budget resolution.

A separate budget issue under discussion is the amount of money in the state budget subject to the "trigger," creating further one-time reductions in the judicial branch budget. For the current fiscal year, the branch budget was reduced by a one-time sum of \$100 million due to the State's failure to secure a set amount of federal stimulus dollars to offset approximately \$10 billion of general fund costs. For next fiscal year, the Governor has restored the \$100 million cut in his proposed budget. However, the budget includes another trigger that could again reduce the branch budget by \$100 million dollars for 2010–11, in order to balance the state budget. Discussions continue on how to address the potential loss of funding with legislative leaders and the Governor.

Beyond the budget, Mr. Vickrey noted other legislative activities: legislative proposals on expedited jury trials for disputes of small amounts as piloted in other states, e-service and electronic record-keeping in the courts based on developments in CCMS, a clarification that the Long Beach Courthouse private-public partnership project would not be subject to a possessory interest tax, and a legislative amendment to extend for an additional five years the \$10 court fee increase to fund trial court security costs. On the security fee increase, the branch is advocating removal of the sunset provision entirely to allow more long-term stability in security funding and to shield court security funding from some of the fluctuations in the trial courts' operating budget.

Mr. Vickrey reported that several demonstrations of CCMS have been conducted. He praised the participation of the trial court executives, the judges and presiding judges as well as the staff of AOC's Southern Regional Office, directed by Ms. Sheila Calabro, and the Information Services Division, directed by Mr. Mark Dusman, who assisted in the demonstrations.

At the level of national developments affecting California's legislative agenda, branch leaders and the AOC continue to work with colleagues in other states and the National Center for State Courts on funding to be able to intercept tax refunds in order to enforce the settlement of unpaid court-ordered debts. These unpaid obligations represent large amounts of money across the country that could be collected to benefit the justice system and law enforcement.

With an annual turnover of approximately 50% of the presiding judge assignments across the state, Mr. Vickrey reported that the Regional Administrative Directors met with the incoming presiding judges across the state. They focused on needs, the support services available to their courts, and establishing relationships with the new presiding judges.

He also cited the progress of several justice initiatives that the Legislature has passed. Key among those, he noted, is a risk-assessment pilot program funded through federal grants to the Judicial Council. This project involves cooperation with the California Emergency Management Agency to manage the federal funds and support the parole reentry pilot programs that the council is developing in partnership with the California Department of Corrections and Rehabilitation over the next several years. He also referred to a second program to improve the use of evidence-based sentencing practices and probation terms according to the circumstances of individual offenders. Other efforts are also under way to improve the quality of support and representation provided to parents and children in dependency courts.

In response to the budget crisis, the AOC also moved to postpone further deployment of the human resources component of the Phoenix system, designed to standardize and automate administrative procedures across the 58 courts, until the economy recovers. However, the AOC will continue its current commitments to the six courts already on the Phoenix Human Resources system and to the Superior Court of San Bernardino County to ensure its payroll system is operational.

Mr. Vickrey referred to another pilot project related to CCMS: the protective order registry, designed to give law enforcement access to comprehensive information on protective orders issued by the courts within 24 hours of the issuance of orders. It has the endorsement of the former and current Attorneys General and is being piloted with four courts. Other priority technology activities, he noted, involve case management support that the AOC is providing to improve integration with justice system partners, promote e-filing, and support the interim case management systems of courts that have experienced system failures, such as the criminal case calendaring system in the Superior Court of Fresno County. Mr. Vickrey pointed out the cost-effectiveness of replacing these interim systems with CCMS in the long run.

Mr. Vickrey responded to a perceived concern about the sacrifices in judicial education due to budget shortfalls. He noted that the Education Division has reduced the number of in-person programs by 30% to save costs. However, to compensate, the division has expanded the range and number of programs now accessible to courts around the state through alternative delivery methods, such as online courses, videos, and broadcasts.

Regarding court facilities projects funded under SB 1407 and SB 1732, Mr. Vickrey referred to the financial benefit reaped by the State from the speed and efficiency with which the Office of Court Construction Management (OCCM) has moved forward on construction. The Department of Finance, Joint Legislative Budget Committee, and State Public Works Board have approved the majority of the projects submitted as critical and immediate needs, and are expected to approve the remainder by the end of the summer. Of the current SB 1732 projects, 12 remain in various stages of development and 2 are completed. These are all on schedule and within budget.

This concluded the Administrative Director's report.

Santa Ana Court of Appeal Building Project Wins "The Best of 2009 Award"

Before turning to the first item on the discussion agenda, Chief Justice George commended the OCCM on the successful completion of the Court of Appeal, Fourth Appellate District, Division Three building in Santa Ana. He noted the quality of the design and construction and the fiscal management exercised throughout the project. Chief Justice George pointed out that, despite a state cash flow problem that delayed construction, the building was completed on time and under budget with a return of several hundred thousand dollars to the State's general fund. Mr. Lee Willoughby, OCCM Director, came forward to share the "The Best of 2009 Award" in the Government /Public project category, conferred by McGraw-Hill Construction's *California Construction* magazine on the courthouse project.

CONSENT AGENDA (Items A1-A11, B-E)

ITEMS A1-A11 RULES, FORMS, AND STANDARDS

Appellate

Item A1 Appellate Procedure: *Civil Case Information Statement*

The Appellate Advisory Committee recommended that the Judicial Council revoke the version of the *Civil Case Information Statement* (form APP-004) approved by the council effective July 1, 2010, and delay the implementation of the changes made to that form until January 1, 2011. The committee also recommended that additional changes to this form be circulated for comment in April for potential adoption effective January 1, 2011, and concluded that it would be burdensome for the courts, litigants, and legal publishers if this form were revised twice in a six-month period.

Council action

The Judicial Council, effective April 23, 2010:

1. Revoked the version of the *Civil Case Information Statement* (form APP-004) approved by the council effective July 1, 2010; and
2. Delayed the implementation of the changes to APP-004 approved by the council at its October 2009 meeting until January 1, 2011.

Item A2 Appellate Procedure: *Timeliness of Filings*

The Appellate Advisory Committee recommended amending the rules relating to the timeliness of filings in appellate court proceedings to provide that a document mailed by an inmate or a patient from a custodial institution is deemed timely if the envelope shows that the document was mailed or delivered to custodial officials for mailing within the period for filing the document. Currently, the California Rules of Court provide that such a prison-delivery rule applies to notices of appeal in criminal, juvenile, and conservatorship cases and to notices of intent to file a writ petition in juvenile dependency cases. Recently, the California Supreme Court held that this prison-delivery rule also applies to notices of appeal in civil cases and recommended that the Judicial Council review the relevant rules of court to determine whether any revisions might be appropriate or helpful in light of the court's decision. Based on that decision, the committee recommended that the prison-delivery rule be applied to all documents in appellate proceedings filed by inmates or patients by mail from custodial institutions.

Council action

The Judicial Council, effective July 1, 2010:

1. Amended rules 8.25 and 8.817, which establish the general rules on the timeliness of documents filed in Supreme Court, Court of Appeal, and superior court appellate division proceedings, to provide that a document mailed by an inmate or a patient from a custodial institution is deemed timely if the envelope shows that the document was mailed or delivered to custodial officials for mailing within the period for filing the document.
2. Amended the advisory committee comments accompanying rules 8.25 and 8.817 to clarify that this new provision does not change the actual date of filing

- or any deadline that runs from that date and does not change the date of finality or any other deadline that runs from finality.
3. Amended rules 8.308, 8.406, 8.450, 8.853, and 8.902 to delete the current provisions relating to documents mailed from custodial institutions and to add a cross-reference in the advisory committee comments accompanying these rules to the proposed new provision in either rule 8.25 or rule 8.817 on the timeliness of documents mailed by inmates or patients from a custodial institution.
 4. Amended the advisory committee comments to rules 8.104, 8.454, 8.500, and 8.822 to add a cross-reference to the proposed new provision in either rule 8.25 or rule 8.817 on the timeliness of documents mailed by inmates or patients from a custodial institution.

Criminal Law

Item A3 Criminal Procedure: Intercounty Probation Case Transfer

The Criminal Law Advisory Committee recommended that the Judicial Council adopt a rule of court to govern intercounty probation case transfer procedures and to prescribe factors for the court to consider when determining whether transfer is appropriate. The rule was required by recently enacted legislation that modified intercounty transfer procedures under Penal Code section 1203.9.

Council action

The Judicial Council, effective July 1, 2010, adopted rule 4.530 to:

1. Prescribe specific requirements and deadlines concerning notice of the transfer motion, including a requirement that notice be given at least 60 days before the date set for hearing on the motion;
2. Establish procedures by which receiving courts may provide comments to transferring courts regarding proposed transfers, including a requirement that the receiving court provide any comments no later than 10 days before the date set for hearing on the motion;
3. Require transferring courts, when determining whether transfer is appropriate, to consider the permanency of the probationer's residence, restitution orders, victim issues, and the availability of appropriate programs; and
4. Prescribe specific transfer requirements and deadlines, including a requirement that any jail sentence imposed before transfer must be served in the transferring county unless otherwise authorized by law.

Criminal Jury Instructions

Item A4 Jury Instructions: Additions and Revisions to Criminal Instructions

The Advisory Committee on Criminal Jury Instructions recommended approval of the proposed additions and revisions to the *Judicial Council Criminal Jury Instructions (CALCRIM)*.

Council action

The Judicial Council, effective April 23, 2010, approved the proposed additions and revisions the *Judicial Council Criminal Jury Instructions (CALCRIM)*.

Family and Juvenile Law Advisory Committee

**Item A5 Child Support Commissioner and Family Law Facilitator Program:
Midyear Funding Reallocation for Fiscal Year 2009–2010**

The Family and Juvenile Law Advisory Committee recommended that the council approve the reallocation of funding for the child support commissioner and family law facilitator program for fiscal year 2009–2010. Under an established procedure described in the standard agreement with each superior court, the Judicial Council at midyear redistributes to courts that have a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants. The courts are also being offered an option to use local court funds up to an approved amount to draw down federal matching funds.

Council action

The Judicial Council, effective April 23, 2010:

1. Approved the reallocation for funding of child support commissioners for fiscal year 2009–2010, subject to the state Budget Act; and
2. Approved the reallocation for funding of family law facilitators for fiscal year 2009–2010, subject to the state Budget Act.

Item A6 Juvenile Law: Tribal Customary Adoption

The Family and Juvenile Law Advisory Committee recommended amending rules and revising forms relating to juvenile dependency hearings and adoptions in order to implement the provisions of Assembly Bill 1325 (Cook; Stats. 2009, ch. 287). AB 1325 is tribally sponsored legislation that allows the adoption of Indian children who are dependents of the court, through the custom, traditions, or law of the child’s tribe without requiring termination of parental rights. AB 1325 requires the Judicial Council to adopt implementing rules and forms by July 1, 2010.

Council action

The Judicial Council, effective July 1, 2010:

1. Amended rule 5.502 to add definitions related to tribal customary adoption;
2. Amended rules 5.690, 5.708, 5.715, 5.720, 5.722, and 5.725, which govern the disposition hearing, review hearings and selection and implementation hearing, to ensure that, as required by Assembly Bill 1325, tribal customary adoption is considered a permanency option in cases involving Indian children;
3. Amended rules 5.726, 5.727, and 5.728, dealing with the rights of prospective adoptive parents, to include individuals designated as adoptive parents under the tribal customary adoption procedures;

4. Amended rules 5.730, and 5.740, dealing with adoption and hearings subsequent to a permanent plan, to reflect tribal customary adoption as a permanency option; and
5. Revised forms JV-300, *Notice of Hearing on Selection of a Permanent Plan*; JV-320, *Orders Under Welfare and Institutions Code Sections 366.26, 727.3, 727.31*; JV-321, *Request for Prospective Adoptive Parent Designation*; JV-327, *Prospective Adoptive Parent Designation Order*; ADOPT-050, *How to Adopt a Child in California*; ADOPT- 200, *Adoption Request*; ADOPT-210, *Adoption Agreement*; ADOPT-215, *Adoption Order*; and ADOPT-220, *Adoption of Indian Child* to implement AB 1325 and bring forms into conformity with rule changes.

Probate

Item A7 Probate: Qualifications of Paralegals Performing Legal Services for Personal Representatives of Decedents' Estates, Conservators, and Guardians

The Probate and Mental Health Advisory Committee recommended amending the rule of court that implements a Probate Code section authorizing payment from the estate of a decedent for extraordinary legal services performed by a paralegal employed by counsel for the decedent's personal representative. The amended rule would clarify that the paralegal must satisfy the qualifications and continuing education requirements of Business and Professions Code section 6450 et seq. for his or her services to be compensated from the decedent's estate. By an existing cross-reference in another rule of court, the amended rule also would apply to a paralegal performing legal services for a conservator or guardian that are to be compensated from the estate of the conservatee or ward.

Council action

The Judicial Council, effective July 1, 2010, amended rule 7.703(d) to:

1. Expressly refer to Business and Professions Code section 6450(a) for the definition of a paralegal subject to the rule; and
2. Provide that, when court approval of compensation for the paralegal's services from the estate of a decedent is requested, the statement of a paralegal's qualifications currently required by the rule must demonstrate that the paralegal:
 - a. Was acting under the direction and supervision of an attorney;
 - b. Is qualified under Business and Professions Code section 6450(c); and
 - c. Has complied with the continuing education requirements of Business and Professions Code section 6450(d) for the last two-year certification period ending before the year in which he or she performed any services for which compensation from the estate is requested.

Subordinate Judicial Officers

Item A8 Subordinate Judicial Officers: Reporting Disciplinary Action to the Commission on Judicial Performance

The Trial Court Presiding Judges Advisory Committee recommended amending rule 10.703, which addresses complaints about subordinate judicial officers (SJOs), to clarify the circumstances under which a report to the Commission on Judicial Performance (the commission) must be made. The amended rule would require a presiding judge to report to the commission certain types of disciplinary action against an SJO regardless of whether or not that action was the result of a written complaint. It would also clarify that a presiding judge must notify the commission whenever an SJO resigns while a preliminary or formal investigation is pending, or whenever an SJO resigns under circumstances that would lead a reasonable person to conclude that the resignation was due to a complaint or allegation of misconduct. In addition the committee recommended amending rule 10.603, which addresses the duties of a presiding judge, to add a cross-reference to rule 10.703.

Council action

The Judicial Council, effective July 1, 2010:

1. Amended rule 10.703 to:
 - Require a presiding judge to notify the Commission on Judicial Performance (the commission) whenever a subordinate judicial officer (SJO) is disciplined by written reprimand, suspension, or removal for conduct that, if alleged against a judge, would be within the commission's jurisdiction, whether or not the discipline results from a written complaint;
 - Require a presiding judge to notify the commission whenever an SJO resigns while a preliminary or formal investigation under rule 10.703(i) or (j) is pending, or whenever an SJO resigns under circumstances that would lead a reasonable person to conclude that the resignation is due to a complaint or allegation of misconduct;
 - Require a presiding judge to comply with any request by the commission for information about a complaint or allegation of misconduct committed by an SJO;
 - Change the title from "Complaints against subordinate judicial officers" to "Subordinate judicial officers: Complaints and notice requirements" to accurately reflect the proposed revisions to the rule; and
2. Amend rule 10.603, which describes the duties of presiding judges, to reference the reporting requirements in rule 10.703(k).

Technology

Item A9 Court Technology: Electronic Filing Pilot Program in the Court of Appeal, Second Appellate District

The Court Technology Advisory Committee (CTAC) recommended adopting rules for an electronic filing pilot program in the Court of Appeal, Second Appellate District. Currently, there are rules regarding electronic filing and service in the trial courts but no rules for the appellate courts. The Court of Appeal, Second Appellate District would like to establish a pilot program to test the use of electronic filing and service in that court. This proposal establishes the rules for such a pilot program.

Council action

The Judicial Council, effective July 1, 2010, adopted rules 8.70–8.80 to govern filing and service by electronic means in the Court of Appeal, Second Appellate District.

Traffic

Item A10 Traffic: 2010 Uniform Bail and Penalty Schedules

The Traffic Advisory Committee proposed revisions to the Uniform Bail and Penalty Schedules (the schedules) to become effective June 10, 2010. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. According to rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The proposed revisions would bring the schedules for 2010 into conformance with recent legislation to amend Government Code section 76104.7, which increases a DNA penalty assessment on fines, penalties, and forfeitures for criminal offenses.

Council action

The Judicial Council, effective June 10, 2010, adopted the revised 2010 Uniform Bail and Penalty Schedules.

Miscellaneous Technical Changes

Item A11 Rules and Forms: Miscellaneous Technical Changes

Various Judicial Council advisory committee members, court personnel, members of the public, and AOC staff identified errors in rules and forms resulting from inadvertent omissions, typographical errors, language inconsistencies, or changes in the rule and form names and numbering. It was therefore necessary to make the technical changes to the rules and forms noted in the report.

Council action

The Judicial Council, effective July 1, 2010, made the following changes to the California Rules of Court and Judicial Council forms:

1. Amended rule 5.565 to correct three references from renumbered chapter 13 to chapter 12;
2. Amended the advisory committee comment to rule 8.216 to correct an internal reference from “(b)(2)” to “(b)(3)”;
3. Amended rule 8.835(c) to correct an internal subdivision reference from “8.837(d)” to “8.837(d)(6)”;
4. Amended rule 8.868(c) to correct a rule reference from “8.869(d)(5)” to “8.869(d)(6)”;
5. Amended rule 8.917(c) to correct a rule reference from “8.916(b)” to “8.916(d)(6)”;
6. Amended rule 10.856(h) to correct references to three renumbered forms;
7. Revised form APP-001 to reflect recent changes in the appellate rules and revised form titles, including revising the reference to the time to file a notice of appeal to reflect amendments to rule 8.104 and correcting the time for filing the appellant’s opening brief to reflect amendments to rule 8.212;
8. Revised form APP-002, item 1, eighth box, to correct “of” to “or”;
9. Revised form APP-016/FW-016 to include a box for the court name and address;
10. Revised forms APP-150-INFO and APP-151 to correct the time to file a petition to the appellate division of the superior court seeking a writ from 60 days to 30 days;
11. Revised form FL-350, item 17.b. to correct an internal item reference from “12” to “13”;
12. Revised form JV-810 to correct the proof of service. JV-810 is the optional form that trial counsel or a child’s CAPTA guardian ad litem can use to recommend appointment of counsel for a child in a dependency appeal. Rule 5.661(e) specifically requires that a copy of the recommendation filed in the Court of Appeal must be served on the district appellate project. Consistent with this rule, the instructions on the first page of JV-810 indicate that “A copy must be served on the local district appellate project.” However, the proof of service that is attached as page 3 of JV-810 includes not only the district appellate project, but also the respondent court, the child (if 10 years of age or older), and the child’s counsel (if counsel is not submitting the recommendation) on the list of potential recipients of form JV-810.

This inconsistency between the proof of service and the applicable rule and the instructions on form JV-810 has created problems. In at least one case, a Court of Appeal rejected a form JV-810 because it had not been served on all those listed on the proof of service page. Staff of the Family and Juvenile Law and Appellate Advisory Committees reviewed the council report and other history regarding rule 5.611 and form JV-810 and found nothing addressing service of these recommendations on anyone other than the district appellate project. Staff therefore recommended that form JV-810 be revised to make it consistent with rule 5.661 by deleting the respondent

- court, the child, and the child's counsel from the list of potential recipients on the proof of service page;
13. Revoked current form SC-150, *Information for the Plaintiff (Small Claims)*, and adopt form SC-100-INFO, *Information for the Small Claims Plaintiff*. As part of an ongoing project to expand and improve Judicial Council forms for small claims cases, the Civil and Small Claims Advisory Committee has developed a plan for systematically numbering and renumbering new and existing forms to make them more accessible and intuitive to litigants. Consistent with this plan, effective July 1, 2010, the Judicial Council approved form SC-150, *Request to Postpone Trial*, and adopted form SC-200, *Notice of Entry of Judgment*, as an alternative mandatory form.

- Staff recommended that the Judicial Council, effective July 1, 2010, revoke current form SC-150 and adopt form SC-100-INFO. The new form would have exactly the same text and formatting as the revoked form, other than the change in form numbers and dates and the addition of a reference to form SC-200 in the current parenthetical reference to form SC-130, *Notice of Entry of Judgment*, on page 2 of the form. These technical changes are necessary to avoid confusion that might otherwise result from having two forms numbered SC-150 and from referring to only one of the alternative mandatory *Notice of Entry of Judgment* form numbers. Staff does not anticipate that this change will cause any significant implementation issues or costs, because this information form is not filed with courts or generated by court case management systems; and
14. Revised form TR-INST to correct a rule reference from "8.020" to "7.020."

Item B Conflict of Interest Code for the Administrative Office of the Courts

Since the Conflict of Interest Code of the AOC was last amended (March 2009), the AOC had determined that various additional classifications should be included in the Conflict of Interest Code as designated positions to bring it up to date. Staff had also identified the types of financial interests that employees in these classifications should be required to disclose. Furthermore, two other classifications cited in the code no longer existed and therefore should have been deleted. In accordance with Government Code sections 87303 and 87306, the Judicial Council must review proposed amendments to the code and approve the code as amended or direct that it be further revised and resubmitted for approval.

Council action

The Judicial Council, effective April 23, 2010, approved amendments to the AOC Conflict of Interest Code that:

1. Added various classifications that staff have determined should file

- Statements of Economic Interests, along with their required categories of disclosure; and
2. Deleted two classifications that no longer exist.

Item C Commission for Impartial Courts: Recommendations 1, 4, 15, 16, 18, 19, 24, 27, 31, and 32

The Implementation Committee (the committee) of the Commission for Impartial Courts (CIC) presented for Judicial Council action 10 recommendations from the CIC's final report. Those recommendations were grouped broadly into four overarching categories that corresponded to the entities to which the CIC believes those recommendations should be referred for further action—the California Supreme Court, the State Bar of California, and the council's Policy Coordination and Liaison Committee (PCLC), Administrative Presiding Justices Advisory Committee (APJAC), and Appellate Advisory Committee (AAC). The recommendations made in this report were consistent with the prioritization plan that the council approved at its February 26, 2010, meeting.

Council action

The Judicial Council, effective April 23, 2010, voted to:

1. Endorse recommendations 1, 4, 15, 24, and 27 and refer those recommendations to the California Supreme Court for consideration by its Advisory Committee on the Code of Judicial Ethics or other action deemed appropriate, as follows:
 - CIC Recommendation 1: The Code of Judicial Ethics should be amended to include the American Bar Association Model Code of Judicial Conduct definition of “impartiality.”
 - CIC Recommendation 4: Canon 5 of the Code of Judicial Ethics should be reexamined for consistency in its use of the terms “judge” and “candidate.”
 - CIC Recommendation 15: The commentary to canon 3B(9) of the Code of Judicial Ethics should be amended to provide guidance to judges on acceptable conduct in responding to attacks on rulings in pending cases.
 - CIC Recommendation 24: Canon 5 of the Code of Judicial Ethics or its commentary should be amended to place an affirmative duty on judicial candidates to control the actions of their campaigns and the content of campaign statements, to encourage candidates to take reasonable measures to protect against oral or informal written misrepresentations being made on their behalf by third parties, and to take appropriate corrective action if they learn of such misrepresentations.
 - CIC Recommendation 27: Canon 6 of the Code of Judicial Ethics should be amended to clarify how the title “temporary judge” or “judge pro tem” may be properly used.
2. Endorse recommendation 16 and refer that recommendation to the State Bar of California for consideration, as follows:

- CIC Recommendation 16: Local county bar associations should consider creating independent standing committees that will respond to inaccurate or unfounded attacks on judges, judicial decisions, and the judicial system.
3. Refer recommendations 18 and 19 to the Policy Coordination and Liaison Committee for consideration as matters for council-sponsored legislation, as follows:
 - CIC Recommendation 18: The statutory slate mailer disclaimer should be strengthened by requiring mailers to cite canon 5 of the Code of Judicial Ethics and, when a candidate is placed on a mailer without his or her consent, to prominently disclose that fact.
 - CIC Recommendation 19: An amendment to Government Code section 84305.5 should be sponsored to apply to organizations that support or oppose judicial candidates.
 4. Refer recommendations 31 and 32 to the Administrative Presiding Justices Advisory Committee (APJAC) and the Appellate Advisory Committee (AAC) for consideration and, ultimately, a recommendation as to whether the substance of those recommendations should be codified in the Code of Judicial Ethics, the California Rules of Court, or statute, as follows:
 - CIC Recommendation 31: Appellate courts should be required to send to the parties—with both the first notice from the court and with the notice of oral argument—information on how they may learn of campaign contributions if there is an upcoming retention election or there was a recent election.
 - CIC Recommendation 32: Appellate justices’ campaign finance disclosures should be maintained electronically and should be accessible via the Web and possibly through a link to the California Secretary of State Web site.

Item D Trial Courts: Final Report of Court Executive Officer Compensation Study

The AOC recommended that the Judicial Council amend the rule that outlines the authority and duties of the presiding judge. The amended rule requires the development of policies and procedures related to the setting and modification of the court executive officer’s total compensation package to ensure appropriate accountability and transparency. This final report concludes the work of the working group that was convened in September 2009 to study court executive officer compensation.

Council action

The Judicial Council, effective July 1, 2010, amended rule 10.603 to:

1. Require the presiding judge to approve, in writing, the total compensation package offered to the court executive officer (CEO) and any subsequent changes to the CEO’s compensation package;

2. Require the presiding judge to establish a documented process for setting and approving any changes to the CEO's total compensation package in a fiscally responsible manner consistent with the court's budget; and
3. Clarify that the presiding judge may not delegate to the CEO the duties related to setting or approving any changes to the CEO's total compensation package; however, the presiding judge, while remaining responsible for these duties, may delegate them to another judge.

Item E Subordinate Judicial Officers: Extension of Authorization for Temporary SJOs in Superior Court of Riverside County Through June 30, 2011

The AOC recommended that the Judicial Council extend, in accordance with Government Code section 71622(a), through June 30, 2011, the authorization of the three positions for subordinate judicial officers at the Superior Court of California, County of Riverside. These positions commenced in 2007 following the creation of the Strike Force, at the request of the Chief Justice, for the purpose of reducing the criminal case backlog in the Riverside court. The Riverside court paid for the cost of hiring retired commissioners for those positions and will continue to pay those costs. Without the extension of the authorization for these three positions, the delivery of justice in Riverside would be severely affected.

Council action

The Judicial Council, effective July 1, 2010, extended, in accordance with Government Code section 71622(a), through June 30, 2011, the authorization of three positions for SJOs at the Superior Court of California, County of Riverside.

DISCUSSION AGENDA (Items F–J)

Item F Trial Court Funding: Analysis of the Request from the Superior Court of Los Angeles County for Judicial Council Support Regarding Redirection of Construction Program Funds

Mr. Stephen Nash, Finance Division, and Mr. Ronald G. Overholt, Chief Deputy Director, presented this item with the participation of Mr. Steven Chang, Finance Division.

The AOC recommended that the Judicial Council pursue, on an urgent basis, advocacy with the Legislature and the Governor to ensure sufficient funding necessary to ensure that courts are open and accessible every business day of the year, through all viable ongoing, limited-term, and one-time funding solutions. It also recommends that the council not pursue at this time advocacy for redirection of substantial ongoing funding from the Immediate and Critical Needs Account within the State Court Facilities Construction Fund as proposed by the Superior Court of California, County of Los Angeles (the Los Angeles court) for the purpose of offsetting reductions to trial court

operations. On February 22, 2010, the Presiding Judge of the Los Angeles court requested the council to advocate for the redirection of those construction program funds. The Executive and Planning Committee directed the Administrative Director of the Courts to review the Los Angeles court's proposal and return to the council with analysis and recommendations. These recommendations further the council's strategic goals of ensuring accessible, safe, efficient, and effective services to the public and providing and maintaining safe, dignified, and fully functional facilities for conducting court business that accommodate the needs of all court users.

Council action

The Judicial Council, effective April 23, 2010, with two dissenting votes:

1. Directed staff to continue to pursue, on an urgent basis, a broad and flexible approach to working with the Legislature and Governor to meet the council's objectives regarding ensuring sufficient funding necessary to support courts being open and accessible every business day of the year. This approach should consider all viable ongoing, limited-term, and one-time funding solutions (including transfers of funding from construction fund monies where such transfers would not impact the timing and scale of planned facility projects) as a means to achieve financial stability for all 58 of the state's superior courts, especially during the next three fiscal years; and
2. Decided not proceed at this time to advocate for the redirection of substantial ongoing funding from the Immediate and Critical Needs Account within the State Court Facilities Construction Fund to offset reductions to trial court operations, as proposed by the Superior Court of Los Angeles County. This approach would too narrowly focus on one solution, an option that could significantly impair the ability of the branch to address critical facility needs in courts throughout the state for years to come.

Item G Resolution Recognizing the 10th Anniversary of the Complex Civil Litigation Program and Honoring the Participating Courts

Hon. Richard D. Aldrich, Chair of the former Complex Civil Litigation Task Force, presented this item with the participation of Ms. Susan McMullan, Office of the General Counsel.

The AOC recommended that the Judicial Council adopt a resolution recognizing the tenth anniversary of the Complex Civil Litigation Program and honoring the judges, staff, and participating courts for their contributions in ensuring access to justice for all Californians.

Council action

The Judicial Council adopted a resolution recognizing the tenth anniversary of the Complex Civil Litigation Program and honoring the judges, staff, and participating courts for their contributions in ensuring access to justice for all Californians.

Item H Domestic Violence: Firearms Relinquishment in Criminal Protective Order Cases

Hon. Laurence Donald Kay (Ret.), Chair, Domestic Violence Practice and Procedure Task Force, and Hon. Carol W. Overton, Superior Court of California, County of Santa Clara, presented this item with the participation of Ms. Chris Cleary.

The Domestic Violence Practice and Procedure Task Force recommended the adoption of rule 4.700 to provide a procedure for courts issuing criminal protective orders in domestic violence cases to assist them in determining whether the defendant has complied with the court’s order to relinquish or sell any firearms the defendant owns, possesses, or controls. Under the proposed rule, the court would set a review hearing to determine compliance with its order only in those limited cases where the court, in its discretion, has “good cause to believe” that the defendant owns, possesses, or controls a firearm that must be relinquished under the terms of the court’s protective order. The rule, proposed as part of the task force’s efforts to implement the recommendations in its final report, would fill a gap in the underlying statute, Code of Civil Procedure section 527.9; establish a uniform statewide procedure; and help protect victims and ensure public safety.

Council action

The Judicial Council, effective July 1, 2010, adopted, in an 8 to 5 roll call vote, rule 4.700, to assist courts issuing criminal protective orders by (1) providing procedures for setting and conducting review hearings to determine a defendant’s compliance with the court’s order to relinquish firearms and (2) providing remedies for noncompliance. The council also directed the AOC to evaluate the impact of the implementation of the rule change and report back to the council on this in the future. (Judges Sharon J. Waters and James Michael Welch and Ms. Miriam Aroni Krinsky attended the meeting, and participated in the discussion. However, the meeting lasted longer than anticipated and their travel itineraries dictated that each leave the meeting prior to its adjournment and before the vote was taken. (A copy of the results of the roll call vote is attached to these minutes.)¹

Item I Commission for Impartial Courts: Recommendations 2, 3, 5, 6, 7, 8, 9, 10, 14, 22, 25, and 28

Due to time constraints during the April 23, 2010, Judicial Council meeting, this item was deferred for action at a future Judicial Council meeting.

¹ Addendum written on June 21, 2010: The Judicial Council will consider at its June 25, 2010, meeting the adoption of a new policy for voting at council business meetings. If a new policy is adopted, the council also may consider at that meeting its implications for rule 4.700, before the rule becomes effective on July 1, 2010.

Office of the State Chief Information Officer's (OCIO) Report Distributed

Council members received copies of the Office of the State Chief Information Officer's *Review of the California Court Case Management System*, referenced in the Chief's report, which validates the benefits of a statewide court case management system, along with an AOC news release, OC 15-10. The OCIO reviewed the California Court Case Management System (CCMS) and considered the objectives, activities, and costs of CCMS, concluding that CCMS is of value as a solution to replace failing case management systems in the state's 58 trial courts with a single, integrated system to serve the courts and the public. (A copy of the April 23, 2010, news release about this report is attached to these minutes. The complete OCIO report can be accessed at: www.cio.ca.gov/pdf/CCMS_Final_Report.pdf)

Item J Elkins Family Law Task Force: Final Report and Recommendations

Hon. Laurie D. Zelon, Chair, Elkins Family Law Task Force; Hon. Jerilyn L. Borack, Superior Court of Sacramento County; and José Octavio Guillén, Court Executive Officer, Superior Court of Sonoma County, presented this item with the participation of Ms. Bonnie Rose Hough, Center for Families, Children & the Courts.

The Elkins Family Law Task Force recommended that the Judicial Council receive and accept its final report and recommendations and direct the Administrative Director of the Courts to prepare an implementation plan. The recommendations, when approved and implemented, will increase access to justice for all family litigants, ensure fairness and due process, and provide for more effective and consistent family law rules, policies, and procedures in California's family courts. (The comment chart for this item was over 1,200 pages long, and readers were encouraged to read it online rather than to print it out in its entirety. (The entire chart can be found using this link: <http://www.courtinfo.ca.gov/courtadmin/jc/documents/reports/20100423elkinscomments.pdf>)

Council action

The Judicial Council:

1. Received and accepted the final recommendations of the Elkins Family Law Task Force;
2. Directed the Administrative Director of the Courts to develop a plan that includes key milestones for implementing the recommendations; and
3. Directed the Administrative Director of the Courts to provide a report on implementation to the council by December 2010.

Information Only Item

- **Report to the Legislature on Allocation of Funding for Support of New Judgeships Authorized in FY 2006–2007 and FY 2007–2008**

This is the Judicial Council report on the allocation of funding for support of new judgeships authorized in FY 2006–2007 and FY 2007–2008 as

required by the Budget Act (Stats. 2006, ch. 47/48) and the 2007 Budget Act (Stats. 2007, ch. 171)

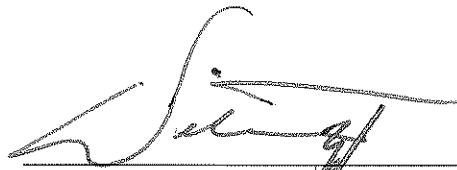
There had been no Circulating Orders or Appointment Orders since the last business meeting.

Chief Justice George closed the meeting with a moment of silence to remember judicial colleagues who are recently deceased and to honor them for their service to their courts and to the cause of justice. They are:

- Judge Robert A. Barclay (Ret.), Superior Court of Modoc County
- Judge Richard E. Denner (Ret.), Superior Court of Los Angeles County, and former member of CJER Family Law Education Committee
- Judge William L. Dunbar (Ret.), Superior Court of Alameda County
- Judge Daniel C. Dutcher (Ret.), Municipal Court of West Orange County
- Judge Jack Gifford (Ret.), Superior Court of Alameda County
- Judge Napoleon A. Jones, Jr., Superior Court of San Diego County
- Judge James R. Hardin (Ret.), Superior Court of Tuolumne County
- Judge David M. Schacter (Ret.), Superior Court of Los Angeles County
- Judge Donald E. Smallwood (Ret.), Superior Court of Orange County
- Judge John R. Stanton (Ret.), Superior Court of Los Angeles County
- Judge Stanley C. Young, Jr. (Ret.), Superior Court of Plumas County

There being no further public business, the meeting was adjourned at 1:55 p.m.

Respectfully submitted,



William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
March 22, 2010	Approve Interim Policies on Third Party Use of Court Facilities
To	Deadline
Members of the Executive and Planning Committee	March 29, 2010
From	Contact
Hon. Brad R. Hill, Chair, Court Facilities Use Working Group	Maria Topete Risk Management Analyst
William L. Kasley, Assistant General Counsel Office of the General Counsel	Office of Court Construction and Management
Burt Hirschfeld, Assistant Division Director Office of Court Construction and Management	
Subject	
Interim Policies on Third Party Use of Court Facilities	

Recommendation

Attendant to the transfer of more than 500 facilities to the judicial branch are the financial obligations and risk management requirements associated with event-oriented, short-term, and one-time use of those facilities by individuals, groups and organizations (“third parties”). The Court Facilities Use Working Group¹ was established to develop policy guidelines and basic protocols for such uses. The Working Group now recommends that the Executive and Planning Committee, acting on behalf of Judicial Council under rule 10.11, approve the following policies:

1. Interim Policy for Third Party Use of Appellate Court Facilities, and
2. Interim Policy for Third Party Use of Trial Court Facilities.

Rationale for Recommendation

Prior to the transfer of court facilities, the 58 counties had responsibility for how these properties were used for events ranging from student mock trials to film production. With the completion of the transfer process, the Judicial Council, through the Administrative Office of the Courts, now has that responsibility. To provide fair, consistent guidance for approving third party use requests, policies have been developed for use by the AOC and the appellate and trial courts. From an operational perspective, the policy also confirms that the court and AOC have a responsibility to manage facility-related risks and are entitled to be reimbursed for costs associated with providing facilities.

Implementation Requirements, Costs and Operational Impacts

The policies will be implemented through the use of procedures in areas such as application, legal review, risk assessment, licensure, monitoring and fee determination. Some of these, and corresponding forms, have already been developed. The goal of the procedures is to minimize the operational impact to the courts; the major share of program administration will be conducted by the AOC. This is not intended to subordinate the court's role in the approval process, which is required in all cases.

The policies include provision for the reimbursement of court and AOC facility costs incurred as a result of third party uses. The purpose is to maintain cost neutrality for the branch.

The policies and procedures are tentatively scheduled to be introduced on May 1, 2010, and used for a period of approximately 6 to 12 months. After the first six months, the Office of Court Construction and Management will report the number and types of uses for which licenses were issued during this period. Should the Working Group determine that a sufficient volume and variety of information is available, the courts and AOC staff will be surveyed to learn whether the policies provided practical guidance for the uses that were or were not approved. Unless more time is required to gather meaningful data, the Working Group will apply the learnings and feedback from the trial period to the development of a permanent policy to be submitted for Judicial Council approval.

Attachments

1. Court of Appeal Interim Policy for Third Party Use of Court Facilities
2. Trial Court Interim Policy for Third Party Use of Court Facilities
3. Frequently Asked Questions: Interim Policy for Third Party Use of Court Facilities

ⁱ The members of the Working Group are as follows:

Hon. Brad R. Hill
Associate Justice
Court of Appeal, Fifth Appellate District

Ms. Sharol Strickland
Executive Officer
Superior Court of Butte County

Hon. Thomas M. Maddock
Judge
Superior Court of Contra Costa County

Mr. Frederick K. Ohlrich
Clerk of the Court
Supreme Court of California

Hon. Charles W. McCoy, Jr.
Presiding Judge
Superior Court of Los Angeles County

Mr. William L. Kasley
Assistant General Counsel
AOC Office of the General Counsel

Hon. Dennis E. Murray
Presiding Judge
Superior Court of Tehama County

Mr. Burt Hirschfeld
Assistant Division Director
AOC Office of Court Construction and Management

Mr. Stephen A. Bouch
Executive Officer
Superior Court of Napa County

Mr. James Mullen
Senior Risk Manager
AOC Office of Court Construction and Management

Mr. Michael M. Roddy
Executive Officer
Superior Court of San Diego County

Ms. Maria Topete
Risk Management Analyst
AOC Office of Court Construction and Management



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MEMORANDUM

Date

April 7, 2010

Action Requested

Please Review and Approve Staff
Recommendation


To

Members of the Executive and Planning
Committee

Deadline

April 12, 2010

From

Mary M. Roberts, General Counsel
Mikayla Connell, Attorney 

Contact

Mikayla Connell
415-865-8021 phone
415-865-7664 fax
mikayla.connell@jud.ca.gov

Subject

Exception to Judicial Council's Operating
Guidelines and Directives—Superior Court of
Contra Costa County

On January 20, 2009, the Executive and Planning Committee (E&P), on behalf of the Judicial Council, reaffirmed and approved the Judicial Council's *Operating Guidelines and Directives for Budget Management in the Judicial Branch (Guidelines and Directives)*, which the council initially approved in August 2003.¹ The *Guidelines and Directives* include the requirement that each superior court must keep at least one clerk's office open for stated minimum hours each business day, and that all exceptions to this requirement be subject to consultation with and review and approval by the Judicial Council. The relevant provision of the *Guidelines and Directives* states:

Each superior court must keep at least one trial court clerk's office open a minimum of 6 1/2 hours per day including the core hours of 10:00 a.m. to 2:00 p.m. (including the lunch hour). All exceptions require consultation with, and review and approval of, the Judicial Council.²

¹ A copy of the *Operating Guidelines and Directives for Budget Management in the Judicial Branch* is attached.

² *Operating Guidelines and Directives for Budget Management in the Judicial Branch*, § II, p. 1.

Courts were instructed to contact their Regional Administrative Director (RAD) to initiate the process for seeking an exception if and when necessary. This memorandum presents the exception request of the Superior Court of Contra Costa County and staff's recommendation regarding that request.

Request for Exception

The Superior Court of Contra Costa County (Court), through the office of its RAD Christine Patton, has made a request to the Judicial Council for an exception to the *Guidelines and Directives*.³ The Court seeks a reduction in the hours that the clerk's office is open to the public. Currently, the Court has clerk's offices in seven locations, and they are open to the public from 8:00 a.m. to 3:00 p.m. The Court requests permission to reduce the schedule to 8:00 a.m. to 2:00 p.m., daily, in all seven of the Court's locations, effective May 1, 2010. This reduction would include in-person counter transactions as well as telephone access. The reduction would not include the Jury Services Office, which will stay open until 5:00 p.m. daily. The existing "ex parte" services for Civil Harassment and Probate would also retain their current schedule, opening daily from 1:30 p.m. to 3:00 p.m. The requested schedule change gives Court staff more time to work on alleviating clerical backlogs caused by low staffing levels.

The Court's RAD has voiced her strong support for the proposed schedule change. Due to severe, permanent budget cuts, the Court has instituted a hard hiring freeze, undertaken five reorganizations, and, where necessary, laid off employees. These measures are enabling the court to more effectively manage its budget during this financially challenging period. However, as a result of the hiring freeze, reorganizations, and layoffs, the Court is now severely understaffed. This understaffing has led to crippling clerical backlogs and, despite the Court's best efforts, the Court continues falling behind in its work. The requested schedule change provides the Court's staff with more time to manage and reduce those clerical backlogs.

The Court Executive Officer (CEO) has informed the Office of the General Counsel (OGC) that the requested schedule change presents no labor issues as it does not alter any employee's hours. The CEO also reports that drop boxes are already in place and being used in accord with Government Code section 68108. Finally, the Court's CEO stated the Court is already prepared to provide notice of the clerk's office schedule change in accord with Rule 10.620 of the California Rules of Court.

Staff Recommendation

Under the Court's proposed schedule, the clerk's offices would be open 6 hours each day, from 8:00 a.m. to 2:00 p.m. While this schedule is 30 minutes less than the 6 1/2 hour minimum set forth in the *Guidelines and Directives*, the proposed schedule does cover the "core" hours of 10:00 a.m. to 2:00 p.m. and gives Court staff more time to address the Court's severe clerical

³ A copy of the Court's request to Christine Patton, Regional Administrative Director for the Bay Area/Northern Coastal Regional Office, is attached.

backlog. The CEO has confirmed that the requested schedule change does not result in any labor issues, as no employees will be furloughed or have their work hours changed. The CEO also confirmed that drop boxes are already in place to comply with Government Code section 68108. Additionally, the CEO has stated the Court is already prepared to provide notice in accord with rule 10.620 of the California Rules of Court. Finally, the Court's RAD, Chris Patton, fully supports the Court's requested schedule change as a means of addressing the Court's clerical backlogs.

Furthermore, the requested schedule change does not conflict with the ongoing development of policies and procedures regarding limited court closures. At the Judicial Council's January 21, 2010, special meeting, the council directed the Administrative Director of the Courts to work with designated advisory committees and court staff to develop "recommendations and guidelines" for courts that find it necessary to implement "limited closures" during fiscal year 2010-2011 due to budget constraints. The council further directed that the "recommendations and guidelines" take into consideration the *Principles for Development of a Limited Court Closure Plan*.⁴ The Director is to present the proposed recommendations and guidelines to the council at its April 23 meeting. Although this request by the Superior Court of Contra Costa County is made before development of the "recommendations and guidelines" is completed, it is not inconsistent with the attached principles.

In light of these facts, staff recommends that E&P, on behalf of the Judicial Council, approve the Court's request for an exception to the requirement that it keep at least one clerk's office open for the minimum hours specified in the *Guidelines and Directives*. The requested exception would allow the court to reduce the clerk's office hours in all seven of the Court's locations from the existing schedule of 8:00 a.m. to 3:00 p.m., to the proposed schedule of 8:00 a.m. to 2:00 p.m., beginning on May 1, 2010.

MMR/MC/jf
Attachments

⁴ A copy of the *Principles for Development of a Limited Court Closure Plan* is attached.

The following guidelines and directives were initially approved by the Judicial Council in 2003, later revised in 2004. The Executive and Planning Committee, on behalf of the council, on January 20, 2009, reaffirmed these guidelines and directives and approved this revised version.

Operating Guidelines and Directives for Budget Management in the Judicial Branch

In recognition of the Judicial Council's continued commitment to ensuring open access to a system of uniform and equal justice for all, the council sets forth the following guidelines and directives on how courts manage their budgets in response to funding conditions. All courts must manage their budgets in compliance with the policies set forth in these operating guidelines and directives.

I. Guiding Principles

Maintain Open Access to Courts

- Protect the federal and state constitutional values of the justice system;
- Provide equal access to a system of fair and uniform justice;
- Provide a safe, secure environment for the administration of justice;
- Provide justice in a timely manner;
- Protect resources dedicated to eliminating barriers to access for the most vulnerable (e.g., those unable to pay, persons with disabilities, children,); and
- Maintain resources necessary for public safety.

II. Guidelines and Directives

Access to Court Services – to provide and maintain access for the public to court services

- Courts must remain open to the public each business day.
 - Hours for Trial Court Clerk's Offices
 - The recommended operating hours for the trial court clerk's office are 8:30 a.m. to 4:00 p.m. (including the lunch hour) and courts are encouraged to remain open between 8:00 a.m. and 5:00 p.m., if circumstances allow;
 - Each superior court must keep at least one trial court clerk's office open a minimum of 6 ½ hours per day including the core hours of 10:00 a.m. to 2:00 p.m. (including the lunch hour). All exceptions require consultation with, and review and approval of, the Judicial Council.
 - All trial courts must provide drop boxes during periods of shortened hours. Use of a drop box is governed by rule 2.210, which requires a drop box whenever a clerk's office filing counter is closed between 8:30 a.m. and 4:00 p.m.

- Court departments must remain open consistent with operating requirements, except for normal absences (business meetings, vacation, sick leave, educational training, etc.) or emergencies such as natural disasters, bomb threats, and power outages.

Facilities Utilization and Closures – to ensure public access within available judicial branch resources

- Courts should continue to evaluate court space to ensure that facilities are utilized most efficiently and for the most appropriate purpose; and
- Courts must notify and consult with the Administrative Office of the Court's Office of Court Construction and Management prior to any potential closure or surrender of facilities.

MOUs for County Services and Revenue Sharing – to ensure that county services are formally negotiated and negotiated within court's current resources. (This section does not apply to labor contracts, please reference the section on Fair Employment and Labor Relations Provisions.)

- Trial courts must have MOUs in place for all county services, including security services, consistent with Government Code 77212, and for revenue sharing agreements with the county;
- All contracts for services must be negotiated within the trial court's available resources; and
- If a court reaches an impasse in negotiating any contract, they must consult with the Judicial Council.

General Court Contracts

- Each court must ensure that any contract entered into by the court contains provisions that will permit the contract to be modified if resources become unavailable during the course of the contract year due to reductions in the budget that are beyond the control of the individual court. The appropriate language setting forth this principle is referenced in the Trial Court Financial Policies and Procedures Manual, section FIN 7.01, Contracts.

Cash Management/Accountability Measures – to ensure fiscal accountability and adequate resources to meet minimum financial obligations during periods of financial uncertainty and periods without a budget

- Courts must properly account for all fees and fully remit fees with the appropriate accounting to the treasury as soon as practical; and

- Trial courts should implement procedures to ensure that all direct and indirect charges are in accordance with MOUs and Rule 10.810 allowable prior to authorizing payment.
- Trial Court Fund Balance Policy
 - Refer to the fund balance policy approved by the Judicial Council in October 2006:
http://serranus.courtinfo.ca.gov/programs/finance/documents/103006_3.doc

Fair Employment and Labor Relations Provisions – to facilitate the collective bargaining process

- Relationships with Local Bargaining Units & Structure of Labor Agreements

Each trial court should:

 - Inform employees and their recognized employee organizations of circumstances that affect employee working conditions and promptly respond to the concerns of employees and their recognized employee organizations.
 - Negotiate all employee collective bargaining agreements within the trial court's available resources.
 - These guidelines and directives must be applied consistent with a court's obligation to meet and confer with recognized employee organizations.
- Policy on Layoffs of Regular Employees
 - Courts must notify and consult with the Judicial Council prior to implementing any regular employee layoff plans that are required as a result of budget reductions.

Promote the collection of fines, fees, forfeitures and assessments - to ensure the enforcement of court orders

- Establish policies and procedures for the collection of fines, fees, forfeitures, and assessments that are consistent with the standards and guidelines approved by the Judicial Council.
- Promote the enforcement of all court orders relating to fines, fees, forfeitures and assessments; and uniform collection and remittance of required reports.
- Establish and/or enhance comprehensive collections programs.

Expense Restrictions

- Appellate courts, trial courts, and the AOC must continue implementing cost reduction measures to manage unallocated reductions and unfunded costs in a manner that ensures continued access to a system of uniform and equal justice within available financial resources.
- All judges, subordinate judicial officers, and those judicial branch employees not represented by recognized employee organizations and who earn more than \$100,000 per year, must not be reimbursed for professional association dues that are due or owing on or after the effective date of these guidelines. This does not include those license fees, including State Bar dues, where the license is a requirement of the position.

AOC Assistance to the Courts

- The AOC is directed to be available and work with the courts to assist in negotiations of any kind that may affect the budget in the course of the year.

Superior Court of California
County of Contra Costa
725 Court Street
Martinez, CA 94553

Kiri Torre
Court Executive Officer



MEMORANDUM

TO: Christine Patton
Regional Administrative Director, BANCRO

FROM: Kiri Torre
Court Executive Officer, Superior Court - County of Contra Costa

DATE: March 26, 2010

SUBJECT: Request for Judicial Council Approval of Proposed Reduction of Office Hours

BACKGROUND

As a result of the severe permanent budget reductions, beginning in 2008, the Court instituted a hard hiring freeze, and has eliminated virtually all positions vacated by retirements and other separations in order to minimize the number of layoffs of court personnel. We have undertaken five major reorganizations in the span of the last 18 months to ensure coverage for all critical areas of our court's operations and have streamlined procedures.

The Court has eliminated 13 management positions through the layoff of four top administrators and the elimination of nine other management positions through attrition. In addition, the Court released all 39 temporary employees in early 2009, eliminated 11 staff positions through attrition and eliminated 16 positions through layoffs. These staff reductions, in addition to anticipated retirements in the near term, should allow the Court to address a majority of the remaining budget deficit this fiscal year.

These reductions have left our court with a staffing level of 339 to support 46 bench officers, a staff-to-bench officer ratio of 7.36 to 1. The Court Closure days have helped the Clerk's Office to reduce clerical backlogs, however, we are continuing to fall behind in our work due to the significantly low staffing levels.

We cannot continue to provide the current level of services and must cut back on non-mandated services in order to meet the most critical needs of the Court. Providing the Clerks with more quiet time to catch up on the processing of court documents will assist in managing the backlogs. This can be accomplished by reducing the hours the Clerk's Office is open to the Public.

REQUEST FOR JUDICIAL COUNCIL APPROVAL

Pursuant to the requirements set forth in the Judicial Council's *Operating Guidelines and Directives for Budget management in the Judicial Branch*, the Court is seeking Judicial Council approval of the following proposed reductions to Clerk's Office hours, effective May 1, 2010:

1. Reduce Clerk's Office hours in all locations from the existing schedule of 8:00 a.m. – 3:00 p.m. to 8:00 a.m. – 2:00 p.m., daily.
2. This would include in-person front counter transactions and telephone access.
3. This would not include the Jury Services Office, which will continue to stay open until 5:00 p.m. daily.
4. The existing "ex parte" services for Civil Harassment (D60) and Probate (D61) would remain status quo – daily from 1:30 p.m. to 3:00 p.m.

Please let me know if you have any questions.

cc: Hon. Mary Ann O'Malley, Presiding Judge

Principles for Development of a Limited Court Closure Plan

1. Each court shall be responsible for determining whether local circumstances require the court to close.
2. All courts electing to implement limited closures must do so on the same day statewide to provide for uniformity and consistency for justice system partners and court users.
3. Courts must remain open to conduct arraignments of in-custody defendants.
4. Courts must remain open to issue domestic violence, juvenile, elder abuse, civil harassment or workplace violence restraining or protective orders involving stalking, violence, or threats of violence.
5. Courts must be open for the conduct of business set forth in subdivision (a) of section 134 of the Code of Civil Procedure.
6. Courts must have judicial officers available for the signing of any necessary documents on an emergency basis to the same extent that the court has judicial officers available on Saturdays, Sundays, judicial holidays, and any other time the court is closed.
7. Consideration shall be given to what other critical matters courts must uniformly be open to address during a limited closure day.
8. With the goal of minimizing the impact on court users and courts operations, consideration should be given to whether dates on which court calendars are typically lighter (e.g., Christmas Eve, the Friday before Labor Day) should be selected for the statewide limited closure days in lieu of standardized calendar days (e.g., the third Wednesday of the month).
9. Courts shall be responsible for complying with all time deadlines required by law, whether for computation of time for filing, conduct of hearings, or otherwise. Consideration shall be given concerning whether legislation can and should be sought to provide that limited closures on the selected day shall be treated as a holiday for purposes of performing any act requiring the transaction of judicial business as provided for statewide closures under Government Code section 68106(b)(1).



State Chief Information Officer Validates Benefits of Statewide Court Case Management System

Report Calls for Moving Forward With the Project

SAN FRANCISCO—The Administrative Office of the Courts today welcomed the report of the Office of the State Chief Information Officer (OCIO) reviewing the California Court Case Management System (CCMS). The report, issued today in Sacramento, states that the OCIO “believes in the value of CCMS” as a solution to replace failing case management systems in the state’s 58 trial courts with a single, integrated system to serve the courts and the public.

The Legislature requested that the OCIO review the project following a legislative hearing last October. In its review, the OCIO considered the objectives, activities, and costs of CCMS. The review notes the size and complexity of the project and also the significant benefits to the state when completed, and it makes several recommendations to ensure project success. The report concludes, “Despite the challenges to date, the OCIO believes the CCMS project can be successfully implemented” if its recommendations are followed.

“This has been an extremely beneficial process,” said William C. Vickrey, Administrative Director of the Courts. “We thank the expert team at the Office of the State Chief Information Officer for their careful review and recommendations.”

“We are very pleased that the OCIO recognizes the value of CCMS, and we will give serious consideration to all of the recommendations,” Vickrey said. “With the continued support of leaders in all three branches of state government, we intend to bring this project to a successful conclusion for the courts, for our justice system partners, and, most importantly, for the public that we all serve.”

Among the project challenges cited in the report are the need to:

- Strengthen the governance structure to ensure the adoption and use of CCMS by all courts that are targeted for deployment;
- Assess and define success in terms of cost, schedule, and scope for the entire completion of the project;
- Produce a viable software product that meets the common business needs of the courts; and
- Develop a detailed plan for deployment and for how and by whom CCMS will be supported during the maintenance and operations period.

(more)

The California Court Case Management System is a statewide technology initiative that will allow courts to share data among themselves and with state agencies and that will provide a portal for the public to search for case information, pay fines and fees, request enrollment in traffic school, request continuance of traffic cases, and view court calendars and many court documents. CCMS is in its final development stages and is scheduled to be fully deployed in all 58 superior courts by 2016.

#

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.


JUDICIAL COUNCIL

ROLL CALL VOTE
Domestic Violence: Firearms Relinquishment in Criminal Protective Order Case

Subject Item H Date 4-23-10 Tab # _____
 E&P

	NAME	VOTE ¹		
		YES	NO	ABSTAIN
1.	Hon. Ronald M. George, Chair			<i>Present</i>
2.	Hon. George J. Abdallah, Jr.	✓		
3.	Hon. Marvin R. Baxter		✓	
4.	Hon. Tani Cantil-Sakauye	✓		
5.	Mr. Anthony P. Capozzi	✓		
6.	Hon. Ellen M. Corbett	N/A	N/A	N/A
7.	Hon. Lee Smalley Edmon		✓	
8.	Hon. Mike Feuer	N/A	N/A	N/A
9.	Hon. Terry B. Friedman			
10.	Hon. Brad R. Hill	✓		
11.	Hon. Richard D. Huffman		✓	
12.	Ms. Miriam Aroni Krinsky			
13.	Mr. Joel S. Miliband	N/A	N/A	N/A
14.	Hon. Dennis E. Murray		✓	
15.	Mr. James N. Penrod	✓		
16.	Hon. Winifred Younge Smith	✓		
17.	Hon. Kenneth K. So	✓		
18.	Hon. Sharon J. Waters			
19.	Hon. James Michael Welch			
20.	Hon. David S. Wesley		✓	
21.	Hon. Erica R. Yew	✓		

Total: Yes 8 No 5 Abstain _____ Absent _____


 William C. Vickrey
 Secretary to Judicial Council

¹ The Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member, as his or her name is called, responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain").

After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. At the conclusion of the roll call, the names of those who failed to answer can be called again or the chair can ask if any voting member entered the room after his or her name was called. Changes of vote 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, should be entered in full in the minutes.