



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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## M E M O R A N D U M

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**Date**

August 26, 2011

**Action Requested**

For Information Only

**To**

Members of the Judicial Council

**Deadline**

N/A

**From**

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**Subject**

Report on Activities of the  
Administrative Office of the Courts

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The following information outlines some of the many activities in which the Administrative Office of the Courts is engaged to further the Judicial Council's goals and agenda for the judicial branch.

Issues and activities include the following:

- Administrative Office of the Courts Leadership and Organization Changes (*p. 2*)
- Legislation (*p. 18*)
- New Judgeships and Judicial Vacancies (*p. 3 & 31*)
- California Court Case Management System (*p. 6 & 16*)
- Facilities Maintenance Pilot Program (*p. 5*)
- Advisory Committees, Task Forces, and Working Groups (*p. 8 & 11*)
- Judicial and Court Employee Education (*p. 9 & 28*)

## Summary

\* Please note: Page numbers next to summary items reference more detailed information.

### **Administrative Office of the Courts (AOC) Leadership and Organizational Transitions:**

- *Regional Administrative Director:* Sheila Calabro retired from the Administrative Office of the Courts Southern Regional Office after nine years with the AOC, and a total of 43 years of public service with the judicial branch. Assistant Director Margie Borjon-Miller has been appointed as Acting Regional Administrative Director.
- *Chief Financial Officer:* Following nine years of service as AOC Chief Financial Officer (CFO), Stephen Nash assumed his new responsibilities as court executive officer with the Superior Court of San Bernardino County. The AOC's new CFO, Zlatko Theodorovic is a 14-year veteran of the state Department of Finance. Mr. Theodorovic served for the past five years as the department's assistant program budget manager with responsibility for the judicial branch, the Department of Corrections and Rehabilitation, the Department of Justice, and the State Public Defender's Office, among others, overseeing a state General Fund of \$11 billion.
- *Reorganization:*
  - Effective September 1, 2011, two AOC divisions, the Appellate and Trial Court Judicial Services Division and the Executive Office Programs Division, will merge into a single division, streamlining services and yielding savings through the elimination of a director position with the retirement of the Executive Office Programs Director Kenneth Kann following a decade of service.
  - To achieve cost savings, the AOC's Southern Regional Office is consolidating leased office space.

### **Judicial Branch Audit Program:**

- Regular cycle comprehensive audits were initiated for the Superior Courts of Alameda, Los Angeles, Mariposa, and Stanislaus Counties.
- Regular cycle comprehensive audit reports completed and pending review of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch are as follows: Superior Courts of Alpine, El Dorado, San Joaquin, and Napa Counties.
- California Court Case Management System: Monthly independent project oversight and independent validation and verification reports are ongoing.

**Criminal Justice Realignment Act (AB 109/AB 117)–Implementation:** The AOC is coordinating activities to assist the courts as they prepare for the October 1, 2011, implementation of the Act through development of rules of court and forms, allocating funding of approximately \$17 million included in the Budget Act of 2011, and in collaboration with courts, developing frequently asked questions and responses, and training.

**Enforcing Tribal Court Civil Judgments:** Proposed legislation seeks to clarify and simplify the process whereby tribal court civil judgments are recognized and enforced in California. Currently, tribal court judgments may be recognized through the provisions of the Uniform Foreign-Country Money Judgments Recognition Act. A proceeding to obtain enforcement under that act can be lengthy and costly. This proposal would institute a discrete procedure that would provide swifter recognition of such judgments while applying the principles of comity appropriate to judgments of sovereign tribes throughout the country. The proposal is circulating for comment through August 31, 2011, and may be viewed at <http://www.courts.ca.gov/documents/LEG11-03.pdf>.

**Reports to the Legislature:** The following reports were submitted to the Legislature during this reporting period (page 18):

- [Annual Report Summarizing Court Security Plans Reviewed by the Judicial Council \(July 2011\)](#).
- [Court-Ordered Debt Task Force Report to the Judicial Council and Legislature \(June 2011\)](#).
- [Review of the Statewide Uniform Child Support Guideline 2010 \(June 2011\)](#).

**New Judgeships and Vacancies (page 32):**

- In July 2011, 11 new judgeships were created by converting a commissioner position from the following Superior Courts: Los Angeles (seven), Marin (one), Orange (two), and Santa Cruz (one).
- Currently, there are one Supreme Court, three Court of Appeal, and 45 trial court judicial vacancies.

**Appellate Court Leadership Meeting:** Administrative presiding justices and clerk/administrators met to discuss strategies for addressing the appellate courts' share of the fiscal year 2011–2012 budget reductions. Among the topics discussed were the continuation of furloughs, the impact of reduced levels of appellate resources on the public, and planning for fiscal year 2012–2013 and beyond. The appellate leaders agreed on a plan for apportioning their courts' share of the cuts among the six appellate districts and the Supreme Court, and will meet again in September to assess the ongoing effects of the budget reductions.

**Kleps Award Presentations for Improvement in the Administration of the Courts:** Supreme Court Associate Justice Marvin R. Baxter represented the Judicial Council at Kleps Award presentations to the Court of Appeal, Fifth Appellate District, and the Superior Courts of Fresno and Stanislaus Counties for their Transcript Assembly Program, and also a second award presentation to the Fifth District for its Electronic Writ Program. Judge Keith D. Davis represented the council as the Superior Court of San Bernardino County received its award for the Automated Payment Processing Program, also known as the "Magic Money Machine."

**Master Agreement for Statewide Translations:** The AOC signed a statewide master agreement with Transcend Translations, of Davis, California. The agreement provides the AOC and trial courts with the opportunity to purchase qualified translation services at uniform rates. Participation is optional and on a job-by-job basis, with no ongoing commitment. The vendor selection committee included translation users from the AOC and three trial courts. Transcend has a history of providing the AOC and various California courts with quality translations.

**Community Corrections Program:** The California Risk Assessment Pilot project managers held their quarterly meeting. To date, two counties now have a risk and needs assessment before the judge at sentencing, with a further two counties to follow in the fall.

**Bureau of Justice Assistance Grant:** The Bureau approved the extension of the California Drug Court Data Collection Project grant to support enhanced data collection for collaborative justice courts throughout the state.

**Substance Abuse Focus Grant Request for Application:** A request for application was sent on behalf of the Collaborative Justice Courts Advisory Committee to the trial courts in August. Approximately \$1,081,000 in funding will be allocated to the trial courts in support of collaborative justice programs.

**Court-Appointed Special Advocates Grants Program Site Visit:** Program staff conducted an evaluation of Court-Appointed Special Advocates (CASA) of Solano County to ensure compliance with California Rules of Court and National CASA Standards.

**Inter-Agency Meeting With the Board of Behavioral Sciences:** AOC staff met with members of the Board of Behavioral Sciences and the Board of Psychology to increase communication about the roles and training requirements of child custody mediators and evaluators, both court-connected and private. This meeting was important in that both entities and the courts receive complaints about these categories of professionals, and it is important to distinguish the appropriate entity for different types of complaints.

**Improving Accessibility and Consistency in Trial Court Web Sites:** The Superior Courts of Yuba and Santa Cruz Counties are the most recent courts to redesign their Web sites using AOC Trial Court Web Templates, which are provided free to all trial courts. Template migration and implementation services were funded through the Trial Court Improvement Fund. The templates reflect the work of a comprehensive Web User Assessment undertaken in 2009 that studied how trial court websites could be structured to better serve the needs of the public, attorneys, self-represented litigants, and jurors. The templates are used by a total of nine courts including: Lake, Humboldt, Sonoma, Santa Clara, San Mateo, Merced, and Riverside Counties. Implementation in the Superior Courts of San Francisco and Napa Counties is in progress.

**Labor Relations:** Labor negotiations assistance currently is being provided to 18 courts. A majority of the courts are in need of concessions or reductions that will allow the courts to operate within their financial means, resulting in challenging and often protracted negotiations.

**Employee Relations:** Employee relations assistance is currently being provided to 17 courts. Assistance includes training for court staff, training for court supervisors/managers, employee investigations, performance management, and employee disciplinary actions.

**National Conference for Appellate Court Clerks:** Staff was invited to present at the conference on "Demystifying the American with Disabilities Act Interactive Process," and also at a session entitled "Being the Boss."

**Legislation:** See page 18 for a summary of legislative action, including Judicial Council-sponsored bills.

## **Administrative Infrastructure**

### **Facilities**

#### **Facility Maintenance Pilot Program:**

- A working group has been formed to plan a pilot program in which the AOC will delegate authority and funding for facility maintenance to trial courts. Working group courts selected through the Court Executives Advisory Committee include the Superior Courts of Butte, Del Norte, Merced, Napa, Orange, Placer, San Luis Obispo, Santa Clara, Sonoma, Riverside, Tulare, and Yolo Counties. In the next several months, the working group will establish the pilot program's framework, after which courts will be invited to participate in the pilot program itself. The pilot is expected to launch in mid-2012.

#### **Capital Projects:**

**52 Projects Moving Forward:** Site selection and acquisition for 29 new courthouse projects are in progress, in addition to design on 13 projects (renovations and new construction). Construction starts for five projects are awaiting a bond sale; and construction of four new courthouses is under way.

#### **State Public Works Board Approval:**

- Site acquisition:
  - Shasta: New Redding courthouse.
  - Santa Barbara: New Santa Barbara criminal courthouse.
- Site selection:
  - Siskiyou: New Yreka courthouse.

- Mendocino: New Ukiah courthouse.

**Facility Modifications:**

- One thousand and eighty-eight active facility modifications at a value of \$57.4 million are in progress.

**Technology**

**Infrastructure and Security**

***California Courts Technology Center:*** The center completed its seventh annual disaster recovery exercise, successfully demonstrating that infrastructure, network services, and applications could be safely and securely backed up, redirected, and restored at the center's secondary site in Omaha, Nebraska.

***Cost Savings for California Courts Technology Center:***

- *Storage Area Network Migration:* This is a cost saving initiative to migrate all Phoenix financial and human resources management systems non-production environments at the center, reducing yearly storage area network expenses by a projected \$40,000, with minimal discernable performance impacts to these environments.
- *Server Consolidation:* In the initiation stage, this project will reduce hardware costs at the center by configuring servers to be shared by multiple AOC applications, reducing maintenance and support expenses.

**Administrative and Management Systems**

***Phoenix Financial and Human Resources System:***

- *Upgrading Reporting Functionality:* Hosted at the California Courts Technology Center, the Phoenix Financial and Human Resources systems are being upgraded to provide new functionality for improved reporting capabilities to supports users in financial planning, budgeting, and meeting International Financial Reporting Standards.

**Case Management Systems**

***California Court Case Management System (CCMS):***

- *Governance Structure:* The CCMS Executive Committee, the CCMS General Administrative Advisory Committee, the CCMS Operational Advisory Committee, and the CCMS Justice Partner Advisory Committee continue to meet regularly and

are committed to having their decisions be transparent and hearing concerns expressed by the trial courts.

- *Development:* External Component product acceptance testing began in June and is expected to be completed by the end of August. Approximately 60 court and AOC staff are working to complete this phase of the project.
- *Ongoing Review of CCMS:* Contracts for an independent evaluation of the development vendor's process for developing CCMS and a code quality review were executed in June.
- *Deployment:* Due to budget uncertainties, early adopter deployment activities are paused to focus on risk mitigation and additional cost analysis. The full impact of the budget reductions is being assessed to determine what can be accomplished in fiscal year 2011–2012 with remaining funds.

***Savings for Application Developments Civil, Small Claims, Probate and Mental Health Case Management System (V3):***

- In June 2011, Deloitte Consulting completed development on its final patch for V3, 10.04. This patch was delivered to the courts for testing and deployment activities. The courts finished testing and will finish installation at all user courts by the end of August 2011.
- Also in June, work began on the first AOC-developed release, 11.00. This release will be available to the courts for testing in October 2011 for deployment in late October or early November 2011.
- Support for the application is in the final stages, where AOC resources have taken the lead on all court communications, issue triage, requirements gathering, and support requests. This will achieve a cost savings of approximately \$2.5 million in labor charges through fiscal year 2013–2014, while building in-house functional and technical knowledge to be used for future technical support of CCMS.

***Computer-Aided Facilities Management:***

- This facilities management system is a Web-based program to provide court personnel, AOC staff, and third-party service contractors with access to real-time data on building design, construction, operations, and maintenance. Enhancements were made for Capital Projects, Real Property, and Demand Maintenance modules.

## **Infrastructure and Security**

***Local Area Network/Wide Area Network Program:***

- This program replaces equipment that has reached the end of its support cycle. Now in the fifth cycle of the technology refresh since 2002, deployment is in process for 50 courts. This infrastructure provides a foundation for enterprise system applications such as Phoenix and the CCMS, through shared services at the California Courts

Technology Center, which eases deployment and provides operational efficiencies, and secures valuable court information resources.

## **Data Integration**

### ***Justice Partner Data Integration Project:***

- This project is designed to assist state and local justice partners in understanding how to integrate with CCMS and to keep them informed on project status. Staff participated in meetings of the California Data Sharing Workgroup Task Force; the Law Enforcement Integration Work Group; and the Traffic Records Coordinating Committee, in addition to supporting development activities with state partners to prepare for CCMS interface testing.

### ***Traffic Citation Electronic Filing (eCitations):***

- Initial eCitation testing is under way between the California Highway Patrol (CHP) and the Superior Court of Orange County. Expansion of testing is under way for the Superior Courts of Santa Clara and San Bernardino Counties.
- Agreements were signed with all three pilot courts, which facilitates reimbursement to the courts from the eCitation grant for development activities.

## **Strategic Court Management Systems**

### ***California Courts Protective Order Registry:***

- The registry system was successfully deployed at the Superior Court of Butte County, making it the twenty-second county to join the program.

## **Advisory Committees, Task Forces, and Working Groups (page 11):**

*Advisory committees will hold only one in-person meeting per year until the fiscal situation improves. Other meetings will be convened using video- or audio-conferencing.*

The following committees met since the Judicial Council's June meeting:

1. Access and Fairness Advisory Committee
2. Advisory Committee on Civil Jury Instructions
3. Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
4. Appellate Advisory Committee
5. Assigned Judges Advisory Committee
6. Blue Ribbon Commission on Children in Foster Care
7. Center for Judicial Education and Research Governing Committee
8. Civil and Small Claims Advisory Committee

9. Court Executives Advisory Committee
10. Court Interpreters Advisory Panel
11. Court Technology Advisory Committee
12. Criminal Justice Collaboration on Mental Health Issues Task Force
13. Criminal Law Advisory Committee
14. Domestic Violence Practice and Procedure Implementation Task Force
15. Probate and Mental Health Advisory Committee
16. Protective Orders Working Group
17. Trial Court Budget Working Group
18. Trial Court Facility Modification Working Group
19. Trial Court Presiding Judges Advisory Committee

**Education and Training Programs (page 29):**

**Judicial Education**

1. Assigned Judges Program Orientation
2. Judicial Forum and Forum for Experts on Human Trafficking
3. Procedural Fairness and How It Relates to Customer Service

**Judicial Officer, Court Employee, and Justice System Stakeholder Education**

4. Effective Visual Aids (for AOC and court staff)
5. Exploring Learning Styles, Advanced Faculty Development (for AOC, appellate, and trial court faculty)
6. Learning Lab on New Theories in Adult Education (for education professionals)
7. Leadership and Training Tools (for court leads/seniors and assistant supervisors)
8. Presentation Skills (for AOC and court staff)
9. Statewide Conference on the Indian Child Welfare Act

**Broadcasts**

10. Fourth District Court of Appeal *Brown v Board of Education* re-enactment on the California Channel
11. A Day in the Life of a Project: Management and Communication (for court supervisors)
12. Sexual Harassment: Creating and Maintaining a Respectful Workplace (for court staff)
13. Everyday Managing and Supervising: Introduction to Project Management (for court managers and supervisors)
14. Evidence-Based Practices: Reducing Recidivism to Increase Public Safety (for presiding judges and court executive officers)
15. Probate Fundamentals: From Counter to Courtroom (for court staff)
16. Sexual Harassment Prevention (for court staff)
17. Temporary Restraining Orders (for court staff)

## **Updated Online Courses**

18. Juvenile Delinquency Hearings

## **Online Resources**

19. **Judicial Toolkits:** Ten toolkits on the Serranus Web site assist judicial officers in the transition to an assignment or to enhance professional excellence within the assignment. The toolkits were recommended by the Serranus Education User Workgroup.

- 1) Appellate Practice
- 2) Civil Assignment
- 3) Criminal Assignment
- 4) Ethics and Fairness
- 5) Family Assignment
- 6) Juvenile Delinquency
- 7) Juvenile Dependency
- 8) Leadership
- 9) New Judges
- 10) Probate and Mental Heath

20. Ten-Minute Mentor: Making a Proper Record in Family Law

21. Civil Institute Videos

22. *Pitchess* Video Lecture

23. Welcome to your Family Law Assignment Video Lecture

## **Benchguides (Revised)**

23. Probation Revocation (Benchguide 84)
24. Death Penalty: Pretrial and Guilt Phase
25. Death Penalty: Penalty Phase and Posttrial (Benchguide 99)
26. Juvenile Dependency Proceedings: Disposition Hearing (Benchguide 102)
27. Juvenile Dependency Proceedings: Selection and Implementation Hearing (Benchguide 104)
28. AB 1058 Child Support Proceedings: Establishing Support (Benchguide 203)
29. AB 1058 Child Support Proceedings: Enforcing Support (Benchguide 204)

## **Benchbooks**

30. Small Claims and Consumer Law (2011)
31. Domestic Violence Cases in Criminal Court (2011)

## **Publications**

32. Final Report to Archstone Foundation on Improving Court Responses to Elder Abuse
33. Native American Statistical Abstract
34. Second Edition of the Dependency Quick Guide
35. Veterans Court Brochure

## Additional Detail on Summary Items

### Advisory Committees/Task Forces/Working Groups

#### **Access and Fairness Advisory Committee:**

- Approved a proposal to be submitted to the Judicial Council's Rules and Projects Committee for consideration by the council to amend rules 10.741 and 10.743 regarding the recruitment and selection of temporary judges.
- Collaborated to develop bench reference guides for (1) judges and other judicial officers on handling in-session disability accommodations requests, and (2) judges and judicial officers who conduct juvenile proceedings with information regarding lesbian, gay, bisexual, transgender, and questioning youth who may appear in their courts.

#### **Advisory Committee on Civil Jury Instructions:**

- Reviewed proposals for new and revised civil jury instructions based on developments in the law over the preceding six months.
- Approved proposed revisions and additions for posting for public comment. Comments are being accepted on those proposed revisions and additions through September 2, 2011.

#### **Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch:**

- Newly constituted committee, now chaired by Justice Richard D. Huffman, reviewed and approved draft audit reports completed in four superior courts (Amador, Imperial, Inyo, and Sonoma Counties); reports are being submitted to the council for review and acceptance.
- Reviewed proposed fiscal year 2012–2013 budget concepts to be submitted for review and approval by the council; approved concepts will be developed into full Budget Change Proposals and submitted to the California Department of Finance by September 12, 2011.

#### **Appellate Advisory Committee:**

- Discussed responses on the proposals circulated for public comment during spring 2011 and approved eight proposals to be submitted to the council's Rules and Projects Committee for consideration, including rule amendments regarding (1) time extension to appeal a new trial order when a party rejects a conditional additur or remittitur, (2) timeliness of filings to address requests to file amicus briefs, and (3) use of initials to protect the identity of individuals in juvenile proceedings.

#### **Chief Justice's Assigned Judges Program Advisory Committee:**

- Discussed the \$26 million budget for the new fiscal year, and efforts to maximize the available days of assignment to the courts and reduce travel expenditures.
- Discussed the Assigned Judges Program Conference for September.
- Discussed the status of the Wellness Initiative for Judges. Final planning is under way for the one-day educational conference scheduled in September; substantive workshops and a

meeting with the Chief Justice are planned. To assist in performance remediation, Peer Review Group models have been forwarded to the Chief Justice. Remaining confidentiality and liability issues were discussed, as were additional wellness initiative components—newsletter health articles, the Judicial Officers Assistance Program, and wellness workshops.

**Blue Ribbon Commission on Children in Foster Care:**

- New chair Justice Richard D. Huffman, replacing Justice Carlos R. Moreno (Ret.), laid out an ambitious work plan for the commission to continue its implementation efforts for the coming year.
- Released summer 2011 online newsletter, *Foster Care Reform Update: A Briefing for State and Local Collaborations*, to promote local practice models that successfully implement the commission's recommendations.

**Civil and Small Claims Advisory Committee:**

- Reviewed public comments received on proposed legislation and rules concerning procedures in the civil and small claims courts and proposed form revisions.
- Approved several proposals to be submitted to the Judicial Council's Rules and Projects Committee for consideration, including legislatively-mandated form revisions, some new small claims forms, and new optional forms to facilitate use of the recently-adopted expedited jury trial procedures.

**Center for Judicial Education and Research Governing Committee:**

- Voted to adopt proposed amendments to education rules of court for submission to the council's Rules and Projects Committee.
- Staff presented at the 2011 National Association of State Judicial Educators Conference for Court and Community Communication addressing: How to Merge the Education Concepts in Substantive Law; Court Management with Impartiality; and Pushing the Boundaries of Education: From Event to Curriculum-Based Planning.

**Court Executives Advisory Committee:**

- Discussed the new Judicial Branch Contracting Manual and related resources; the Infraction Amnesty Program; recent court audits; the Criminal Justice Realignment Act; and the judicial branch budget trailer bill.
- Recommended rule proposals from the Presiding Judges and Court Executive Officers Rules and Roles Analysis Working Group related to the responsibilities of presiding judges and court executives; a proposed Trial Court Business Process Re-Engineering Program; and discussed the growing volume of rule proposals, and records management.
- Sub-Group on Amending Government Code Section 68152 (court records retention and destruction schedule statute) convened at the Superior Court of Marin County to develop a

legislative proposal to amend the law to modernize the records retention and destruction schedule. The legislative proposal is scheduled for presentation to the council in December 2011.

**Court Interpreters Advisory Panel:**

- Approved *Recommended Guidelines for the Use of Deaf Intermediary Interpreters*, developed to assist court and judicial staff in identifying when this unique type of interpretation may be required, and how to best utilize deaf interpreters.
- Guidelines and related presentation well-received at the biennial conference of the Registry of Interpreters for the Deaf attended by representatives from more than 10 states interested in introducing similar guidelines in legal and other fields.

**Court Technology Advisory Committee:**

- Discussion focused on council action at the July 22 meeting with regard to the budget and the implications for the California Court Case Management System.
- Progress updates provided on appellate e-filing, e-business, technology services, and outreach. Progress continues on the initiative to select a statewide document management solution, a collaborative effort between the AOC and the appellate and trial courts. Contract negotiations and pilot project are under way in the Superior Court of Santa Clara County.
- Approved motion to amend rules of courts to extend authority to conduct e-filing programs for the Supreme Court and any Court of Appeal that elects to do so, effective January 1, 2012.
- Approved release of the report *Advancing Access to Justice Through Technology Principles* for public comment.
- Reported that Judges Kim Dunning, James Herman, Glen Reiser, and Emily Vasquez co-presented an "E-Business and Judges" course on e-filing, e-service, and e-access, at the Civil Law Institute.
- Forming a new E-Access Working Group to address concerns by the East Bay Law Center and American Civil Liberties Union that too much information is available on criminal records.

**Criminal Law Advisory Committee:**

- Approved proposals to be submitted to the council's Rules and Projects Committee for consideration by the council including amendments to the rules that govern petitions for writs of habeas corpus and new forms to facilitate inter-county probation transfer procedure.
- Approved to circulate for public comment proposed rules and a proposed form designed to facilitate recent criminal justice realignment legislation that will require courts to conduct certain postrelease community supervision revocation proceedings under Penal Code section 3455(a), beginning on October 1, 2011.

**Criminal Justice Collaboration on Mental Health Issues Task Force:**

- Staff made a presentation to the Mental Health Service Act Interagency Partners group about the overall work of the task force and its final report to the Judicial Council.
- Also organized a plenary session at the National Alliance on Mental Illness Annual Conference.

**Domestic Violence Practice and Procedure Implementation Task Force:**

- Hosted the first of three grant-funded court meetings focusing on risk and lethality assessment and implementation of Rule 4.700 of the California Rules of Court regarding firearms relinquishment after issuance of a criminal protective order in preparation for submission of a further report to the Judicial Council. Participating judges hearing criminal domestic violence matters and representatives from defense, prosecution, and probation addressed evaluating the need for practices and procedures to assist courts in assessing risk, identifying more dangerous cases, and responding to the needs of litigants in domestic violence matters; and procedures and practices in domestic violence criminal matters.

**Probate and Mental Health Advisory Committee:**

- Approved five proposals for new and amended rules of court, revised Judicial Council forms, and legislation, including a rule of court that would apply recent legislation to court fee waivers in decedent estates, conservatorships, and guardianships.
- Approved for submission for review by the Trial Court Presiding Judges and Court Executives Advisory Committees proposed guidelines for financial eligibility for court-appointed counsel at public expense in guardianships and conservatorships.
- Considered proposed legislation concerning recognition of judgments of Native American tribal courts in civil litigation, including probate matters, and a proposed rule of court concerning child witnesses in child custody litigation that could impact guardianship proceedings.

**Protective Orders Working Group:**

- Working group members comprising representatives of the Civil and Small Claims, Criminal Law, and Family and Juvenile Law Advisory Committees considered public comments on council forms to prevent domestic violence, civil harassment, elder abuse, workplace violence, and postsecondary school violence. The forms are being revised to implement Assembly Bill 1596 that comprehensively reforms the protective order statutes effective January 1, 2012.
- Recommendations will be sent to the advisory committees for submission to the council at its October meeting.

**Trial Court Budget Working Group:**

- Met with appellate court leaders to review options for addressing the \$350 million reduction in the judicial branch budget for fiscal year 2011–2012.

- Made recommendations on trial court funding allocations and special funds' budgets for the current year, presented to the council on July 29.
- Met again in August to review allocation options for funding provided in conjunction with the Criminal Justice Realignment Act to address increased workload in the trial courts.

**Trial Court Facility Modification Working Group:**

- Members comprising four judges and three court executive officers approved allocation of a \$30 million budget for fiscal year 2011–2012: \$3.5 million for planning, \$4 million for priority 1 (or emergency) modifications, and \$22.5 million for out-of-cycle priority 2–6 modifications. Due to the 40 percent reduction in funds this fiscal year, the working group will likely only be funding priority 1 and 2 projects.
- Funded 23 priority 2 projects with a total estimated cost of \$1.2 million.
- Discussed funding sources for facility modifications (State Court Facilities Construction Fund and Immediate and Critical Needs Account), the legislation that outlines how the funds may be used, and how Judicial Council policy and the working group's internal prioritization and ranking methodology align with the legislation.
- Before making any significant changes to this methodology, a legal opinion will be requested from the AOC Office of General Counsel as to whether deferred maintenance items can be funded as facility modifications, and also to have a clear definition of deferred maintenance.
- Submitted annual report to the council's Executive and Planning Committee.
- Newly appointed Court Facilities Working Group will be contacted regarding funding for operations and maintenance and facility modifications, as the limited funding available for maintenance directly impacts the facility modification program.

**Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Business Meeting:**

- Discussed budget issues, the charge of the Judicial Council Advisory Committee on Financial Accountability and Efficiency, and the Strategic Evaluation Committee charged with reviewing the role and responsibilities of the AOC.
- Recommended rule proposals from the Presiding Judges and Court Executive Officers Rules and Roles Analysis Working Group related to the responsibilities of presiding judges and court executives; and received an update on the California Courts Case Management System.

**Trial Court Presiding Judges Advisory Committee:**

- Discussed ways to coordinate and strengthen the voice of the presiding judges as a group in matters concerning the trial courts; an invitation to comment on interim amendments to rules of the Commission on Judicial Performance; issues related to judicial officer privacy protection; new and revised forms to comply with recently enacted vexatious litigants legislation; services provided by the AOC Education Division, and a recommendation from the California Commission on the Fair Administration of Justice related to the reporting of attorney misconduct.

## Other Activities

### Technology

#### California Court Case Management System

##### CCMS Governance Structure:

- The committees continue to meet and work toward finalizing their work plans.
- The Executive Committee held a teleconference meeting on July 12, 2011. The Executive Committee and the chairs of the Governance Committees participated in a Deloitte site visit on July 8, 2011. The Executive Committee had a checkpoint call on August 4, 2011, to discuss the upcoming in-person meeting scheduled for August 24, 2011. A joint Executive Committee and General Administrative Advisory Committee meeting was held June 10, 2011, to review the financial impact of revised deployment strategies. They met again on June 27 and July 14, 2011.
- The General Administrative Advisory Committee met on June 16, 2011. The next in-person meeting is scheduled for September 2011. The Project Health Subcommittee met on June 27, July 18, and August 8, 2011. The Budget Subcommittee is working with the AOC Program Management Office and Finance Division to improve financial reporting formats.
- The Operational Advisory Committee met on June 17, 2011, and adopted its work plan. That committee is scheduled to meet again on September 23, 2011.

##### Review of CCMS:

The following actions are under way as part of the ongoing review of CCMS.

- *Independent CCMS Code Quality Review:* The AOC selected K3 as the vendor to conduct a quality assessment of the code used to develop the software behind CCMS. Work began in late June and is expected to be completed on schedule by the end of August. The informal results so far indicate no significant issues.
- *Standard Capabilities Maturities Model Institute Appraisal Method for Process Improvement Evaluation:* The evaluator, Integrated Systems Diagnostics, conducted onsite interviews at Deloitte with the development and management team as part of the appraisal process. Once the report is completed, reviewed, and accepted, it will be forwarded to the Bureau of State Audits.

##### Development:

- External components product acceptance testing began on June 20, 2011. Planned as a 10-week activity, testing includes the portals, statewide reporting data warehouse, data exchanges, e-filing, a data migration utility, and regression testing of the core

application. The first seven weeks were scheduled to test the approximately 11,000 test scripts, and the final three weeks to retest and close found defects.

- Actual execution of the 11,000 scripts was completed in five weeks. The defect retest/closeout phase began on July 25, 2011. Completion is on schedule for the end of August. The process used over 60 testers in six different locations.
- Testing of data exchanges with statewide partners commenced on July 25 and was completed August 5, 2011. Partners include the credit card processor, Appellate Court Case Management System, Department of Motor Vehicles, Franchise Tax Board, Department of Child Support Services, California Highway Patrol, and California Department of Justice.

**Deployment:**

- Due to budget uncertainties, it became necessary to pause early adopter court deployment activities as of April 1, 2011, to focus on risk mitigation and additional cost analysis. The CCMS Executive Committee and General Administrative Advisory Committee held a meeting on June 10, 2011, to review the revised start date for deployment options. A decision was made to re-engage with deployment activities on July 1, 2011. This date, however, changed in response to additional budget cuts the branch suffered with the announcement of the new state budget on July 1, 2011.
- Four new deployment scenarios were evaluated in response to the budget cuts to the branch for the next two fiscal years. The scenarios considered a six month pause on deployment; a twelve month program pause; a complete program shutdown to “shelve” the application; one-court only deployments and the redirection of Deloitte settlement agreement funds originally considered for the Superior Court of Fresno County.
- The Trial Court Budget Working Group reviewed the details of all four new budget scenarios and made the decision to recommend the twelve month program “pause” scenario to the Judicial Council. At its meeting on July 22, 2011, the Judicial Council voted to reduce funding for CCMS for fiscal year 2011–2012 by \$56.4 million, consistent with the scenario that the Trial Court Budget Working Group recommended.
- The Superior Courts of Ventura and San Luis Obispo Counties were ready to begin deployment on April 1, 2011. San Luis Obispo continues to express a critical need to move to CCMS and is likely to be the next court with failing systems.
- The Superior Court of San Diego County is less affected by the program pause since they are focusing on implementation of e-business services on the interim CCMS-V3, including a document management system and e-filing, prior to converting to CCMS on all case types.
- All other deployment activities are currently on hold while the team assesses the full impact of the budget reductions and determines what can be accomplished in fiscal year 2011–2012 with remaining funds.

**Criminal and Traffic Case Management System (V2):**

- The initial target for reducing the number of servers deployed in production and staging has been reached. There are 12 application servers out of the existing 26, which will result in an annual cost savings of \$240,000. The number of servers is being examined to determine if it can be further reduced. Consolidation and streamlining of the test environments for cost savings is being examined. Initial testing on the compatibility of upgrades to Internet Explorer 9 and Adobe 10 on the Fresno court workstations has been completed. The target implementation for the next software maintenance release has been moved to November 2011. The delay was agreed upon in order to allow time to accurately define and document business processes for which questions arose during design and coding.

***Outreach:***

- CCMS outreach activities included product demonstrations and presentations to: the CCMS Executive committee and committee chairs, the Judicial Council, the Office of the Chief Information Officer, and the California Judicial College.

**Reports to the Legislature:**

**Annual Report Summarizing Court Security Plans (July 2011)**

Government Code section 69925 requires the sheriff or marshal providing trial court security, in conjunction with the presiding judge of a superior court, to prepare a court security plan to be used by the court. These plans are submitted to the Judicial Council for review and determination of compliance with Judicial Council standards. This report to the Senate and Assembly Judiciary Committees summarizes these court security plans. The report provides a description of each plan, the cost involved, and whether each plan addresses the relevant court security components.

**Court-Ordered Debt Task Force Report to the Judicial Council and Legislature (June 2011)**

Penal Code section 1463.02 requires the task force to report to the Legislature on its efforts to evaluate and explore means to streamline the existing structure for imposing and distributing criminal and traffic fines and fees in California. This initial report presents preliminary recommendations on the priority in which court-ordered debt should be satisfied as well as preliminary recommendations concerning comprehensive collection programs, as specified in Penal Code section 1463.02(d). The task force anticipates that it will present its final report with recommendations to the Judicial Council and Legislature in 24-36 months.

**Review of the Statewide Uniform Child Support Guideline 2010 (June 2011)**

Family Code section 4054(a) requires the Judicial Council to review the statewide uniform child support guideline at least every four years and recommend any appropriate revisions to the Legislature. Federal regulations (45 C.F.R. section 302.56) also require that each state review its guideline at least every four years. The primary purpose of this review requirement is to ensure

that the guideline results in appropriate determination of child support awards. Federal and state requirements further specify that the review must include an assessment of economic data on child-rearing costs and a review of case data to analyze the application of the guideline and ensure that deviations from the guideline are limited.

The review included an assessment of economic data on child-rearing costs, a review of over 1,000 court case files in 11 counties to analyze child support-related case data and ensure that deviations from the guideline are limited. The report contained five recommendations:

- (1) Update and/or modify the low income adjustment in the guideline;
- (2) Evaluate the current income attribution policies to both parties (presumed and imputed income);
- (3) Educate stakeholders and equip them with information so they can make the current system work better, and develop strategies to engage stakeholders and encourage active participation in the child support process;
- (4) Adopt necessary conforming changes so California can meet the 2008 federal medical support regulation; and
- (5) Encourage better and more detailed information in the case file.

**Criminal Justice Realignment Act (AB 109/AB 117) Implementation:** The following activities are under way:

- *Procedures:* The council's Criminal Law Advisory Committee developed a Judicial Council form and two new rules of court, as required under the Realignment Act, designed to prescribe basic procedural requirements to ensure uniform statewide revocation procedures while providing courts with sufficient flexibility to implement the new proceedings according to local needs and customs. The council's Rules and Projects Committee approved the draft form and rules for circulation for public comment on a special cycle beginning August 1, 2011 and ending on August 17, 2011.
- *Budget allocations:* The council's Trial Court Budget Working Group reviewed options for allocating the new funding of approximately \$17 million included in the Budget Act of 2011 for Criminal Justice Realignment Act workload. Those recommendations have been submitted to the council for discussion and approval. A method for collecting actual workload data, to be used to facilitate future allocation decisions, will be developed with input from the courts.
- *Frequently Asked Questions:* A steering committee including judges, a court executive officer, and court operational staff is working with the AOC to coordinate responses to frequently asked questions regarding implementation of Criminal Justice Realignment. The responses will be shared with all courts, justice partners and other interested entities.
- *Education and training:* A workgroup has been formed to develop education and training to facilitate implementation of the Act.
- *Communications:* Serranus and public court Web site links will be established for posting of informational materials.

## Judicial Council-Sponsored Legislation

**Guardianship, AB 458 (Atkins):** As amended March 29, 2011, prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed, and specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation. Requires the court in which a guardianship proceeding is filed to communicate with each court where a custody or visitation proceeding is pending prior to making a determination on maintaining or transferring the guardianship proceeding. Requires the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement the inter-court communication provisions. *Status: Signed into law (Stats. 2011, ch. 102)*

**Courts: judgeships, AB 1405 (Committee on Judiciary):** As introduced, authorizes the third set of 50 critically needed new trial court judgeships. *Status: 2-year bill*

**Judgeships, SB 405 (Corbett):** As introduced, ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in the 2011–12 fiscal year where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer. *Status: Assembly Appropriations Committee—Suspense file.*

**Judges' retirement, SB 503 (Vargas):** As amended July 6, 2011, amends the Judges' Retirement System II (JRS II) statutes to allow JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years. Clarifies that proposed time restrictions on a return to service for members of public retirement systems would not apply to those taking judicial office or specified SJOs. *Status: Senate Floor*

**Civil law: omnibus bill, SB 647 (Committee on Judiciary):** As amended June 16, 2011, amends the law governing the process for obtaining a subpoena in connection with an out-of-state proceeding by requiring the first page of the pleading to state whether or not the person filing the document is a party to the out-of-state case. Makes clarifying changes to recently enacted legislation (AB 131 [Evans], Stats. 2009, ch. 413) to allow courts to collect the costs of providing court appointed counsel in dependency cases from those parents who have the ability to pay. [Note: contains other proposals not sponsored by the Judicial Council, including making technical changes to provisions in the Small Claims Act by deleting erroneous cross-references.] *Status: Assembly Appropriations Committee*

**Civil actions, SB 731 (Committee on Judiciary):** As amended March 29, 2011, makes various changes to improve the handling of judicial arbitration awards, and streamlines the procedures governing vexatious litigants. In the judicial arbitration area: (1) provides that a party need not file a request for a trial de novo to stop entry of the arbitrator's award as the judgment in the case but instead could file a request for dismissal; and (2) gives parties up to 60 days after the filing of the arbitrator's award to file either of the requests. In the vexatious litigants area: (1) clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate to another justice or judge of the same court the authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action; (2) authorizes the presiding justice or presiding judge to order that notice be given of a vexatious litigants status if the clerk mistakenly files litigation without a pre-filing order; and (3) provides procedures for an application to vacate a pre-filing order and remove a litigant's name from the Judicial Council's list of vexatious litigants, along with guidance for the courts in deciding the application. *Status: Signed into law (Stats. 2011, ch. 49)*

In addition, AOC Office of Governmental Affairs staff presented reports to and obtained positions from the council's Policy Coordination and Liaison Committee on the following bills for 2011.

**Dependency proceedings: public access, AB 73 (Feuer):** As amended April 14, 2011, requires, subject to the provision of private funding, the Judicial Council to establish a four-year pilot project in three courts (Los Angeles, Ventura, and an unspecified court) to impose a presumption that juvenile dependency proceedings are open to the public. Requires the court at the commencement of the proceedings to inform the parties that the hearing is open, and to inquire as to whether there is any reason to close the proceedings. If the proceedings remain open, requires the court to admonish the parties to refrain from disclosing any information that would personally identify the child, his or her sibling, or parent. If there is a request to close the proceeding, requires the court to consider whether opening the proceedings is contrary to the child's best interests. Requires the child's attorney to advise the child of his or her right to request that the proceeding be closed, and if no attorney is present for the child, requires the court to make that advisement. Requires the Judicial Council to contract with an independent organization to evaluate the pilot and sets forth the issues to be addressed in the evaluation. Provides that the pilot shall begin within one year of securing private funding for the pilot project and evaluation. *Status: 2-year bill*

**Criminal justice alignment, AB 109 (Committee on Budget):** As amended March 17, 2011, among other things, shifts the jurisdiction over parole from the Executive Branch to the Judicial Branch. *Status: Signed into law (Stats. 2011, ch. 15)*

**Jurors: electronic communications, AB 141 (Fuentes):** As introduced, requires the court, when admonishing the jury against conversing about a trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Requires the officer in charge of a jury to prevent any form of electronic or wireless communication. Provides that violation of this admonishment constitutes criminal and civil contempt of court. *Status: Signed into law (Stats. 2011, ch. 181)*

**California Fostering Connections to Success, AB 212 (Beall):** As amended June 21, 2011, clarifies the intent and implementation of the California Fostering Connections to Success Act (AB 12 (Beall and Bass), Stats. 2010, ch. 559). Specifically, AB 212: (1) clarifies the requirements for a youth to be eligible for extended care consistent with federal requirements; (2) clarifies the process by which a nonminor can re-enter foster care and petition the court for reinstatement of jurisdiction; (3) clarifies the process for providing extended care to eligible delinquent youth in foster care; (4) conforms provisions relating to Kin-GAP guardianships in the delinquency statutes to reflect federal requirements; and (5) restores a provision erroneously deleted from law that allows youth in Kin-GAP guardianships to receive support up to age 19 if they are in the process of completing high school or an equivalency certificate. *Status: Senate Appropriations Committee*

**Court facilities, AB 314 (Gorell):** As introduced, requires that contracts pertaining to the acquisition and construction of court facilities be subject to the provisions of the Public Contract Code. *Status: 2-year bill*

**Elections: office of superior court judge: write-in candidate, AB 362 (Lowenthal):** As amended May 9, 2011, revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest from 100 to at least 0.1 percent of the registered voters qualified to vote, with respect to the office, provided that the petition contain at least 100 signatures and need not contain more than 600 signatures. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record. *Status: Enrolled*

**Guardianship, AB 458 (Atkins):** As amended March 29, 2011, prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed, and specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation. Requires the court in

which a guardianship proceeding is filed to communicate with each court where a custody or visitation proceeding is pending prior to making a determination on maintaining or transferring the guardianship proceeding. Requires the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement the inter-court communication provisions. *Status: Signed into law (Stats. 2011, ch. 102)*

**Sentencing, AB 520 (Ammiano):** As introduced, provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the factfinder and the factfinder found the facts to be true. *[UPDATE: As amended May 31, 2011 (Reinstates current law and extends existing sunset for one year, to December 31, 2012)] Status: Senate Appropriations Committee*

**Court interpreters AB 618 (Furutani):** As amended May 27, 2011, enacts the California Language Access Bill of Rights. Requires the court to provide separate interpreters for defendants and witnesses, and for co-defendants in specified proceedings. Requires the court to determine the competency of an interpreter at any time during a proceeding if the court finds good cause to question whether the interests of justice or administrative efficiency would be harmed by the continuing service of the interpreter. Prohibits any non-interpreter staff person of the court, sheriff, probation, or specified other local government entities from providing interpreter services unless the court uses existing mechanisms for qualifying a non-certified interpreter. *Status: Senate Appropriations Committee*

**Public employees' retirement: elected officials, AB 738 (Hagman):** As introduced, provides that a person who is publicly elected to any office on or after January 1, 2012, shall not become a member of any retirement system by virtue of that service and shall not acquire any retirement rights or benefits for serving in that elective office unless required by the Constitution. Also prohibits an elected official elected on or after January 1, 2012, from becoming a member or obtaining any retirement rights or benefits from specified state and local retirement systems for serving in an elective office (does not include Judges' Retirement Systems). *Status: 2-year bill*

**Trial Courts: budget process: public meeting, AB 973 (Campos):** As amended June 27, 2011, requires each trial court, prior to adopting a baseline budget plan for the fiscal year, to provide the public notice of, and an opportunity for input on, the trial court's proposed budget plan, either by conducting a public hearing or accepting of written comments. Makes the public hearing mandatory as of January 2015. Amends the law governing notice of courtroom closures, or closures or reductions in the hours of clerks' offices during regular business hours on any day, by requiring a trial court to provide notification of such events by electronic distribution to individuals who have subscribed to the court's electronic distribution service. Specifies that those required notifications

must include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. Requires the court to review and consider all public comments received and immediately post a revised notice if the court's plan changes as a result of the comments received. *Status: Senate Appropriations Committee*

**Civil procedure: orders AB 1067 (Huber):** As introduced, provides that the denial of a motion to reconsider an order pursuant to Code of Civil Procedure (CCP) section 1008 is not separately appealable. Specifies, however, that a determination made pursuant to CCP section 1008(a) may be reviewed on appeal from an appealable order that was the subject of a motion made pursuant to that provision. *[UPDATE: As amended April 25, 2011 Adds clarifying amendments regarding appealability of motions to reconsider.] Status: Signed into law (Stats. 2011, ch. 78)*

**Trial Courts: administration, AB 1208 (Calderon):** As introduced, provides that each trial court of this state is an independent constitutional and statutory court, with the independent right and duty to manage its administrative and financial affairs in accordance with its own policies, as provided by its trial court management, if the court is in reasonable compliance with accounting, audit, and budgetary standards established by law. Provides that each trial court shall be independently empowered with enumerated powers. Provides that, except as otherwise provided by law, all funds allocated for trial court operations, once appropriated, shall be fully allocated among the trial courts, and that no deductions shall take place without the consent of the affected courts. Requires the trial court management's consent to impose, implement, or share any case or accounting information system, or to contribute any portion of the trial court's budget to a statewide information system, or to undertake the construction of a court facility in that county. *[UPDATE: As amended May 18, 2011, significantly lessens the role of the Judicial Council in determining the allocation of funds to trial courts and allocating funds in a manner to support implementation of statewide policies and initiatives and reduces the council's role in ensuring the stability of trial court operations and providing management or oversight over trial court budgets.] Status: Assembly Floor*

**Statewide Bail Commission: statewide bail schedule, AB 1264 (Hagman):** As introduced, repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor and infraction offenses except Vehicle Code infractions. *Status: 2-year bill*

**Probation bonds, AB 1284 (Hagman):** As introduced, permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation.

Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing. *Status: 2-year bill*

**Civil actions, AB 1403 (Committee on Judiciary):** As introduced, *Section 1:* Amends the statute governing voir dire in civil jury trials to require the trial judge to permit counsel to conduct a liberal and probing examination of prospective jurors that is calculated to discover bias or prejudice. *Section 2:* Amends the statute governing additur and remittitur to: (1) provide that if a deadline is not set forth in the conditional order, the deadline for acceptance or rejection of the addition or reduction of damages is 30 days from the date the conditional order granting a new trial is issued; (2) provide that failure to respond to the order shall be deemed a rejection of the addition or reduction of damages, and a new trial limited to the issue of damages shall be granted automatically; and (3) require a party serving an acceptance of a conditionally ordered addition or reduction of damages to prepare an amended judgment reflecting the modified judgment amount, as well as any other uncontested judgment awards. *[UPDATE: As amended May 10, 2011, added minor clarifying amendments to Section 2 that were sought by the Judicial Council; UPDATE: As amended June 23, 2011, Section 1: Reinstates discretionary language and makes only non-substantive changes to civil voir dire statute. Section 2: No changes. Section 3: Adds court interpreter fees to costs that may be recovered when the court has authorized a court interpreter for an indigent person, as specified.] Status: Senate Floor*

**Courts: judgeships, AB 1405 (Committee on Judiciary):** As introduced, authorizes the third set of 50 critically needed new trial court judgeships. *Status: 2-year bill*

**Dissolution of marriage: disclosure, AB 1406 (Committee on Judiciary):** As amended April 25, 2011, requires that a petitioner or respondent for dissolution, separation, or nullity of marriage serve a copy of the preliminary declaration of disclosure at the time the petition or response is filed, or within 60 days of filing the petition or response unless that time period is extended by written agreement or court order. Also requires that the declarant include the prior two years tax returns as part of the disclosure. *Status: 2-year bill*

**Small claims court: jurisdiction, SB 221 (Simitian):** As amended May 19, 2011, increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. Delays, until January 1, 2015, operation of jurisdictional increase for bodily injury claims resulting from vehicle accidents. *Status: Signed into law (Stats. 2011, ch. 64)*

**State employees: compensation, SB 270 (Hernandez):** As introduced, continuously appropriates from the General Fund, the amount necessary to fully compensate state

employees should a budget not be enacted before July 1, of any given fiscal year. Does not extend its protections to employees of the judicial branch. *Status: Senate Floor*

**Court records: public access, SB 326 (Yee):** As amended May 10, 2011, requires the Judicial Council, within 18 months of enactment of the legislation, to adopt a rule of court that would require courts that have fully implemented the California Court Case Management System to provide, to the extent possible and practicable, same day access to specified civil and criminal case initiating documents. *Status: Assembly Appropriations Committee*

**Civil actions SB 384 (Evans):** As amended May 10, 2011, authorizes a motion for summary adjudication of a legal issue or claim of damages, other than punitive damages, that does not completely dispose of a cause of action, an affirmative defense, or an issue of duty. Provides that such a motion may only be brought upon stipulation of the parties whose claims or defenses are put at issue by the motion, and a prior determination by the court, that the motion will further the interests of judicial economy by reducing the time required for trial or increasing the ability of the parties to settle. Requires that before such a motion is filed, the parties submit to the court a joint stipulation setting forth the issues to be adjudicated and a declaration from each stipulating party showing that a ruling will further the interests of judicial economy and/or increase the probability of settlement. Requires that the stipulation be served on all parties who are not parties to the motion, and allows such parties to file an objection to the determination of an issue within ten days of the submission of the stipulation. Clarifies the law governing fees in complex civil cases by requiring the payment of a single fee on behalf of all plaintiffs, as specified, and makes other conforming changes. Provides that these changes are declaratory of existing law. *Status: Assembly Appropriations Committee*

**Judgeships, SB 405 (Corbett):** As introduced, ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in the 2011–12 fiscal year where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer. *Status: Assembly Appropriations Committee*

**Public Safety Omnibus Bill, SB 428 (Strickland):** As amended June 27, 2011, among other things, authorizes courts to obtain thumbprints of felony defendants at the earliest possible time but no later than at the arraignment on the information or indictment or upon entry of a guilty or no contest plea under Penal Code section 859a. *Status: Senate Floor*

**Judges' retirement, SB 503 (Vargas):** As amended July 6, 2011, amends the Judges' Retirement System II (JRS II) statutes to allow JRS II members who previously served as

subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years. Clarifies that proposed time restrictions on a return to service for members of public retirement systems would not apply to those taking judicial office or specified SJOs. *Status: Senate Public Employment and Retirement Committee*

**Vehicles: traffic violator schools: fees, SB 565 (DeSaulnier):** As amended July 7, 2011, among other things, corrects a chartering-out error caused by the enactment of a 2010 budget trailer bill that amended the Vehicle Code provision (contained in AB 2499 (Portantino) which the Judicial Council supported) describing the court's responsibility for collecting certain fees when a person is ordered or permitted to attend traffic violator school. *Status: Assembly Appropriations Committee*

**Civil law: omnibus bill, SB 647 (Committee on Judiciary):** As amended June 16, 2011, amends the law governing the process for obtaining a subpoena in connection with an out-of-state proceeding by requiring the first page of the pleading to state whether or not the person filing the document is a party to the out-of-state case. Makes clarifying changes to recently enacted legislation (AB 131 [Evans], Stats. 2009, ch. 413) to allow courts to collect the costs of providing court appointed counsel in dependency cases from those parents who have the ability to pay. [Note: contains other proposals not sponsored by the Judicial Council, including making technical changes to provisions in the Small Claims Act by deleting erroneous cross-references.] *Status: Assembly Appropriations Committee*

**Civil actions, SB 731 (Committee on Judiciary):** As amended March 29, 2011, makes various changes to improve the handling of judicial arbitration awards, and streamlines the procedures governing vexatious litigants. In the judicial arbitration area: (1) provides that a party need not file a request for a trial de novo to stop entry of the arbitrator's award as the judgment in the case but instead could file a request for dismissal; and (2) gives parties up to 60 days after the filing of the arbitrator's award to file either of the requests. In the vexatious litigants area: (1) clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate to another justice or judge of the same court the authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action; (2) authorizes the presiding justice or presiding judge to order that notice be given of a vexatious litigants status if the clerk mistakenly files litigation without a pre-filing order; and (3) provides procedures for an application to vacate a pre-filing order and remove a litigant's name from the Judicial Council's list of vexatious litigants, along with guidance for the courts in deciding the application. *Status: Signed into law (Stats. 2011, ch. 49)*

**Court of Appeal districts, SB 848 (Emmerson):** As amended April 27, 2011, reorganizes the court of appeal districts into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties. *Status: Failed passage*

**Probation: chief probation officer of Nevada County, SB 858 (Gaines):** As amended April 25, 2011, provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors. *Status: 2-year bill*

## Education Programs

### Judicial Education

**Assigned Judges Program Orientation:** Sixteen judges were provided with an overview of the program covering jurisdiction and assignment authority; budgeting; requirements for continuing program eligibility, including educational requirements; and travel reimbursement and compensation. A panel of veteran assigned judges discussed best practices while on assignment around the state and the day concluded with computer lab training on LexisNexis research and an overview of the Judicial Council and Serranus Web sites.

**Bernard E. Witkin Judicial College:** One hundred and nineteen new judges and subordinate judicial officers attended the college. Forty courses were offered, including Ethics, Evidence, Working with Self-Represented Litigants, Civil Settlements, Felony Sentencing, Criminal Jury Instructions software, and Search and Seizure. Chief Justice Tani Cantil-Sakauye delivered the Traynor Forum Lecture this year and invited questions from college participants.

**Judicial Forum and Forum for Experts on Human Trafficking:** These groups and the AOC, under the auspices of the Violence Against Women Education Project, sponsored a two-day forum on human trafficking. Convened to gather information about the educational needs of judges relating to the many facets of human trafficking, the grant-funded event will lead to inclusion of this topic in future judicial education programs and conferences.

**Leadership and Training Tools:** This three-day regional session for approximately 20 lead/senior clerks and assistant supervisors in the San Mateo and Santa Cruz courts included topics on effective leadership behaviors, leading former peers, building successful work relationships, group dynamics, principles of adult learning, and responding to challenging workplace situations.

**Procedural Fairness and How It Relates To Customer Service:** This half-day session was for court staff attending a California Court Association Training Day. Participants defined procedural fairness, described the relationship between customer service and procedural fairness, identified key elements that influence a court user's perception of being treated fairly, and explored techniques to improve customer service skills that relate to procedural fairness issues and perceptions.

**Pitchess Motions Studio Video Lecture:** The lecture featured Judge Gregg Prickett of the Superior Court of Orange County, who provided an overview of the origin, case and statutory bases, and purpose of a *Pitchess* motion (request made by the defense in a criminal case, (such as resisting arrest), to access a law enforcement officer's personnel information when the defendant alleges in an affidavit that the officer used excessive force or lied about the events surrounding the defendant's arrest), and reviewed a detailed procedural checklist for efficiently and fairly handling these motions.

### **Judicial Officer, Court Employee, and Justice System Stakeholder Education**

**Statewide Conference on the Indian Child Welfare Act:** Three workshops were held on: (1) Advanced Workshop on Active Efforts, (2) ICWA for Minor's and Parent's Attorneys, and (3) Tribal Advocate Curriculum on Domestic Violence.

### **Broadcasts**

**A Day in the Life of a Project—Management and Communication:** A new broadcast for court supervisors and managers provided an overview of the roles and responsibilities required to complete a project, gave strategies to address team accountability, and discussed relationships with stakeholders.

**Evidence-Based Practices: Reducing Recidivism to Increase Public Safety:** During this one-hour broadcast, Judge J. Richard Couzens (Ret.) discussed the principles of evidence-based practices and the role of the courts and probation in its implementation. Recent changes in California law require greater use of evidence-based practice to manage limited probation resources and improve public safety by reducing recidivism. The goal of evidence-based probation supervision is not merely to control the risk of re-offense, but to reduce the risk of recidivism by facilitating changes in probationer attitudes and behavior.

**Probate Fundamentals:** A new broadcast for court staff provided an introduction to the organization and functions of the probate court and the roles and responsibilities of key staff.

**Temporary Restraining Orders:** A new broadcast for court staff addressed the distinction between temporary restraining orders, restraining orders after hearing, and emergency protective orders. It identified the circumstances that determine the appropriate type of restraining order, emphasized the importance of accurate information, and described the process and impact of each type of restraining order when granted or denied by the court.

## Online Resources

**Appellate Court Legacy Project:** Transcripts of Legacy Project oral history interviews with retired (and some active) appellate court justices have been posted online at <http://www.courts.ca.gov/4199.htm>.

## Publications

**Final Report to Archstone Foundation:** The AOC submitted the final report of a three-year project focused on improving court responses to elder abuse to the project funder, the Archstone Foundation. The project provided training to judicial officers and court personnel on elder abuse and developed a mentor court program to assist courts in designing programs and procedures that address elder abuse.

**Native American Statistical Abstract:** The “Native American Statistical Abstract: Population Characteristics,” is the first in a series of informational abstracts that bring together the available data from various sources on American Indians and Alaskan Natives in order to develop and disseminate justice-related information and links to reports to assist the state judicial branch, tribal justice systems, tribal organizations, state agencies, and local agencies in supporting effective collaboration and tribal justice development. <http://www.courts.ca.gov/documents/NativeAmerResUpdate.pdf>.

**Dependency Quick Guide, Second Edition:** *The Dependency Quick Guide: A Dogbook for Attorneys Representing Children and Parents* is a reference manual that provides short answers to common problems that attorneys face. Thanks to grant funding from the federal Court Improvement Program, the book has distributed more than 1,200 copies of the book free of charge to attorneys who are appointed by the court to represent parents or children in dependency cases in the trial or appellate courts, and to juvenile courts and judicial officers who hear dependency cases. The publication is also available online at [http://www.courts.ca.gov/documents/Dogbook\\_2Ed\\_online.pdf](http://www.courts.ca.gov/documents/Dogbook_2Ed_online.pdf).

**Veterans Court Brochure:** The Collaborative Justice Court Advisory Committee’s Veterans Court Working Group designed a brochure for use in the courts to explain the role and the need for veterans to volunteer to help justice involved veterans understand the court system. The brochure will be available to all local trial courts.

## Administrative Director's Report to the Judicial Council

August 26, 2011

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**JUDICIAL VACANCY REPORT**Number of Judgeships Authorized, Filled, and Vacant as of August 22, 2011

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	Filled(Last Month)	Vacant(Last Month)
Supreme Court	1	7	6	1	0	6	1
Courts of Appeal	6	105	102	3	0	102	3
Superior Courts	58	1673	1578	45**	50*	1584	78
<b>All Courts</b>	<b>65</b>	<b>1785</b>	<b>1686</b>		<b>99</b>	<b>1692</b>	<b>82</b>

\* Authorized January 1, 2008, 50 new (AB 159) judgeships are added. However, the funding for these positions has been deferred.

\*\* In July 2011, eleven (11) new judgeships were created by converting a commissioner position from the following Superior Courts: Los Angeles (7), Marin (1), Orange (2), and Santa Cruz (1).

\*\*\*As of June 30, 2011

New Vacancies that occurred in July and August 2011

**SUPREME COURT**

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Supreme Court	1*	Retirement	Hon. Carlos R. Moreno	02/28/11
<b>TOTAL</b>	<b>1</b>			

\* Professor Goodwin Liu, associate dean and professor of law at the University of California Berkeley School of Law (Boalt Hall), was nominated to replace retired Supreme Court Associate Justice Carlos Moreno. A public hearing has been scheduled by the Commission on Judicial Appointments on Wednesday, August 31, 2011.

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**COURTS OF APPEAL**

<b>Appellate District</b>	<b>Vacancies</b>	<b>Reason for Vacancy</b>	<b>Justice to be Replaced</b>	<b>Last Day In Office</b>
Third Appellate District	1	Elevated	Hon. Tani G. Cantil-Sakauye	01/02/11
Fourth Appellate District, Division Three	1*	Retirement	Hon. David G. Sills	05/31/11
Sixth Appellate District	1	Retirement	Hon. Richard J. McAdams	02/28/11
<b>TOTAL VACANCIES</b>	<b>3</b>			

\* The Chief Justice selected Associate Justice William F. Rylaarsdam to serve as Acting Presiding Justice of the Court of Appeal, Fourth Appellate District, Division Three in Santa Ana. Justice Rylaarsdam will temporarily fill the vacancy created by the recent retirement of Presiding Justice David G. Sills until the Governor appoints a replacement who must then be confirmed by the Commission on Judicial Appointments.

**SUPERIOR COURTS**

<b>County</b>	<b>Vacancies</b>	<b>Reason for Vacancy</b>	<b>Judge to be Replaced</b>	<b>Last Day In Office</b>
Imperial	2	Retirement	Hon. Joseph Zimmerman	11/10/10
Imperial		Deceased	Hon. Barrett J. Foerster	11/10/10
Los Angeles	17	Retirement	Hon. Martha Bellinger	07/31/11
Los Angeles		Converted	New Position	07/31/11
Los Angeles		Retirement	Hon. John P. Shook	07/15/11
Los Angeles		Retirement	Hon. William J. Birney	07/07/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Converted	New Position	07/01/11
Los Angeles		Retirement	Hon. Andrew C. Kauffman	05/15/11
Los Angeles		Retirement	Hon. Charles E. Horan	05/06/11
Los Angeles		To Fed Court	Hon. John A. Kronstadt	04/25/11
Los Angeles		Retirement	Hon. Marlene A. Kristovich	03/31/11
Los Angeles		Retirement	Hon. Jerry E. Johnson	03/02/11

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Los Angeles		Retirement	Hon. Conrad Richard Aragon	02/17/11
Los Angeles		Retirement	Hon. Dennis A. Aichroth	02/17/11
Madera	1	Dis Retirement	Hon. Eric C. Wyatt	05/23/11
Marin	1	Converted	New Position	07/01/11
Mendocino	2	Retirement	Hon. Jonathan M. Lehan	03/04/11
Mendocino		Dis Retirement	Hon. Ronald Brown	01/31/11
Monterey	1	Retirement	Hon. Terrance R. Duncan	08/17/11
Napa	1	Dis Retirement	Hon. Stephen Thomas Kroyer	05/23/11
Orange	4	Retirement	Hon. Michael J. Naughton	08/05/11
Orange		Deceased	Hon. James Patrick Marion	07/10/11
Orange		Converted	New Position	07/01/11
Orange		Converted	New Position	07/01/11
Riverside	3	Retirement	Hon. W. Charles Morgan	01/31/11
Riverside		Retirement	Hon. Paul E. Zellerbach	01/02/11
Riverside		Elevated	Hon. Carol D. Codrington	01/02/11
Sacramento	1	Retirement	Hon. James L. Long	03/10/11
San Bernardino	1	Retirement	Hon. W. Robert Fawke	04/22/11
San Francisco	1	Retirement	Hon. Mary Carolyn Morgan	03/03/11
San Mateo	1	Retirement	Hon. Rosemary Pfeiffer	03/31/11
Santa Clara	4	Retirement	Hon. Kevin J. Murphy	05/31/11
Santa Clara		Retirement	Hon. Alfonso Fernandez	04/12/11
Santa Clara		Retirement	Hon. Eugene Michael Hyman	03/01/11
Santa Clara		To Fed Court	Hon. Edward J. Davila	03/01/11
Santa Cruz	1	Converted	New Position	07/01/11
Solano	1	Retirement	Hon. Allan P. Carter	02/25/11
Stanislaus	1	Retirement	Hon. John G. Whiteside	04/15/11
Tuolumne	1	Retirement	Hon. Douglas C. Boyack	12/31/10
Ventura	1	Retirement	Hon. David W. Long	05/16/11
<b>SUBTOTAL:</b>	<b>45</b>			
Butte	1	(AB 159)*	New Position	1/1/2008
Contra Costa	1	(AB 159)*	New Position	1/1/2008

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Del Norte	1	(AB 159)*	New Position	1/1/2008
Fresno	4	(AB 159)*	New Positions	1/1/2008
Kern	3	(AB 159)*	New Positions	1/1/2008
Kings	1	(AB 159)*	New Position	1/1/2008
Los Angeles	1	(AB 159)*	New Position	1/1/2008
Madera	1	(AB 159)*	New Position	1/1/2008
Merced	2	(AB 159)*	New Positions	1/1/2008
Monterey	1	(AB 159)*	New Position	1/1/2008
Orange	1	(AB 159)*	New Position	1/1/2008
Placer	2	(AB 159)*	New Positions	1/1/2008
Riverside	7	(AB 159)*	New Positions	1/1/2008
Sacramento	6	(AB 159)*	New Positions	1/1/2008
San Bernardino	7	(AB 159)*	New Positions	1/1/2008
San Joaquin	3	(AB 159)*	New Positions	1/1/2008
Shasta	1	(AB 159)*	New Position	1/1/2008
Solano	1	(AB 159)*	New Position	1/1/2008
Sonoma	1	(AB 159)*	New Position	1/1/2008
Stanislaus	2	(AB 159)*	New Positions	1/1/2008
Tulare	2	(AB 159)*	New Positions	1/1/2008
Yolo	1	(AB 159)*	New Position	1/1/2008
<b>TOTAL VACANCIES:</b>	<b>95</b>			

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**Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month,  
from January 2009 through August 2011\***

Month	Superior Court				Court of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Jan-09	1,628	1,531	97	6.0%	105	98	7	6.7%
Feb-09	1,629	1,527	102	6.3%	105	96	9	8.6%
Mar-09	1,630	1,547	83	5.1%	105	96	9	8.6%
Apr-09	1,630	1,540	90	5.5%	105	96	9	8.6%
May-09	1,630	1,541	89	5.5%	105	96	9	8.6%
Jun-09	1,630	1,530	100	6.1%	105	100	5	4.8%
Jul-09	1,639	1,535	104	6.3%	105	101	4	3.8%
Aug-09	1,640	1,532	108	6.6%	105	102	3	2.9%
Sep-09	1,642	1,540	102	6.2%	105	102	3	2.9%
Oct-09	1,642	1,538	104	6.3%	105	102	3	2.9%
Nov-09	1,643	1,529	114	6.9%	105	102	3	2.9%
Dec-09	1,643	1,545	98	6.0%	105	102	3	2.9%
Jan-10	1,645	1,535	110	6.7%	105	102	3	2.9%
Feb-10	1,645	1,542	103	6.3%	105	101	4	3.8%
Mar-10	1,646	1,537	109	6.6%	105	101	4	3.8%
Apr-10	1,646	1,550	96	5.8%	105	102	3	2.9%
May-10	1,646	1,548	98	6.0%	105	102	3	2.9%
Jun-10	1,646	1,558	88	5.3%	105	101	4	3.8%
Jul-10	1,646	1,563	83	5.0%	105	102	3	2.9%
Aug-10	1,646	1,560	86	5.2%	105	103	2	1.9%
Sep-10	1,646	1,558	88	5.3%	105	103	2	1.9%
Oct-10	1,661	1,562	99	6.0%	105	102	3	2.9%
Nov-10	1,661	1,556	105	6.3%	105	102	3	2.9%
Dec-10	1,661	1,588	73	4.4%	105	102	3	2.9%
Jan-11	1,662	1,606	56	3.4%	105	104	1	1.0%
Feb-11	1,662	1,606	56	3.4%	105	104	1	1.0%
Mar-11	1,662	1,594	68	4.1%	105	103	2	1.9%
Apr-11	1,662	1,592	70	4.2%	105	103	2	1.9%
May-11	1,662	1,590	72	4.3%	105	103	2	1.9%
Jun-11	1,662	1,584	78	4.7%	105	102	3	2.9%
Jul-11	1,673	1,581	92	5.5%	105	102	3	2.9%
Aug-11	1,673	1,578	95	5.7%	105	102	3	2.9%

\* As of August 17, 2011

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**Trial Court Authorized Positions and Vacancies**

