

**JUDICIAL COUNCIL MEETING**  
**Minutes of the August 27, 2010, Meeting**  
**San Francisco, California**

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:40 a.m. on Friday, August 27, 2010, at the Administrative Office of the Courts (AOC) in San Francisco.

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

**Absent:** Senator Ellen Corbett; Assembly Member Mike Feuer; and Judge Terry B. Friedman.

**Others present included:** Justices Laurence Donald Kay (Ret.), Judith D. McConnell, and Carlos R. Moreno; Judges Stephen H. Baker, Jonathan B. Conklin, Keith D. Davis, Kevin A. Enright, James E. Herman, Gary D. Hoff, Teri L. Jackson, Ira R. Kaufman, Robert J. Moss, Gary R. Orozco, Carol W. Overton, Rosendo Pena, Jr., M. Bruce Smith, and Mark Wood Snauffer; Chief Executive Officers Tamara Lynn Beard and Alan Carlson; Ms. Dawn Annino, Ms. Laurie Avedisian, Ms. Mary Calderon, Ms. Kirsten Corey, Mr. Brian Cotta, Ms. Kathleen DeSantis, Mr. Carl Faller, Ms. Mia Giacomazzi, Ms. Karla Gran, Mr. Carl Hall, Ms. Beth Jay, Ms. Kim Kampling, Mr. David Lampe, Mr. Harry Ma, Ms. Edith R. Matthai, Ms. Mari Matsumure, Ms. Lori Mayfield, Ms. Sheran L. Morton, Ms. Maggie Murray, Ms. Michelle Ramos, Ms. Patty Wallace-Rixman, Ms. Margaret White, Mr. Robert Wilkinson, and Mr. Timothy Wilson; **staff:** Ms. Bernadine Adams, Mr. Peter Allen, Ms. Gwen Arafiles, Mr. Nick Barsetti, Mr. Dennis Blanchard, Ms. Deborah Brown, Ms. Sheila Calabro, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Mr. James Carroll, Ms. Tina Carroll, Mr. Steven Chang, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Christine Cleary, Ms. Gisele Corrie, Mr. Kenneth Couch, Mr. Dexter Craig, Dr. Charlene Depner, Mr. Kurt Duecker, Mr. Edward Ellestad, Mr. Robert Emerson, Mr. Ekuike Falorca, Ms. Claudia Fernandes, Mr. George Ferrick, Mr. Chad Finke, Mr. Ernesto V. Fuentes, Ms. Debbie Genzer, Ms. Angela Guzman, Ms. Marlene Hagman-Smith, Ms. Eve Hershkopf, Mr. Burt Hirschfeld, Ms. Lynn Holton, Ms. Terry Ince, Ms. Mary Jackson, Mr. Shawn Jackson, Mr. Jeffrey Johnson, Mr. John A. Judnick, Mr. Kenneth L. Kann, Mr. William L. Kasley, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Mr. David Loo, Ms. Althea Lowe-Thomas, Mr. Dag MacLeod, Ms. Leslie Miessner, Ms. Vicki Muzny, Mr. Stephen Nash, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Mr. Eric Pulido, Ms. Mary Roberts, Ms.

Teresa Ruano, Ms. Virginia Sanders-Hinds, Ms. Robin Seeley, Mr. Curt Soderlund, Ms. Nancy E. Spero, Ms. Linda Theuriet, Ms. Bobbie Welling, Mr. Don Will, Mr. Lee Willoughby, and Ms. Josely Yangco-Fronza; and **media representatives:** Ms. Maria Diazco, *Courthouse News Service*; Ms. Kate Moser, *The Recorder*; and Mr. John Roemer, *San Francisco Daily Journal*.

### **Public Comment Related to Trial Court Budget Issues**

No requests to address the council were received.

### **Approval of Minutes**

The minutes of the June 25, 2010, business meeting were approved.

### **Judicial Council Committee Presentations**

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

#### *Executive and Planning Committee*

Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met five times since the June 25, 2010, Judicial Council meeting: one deliberation by e-mail on July 9, 2010; three by teleconference call on August 4, 10, and 19; and one meeting in person on August 25, 2010.

Justice Huffman reported that on July 9, the committee via e-mail considered a request from the San Benito Superior Court to temporarily reduce the time base of a Subordinate Judicial Officer (SJO) position. Based on the authority provided to the Judicial Council in Government Code section 71622(a) and a subsequent delegation of authority by the Judicial Council authorizing E&P to establish, eliminate, or change the time base of existing SJO positions, the committee approved the request to temporarily reduce the time base for a commissioner position from 0.5 FTE to 0.3 FTE, a reduction of 0.2 FTE.

On August 4, the committee approved staff recommendations to confirm the conversions of a vacant commissioner position on the Superior Court of Los Angeles County and a position expected to become vacant on the Superior Court of Alameda County when the current commissioner retires on December 31, 2010. These conversions will be effective on the date of legislative ratification of the authority to convert positions for fiscal year 2010–2011 or, for the Superior Court of Alameda, on the date of the commissioner's retirement, whichever is later.

Justice Huffman mentioned that one of the items on the council's agenda for today's meeting, Item 10, is an AOC staff recommendation that the Judicial Council approve the transfer of one SJO position from the allocation group of large courts (Group 3) to the

allocation group of small courts (Group 4) for the 2010–2011 fiscal year and confirm the conversion of a vacant commissioner position in the Superior Court of El Dorado County. This modification will also allow for the completion of all 16 SJO conversions for the current fiscal year, pending enactment of the state budget, which contains language authorizing the conversion of 16 positions in fiscal year 2010–2011.

Also on August 4, the committee approved the staff recommendation to confirm the conversion of a vacant position in the Superior Court of Santa Cruz County, effective July 1, 2011 or the date of legislative ratification of the authority to convert positions in fiscal year 2011–2012, whichever is later. The committee approved that each court may employ a retired commissioner for each of these vacancies until a judge is named and sworn in for each respective position.

The committee exempted the Superior Court of Los Angeles from the conversion of three other current subordinate judicial officer vacancies.

The committee further directed staff to propose to the Judicial Council that it reallocate the remaining conversion slot for fiscal year 2010–2011 to the Superior Court of El Dorado County. The committee approved the option for the court to employ a retired commissioner for the vacancy, pending the Judicial Council’s decision on the reallocation and conversion.

The committee also approved the staff recommendation to solicit nominations for the non-voting advisory position for a trial court commissioner to replace Commissioner Lon F. Hurwitz on the council when he assumes the position of judge, effective January 1, 2011.

Lastly, the committee reviewed reports and set the agenda for the next Judicial Council business meeting.

On August 10 and August 19, the committee spent time reviewing reports and further setting the agenda for the Judicial Council Meeting on August 27, 2010.

On August 19, the committee reviewed and discussed Judicial Council voting policies. This discussion was protected by attorney-client privilege.

Also on August 19, the committee reviewed and approved the text of the pre-meeting advisory delivered by e-mail to all justices, judges, clerk/administrators and court executive officers on August 20, 2010, communicating the key policy issues to be addressed during the council’s August 27, 2010, business meeting.

On August 25, the committee reviewed materials and developed its recommendations for the Chief Justice regarding advisory committee vacancies.

*Policy Coordination and Liaison Committee*

Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met three times since the June 25, 2010, Judicial Council meeting.

Justice Baxter first brought to the council's attention Senate Concurrent Resolution 126 that was introduced August 26, 2010. The resolution passed unanimously in the Senate and is now on the Assembly Floor. This measure, if passed, would designate the Civic Center Complex, comprised of the Earl Warren Building and the Hiram W. Johnson State Office Building, located at the Civic Center Plaza, in the City and County of San Francisco, as the Ronald M. George Justice Center.

Justice Baxter reported that the committee's primary focus during the months of July and August was to keep up to date on the Judicial Branch budget and to review, discuss, and approve various pieces of budget trailer bill language affecting the Judicial Branch.

The committee acted on behalf of the council to take positions on two pieces of family law legislation and one measure related to competency in juvenile delinquency proceedings.

The committee also reviewed and approved budget trailer bill language related to a number of matters: (1) fees for providing telephonic appearances in civil matters in the trial courts, and a direction to establish statewide master agreements for uniform telephonic appearance services; (2) fees assessed on vendors who supply red light cameras in order to help address increased court workload resulting from the use of such equipment; (3) a small pilot project related to consideration for bidders providing health benefits for SB 1407 court house construction projects; and (4) audits of the AOC and the trial courts.

In addition, at each of the three meetings, the committee reviewed proposed trailer bill language setting forth the intent of the legislature that the various fee increases included in the budget for court operations would, to the greatest extent possible, be used to prevent court closures and maintain adequate services to the public and requiring notice of a court's plan to close when financial constraints make closure necessary.

The PCLC approved one legislative proposal for circulation as part of the spring cycle of invitations to comment. Five Judicial Council-sponsored bills are still proceeding. (One sponsored measure seeking the third set of 50 judgeships died early in the year.) Four of the five are on the Governor's desk awaiting signature, and one relating to electronic service of process has been enacted.

The last day of the 2009–2010 legislative session was August 31. The Governor will have until September 30 to sign or veto bills sent to his desk.

Justice Baxter thanked Curtis L. Child, Director, Office of Governmental Affairs and Donna Hershkowitz, Assistant Director, Office of Governmental Affairs, for their exceptional service this year.

#### *Rules and Projects Committee*

Judge Dennis E. Murray, chair of the Rules and Projects Committee (RUPRO), reported that the committee had not met since the June 25, 2010, Judicial Council meeting.

Judge Murray pointed out that that was unusual and that the committee will meet September 7 to consider 36 rule and form proposals which have already been circulated for public comment. Those proposals will come before the council at the October 29 business meeting, at which time the new committee chair, Associate Justice Douglas P. Miller, will be reporting on the committee's activities.

Judge Murray expressed his thanks and appreciation to the members of RUPRO he had the pleasure of working with for the last two years.

Judge Murray extended his congratulations to Associate Justice Tani Cantil-Sakauye on her recent confirmation as Chief Justice of the Supreme Court of California.

#### **Chief Justice's Report**

Chief Justice Ronald M. George reported on the activities in which he had been involved since the council's last business meeting. Most recently, he chaired public hearings held by the Commission on Judicial Appointments to review four appointments to the courts: the Governor's nomination for the office of Chief Justice of California as well as two other judicial nominations and one appointment to the Courts of Appeal. The commission confirmed the nomination of Associate Justice Cantil-Sakauye, who will stand for election to the office of Chief Justice in November. The commission also confirmed the nomination of council member and Associate Justice Brad R. Hill to succeed the Administrative Presiding Justice of the 5th Appellate District, Justice James A. Ardaiz; the nomination of Judge Carol D. Codrington of the Superior Court of Riverside County to the position of Associate Justice of the Court of Appeal, Fourth District; and the appointment of Judge Louis R. Mauro of the Superior Court of Sacramento County to the position of Associate Justice of the Court of Appeal, Third Appellate District. Three weeks earlier, the commission had held an additional confirmation hearing to appoint Associate Justice Jennifer R. S. Detjen to the Court of Appeal, Fifth Appellate District.

Chief Justice George referred to the 2010 Annual Court Statistics Report prepared by the AOC Office of Court Research, now available on the California Courts website. The report finds that statewide Superior Court filings topped 10 million filings in the last year, an increase of 7 percent over the previous year and a 20 percent increase in Superior Court case filings over the past decade. The statistics demonstrate the growing need in California for court resources and services, particularly with the increased caseloads precipitated by the decline of the state economy.

The Chief Justice proceeded with an account of his meetings and appearances since the previous council business meeting in June. These included meetings with the California Tribal Court/State Court Forum; an international delegation of judicial officials from Malaysia; a meeting with the Governor to discuss transition issues following the announcement of the Chief Justice's retirement; and courtesy visits to State Senate President Pro Tem Darrell Steinberg and Speaker of the Assembly John A. Pérez. He also gave an interview on judicial branch affairs that aired on KQED's public radio program, *Forum*.

The Chief Justice noted the bi-annual Conference of Chief Justices he attended with the chief justices of the other 49 states and the Trust Territories of the Pacific Islands. At Chief Justice George's request, AOC attorney Ms. Bonnie Rose Hough prepared an outline on initiatives in California to improve access to justice for the conference that was shared with Professor Laurence H. Tribe, the U.S. Department of Justice's Senior Counselor for Access to Justice and conference keynote speaker, and others in attendance. The report was well received and will serve in Professor Tribe's work at the Department of Justice. Chief Justice George commended Ms. Hough and the entire Center for Family, Children & the Courts staff for their commitment to providing access to justice in such difficult economic times.

Chief Justice George gave his annual address to the class of the Bernard E. Witkin Judicial College with a message to encourage the new judges to get involved early in the work of the Judicial Council advisory committees and task forces. He also held a meeting with the editorial advisory board of *California Lawyer* on matters of interest to the judicial branch and its goals.

Next month, the Chief will give his final address to the California State Bar at the association's annual meeting in Monterey. This year, among the presentation of the annual awards, the Chief Justice will also honor Ms. Beth Jay, his principal attorney, with the Bernard E. Witkin Medal honoring those who have altered the landscape of California's jurisprudence. Ms. Jay has been the Chief Justice's liaison to the State Bar and has served as lead staff in formulating the canons of the California Code of Judicial Ethics adopted and subject to amendment by the California Supreme Court. She also serves as the Chief Justice's liaison to the defense community: the California Appellate Project, Habeas Corpus Resource Center, and the Office of the State Public Defender. This honor places her in the esteemed ranks of other distinguished recipients: former Supreme Court Justice Stanley Mosk, U.S. District Judge Thelton Henderson, and former State Attorney General John Van de Kamp.

This concluded the Chief Justice's report.

## **Administrative Director's Report**

Mr. William C. Vickrey, Administrative Director of the Courts, distributed a written report and referred the audience to copies he distributed of the 2010 Annual Court Statistics Report and the current issue of *Data Points* summarizing trends in the trial courts' workload. Mr. Vickrey concurred with the Chief Justice's earlier observation that the court data indicate that the workload of staff and judges is increasing while resources decline. He then gave an update on AOC activities since the last council meeting.

Two significant milestones were reached in July and August on the statewide California Case Management System (CCMS). In July, verification of the final functional design was completed to validate the quality of the system's core application and to check the design specifications. As of August, all of the checkpoints for product verifications or adjustments were successfully completed. The final product will be delivered in April 2011, after the courts and the AOC have had the opportunity to complete product acceptance testing. A deployment readiness assessment is underway in the counties of San Diego, Ventura, and San Luis Obispo.

Outreach to the courts on CCMS is ongoing by Ms. Sheila Calabro, Regional Administrator of the Southern Regional Office, and her team. Meetings have been conducted with the Court Technology Advisory Committee, the California District Attorneys Association's Technical Committee, and the San Luis Obispo Bar Association. With respect to data-integration issues at the state and local level, Ms. Calabro and her team continue to meet with justice partners including district attorneys, sheriffs, and police chiefs. They are also meeting with other departments such as the Highway Patrol, the Office of the State Chief Information Officer, the California Department of Corrections and Rehabilitation, and the California Chiefs Association Data Sharing Work Group.

As to court facilities, the final three projects of the 41 projects to be funded by Senate Bill 1407 have been approved. The judicial branch is two years ahead of schedule in securing the needed funding authorizations for these projects. These authorizations involve the Department of Finance, the Joint Legislative Budget Committee, and the State Public Works Board, and expediting the funding request and approval process involved extraordinary work by our Office of Court Construction and Management (OCCM), the affected courts, the Department of Finance, and the Legislature. In other progress on SB 1407 projects, nine architects have been selected and solicitation is out for architectural engineering support for another 13 projects. The OCCM has fielded 111,240 service work orders from the courts for maintenance issues since taking on that responsibility. Based on its first year's experience in assuming responsibility for all the court facilities, OCCM is compiling information that will result in improvements to the next bidding process for facilities management service providers. OCCM will also use the detailed data collected to assess longer-term improvements as well as alternative delivery approaches to better serve the courts' structural maintenance needs.

Mr. Vickrey noted the fire incident that recently damaged the primary courthouse facility of the Superior Court of Solano County. He explained that the county has responsibility for the structural damage to that facility, and that the court incurred costs of more than a million dollars in losses of property and records destroyed in the fire. Fortunately, the court is one of the 45 trial courts and two appellate courts that elected to participate in a program that the AOC's Risk Management Unit in OCCM extended to all courts providing coverage in the event of facility damages. As a result, the court will be liable for only \$5,000 of the cost of the damages. Mr. Vickrey closed with thanks and congratulations to OCCM Division Director Mr. Lee Willoughby and his team for the extraordinary progress made in completing the funding authorizations for new courthouses ahead of schedule and saving the state hundreds of millions of dollars in the process.

This concluded the Administrative Director's report.

### ***CONSENT AGENDA (Items 1-4)***

#### **Item 1      Court Security: Court Security Plan Submissions for Report to Legislature**

The Working Group on Court Security recommended approval of its proposed report to the Legislature. Submission of the report will fulfill a Government Code section 69925 requirement that the council submit an annual report on the status of court security plans in the trial courts.

##### ***Council action***

The Judicial Council, effective August 27, 2010, approved the Working Group on Court Security's proposed report to the Legislature, in conformance with Government Code section 69925 requirements.

#### **Item 2      Equal Access Fund: Distribution of Funds for IOLTA-Formula Grants**

The AOC recommended that the Judicial Council approve the distribution of Equal Access Fund grants for 2010-2011 according to the statutory formula set out in the currently proposed State Budget and in the amount requested in the attached annual report of the State Bar Legal Services Trust Fund Commission. For the last 11 years, the Budget Act authorizing the Equal Access Fund has required that the Judicial Council must approve the commission's recommendations if the council determines that the awards comply with statutory and other relevant guidelines.

##### ***Council action***

The Judicial Council, effective August 27, 2010, approved the distribution of \$18 million in IOLTA-Formula Grants for 2010-2011 according to the terms of the



State Budget, once that budget is enacted; and approved the commission's determination that the proposed budget of each individual grant complies with statutory and other guidelines.

**Item 3      Child Support: Fiscal Year 2010–2011 Base Funding Allocation for Child Support Commissioner and Family Law Facilitator Program**

The Family and Juvenile Law Advisory Committee recommended that the council approve the allocation of funding for the child support commissioner and family law facilitator program for fiscal year 2010–2011. The Judicial Council is required to annually allocate non-trial court funding, as described below, to local courts for the child support commissioner and family law facilitator program (Assem. Bill 1058; Stats. 1996, ch. 957). The funds for this program are provided by a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council.

***Council action***

The Judicial Council, effective retroactively to July 1, 2010:

1. Approved the allocation for funding of child support commissioners for fiscal year 2010–2011, subject to the state Budget Act; and
2. Approved the allocation for funding of family law facilitators for fiscal year 2010–2011, subject to the state Budget Act.

**Item 4      Court Interpreters: 2010 Language Use and Interpreter Need Report**

The Court Interpreters Advisory Panel (CIAP) recommended that the council approve the *2010 Language Use and Interpreter Need in California Superior Courts* report for submission to the Legislature and the Governor. The report details interpreter use and need throughout the trial courts from 2004 to 2008. Government Code section 68563 requires the Judicial Council to submit this report to the Legislature and the Governor every five years. The report assists in making determinations related to the Court Interpreters Program, such as which languages to designate for certification. Based on the findings of the current study, CIAP did not recommend the designation of any additional languages at this time.

***Council action***

The Judicial Council approved the *2010 Language Use and Interpreter Need in California Superior Courts* report for submission to the Legislature and the Governor.

## *DISCUSSION AGENDA (Items 5–12)*

### **Item 5      Budget: Fiscal Year 2011–2012 Budget Change Proposals for the Supreme Court, Courts of Appeal, Judicial Council/AOC, and the Trial Courts**

Mr. Stephen Nash, Ms. Gwen Arafiles, and Mr. Steven Chang, Finance Division, presented this item with the participation of Ms. Vicki Muzny, Finance Division.

The AOC recommended that the Judicial Council (1) approve the proposed fiscal year 2011–2012 budget requests for the Supreme Court, Courts of Appeal, trial courts, and Judicial Council/AOC, and (2) delegate authority to the Administrative Director of the Courts to make technical changes to these budget proposals, as necessary.

Development and transmittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments. This year, these BCPs are to be submitted to the state Department of Finance by September 13, 2010.

#### ***Council action***

The Judicial Council, effective August 27, 2010, approved (with one member voting no):

1. Submission of budget change proposals (BCPs) to the state Department of Finance for FY 2011–2012, which would communicate funding needs for the Supreme Court, Courts of Appeal, trial courts, and Judicial Council/AOC, as identified in the report. These proposals will identify baseline resource needs associated with increased costs and workload related to the provision of services to the courts and the public for FY 2011–2012. One proposal also has a current year funding component.
2. Delegation of authority to the Administrative Director of the Courts to make technical changes to these budget proposals as necessary to address updated information, including the ability to develop additional proposals to meet any critical needs that are identified during the development of the FY 2011–2012 State Budget. AOC staff will report to the Judicial Council in the fall if there are technical changes to the proposals submitted to the Department of Finance.

### **Item 6      Commission for Impartial Courts: Recommendations 37 (a) and (b) and 43 (a), (b), (c), and (g)**

Hon. Judith D. McConnell, Chair, Commission for Impartial Courts Implementation Committee and Ms. Christine Patton, Regional Administrative Director, presented this item with the participation of Mr. Peter Allen, Office of Communications.

The Implementation Committee of the Commission for Impartial Courts (CIC) presented for Judicial Council action two of the 12 recommendations from the CIC's final report that address judicial outreach, public information, and civics education. The committee believed that these two recommendations have the highest priority: (1) the appointment of a branchwide public outreach leadership group, and (2) focused and coordinated judicial branch advocacy for improving civics education in the K–12 curriculum. The committee emphasized the importance of the judiciary taking a leadership role in civics education through the appointment of a leadership group, whose purpose is not to supplant or compete with existing civics education programs but to serve as a mechanism to unify the different groups to improve civics education. The recommendations made in this report are consistent with the prioritization plan that the council accepted at its February 26, 2010, meeting.

### ***Council action***

The Judicial Council, effective August 27, 2010, voted to:

1. Endorse recommendations 37 (a) and (b) and 43 (a), (b), (c), and (g) from the Commission for Impartial Courts.
2. Direct the Administrator Director of the Courts to:
  - Appoint a leadership advisory group entitled the Public Outreach Working Group; and
  - Implement recommendations 37(a) and (b) and 43(a), (b), (c), and (g). These recommendations follow.

#### *Commission for Impartial Courts Recommendations 37 (a) and (b):*

To improve transparency and better inform the public of the role and operations of the state court system and to enhance public outreach, the judicial branch should identify and disseminate essential information that would increase both the public's access to justice and its opportunities for input.

- (a) A leadership advisory group should be appointed to oversee, identify, and coordinate public outreach programs and opportunities for public input; to establish benchmarks of good practice; and to promote the assembly of local teams to assist courts with local outreach programs; and
- (b) The AOC should collect, summarize, and evaluate public outreach resources and methods for public input that are currently available for judges and court administrators and should also collect, summarize, and evaluate educational materials for K–12 teachers and for judges and court administrators making classroom visits.

#### *Commission for Impartial Courts Recommendations 43 (a), (b), (c), and (g):*

Every child in the state should receive a quality civics education, and judges, courts, teachers, and school administrators should be supported in their efforts to educate students about the judiciary and its function in a democratic society. To that end, the following were specifically recommended:

- (a) Strategies for meaningful changes to civics education in California should be supported, and a strategic plan for judicial branch support for civics education be developed;
- (b) Political support should be sought from leaders in the Legislature, the State Bar, the law enforcement community, and other interested entities to improve civics education;
- (c) Teacher training programs, curriculum development, and education programs on civics should all be expanded to include the courts; and
- (g) Recognition programs that bring attention to teachers, judges, and court administrator who advance civics education should be promoted.

**Item 7      Judicial Council Distinguished Service Awards and a Special Award for 2010**

Hon. Marvin R. Baxter presented this item. During his presentation, Justice Baxter announced that the Jurist of the Year Award will hereafter be renamed the Ronald M. George Award for Judicial Excellence.

The chairs of the three Judicial Council internal committees recommend that the council approve the winners of the annual Distinguished Service Awards and the Stanley Mosk Defender of Justice Award for significant and positive contributions to court administration in California. The Jurist of the Year Award honors a member of the judiciary for extraordinary dedication to the highest principles of the administration of justice statewide. The Judicial Administration Award honors an individual in judicial administration for significant statewide contributions and leadership in the profession. The Bernard E. Witkin Amicus Curiae Award honors individuals other than members of the judiciary for their outstanding contributions to the courts of California. And the Stanley Mosk Defender of Justice Award honors an individual from federal, state, or local government for significant contributions to advancing equal access to fair and consistent justice in California.

***Council action***

The Judicial Council, effective August 27, 2010, approved the following winners of the 2010 Distinguished Service Awards and a special award:

***Ronald M. George Award for Judicial Excellence:*** Hon. Arthur G. Scotland

***Judicial Administration Award:*** Mr. Curtis L. Child

***Bernard E. Witkin Amicus Curiae Award:*** Hon. Darrell Steinberg

***Stanley Mosk Defender of Justice Award:*** Hon. Mike Feuer

**Item 8      Judicial Branch Administration: Governance of the Judicial Branch Audit Program**

Mr. Stephen Nash and Mr. John Judnick, Finance Division, presented this item with the participation of Mr. Eric Pulido, Finance Division.

The AOC recommended that the Judicial Council approve procedures concerning the public disclosure of final audit reports, the formal reporting of audit results and activities to the council on a regular basis, and a process to report any impairment that would affect the ability of Internal Audit Services (IAS) to perform its function. These recommendations support branch governance and enhance accountability through reporting and review of the financial, compliance, and operational activities of the branch.

***Council action***

The Judicial Council, effective August 27, 2010, voted that:

1. Audit reports will be submitted through the Executive and Planning Committee to the Judicial Council. Audit reports will not be considered “final audit reports” until formally accepted by the council.
2. All final audit reports will be placed on the California Courts public website to facilitate public access. This procedure will apply to all reports accepted by the Judicial Council after approval of this recommendation.
3. The senior manager of Internal Audit Services, on an annual basis, will:
  - a. Report on audit results and activities undertaken in the previous year; and
  - b. Present for review and approval the Superior Court Audit Schedule for the next fiscal year. This report will include the anticipated schedule for the next four fiscal years.
4. As considered necessary and appropriate, the senior manager of Internal Audit Services will prepare a report on any impairment or restriction on the independence of Internal Audit Services for the Administrative Director of the Courts to present to the Judicial Council’s Executive and Planning Committee.

**Item 9      Court Facilities: Five-Year Plan Update for FY 2011-2012 and Authorization of Execution of Bond Documents (with Related Delegation and Reporting)**

Mr. Lee Willoughby, Mr. Robert Emerson, and Ms. Gisele Corrie, Office of Court Construction and Management, presented this item.

The AOC recommended that the council adopt the updated Trial Court Capital-Outlay Plan and direct the AOC to present to the Department of Finance this plan as part of the Judicial Branch AB 1473 Five-Year Infrastructure Plan for FY 2011–2012, in addition to trial court capital project continuation-funding requests. The AOC also recommended the council authorize the execution of bond documents in connection with issuances of bonds by the State Public Works Board for the financing of court facilities projects. The council is the responsible authority for adopting updates to both plans and for directing the AOC to submit them to the Department of Finance. Meeting the submission deadlines avoids delays to the implementation of the state’s trial court capital-outlay program.

***Council action***

The Judicial Council, effective August 27, 2010:

1. Adopted the updated Trial Court Capital-Outlay Plan, based on the achievement of initial funding authorization for all 41 Senate Bill 1407 projects and other technical updates;
2. Directed the AOC to present the updated Trial Court Capital-Outlay Plan, as part of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2011–2012, and the trial court capital project continuation-funding requests for FY 2011–2012 to the Department of Finance in September 2010;
3. Authorized the execution of documents in connection with issuances of bonds by the State Public Works Board for the financing of court facilities projects;
4. Delegated to the Administrative Director of the Courts or his designee the authority to execute bond documents on behalf of the Judicial Council; and
5. Required the Administrative Director of the Courts to report to the Judicial Council, at least annually, on actions taken pursuant to the above delegation.

**Item 10      Subordinate Judicial Officers: Exception to Policy for the Conversion of SJO Vacancies to Judgeships**

Mr. Dag MacLeod, Executive Office Programs Division, presented this item.

The AOC recommended that the Judicial Council approve a modification to the allocation schedule for subordinate judicial officer (SJO) conversions. The modification will allow the Superior Court of El Dorado County to convert a vacant SJO position to a judgeship in fiscal year 2010–2011. The modification will also allow for the completion of all 16 SJO conversions for the current fiscal year pending enactment of the State Budget, which contains language authorizing the conversion of 16 positions in fiscal year 2010–2011.

***Council action***

The Judicial Council, effective August 27, 2010, approved the transfer of one SJO position for conversion from the allocation group of large courts (Group 3) to the allocation group of small courts (Group 4) for the 2010-2011 fiscal year and confirmed the conversion of a vacant commissioner position in the Superior Court of El Dorado.

**Item 11      Blue Ribbon Commission on Children in Foster Care: Implementation Progress Report**

Hon. Carlos R. Moreno, Chair, Blue Ribbon Commission on Children in Foster Care, presented this item.

This was an information report on the first 18 months of implementation efforts by the Blue Ribbon Commission on Children in Foster Care, which issued sweeping recommendations for reform of the juvenile court and child welfare systems that were accepted by the Judicial Council in August 2008.

***Council action***

The Judicial Council took no action on this item.

**Item 12      Domestic Violence: Status Report on Implementation of the Guidelines, Practices, and Recommendations of the Domestic Violence Practice and Procedure Task Force**

Hon. Laurence Donald Kay (Ret.), Chair, Domestic Violence Practice and Procedure Task Force, and Mr. David Loo and Mr. Jeffrey Johnson, Information Services Division, presented this item with the participation of Ms. Bobbie Welling, Center for Families, Children & the Courts.

This was an information report on the implementation efforts of the Domestic Violence Practice and Procedure Task Force, chaired by Hon. Laurence Donald Kay (Ret.), Presiding Justice, Court of Appeal, First Appellate District, Division Four.

***Council action***

The Judicial Council took no action on this item.

**There were no Circulating Orders or Appointment Orders since the last business meeting.**

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

- Judge Elvira S. Austin, Superior Court of Los Angeles County
- Judge Jack A. Crickard, Superior Court of Los Angeles County
- Judge John W. DeGroot, Superior Court of Madera County
- Judge Mark E. Thomas, Jr., Superior Court of Santa Clara County

There being no further public business, the meeting was adjourned at 1:15 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Vickrey', is written over a horizontal line.

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