



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date	Action Requested
April 25, 2008	For Your Information
To	Deadline
Members of the Judicial Council	N/A
From	Contact
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Report from the	
Administrative Director of the Courts	

The following information outlines some of the many activities taking place to further the Judicial Council's goals and agenda for the judicial branch.

Issues and activities highlighted include the following:

- Budget Status
- Legislative Priorities
- Progress on Statewide Administrative Infrastructure Initiatives for the Trial Courts
- Administrative Office of the Courts Programs and Services
- Implementation of Cost-Saving Measures
- Judicial Council Advisory Committee/Task Force/Working Group Activity
- Conference of Chief Justices and Conference of State Court Administrators 2008 Congressional Priorities

SUMMARY

(Please Note: Page numbers next to summary items reference more detailed information.)

Judicial Branch Budget for Fiscal Year 2008–2009:

Executive Branch: The Chief Justice and I had two productive meetings with the Governor in March, discussing, among other issues, the May budget revision, the judicial branch's general strategy for one-time reductions, and ensuring that the branch is credited for reductions made in the special session.

Legislative Branch: The Senate Budget Subcommittee on State Administration reviewed the Judicial Branch Budget and took action not to impose any reductions on Supreme Court and Courts of Appeal. The Subcommittee took no formal action relating to trial court funding. The judicial branch budget was heard in the Assembly Budget Subcommittee on State Administration on April 23. Most issues were left open. Both the Assembly and Senate budget committees are working in close concert with judicial branch leadership with the common goal of protecting access to justice.

Spring Finance Letters (Budget Proposals): The state Department of Finance approved, and transmitted to the Legislature, the following Judicial Branch Finance Letters:

- Increased federal funds expenditure authority: \$800,000
- Court Facilities Trust Fund appropriation authority: \$2.9 million
- Withdrawal of workload budget change proposal (BCPs) for the Supreme Court, Courts of Appeal, and the Administrative Office of the Courts to achieve budget savings as part of the overall unallocated reduction. Funding related to these BCPs would be applied as an offset to the judiciary's fiscal year 2008-2009 General Fund unallocated reduction amount proposed in the Governor's Budget.
- Mono County - New Mammoth Lakes Courthouse: \$6.3 million to fund increased working drawings and construction costs.

Union Meeting: Led by Chief Deputy Director Ron Overholt, the Collaborative Trial Court Employee Working Group, which comprises statewide and local representatives of recognized employee bargaining units and AOC representatives, convened in April to discuss the impact of the Governor's budget and obtain feedback from union representatives on the budget process. A further meeting will be scheduled following the Governor's May Budget Revise.

Commission on Civil Fees: Chaired by Justice Richard Aldrich, the commission convened its first meeting this month to discuss policy issues on increasing fees and distributions to various entities, including the law libraries and dispute resolution programs; and to review data on civil filing fee revenue and distributions, the expressed needs for filing fee increases to support several programs, and develop options for distribution of filing fee increases. The AOC will gather additional information on these programs for review by the commission, which is tentatively scheduled to meet in early May to make recommendations on changes to civil filing fees (page 14).

Judicial Branch Audits: The AOC issued court audit reports for the following courts: Superior Courts of Del Norte, Los Angeles, and Plumas Counties. Additionally, an audit report was issued on the Superior Court of Los Angeles County's budgeted security costs.

Reporting on Retirement Benefit Obligations: The AOC initiated a project to assist trial courts in complying with Governmental Accounting Standards Board Statements. These statements require state and local governments to report financial information on their retirement benefit obligations. The project will produce reports on each court's retirement benefit obligations. The reports will be forwarded to the State Controller for inclusion in the State Comprehensive Annual Financial Report for Fiscal Year 2007-2008. Each court will receive a copy of its own report to acknowledge their current obligation status and for future planning purposes.

Legislative Priorities: Several bills have been introduced as vehicles for the Judicial Council's 2008 legislative priorities.

SB 1150 (Corbett): Establishes the authority for the third set of the new 50 **judgeships**, upon appropriation in the 2009–10 fiscal year.

Status: As of April 24, 2008, Pending in the Senate Appropriations Committee.

AB 1491 (Jones): Revives and extends the deadline for the **transfer of court facilities** from the county to the state to December 31, 2009. For facilities not transferred between the enactment of the bill and September 30, 2008, requires counties to pay, in addition to the county facility payment (CFP), an inflation adjustment calculated at the time of transfer (if the transfer agreement is executed by March 31, 2009) or an amount equal to the State Appropriations Limit/SAL (if the transfer agreement is executed between April 1, 2009 and the deadline). The bill also allows transfer agreements to include multiple facilities within the county. This urgency bill, co-sponsored by the California State Association of Counties, will be effective upon signing by the Governor.

Status: Chaptered (Stats. 2008, ch. 9)

AB 3052 (Committee on Judiciary): Revises and recasts provisions, relating to the Judicial Council's authority to use public private partnership or other alternative delivery methods for **courthouse construction**. Authorizes the council, after transfer of responsibility to the state of a court facility that requires replacement, to (1) gather information for appropriate alternative methods of project delivery for the court facility replacement, including, a public-private partnership agreement, (2) specify a process and criteria for developing these alternative methods, and (3) identify variables that will be used to evaluate the proposed alternative methods. In evaluating the proposed alternative methods, the Judicial Council would be required to develop performance expectations and benchmark criteria for court facility proposals, as described above. This bill contains other related provisions.

Status: As of April 24, 2008, Pending in the Assembly Appropriations Committee.

SB 1407 (Perata): Office of Governmental Affairs staff is working with Senator Perata to develop language to authorize a **court facility construction financing program**, including, but not limited to, the issuance of bonds, for purposes relating to the repair and renovation of court facilities. To support the debt service payments on issued bonds, authorize services fine and fee increases. It is the intent of the author to authorize up to \$5 billion in lease-purchase revenue bonds for courthouse construction and renovation.

Status: As of April 24, 2008, Pending in the Senate Rules Committee.

AB 1826 (Beall): Clarifies the appropriate **filing fees** to be charged for court proceedings involving the return of seized property. Because of an ambiguity in existing statutes, courts have not been uniformly assessing or collecting filing fees for these actions. This bill sets the filing fee at \$320.

Status: As of April 24, 2008, Pending in the Assembly Public Safety Committee.

AB 2448 (Feuer): Revises and redrafts the existing statute governing court **fee waivers** to ensure that indigent litigants have an opportunity to access the courts in a timely manner, and to provide for recovery of those fees in appropriate cases. Requires that waived fees be added to most judgments in favor of a fee waiver recipient. Places a lien on settlement proceeds of \$10,000 or more if the party receiving the settlement obtained a fee waiver. Adds specified public benefit programs to the existing list that entitles a party to an automatic fee waiver.

Status: As of April 24, 2008, Pending in the Assembly Appropriations Committee.

AB 1873 (Lieu): Authorizes the **small claims court** to permit parties or witness to appear by telephone in the court's discretion and upon a showing of good cause why the party or witness cannot appear at the hearing in person; imposes a postponement fee of \$10 for the second or subsequent request to postpone the trial date before service; and,

clarifies that fees for the enforcement of small claims judgments can be imposed in the same way as other civil judgments.

Status: As of April 24, 2008, Pending in the Senate.

AB 1949 (Evans): Makes several technical and clarifying changes to improve **court operations**. The bill updates the law on trial preferences to remove obsolete references, and provides additional time for the processing of local court rules. AB 1949 clarifies the definition of a subordinate judicial officer (SJO) and the law governing SJO relocation costs. The bill also clarifies the law pertaining to the payment of civil jury fees and jury deposits by governmental entities. This proposal would shift the revenues from the night/weekend session assessment from the county treasury to the State Court Facilities Trust Fund in an amount proportional to the counties' shift of court facilities to state responsibility.

Status: Pending on the Assembly Floor.

AB 1876 (De León): Co-sponsored by the Judicial Council and the California State Sheriffs' Association, AB 1876 will improve the accountability of **court security** services in the trial courts. Intended to address current funding deficiencies and bring courts up to the court security funding standard, adopt qualitative service standards, and adopt a structure for appropriate security cost containment and accountability, the current version of the bill makes the first step, requiring a standardized MOU for contracting of security services between the court and the sheriff, and requiring quarterly reporting to the court and the Administrative Office of the Courts of security services and expenditures.

Status: Approved by the Assembly Judiciary Committee on April 15, 2008, Pending in the Assembly Appropriations Committee.

State of the Judiciary Address: Chief Justice Ronald M. George delivered his 2008 State of the Judiciary address to a joint session of the Legislature. More than 100 Judicial Council and Bench-Bar Coalition (BBC) members attended the speech and the preceding briefing sessions, which included a MCLE training session on legislative advocacy and in-depth discussions on court facilities and court security. Following his address, the Chief Justice, Supreme Court justices, and statewide court leadership met legislators and invited guests for the Judicial-Legislative-Executive Forum.

Bench-Bar Coalition Legislative Visits: The BBC held its first "Day in Sacramento" legislative visits for 2008 at the State Capitol. The two-day event, co-sponsored by the State Bar of California, saw more than 80 judicial officers, bar leaders, and legal services representatives from throughout the state fanning out across the Capitol to discuss court facilities, court security, judicial retirement system reform, new judgeships, and access to justice with legislative

leadership and key staff. BBC members emphasized the need to continue progress on the council's 2008 legislative agenda notwithstanding the difficult budget climate.

Chief Justice/Judicial Council Liaison Meetings with Justice System Partners: The Chief Justice has established annual liaison meetings with key justice system partners to discuss issues of mutual interest, address concerns, and seek support from one another on key priorities. Since the February report, separate liaison meetings were conducted with the California Defense Counsel and the California District Attorneys Association. Judicial Council member Justice Marvin Baxter, Ron Overholt, Curt Child, other AOC staff, and I participate in these meetings with the Chief Justice.

Infrastructure Initiatives

Technology (page 17)

First court to do same-day implementation on all case categories of California Court Case Management System (CCMS): The San Joaquin Superior Court began using the most current and comprehensive version of the case management system (CCMS-V3) in April. San Joaquin is the first court to go live on all available case categories on day-one, and the first court to utilize a configuration developed by another court (Ventura). San Joaquin benefitted significantly from the pioneering work of the CCMS lead courts, making for an easier transition and reduced deployment costs.

Statewide Briefing on CCMS: The first CCMS "All Hands" meeting brought together the nearly 300 court, AOC, and Deloitte Consulting staff working daily on the development and operations of CCMS, to hear from state project leaders on the CCMS vision and statewide goals. The meeting served to highlight the importance of this unprecedented undertaking for California's judicial branch as a whole as well as for state systems nationally.

Data Exchange Communications Plan for Local Justice Partners: The AOC is creating a dual track communication plan for local justice partners to facilitate budgeting and planning for changes to existing integrations as CCMS V-4 is deployed.

Deadline Extension to Aid Court Input: Twelve weeks has been added to the CCMS-V4 project to accommodate input from the courts that more time is needed to review design deliverables and to conduct product acceptance testing. The new delivery date is May 2010.

Phoenix Project Deployed to 55 Courts; On schedule: The statewide implementation of the Phoenix Financial System continues on schedule. The system has now been deployed to a total of 55 courts with the Superior Courts of Yuba, Tuolumne, Sutter and Nevada

successfully implementing the system in April. The final three courts (Los Angeles, Santa Clara, and Orange Counties) are scheduled for system implementation in July. (NOTE: Los Angeles will be a two-phased approach with partial implementation July 2008 and the remainder to be implemented July 2009). The new trust accounting module was successfully implemented in Stanislaus and San Bernardino Courts.

New California Courts Technology Center Service Provider: The AOC has selected Science Applications International Corporation as the new provider of technology services for the AOC, the Courts of Appeal, and the superior courts, replacing Siemens IT Solutions. Transition to the new service provider is planned for completion in September 2008. The new services will be physically located in Tempe, Arizona, and Omaha, Nebraska.

Telecommunications Upgrades: Thirty-seven courts have completed telecommunications infrastructure equipment "refreshes."

E-Filing Partnership with State Bar: The Court Technology Advisory Committee has agreed to partner with the California State Bar Litigation Committee to promote uniform implementation of e-filing.

Facilities

Performance Based Infrastructure/New Long Beach Court Building: A meeting was held in Los Angeles with the Director of the Governor's initiative on Performance Based Infrastructure or Public Private Partnerships (P3). Discussions focused on the Governor's expectations for P3 and plans for the Long Beach P3 courthouse building. The meeting included representatives from the State Bar, and from Los Angeles: the court, District Attorney's Office, the county, and the mayor's office.

In March, the AOC began negotiations with the City of Long Beach for the acquisition of a site for the new court building in downtown Long Beach.

Financial benchmarks and performance expectations for this project were approved by the state Department of Finance and submitted to the Joint Legislative Budget Committee. After expiration of the 30-day legislative review period the solicitation of bidders for the project will begin will begin for the PBI agreement to design, build, finance, operate and maintain the new Long Beach Court building.

We currently plan to issue the Request for Qualifications in May. Following analysis of the qualifications, a Request for Proposals will issue in July and a developer will be selected by January 2009.

New Buildings and New Acquisitions: The Public Works Board approved acquisition through an equity purchase for the Long Beach Courthouse in Los Angeles County; approved site selections for court facilities in San Benito, Calaveras and San Joaquin Counties; and approved an augmentation to the B.F. Sisk Federal Courthouse Renovation in Fresno County.

Outstanding Achievement Award for Courthouse Construction: The new courthouse for the Court of Appeal, Fifth Appellate District, Fresno, the Judicial Council, and the project's architectural firm were recognized with an outstanding achievement award by the Western Council of Construction Consumers, the largest association of construction owners in the western United States.

Cost-Saving Measures Implemented for AOC, Supreme Courts, Courts of Appeal, and Judicial Council Advisory Committees: To manage resources in anticipation of reductions in the 2008–2009 judicial branch budget, a series of cost-saving measures have been implemented, including a freeze on hiring (with limited exemptions) and promotions, use of temporary help, and restrictions on travel and meetings. Advisory Committee chairs and lead staff also were advised of immediate cost-saving measures relating to advisory committee operations including limiting the number of in-person meetings.

Receiver for Prison Health Care Reform Under AOC Employment: At the request of the United States District Court, J. Clark Kelso, the newly-appointed Receiver for the federal court-mandated effort to bring medical care in California prisons up to constitutional standards, has been hired as an employee of the Administrative Office of the Courts. The request was made for the Receiver to be employed in a neutral branch of state government to facilitate collaboration with the executive and legislative branches. (The AOC will be reimbursed by the California Prison Health Care Receivership Corporation.)

Probation Services: A meeting with the Chief Probation Officers Board focused on sentencing issues and follow up on the Probation Task Force's 2003 report on the future of probation services in California. Possible approaches to improving probation services include having the Judicial Council set standards for funding, training, types of supervision, and handling of reports, etc. Possible resolution might also be sought by asking the Legislature to set up a statewide commission to look at adult offenders already in the community with the ultimate aim of changing sentencing policies that currently vary across the state. Chief Probation Officer representatives will be invited to participate in the Judicial Branch Leadership Summit, (October 13-17), focusing on evidence-based sentencing practices.

California Emergency Plan: The AOC's Emergency Response and Security (ERS) unit is pleased to be working closely with the State Office of Emergency Services on the update of the

California Emergency Plan. Historically, the judicial branch has not been represented in the State Emergency Plan. ERS is currently working with OES to identify year how OES and the judicial branch can mutually support each other during the planning and execution phases of the Emergency Plan.

Riverside Criminal Backlog Reduction Initiative: The final six judges have been scheduled through June to assist in the Riverside Criminal Backlog Reduction Task Force effort to provide full-time-equivalent judicial positions in the Riverside Superior Court to address backlogged criminal cases. The task force has provided 1,264 days of assignment service through the end of February 2008—693 retired judge service days and 571 active judge service days.

Judicial Retirement Services: AOC representatives participated in the California Judges Association's Retired Judges Conference. Topics included financial issues for recently retired and judges and financial planning for JRS II members.

Assigned Judges Program: AOC representatives served as panelists at a California Judges Association discussion of the Assigned Judges Program. Topics included the application process, the private judging policy, compensation and travel reimbursement, and the availability of judicial assignments. As a result, several judges requested applications for the program.

Judicial Appointments and Vacancies: Currently, the Courts of Appeal have 5 judicial vacancies and the trial courts have 58 judicial vacancies. In April, six new judgeships were created by converting commissioner positions from the following Superior Courts: Contra Costa (1), Los Angeles (4), Sacramento (1) and San Diego (1) (page 22).

Judicial Branch Workers' Compensation Program: CorVel Corporation was awarded the contract for Workers' Compensation claims administration services for the judicial branch.

Family and Juvenile Court Services Evaluations:

Juvenile Court Files Review: Judicial Review and Technical Assistance project attorneys conducted courtesy reviews of juvenile court files for compliance with state and federal foster care laws at courts in Riverside, Marin, Orange, Mariposa, Kern, and Los Angeles.

Access to Visitation Grant Program Court Site Visits: On-site technical assistance reviews and evaluations were completed in supervised visitation programs funded by the federal Child and Visitation Grant Program in Butte, Shasta, and Tehama county courts. The visits are part of the grant program's strategic plan to study the effectiveness of the grant-related services (i.e., supervised visitation and exchange services, parent education, and group counseling).

Report to the Legislature on Ten Years of Access to Visitation Grant Program Services (Fiscal Years 1997–2007): The Judicial Council report to the Legislature focused on whether and to what extent the grant programs are achieving their goals (i.e., promoting healthy parent/child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children). Although no formal recommendations are made in the report, it identifies challenges and complexities regarding the administration and operation of the grant-related services that limit the ability of the grants to address the great demand for program services.

Violence Against Women Education Project Planning Committee: AOC staff serves on the Office of Emergency Services committee charged with monitoring and overseeing domestic violence grant funding. The committee met to select priorities for the next grant year. Members also attended a presentation at the Orange County Superior Court on the court's domestic violence restraining and protective order registry and toured the its criminal law domestic violence court.

Advisory Committee, Task Force, and Working Group Meetings (beginning on page 14). The following committees met since the Judicial Council's last meeting in February:

- Access and Fairness Advisory Committee
- Appellate Advisory Committee
- Appellate Indigent Defense Oversight Advisory Committee
- Assigned Judges Program Advisory Committee
- Civil and Small Claims Advisory Committee
- Collaborative Justice Courts Advisory Committee
- Collaborative Trial Court Employee Working Group
- Commission on Civil Filing Fees
- Commission for Impartial Courts Steering Committee
- Court Interpreters Advisory Panel
- Court Technology Advisory Committee
- Criminal Law Advisory Committee
- Enterprise-Wide Infrastructure Governance Committee
- Family and Juvenile Law Advisory Committee
- Judicial Pay and Benefits Working Group
- Juvenile Delinquency Court Assessment Working Group
- Probate and Mental Health Advisory Committee
- Task Force for Criminal Justice Collaboration on Mental Health Issues

- Traffic Advisory Committee
- Trial Court Budget Working Group
- Trial Court Presiding Judges Advisory Committee, Executive Committee

Education and Training Programs were held on the following issues (beginning on page 19):

- Access and Fairness Presentations:
 - Access to Justice, for the Conference for the California State Bar
 - Access to Visitation Workshop
 - ADA issues: Bar Association of San Francisco, Disability Rights Committee
 - Cultural Competency, for the Appellate Management Institute
 - Cultural Competency, for the Court Reporters Association Conference
 - Recruitment and Retention of Diverse Employees, for Family Dispute Resolution Training Symposium
 - Rule 1.100, for the ADA/Access Coordinators Conference
- Appellate Management Institute
- Change Management Related to New Technology, for supervisors
- Civil Law Institute
- Complex Civil Litigation Workshop, one of two offered each year for complex lit. judges
- Core 40 Program, for supervisors and managers
- Court Clerks Regional Training
 - Court Records Retention and Destruction
 - Felony Sentencing
 - Prison Abstracts
- Court Staff Regional Education - Trial by Jury
- Emergency Preparedness and Safety Training for Appellate Courts
- Family Law Institute
- Labor Relations Academy
- Juvenile Law Institute
- New Judges Orientation Program
- Probate and Mental Health Institute
- Supervised Visitation Training, three sessions

Broadcasts

- California Courts News, monthly update
- How to Settle Any Case and Look Like a Pro (Great Minds Series, for judges)
- DUI Court in Schools with the California Channel
- Indian Child Welfare Act
- Integrated Disability Management, for supervisors
- Preventing and Responding to Sexual Harassment, for court staff
- Observing and Assessing Staff Performance, for supervisors (3rd Tuesday Series)

- A Practical Look at Probate Court Investigator Responsibilities, for supervisors (3rd Tuesday Series)

Online Education Resources: A new judicial course on *Small Claims Court: Consumer and Substantive Law* and updated judicial courses on *Juvenile Dependency*, *Juvenile Delinquency*, *Unlawful Detainer* were made available.

Publications:

Effective Court Practice for Abused Elders: The Report to the Archstone Foundation, including a DVD with a basic elder abuse curriculum for judges and court staff, was released to presiding judges, court executive officers, and the Collaborative Justice Advisory Committee.

Updated Bench Handbook: Indian Child Welfare Act Handbook

Updated Benchguides:

- Child and Spousal Support
- Courtroom Control: Contempt and Sanctions
- Death Penalty: Pretrial and Guilt Phase
- Death Penalty: Penalty Phase and Post-trial
- Disqualification of Judge
- Right to Counsel Issues

National Activities:

Congressional Priorities for State Courts: The Conference of Chief Justices and the Conference of State Court Administrators Government Affairs Committee, (of which I am a member), approved its 2008 priorities for Congress (page 27).

Award for Judicial Council Civil and Criminal Jury Instructions: The National Center for State Courts has selected the Judicial Council Task Force on Jury Instructions as the recipient of the first G. Thomas Munsterman Award for Jury Innovation.

National Association of Drug Court Professionals: AOC staff participated in the invitation-only meeting designed to assist state representatives/coordinators in developing and implementing strategies to access federal funding for drug courts.

Technology Knowledge Exchange: AOC representatives participated in the following national programs:

U.S. Department of Justice Global Information Sharing Infrastructure and Standards Working Group: This group's mission is to develop a conceptual framework and identify year implementation strategies for national justice information sharing, assisting government entities in their efforts to share justice, public safety, and first-responder information within guiding principles of the Global Advisory Committee.

Court Information Technology Officers Consortium Annual Conference: The program focused on data integration and sharing; planning for a paper on demand environment; CIO succession planning; "getting green in IT," and planning to meet the high availability demand for IT services.

Stanford Criminal Justice Center Executive Session on Sentencing and Corrections: Information Services Division Director Mark Dusman presented on "The California Judicial Branch: Taking an Enterprise View to Integration." Participants from California, Pennsylvania, Virginia, and Arizona included judges and justices, probation officers, attorneys, and commissioners, and representatives from the Criminal Justice Center and the National Center for State Courts.

Additional Detail on Summary Items

Budget

Commission on Civil Fees: In February 2007, as part of its work on the uniform civil fee structure, the Task Force on Civil Fees proposed the creation of a commission on civil fees to periodically review fee issues and propose adjustments to accommodate inflation and other factors affecting trial court operating costs and programs that rely on court fees for funding.

The Judicial Council approved the proposal in concept, and a bill was introduced in the Legislature that would have provided for the commission in statute. The Governor vetoed the bill, with a statement that the council already has the authority to review and make recommendations on court fees. A proposed rule of court is being developed to establish the fee commission on an ongoing basis.

The commission consists of representatives from the trial courts, the State Bar, the Consumer Attorneys of California, the California Defense Counsel, the Council of California County Law Librarians, the California State Association of Counties, the California Court Reporters Association, the California Dispute Resolution Council, and the Administrative Office of the Courts.

Judicial Council Advisory Committees/Task Forces/Working Groups

Access and Fairness Advisory Committee: The committee discussed the release of the *Access and Fairness in California Law Schools* report, a joint project of the Judicial Council and the State Bar. The committee was asked to present the report at upcoming meeting of the State Bar Board of Governors. The committee also voted to amend optional form MC-001, Juror Questionnaire for Civil Cases, to achieve consistency with Standard of Judicial Administration 3.25 (b) 20 and (d) 28.

Appellate Advisory Committee: The committee is recommending nine rules and forms proposals to be circulated for comment this spring. Proposals include new rules concerning habeas corpus proceedings in the appellate courts, disclosures concerning authorship and financial support for amicus curiae briefs, and new proof-of-service forms for use in proceedings in the Courts of Appeal and superior court appellate divisions.

Appellate Indigent Defense Oversight Advisory Committee: The committee discussed the audit of court-appointed counsel claims. Departing members were recognized for their service.

Assigned Judges Program Advisory Committee: The committee established a working subcommittee for the Wellness Initiative focusing on physical and mental health, with the overall goal of judicial officer retention. Faculty and workshop topics also were finalized for the 2008 Assigned Judges Conference.

Civil and Small Claims Advisory Committee: The committee is recommending that the Judicial Council sponsor legislation relating to the discovery of electronically stored information to modernize discovery law and improve the procedures for handling the discovery of electronically stored information.

The committee also is recommending 21 rules and forms proposals to be circulated for comment this spring, including procedures to address complaints about court-programs mediators, new rules on motions in unlawful detainer and other summary proceedings, rule amendments on class actions, and court-appointed temporary judges. Forms proposals include recommendations for revisions to forms for general denials, subpoenas, and proof-of-service. The committee is recommending re-circulating the proposed civil pretrial rules previously circulated for comment and extensively revised.

Commission for Impartial Courts - Steering Committee: All four task force chairs provided updates on their current activities. Members also suggested methods for informing the public, the media, and the judicial branch regarding the commission's purpose and charge.

Court Technology Advisory Committee: The committee agreed to partner with the Litigation Committee of the State Bar to promote the uniform implementation of e-filing across California. Members heard updates on statewide judicial branch infrastructure initiatives and discussed the committee's role with respect to all statewide technology projects. Plans for the transition of the California Courts Technology Center to a new service provider in the fall also were discussed.

Criminal Law Advisory Committee: The committee approved a proposal to adopt new Judicial Council forms to facilitate expungement of DNA profiles and samples. In response to recent legislation, it also approved proposals to amend Judicial Council forms including the criminal subpoena, petition for writ of habeas corpus, and criminal protective orders.

Enterprise-Wide Infrastructure Governance Committee: The committee of court and AOC representatives, chaired by Chief Deputy Director Ron Overholt, met at the new Court of Appeal facility in Fresno. Members discussed statewide information technology initiatives;

communications to the courts on infrastructure goals; and potential court revenue sources for infrastructure financing.

Family and Juvenile Law Advisory Committee: Issues addressed included orientation for new members, new publications, legislative updates, Court Case Management System, the Elkins Family Law Task Force, the Domestic Violence Task Force, the California Statewide Initiative on the Co-occurrence of Domestic Violence and Child Maltreatment, and the Juvenile Delinquency Court Assessment.

Judicial Pay and Benefits Working Group: The Working Group met on retirement enhancements, salary setting for judges, and local judicial benefits provided by county or court funds.

Probate and Mental Health Advisory Committee: Work was completed to circulate for public comment four proposals for changes in rules and forms to:

- implement provisions of the Omnibus Conservatorship and Guardianship Reform Act of 2006, and 2007 legislation that clarified portions of that law;
- adopt two new rules of court and revise four forms to improve enforcement of existing statutes governing disclosure of activities of fiduciaries involving assets of minor wards and conservatees, in support of a recommendation of the Probate Conservatorship Task Force adopted by the Judicial Council in October 2007; and
- create rules of court and forms to be used to apply for waivers of notice of hearing of petitions for appointment of temporary conservators and guardians, in conformity with new restrictions on the waiver of such hearings under the law.

Traffic Advisory Committee: The committee considered changes to the Uniform Bail and Penalty Schedules for 2009 regarding information on correctable violations. It also recommended revision of traffic public outreach materials posted on the Serranus Web site for bench officers. The agenda included the development of additional requirements regarding digital signatures for electronic notice to appear citation forms. The committee will coordinate with the Court Technology Advisory Committee and the Traffic Records Coordinating Committee to develop a recommendation for legislation or a rule proposal. The committee also reviewed proposals to be circulated for public comment.

Trial Court Budget Working Group: The agenda included an update on current year budget and legislative developments, discussion related to a projected current year funding shortfall for the court-appointed counsel program as well as a look ahead to the fiscal year 2008–2009 allocation process for the program, and a review of possible allocation methodologies relating to conservatorship funding. The group will meet again in June to make recommendations on fiscal year 2008–2009 funding adjustments for the trial courts.

Trial Court Presiding Judges Advisory Committee, Executive Committee: Members addressed best practices for allocating judicial officer leave, electing presiding judges (PJs) and assistant presiding judges (APJs), and improvements to the information sharing capabilities of the PJ/APJ listserv. CJER Governing Committee and AOC Education Division representatives participated in a roundtable discussion on alternatives to recording and reporting judicial officer education, as mandated by California Rules of Court 10.452(e)(7) and 10.462(f)(2). Members also heard updates from the joint PJs/CEOs Rules and Roles Analysis Working Group, the Joint Working Groups on Legislation and Rules, and PJ liaisons to advisory committees and other working groups.

Administrative Office of the Courts

Infrastructure Initiatives

Technology

California Court Case Management System (CCMS): The AOC continues to provide information to statewide justice partners and within the judicial branch. During the past quarter representatives from CCMS have presented information to the:

- Attorney General's Subcommittee on Criminal Justice Integration
- California District Attorney's Association
- Visiting Judges Program - San Diego
- Small Court Consortium Symposium, and
- Federal Judiciary Council Magistrate - Mexico

Data Exchange Communications Plan for Local Justice Partners: The AOC is in the early stages of creating a communication plan for local justice partners to communicate the AOC integration strategy, and encourage local partners to assess the scope of changes necessary to replace existing integrations to legacy case management systems in anticipation of CCMS V-4 deployment. Local partners will need to get into a budget cycle as soon as possible to enable alignment of their changes with the CCMS V-4 deployment schedule. The plan will include general communications to associations and a Web site with the business and technical features of the AOC strategy. Face-to-face meetings with the court executive officers and the local partners will allow a full dialogue.

E-Filing: The Court Technology Advisory Committee has agreed to partner with the California State Bar Litigation Committee to promote uniform implementation of e-

filing. To facilitate statewide uniform implementation of e-filing, the AOC's e-filing team is working with CCMS on e-filing requirements within that application, working with EZLegalFile to create a statewide e-filing portal for self-represented litigants, and looking at ways to create uniformity of vendor and court-hosted e-filing services across California for all court users.

Phoenix Project: The new trust accounting module was successfully implemented in Stanislaus and San Bernardino Courts in April. Business Warehouse, an SAP data warehouse and reporting solution, also was implemented in April.

Vendor selection is under way in response to the AOC's Request for Proposal for the next phase of the Phoenix Project. Phase two encompasses a software upgrade, constituting a complete redeployment of the entire financial system to all 58 courts and the human resource system to the existing 6 courts with a 12-month preparation and testing period before implementation. The upgrade will provide added system functionality such as enhanced statewide reporting and other added features.

Deployment of the Phoenix Human Resources System to the remaining 52 courts will include additional modules such as recruitment, performance management, personnel cost planning, and e-learning. Rollout is anticipated to continue after the planned upgrade to the SAP system. Projected completion is in fiscal year 2011–2012.

Work continues on the update of the Phoenix Project's roadmap for future functionality to meet trial court business needs included in new SAP case types, e.g., cash management, public sector collections and disbursement, solution management, grants management, and Adobe interactive forms.

Labor and Employee Relations: Court representatives from throughout the state attended the Labor Relations Academy held in Burbank and in Sacramento. The three-day, interactive program covered labor relations topics through lecture, exercises, mock negotiations, group activities, and information exchange.

During the reporting period, AOC negotiators provided ongoing bargaining assistance to the Superior Courts of Del Norte, Sierra, and Yolo counties. The unit also assisted several trial courts by conducting personnel investigations and filed position statements with the Department of Fair Employment and Housing and the Public Employment Relations Board on behalf of trial courts.

Education and Training Programs

Appellate Management Institute: The institute was attended by 65 appellate clerk administrators, assistant clerk administrators, managing attorneys, and supervisory court personnel who were provided with educational development courses designed to enhance their professional skills. This institute will be held annually.

California Association of Drug Court Professionals: The AOC and the Department of Alcohol and Drug Programs co-sponsored the statewide conference attended by up to 500 people. The AOC coordinated 10 courses in conference tracks that concern Adult Drug Court, Dependency Drug Court, DUI Court, Treatment Court, Juvenile Drug Court, and Mental Health and Co-Occurring Disorders.

Civil Law Institute: This year's institute offered 96 judges and commissioners the following choice of courses: Attorney Fees and Sanctions, Civil Overlaps, Emerging Issues in Employment Law, Writs of Mandate, Provisional Remedies, Managing ADR, Punitive Damages, Insurance Law, SLAPP Motions, Evidence Issues, Mass Torts, and Writing. Two pre-institute courses also were offered: Qualifying Ethics and Limited Jurisdiction, Small Claims and Unlawful Detainer Overview.

Core 40 Program: Three week-long programs for 56 court supervisors and managers included modules on the role of the supervisor, employment law, and performance management.

Court Records Retention and Destruction: Three day-long regional sessions for court staff. Designed to help effectively maintain court records, course topics included statutes related to records management, "sampling" and its applications, notice and time-related requirements, effective records management, and methods of record storage.

Drug Court Cost Study Trainings were held in Sacramento and San Francisco to assist local courts in implementing a Web-based self evaluation cost study tool.

Emergency Preparedness for Appellate Courts: Using video conferencing, court staff in the First, Second, and Fourth District Courts of Appeal participated in training on emergency preparedness and safety.

Family Dispute Resolution Institute: Courses on Fairness and Cultural Issues in Domestic Violence Cases; and the Use of Technology in Intimate Partner Stalking provided the latest information on handling cultural issues in domestic violence cases and cyber-stalking and the

use of technology. 192 family law judicial officers and dispute resolution professionals attended the workshops.

Family Law Institute: 124 judges, commissioners, and referees chose from courses: Self-Represented Litigants: Do They Hear What You Say?, Crafting Custody Orders in Domestic Violence, Reporting Income for Support Using Tax Returns, Family Law Update, Fiduciary Duties and Disclosures After Feldman, Domestic Violence Restraining Order Best Practices, Appellate Review of Trial Court Decisions on Family Law Issues, Complex Spousal Support Issues, Custody Issues, Calendar Management, Moveaways—Can We Still Save This “Family?”, Guardianships, Meeting Public Expectations and Achieving Procedural Fairness in Family Law Court, Parentage Litigation, When Parents Disagree With Their Child’s Diagnosis or Treatment and Borderlines and Narcissists: Management, Assessment, and Treatment.

Felony Sentencing for Courtroom Clerks: An entry-level regional session was conducted for 33 court staff, introducing typical felony sentencing procedures and terminology. Course topics included review of case files, preparation of minute orders, relevant fines and fees, current protocols, and confidentiality.

Indian Child Welfare Act (ICWA) Initiative: Staff conducted five ICWA training sessions for judges, probation officers, attorneys, and social workers in Monterey, San Bernardino, San Francisco, and Los Angeles Counties.

Judicial Review and Technical Assistance Project: Staff conducted a training session for probation on federal and state laws pertaining to foster care in Los Angeles, and a training session on adoption for self-help center attorneys in San Francisco.

Juvenile Law Institute: 126 judges, commissioners, and referees, and 9 trial court research attorneys chose from the following courses: Adolescent Development, Effects of Domestic Violence on Child Development, Juvenile Sex Offenders, Differential Assessments: Domestic Violence and Co-Occurring Issues, Evaluation and Risk Assessment When Domestic is an Issue, Delinquency Sentencing: Meeting the Challenge of SB 81 and AB 191, How to Rule on 827 Motions in Dependency and Delinquency, Prospective Adoptive Parent Status, Restoration of Competency, Delinquency Legal Update, Dependency Legal Update. In addition, “Stop the Silence” presented on the new National Bench Book on Child Sexual Abuse.

Prison Abstracts: A three-day regional session for 91 court staff who process prison abstracts. Course topics included correct preparation of prison abstracts, required supplemental information, relevant terminology, and prison abstract forms.

Probate and Mental Health Institute: The institute consisted of two days of courses. 100 judges and commissioners assigned to probate as well as probate attorneys and examiners attended. A small group of probate court investigators attended a separate track to begin planning the first Judicial Council sponsored Probate Conservatorship and Guardianship Institute.

Supervised Visitation Program Training was conducted for court and community professionals in Orange, Shasta, and Siskiyou Counties.

Publications

Effective Court Practices for Abused Elders: This report to the Archstone Foundation is the product of a two-year research project designed to document innovative practices in handling cases of elder abuse and to assess the needs of abused elders and the barriers they face in coming to court to obtain protection from their abusers. The project focused on a variety of courts, including criminal, civil, family, domestic violence, and probate court, where elders or their caregivers come to seek the court's protection through restraining orders or conservatorships.

The report provides an overview of the elderly population and elder abuse, including issues for the community as a whole and for the courts specifically. In addition, the report:

- Reviews national, state, and local programs and initiatives developed in response to elder abuse, as well as trends that are likely to have an impact on agencies that serve abused elders;
- Highlights what is known about elder abuse in the courts at the state level, including a review of the results of a statewide survey on the court response to elder abuse;
- Describes the elder abuse initiatives adopted by four study courts, highlights issues faced by the courts and community in serving elder abuse victims, and provides some background data on elders in the county and elder abuse in the court; and
- Summarizes the types of specialized programs or initiatives in which courts could become involved to better respond to elder abuse, drawing on examples from the study courts and other significant national initiatives.

JUDICIAL VACANCY REPORT**Number of Judgeships Authorized, Filled and Vacant as of April 18, 2008**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS				
		Authorized	Filled	Vacant	<i>Filled (Last Month)**</i>	<i>Vacant (Last Month)**</i>
Supreme Court	1	7	7	0	7	0
Courts of Appeal	6	105	101	4	100	5
Superior Courts	58	1559*	1487	72	1495	58
All Courts	65	1671	1595	76	1602	63

* In April, six new judgeships were created by converting commissioner positions from the following Superior Courts: Contra Costa (1), Los Angeles (4), Sacramento (1) and San Diego (1).

**As of March 31, 2008

JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
First Appellate District, Division Five	1	Dis Retirement	Hon. Linda Marino Gemello	01/04/08
Second Appellate District, Division One	3	Retirement	Hon. Vaino H. Spencer	08/31/07
Second Appellate District, Division Seven		Retirement	Hon. Earl Johnson, Jr.	10/17/07
Second Appellate District, Division Eight		Deceased	Hon. Paul Boland	09/04/07
TOTAL VACANCIES	4			

JUDICIAL VACANCIES: SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	2	Retirement	Hon. Kenneth R. Kingsbury	02/29/08
Alameda		Retirement	Hon. Carlos G. Ynostroza	01/23/08
Butte	1	(SB 56) New Position	Vacancy	06/01/07
Colusa	1	Retirement	Hon. S. William Abel	01/05/08
Contra Costa	3	Converted New Position*	Vacancy	04/01/08
Contra Costa		Converted New Position	Vacancy	03/01/08
Contra Costa		Converted New Position	Vacancy	01/01/08
El Dorado	1	Retirement	Hon. Eddie T. Keller	07/27/07
Fresno	2	Retirement	Hon. Gary S. Austin	10/11/07
Fresno		(SB 56) New Position	Vacancy	06/01/07
Kern	4	Retirement	Hon. Richard J. Oberholzer	02/29/08
Kern		Retirement	Hon. James M. Stuart	01/08/08
Kern		Retirement	Hon. Frank Allen Hoover	12/11/07
Kern		Retirement	Hon. Charles P. McNutt	09/09/07
Los Angeles	9	Retirement	Hon. Francis J. Hourigan III	04/15/08
Los Angeles		Retirement	Hon. Stanley Martin Weisberg	04/11/08
Los Angeles		Converted New Position*	Vacancy	04/02/08
Los Angeles		Converted New Position*	Vacancy	04/01/08
Los Angeles		Converted New Position*	Vacancy	04/01/08

Los Angeles		Retirement	Hon. Dzintra I. Janavs	03/20/08
Los Angeles		Retirement	Hon. Michael S. Luros	03/17/08
Los Angeles		Retirement	Hon. Daniel S. Pratt	03/02/08
Los Angeles		Retirement	Hon. Alan S. Kalkin	02/18/08
Madera	1	(SB 56) New Position	Vacancy	06/01/07
Merced	1	(SB 56) New Position	Vacancy	06/01/07
Modoc	1	Retirement	Hon. Larry L. Dier	02/29/08
Monterey	1	Removed	Hon. Jose A. Velasquez	04/25/07
Orange	6	Retirement	Hon. Dennis S. Choate	04/02/08
Orange		Retirement	Hon. Richard E. Behn	03/31/08
Orange		Retirement	Hon. Glenn A. Mahler	02/29/08
Orange		Retirement	Hon. Hugh Michael Brenner	10/07/07
Orange		Retirement	Hon. Jonathan H. Cannon	07/16/07
Orange		(SB 56) New Position	Vacancy	06/01/07
Riverside	5	Retirement	Hon. Stephen D. Cunnison	04/13/08
Riverside		Retirement	Hon. Dallas S. Holmes	12/03/07
Riverside		Retirement	Hon. Harry Morgan Dougherty	11/04/07
Riverside		Removed	Hon. Robert George Spitzer	10/02/07
Riverside		Retirement	Hon. Lawrence W. Fry	08/08/07
Sacramento	2	Retirement	Hon. John Van Dyke Sapunor	04/04/08
Sacramento		Converted New Position*	Vacancy	04/02/08
San Diego	8	Disability Retirement	Hon. Edward B. Huntington	04/04/08
San Diego		Converted New Position*	Vacancy	04/02/08
San Diego		Converted New Position	Vacancy	02/01/08

San Diego		Retirement	Hon. Marguerite L. Wagner	12/06/07
San Diego		Retirement	Hon. Larrie R. Brainard	10/01/07
San Diego		To Fed Court	Hon. Janis L. Sammartino	09/20/07
San Diego		Retirement	Hon. Lillian Y. Lim	08/01/07
San Diego		Retirement	Hon. Janet I. Kintner	03/20/07
San Francisco	2	Converted New Position	Vacancy	01/26/08
San Francisco		Retirement	Hon. John J. Conway	11/02/07
San Joaquin	1	Retirement	Hon. John W. Parker	02/29/08
San Luis Obispo	1	Converted New Position	Vacancy	01/01/08
San Mateo	1	Retirement	Hon. John W. Runde	04/03/08
Santa Barbara	2	Retirement	Hon. Rodney S. Melville	10/12/07
Santa Barbara		Removed	Hon. Diana R. Hall	12/14/06
Santa Clara	3	Retirement	Hon. Carl Randall Schneider	03/31/08
Santa Clara		Retirement	Hon. Ronald T. Lisk	01/31/07
Santa Clara		Retirement	Hon. Charles J. Cory	01/31/07
Santa Cruz	1	Retirement	Hon. Robert B. Yonts, Jr.	01/24/07
Solano	2	Retirement	Hon. R. Michael Smith	06/04/07
Solano		Retirement	Hon. Michael E. Nail	06/01/07
Sonoma	1	(SB 56) New Position	Vacancy	06/01/07
Stanislaus	3	(SB 56) New Position	Vacancy	06/01/07
Stanislaus		(SB 56) New Position	Vacancy	06/01/07
Stanislaus		(SB 56) New Position	Vacancy	06/01/07
Sutter	1	Retirement	Hon. Robert H. Damron	10/23/07
Ventura	5	Retirement	Hon. Arturo F. Gutierrez	04/13/08
Ventura		Retirement	Hon. Charles W. Campbell, Jr.	03/02/08

Ventura		Retirement	Hon. Herbert Curtis III	10/17/07
Ventura		Retirement	Hon. Thomas J. Hutchins	08/30/07
Ventura		(SB 56) New Position	Vacancy	06/01/07
Yolo	1	Retirement	Hon. Donna M. Petre	05/14/07
TOTAL VACANCIES	72			

In April 2008, six new judgeships were created by converting commissioner positions from the following Superior Courts: Contra Costa (1), Los Angeles (4), Sacramento (1) and San Diego (1).