



JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.6(a))

Judicial Council of California • Sacramento Offices

2860 Gateway Oaks Drive, Suite 400 • Sacramento, California 95833

Thursday, February 19, 2015 • 9:30 a.m.–2:50 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support. For recent postings of hyperlinked reports, please check the agenda at <http://www.courts.ca.gov/28690.htm>.

THURSDAY, FEBRUARY 19, 2015, AGENDA

CLOSED SESSION (RULE 10.6(b))—PERSONNEL AND OTHER CONFIDENTIAL MATTERS

Session **9:30–10:10 a.m.**

Transitional Break **10:10–10:20 a.m. (approx.)**

NOTE: Time is estimated. Actual start and end times may vary.

OPEN SESSION (RULE 10.6(a))—MEETING AGENDA

10:20–10:30 a.m. Swearing in of New Council Member
The Chief Justice will administer the oath of office to a new council member.

10:30–10:35 a.m. [Approval of Minutes](#)
Approve minutes of the January 22, 2015, Judicial Council meeting.

10:35–10:45 a.m. Chief Justice’s Report
Chief Justice Tani G. Cantil-Sakauye will report.

10:45–10:55 a.m. [Administrative Director’s Report](#)
Mr. Martin Hoshino, Administrative Director, will report.

10:55–11:25 a.m. Public Comment
The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council’s understanding of the issues coming before it.

Please see our [public comment procedures](#).

- 1) Submit advance requests to speak by **4:00 p.m., Tuesday, February 17, 2015**.
- 2) Submit written comments for this meeting by **1:00 p.m. on Wednesday, February 18, 2015**.

Contact information for advance requests to speak, written comments, and questions:

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

Break 11:25–11:40 a.m. (approx.)

CONSENT AGENDA (ITEMS A1–A3 THROUGH G)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.

ITEMS A1–A3 RULES AND FORMS

Criminal Jury Instructions

Item A1 [Jury Instructions: Revisions to Criminal Jury Instructions \(Action Required\)](#)

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions* (CALCRIM). These changes will keep CALCRIM current with statutory and case authority.

Hon. Sandy R. Kriegler, Chair, Advisory Committee on Criminal Jury Instructions

Ms. Robin S. Seeley, Legal Services

Civil and Small Claims

Item A2 [Fee Waivers: Change in Federal Poverty Guidelines, Revisions to Application Form, and Specific Fees Included in Waivers \(Action Required\)](#)

The Civil and Small Claims Advisory Committee recommends modifying the *Request to Waive Court Fees* (form FW-001) effective March 1, 2015, to reflect the 2015 increase to the federal poverty guidelines and at the same time make other clarifying changes to the form. In addition, the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee jointly recommend amendments to the rules that list the court fees that must be waived as part of an initial fee waiver and those that may be waived at the court's discretion. The Appellate Advisory Committee recommends amending these rules to consolidate the list of mandatorily waived fees in one rule and to also list the new \$50 fee for the court to hold in trust funds deposited to pay court reporters for a transcript. The Civil and Small Claims Advisory Committee recommends further rule amendments to reflect recent changes in law that mandates that any fees charged for the court's cost for court reporting services and assessments for court investigation under certain provisions of the Probate Code be included in a waiver. Several fee waiver forms and information sheets would be revised to reflect these changes.

Hon. Patricia M. Lucas, Chair, Civil and Small Claims Advisory Committee

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Ms. Anne M. Ronan, Legal Services

Family and Juvenile Law

Item A3 [Judicial Council Form: Update to Federal Poverty Guidelines \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee recommends revising one Judicial Council form, *Financial Declaration—Juvenile Dependency* (form JV-132), containing figures based on the federal poverty guidelines to reflect the updates to those guidelines recently published by the federal government.

Hon. Jerilyn L. Borack and Hon. Mark A. Juhas, Cochairs, Family and Juvenile Law Advisory Committee

Mr. Corby Sturges, Center for Families, Children and the Courts

Item B [Judicial Branch Administration: Audit Report for Judicial Council Acceptance \(Action Required\)](#)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and Judicial Council staff recommend that the Judicial Council accept the audit report that pertains to the Superior Court of Madera County. This acceptance complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Mr. John A. Judnick, Audit Services

Item C [Judicial Branch Administration: Audit Report for Judicial Council Acceptance \(Action Required\)](#) **MOVED TO DISCUSSION AGENDA**

Item D [Judicial Branch Education: Report to the Legislature on Compliance with Welfare and Institutions Code Section 304.7 \(Action Required\)](#)

The Judicial Council's Center for Judiciary Education and Research recommends that the council review and approve the attached report to be submitted to the Legislature on the compliance by judges, commissioners, and referees with the education requirements of Welfare and Institutions Code section 304.7.

Dr. Diane E. Cowdrey, Center for Judiciary Education and Research

Item E [Judicial Council Report to the Legislature: Status Update of Judicial Branch Courthouse Construction Program for Fiscal Year 2014–2015 \(Action Required\)](#)

The Judicial Council Capital Program recommends approving the status update of the judicial branch courthouse construction program for fiscal year 2014–2015 for submission to the Legislature. This report also indicates that actual fiscal year end revenues and expenditures of the construction program’s Immediate and Critical Needs Account will be made available this fall, as a change is being requested to the Legislature’s annual submission deadline so it aligns with when these figures become available. The annual submission of this report is required under Government Code section 70371.8.

Mr. Curtis L. Child, Chief Operating Officer

Mr. William J. Guerin, Capital Program

Item F [Judicial Council Report to the Legislature: Fiscal Year 2013–2014 Expenditures of the Trial Court Interpreters Program \(Action Required\)](#)

The Judicial Council’s Court Operations Services office recommends approving the annual report on trial court interpreter expenditures for submission to the Legislature and the Department of Finance. This report is required by the Budget Act of 2013.

Mr. Curtis L. Child, Chief Operating Officer

Ms. Donna Hershkowitz, Court Operations Services

Item G [Criminal Law: Judicial Council Appointment to the California Council for Interstate Adult Offender Supervision \(Action Required\)](#)

The Executive and Planning Committee (E&P) recommends the appointment of Hon. Ana L. España of the Superior Court of San Diego County to the California Council for Interstate Adult Offender Supervision. The seven-member council must include a superior court judge appointed by the Judicial Council. The California Council is required by the Interstate Compact for Adult Offender Supervision, which governs state administration of the transfer across state lines of the supervision of adult parolees and probationers. The individual selected for appointment will also serve simultaneously on the California Council for Interstate Juvenile Offender Supervision.

Hon. Douglas P. Miller, Chair, Executive and Planning Committee

Ms. Jody Patel, Chief of Staff

DISCUSSION AGENDA (ITEMS H–L)

Item H **11:40 a.m.–12:10 p.m.**

Judicial Branch Administration: California State Auditor's Report on the Judicial Council (No Action Required. There are no materials for this item.)

The newly formed Audit Recommendations Working Group, charged with reviewing recommendations by the California State Auditor, was asked to report back to the Judicial

Council in February 2015. The Audit Recommendations Working Group recommends approval of the proposed audit implementation work plan.

Speakers: Hon. Marsha Slough, Chair of the Trial Court Presiding Judges Advisory Committee

Mr. Martin Hoshino, Administrative Director

New Item 12:10–12:25 p.m.

California’s Language Access Plan: Implementation Task Force (No Action Required. There are no materials for this item.)

The Chair of the Language Access Plan Implementation Task Force will provide an informational update on proposed areas for focus, anticipated outreach, and potential challenges as implementation commences on the *Strategic Plan for Language Access in the California Courts*, which the Judicial Council adopted at the January 22, 2015, council meeting.

Speaker: Hon. Mariano-Florentino Cuéllar, Chair, Language Access Plan Implementation Task Force

Item I 12:25–12:55 p.m.

Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve (Action Required)

The Trial Court Budget Advisory Committee’s 2 Percent Funding Request Review Subcommittee (TCBAC subcommittee) presents a recommendation to the Judicial Council on the Superior Court of Napa County’s application for supplemental funding for relocation costs due to the significant Napa earthquake on August 24, 2014, that required the immediate closure of the court’s historic courthouse. Under the current policy adopted by the Judicial Council, from January 1 through March 15, 25 percent of the remaining Trial Court Trust Fund 2 percent state-level reserve is available for court requests due to unforeseen emergencies or unanticipated expenses. These court requests are to be reviewed and recommendations made to the Judicial Council by the TCBAC subcommittee. For 2014–2015, the 25 percent amount remaining in the 2 percent state-level reserve is \$9.34 million. The total amount requested by the Superior Court of Napa County is \$187,000.

Speakers: Hon. Marsha Slough, Co-Chair, 2 Percent Funding Request Review Subcommittee

Ms. Mary Beth Todd, Co-Chair, 2 Percent Funding Request Review Subcommittee

Mr. Rick Feldstein, Executive Officer, Superior Court of California, County of Napa

Mr. Zlatko Theodorovic, Finance

Recess 12:55–1:25 p.m. (approx.)

Item J 1:25–1:55 p.m.

[Technology: Programmatic and Staffing Changes to Trial Court Programs \(Action Required\)](#)

The Judicial Council Technology Committee and Trial Court Budget Advisory Committee jointly recommend that the Judicial Council approve changes to a number of trial court–related statewide technology programs that would achieve short-term, medium-term, and long-term savings in the State Trial Court Improvement and Modernization Fund; that the council’s Information Technology office consider reducing as many external contractors as possible; and that the council consider creating a working group, or designating an existing committee, to focus on information technology efficiencies and cost saving measures for smaller courts.

Speakers: Hon. Laurie M. Earl, Chair, Trial Court Budget Advisory Committee
Hon James E. Herman, Chair, Judicial Council Technology Committee
Mr. Robert Oyung, Chief Information Officer, Superior Court of California,
County of Santa Clara
Mr. Zlatko Theodorovic, Finance

Item K 1:55–2:15 p.m.

[Trial Courts: Recidivism Reduction Fund Court Grant Program Recommended Awards \(Action Required\)](#)

As part of the Budget Act of 2014, the Legislature directed the Judicial Council of California to develop and administer a competitive grant program for trial courts that incorporate practices known to reduce adult offender recidivism. Criminal Justice Services, staff to the Judicial Council, recommends approving the Recidivism Reduction Fund (RRF) Court Grant Program funding allocation and distribution as well as recommendations related to further RRF funding opportunities for the courts and for grant administration activities.

Speakers: Mr. Curtis L. Child, Chief Operating Officer
Ms. Shelley Curran, Criminal Justice Services

Item C 2:15–2:35 p.m. **MOVED FROM CONSENT AGENDA**

[Judicial Branch Administration: Audit Report for Judicial Council Acceptance \(Action Required\)](#)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Nevada*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to

finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

Speakers: Hon. Richard D. Huffman, Chair, Advisory Committee on Financial
Accountability and Efficiency for the Judicial Branch
Mr. John A. Judnick, Audit Services
Mr. Robert Cabral, Audit Services

Item L 2:35–2:50 p.m.

[Judicial Branch Administration: Fiscal Year 2015–2016 Budget Change Proposal to Strengthen Information System Security and Data Reliability \(Action Required\)](#)

In August 2014, the Judicial Council approved a conceptual outline for funding the additional work needed to fully implement an information security program and resolve California State Auditor recommendations. In alignment with this approved concept, Judicial Council staff recommends and the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch supports augmenting the General Fund in fiscal year 2015–2016 to implement recommendations from the California State Auditor. The recommended augmentation—of \$2.4 million, with an ongoing commitment of an additional \$1.1 million in subsequent years—would allow the Judicial Council to comply with the State Auditor’s recommendations in separate audit reports and confidential management letters issued on judicial branch procurement in 2013 and on a statewide review of data reliability in 2014. This proposed funding augmentation includes support for three full-time equivalent positions, which are necessary because existing staff levels cannot support these additional duties. These positions would serve to safeguard Judicial Council information systems while also serving the broader data assurance objectives for California’s state government in biennial reporting by the State Auditor since 2008.

Speakers: Hon. Richard D. Huffman, Chair, Advisory Committee on Financial
Accountability and Efficiency for the Judicial Branch
Hon. James E. Herman, Chair, Judicial Council Technology Committee
Mr. Curt Soderlund, Chief Administrative Officer

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 [Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring](#)

The chair of E&P presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31,

2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

INFO 2 [Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours \(Gov. Code, § 68106—Report No. 30\)](#)

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 30th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts—those of Mendocino and Shasta Counties —have issued new notices.

INFO 3 [Court Facilities: Trial Court Facility Modification Quarterly Activity Report: Quarter 1, Fiscal Year 2014–2015](#)

The Trial Court Facility Modification Advisory Committee has completed its facility modification funding for the first quarter of fiscal year 2014–2015. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 1, Fiscal Year 2014–2015* as information for the council. This report summarizes the activities of the Trial Court Facility Modification Advisory Committee from July 1, 2014, to September 30, 2014.

INFO 4 [Trial Courts: Report on Expedited Jury Trials](#)

This report provides data regarding the number of expedited jury trials that have been conducted in the California trial courts since the enactment of the Expedited Jury Trial Act and the dispositions achieved in those cases.

[Circulating Order \(CO-15-01\) Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments for the Period of July 1 through December 31, 2014](#)

[Appointment Orders](#) since the last business meeting.