

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688
February 23, 2007
8:30 a.m.–12:35 p.m.
Open to the Public

AGENDA

- 8:30–8:40 a.m. **Public Comment Related to Trial Court Budget Issues***
 [Subject to requests]
 *This time is reserved for public comment on discussion agenda items relating to trial court budgets.
- 8:40–8:45 a.m. **Approval of Minutes**
 December 1, 2006, business meetings
 [Minutes Tab]
- 8:45–9:05 a.m. **Judicial Council Committee Presentations**
 Executive and Planning Committee
 Hon. Richard D. Huffman, Chair
 Policy Coordination and Liaison Committee
 Hon. Marvin R. Baxter, Chair
 Rules and Projects Committee
 [RUPRO's Delegation of Authority to Advisory Committees on Jury Instructions: \(Information Only\)](#)
 Hon. Suzanne N. Kingsbury, Chair
 [Committee Reports Tab]
- 9:05–9:15 a.m. **[Administrative Director's Report](#)**
 Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.
- 9:15–9:25 a.m. **Chief Justice's Report**
 Chief Justice Ronald M. George will report on activities in which he has been involved since the last Judicial Council business meeting.

[Consent Agenda \(Items 1–4\)](#)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

Item 1

[Site Acquisition Approval for Contra Costa County-New Antioch Area Courthouse \(also known as the new East Contra Costa Court\) \(Action Required\)](#)

Staff of the Administrative Office of the Courts (AOC) recommends the Judicial Council take three actions for site acquisition of the Pittsburg site for the new Antioch Area Courthouse (East Contra Costa Courthouse): 1) Direct AOC staff to proceed with acquisition of the site; 2) Adopt the Final Initial Study and Mitigated Negative Declaration undertaken in accordance with the California Environmental Quality Act (CEQA); and 3) Authorize the Administrative Director of the Courts to approve and execute the property transfer agreement. The Judicial Council should approve the site because it meets the advisory team's (includes court representatives') and AOC staff's site considerations, and it should adopt the CEQA document as required for the Lead Agency. Additionally, authorizing the Administrative Director of the Courts to approve and execute the property transfer agreement would allow completion in time for the State Public Works Board (SPWB) meeting's submittal requirements. The complete Final Initial Study/Mitigated Negative Declaration, Exhibit E, can be accessed using this link:

http://www.courtinfo.ca.gov/programs/occm/documents/FINAL_Initial_Study_and_Mitigated_Negative_Declaration_January_22.pdf

Staff: Ms. S. Pearl Freeman
Office of Court Construction and Management

Item 2

[Educational Model for New Judicial Officers to Qualify for Commission on Judicial Performance Insurance \(Action Required\)](#)

AOC staff recommends that the Judicial Council modify the current educational model for Qualifying Ethics training for new judicial officers so that they maintain their Commission on Judicial Performance insurance. This modification ensures that all new judicial officers receive the same amount of ethics training regardless of when they assume office and when they complete New Judge Orientation and the judges' college. This modification also extends the current three-year Qualifying Ethics cycle one year to conclude December 31, 2009, instead of December 31, 2008. Because the first three-year cycle for minimum education expectations for judicial officers began January 1,

2007, and ends December 31, 2009, extending the current Qualifying Ethics cycle one year would make the current and future cycles concurrent.

Staff: Mr. Mark Jacobson
Office of the General Counsel

Item 3 **[Conflict of Interest Code for Administrative Office of the Courts \(Action Required\)](#)**

AOC staff recommends that the Judicial Council adopt effective February 23, 2007, revisions to the AOC Conflict of Interest Code that add new job classifications and delete classifications that no longer exist.

Staff: Mr. Steven Crooks
Office of the General Counsel

Item 4 **[Civil Jury Instructions: Approve Publication of Revisions to California Civil Jury Instructions \(CACI\) \(Cal. Rules of Court, rule 2.1050\) \(Action Required\)](#)**

The Advisory Committee on Civil Jury Instructions recommends approval of *CACI* Release 8. Release 8 includes 15 revised instructions on various subjects required by developments in the law since the last release in June 2006.

Staff: Mr. Bruce Greenlee
Office of the General Counsel

[Discussion Agenda \(Items 5–11\)](#)¹

Item 6
9:25–9:30 a.m. **[Mediation Week: Resolution Recognizing the Benefits of Mediation and Court Mediation Programs \(Action Required\)](#)**

AOC staff recommends that the Judicial Council adopt a resolution recognizing the third week of March as “Mediation Week,” to coincide with similar recognitions by the Governor and other public agencies and bodies. Information about the Judicial Council resolution will be disseminated throughout the judicial branch, to local bar associations, to mediation providers, and to the general public. Judicial Council recognition of Mediation Week will thereby encourage courts to implement and improve mediation programs; promote public awareness

¹ Due to a schedule conflict, Item 5 was moved to a later time slot, following Item 7.

and use of those programs; and acknowledge the court staff, mediators, and others who make them successful.

Presentation (5 minutes)

Speakers: Mr. Alan Wiener
Office of the General Counsel
Ms. Heather Anderson
Office of the General Counsel

Discussion/Council Action (none)

Item 7

9:30–10:00 a.m.

Allocation of FY 2006–2007 Funding for New Trial Court Judgeships (Action Required)

AOC staff and the Trial Court Budget Working Group present recommendations for allocation of the new trial court judgeships funding included in the Budget Act of 2006. The council should consider and act on the recommendations so that the trial courts receiving new judgeships under Senate Bill 56 will know the level of funding they will receive and can prepare appropriately for the appointment of their new judicial positions.

Presentation (15 minutes)

Speakers: Mr. Stephen H. Nash
Finance Division
Ms. Kim Davis
Office of Court Construction and Management
Mr. Robert Emerson
Office of Court Construction and Management
Ms. Marcia Caballin
Finance Division

Discussion/Council Action (15 minutes)

Item 5

10:00–10:10 a.m.

Juvenile Law: Notice Requirements for Juvenile Cases under the Indian Child Welfare Act (Welf. & Inst. Code, § 224.2) (amend Cal. Rules of Court, rule 5.664) (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending rule 5.664 effective February 23, 2007, to conform the notice provisions of rule 5.664 to new Welfare and Institutions Code section 224.2(a). Effective February 1, 2007, the Legislature passed SB 678 (Ducheny); Stats. 2006, ch. 838, which codified the federal Indian Child Welfare Act (25 U.S.C. § 1901 et seq.), (the act), by adding amendments to the Family Code, Probate Code, and Welfare and Institutions Code. The committee proposes this change, affecting only

juvenile cases under the Indian Child Welfare Act, in order to prevent confusion between the language of the new statute and the existing rule. The committee along with the Probate and Mental Health Advisory Committee will recommend unified rules and forms implementing SB 678 in probate, family, and juvenile proceedings in the spring 2007 rules and forms cycle. This proposal will be circulated for comment with the unified rules proposal, and is expected to come before the Judicial Council at its October 2007 meeting.

Presentation (5 minutes)

Speaker: Ms. Diane Nunn
Center for Families, Children & the Courts
Ms. Jennifer Walter
Center for Families, Children & the Courts

Discussion/Council Action (5 minutes)

10:10–10:25 a.m. **BREAK**

Item 8

10:25–11:10 a.m.

[Report to the Judicial Council and the Legislature on the Uniform Civil Fees and Standard Fee Schedule Act of 2005 \(Action Required\)](#)

The Task Force on Civil Fees recommends that the Judicial Council approve the report to the Legislature that makes recommendations on the effectiveness of the uniform fee structure, any operation or revenue problems, and how to address them; whether a fee differential should be implemented based on the number of cases a party files in a year; and a process to adjust fees in the future to accommodate inflation and other factors affecting operating costs for trial courts, county law libraries, and county programs that rely on court fees.

Presentation (30 minutes)

Speakers: Hon. Richard D. Aldrich
Chair, Task Force on Civil Fees
Ms. Eraina Ortega
Office of Governmental Affairs
Ms. Janet Grove
Office of the General Counsel
Mr. Ruben Gomez
Finance Division

Discussion/Council Action (15 minutes)

Item 9

[Update of Judicial Workload Assessment and New Methodology for](#)

11:10–11:55 a.m. [**Selecting Courts in Which Subordinate Judicial Officers Should be Converted to Judgeships \(Action Required\)**](#)

AOC staff recommends that the Judicial Council approve the update of the 2004 judicial workload assessment, taking into account the 50 new judgeships created by SB 56 and using the most recent filings data to ensure that the trial courts with the greatest need are on the priority list for the remaining 100 judicial officers that will be added in the next two years. Staff further recommends adapting the judicial workload methodology of weighted filings to evaluate subordinate judicial officer (SJO) workload. That analysis will be used to determine which courts have SJO positions that are eligible to be converted to judgeships upon vacancy.

Presentation (30 minutes)

Speakers: Mr. Dag MacLeod
Executive Office Programs
Mr. Ron Pi
Executive Office Programs
Ms. Kathleen T. Howard
Office of Governmental Affairs

Discussion/Council Action (15 minutes)

Item 10 [**Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in Trial Courts \(Action Required\)**](#)

11:55 a.m.–
12:05 p.m.

AOC staff recommends that the council adopt a policy and delegate to its Executive and Planning Committee the approval of requests from trial courts to change the number of subordinate judicial officer positions. Government Code section 71622(a) grants authority to the council to determine the number and type of subordinate judicial officer positions in each trial court.

Presentation (5 minutes)

Speakers: Mr. Kenneth L. Kann
Executive Office Programs
Ms. Nancy E. Spero
Executive Office Programs
Mr. Dag MacLeod
Executive Office Programs

Discussion/Council Action (5 minutes)

Item 11 [**Final Recommendation on Science and the Law Policies \(Action Required\)**](#)

12:05–12:35 p.m.

The Science and the Law Steering Committee recommends that the Judicial Council improve the judicial management of issues regarding science, technology and the law by: (1) Directing the Governing Committee of the Center for Judicial Education and Research (CJER) through its Science and the Law Education committee to facilitate the exchange of information between the courts and the science and technology communities to assess emerging issues, resources, and potential partnerships relating to science, technology, and the law consistent with the guidelines approved by the Judicial Council in February 2006; (2) Directing existing advisory committees and task forces to monitor the impact of science and technology in the California courts within the context of their areas of responsibility to identify priorities and recommend effective approaches; and (3) Requiring that Advisory Committee and Task Force plans include a science and the law component.

Presentation (20 minutes)

Speaker: Hon. Ming W. Chin

Chair, Science and the Law Steering Committee

Discussion/Council Action (10 minutes)

Circulating Orders Since the Last Business Meeting

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Judicial Council Appointment Orders Since the Last Business Meeting

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