

JUDICIAL COUNCIL MEETING
Minutes of the Business Meeting—October 25–26, 2012
Ronald M. George State Office Complex
William C. Vickrey Judicial Council Conference Center
Malcolm M. Lucas Board Room
San Francisco, California

Thursday, October 25, 2012–NON-BUSINESS MEETING—CLOSED
(RULE 10.6(A))

Closed Session 10:30 a.m.–12:40 p.m.

Thursday, October 25, 2012–OPEN MEETING (RULE 10.6(A))—
BUSINESS MEETING

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 2:00 p.m. on Thursday, October 25, 2012, at the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Marvin R. Baxter, and Douglas P. Miller; Judges Stephen H. Baker, James R. Brandlin, David De Alba, Emilie H. Elias, Sherrill A. Ellsworth, James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O’Malley, and David Rosenberg; Mr. James P. Fox, Ms. Edith R. Matthai, and Mr. Mark P. Robinson, Jr.; **advisory members:** Judges Allan D. Hardcastle, Morris D. Jacobson, Brian L. McCabe, Robert James Moss, Kenneth K. So, and Charles D. Wachob; Commissioner Sue Alexander; Chief Executive Officer Alan Carlson; and Court Executive Officers Mary Beth Todd and David H. Yamasaki; **Secretary to the council:** Steven Jahr, Administrative Director of the Courts.

Absent: Justice Harry E. Hull, Jr., Judge Laurie M. Earl, Senator Noreen Evans, Assembly Member Mike Feuer, and Ms. Angela J. Davis.

Others present: Justices Ming W. Chin, Robert L. Dondero, Brad R. Hill, Richard D. Huffman, Jeffrey W. Johnson, Laurence Donald Kay (Ret.), James R. Lambden, and Maria P. Rivera; Judges Steven D. Barnes, Diana Becton, Brenda F. Harbin-Forte, Patricia M. Lucas, James LaPorte, Robert J. Trentacosta,¹ and David P. Warner; Senator Joe Dunn (Ret.); Court Executive Officers Tammy L. Grimm and Rosa Junqueiro; and Assistant Court Executive Officer Rebecca

¹ Presiding Judge Trentacosta, Vice-Chair of the Trial Court Presiding Judges Advisory Committee, attended on behalf of the Chair, Presiding Judge Laurie M. Earl, in her absence.

Fleming; **public:** Ms. Flor Bermudez, Mr. Mark Bernard, Ms. Rebekah Burr-Siegel; Mr. Joey Carruesco, Mr. Vance Castanero, Ms. Linda Courtright, Mr. Mark Culkins, Ms. Regina Dennis, Ms. Mary Flynn, Ms. Lucy Fogarty, Mr. John Gales, Ms. Annabelle Garay, Ms. Arlene Grimm, Mr. David Grimm, Ms. Joy Guandique, Ms. Karen Jahr, Ms. Brandy Kemper, Mr. Tim Lavorini, Ms. Patricia Lee, Ms. Vicki Leung, Ms. Mimi Lyster, Ms. Shannon Martin, Mr. Mark Murano, Ms. Kiana Parks, Ms. Eliza Patten, Mr. Dan Siskind, Ms. Judy Walker, Ms. Jocelyn Wallace-Lewis, Mr. Arnold W. Winslow, and Ms. Benna Young; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*.

Swearing in of New Council Members and the Administrative Director of the Courts

The Chief Justice administered the oath of office to Steven Jahr, Administrative Director of the Courts, and the new and reappointed council members:

1. Judge James R. Brandlin, Superior Court of Los Angeles County
2. Presiding Judge Laurie M. Earl, Superior Court of Sacramento County
3. Presiding Judge Sherrill A. Ellsworth, Superior Court of Riverside County
4. Mr. James P. Fox, State Bar appointee
5. Judge Allan D. Hardcastle, Superior Court of Sonoma County
6. Judge Morris D. Jacobson, Superior Court of Alameda County
7. Presiding Judge Brian L. McCabe, Superior Court of Merced County
8. Ms. Mary Beth Todd, Court Executive Officer, Superior Court of Sutter County
9. Assistant Presiding Judge Charles D. Wachob, Superior Court of Placer County
10. Judge David De Alba, Superior Court of Sacramento County (reappointed)
11. Judge David Rosenberg, Superior Court of Yolo County (reappointed)
12. Judge Kenneth K. So, Superior Court of San Diego County (reappointed)

Recognition of Departing Advisory Committee Chairs

The Chief Justice recognized departing advisory committee chairs for their years of service to the Judicial Council and the judicial branch:

1. Justice Ming W. Chin, Court Technology Advisory Committee
2. Justice James R. Lambden, Access and Fairness Advisory Committee
3. Justice Steven Z. Perren, Criminal Law Advisory Committee
4. Justice Ronald B. Robie, Governing Committee of the Center for Judicial Education and Research

Public Comment

The letters submitted to the Judicial Council for consideration at this meeting are attached. Eleven individuals made requests to speak on the agenda and appeared in the following order during the public comment session on October 25 and preceding the presentation and discussion of agenda items G and I on October 26:

Public comment session, October 25

1. Ms. Marylou Aranguren, California Federation of Interpreters
2. Ms. Barbara Kauffman, Family Law Attorney

3. Mr. Alan Ernesto Phillips, Chairman of the Board of Directors, Northern Hispanic Latino Coalition, Inc.
4. Ms. Yupa Assawasuksant, on her own behalf

Public comments, October 26

Agenda Item G (Court Facilities: Indefinite Delay of Seven SB 1407 Projects Due to Funding Redirections and Recommendations Related to Pegasus Audit Report)

5. Mr. John Huerta, Jr., Mayor, City of Greenfield

Agenda Item I, (Trial Court Trust Fund Allocations: 2 Percent Reserve)

6. Mr. Konradt Bartlam, City Manager, City of Lodi
7. Ms. Karen McLaughlin, City Manager, City of Manteca
8. Mr. Leon Churchill, City Manager, City of Tracy
9. Mr. Manuel Lopez, County Administrator, County of San Joaquin
10. Mr. John Luebberke, City Attorney, City of Stockton
11. Mr. Steven L. Brown, Attorney, Law Offices of Brown & Gessell, representing the San Joaquin Bar Association.

Approval of Minutes

The council approved minutes from the Judicial Council business meeting of August 30–31, 2012.

Chief Justice's Report

In addition to public appearances since the last Judicial Council meeting, Chief Justice Cantil-Sakauye informed the council of several recent developments. She confirmed the membership of the Trial Court Funding Workgroup, first proposed by Governor Brown's administration, which will evaluate the state's progress in achieving the goals of the Lockyer-Isenberg Trial Court Funding Act of 1997 and deliver a final report to the Judicial Council in April 2013. Justice Cantil-Sakauye's six appointees to the group are: Justice Harry Hull, Jr., Ms. Angela J. Davis, Judge Emilie H. Elias, Judge David Rosenberg, Judge Mary Ann O'Malley, and Court Executive Officer Mr. David Yamasaki. The Governor's four appointees are the Honorable Phillip L. Isenberg, Chair of the Delta Stewardship Council; Ms. Diane Cummings, Chief Deputy Director of Finance (Ret.); Ms. Eraina L. Ortega, Legislative Representative, California State Association of Counties; and Mr. Martin Hoshino, Undersecretary, Administration & Offender Services, California Department of Corrections and Rehabilitation. Ms. Jody Patel, AOC Chief of Staff, will staff the working group. The Chief Justice also announced the Civic Education Summit, taking place in Sacramento on February 28, 2013, and featuring Supreme Court Justice Sandra Day O'Connor as the keynote speaker. She thanked those responsible and highlighted the special session of the California Supreme Court held on October 3 at the University of California, Davis, School of Law, where the court heard oral arguments before an audience of law students and high school students.

Administrative Director's Report

Steven Jahr, Administrative Director of the Courts, gave his first report to the council since taking office on October 9. He thanked Ms. Jody Patel for her leadership in the months that she served as the interim director and expressed his appreciation for the welcome he received from members of the branch and the directors and the staff of the AOC. He referenced his written report on the activities of the AOC since the previous regular council meeting on August 30–31 and provided several additional updates. He informed the council of the outcome of the budget requests for fiscal year 2013–2014 that the council approved in August for Department of Finance (DOF) approval. DOF denied three of the budget change proposals intended to fund increased operations costs for new trial court facilities, a solution for failing trial court case management systems, and case team staffing and support for the Habeas Corpus Resource Center. With regard to trial court labor relations and negotiations, he indicated that the AOC is currently supporting 22 trial courts in their labor negotiations and two of the four court interpreter regions in bargaining sessions. The AOC also assisted four courts with the implementation of voluntary separation programs to address budget reductions. He also provided an update on the new organizational structure for the AOC and announced that a search was under way for a new director of the Office of Governmental affairs with Mr. Curtis L. Child's promotion to serve as the AOC's new Chief Operating Officer.

Judicial Council Committee Presentations

Policy Coordination and Liaison Committee (PCLC)

Justice Marvin R. Baxter, Chair, reported that, since the previous Judicial Council meeting in August, PCLC met twice; once by e-mail to approve one legislative proposal to go out for public comment; and once in person, earlier in the day, to conduct an orientation for new members and to review and make recommendations for Judicial Council-sponsored legislation for the 2013 legislative session. PCLC's recommendations will be a subject of the council meeting in December.

Justice Baxter informed the council that the Governor signed 876 regular session bills and vetoed 120 bills during the legislative session this year. Both of the Judicial Council-sponsored proposals were enacted: Senate Bill 1574 regarding e-discovery, and Assembly Bill 2683 on the subject of notice to creditors in claims related to decedents' estates. He noted that the Legislature will reconvene on December 3.

Justice Baxter concluded with an update on recent activities to identify operational efficiencies, cost savings, and new revenue opportunities for the branch through the efforts of an ad hoc group established at the direction of himself and Justice Miller. The efficiency measures recommended for council sponsorship will be reviewed by PCLC and then the full council.

Executive and Planning Committee (E&P)

Justice Douglas P. Miller, Chair, reported that E&P had met six times since the August council meeting. E&P set the council's October 25–26 agenda and approved the reports for council

consideration. With respect to meeting protocol, E&P approved a request from council member and chair of the Trial Court Presiding Judges Advisory Committee, Presiding Judge Laurie M. Earl, to allow the advisory committee's vice-chair, Presiding Judge Robert J. Trentacosta, to attend in her absence as a one-time occurrence. The committee's approval was based on the fact that this position on the council is an ex officio position, and that Judge Trentacosta's participation would be in an advisory capacity and he would not make or second motions during the meeting.

With respect to other committee business, E&P:

- Approved the Court Technology Advisory Committee's proposal to proceed with developing rules and a proposal for Judicial Council-sponsored legislation permitting trial courts to conduct remote video hearings in traffic and truancy cases, and to develop rules for mandatory e-filing to implement AB 2073.
- Confirmed, on behalf of the Judicial Council, conversion of vacant subordinate judicial officer (SJO) positions to judgeships, at the request of two courts.
- Provided recommendations to the Chief Justice on the 2012–2013 Judicial Council Member Liaison Assignments to the Trial Courts.

The committee also reviewed the first status report on the implementation of the Judicial Council's directives on restructuring the AOC. In summary, Justice Miller reported that AOC offices appear to be making good progress on implementation of the directives in accordance with the timelines for implementation approved by the Judicial Council. The AOC has fully implemented many of the directives and has provided specific information on the completion of 55 of the council directives.

Rules and Projects Committee (RUPRO)

Justice Judith Ashmann-Gerst, Vice-Chair, provided the report in the absence of Justice Harry E. Hull, Jr., Chair. RUPRO met five times following the council's August meeting. Over the course of those meetings, the committee:

- Reviewed 28 proposals for new and amended rules and forms and 1 proposal for guidelines, all of which circulated for public comment during the spring rules cycle. RUPRO recommended approval of these proposals, submitted as items A1 through A14 and A17 through A29 on the council's consent agenda.
- Considered suggestions from advisory committees for rule and form proposals that would bring cost savings and efficiencies.
- Approved revisions to the annual agendas of the Civil and Small Claims, Family and Juvenile Law, and Traffic Advisory Committees to allow them to work on urgent and necessary projects and approved three urgent proposals to circulate on a special cycle.
- Approved circulation on a special cycle of a proposal that would authorize trial courts to establish pilot projects permitting remote video trials in cases involving traffic infraction violations and violations of the law on compulsory school attendance.

- Considered three proposals that circulated on a special cycle and recommended council approval of these proposals, submitted as items A15, A16, and A30 on the council's consent agenda.

Justice Ashmann-Gerst commented, at the request of RUPRO members, on the substance of two proposals on the council's consent agenda: Form EPO-001 (Emergency Protective Order) for its implications on public safety, and Juvenile Dependency: Counsel Collections Program, item A26, for its implications on the trial courts' workload and budget.

Justice Ashmann-Gerst concluded with an update on the RUPRO discussions of two council directives assigned to the committee for further analysis and recommendations. One directive pertains to developing a process to better assess the fiscal and operational impacts of proposed rules on the courts and the other pertains to proposed changes in existing rules of court on mandatory education requirements for AOC and court staff.

Judicial Council Technology Committee

Judge James E. Herman, Chair, reported that since the August council meeting, the Technology Committee met by telephone, on September 13th, to discuss grant funding for expanding the California Courts Protective Order Registry (CCPOR) and again in person, on October 24. At the October 24 meeting, the committee authorized AOC staff to extend access to the CCPOR to additional courts that have indicated an interest in using the registry; an additional 10 courts have been added by means of a California Department of Justice grant for fiscal year 2012–2013, raising the total number of participating courts to 31.

The Technology Committee hosted a two-day technology summit on October 23 and 24, 2012, attended by branch technology stakeholders. Participation included representatives of the trial and appellate courts, in addition to Judicial Council committees and subgroups working on or interested in technology issues; those included the Court Technology Advisory Committee, the Judicial Branch Technology Initiatives Working Group, the Trial Court Presiding Judges Advisory Committee, the Court Executive Advisory Committee, and the Court Information Technology Management Forum, an independent organization of court information officers. The summit focused on short- and long-term goals for judicial branch technology and the requisite funding to achieve branch goals with emphasis on the need for collaboration with the legislative and executive branches and a long-term business plan to achieve funding stability. The summit also provided an opportunity for updates on four leading efforts to advance branch technology: the development of a technology roadmap, V2/V3 maintenance and support, e-filing, and a case management system request for proposals for up to five vendors to be included in a master agreement for use by any court for any scale of need.

DISCUSSION AGENDA (ITEMS 1–5)

Item 1 Judicial Branch: Report and Recommendations from 2011 Summit on Judicial Diversity

Judge Brenda F. Harbin-Forte, Justice James R. Lambden, and Senator Joe Dunn (Ret.), members of the interagency Judicial Summit Planning Committee, presented an educational briefing and the final report and recommendations from the September 2011 summit on diversity in the California judiciary, *Continuing a Legacy of Excellence: A Summit on Achieving Diversity in the Judiciary*. Cosponsored by the Judicial Council and the State Bar of California, the summit gathered more than 75 branch and bar leaders to develop recommendations for achieving the judicial branch’s strategic and operational goal of a more diverse bench. Justice James R. Lambden, a member of the planning committee and chair of the council’s Access and Fairness Advisory Committee, proposed that the council direct the Access and Fairness Advisory Committee to consider the report’s recommendations and initiate the review and approval process for those that merit council action.

Council action

The Judicial Council directed the Access and Fairness Advisory Committee to consider the report’s recommendations and initiate the review and approval process for those that merit council action.

Item 2 Judicial Workload Assessment: 2012 Update of the Need for New Judgeships in the Superior Courts

The Administrative Office of the Courts (AOC) recommended approving the *Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. Doing so fulfills the requirements of Government Code section 69614(c), as well as a new requirement, starting with this year’s Judicial Needs update, that the Judicial Council report on conversions of additional subordinate judicial officer (SJO) positions that result in a judge being assigned to a family or juvenile assignment previously held by an SJO (Gov. Code, § 69615(c)(1)(C)). The report shows that, despite a modest decline in the judicial need in 2012, trial courts need 13 percent more than the number of currently authorized judicial positions.

Council action

The Judicial Council approved the report, *The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment*, for transmission to the Legislature and the Governor.

Item 3 Judicial Branch Administration: Reduced Annual Membership Dues for the National Center for State Courts

State court judicial councils and administrative offices pay membership dues annually for the support of and participation in activities of the National Center for State Courts (NCSC). The NCSC is a nonprofit organization charged with improving judicial administration in state courts through efforts directed by the Conference of Chief Justices, the Conference of State Court Administrators, and other associations of judicial leaders. Given the level of cumulative budget reductions for the Judicial Council/Administrative Office of the Courts, the AOC recommended reducing the annual payment to the NCSC for the 2013 calendar year.

Council action

The preliminary 2013 NCSC dues assessment approved by the NCSC board for the Judicial Council of California/AOC was set at \$582,025, based on an established formula applied to all member states. In light of the fiscal crisis confronting California's court system, the Judicial Council approved, with one abstention, a reduced dues payment of \$232,810 for 2013 and will reconsider the payment level for 2014 at the outset of the 2013–2014 fiscal year.

Item 4 Judicial Council Report on Distinguished Service Award Recipients

The chairs of three Judicial Council internal committees, the Policy Coordination and Liaison Committee, Executive and Planning Committee, and Rules and Projects Committee, recommended that the council approve the recommended recipients of the 2012 Judicial Council of California Distinguished Service Awards. These annual awards, the highest honors bestowed by the judicial branch, recognize individuals who exemplify the leadership strengths that create significant and positive contributions to court administration in California. Following council approval, the awards will be presented on a date and at an event to be determined.

Council action

The Judicial Council approved the recipients of the 2012 Distinguished Service Awards:
Ronald M. George Award for Judicial Excellence:

- Hon. Richard D. Huffman, Associate Justice of the California Court of Appeal, Fourth Appellate District, Division One; and
- Hon. Wendy Lindley, Judge of the Superior Court of California, County of Orange

William C. Vickrey Leadership in Judicial Administration Award:

- Ms. Jody Patel, Chief of Staff, Administrative Office of the Courts

Bernard E. Witkin Amicus Curiae Award:

- Ms. Mary Lavery Flynn, Director, Office of Legal Services, State Bar of California

Richard D. Huffman Justice for Children & Families Award:

- Hon. Steven D. Manley, Judge of the Superior Court of California, County of Santa Clara

Stanley Mosk Defender of Justice Award:

- Captain Matthew Manoukian, United States Marines, awarded posthumously on behalf of all members of the armed forces protecting access to justice through their sacrifice and service to our country.

Item 5 Adoption and Permanency Month: Judicial Council Resolution

to The Family and Juvenile Law Advisory Committee recommended adopting the attached resolution proclaiming November to be Court Adoption and Permanency Month. The council can once again actively recognize National Adoption Month in California’s courts by issuing this proclamation to encourage courts and local communities to take special measures to address the issues of adoption and permanency, including family reunification, in their counties. Annual recognition of November as Court Adoption and Permanency Month reinforces the Judicial Council’s commitment finding permanent homes for children.

Council action

The Judicial Council adopted the attached resolution, effective October 26, 2012, proclaiming November 2012 to be Court Adoption and Permanency Month.

**FRIDAY, OCTOBER 26, 2012 AGENDA—BUSINESS MEETING
CONSENT AGENDA (ITEMS A1–A30 THROUGH E)**

Welcome to Participants of the Court Staff Pilot Mentoring Program

Chief Justice Cantil-Sakauye opened the meeting with the consent agenda and a welcome to the participants of the pilot mentoring program for court staff in the audience, accompanied by Justice Maria P. Rivera, incoming chair of the Access and Fairness Advisory Committee, and Presiding Judge Diana Becton, the mentoring program chair. The program is the work of the Access and Fairness Advisory Committee, assisted by the AOC Human Resources Office and the Office of Education/Center for Judicial Education and Research. The goal of the pilot is to facilitate communication of judicial branch goals through one-on-one mentoring, supporting professional development and enhancing leadership competencies of court staff.

ITEMS A1–A30

RULES, FORMS, AND STANDARDS

Alternative Dispute Resolution

Item A1 Alternative Dispute Resolution: Judicial Arbitration

The Civil and Small Claims Advisory Committee recommended that the rules governing the judicial arbitration program be amended to (1) clarify that, in order to prevent entry of a judicial arbitration award as the judgment in a case, any request to dismiss the entire case must be signed by all parties to the case and any request to dismiss all parties to the arbitration must be signed by all those parties; and (2) provide that an arbitrator who has

devoted a substantial amount of time to a case can request compensation even if the case settles without filing of an award.

Council action

The Judicial Council, effective January 1, 2013:

1. Amended rule 3.819 of the California Rules of Court to:
 - a. Provide that a court may, for good cause, authorize payment of an arbitrator who devoted a substantial amount of time to any case assigned to judicial arbitration that was settled without an award being filed, rather than only such cases that are settled without an arbitration hearing being held;
 - b. Provide that a case is considered settled for purposes of payment of the arbitrator when either a notice of settlement of the entire case or a request to dismiss either the entire case or all parties to the arbitration is filed; and
 - c. Replace the requirement that an arbitrator's fee statement include the date "a settlement" was filed with a requirement that the statement include the date any notice of settlement or any request for dismissal was filed.

2. Amended rule 3.827 to provide that, in order to prevent entry of a judicial arbitration award as the judgment in a case, any request to dismiss the entire case must be signed by all parties to the case and any request to dismiss all parties to the arbitration must be signed by all those parties.

Appellate Procedure

Item A2 Appellate Procedure: Appointment of Appellate Counsel in Juvenile Delinquency Appeals

The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommended amending rule 8.403(a) to more accurately reflect the scope of Welfare and Institutions Code section 634 by deleting the sentence regarding appointment of appellate counsel for juveniles at the parents' or guardians' expense in delinquency appeals.

Council action

The Judicial Council effective January 1, 2013, amended rule 8.403(a) of the California Rules of Court, to delete the sentence providing that if the court determines that the parent or guardian can afford counsel but has not retained counsel for the child, the court must appoint counsel for the child at the expense of the parent or guardian.

Item A3 Appellate Procedure: Contents of the Normal Record in Criminal Appeals.

The Appellate Advisory Committee recommended amending three appellate rules to add items to the normal record in certain criminal appeals that are routinely needed for appellate review in these cases. These changes were proposed to save litigants and courts the time and

costs associated with making and considering requests to augment the record and preparing and transmitting supplemental clerk's or reporter's transcripts to the reviewing court.

Council action

The Judicial Council, effective January 1, 2013:

1. Amended rules 8.320, 8.867, and 8.920 of the California Rules of Court to require that the normal record in criminal appeals by the People from a judgment on a demurrer to the accusatory pleading, or by the defendant or the People from an appealable order other than a ruling on a motion for new trial, includes the following:
 - a. Any court minutes relating to the judgment or order being appealed and:
 - If there was a trial in the case, any court minutes of proceedings at the time the original verdict is rendered in felony and misdemeanor cases or the original judgment is rendered in infraction cases and any subsequent proceedings; or
 - If the original judgment of conviction is based on a guilty plea or nolo contendere plea, any court minutes of the proceedings at the time of entry of such plea and any subsequent proceedings;
 - b. If the appellant is the defendant, all probation officers' reports and, in felony cases, any court-ordered diagnostic reports required under Penal Code section 1203.03(b);
 - c. If the appeal is from an order after judgment in a felony case or arises from a misdemeanor or infraction case in which the appellant has opted to have a record of the oral proceedings, a reporter's transcript (or other form of the record) of the oral proceedings from:
 - The original sentencing proceeding; and
 - If the original judgment of conviction is based on a guilty plea or nolo contendere plea, the proceedings at the time of entry of such plea;
2. Amended rules 8.867 and 8.920 to clarify that an official electronic recording may be used as the record of the oral proceedings in misdemeanor and infraction appeals under certain circumstances and, in rule 8.867, to correct a cross-referencing error to the rule on such official electronic recordings;
3. Made other nonsubstantive changes to the organization of rules 8.320 and 8.867 to make them easier to read; and
4. Amended the advisory committee comment accompanying rule 8.320 and added advisory committee comments to accompany rules 8.867 and 8.920 to indicate that the trial court clerk may include additional minutes in the clerk's transcript beyond those identified in the rule if that would be more cost-effective.

Item A4 Appellate Procedure: Copies of Briefs in Civil Appeals in the Court of Appeal Served on the Supreme Court

The Appellate Advisory Committee and the Court Technology Advisory Committee recommended amending the rules relating to the copies of briefs from civil appeals in the Court of Appeal that must be served on the Supreme Court to provide that (1) unless it would cause the party filing the brief undue hardship, a single electronic copy of the brief must be served on the Supreme Court, rather than four paper copies; and (2) petitions for rehearing and answers to these petitions are not considered “briefs” for this purpose.

Council action

The Judicial Council, effective January 1, 2013:

1. Amended rules 8.44 and 8.212 of the California Rules of Court to:
 - a. Require that parties serve the Supreme Court with a single electronic copy of briefs filed in civil appeals in the Court of Appeal unless doing so would cause undue hardship for the party filing the brief, in which case four paper copies could be served on the Supreme Court; and
 - b. Provide that, for purposes of sending copies of briefs to the Supreme Court, a petition for rehearing or answer thereto is not considered a brief; and
2. Amended the advisory committee comment accompanying rule 8.212 to reflect these amendments and to update the reference to the web page where information about serving the electronic copies of briefs on the Supreme Court is located.

Item A5 Appellate Procedure: Premature or Late Notice of Intent to File a Writ Petition in a Juvenile Dependency Proceeding

The Appellate Advisory and the Family and Juvenile Law Advisory Committees recommended that the Judicial Council amend rule 8.450 to (1) fill a gap in the rules by specifying what happens if a notice of intent to file a writ petition to review an order setting a hearing under Welfare and Institutions Code section 366.26 is filed too early or too late, and (2) save trial courts costs associated with unnecessarily sending notices and preparing records when such notices are filed prematurely.

Council action

The Judicial Council, effective January 1, 2013:

1. Amended rule 8.450 of the California Rules of Court to add a provision requiring that if a notice of intent to file a writ petition under Welfare and Institutions Code section 366.26 is filed prematurely (i.e., before an order setting a hearing under section 366.26 has been made) or filed late:
 - a. The notice must be marked “received [date] but not filed”;
 - b. The marked notice must be returned to the filing party with a notice indicating that it was not filed because it was premature or late and that the party should contact his or her attorney as soon as possible to discuss the notice; and

- c. A copy of the marked notice of intent and clerk's notice must be sent to the party's attorney, if applicable; and
2. Further amended rule 8.450 to correct an erroneous cross-reference; and
3. Added provisions to the advisory committee comment accompanying rule 8.450 indicating that:
 - a. It may constitute good cause for an extension of time to file a notice of intent if a premature notice of intent is returned to a party shortly before an order setting a hearing under Welfare and Institutions Code section 366.26 is made; and
 - b. A party who prematurely attempts to file a notice of intent to file a writ petition under Welfare and Institutions Code section 366.26 is not precluded from later filing such a notice after an order setting a section 366.26 hearing is made.

Item A6 Appellate Procedure: Recoverable Costs on Appeal

The Appellate Advisory Committee recommended amending the rules regarding costs on appeal to make recoverable the fees and net interest expenses incurred to borrow funds to deposit as security for an appeal bond, as security for a letter of credit procured to secure an appeal bond, or with the superior court in lieu of an appeal bond.

Council action

The Judicial Council, effective January 1, 2013, amended rules 8.278 and 8.891 of the California Rules of Court, to provide that fees and net interest expenses incurred to borrow funds to deposit as security for an appeal bond, as security for a letter of credit procured to secure an appeal bond, or with the superior court in lieu of an appeal bond are recoverable costs.

Item A7 Appellate Procedure: Reference to Fee Amounts for Filing Notice of Appeal

The Appellate Advisory Committee recommended amending the rule relating to filing a notice of appeal in a limited civil case to reflect recent increases in filing fees established by statute. Because this proposal would simply correct the references to the applicable statutes and replace the references to fee amounts with a reference to a web page containing current fee information, the advisory committee recommended that these amendments be adopted effective immediately without being circulated for public comment.

Council action

The Judicial Council, effective October 26, 2012:

1. Amended rule 8.821 of the California Rules Court to include a reference to Government Code section 70602.5;

2. Amended the advisory committee comment accompanying rule 8.821 to replace the references to the amount of the fee for filing a notice of appeal in a limited civil case with a reference to the web page containing current fee information; and
3. Further amended the advisory committee comment accompanying rule 8.821 to update a referenced web address.

Item A8 Appellate Procedure: Transmission of Administrative Records on Appeal

The Appellate Advisory Committee recommended amending the rule on the record of administrative proceedings to provide that if an administrative record that was admitted in evidence, refused, or lodged in the superior court was returned to a party and is subsequently designated for inclusion in the record on appeal, the party in possession of the administrative record, rather than the clerk of the superior court, is responsible for transmitting that record to the reviewing court. The amendment would provide costs savings and efficiencies for superior courts.

Council action

The Judicial Council, effective January 1, 2013, amended rule 8.123 of the California Rules of Court to:

1. Provide that when the superior court has returned an administrative record to a party and that administrative record is subsequently designated for inclusion in the record on appeal, the party to whom the administrative record has been returned must lodge the administrative record with the reviewing court by the date the last respondent's brief is due, rather than sending the administrative record to the superior court;
2. Require that the party in possession of the designated administrative record must make that record available to the other parties in the case for copying within 15 days after the notice designating the record on appeal is served;
3. Establish procedures to address situations in which the party to whom an administrative record was returned does not provide other parties with appropriate access to the returned records; and
4. Provide that when remittitur is issued, the reviewing court must return an administrative record that was lodged by a party to that party, rather than to the superior court.

Item A9 Court Records: Creation, Maintenance, and Preservation of Court of Appeal Records

The Appellate and the Court Technology Advisory Committees recommended updating the rule regarding preservation of Court of Appeal records to reflect recent changes in the Government Code section regarding trial court records on which this appellate rule is based.

These amendments to the rule were intended to allow the Courts of Appeal to take advantage of modern technology in the creation, maintenance, and preservation of their records.

Council action

The Judicial Council, effective January 1, 2013, amended rule 10.1028 of the California Rules of Court to:

1. Explicitly permit the creation as well as maintenance of Court of Appeal records in electronic form, as Government Code section 68150 now permits for trial court records;
2. Delete the reference to standards or guidelines of the American National Standards Institute or the Association for Information and Image Management and replace it with a reference to the standards or guidelines that Government Code section 68150 now authorizes the Judicial Council to adopt for the creation, maintenance, reproduction, and preservation of trial court records;
3. Update cross-references to the relettered subdivisions of Government Code section 68150; and
4. Add new subdivision (b) to authorize the signing and verification of Court of Appeal documents using a computer or other technology, as Government Code section 68150 now explicitly permits for trial court documents.

Civil and Small Claims

Item A10 Civil Discovery: Form Interrogatories for Construction Litigation

The Civil and Small Claims Advisory Committee recommended that the Judicial Council approve a new set of form interrogatories designed specifically for use in litigating construction and construction defect cases. The Judicial Council forms currently include interrogatories for general use in civil cases as well as specialized interrogatories for certain other types of civil cases, but none specifically for construction litigation. The proposed *Form Interrogatories—Construction Litigation* (form DISC-005) include standardized interrogatories on topics unique to construction litigation as well as several broader topics carried over from the general form interrogatories for civil cases.

Council action

The Judicial Council, effective January 1, 2013, approved *Form Interrogatories—Construction Litigation* (form DISC-005).

Item A11 Civil Practice and Procedure: Notice of Conditional Settlement

The Civil and Small Claims Advisory Committee recommended that the Judicial Council amend rule 3.1385, regarding notice of conditional settlement, to provide that most hearings and other

proceedings requiring the appearance of a party be vacated during the time between the filing of the notice of conditional settlement and the dismissal date specified in the notice under this rule, to avoid unnecessary appearances by the parties. The amendment would also specifically address payment of a settlement by installment payments.

Council action

The Judicial Council, effective July 1, 2013, amended rule 3.1385, to:

1. Provide that on the filing of a notice of conditional settlement, the court must vacate all hearings and other proceedings requiring the appearance of a party, except a hearing on an order to show cause or other proceeding relating to sanctions, or for determination of good faith settlement, and not set any such proceeding until at least 45 days after the dismissal date specified in the notice of conditional settlement;
2. Refer specifically to “payment in installment payments”; and
3. Provide that, consistent with standard 2.2(n)(1)(A) of the Standards of Judicial Administration, the filing of a notice of conditional settlement removes the case from the computation of time used to determine case disposition time.

Item A12 Civil Trials: Voir Dire Rules of Court

Civil and Small Claims Advisory Committee recommended that the Judicial Council amend the rules of court on jury selection in civil cases to implement recent statutory amendments to the civil jury voir dire statute, Code of Civil Procedure section 222.5, and to delete those sections of the rules that are duplicative of or inconsistent with the provisions of that statute.

Council action

The Judicial Council, effective January 1, 2013, amended the rules of court, to:

1. Delete rule 2.1034 from Title 2, Trial Court Rules, and move it to Title 4, Criminal Rules, renumbered as rule 4.202, so that it no longer applies to civil actions; and
2. Amend rule 3.1540 to delete all provisions inconsistent with or contained in Code of Civil Procedure section 222.5.

Item A13 Small Claims: Forms to Address Default in Payment of Judgment in Installments

The Civil and Small Claims Advisory Committee recommended that the Judicial Council approve four new optional forms to assist litigants and courts when a judgment creditor alleges there has been a default in the payment of a small claims judgment that the court has ordered may be made in installments. These forms would supplement forms that the Judicial Council previously approved for courts to order that a small claims judgment may be paid in installments, which provide that the judgment creditor may request that the payment plan be

canceled and that the entire balance become due and collectible if there is a default in the payment of an installment.

Council action

The Judicial Council, effective July 1, 2013, approved the following four new optional forms:

1. *Declaration of Default in Payment of Judgment* (form SC-223);
2. *Response to Declaration of Default in Payment of Judgment* (form SC-224);
3. *Order on Declaration of Default in Payments* (form SC-225); and
4. *Attachment to Order on Declaration of Default in Payments* (form SC-225A).

Criminal Law

Item A14 Criminal Justice Realignment: Felony Waiver and Plea Form

The Criminal Law Advisory Committee recommended revisions to the Judicial Council *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101) in response to recent criminal justice realignment legislation that modified felony sentencing laws.

Council action

The Judicial Council, effective January 1, 2013, revised *Plea Form, With Explanations and Waiver of Rights—Felony* (CR-101) to:

1. Add a check box to item 2a to note whether the sentence will be served in state prison or county jail;
2. Add a phrase to the text of item 2b to explain that a probation violation may result in a commitment to county jail, which may include a period of mandatory supervision under Penal Code section 1170(h)(5)(B);
3. Add item 2c to note imposition of a split sentence under Penal Code section 1170(h)(5)(B);
4. Add check boxes to item 2f to reflect imposition of court operations assessments, court facilities assessments, and base fines plus any penalties, assessments, and surcharges;
5. Add advisements to item 3b regarding parole and postrelease community supervision tolling and revocation consequences, including the maximum custody time for each violation;

6. Include mandatory and postrelease community supervisions to the advisement in item 3c regarding the impact of a conviction on any other cases;
7. Clarify that item 3f(2) applies only upon conviction of a violent felony;
8. Revise item 3g to clarify that county jail terms under Penal Code section 1170(h) qualify as prison priors; and
9. Revise several other items to enhance and update the information and advisements contained in the form.

Item A15 Criminal Justice Realignment: Felony Waiver and Plea Form

The Criminal Law Advisory Committee recommended amendments to rule 4.530 of the California Rules of Court and revisions to three related Judicial Council forms in response to recent criminal justice realignment legislation that amended Penal Code section 1203.9 to apply intercounty probation transfer procedures to mandatory supervision cases under Penal Code section 1170(h)(5)(B). In addition, to facilitate verification of a supervised person's county of residence, the committee also recommended adding a data field to one of the forms, form CR-250, for petitioners to note the supervised person's address.

Council action

The Judicial Council, effective November 1, 2012,:

1. Amended rule 4.530(a) of the California Rules of Court to clarify that the rule applies to transfers of mandatory supervision;
2. Added the phrase "mandatory supervision" and replace the word "probationer" with the phrase "supervised person" throughout rule 4.530;
3. Added a data field to item 1 on the *Notice and Motion for Transfer* (form CR-250) for petitioners to note the supervised person's address;
4. Revised form CR-250 and the *Order for Transfer* (form CR-251) to include mandatory supervision and replace the word "probationer" with the phrase "supervised person";
5. Added a data field to item 4a on form CR-251 for courts to note the balance of time remaining on supervision on the date of transfer; and
6. Added check boxes to item 1 on both form CR-251 and the *Receiving Court Comment Form* (form CR-252) for courts to note whether each form applies to a probation or mandatory supervision case.

Item A16 Criminal Justice Realignment: Procedures to Revoke Parole and Postrelease Community Supervision

The Criminal Law Advisory Committee recommended the repeal of rule 4.540 as obsolete in light of recent realignment-related legislation that applies long-standing probation revocation procedures to revocations of postrelease community supervision. The committee recommended amending rule 4.541 to extend its reporting requirements to petitions to revoke probation and mandatory supervision and to delete cross-references to rule 4.540, assuming its repeal. In addition, the committee recommended modifying *Petition for Revocation of Community Supervision* (form CR-300) from mandatory to optional and revising the instructions so that the form applies to parole revocations, effective July 1, 2013.

Council action

The Judicial Council, effective November 1, 2012,:

1. Repealed rule 4.540;
2. Amended the title of rule 4.541 to “Minimum contents of supervising agency reports”;
3. Amended rule 4.541(a) to delete references to rule 4.540 and form CR-300;
4. Amended rule 4.541(a) to clarify that the rule applies to probation, mandatory supervision, and postrelease community supervision (PRCS) cases;
5. Amended rule 4.541(b) to define “supervised person,” “formal probation,” “court,” and “supervising agency”;
6. Amended rule 4.541(c)(3) by moving a statutory PRCS reporting requirement currently in rule 4.541(c)(3) and placing it in new subdivision (e) under a heading applicable only to PRCS cases;
7. Amended rule 4.541(d) to authorize supervising agencies to submit updates of any available original sentencing reports;
8. Amended rule 4.541 to correct typographical errors in subdivisions (d) and (e);
9. Added an additional advisory committee comment to rule 4.541 to explain the separate PRCS reporting requirement under subdivision (e); and
10. Revised form CR-300 to be optional rather than mandatory;
11. Deleted the “Court’s Probable Cause Finding and Orders” section from form CR-300;
12. Deleted cross-references to rule 4.540 from the instructions to form CR-300;

13. Added check boxes to the header of form CR-300 for petitioners to note whether the petition applies to a parole or PRCS case;
14. Added an instruction to form CR-300 advising petitioners to use the check boxes in the header of the form to indicate whether the petition applies to a parole or PRCS case;
15. Revised item 4 on form CR-300 to add the phrase “the controlling discharge date is”; and
16. Added item 7 to form CR-300 for petitioners to notify courts that the supervised person is eligible for remand to the California Department of Corrections and Rehabilitation (CDCR) on a finding that the person violated parole.

Item A17 Criminal Procedure: Transcripts of Notification of Appeal Rights

The Criminal Law Advisory Committee recommended that the Judicial Council amend rule 4.305 to eliminate the requirement that reporter’s transcripts of the court’s notification of the defendant’s appeal rights be prepared, certified, and filed in all applicable cases. This proposal reflected recent statutory amendments to Penal Code section 1203.01 that relieved courts from producing similar transcripts in every felony case resulting in a prison sentence. The committee also recommended the repeal of rule 4.470, an identical copy of rule 4.305, as duplicative.

Council action

The Judicial Council, effective January 1, 2013:

1. Amended rule 4.305 of the California Rules of Court by deleting this sentence: “A reporter’s transcript of the proceedings required by this rule must be forthwith prepared and certified by the reporter and filed with the court”; and
2. Repealed rule 4.470 of the California Rules of Court.

Family and Juvenile Law

Item A18 Family Law: Correcting Substantive Issues in Forms for Dissolution of Domestic Partnership or Marriage

The Family and Juvenile Law Advisory Committee recommended revising forms FL-103 and FL-123 to correct substantive omissions and formatting errors that have caused confusion to parties and court clerks and made them unusable by some parties for whom the forms were intended. The committee proposed correcting the forms so that they are consistent with their stated purpose.

Council action

The Judicial Council, effective January 1, 2013, approved the following revisions to the *Petition—Domestic Partnership/Marriage* (form FL-103) and *Response—Domestic Partnership/Marriage* (form FL-123):

1. The caption areas and item 1 of forms FL-103 and FL-123 to allow parties to choose whether the action relates to a domestic partnership or a marriage or both;
2. Item 2 on both forms to include persons eligible to become domestic partners (persons of the same sex and persons of the opposite sex over the age of 62 years) who want to dissolve the domestic partnership as well as the marriage;
3. Items 4 and 5 to require the parties to attach a separate property declaration instead of listing the property on the form itself; and
4. Other revisions made to correct typographical errors, and technical changes.

Item A19 Family Law: Proof of Service by Posting or Publication

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommended that the Judicial Council adopt rule 5.72 and approve new application, order, and proof of service forms for family law cases where a petitioner is unable to locate a respondent to serve the summons. On demonstration of a good faith effort to locate the respondent, these forms allow service either by publication or, if the petitioner is eligible for a fee waiver, by posting.

Council action

The Judicial Council, effective January 1, 2013, adopted rule 5.72 (Court order for service of summons by publication or posting when respondent’s address is unknown); and approved:

1. *Application for Order for Publication or Posting* (form FL-980);
2. *Order for Publication or Posting* (form FL-982); and
3. *Proof of Service by Posting or Publication* (form FL-985).

Item A20 Juvenile Dependency: Counsel Collections Program

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council adopt *Guidelines for the Juvenile Dependency Counsel Collections Program* as Appendix F to the California Rules of Court, amend rule 1.4 to add a reference to Appendix F, and approve seven new optional forms for dependency courts to use in implementing the counsel collections program. Acceptance of this recommendation fulfills the council’s legislative mandate to “establish a program to collect reimbursements from the person liable for the

costs of counsel appointed to represent parents or minors ... in dependency proceedings” (Welf. & Inst. Code, § 903.47(a)). As required by the statute, the guidelines include a statewide standard for determining an obligated person’s ability to pay reimbursement as well as policies and procedures to allow courts to recover costs associated with implementing the counsel collections program.

Council action

The Judicial Council, effective January 1, 2013,

1. Amended rule 1.4(d) of the California Rules of Court to add paragraph (6), an index listing for new Appendix F: *Guidelines for the Juvenile Dependency Counsel Collections Program*;
2. Adopted *Guidelines for the Juvenile Dependency Counsel Collections Program* as Appendix F to the California Rules of Court; and
3. Approved the following forms:
 - a. *Paying for Lawyers in Dependency Court—Information for Parents and Guardians* (form JV-130-INFO)
 - b. *Order to Appear for Financial Evaluation* (form JV-131)
 - c. *Financial Declaration—Juvenile Dependency* (form JV-132)
 - d. *Recommendation Regarding Ability to Repay Cost of Legal Services* (form JV-133)
 - e. *Response to Recommendation Regarding Ability to Repay Cost of Legal Services* (form JV-134)
 - f. *Order for Repayment of Cost of Legal Services* (form JV-135)
 - g. *Juvenile Dependency—Cost of Counsel: Repayment Recommendation/Response/Order* (form JV-136).

Item A21 Juvenile Law: Interstate Compact on the Placement of Children

The Family and Juvenile Law Advisory Committee recommended amending one of the California Rules of Court and revising two Judicial Council forms to implement recent changes in the law related to the Interstate Compact on the Placement of Children (ICPC). The ICPC is an interstate agreement that governs the placement of California children in other states, as well as the placement of out-of-state children in California. Although the compact has not changed in recent years, the regulations implementing the ICPC were amended in 2010 and again in 2011. Most notably, ICPC Regulation No. 7, regarding expedited out-of-state placements of dependent children, was significantly expanded and revised in 2011. In addition, a 2010 Court of Appeal opinion invalidated rule 5.616(b)(1). These developments necessitated that rule 5.616 and two ICPC-related forms be revised to incorporate the new requirements.

Council action

The Judicial Council, effective January 1, 2013:

1. Amended rule 5.616 of the California Rules of Court, Interstate Compact on the Placement of Children, to clarify that sending a California child to live with his or her parent in another state is not a placement requiring ICPC compliance, to make the rule consistent with regulatory changes, and to incorporate new processes for expedited placements of certain dependent children, under revised Regulation No. 7;
2. Revised form JV-565 to change form title to *Request for Assistance with Expedited Placement Under the Interstate Compact on the Placement of Children*, to add contact information for the sending and receiving judicial officers, to clarify procedures, and to make the form optional rather than mandatory; and
3. Revised form JV-567 to change form title to *Expedited Placement Under the Interstate Compact on the Placement of Children: Findings and Orders*, to meet the court order requirements of Regulation No. 7 regarding expedited out-of-state placements for certain children, and to bring the form into compliance with current California law regarding placement with parents.

Probate and Guardianship

Item A22 Probate: Notice to Creditors in Decedents' Estates

The Probate and Mental Health Advisory Committee recommended revising two forms related to notice to creditors in decedents' estates. Statutorily required advice given on those forms concerning the time that creditors of a decedent have to file claims with the court and the personal representative of the decedent's estate is inaccurate, incomplete, and potentially misleading in some situations. Legislation sponsored by the Judicial Council that will become effective on January 1, 2013, will amend the statute to clarify the advice provided on the forms; the forms must be revised to conform to the amended law. The revisions would also alert creditors that laws other than those governing the creditors' claim process may affect their claims.

Council action

The Judicial Council, effective January 1, 2013, revised the following Judicial Council forms:

1. *Notice of Petition to Administer Estate* (form DE-121); and
2. *Notice of Administration to Creditors* (form DE-157).

Item A23 Probate Conservatorship and Guardianship: Financial Eligibility for County Payment for Counsel Appointed by the Court in Proceedings Under the Guardianship-Conservatorship Law

The Probate and Mental Health Advisory Committee recommended that the Judicial Council adopt guidelines, in response to a direction from the Legislature, for determining the financial eligibility for payment by the county of all or a portion of the cost of counsel appointed for (proposed) conservatees and wards and for certain other persons, in proceedings under the Guardianship-Conservatorship Law. The advisory committee also proposed the amendment of rule 1.4(d) of the California Rules of Court to specify that the guidelines will be included in the rules as Appendix E.

Council action

The Judicial Council, effective January 1, 2013:

1. Amended rule 1.4(d) of the California Rules of Court to add a new paragraph (5) that identifies a new Appendix E to the rules; and
2. Adopted Appendix E of the California Rules of Court, Guidelines for Determining Financial Eligibility for County Payment of the Cost of Counsel Appointed by the Court in Proceedings Under the Guardianship-Conservatorship Law.

Item A24 Probate Guardianships: Communications Between California Courts on Guardianship Venue Issues

The Probate and Mental Health Advisory Committee recommended the adoption of rule 7.1014 of the California Rules of Court to require the court where a petition for the appointment of a guardian of the person of a minor has been filed to communicate with courts in all other California counties where family law custody or visitation proceedings concerning the minor were previously filed before determining the appropriate venue for the guardianship proceeding. The rule fulfills a statutory directive that the Judicial Council adopt rules of court to implement the inter-court communication mandate of the law by January 1, 2013.

Council action

The Judicial Council, effective January 1, 2013, adopted rule 7.1014 of the California Rules of Court, to provide for the communications between courts in different counties required or permitted by Probate Code section 2204(b) in guardianship cases where there have been prior family law custody actions concerning the ward or proposed ward.

Item A25 Probate Guardianships: Testimony and Alternatives to Testimony of Wards and Proposed Wards in Guardianship Cases

The Probate and Mental Health Advisory Committee recommended adopting new probate rule 7.1016 to extend to probate guardianship proceedings provisions of recently effective legislation and parts of a recently adopted rule of court concerning testimony and alternatives to testimony of children involved in custody and visitation litigation under the Family Code. The legislation that compelled the adoption of the new family law rule of court was placed in

a Family Code section that also expressly applies to the appointment of a guardian of the person of a child. But a separate rule for guardianship proceedings, rather than the direct application of the family law rule to those proceedings, was recommended because of unique features of probate guardianship cases that distinguish them from family law custody matters.

Council action

The Judicial Council, effective January 1, 2013, adopted rule 7.1016 of the California Rules of Court, concerning testimony and alternatives to testimony of wards or proposed wards in probate guardianship cases.

Protective Orders

Item A26 Protective Orders: Emergency Protective Order Form

The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee recommended that the *Emergency Protective Order* (form EPO-001) be revised to clarify and highlight the firearms provisions that apply when the order is issued and to collect information whether firearms have been reported, observed, searched for, or seized. They also recommended that the form be reorganized and other changes be made so that the form would be more effective and easier to understand.

Council action

The Judicial Council, effective January 1, 2013, revised the *Emergency Protective Order* (form EPO-001) as recommended by the advisory committees.

Item A27 Protective Orders: Notice of New Hearing and Order on Reissuance

The Family and Juvenile Law Advisory Committee recommended revising two forms used in Domestic Violence Prevention Act cases to reduce court workload, enhance the forms' clarity, and promote public safety.

Council action

The Judicial Council, effective January 1, 2013, revised the *Notice of New Hearing and Order on Reissuance* (form DV-116) and *How to Ask for a New Hearing Date* (form DV-115-INFO) as recommended by the advisory committee.

Miscellaneous

Item A28 Rules and Forms: Technical Change to Title of Rule 10.301

The CJER Governing Committee recommended changing the chapter in which rule 10.301 is located and amending its title to more accurately reflect the rule's content in order to avoid ongoing confusion and to improve the organization of the rules pertaining to judicial branch education.

Council action

The Judicial Council, effective January 1, 2013, made the following technical amendments

1. Amended the title of rule 10.301 to read, “Ethics orientation for Judicial Council members and for judicial branch employees required to file a statement of economic interests” to more accurately reflect the content of the rule;
2. Renumbered rule 10.301 as rule 10.455, so that the rule is located in chapter 8, Minimum Education Requirements, Expectations, and Recommendations, of division 2 of title 10 of the California Rules of Court; and
3. Repealed chapter 5 and renumbered chapters 6, 7, and 8 of division 2 of title 10 of the California Rules of Court.

Item A29 Trial and Appellate Court Procedure: Contact Information for Parties and Attorneys

The Appellate Advisory Committee and the Court Technology Advisory Committee recommended amending the trial and appellate rules to require that attorneys and self-represented parties in both trial and appellate courts initially provide the same contact information, including e-mail addresses if available, and provide that changes in this information trigger a requirement that they notify the court and other parties. The rule amendments would also clarify that if multiple attorneys from the same law firm, corporation, or public law office are joining in a document filed in the Court of Appeal, the cover of the document must include the names and State Bar numbers for all of the attorneys, but the law firm, corporation, or public law office must designate only one attorney to receive notices and other communications from the court. The Judicial Council information sheets regarding appeals to the appellate division would be revised to reflect the proposed changes in rule 8.816 and to update web addresses referenced in these forms, and *Notice of Change of Address* (form MC-040) would be revised to clarify that it can be used to provide notice of changes not only in an address, but in other contact information as well.

Council action

The Judicial Council, effective January 1, 2013:

1. Amended rule 8.40 of the California Rules of Court to:
 - a. Require that contact information for attorneys or self-represented parties be provided on all documents filed in the Supreme Court and Courts of Appeal, not just those filed by attorneys;
 - b. Replace the cross-reference to rule 8.204 with the content of the requirements concerning the information that must be provided on the cover of a filed document;
 - c. Require that fax numbers (if available) and e-mail addresses (if available) be included on the covers of filed documents but clarify that this does not constitute consent to service by fax or e-mail unless otherwise provided by law; and

- d. Provide that if multiple attorneys from the same law firm, corporation, or public law office representing the same party are joining in the document, the cover must designate only one attorney to receive notices and other communications from the court;
2. Amended rules 8.32 and 8.204 to conform to the changes in rule 8.40 by:
 - a. Adding references to fax numbers and e-mail addresses provided by parties under amended rule 8.40; and
 - b. Replacing the requirements in rule 8.204 concerning the information that must be provided on the cover of a brief with a cross-reference to rule 8.40;
 3. Amended rule 8.816 to require that the first page of documents filed in the appellate division include the same type of contact information for attorneys or self-represented litigants as required under the amendments to rule 8.40;
 4. Amended rules 8.883 and 8.928 relating to briefs filed in the appellate division to add a cross-reference to the new requirement in rule 8.816 to provide contact information;
 5. Amended rules 2.200 and further amended rules 8.816 and 8.32 to require that an attorney or self-represented party serve and file a notice whenever his or her mailing address, telephone number, fax number, or e-mail address changes;
 6. Further amended rule 2.200 to clarify that only self-represented parties, rather than all parties, are required to provide notice of changes in their contact information;
 7. Revised *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO), *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO), and *Information on Appeal Procedures for Infractions* (form CR-141-INFO) to reflect the changes in rule 8.816 and to update web addresses referenced in these forms;
 8. Further revised form APP-101-INFO to replace the references to the statute setting the fees for filing a notice of appeal in a limited civil case with a reference to a web page that provides current fee information; and
 9. Revised *Notice of Change of Address* (form MC-040) to:
 - a. Clarify that it can be used to provide notice of changes not only in an address, but in other contact information as well; and
 - b. Update the proof of service by first-class mail and include a notice about other forms for proof of service by other methods.

Item A30 Trial Court Security: Petitions Under Government Code Section 69926

The Trial Court Presiding Judges Advisory Committee recommended that the Judicial Council adopt rule 10.174 of the California Rules of Court. The proposed rule would fulfill the Judicial Council's obligation under recently enacted legislation to adopt a rule of court that establishes a process for resolving disputes that may arise among a sheriff, county, and superior court related to a memorandum of understanding for court security services. The proposed rule would provide a process for finally and expeditiously resolving such disputes.

Council action

The Judicial Council adopted rule 10.174 of the California Rules of Court, effective November 1, 2012, to establish a process for resolving disputes that may arise among a sheriff, county, and superior court related to a memorandum of understanding for court security services.

Item B Collaborative Justice Project: Substance Abuse Focus Grant Funding Allocation Recommendations for Fiscal Year 2012–2013

The Collaborative Justice Courts Advisory Committee recommended that funding allocations for Collaborative Justice Substance Abuse Focus Grants through the California Collaborative and Drug Court Projects in the Budget Act of 2012 (Stats. 2012, ch. 21; § 45.55.020, item 0250-101-0001) be distributed to court programs as proposed in the attached table. This report detailed the committee's recommendations for funding programs in 47 courts for fiscal year 2012–2013 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

Council action

The Judicial Council approved the distribution of Collaborative Justice Project Substance Abuse Focus Grants for 2012–2013 appearing in the last column of the table in the *Allocation Summary: Fiscal Years 2011–2012 and 2012–2013*, Attachment 2.

Item C Judicial Branch Administration: Audit Reports for Judicial Council Acceptance

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the AOC recommended that the Judicial Council accept the audit reports that pertain to the Superior Courts of Del Norte and Stanislaus Counties. The policy approved by the Judicial Council on August 27, 2010, specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports enhances accountability and provides the courts with information to minimize financial, compliance, and operational risk.

Council action

The Judicial Council, effective October 26, 2012, accepted the following two “pending” audit reports:

1. Audit report dated September 2012 entitled: *Audit of the Superior Court of California, County of Del Norte*; and
2. Audit report dated April 2012 entitled: *Audit of the Superior Court of California, County of Stanislaus*.

This acceptance also authorized public posting of the audit reports on the California Courts public website.

Item D Proposed Allocation for Fiscal Year 2012–2013 Judicial Council Court Appointed Special Advocate Local Assistance

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve Court Appointed Special Advocate (CASA) grant funding allocations for fiscal year 2012–2013. The recommended allocations will fund current programs with the same methodology used in FY 2011–2012, award implementation funding for four new programs which received development funding last year, and set aside funds for technical assistance.

Council action

The Judicial Council, effective September 1, 2012,:

1. Allocated CASA local assistance grants to existing CASA programs using the methodology used in FY 2011–2012;
2. Awarded implementation funding to four new CASA programs that have completed their development phase, and
3. Continued to set aside funds for technical assistance to local programs to address program challenges.

Item E Allocations and Reimbursements to Trial Courts: Annual Report to the Legislature

The AOC recommended that the Judicial Council approve the report on allocations and reimbursements to trial courts for fiscal year 2011–2012, required by Government Code section 77202.5, to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary.

Council action

The Judicial Council approved the Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2011–2012, and directed the AOC to submit the report to the Legislature.

DISCUSSION AGENDA (ITEMS F–I)

Item F Judicial Branch Education: Final Report on the 2010–2012 CJER Governing Committee Education Plan

The Governing Committee of the Center for Judicial Education and Research (CJER) completed the final report on its 2010–2012 education plan for the judicial branch and the audiences the CJER Governing Committee serves. The final report provides an overview on the education plan’s execution and the extent to which it met the educational objectives established by the CJER Governing Committee.

No action

Hon. Robert L. Dondero, Vice-Chair, Center for Judicial Education and Research (CJER) Governing Committee, and Dr. Diane E. Cowdrey, Director, Office of Education/CJER, presented the final report on the first comprehensive, branchwide education plan developed by the CJER Governing Committee. The plan offers new approaches to delivering education and satisfying branch education requirements with efficiency and economy to adapt to current resource constraints.

Item G Court Facilities: Indefinite Delay of Seven SB 1407 Projects Due to Funding Redirections and Recommendations Related to Pegasus Audit Report

The Court Facilities Working Group (the working group) recommended indefinite delay of seven projects due to the cumulative and ongoing redirection of SB 1407 funds to the General Fund and trial court operations. Other projects were recommended to move forward assuming no further redirection of SB 1407 funds. The working group also recommended the council adopt the findings and recommendations of the Pegasus Audit Report, with two caveats: the timeline of the implementation of the report’s recommendations be extended by six months, until July 16, 2013, and the task of creating and maintaining policies be centralized, to ensure they are consistent and current throughout all parts of the AOC’s Judicial Branch Capital Program Office.

Council action

1. The Judicial Council approved, with one abstention, the indefinite delay of seven SB 1407 projects, with no site selection, site acquisition, or design work to continue for these projects, as recommended by the Court Facilities Working Group. The seven include: Kern–New Delano Courthouse, Kern–New Mojave Courthouse, Los Angeles–New Glendale Courthouse, Los Angeles–New Santa Clarita Courthouse, Monterey–New South Monterey County Courthouse, Placer–New Tahoe Area Courthouse, and Plumas–New Quincy Courthouse.

2. The council approved, with one abstention, moving forward on the 23 SB 1407 projects identified by the working group in accordance with the *Recommendations of Court Facilities Working Group on SB 1407 Projects*, attached.

The council also adopted the remainder of the working group recommendations:

3. The Los Angeles–Renovate Alfred J. McCourtney Juvenile Justice Center (Lancaster) project is to be forwarded to the council’s Trial Court Facility Modifications Working Group for consideration of funding.
4. AOC staff is directed to submit funding requests for the next phase of each SB 1407 project that is moving forward and requires FY 2013–2014 funding as presented in *Recommendations of Court Facilities Working Group on SB 1407 Projects* and to submit the annual update to the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2013–2014 to the state Department of Finance in order to implement this recommendation.
5. Authority will be delegated to the director of the AOC’s Judicial Branch Capital Program Office to make technical changes to FY 2013–2014 funding requests submitted to the state Department of Finance necessary to implement the recommendations above, subject to the review and approval of the chair of the Court Facilities Working Group.
6. The Courthouse Cost Reduction Subcommittee of the Court Facilities Working Group shall oversee and have direct implementation authority to mandate project cost reductions for all capital-outlay projects in design (preliminary plans and working drawings) managed by the judicial branch.
7. Adopt the findings and recommendations of the Pegasus Audit Report, with two caveats: the timeline of the implementation of the report’s recommendations be extended by six months, until July 16, 2013, and the task of creating and maintaining policies be centralized, to ensure they are consistent and current throughout all parts of the AOC’s Judicial Branch Capital Program Office.

Item H Trial Court Special Funds: Allocations for Fiscal Year 2012–2013

The Trial Court Budget Working Group recommended a one-time allocation of \$71.923 million from the State Trial Court Improvement and Modernization Fund (STCIMF) for various programs in support of the trial courts, including \$6.769 million related to the financial component of Phoenix Financial and Human Resources Services costs previously charged to trial courts, a one-time allocation from the Trial Court Trust Fund (TCTF) of \$58.836 million to offset reductions to trial court operations funding, and any revenue from the new \$30 fee for court reporting services in civil proceedings lasting under one hour be allocated to courts in the

amount that each court collected. In addition, in order to fully distribute the recommended TCTF allocation, the working group recommended that the council direct staff to seek additional expenditure that is subject to the approval of the Department of Finance and Legislature. The working group also asked the Judicial Council to consider delegating the authority to transfer STCIMF allocations during the year from one program or project to another, subject to any restrictions or conditions provided by the council.

Council action

The Judicial Council voted to defer action on Trial Court Budget Working Group (TCBWG) recommendations 1–3 until the council business meeting on January 17, 2013, pending availability of more complete information on projected revenues and expenditures for the current fiscal year.

In addition, the Judicial Council:

4. Allocated \$65.154 million in one-time funding from the STCIMF—recommended for various programs in support of the trial courts—and deferred action on the recommended allocation of another \$6.769 million related to the financial component of Phoenix Financial and Human Resources Services costs previously charged to trial courts, until the council’s January meeting, when relevant financial information is expected to be available. The council also directed the AOC to request the council for augmentations to the \$4.5 million Litigation Management Program allocation if needed;
5. Delegated to the Administrative Director of the Courts the authority to transfer STCIMF allocations approved by the Judicial Council for 2012–2013 from one program or project to another, subject to guidelines provided by the Judicial Council. The council approved the guidelines in TCBWG recommendations 6, 7, and 8 (below) and the additional guideline that the Administrative Director of the Courts exercise the authority to transfer funds in consultation with the Chair of the council’s Executive and Planning Committee.

Pursuant to the approval of the delegation of authority to the Administrative Director of the Courts, the council approved the following guidelines:

6. Limited the authority to transfer STCIMF allocations approved for 2012–2013 by the council from one program or project to another to 20 percent of the allocation of the program/project from which it will be transferred;
7. Directed the Administrative Director of the Courts to report back to the council after the end of 2012–2013 on any transfers of STIMF allocations made between programs/projects and the rationale for any transfers; and

8. Directed the AOC to develop internal guidelines for the administration of the new State Trial Court Improvement and Modernization Fund.

Item I Trial Court Trust Fund Allocations: 2 Percent Reserve

The Administrative Office of the Courts submitted to the Judicial Council for its consideration recommendations and options on two applications for supplemental funding related to unavoidable funding shortfalls received from the Superior Court of California, Counties of Kings and San Joaquin. \$27.8 million was set aside in the Trial Court Trust Fund for FY 2012–2013, of which by statute only up to 75 percent or \$20.9 million may be allocated by the Judicial Council by October 31, 2012. Two courts qualified for supplemental funding under the council-approved criterion of having projected a negative fund balance for the current fiscal year. The total amount requested by these two courts was \$4.5 million; the total amount contributed by the two courts to the 2 percent reserve was \$536,232.

Council action

1. For the supplemental funding request in the amount of \$2.29 million from the Superior Court of Kings County, the Judicial Council approved allocating a one-time supplemental funding distribution of \$94,000, the amount that the court contributed to the 2 percent reserve in FY 2012–2013, on two conditions:
 - a. The court must submit a written report on the use of the funding received and its fiscal situation as of June 30, 2013, to the Judicial Council by no later than August 1, 2013; and
 - b. The supplemental funding for urgent needs received by the court must be used for the purposes addressed in the court’s application, including keeping open a sufficient number of courtrooms, and providing other necessary services during FY 2012–2013 to meet the court’s obligation to adjudicate all matters, both civil and criminal, that come before the court.
2. For the supplemental funding request in the amount of \$2.21 million from the Superior Court of San Joaquin County, the Judicial Council voted, in a vote of 13 to 4, to defer the decision on allocating any one-time supplemental funding distribution until the court reports to the council on the use of the \$916,000 from the Trial Court Improvement Fund that the council approved as a five-year interest-free loan to the court on December 16, 2011, in response to the court’s emergency funding request.

In Memoriam

Chief Justice Cantil-Sakauye closed the meeting with a moment of silence to remember recently deceased judicial colleagues and honor their service to their courts and the cause of justice:

- Hon. John Alex (Ret.), Superior Court of California, County of Trinity
- Hon. Ronald Brown (Ret.), Superior Court of California, County of Mendocino
- Hon. Ollie Marie-Victoire (Ret.), Superior Court of California, County of San Francisco
- Hon. Donald McCartin (Ret.), Superior Court of California, County of Orange

- Hon. John Merrick (Ret.), Superior Court of California, County of Los Angeles

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 Status Update on the Implementation of Judicial Council Directives - AOC Realignment

The Chair of the Executive and Planning Committee (E&P) presented this informational report regarding the implementation of the Judicial Council directives on AOC Realignment as approved by the council on August 31, 2012. The AOC Realignment directives specifically direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on each of the directives approved. This informational report provides an update from the E&P Chair reporting on the progress of implementation efforts.

INFO 2 Court Facilities: Lease-Revenue Bond Issuances, Fall 2011–Spring 2012

As authorized and directed by the Judicial Council, the Administrative Director of the Courts presented this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2011 and spring 2012 for the financing of court facilities projects.

INFO 3 Family Law: Court-Employed Child Custody Mediators' Working Files

At the request of the Judicial Council, the Family and Juvenile Law Advisory Committee prepared this informational report on policy considerations related to the retention and destruction of the working files of court-employed child custody mediators, sometimes referred to as family court services files. The committee made no recommendation for council action on this issue.

INFO 4 Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours (Report No. 15)

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 15th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, nine superior courts—those of Kings, San Mateo, Amador, Calaveras, Ventura, Contra Costa, El Dorado, San Diego, and Sutter Counties—have issued new notices.

INFO 5 Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice

Government Code section 77001.5 requires that the Judicial Council submit a report annually to the Legislature on *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*. Although this is an annual requirement, reports due November 2010 and 2011 were not submitted due to resource limitations in the judicial branch.

The report attempted to overcome these limitations by identifying and reporting on existing measures adopted by the Judicial Council that respond to the reporting requirements. Taking advantage of improvements in data quality, the report provided information on the following standards and measures of trial court operations: (1) caseload clearance rates; (2) time to disposition; (3) stage of case at disposition; (4) trials by type of proceeding; and (5) judicial workload and resources.

INFO 6 Court Facilities: Trial Court Facility Modifications Quarterly Activity Report: Quarter 1, Fiscal Year 2012–2013

The Trial Court Facility Modifications Working Group (TCFMWG) completed their facility modification funding for the first quarter of fiscal year 2012–2013. The Court Facilities Working Group reviewed their activities. In compliance with the Trial Court Facility Modifications Policy, the TCFMWG submitted its *Trial Court Facility Modification Quarterly Activity Report: Quarter 1, Fiscal Year 2012–2013* as information for the Judicial Council.

INFO 7 Trial Courts: Annual Investment Report for Fiscal Year 2011–2012

This Trial Court Annual Investment Report provides the financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program. This report was submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004. This report covers the period of July 1, 2011, through June 30, 2012.

INFO 8 Trial Court Trust Fund: Expenditures and Encumbrances for Fiscal Year 2012–2013, 1st Quarter

In compliance with the Budget Act of 2012 requirements, this is an informational report concerning all expenditures made in the first quarter of fiscal year (FY) 2012–2013 of programs and projects appropriated from Item 0250–001–0932 of the Budget Act of 2012. In addition, this report includes any other expenditures and encumbrances of funds from the Trial Court Trust Fund excluding those related to Schedules (2), (3), and (4) of Item 0250–101–0932 of the Budget Act of 2012 and direct allocations to trial courts.

INFO 9 Trial Court Trust Fund Allocation: Final \$235 Million Reduction Based on Ending 2011–2012 Fund Balance

In July 2012, the council approved a preliminary allocation of a \$235 million reduction to trial courts based on each court's share of the statewide 2011–2012 total fund balance as of July 27, 2012, with the final reduction amount to be determined once the last trial court closed its financials for fiscal year 2011–2012. The last trial court closed its 2011–2012 financial books on September 14, 2012. Based on the methodology prescribed by the Budget Act of 2012, and adopted by the council at its July 27, 2012 meeting, which allocates a portion of a \$235 million reduction to each court based on each court's share of the ending 2011–2012 total fund balance, the final allocation of the reduction was computed and displayed in column F of Attachment 1.

As the council already allocated a preliminary share of the \$235 million reduction to each trial court (see column C of Attachment 1), courts will receive an allocation adjustment based on the final computation (see column G of Attachment 1) in starting in October.

There being no further public business, the meeting was adjourned at approximately 1:10 p.m.

Circulating Order since the last business meeting

1. Subordinate Judicial Officers: Allocation of Conversions for Fiscal Year 2012–2013

Respectfully submitted,



Steven Jahr
Administrative Director of the Courts and
Secretary of the Judicial Council

Attachments

1. Judicial Council Resolution on Adoption and Permanency Month for November 2012
2. Substance Abuse Focus Grants—*Allocation Summary: Fiscal Years 2011–2012 and 2012–2013*
3. *Recommendations of Court Facilities Working Group on SB 1407 Projects*
4. *Allocation of \$235 million Reduction—Preliminary and Final*
5. Correspondence dated October 3, 2012, from Zoe J. Taylor, Interim President/ CEO, Santa Barbara Chamber of Commerce
6. Correspondence dated October 5, 2012, from Bill Brown, Sheriff and Coroner, County of Santa Barbara
7. Correspondence dated October 18, 2012, from Tara Shabazz, Executive Director, California Partnership to End Domestic Violence
8. Correspondence dated October 23, 2012, from Cathleen Galgiani, Assembly member, 17th District, Assembly, California Legislature
9. Correspondence dated October 16, 2012, from John Luebberke, City Attorney Office of the City Attorney, City of Stockton
10. Correspondence dated October 24, 2012, from Konradt Bartlam, City Manager, City of Lodi
11. Correspondence dated October 24, 2012, from Barbara A. Kauffman, Family Law Attorney, Law Offices of Barbara A. Kauffman

12. Correspondence dated October 20, 2012, from Eric Parfrey, Chair, Campaign for Common Ground
13. Correspondence dated October 23, 2012, from Emily Gallup, Marriage and Family Therapist
14. Correspondence dated October 24, 2012, from Lois Wolk, Senator, 5th District, California State Senate
15. Correspondence dated October 25, 2012, from Kim Turner, Court Executive Officer, Superior Court of California, County of Marin
16. Correspondence dated October 24, 2012, from Alan Ernesto Phillips, Chairman of the Board of Directors, Northern Hispanic Coalition, Inc.
17. Correspondence dated October 24, 2012, from Jennifer Montgomery, 5th District Supervisor and Jack Duran, 1st District Supervisor, County of Placer Board of Supervisors

JUDICIAL COUNCIL OF CALIFORNIA

Resolution

Whereas, consistent with its commitment to improving the lives of children and their families, the Judicial Council since 1999 has annually recognized November as Court Adoption and Permanency Month;

Whereas nearly half a million incidents of child abuse and neglect are reported each year in California, and more than 21,000 children enter foster care;

Whereas nearly 55,000 children in California live apart from their families in child welfare–supervised out-of-home care;

Whereas nearly 40 percent of the children in foster care in California have been away from their families for two or more years;

Whereas, of the 29,000 California children who left foster care in 2011, 56 percent were reunited with their families, 20 percent were adopted, and 12 percent were emancipated;

Whereas local courts and communities throughout California have created programs promoting permanency that have resulted in a decrease in the number of children waiting for permanent, safe homes; and

Whereas the Judicial Council is committed to working with the Governor, the Legislature, and local courts and communities to achieve permanency for children who have been abused or neglected;

Now, therefore, be it resolved that I, Tani G. Cantil-Sakauye, Chief Justice of California, on behalf of the Judicial Council of California, do hereby proclaim November to be Court Adoption and Permanency Month, during which the courts and their communities are encouraged to join in activities to promote permanency.

In witness whereof

I have hereunto set my hand this 25th day of October, 2012

Attest:

TANI G. CANTIL-SAKAUYE
Chief Justice of California and
Chair of the Judicial Council of California

STEVEN JAHR
Administrative Director of the Courts

Attachment B

Allocation Summary: Fiscal Years 2011–2012 and 2012–2013

Collaborative Justice Project—Substance Abuse Focus Grant Awards (by Court)

	County	FY 2011–2012			FY 2012–2013		
		Allocation Based on Formula	Court Funding Request	Final Funding Allocation ¹	Allocation Based on Formula	Court Funding Request	Final Funding Allocation ^{2,3}
1.	Alameda	\$35,000	\$35,000	\$30,096	\$35,000	\$35,000	\$30,019
2.	Amador	\$22,000	\$19,000	\$19,000	\$16,000	\$19,000	\$14,789
3.	Butte	\$32,000	\$32,000	\$27,516	\$32,000	\$32,000	\$29,685
4.	Calaveras	\$20,000	\$20,000	\$17,200	\$16,000	\$16,000	\$14,789
5.	Contra Costa	\$35,000	\$39,000	\$30,096	\$35,000	\$35,000	\$32,478
6.	Del Norte	\$16,000	\$16,000	\$13,756	\$18,000	\$18,000	\$16,651
7.	Fresno	\$37,000	\$44,989	\$31,820	\$45,000	\$45,000	\$41,788
8.	Glenn	\$38,000	\$32,000	\$32,000	\$24,000	\$24,000	\$22,237
9.	Humboldt	\$18,000	\$18,000	\$15,476	\$18,000	\$18,000	\$16,651
10.	Inyo	\$12,000	\$12,000	\$10,320	\$12,000	\$12,000	\$11,065
11.	Kern	\$42,000	\$45,000	\$36,116	\$42,000	\$42,000	\$38,995
12.	Lake	\$14,000	\$12,000	\$12,000	\$12,000	\$12,000	\$11,065
13.	Lassen	\$23,000	\$23,000	\$19,776	\$21,000	\$21,000	\$19,444
14.	Los Angeles	\$24,000	\$24,000	\$20,636	\$35,000	\$35,000	\$32,478
15.	Madera	\$24,000	\$24,000	\$20,636	\$24,000	\$24,000	\$22,237
16.	Marin	\$16,000	\$16,000	\$13,756	\$22,000	\$22,000	\$20,375
17.	Mendocino	\$26,000	\$26,000	\$22,356	\$24,000	\$24,000	\$22,237
18.	Merced	\$16,000	\$32,000	\$13,756	\$12,000	\$12,000	\$11,065
19.	Modoc	\$14,000	\$14,000	\$12,040	\$16,000	\$16,000	\$14,789
20.	Monterey	\$36,000	\$34,000	\$30,960	\$42,000	\$34,000	\$34,000
21.	Napa	\$16,000	\$16,000	\$13,756	\$16,000	\$16,000	\$14,789
22.	Nevada	\$24,000	\$24,000	\$20,636	\$24,000	\$24,000	\$22,237
23.	Orange	\$42,000	\$42,000	\$36,116	\$45,000	\$42,000	\$42,000
24.	Placer	\$24,000	\$24,000	\$20,636	\$32,000	\$16,000	\$16,000

¹ 2011–2012 total available grant funding amount: \$1,081,000.

² 2012–2013 total available grant funding amount: \$1,160,000.

³ The maximum grant award is capped at \$45,000. To match the projected state allocation, the maximum allowable funding amount based on formula was adjusted downward by approximately 7 percent. The courts which requested less than their maximum funding amount are not adjusted downward.

	County	FY 2011–2012			FY 2012–2013		
		Allocation Based on Formula	Court Funding Request	Final Funding Allocation ¹	Allocation Based on Formula	Court Funding Request	Final Funding Allocation ^{2,3}
25.	Plumas	\$16,000	\$16,000	\$13,756	\$16,000	\$16,000	\$14,789
26.	Riverside	\$42,000	\$42,000	\$36,116	\$35,000	\$35,000	\$32,478
27.	Sacramento	\$20,000	\$16,000	\$16,000	\$28,000	\$16,000	\$16,000
28.	San Bernardino	\$42,000	\$42,000	\$36,116	\$42,000	\$42,000	\$38,995
29.	San Diego	\$42,000	\$45,000	\$36,116	\$42,000	\$42,000	\$38,995
30.	San Francisco	\$45,000	\$42,000	\$38,700	\$42,000	\$42,000	\$38,995
31.	San Joaquin	\$32,000	\$32,000	\$27,516	\$42,000	\$42,000	\$38,995
32.	San Luis Obispo	\$32,000	\$32,000	\$27,516	\$32,000	\$32,000	\$29,685
33.	San Mateo	\$20,000	\$24,000	\$17,200	\$20,000	\$20,000	\$18,513
34.	Santa Barbara	\$42,000	\$45,000	\$36,116	\$45,000	\$47,000	\$41,788
35.	Santa Clara	\$34,000	\$34,000	\$29,236	\$34,000	\$34,000	\$31,547
36.	Santa Cruz	\$29,000	\$29,000	\$24,936	\$32,000	\$29,000	\$29,000
37.	Shasta	\$12,000	\$12,000	\$10,320	\$26,000	\$38,000	\$24,099
38.	Sierra	\$12,000	\$12,000	\$10,320	\$12,000	\$12,000	\$11,065
39.	Siskiyou	\$20,000	\$20,000	\$17,200	\$20,000	\$20,000	\$18,513
40.	Solano	\$45,000	\$57,000	\$38,696	\$39,000	\$39,000	\$36,202
41.	Sonoma	\$45,000	\$60,000	\$38,696	\$45,000	\$59,000	\$41,788
42.	Stanislaus	\$20,000	\$20,000	\$17,200	\$20,000	\$16,000	\$16,000
43.	Trinity ⁴	\$12,000	\$12,000	\$10,320	\$0	\$0	\$0
44.	Tulare	\$16,000	\$16,000	\$13,756	\$16,000	\$16,000	\$14,789
45.	Tuolumne	\$24,000	\$20,000	\$20,000	\$20,000	\$20,000	\$18,513
46.	Ventura	\$24,000	\$24,000	\$20,636	\$32,000	\$32,000	\$29,685
47.	Yolo	\$16,000	\$16,000	\$13,756	\$12,000	\$12,000	\$11,065
48.	Yuba	\$24,000	\$10,348	\$10,320	\$18,000	\$18,000	\$16,651
Total		\$1,272,000	\$1,302,337	\$1,081,000	\$1,288,000	\$1,273,000	\$1,160,000

⁴ The Superior Court of California, County of Trinity did not apply for funding in fiscal year 2012–2013.

Facilities Working Group on SB 1407 Projects Based on FY 2012-2013 Budget Act Reductions to Construction Funds October 5, 2012 FINAL 10 County

County	Project Name	Recommendations
1 El Dorado	New Placerville Courthouse	<u>Proceed</u> with site acquisition and reduce hard construction budget by an additional 10%
2 Fresno	Renovate Fresno County Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u> , on significantly reduced project scope proposed by court
3 Glenn	Renovate and Addition to Willows Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u>
4 Imperial	New El Centro Family Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u> , reducing hard construction budget by an additional 10%
5 Inyo	New Inyo County Courthouse	<u>Proceed</u> with site acquisition and reduce hard construction budget by an additional 10%
6 Kern	New Delano Courthouse	<u>Indefinitely delayed</u>
7 Kern	New Mojave Courthouse	<u>Indefinitely delayed</u>
8 Lake	New Lakeport Courthouse	<u>Proceed</u> with working drawings when funding is authorized and after completion of <u>trial court operations review</u> .
9 Los Angeles	New Eastlake Juvenile Courthouse	<u>Proceed</u> with reassessment of renovation option. If project proceeds as a new construction project, proceed with securing proposed site from the County of Los Angeles at a reduced cost
10 Los Angeles	New Glendale Courthouse	<u>Indefinitely delayed</u>
11 Los Angeles	New Los Angeles Mental Health Courthouse	<u>Proceed</u> with securing site from the County of Los Angeles at a reduced cost
12 Los Angeles	New Santa Clarita Courthouse	<u>Indefinitely delayed</u>
13 Los Angeles	New Southeast Los Angeles Courthouse	<u>Proceed</u> with reassessment to confirm project size, and then proceed with site acquisition and reduce hard construction budget by an additional 10%
14 Los Angeles	Renovate Lancaster Courthouse	Court Facilities Working Group forwarded project to Trial Court Facility <u>Modifications</u> Working Group for its review
15 Mendocino	New Ukiah Courthouse	<u>Proceed</u> with site acquisition for project with one less courtroom
16 Merced	New Los Banos Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u>
17 Monterey	New South Monterey County Courthouse	<u>Indefinitely delayed</u>
18 Nevada	New Nevada City Courthouse	<u>Proceed</u> with study and estimating on-site renovation and expansion project based on court proposal, and begin design when funding is authorized
19 Placer	New Tahoe Area Courthouse	<u>Indefinitely delayed</u>
20 Plumas	New Quincy Courthouse	<u>Indefinitely delayed</u>
21 Riverside	New Hemet Courthouse (Mid-Cnty Reg)	<u>Proceed</u> with reassessment of project to explore lease option. If project proceeds as a new construction project, proceed with site acquisition
22 Riverside	New Indio Juvenile and Family Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u>
23 Sacramento	New Sacramento Criminal Courthouse	<u>Proceed</u> with site acquisition
24 San Diego	New Central San Diego Courthouse	<u>Proceed</u> with working drawings
25 Santa Barbara	New Santa Barbara Criminal Courthouse	<u>Proceed</u> with study and estimating renovation and expansion project using property currently owned by the state based on court proposal, and begin design when funding is authorized
26 Shasta	New Redding Courthouse	<u>Proceed</u> with design when funding is authorized for preliminary plans and after completion of <u>trial court operations review</u>
27 Siskiyou	New Yreka Courthouse	<u>Proceed</u> with design when funding is authorized for preliminary plans and after completion of <u>trial court operations review</u>
28 Sonoma	New Santa Rosa Criminal Courthouse	<u>Proceed</u> with design when funding is authorized for preliminary plans and after completion of <u>trial court operations review</u>
29 Stanislaus	New Modesto Courthouse	<u>Proceed</u> with site acquisition
30 Tehama	New Red Bluff Courthouse	<u>Proceed</u> with design, after completion of <u>trial court operations review</u>
31 Tuolumne	New Sonora Courthouse	<u>Proceed</u> with design when funding is authorized for preliminary plans and after completion of <u>trial court operations review</u>

Proceed - Projects will move forward as indicated above. Proceeding with a project does not supersede previous direction from the Judicial Council, including April 2012 direction on reassessments, most of which still need to be done.

Indefinitely delayed - Projects are indefinitely delayed until funds become available sometime in the future. No work to proceed on site acquisition or design.

Modifications - Scope of this project is a facility modification, not a capital-outlay project. Therefore the working group has directed the project to the Trial Court Facility Modifications Working Group for review.

Trial Court Operations Review - The state Department of Finance (DOF) requires review of staffing and operations of the trial courts before design proceeds on each SB 1407 project.

Allocation of \$235 Million Reduction -- Preliminary and Final

Court	Council's Preliminary Allocation			Final Allocation and Final Adjustment to Preliminary Allocation			
	FY 2011-2012 Total Fund Balance as of July 26, 2012	% of Total	Share of Reduction	FY 2011-2012 Total Fund Balance	% of Total	Final Share of Reduction	Adjustment to Preliminary Allocation
	A	B	C	D	E	F	G
Alameda	30,106,431	5.5%	(12,846,531)	30,106,433	5.7%	(13,321,028)	(474,497)
Alpine	733,233	0.1%	(312,873)	733,233	0.1%	(324,430)	(11,556)
Amador	803,779	0.1%	(342,976)	867,257	0.2%	(383,730)	(40,755)
Butte	5,546,949	1.0%	(2,366,904)	5,546,949	1.0%	(2,454,328)	(87,423)
Calaveras	1,709,984	0.3%	(729,657)	1,710,966	0.3%	(757,042)	(27,385)
Colusa	1,814,276	0.3%	(774,159)	1,814,276	0.3%	(802,753)	(28,594)
Contra Costa	18,865,203	3.4%	(8,049,855)	18,683,023	3.5%	(8,266,574)	(216,719)
Del Norte	4,287,487	0.8%	(1,829,487)	4,287,487	0.8%	(1,897,061)	(67,573)
El Dorado	2,802,513	0.5%	(1,195,843)	2,802,513	0.5%	(1,240,013)	(44,169)
Fresno	9,182,906	1.7%	(3,918,382)	9,187,577	1.7%	(4,065,176)	(146,795)
Glenn	759,290	0.1%	(323,992)	759,290	0.1%	(335,959)	(11,967)
Humboldt	1,518,758	0.3%	(648,060)	1,518,758	0.3%	(671,997)	(23,937)
Imperial	9,093,579	1.7%	(3,880,265)	9,093,579	1.7%	(4,023,586)	(143,320)
Inyo	3,221,581	0.6%	(1,374,661)	3,221,581	0.6%	(1,425,435)	(50,774)
Kern	14,300,502	2.6%	(6,102,080)	14,300,502	2.7%	(6,327,464)	(225,385)
Kings	1,249,110	0.2%	(533,000)	1,247,252	0.2%	(551,865)	(18,864)
Lake	535,737	0.1%	(228,601)	535,737	0.1%	(237,045)	(8,444)
Lassen	1,250,889	0.2%	(533,759)	1,271,417	0.2%	(562,557)	(28,798)
Los Angeles	143,468,957	26.1%	(61,218,760)	124,834,863	23.5%	(55,234,994)	5,983,766
Madera	2,970,236	0.5%	(1,267,411)	3,318,307	0.6%	(1,468,233)	(200,822)
Marin	4,640,439	0.8%	(1,980,093)	4,640,439	0.9%	(2,053,229)	(73,136)
Mariposa	598,734	0.1%	(255,482)	598,720	0.1%	(264,912)	(9,430)
Mendocino	659,375	0.1%	(281,358)	659,375	0.1%	(291,750)	(10,392)
Merced	5,722,629	1.0%	(2,441,868)	5,858,273	1.1%	(2,592,078)	(150,210)
Modoc	164,855	0.0%	(70,344)	164,855	0.0%	(72,943)	(2,598)
Mono	1,326,339	0.2%	(565,954)	1,321,146	0.2%	(584,560)	(18,606)
Monterey	6,634,116	1.2%	(2,830,803)	6,634,116	1.2%	(2,935,361)	(104,558)
Napa	2,563,500	0.5%	(1,093,855)	2,568,395	0.5%	(1,136,423)	(42,568)
Nevada	463,023	0.1%	(197,573)	637,760	0.1%	(282,186)	(84,613)
Orange	54,291,925	9.9%	(23,166,575)	54,293,423	10.2%	(24,022,912)	(856,337)
Placer	3,093,180	0.6%	(1,319,872)	3,093,180	0.6%	(1,368,622)	(48,750)
Plumas	1,054,293	0.2%	(449,871)	1,054,293	0.2%	(466,487)	(16,616)

Court	Council's Preliminary Allocation			Final Allocation and Final Adjustment to Preliminary Allocation			
	FY 2011-2012 Total Fund Balance as of July 26, 2012	% of Total	Share of Reduction	FY 2011-2012 Total Fund Balance	% of Total	Final Share of Reduction	Adjustment to Preliminary Allocation
	A	B	C	D	E	F	G
Riverside	17,129,778	3.1%	(7,309,343)	17,129,778	3.2%	(7,579,319)	(269,976)
Sacramento	23,537,848	4.3%	(10,043,691)	23,537,848	4.4%	(10,414,662)	(370,971)
San Benito	2,254,505	0.4%	(962,006)	2,254,505	0.4%	(997,539)	(35,532)
San Bernardino	32,840,844	6.0%	(14,013,316)	32,840,844	6.2%	(14,530,907)	(517,592)
San Diego	25,179,395	4.6%	(10,744,145)	25,179,395	4.7%	(11,140,988)	(396,843)
San Francisco	13,161,302	2.4%	(5,615,978)	12,673,727	2.4%	(5,607,674)	8,304
San Joaquin	1,273,842	0.2%	(543,553)	1,323,187	0.2%	(585,463)	(41,910)
San Luis Obispo	4,366,315	0.8%	(1,863,124)	4,370,337	0.8%	(1,933,719)	(70,595)
San Mateo	9,060,192	1.6%	(3,866,019)	9,060,192	1.7%	(4,008,813)	(142,794)
Santa Barbara	9,599,471	1.7%	(4,096,131)	9,599,471	1.8%	(4,247,425)	(151,294)
Santa Clara	28,290,091	5.1%	(12,071,491)	28,290,091	5.3%	(12,517,361)	(445,869)
Santa Cruz	4,260,253	0.8%	(1,817,866)	3,139,188	0.6%	(1,388,979)	428,887
Shasta	3,872,450	0.7%	(1,652,389)	3,892,447	0.7%	(1,722,270)	(69,880)
Sierra	161,645	0.0%	(68,974)	161,645	0.0%	(71,522)	(2,548)
Siskiyou	2,906,653	0.5%	(1,240,280)	2,906,653	0.5%	(1,286,091)	(45,811)
Solano	2,382,183	0.4%	(1,016,487)	2,373,512	0.4%	(1,050,195)	(33,708)
Sonoma	7,342,333	1.3%	(3,133,002)	7,347,515	1.4%	(3,251,015)	(118,012)
Stanislaus	8,565,520	1.6%	(3,654,941)	8,565,520	1.6%	(3,789,938)	(134,998)
Sutter	1,757,473	0.3%	(749,921)	1,631,990	0.3%	(722,097)	27,823
Tehama	2,104,371	0.4%	(897,943)	2,104,371	0.4%	(931,109)	(33,166)
Trinity	784,517	0.1%	(334,757)	810,247	0.2%	(358,505)	(23,749)
Tulare	2,247,607	0.4%	(959,062)	2,246,920	0.4%	(994,182)	(35,120)
Tuolumne	943,242	0.2%	(402,485)	943,242	0.2%	(417,351)	(14,866)
Ventura	5,633,325	1.0%	(2,403,762)	5,609,385	1.1%	(2,481,954)	(78,192)
Yolo	4,682,618	0.9%	(1,998,091)	4,682,618	0.9%	(2,071,892)	(73,801)
Yuba	961,641	0.2%	(410,336)	1,076,468	0.2%	(476,299)	(65,963)
Total	550,733,220	100.0%	(235,000,000)	531,116,069	100.0%	(235,000,000)	-

SANTA BARBARA REGION CHAMBER OF COMMERCE

October 3, 2012

Chief Justice Tani G. Cantil-Sakauye
Members of the Judicial Council
Judicial Council of California
455 Golden Gate Ave.
San Francisco, CA 94102-3688

Dear Chief Justice and Judicial Council Members,

On behalf of the Santa Barbara Chamber of Commerce, I am writing to register our strong support of the Court Facilities Working Group's recent unanimous recommendation to allow the Santa Barbara Superior Court's new criminal courts building project to move forward. This project has been a high priority of the court's judges for many years before its need was officially identified in a Capital Facilities Master Plan adopted by the Judicial Council in September, 2003. The Chamber is aware of the tremendous support for this critically needed building amongst our local business and political leaders and we join them in recognizing the imperative need for more security in our courthouses.

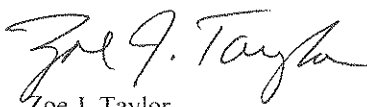
From the perspective of the Chamber of Commerce, this project provides several benefits to the court as well as the citizens of our community:

- Enhanced security through secure internal movement of prisoners within a new criminal courts building
- Elimination of need to transport inmates on foot across public streets and through large groups of tourists and citizens, both respecting the dignity of the inmates and the safety of the general public
- Greater security for the public and court staff
- Economic engine to help stimulate local commerce by retaining jobs in the local area and supporting businesses
- Enhances the downtown civic and commercial areas in addition to improved traffic flow on Figueroa Street.

The Chamber recognizes the construction of a new criminal courts building in conjunction with the renovation and integration of the obsolete 1950's Figueroa Courthouse only adds to the improved security and greater attractiveness of our downtown area. We are aware of the strong competition and the limited funding allocated through SB 1407 to court construction projects. However, the Santa Barbara County Criminal Courthouse is in desperate need of improvement both for safety and security of the inmates, the public and employees. We urge you and the Judicial Council to adopt the unanimous recommendation of the Court Facilities Working Group to allow our Santa Barbara Superior Court's project to move forward.

Thank you for your consideration.

Sincerely yours,



Zoe J. Taylor

Interim President/CEO Telephone: 805/965-3023 Fax: 805/966-5954

924 Anacapa Street, Ste. 1, Santa Barbara, CA 93101

Mailing Address: Post Office Box 299, Santa Barbara, CA 93102-0299

Visitor Center: One Garden Street, Santa Barbara, CA 93101 • 805/965-3021

e-mail: info@sbchamber.org website: www.sbchamber.org

Office of the Sheriff



SANTA BARBARA COUNTY

HEADQUARTERS

P.O. Box 6427 • 4434 Calle Real • Santa Barbara, California 93160
Phone (805) 681-4100 • Fax (805) 681-4322
www.sbsheriff.org

BILL BROWN

Sheriff - Coroner

JIM PETERSON

Undersheriff

STATIONS

Buellton
140 W. Highway 246
Buellton, CA 93427
Phone (805) 686-8150

Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013
Phone (805) 684-4561

Isla Vista
6504 Trigo Road
Isla Vista, CA 93117
Phone (805) 681-4179

Lompoc
3500 Harris Grade Road
Lompoc, CA 93436
Phone (805) 737-7737

New Cuyama
70 Newsome Street
New Cuyama, CA 93254
Phone (661) 766-2310

Santa Maria
812-A W. Foster Road
Santa Maria, CA 93455
Phone (805) 934-6150

Solvang
1745 Mission Drive
Solvang, CA 93463
Phone (805) 686-5000

Sheriff - Coroner Office
66 S. San Antonio Road
Santa Barbara, CA 93110
Phone (805) 681-4145

Main Jail
4436 Calle Real
Santa Barbara, CA 93110
Phone (805) 681-4260

COURT SERVICES CIVIL OFFICES

Santa Barbara
1105 Santa Barbara Street
P.O. Box 690
Santa Barbara, CA 93102
Phone (805) 568-2900

Santa Maria
312 E. Cook Street, "O"
P.O. Box 5049
Santa Maria, CA 93456
Phone (805) 346-7430

October 5, 2012

Chief Justice Tani G. Cantil-Sakauye
Members of the Judicial Council
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688

Re: Support for New Santa Barbara Criminal Courts Building

Dear Chief Justice and Judicial Council Members:

As Sheriff of Santa Barbara County, I am writing to express my strong support of the Court Facilities Working Group's (CFWG) unanimous recommendation to allow the Santa Barbara Superior Court's new criminal courts building project to move forward.

The project has been an extremely high priority of the court's judges for many years before its need was officially identified in a Capital Facilities Master Plan adopted by the Judicial Council in September, 2003. This is an absolute priority for the Sheriff's Office since it will replace a completely obsolete and undersized holding facility located in the existing courthouse. The new project will finally resolve the dangerous conditions that presently exist within the Figueroa Courthouse holding facility.

I am aware of the presentation made by Presiding Judge Brian Hill and Court Executive Officer Gary Blair to the CFWG on September 5, 2012, which vividly and accurately describes our dangerous security situation and inadequate facilities. I am also aware of the community's concerns about the critical need for a new courthouse that will include a modern, safe, and secure holding facility for housing prisoners who are daily transported from our jail to the downtown court facilities.

A new criminal courts building is needed not only for the protection and security of the public, but also for the safety of my officers who staff the holding facility and transport in-custody defendants, as well as for the safety of the judges and court personnel who work in the courtrooms. For the record, there are eight criminal courtrooms, seven of which require my deputies to move prisoners through public hallways, corridors, and

Chief Justice Tani G. Cantil-Sakauye
Members of the Judicial Council
Judicial Council of California
Re: Support for New Santa Barbara Criminal Courts Building
October 5, 2012
Page 2

elevators – movements that place the public and staff at great risk. Furthermore, two of those courtrooms are located within the historic Courthouse, which requires deputies to escort prisoners in shackles across a busy public street.

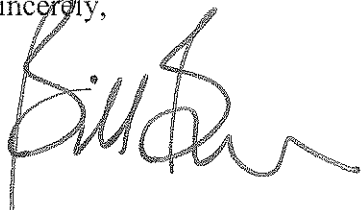
The current situation is intolerable and must be remedied. The construction of a new criminal courts building that consolidates all eight criminal courtrooms and includes a larger, modern holding facility will provide the following benefits:

- Enhanced security through secure, internal movement of prisoners within the new criminal courts building
- Elimination of the need to march shackled inmates across public streets and through large groups of tourists and members of the public
- Greater security for the public and court staff
- Adequately sized control room to better monitor prisoners and improve safety
- Improved prisoner classification and segregation within the new holding area
- Increased number and size of attorney-client interview rooms only accessible to in-custody defendants

From my perspective as Sheriff, the construction of the new criminal courts building is an urgent and unequivocal necessity. I realize that there is strong competition for the limited SB 1407 money available to court construction projects. However, I urge you and the Judicial Council to adopt the unanimous recommendation of the Court Facilities Working Group to allow the Santa Barbara Superior Court's project to move forward.

Thank you for your consideration of this essential courts building project.

Sincerely,



BILL BROWN
Sheriff – Coroner

c: Superior Court Presiding Judge Brian Hill
Court Executive Officer Gary Blair



October 18, 2012

Chief Justice Tani G. Cantil-Sakuye
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Court Interpreter Budget Allocation (Program 45.45)

Dear Chief Justice Cantil-Sakuye:

On behalf of the California Partnership to End Domestic Violence (the Partnership), I write today to express our concern regarding the Trial Court Budget Working Group's recommendation that the Judicial Council allocate a projected \$6.5 million of unspent Program 45.45 (court interpreter) appropriations to offset trial court reductions required under the Budget Act of 2012.

We recognize the difficult budget decisions that must be made and the fiscal realities facing the courts. However, we urge the Judicial Council to preserve funding for interpretation services and if the surplus is to be transferred from Program 45.45 that it be done in such a way as to utilize the funding to provide language access in domestic violence cases to ensure this vital service and protection for victims.

The Partnership is the federally recognized State Domestic Violence Coalition for California, representing over 200 organizations and individuals statewide, united in their commitment to safety and justice for victims. The Partnership believes that by sharing resources and expertise, advocates and policymakers can end domestic violence. Every day we inspire, inform and connect all those concerned with this issue, because together we're stronger.

The court system plays a critical role in keeping victims and their children safe, through such mechanisms as protection orders, divorce settlements, and custody decisions. Interpretation is an essential service and its absence has clear implications for victims' safety. If a victim's testimony cannot be shared and she cannot fully follow the court proceedings and provide clear and complete responses, the result can be denial of a protective order, failure to convict an offender, and court decisions that do not adequately take into account the safety concerns present for the victim and children.

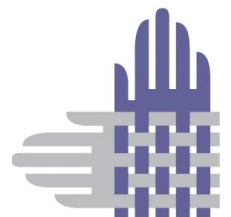
When victims access the court system, they must overcome the fear and intimidation that they have been subjected to by their abuser. Far too often, victims must also navigate the court system without a lawyer present because the high hourly costs keep legal services out of reach. This puts the victim at a disadvantage from the outset, and for Limited English Proficiency victims, this disadvantage is even greater. Language access is essential to address this situation and ensure that the victims' voices are not silenced and courts have all needed information to make the appropriate rulings.

For these reasons, we urge the Judicial Council to ensure that the projected \$6.5 million of unspent Program 45.45 appropriations are allocated in such a way as to ensure that the language access needs of domestic violence victims are met.

Sincerely,

A handwritten signature in black ink that reads "Tara Shabazz".

Tara Shabazz
Executive Director



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0017

Phone: (916) 319-2017
FAX: (916) 319-2117



October 23, 2012

The Honorable Chief Justice Cantil-Sakauye, Chair
Judicial Council of California
350 McAllister Street
San Francisco, CA 94102-4797

RE: San Joaquin Superior Court – Application for Supplemental Funding

Dear Chief Justice Cantil-Sakauye and Members of the Judicial Council:

It is my honor to write this letter of strong support for the San Joaquin Superior Court's application for supplemental funding. San Joaquin Superior Court has been severely impacted by budgetary cuts over the last few years. The requested supplemental funding would allow the court to restore much-needed services to San Joaquin County residents.

In 2011, cuts spurred the San Joaquin Superior Court to close several courtrooms in the cities of Tracy and Lodi, and 45 court employees were laid off. On August 1, 2012, 13 more court staff were laid off and small-claims court was shut down. Unavoidable budget shortfalls have now placed 20-27 more employees and the court's entire civil division at risk of elimination. The requested funds would prevent these reductions and restore the small-claims court.

In a community as economically devastated by the recession and as impacted by rising crime rates, as San Joaquin County is, the courts provide crucial legal redress for struggling local businesses and consumers, and justice for victims and the families of victims.

For these very pressing reasons, I urge your positive consideration of this worthy application. Please feel free to contact my office if you have any questions or if I can be of any assistance to you.

Sincerely,

Cathleen Galgiani
Assemblymember, 17th District

CG:mv



CITY OF STOCKTON
OFFICE OF THE CITY ATTORNEY
CITY HALL
425 NORTH EL DORADO STREET
STOCKTON, CA 95202-1997
TELEPHONE (209) 937-8333
FACSIMILE (209) 937-8898

October 16, 2012

Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: **Status of San Joaquin County Superior Court**

I write this letter to request, in the strongest terms possible, that the Judicial Council of California, along with the Governor, reconsider the drastic cuts to the San Joaquin County Superior Court budget allocation. Over the recent years, the San Joaquin County Superior Court has seen deep cuts to its budget, necessitating layoffs of over 50 of its already overworked staff resulting in massive cuts to court services and endangering the overall administration of justice in our County.

The San Joaquin County Court system has been underfunded for many years. As a result of this chronic under funding, and now with the newest round of budget cuts, further cuts to Court services appear unavoidable. In recent years, Court staff has been cut by more than 34% while at the same time the County's population has grown by more than 20%. Crime in the City of Stockton is soaring, leaving Stockton with the unenviable distinction of ranking second in the State to the City of Oakland in violent crime. Our criminal courts are severely overburdened.

Similarly, our Civil Justice System in San Joaquin County is at its breaking point. As a direct result of the Governor's most recent round of budget cuts, the San Joaquin County Superior Court recently notified the public and members of the Bar that, effective September 1, 2012, the local courts will cease hearing all new small claims matters. While the Court will, out of necessity, continue taking small claims filings and accepting filing fees, trial dates will not be scheduled, and small claims matters will not be processed unless and until sufficient funding exists to hire staff for the small claims department. Meanwhile, the Court is contemplating the necessity of closing the entire Civil Division in order to preserve funding for the Criminal Courts.

Judicial Council of California
Re: **Status of San Joaquin County Superior Court**
October 16, 2012
Page 2

This recent closure of the small claims departments in our County will have wide-spread and very real negative consequences on the ongoing administration of justice in the County and on the City of Stockton. The City of Stockton regularly utilizes the small claims forum for adjudication and collection of otherwise uncollectible debts. Over the past two years, the City has filed more than 200 small claims complaints. The vast majority of these claims, once filed in the small claims court, have been resolved with successful collection of the outstanding debt. The inability to utilize the small claims system will thus have significant negative financial impacts on the City which is already weathering the devastating impacts of a poor local and national economy.

The closure of the County's small claims court will also significantly impact the City's ability to limit its defense costs. Over the past two years, the City has been sued in the small claims court a total of 10 times. These suits, ranging from simple trip and fall claims to auto accident cases, if not filed in small claims court, could well be filed in Superior Court. These cases, along with the hundreds of others that are filed annually in San Joaquin County would overwhelm the Court and result in significant increased burden to the Court and to the litigants and all at considerably higher economic cost to the litigants and the Court.

While the City of Stockton recognizes, perhaps better than most, the very significant effects of the poor economy, it also recognizes that the effective and timely administration of justice is essential to an orderly and healthy society. It is therefore requested that the Governor and Judicial Council reexamine the State's budget priorities and ensure that the State's Court system and the San Joaquin County Superior Court specifically, have its vital funding restored and maintained.

BY _____


JOHN M LUEBBERKE
CITY ATTORNEY

JML:eg

c Mayor and Councilmembers

CITY COUNCIL

JOANNE MOUNCE, Mayor
ALAN NAKANISHI,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
PHIL KATZAKIAN

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6700 / FAX (209) 333-6807
www.lodi.gov

KONRADT BARTLAM
City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

October 24, 2012

Nancy E. Spero
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

RE: Agenda Item I – San Joaquin Court Supplemental Funding Request

Greetings,

On behalf of the City Council for the City of Lodi, I am attaching a Resolution adopted at the Regular City Council meeting on October 17, 2012, supporting the San Joaquin Court's supplemental funding request.

The San Joaquin Courts have been significantly underfunded since the consolidation of the Court system in 1997. In fact, the Courts were underfunded prior to that time which was the basis for the current funding debacle. The Judicial Council has the ability to correct this issue.

The Courts have undertaken extreme measures in order to balance their budget. This past year, they have closed three branch courts, including one in Lodi. The impact of this closure has been felt by both citizens in the entire North County of San Joaquin and the City's organization as well. As a result of the Court closure, we have seen a sharp increase in police overtime due to the need to travel to, and wait for, various court appearances. Within our City Attorney's office, we have experienced a complete shift in how we do business as we now have to travel to Stockton in order to process work that was at one time across the street from City Hall.

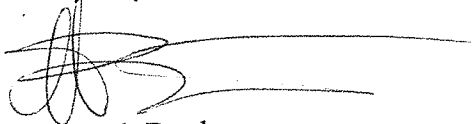
The more troubling scenario facing the Court is how they will be able to balance their current year without the funding requested. It has been relayed to me that the final Lodi Court will close unless this Council awards the full requested amount. This would be devastating to those seeking judicial assistance in our part of the County. The effects of losing the criminal casework from this court will exacerbate our already stretched Police budget. Lodi is somewhat unique in that we are the only city which has a Type-1 City Jail. This facility provides enumerable benefits to the organization, the County and the citizens of this community. Our costs for transport of prisoners alone will equal two sworn officers. These are officers that are currently patrolling City streets. We do not have the ability to simply add bodies to fill this need.

I understand that the recommendation that the Council has received will likely restore \$442,000 that was withheld from the Court as part of the State's budget plan. This is simply not enough. I understand that this recommendation is following policy that has been established by the Council. This policy must be changed or waived for this circumstance. The two options the Council can take that were not presented in your report include the distribution of \$442,000 pursuant to your policy with the additional \$1,768,000 in funding after November 1, 2012. The second option is to just recognize the injustice of the funding scheme altogether and grant the full request now. If the Council has the opportunity to set policy, they can certainly change it.

Finally, it appears to me the argument is more convoluted as the funds needed are available. I'm in the business of balancing budgets. I would understand the Council's reticence to amend your policy if there were more requests than funds available, but that is not the situation.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to be 'K. Bartlam', with a horizontal line extending to the right across the signature.

Konradt Bartlam
City Manager

Attachment: Resolution No. 2012-168

A RESOLUTION OF THE LODI CITY COUNCIL
SUPPORTING THE SAN JOAQUIN SUPERIOR
COURT'S REQUEST FOR ADDITIONAL
FUNDING FROM THE JUDICIAL COUNCIL

=====

WHEREAS, in 1997, the County Court system was transferred to the State, the prime reason for doing this was to create some equality between counties for funding; and

WHEREAS, San Joaquin County courts have historically been underfunded and the shift to State control has not corrected this issue; and

WHEREAS, the court system has suffered from the economic downturn as have other branches of State government. Even with an additional \$1 million emergency funding last year, the City of Lodi saw the closing of one of Lodi's branch courts and all of the Tracy courts; and

WHEREAS, the San Joaquin Superior Court is once again seeking emergency funding in order to continue with the limited services that are currently offered, and without the additional funding it is likely that the remaining Lodi branch court as well as the branch courts in Manteca will close; and

WHEREAS, this will not only impact the entire north county for access to the court system, but will cost the City of Lodi significant money by having to shift more resources to courts in Stockton as well as the County jail; and

WHEREAS, the Judicial Council is scheduled to meet on October 25, 2012 to consider the request for additional funding for the San Joaquin Superior Court system.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby support the San Joaquin Superior Court's request for additional funding from the Judicial Council in order to keep the limited court services available to the public.

Date: October 17, 2012

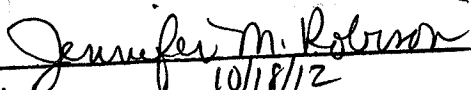
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I hereby certify that Resolution No. 2012-168 was passed and adopted by the Lodi City Council in a regular meeting held October 17, 2012, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi, and Mayor Mounce
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.
Jennifer M. Robison
Assistant City Clerk, City of Lodi


RANDI JOHL
City Clerk

By: 
Dated: 10/18/12

LAW OFFICES OF
BARBARA A. KAUFFMAN

204 West Lake Street, Suite D
MOUNT SHASTA, CALIFORNIA 96067
Telephone: (530) 926-3700
Facsimile: (888) 283-1951
E-Mail: bkfamlaw@sbcglobal.net

October 24, 2012

Chief Justice Tani G. Cantil-Sakauye
Members of the Judicial Council
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Information Item 3: September 6, 2012 “Family Law: Retention of Working Files of Court-Employed Child Custody Mediators” Report by the Family and Juvenile Law Advisory Committee

Dear Chief Justice and Judicial Council Members:

My name is Barbara Kauffman and I am a family law attorney/litigator.

In this letter I will be referring to the “working files and notes” of court-employed child custody mediators who make custody and visitation recommendations to trial courts as “**child custody evidence**” because that is what parents and litigators consider those working files and notes to be. Whether or not that **child custody evidence** presently falls within the technical definition of “court records”, that **child custody evidence** is a) routinely collected, recorded and relied upon by court mediators in establishing a basis for life-altering custody/visitation recommendations made to the parents and trial court; and b) routinely subpoenaed and relied upon by parents and attorneys seeking to support or challenge life-altering Family Court Services (hereafter “FCS”) custody/visitation recommendations.

Those of us who practice family law know that FCS custody/visitation recommendations are at worst rubber-stamped, and at best given a great deal of weight, by trial court judges. This is so although often FCS mediators make recommendations in complex custody cases (including cases involving multiple children, blended families, special needs of parties and children, concerns about domestic violence, mental illness, substance abuse, neglect, and more) after only one or two hours of parental interviews from which attorneys are excluded, and before one parent has had the opportunity to digest and properly prepare a response to child custody pleadings filed by the other parent. A parent who “fails” to present well and effectively defend against often exaggerated or false allegations in a one or two hour mediation session may well face a custody recommendation that he or she should lose physical or legal custody, or even be relegated to supervised visitation with his or her child. In that situation, it is up to the “losing” parent to convince the court that the mediation recommendation is, in a word, wrong. A parent or attorney facing this situation is obliged to subpoena the recommending mediator and the **child**

custody evidence in the mediation working file, to establish what the mediator did or did not do, and what information the mediator did or did not have available in crafting the mediation recommendation. That is a heavy burden, indeed, and the stakes – the right to enjoy and care for a child, and the health, education, safety and welfare of that child -- are very, very high.

By way of background, in mid-2010 I requested that Chief Justice Ron George investigate the 2009 destruction of Marin County Family Court Services **child custody evidence** by Judicial Councilmember/Marin Court Executive Officer Kim Turner. That request resulted in Administrative Office of the Courts (hereafter “AOC”) employee John Judnick’s August 2010 audit report entitled: *Superior Court of California, County of Marin, Investigation Report: Destruction of Family Court Mediator Working Files*. Mr. Judnick’s report revealed that Judicial Councilmember Turner’s sudden Marin Family Court Services **child custody evidence** destruction was undertaken with the legal blessing of the AOC Office of General Counsel (hereafter “OGC”). Further, that sudden destruction was effected during a pending investigation of Marin Family Court Services by the Board of State Auditors, while the AOC and Turner were blocking BSA access to Marin Family Court Services files and employees.

I have previously expressed my detailed concerns and follow-up questions about the scope, nature, propriety and foreseeable results of Mr. Judnick’s August 2010 report to Justice Cantil-Sakauye in a letter dated October 28, 2010, and to OGC senior counsel Mary Roberts in a letter dated November 1, 2010.

Ms. Roberts responded to my November 1, 2010 letter, in pertinent part, as follows:
follows:

“Your request that the Judicial Council provide “official legal opinions” on the issues set forth in your letter dated November 1, 2010, is declined.”

“At its October 29, 2010, meeting, the Judicial Council’s action with respect to the Superior Court of Marin County Audit Report was to accept the report—such action being the last step to finalize the report, which is then posted on the California Courts public website (www.courtinfo.ca.gov)—and also to refer to the council’s Family and Juvenile Law Advisory Committee the policy issue regarding court practices concerning retention of family law mediators’ files and notes, with reporting back to the council on the committee’s recommendations.”

After two long years, the Family and Juvenile Law Advisory Committee has completed and is now presenting its September 6, 2012 Report to the Judicial Council entitled “*Family Law: Retention of Working Files of Court-Employed Child Custody Mediators*” (hereafter referred to as the “FJLAC report”).

Although Mr. Judnick is neither an attorney nor, as an AOC employee, an impartial investigator of what many consider to be egregious behavior by AOC attorneys and Judicial Councilmember Kim Turner, the limited factual and legal investigation, analysis and conclusions set forth in Mr. Judnick’s August, 2010 Marin County report were clearly reviewed and relied

upon by the Family and Juvenile Law Advisory Committee. The FJLAC report specifically refers to portions of Mr. Judnick's report, including the following found on page 2 of his report:

Mediation working files, including handwritten or typed notes, are used to produce the mediator's report to the court and are not included in official case files or records of the court. Once the report is submitted to the court it is considered a court record as it contains any and all of the information considered necessary by the mediator for the court to reach a decision. Local court policies and procedures would control the retention periods of the documents contained in the mediator working files after the mediator report is submitted to the court by the mediator. CRC 10.610, a duty of the court executive officer is to "create and manage uniform record-keeping systems, . . . , as required by the court and the Judicial Council." As such the court executive could determine that the files and notes should be destroyed after completion of the mediator report to the court.

Interestingly, the FJLAC report does not quote the last two sentences of the above paragraph, which a) refer to CRC 10.610; b) acknowledge that CRC 10.610 requires court executive officers to create and manage uniform record keeping systems; and c) acknowledge that those systems should be kept "as required by the court and the Judicial Council".

The FJLAC report essentially suggests that because the legislature has not enacted specific legislation requiring the retention of FCS child custody mediation working files until a child reaches the age of 18 as it did 20 years ago with respect to conciliation court child custody mediation files via Family Code section 1819, each of the 58 counties should be able to retain or destroy FCS **child custody evidence** necessary to support or defend against FCS recommendations as each county sees fit. It further suggests that the job of deciding whether and how and how long to retain FCS **child custody evidence** necessary to support or defend against FCS recommendations may properly fall on virtually anyone-- individual mediators, FCS directors, court management, executive committees, judges, administrators, or a combination thereof. It suggests that it is perfectly fine to keep **child custody evidence** until the youngest child subject of a family law case turns 18, as "most" courts presently do, and as is logically consistent with Family Code section 1819; or, conversely, it is also fine to engage in the sudden and wholesale destruction of FCS **child custody evidence** necessary to defend against a FCS recommendation even well before a case has been taken to trial and the mediation report is accepted into evidence, as Marin County did in 2009 when the BSA audit was pending.

In 2010 I provided two transcript excerpts to Chief Justice Ron George and Justice Cantil-Sakauye with respect to the 2009 Marin child custody evidence destruction. One transcript revealed that a child who had repeatedly returned home from visits with his father with bruises reported to the recommending mediator that his father hit him, "sometimes for fun and sometimes he means it", but the mediator neither asked the father if that was true, nor included that information in her report. The boy's report was reflected in the mediation notes—and those notes were destroyed in the 2009 wholesale Marin child custody evidence shredding. That child was ultimately placed in the sole custody of the father based on a mediation recommendation. As a young teen the boy began to physically abuse both his mother and his girlfriend.

The second transcript revealed what happens when a mediator is deprived of his or her file prior to trial. The child custody mediator who blew the whistle on Kim Turner's child

custody evidence destruction during cross examination did not have her mediation file and notes, and could not remember key details about the case, including basics such as which parent had filed the motion about which she had made a recommendation.

Those are just two examples from Marin County of the importance of FCS working files. In a third Marin case, the notes in the mediation file revealed that minor's counsel had actually instructed the FCS mediator as to *how to write her report*. Pursuant to Family Code section 216, mediators are prohibited from having ex parte contact with minor's counsel except in very limited circumstances, and there is no authority for minor's counsel telling a mediator how to write a recommendation.

The FJLAC report recommends that the Judicial Council take no action at all to ensure that Family Court Services **child custody evidence** gathered in accordance with law and Judicial Council mediation standards of practice is preserved in a uniform manner and available to parents to defend against FCS child custody/visitation recommendations. The FJLAC report indicates that it is too expensive and cumbersome to store such child custody evidence.

With all due respect, this is patently ridiculous, and is contrary to the Constitutional and statutory duties and authority of the Judicial Council.

I have rarely seen an FCS mediation working file – even in decades-long highly contentious cases—that exceeds one box. How much does it cost to store one box or far less? And does that cost outweigh the value of a child's safety, a mediator's ability to properly do his or her job, a parent's due process rights, or a judge's ability to make a proper custody order? Of course not.

Article VI, section 6 of the California Constitution requires the council to improve the administration of justice by doing the following:

- (1) Surveying judicial business;
- (2) Making recommendations to the courts;
- (3) Making annual recommendations to the Governor and the Legislature;
- (4) Adopting rules for court administration and rules of practice and procedure that are not inconsistent with statute; and
- (5) Performing other functions prescribed by statute.

Family Code section 211 provides that “notwithstanding any other provision of law, the Judicial Council may provide by rule for the practice and procedure in proceedings under this code”.

Family Code section 3162(a) requires that “mediation of cases involving custody and visitation concerning children shall be governed by uniform standards of practice adopted by the judicial council”.

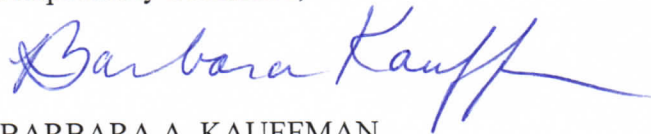
The standards of practice for mediators are contained in CRC 5.210 and 5.215.

Those standards of practice require that mediators know and follow specified laws and procedures, and require ethical, balanced, unbiased and accurate information gathering and reporting of the relevant facts. Those procedures include review of the court files, interviews with the parents, and in many cases interviews with children, caregivers, therapists, law enforcement personnel, teachers, medical providers, family members, and Child Protective Services. The underlying **child custody evidence** reflecting what the mediator has done or not done, and what the parents and collateral sources have reported in connection with a mediation recommendation, is collected and kept NOT in the official court file, but rather in the mediation “working files and notes”.

The Chief Justice and the Judicial Council are seasoned judges, litigators and administrators who well understand the importance of the type of child custody evidence referenced herein to a parent or attorney tasked with challenging official FCS mediation recommendations.

This Council will be endangering children, inhibiting the ability of FCS mediators to properly do their jobs, and destroying the due process rights of parents, if it abdicates its responsibility to take appropriate steps to ensure that child custody evidence and information gathered by FCS mediators statewide is preserved in a uniform, reliable manner, and kept available for as long as a child custody matter remains open, which is typically until a child turns 18. This is consistent with Family Code section 1819, and by the FJLAC report’s own admission, this is the practice of most of the courts of this state.

Respectfully Submitted,



BARBARA A. KAUFFMAN



October 20, 2012

Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: San Joaquin Superior Court Funding

Dear Members of the Judicial Council:

Campaign for Common Ground is a non-profit, community based organization that promotes public education and discourse on matters affecting the residents of San Joaquin County. To that end, we write in support of San Joaquin County Superior Court's request for emergency funding to be considered by you for your October 25 – 26, 2012 meeting. In particular, we understand that appropriate funding would restore San Joaquin's small claims court, which is much used by our small businesses and many small landlords and tenants. The temporary closing of small claims court in San Joaquin County has made it even more difficult to do business here, as we try to climb out of our very recessionary economy.

We respectfully urge you, as the economy recovers, to find a solution to the persistent underfunding of San Joaquin's trial court. Public safety and welfare require that all California's counties have properly-funded and fully-functioning trial courts. We appreciate that other branches of California's government have contributed to San Joaquin's lack of funding, but we also find it surprising that a body charged with appropriately funding all the state's trial courts would be satisfied to continuously underfund any of them, as seems to be the case in San Joaquin County.

Thank you for your attention to this request.

Very truly yours,

Eric Parfrey, Chair
Campaign for Common Ground
parfrey@sbcglobal.net

October 23, 2012

Attention: Nancy E. Spero

Regarding: Court Employed Child Custody Mediators' Working Files

My name is Emily Gallup, and I am a former Nevada County Family Court Mediator. Our department had a long-standing policy of shredding all mediation files after two years. In the fall of 2010, the director of our department ordered us to begin destroying additional family court records. The director was acting at the behest of the court's CEO, Sean Metroka. After Metroka learned of the Marin County Family Court audit, he instructed Smith to purge our mediation [working] files of any information that was not contained in the court file.

All of our hand-written notes were systematically shredded. These notes included interviews with children and collateral sources, such as CPS, law enforcement, medical providers, and educators. The information contained in the hand-written notes was not the same as what went into the official legal file. This disparity is sometimes necessary because mediators need to convey information to the court and to parents in constructive [edited] ways. If a child confided in interview that "I hate my stepdad," for example, it would be counterproductive to use that language in a status report. Similarly, if a child's teacher told me she had smelled alcohol on a parent, I would raise the issue in a way that would not destroy the parent-teacher relationship.

All of our internal "Chronology Logs" were also destroyed. The logs contained unofficial background information on everything from "father prefers to be called Bud" to "mother became belligerent after father mentioned his new girlfriend." Remembering these details helped parents feel like people instead of widgets. Our logs also helped ease the family's transition when they were transferred from one mediator to another: parents didn't feel like they had to rehash their story from the beginning each time they came into mediation.

I hope that the Judicial Council will intervene to protect mediators' working files. Mediation files should be preserved in their entirety until each child in the family has reached the age of majority. There is no reason that courts should be permitted to destroy evidence of any sort.

Please contact me if there is any additional information I can provide.

Sincerely,

Emily Gallup, MFT

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California State Senate

SENATOR
LOIS WOLK

FIFTH SENATE DISTRICT



CHAIR
GOVERNANCE & FINANCE

COMMITTEES
AGRICULTURE
BUDGET & FISCAL REVIEW
HEALTH
NATURAL RESOURCES & WATER

SUBCOMMITTEES
AGING & LONG TERM CARE
BUDGET SUBCOMMITTEE NO. 5 ON
CORRECTIONS, PUBLIC SAFETY &
THE JUDICIARY

OLIVE OIL PRODUCTION &
EMERGING PRODUCTS

SELECT COMMITTEES
DELTA STEWARDSHIP &
SUSTAINABILITY, CHAIR
AUTISM & RELATED DISORDERS
BIOTECHNOLOGY-NEW JOBS FOR
A HEALTHY ECONOMY
CALIFORNIA'S WINE INDUSTRY
DELTA CONSERVATION,
CONVEYANCE & GOVERNANCE
EXCELLENCE & INNOVATION
IN STATE GOVERNMENT
GREEN JOBS, SOLAR, WIND &
CLEAN TECHNOLOGIES

JOINT COMMITTEES
FAIRS, ALLOCATION &
CLASSIFICATION
LEGISLATIVE AUDIT
LEGISLATIVE BUDGET

October 24, 2012

Chief Justice Cantil-Sakauye
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

AOC Director Honorable Steven Jahr
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Dear Chief Justice Cantil-Sakauye and Judge Jahr:

I am writing today in support of the San Joaquin County Superior Court's application to the Judicial Council for emergency funding.

San Joaquin County has one of the most under-funded superior courts in California, and as such has been forced to sharply reduce staffing, hours of operation, and courtroom availability over the last several years. The Court has even resorted to eliminating small claims cases in an attempt to cope with a lack of funds. Despite their best efforts, the San Joaquin Superior Court judges and staff have been stretched too thin to properly serve the residents of San Joaquin County.

I urge you to consider providing emergency funding for the San Joaquin County Superior Court so that it can continue to administer justice for all those it serves. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Lois Wolk".

Lois Wolk
Senator, 5th District

LW:mi

Superior Court of California County of Marin

KIM TURNER
Court Executive Officer



Hall of Justice
3501 Civic Center Drive, Room 116
P.O. Box 4988
San Rafael, CA 94913-4988
(415) 444-7020

October 25, 2012

Chief Justice Tani Cantil Sakauye
Members of the Judicial Council
Administrative Office of the Courts
William Vickrey Conference Center
455 Golden Gate Avenue
San Francisco, CA 94102

RE: PUBLIC COMMENT: Judicial Council Agenda Item H – State Trial Court Improvement and Modernization Fund Allocations: Statewide Programs and Projects

Dear Chief Justice and Judicial Council Members,

I regret that I am unable to make this presentation to you in person and respectfully request that you review and consider the perspective provided herein when making the critical allocation decisions pertaining to the Improvement and Modernization Fund (IMF) at today's Judicial Council Business Meeting. As a former Judicial Council member, I am painfully aware of the difficult task before this council to allocate insufficient dollars to numerous critical programs that support the delivery of justice services in California and, in some cases, to entirely defund worthy programs that have demonstrated and supported a strategic vision of improved access to justice for all Californians.

I request your consideration today in two broad areas of the allocation recommendations submitted to the council by the Trial Court Budget Working Group (TCBWG). I urge you to revisit the recommendations that would sustain full funding of the Complex Civil Litigation Program, an 11 year old pilot program that benefits six large and medium-large trial courts, while programs supporting public access and self-represented litigants have sustained significant reductions in fiscal year 2011/12 and are now before this council facing additional reductions today. These public access and self-help programs benefit all Californians, and particularly those who have nearly insurmountable challenges in their ability to access justice services.

Without question, the Complex Civil Litigation Program creates the opportunity for attorneys and litigants in these cases to proceed to resolution in an efficient manner. However, in 2011 a subcommittee of TCBWG identified significant concerns about the oversight of the program and requested that these

concerns be addressed before it came to TCBWG for a funding recommendation again. The Complex Civil Litigation Program has been maintained in “pilot” status for more than a decade, is available only to six trial courts, has never been “reopened” to invite participation by additional courts, and, most importantly, the filing data suggest that several trial courts have higher numbers of complex civil filings than some of the pilot courts, yet these courts receive no special funding to handle this workload. Moreover, the funding methodology is not comprehensible, in that the allocation amounts per judicial department vary drastically among the participating courts (from approximately \$150,000 per department in one court to approximately \$400,000 per department in another court.) For these reasons, this program was ripe for a full review and analysis. This review did not occur, but TCBWG has recommended no reduction to the program and to fund it in the amount of \$4,001,010.

Conversely, virtually every IMF-funded program pertaining to public access and self-represented litigants has experienced substantial reductions in funding over the last two years. Self-represented Litigants Statewide Support provides support to all courts to assist them in efficiently maintaining and staffing their self-help centers. Public Education and Outreach funds federal Justice Corps programs in four trial courts. Quality of Justice and Services to the Public: Trial Court Web Resources provides website improvements and content management for trial courts, which is of critical importance to the public. If this council adopts the recommendations of the TCBWG today, the two-year impact on these programs will be as follows:

IMF PROGRAMS	BASE ALLOCATION IN FY 2011/12	TCBWG RECOMMENDATION FOR FY 2012/13	FUNDING PERCENTAGE REDUCTION OVER TWO YEARS
Complex Civil Litigation Program	\$4,001,010	\$4,001,010	0%
Self-Represented Litigants Statewide Support	\$300,000	\$100,000	(66%)
Public Education and Outreach	\$511,000	\$277,000	(46%)
Quality of Justice and Services to the Public: Trial Court Web Resources	\$260,000	\$0	(100%)

The Judicial Council of California has championed the cause of access to justice in its strategic plan, its mission statement and its longstanding commitment to development of programs to support access to justice for those who are most vulnerable and who live at the margins of our society. Now is the time to demonstrate that commitment by restoring funding to the worthy initiatives above by allocating a modest reduction to the Complex Civil Litigation Program. To fully restore funding to these programs to the base allocation level would require \$694,000, a 17% reduction to Complex Civil Litigation. Such a reduction to Complex Civil Litigation would still be less substantial than the reductions taken by many other worthy programs, for which I am not advocating today, that benefit a greater percentage of the trial courts and the public they serve.

During this unprecedented and catastrophic fiscal crisis, the Judicial Branch has made a compelling case to the Governor, the Legislature and the public that the courts are committed to remaining open and available to individuals who depend on the justice system to protect them from harm and help them assert their legal rights. Now is the time to demonstrate this commitment by restoring a

small amount of funding to programs that serve hundreds of thousands of Californians each year for whom a lack of such services is particularly poignant in that individuals with acknowledged barriers to the legal system often face life altering challenges when housing, personal safety and the fabric of family life is at risk. A legal misstep in any of these areas can result in vulnerability and uncertainty for those living with no safety net.

The Judicial Council's mission was founded on the principle that in a humane and democratic society, there exists a moral imperative that all members of the society are afforded equal access to justice and equal treatment under the law. Protection of these vital programs buttresses the Branch's argument to the Legislature about the value we place on the ideal of public access. Now is the time to renew commitment to this principle by restoring funding to these programs.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Turner", with a long horizontal flourish extending to the right.

Kim Turner

October 24, 2012

Attention: Ms. Nancy E. Spero

RE: Court-Employed Child Custody Mediators' Working Files

Dear Chief Justice and this honorable Judicial Council,

My name is Alan Ernesto Phillips, I reside in Shasta County. I currently serve as the elected Chairman of the Board of Directors of the Northern Hispanic Latino Coalition. It may be noteworthy that I have also served our great state for the past 13 years as a parenting educator to mainstream, at-risk and court-mandated parents; I served the Shasta County Juvenile Justice Center for seven years as an at-risk and first-time offender group counselor; I have served the Shasta Interagency Narcotics Task Force with distinction that earned me a Commendation from the state Attorney General for my work in 2005 educating California's Latino parents on how to combat Latino Gang and Drug activities.

But more important than all the other accolades related to my contributions, I have been an even better, loving father and dad of a now 16-year old daughter

River Brewster Phillips, who was abducted 594 days ago with no contact allowed, and as a loving committed father to a wonderful 10-year old daughter Iliana Phillips, who **is excelling in school and primarily lives with me.**

In my many years of professional service I have also found myself lost in the bigness of the Family Law System - under questionable practices of arrogant, intimidating mediators, a mentally-questionable, 19-year-veteran, retired, “Assigned judge” as well as what I find as “bureau-dumping” of my respectful complaints within the previous AOC. Issues, I contend are related to the importance of retaining records and notes by Family Court Services.

Now, I am grateful for this opportunity and am speaking in support of retaining mediation records and notes until majority. As an outspoken and published court reform advocate for several years, I wish to go on the record today by thanking the Honorable Stephen Baker whose neutrality and child-focused decisions were originally meant to *help* my oldest daughter River. I wish to also commend the Honorable Stephen Jahr for his child-focused handling of a family law matter that was originally meant to help my youngest daughter, Iliana. I want to look into your eyes

today gentlemen and give you my deepest gratitude for what you hoped and ruled might have helped my children.

When my oldest daughter River was removed from our family on March 17, 2011 after a frightening 20-minute so-called “triage” in a dark courthouse hallway, and after a subsequent five minute nightmare ruling under a fumbling judge, our world was turned upside-down as my daughter was removed from us - with no contact allowed. There was no regard for the careful controls set up by Judge Baker, no access to previous mediation records that clearly evidenced our daughter River had a very long history of failing and truancy while under her mother’s care.

There were No charges of neglect, and no abuse. Just a unilateral, cursory examination, another quickie, 17-minute so-called “formal mediation” session, the court chose to rule upon opinions of court-appointees rather than even reading clear and convincing contrary evidences. All, in clear disregard to the CRCs for Mediators and Therapists under 5.210. **As a direct outcome: Our daughter, River, went from a consistent Honor Roll student in a 50/50 shared custody, *instantly* down to a truant, failing, at-risk youth. And she**

has stayed consistently in that preventable outcome to date.

When it comes to the lives of children, proper records can be a powerful ally in keeping litigants, and court professionals, on an even, ethical playing field while protecting due process, and sustaining the healthiest decisions for our children.

I have asserted and proven in declaration after declaration for over two years that an “irregular” Shasta County mediator/Executive Director and a mentally-failing “assigned judge” are without oversight and select their own facts. I believe, in a systematic retaliation. To date there are no protections nor remedy for the harm that has befallen my children by these PREJUDGING officers of the court.

IF, an “irregular” mediator or supervisor chooses to make a life altering recommendation to the court, only to choose destruction of the supporting documents thereafter, due process and the possibility to right wrongdoing and errors will be lost. The selective destruction of a rich history of information, possibly helpful for other children of unfortunate circumstances, disappears.

In closing, it is probably too late now to help my oldest daughter River out of an at-risk, downward spiral as she goes into the passageway of adulthood. It is probably too late for critical sibling bonding to take place between my beloved daughters. There has been no PERMANENCE in our lives for years.

It seems to me this esteemed body has had two years to make a decision, to not to decide nor take action on a significantly important policy. As a lay, tax-payer I am troubled by that thought. As a heartbroken father of an illegally abducted daughter I am outraged.

I used to believe in the chance at justice for my children... but, your court-appointed mediators, retired-judges; court-appointed therapists, court-appointed GALs, AOC and inept clerks have all have attacked my kids, bringing them lasting harm - and you can bank on my civility. But I wonder what you would do if you were in my shoes?

BUT, it is not too late, to take action, today. In the depths of my despair I

urgently request this powerful group of greater minds to take real steps and abolish mediation as a requirement of the family law process. It fails too many kids when they have so much power to select their own facts AND destroy evidence. If you truly want to save funds abolish the assigned judges program as it is. In the least, I respectfully urge that you expeditiously enact uniform practices of mediation records retention until majority.

Respectfully submitted,

Alan Ernesto Phillips

11342 Puffin Way

Redding CA 96003

530/242/1741

County of Placer Board of Supervisors

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JACK DURAN
District 1

ROBERT M. WEYGANDT
District 2

JIM HOLMES
District 3

KIRK UHLER
District 4

JENNIFER MONTGOMERY
District 5



October 24, 2012

The Court Facilities Working Group and,
The Judicial Council and,
Jody Patel, Administrative Office of the Courts

From: Placer County Supervisors Jennifer Montgomery and Jack Duran

Dear Sirs and Madams,

Please accept this letter as our formal request that the Court Facilities Working Group (CFWG) and the Judicial Council (JC) reconsider their decision to “indefinitely delay” the purchase of property in the Tahoe City area of Placer County for a new State Courthouse.

Property values in the Tahoe Basin will never again be as low as they are now—a \$1.5 million dollar purchase price for the proposed site is frankly a bargain basement price. Additionally, the purchase of the land does not obligate the Administrative Office of the Courts (AOC) to construction of the facility at any time in the near future—it merely acquires the land at an extremely reasonable cost to hold until such time at the State budget has recovered enough to fund construction.

Perhaps, lost in the discussion of constructing a court facility, is the fact that this is a revenue generating property and that income will help offset the costs associated with the land purchase. According to one of the owners of the parcels, at the present time, the total monthly rents for the office building on the lot on the east side of Lake Forest and Highway 28, are in the \$3,000.00 per month range and that pre-recession, the rents were in the \$10,000.00 per month range.

An additional point for our request for reconsideration is that the Tahoe Area Courthouse was ranked fifth overall in terms of need in the Trial Court Capital Outlay Plan as approved by the Judicial Council. This high-priority ranking was based on the Judicial Council approved criteria and as applied by the AOC and its consultants. The determination that the Tahoe Area Courthouse was one of the most needed courthouse projects was the result of many months of study and based upon the application of well-determined criteria. The need for a replacement courthouse facility at Tahoe has not changed and is readily apparent to all members of the public, court employees and attorneys who must continue to use the existing inadequate and security-plagued structure. We believe it is important not to disregard the previous hard work and analysis of the AOC, the Executive and Planning Committee and the Judicial Council.

We would also like to address several concerns that were expressed at the last meeting of the CFWG.

Cost Concerns

A concern was expressed that at \$22.5 million the project is too expensive. We agree and do not believe that the estimate is an accurate reflection of true costs. While it is true that building costs in the Tahoe Basin will always be substantially higher than in the Sacramento Valley due to specialized requirements and regulations, we do not believe the professionals at the Office of Court Construction and Management (OCCM) have had an opportunity to develop a feasible and reasonable alternative budget that still meets the court’s needs. As a comparison, a recently constructed Fire Station of Twenty-two (22) thousand (plus) square feet in Tahoe City was completed for just under \$9 million dollars.

TRPA Restrictions

It was suggested that the proposed site may have too many restrictions placed on it by the Tahoe Regional Planning Agency (TRPA). The Tahoe Regional Planning Agency is an operating agency formed by an interstate compact between the States of California and Nevada, as approved by Congress. Its primary purpose is to safeguard the environmentally sensitive area within this region of the Sierras. Properties subject to TRPA regulation have specific allowances for land coverage. The proposed site has very favorable land coverage potential--in other words, the restrictions on the proposed site are not significant when compared to other parcels in the Tahoe Basin and can we are confident that your project can be constructed within TRPA’s regulations and limitations.

To recap, we believe it would be financially prudent to recommend site acquisition for the Tahoe Courthouse construction to proceed, recognizing that construction may not occur until further funding becomes available. Site acquisition is possible now at a favorable market price, with a willing seller. There is virtually no downside to proceeding with the purchase of the current proposed site as it has an existing office building with tenants. Thus, even if construction did not occur for some period of time, this is an income-generating property. We respectfully suggest that there is a golden opportunity to at least acquire the property that may be lost if not acted upon.

From Placer County’s perspective, we support this acquisition since the proposed site is only ¼ mile from the Placer County Sheriff’s Substation. We have already met with the local community and there is no known opposition to the current site – indeed, the community and its leaders embrace this project and the safety and access to justice it will provide.

We submit that site acquisition, as suggested above, is a responsible and cost efficient way to keep the project on track, without significant financial risk. We ask for your reconsideration and that the CFWG recommend that the Tahoe Courthouse Project be removed from the “indefinite delay” status for the limited purpose of allowing site acquisition to proceed. In making this suggestion, we thus recognize that construction of a new Tahoe Courthouse – with the fifth highest priority ranking in terms of need – will not be built until funding sources return. Thank you for your consideration.

Sincerely,



Jennifer Montgomery
5th District Supervisor



Jack Duran
1st District Supervisor