



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date

August 27, 2010

Action Requested

For Your Information

To

Members of the Judicial Council

Deadline

N/A

From

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Contact

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Subject

Report on Activities of the
Administrative Office 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. (It does not address issues on which the council has been briefed through other information sources.)

Issues and activities highlighted include the following:

- Legislation Status (*p. 2*)
- Federal Outreach for Support and Funding for Judicial Branch Judicial Initiatives (*p. 3*)
- Judicial Appointments and Vacancies (*p. 3 & 21*)
- Voluntary Judicial Salary Waiver Program Ends (*p. 3*)
- Administrative Infrastructure Initiatives (*p. 6*)
- Assembly Committee on Accountability and Administrative Review (*p. 6*)
- Advisory Committees, Task Forces, and Working Groups (*p. 9 & 12*)
- Judicial and Court Employee Education (*p. 9 & 19*)

Attachments: Legislative Status Chart; 2010 Court Statistics Report, Data Points Research Brief

SUMMARY

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

Legislation/Issues

Following is a list of bills the Judicial Council is sponsoring this year:

Juvenile Court Costs, AB 1229 (Evans): Amended August 10, 2010, clarifies that courts can designate their own financial evaluation officers. *Status: Passed by Legislature; awaits action by the Governor.*

Protective orders: emergency protective orders: enforcement priority: sexual assault, AB 1596 (Hayashi): As amended August 5, 2010, contains numerous technical changes to create more consistency in protective order statutes. *Status: Passed by Legislature; awaits action by the Governor.*

Modernizing Trial Court Records, AB 1926 (Evans): As amended April 6, 2010, authorizes courts to create, maintain, and preserve records in any form that satisfies standards or guidelines to be established and adopted by the Judicial Council. The amended statutes would not apply to court reporters' transcripts or electronic recordings made as the official record of oral proceedings. *Status: Passed by the Legislature; awaits action by the Governor.*

Escheat, AB 2767 (Committee on Judiciary): As amended June 15, 2010, among other things: (1) Clarifies the disposition of unclaimed victim restitution money held by the superior court; and (2) Adjusts, from April 1, 2010, to April 1, 2013, the date on which the Judicial Council is required to submit the first report to the Legislature regarding increased dollar amounts for homestead exemptions. *Status: Passed by the Legislature; awaits action by the Governor.*

E-Service, SB 1274 (Committee on Judiciary): As amended March 23, 2010, authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. The bill also explicitly authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically. *Status: Passed by the Legislature; awaits action by the Governor.*

In addition, AOC Office of Governmental Affairs staff has presented reports to and obtained positions from the Policy Coordination and Liaison Committee on 34 bills for 2010. Please see

the attached legislative status report on 2010 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee during the 2009-2010, legislative session.

Bench-Bar Coalition Concludes "Day in the District" Outreach: Twenty-seven Bench-Bar Coalition (BBC) members from the Bay Area, Sacramento, Orange County, Los Angeles, and the Inland Empire concluded their "Day in the District" constituent visits to their legislators' district offices completing 25 appointments: 18 with legislators and 7 with key district office directors and staff encouraging their support of the proposed FY 2010–2011 judicial branch budget package in an effort to avoid statewide court closures and maintain critical trial court operations.

Outreach to Congress and Federal Agencies: Associate Justice Ming W. Chin, Chair of the Court Technology Advisory Committee, and AOC executive leaders met with members of the California Congressional delegation, as well as with officials at the U.S. Departments of Justice, Homeland Security, and Health and Human Services. The meetings with the federal agencies, a follow-up to previous meetings, explored options to support the deployment of the California Case Management System with funds included in federal fiscal year 2012 budget requests. Visits with Members of Congress and Congressional staff focused on urging passage of the pending tax intercept legislation (HR 1956) as well as the Senate bill that would provide \$15 million in annual grants for state court interpreters (S 1329).

Superior Court Filings Top 10 Million: The newly published *Court Statistics Report* shows statewide filings in the superior courts topped 10 million in fiscal year 2008–2009, resulting in a net increase of 7 percent from fiscal year 2007–2008 and a 20 percent increase over the past decade. The report combines 10-year statewide summaries of superior court filings and dispositions with similar workload indicators for appellate courts. The *Data Points* research brief contains an overview of the major trends in trial court filings. Court Statistics Report: http://www.courtinfo.ca.gov/reference/3_stats.htm,

Data Points brief: www.courtinfo.ca.gov/reference/documents/datapoints10.pdf

New Judgeships and Vacancies (Page 21):

- Thirty four new judicial appointments were made by the Governor: Lake (1), Los Angeles (15), Merced (1), Orange (3), Riverside (3), San Diego (1), Santa Barbara (2), Santa Cruz (2), Tehama (2), Court of Appeal 3rd District (1), Court of Appeal, Fourth District (1), and Court of Appeal, Fifth Appellate District (2).
- Currently, there are 33 trial court judicial vacancies and 2 appellate court vacancies.

Voluntary Judicial Salary Waiver Program:

- In the final month of the program, which ended on June 30, 2010, a total of 679 days of compensation were waived by 679 judges participating in the voluntary salary waiver

program. A total of 935 judges donated 7,585 days for the duration of the program. (These figures reflect one day donated per judge/judicial officer. They do not include additional days donated. Many other judges contributed to local non-profit funds to support the justice system (e.g., nearly all judges in Los Angeles contributed a day of compensation each month to a local fund).

- The Trial Court Budget Working Group has recommended the allocation of program proceeds in a manner that reflects the different levels of judicial participation in the statewide program based upon a range of actual-to-estimated saving ratios. The Judicial Council will act on the recommendation when a final budget is signed.

Community Corrections Program:

- A revised request for applications was issued for three additional counties to participate in the California Risk Assessment Pilot Project. Final counties will be selected in October.
- A small grant was secured from the Public Welfare Foundation to support enhanced evidence-based practice education and training for all California courts.
- Fifty three of 58 California Counties participated in staff training for the reporting requirements included in the Evidence-Based Probation Supervision Program and nearly all 58 counties have reported their first round of data.

Labor and Employee Relations: Assistance was provided to 31 courts on labor and employee relations issues including: understanding changes being made by a county regarding retirement plans; labor negotiations for Memoranda of Understanding; “meet and confer” issues; revised personnel policies, classification and compensation reviews; job descriptions/specifications; performance improvement plans; American’s with Disabilities Act issues; mediation; recruitment; and investigation of and responses to complaints submitted to the Department of Fair Employment and Housing.

Trial Court Workers’ Compensation Program:

- The Workers’ Compensation Committee’s annual allocation report was presented to the Trial Court Budget Working Group. The program continues to perform well. Current liability has decreased from \$75 to \$70 million, with a fund reserve of approximately \$40 million.
- The Trial Court Budget Working Group approved proposed changes to the allocation of administrative costs to ensure a more direct relationship to third party administrator services utilized by individual courts, and to allow them to enhance their ability to manage these costs. The changes will be presented to the Judicial Council for final approval during the budget approval process.

New Interpreter Test Instruments to Provide Efficiencies and Cost Savings: California began using interpreter tests developed by the National Center for State Courts’ Consortium for Language Access in the Courts. The decision to adopt Consortium examinations was based on

study results that showed that the examinations to be comparable in structure, content, and level of difficulty to the California tests. The change will result in significant long-term cost savings to the state, with immediate access to the Consortium's bank of 23 certification exams in 19 languages, and the ability to share the future costs of test development and maintenance with the Consortium's 40 member states.

Expanding Civic and Judicial Branch Education in Schools: Fifteen alumni of the California On My Honor Civics Institute for Teachers were selected to attend a new professional development Leadership Institute. Designed to expand the teacher leadership base in civic education emphasizing the judicial branch, institute participants were prepared to be teacher leaders at 2011 civics institutes, as well as to help pilot local Court Connections workshops during the school year. An anticipated nine, one-day, Court Connection workshops spanning 13 counties will connect Kindergarten through 12th grade teachers to their local courts and bar associations, as well as to civic education information and resources for their classrooms.

Trial Court Web Resources: In 2009, a working group of 10 trial courts partnered with the AOC to conduct a comprehensive assessment of the effectiveness of trial court Web sites. The project resulted in a set of new Web templates that will help standardize the look and feel of trial court Web sites across the state and improve the ability of trial courts to deliver online information and resources. In August, Lake County became the first trial court to launch a site redesign using the templates (<http://www.lake.courts.ca.gov>). In 2011, the AOC will coordinate the migration of up to 10 additional trial courts to the new design templates.

Data Collection Completed for Judicial Workload Study:

- Staff completed a four-week time study of judicial officer workload, collecting data from 325 judges and 66 subordinate judicial officers in a representative sample of 15 courts. The study captured information on the time judges spent processing cases in 23 different case types including collaborative courts, asbestos cases, and complex civil litigation.
- Updating the case weights used to evaluate the need for judicial officers will ensure that policy decisions based on the judicial workload estimates – including the creation of new judgeships and facilities planning – are based on reliable empirical research and data.
- Data and preliminary analysis will be shared with participating courts and the SB 56 Working Group responsible for responding to proposed performance measures, implementation plans, and modifications to the Judicial Workload Assessment and the Resource Allocation Study Model.

New Trial Court Workload Study Will Help Improve Resource Allocation Practices:

- Staff completed a pilot test in the criminal divisions of three trial courts (Marin, Riverside, and San Bernardino) of a new methodology for collecting detailed data on the workload of

trial court staff. (This Random Moment Time Study method has been widely used by Federal government but had never been attempted in the courts.)

- The pilot results suggest a number of benefits: 1) capturing greater detail regarding case processing activities and 2) reducing the burden to court staff of reporting time data. Following the conclusion of the study, staff conducted site visits with the three courts to share findings, solicit feedback and refine the data collection tool.
- The new method will allow for the Resource Allocation Study model to incorporate more detailed information on case processing practices and compare these across courts to identify best practices. Data will be shared with the SB 56 Working Group.

Juvenile Court Delinquency Performance Measures: The AOC and its contractor, the National Council of Juvenile and Family Law Judges, drafted interim delinquency court performance measures on the basis of 11 web-based focus groups representing a cross section of California judges, court staff, probation, public defenders, prosecutors, and researchers.

13th National Child Welfare Data and Technology Conference: Staff presented three research papers at this conference, which brought together child welfare researchers and Court Improvement Program Coordinators from across the country.

Self-Help Programs: Staff made presentations on:

- California's self-help programs at a workshop at the American Bar Association (ABA) annual conference in San Francisco. The Superior Court of San Francisco hosted visits by ABA members to see its self-help centers.
- Self-help services at the international conference on "*Research into Practice: Legal Service Delivery in a New Decade*" at Cambridge University.
- California's self-help centers, self-help websites, other technological tools, and JusticeCorps programs at the National Association for Court Management Annual Conference.

Administrative Infrastructure Initiatives

Assembly Committee on Accountability and Administrative Review: This hearing focused on two areas: the California Court Case Management System and the facilities maintenance program administered by the AOC on behalf of the trial and appellate courts. Our goal was to address the issues on the merits. The hearing with members of the Legislature was respectful and professional in both tone and discussion. In addition to the clarification achieved, areas of misunderstanding were reviewed, and there was a discussion of potential procedural improvements that we can consider adding to our existing plans for continuous evaluation and changing practices. The hearing was an important step forward for the two branches in working together to help us accomplish our work in an effective and cost-efficient way.

Facilities (Page 15):

Risk Management/Solano Courthouse Fire:

- The AOC is assisting the Superior Court of Solano County in the restoration of court property and records after an arson-caused fire on June 30 resulted in damage to the Solano Justice Building in Vallejo, with a combined damage to the building and the court's property and records expected to exceed \$1 million—the largest cost being the restoration of court records. Solano County is the building's managing party handling building repairs. Repairs and records restoration are expected to be completed by October 1, 2010.

All 41 Senate Bill 1407 Projects Now Approved:

- The State Public Works Board (SPWB) authorized funding for the final three of the 41 SB 1407 projects needing approval to move forward. This milestone represents a great example of intra-branch collaboration to achieve timely and cost-saving approval on construction projects.

Transfers: Deeds were recorded for two courthouses in Los Angeles County: Compton and El Monte. Transfer of title for Fresno's Firebaugh Courthouse was approved.

Implementation of Senate Bill 1732:

- Lassen–Susanville Courthouse: The groundbreaking ceremony on this new, three-courtroom, 42,300 square-foot courthouse was held in July.

Capital Projects:

- **In site selection/acquisition:** 37 projects, total value of \$4 billion. The AOC is working with many counties and cities who have offered equity swaps, exchanges, and property donations for siting these projects.
- **In design:** 12 projects, total value of over \$1.6 billion.
- **In construction:** 4 projects, total value of over \$200 million
- **Other:** 1 project, funding as a facility modification project to be requested in fiscal year 2010–2011.

State Public Works Board Approval:

- Transfer of title for the Firebaugh Courthouse and Clovis Courthouse in Fresno.
- Site selection approval for an alternate site for the new Redding Courthouse (City Ball Field/Gravel Area site).
- Preliminary plans for the new Porterville Courthouse, Tulare County, enabling this project to proceed into working drawings.

Performance-Based Infrastructure (PBI) Project for New Long Beach Court Building:

The AOC announced the selection of Long Beach Judicial Partners as the preferred proposer for the Long Beach court building project. The Department of Finance must approve the selection. Approval is expected in September.

Facility Modifications:

- **In progress:** 514 active facility modifications at a value of \$41 million.

Facility Awards: The Western Council of Construction Consumers, the largest association of construction owners in the western United States, presented a Distinguished Award to the Plumas Sierra Regional Courthouse and an Exceptional Award for the Fresno Juvenile Justice Center Juvenile Delinquency Court, a project done in partnership with the county. AOC Office of Court Construction and Management Director Lee Willoughby and the Administrative Office the Courts were recognized with a Member of the Year Award.

Technology (Page 16):

Case Management Systems

California Court Case Management System:

- The courts, AOC, and Deloitte Consulting continue the validation of and fixes to the CCMS core product. Specific management checkpoints have been identified in the core plan to track Deloitte's performance. The first two milestones for the core plan have been met: 1) completion of the final functional design verification, to validate that the application meets the approved design specifications and 2) completion of all application changes, to correct the incidents identified in the verification process. A non-core re-plan is being developed with additional performance measurements.
- Preparation work for deploying CCMS to the early adopter courts is under way.
- Efforts continue to jointly define a recommended process for complying with recent legislation that calls for review and consultation with the Office of the State Chief Information Officer for larger AOC and court technology projects.

Infrastructure & Security

California Courts Technology Center (CCTC): The CCTC successfully completed its sixth annual disaster recovery exercise. Special thanks to staff in the Fresno, Ventura, San Joaquin, Sacramento, Imperial, San Benito, and Merced courts who volunteered to participate in testing over the weekend.

Consolidating Services for Efficiency and Cost-Savings: The AOC consolidated services provided by Cisco and AT&T, bundling network equipment and services paid for by the AOC with network equipment maintenance currently paid by the courts. This multi-year branchwide network equipment and services strategy and resulting purchasing power is expected to result in a thirty-five percent savings in network equipment and services costs.

Enhanced Security Services: A managed intrusion detection system program for the courts was enhanced to include project management, design engineering, procurement and maintenance of network hardware.

Administrative & Management Systems

Phoenix Bank Account Consolidation Achieves Savings: Bank account consolidation measures were completed to reduce fees by half for the trial courts, saving an average of over \$500,000 per year.

Advisory Committees, Task Forces, and Working Groups (Page 12):

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. Appellate Advisory Committee
2. Civil Jury Instructions Advisory Committee
3. Civil and Small Claims Advisory Committee
4. Court Executives Advisory Committee
5. Criminal Law Advisory Committee
6. Probate and Mental Health Advisory Committee

7. Blue Ribbon Commission on Children in Foster Care
8. Presiding Judges and Court Executive Officers Rules and Roles Analysis Working Group
9. Task Force for Criminal Justice Collaboration on Mental Health Issues
10. Tribal Court/State Court Forum
11. Trial Court Budget Working Group

Education and Training Programs (Page 19):

Judicial Education and Training Programs

1. B.E. Witkin Judicial College (43rd annual)
2. Criminal Case Settlement (Lake County)

3. Qualifying Judicial Ethics, Fourth Cycle
4. Violence Against Women Education Project

Judicial Faculty Development

1. Faculty Development Fundamentals
2. Learning Styles
3. Design Workshop on Dependency and Family Law Primary Assignments

Judicial Officer, Court Employee, and Justice System Stakeholder Education

4. Best Practices Approach Initiative
5. Court Clerk Training Institute
6. Institute for Court Management - Managing Technology Projects and Resources for managers and supervisors
5. Micro-aggressions and Fairness (San Francisco judges and attorneys)
7. Neuroscience and Psychology of Decision-Making in Juvenile and Family Law
8. Tribal Projects Training

Broadcasts

1. Manager and supervisor courses
 - Employee Motivation
 - Traffic Operations
2. Preventing and Responding to Sexual Harassment, for court staff; separate broadcast for justices, judges, and subordinate judicial officers
3. Probate: Guardianships and Conservatorships—Coping With the Omnibus Act and Other Recent Developments, for court staff
4. The Art of Interpersonal Communication, for court staff
5. The Neuroscience and Psychology of Decision Making: A New Way of Learning, for judges
6. The Role and Responsibility of Court Leaders in Handling ADA Issues, for presiding judges and court executive officers
7. Today's Law: Creating an Effective Delinquency System, for judges

Online Resources

1. New course: Bail and Own-Recognizance Release Procedures
2. Court-related Child Welfare County Data
3. Monthly Online Interactive Article and Quiz

Updated Online Courses

4. Domestic Violence Restraining Orders (to reflect new CRC 4.700 re firearm relinquishment plus miscellaneous changes effective July 2010)

5. Juvenile Dependency Hearings (to reflect legislation effective July 2010 re tribal customary adoptions)
6. Juvenile Delinquency Hearings (to reflect miscellaneous changes effective July 2010)

Publications

1. 2010 Court Statistics Report
2. Foster Care Reform Update, Quarterly Newsletter for County and Statewide Collaborations (<http://www.courtinfo.ca.gov/jc/tflists/brc-newsletter0710.htm>).
3. *Updated and Revised Benchguides*
4. Domestic Violence Cases in Criminal Courts
5. Small Claims Court and Consumer Law

Videos

1. Beyond the Bench Workshops:
 - Assessing Risk - How to Determine Whether a Youth has Mental Health Issues
 - Indian Child Welfare Act and Tribal Customary Adoptions
 - Invisible Beliefs: Confidentiality, Privilege & Technology in Juvenile Court
2. California Courts News Feature Stories:
 - Beyond the Bench
 - Elder Court Roundtable
 - Judicial Council meeting
 - Opening of Mammoth Lakes courthouse
3. Courthouse Security, Judicial Education
4. Settle a Case Like a Pro, Judicial Education
5. Legacy Project, Associate Justice Richard Sims, Oral History Interview
6. New and Promising Projects, compilation of California Courts News stories on DVD

Additional Detail on Summary Items

Advisory Committees/Task Forces/Working Groups

Appellate Advisory Committee:

- Voted to recommend seven rule proposals for adoption by the Judicial Council, including proposals to amend the rules relating to transfer of superior court appellate division cases to the Court of Appeal and rules to permit parties to file consolidated answers to multiple amicus briefs in the Supreme Court.

Civil Jury Instructions Advisory Committee:

- Considered a proposed new series of jury instructions on construction law.
- Approved for posting for public comment, through September 10, 2010, proposed revisions and additions to the civil jury instructions.

Civil and Small Claims Advisory Committee:

- Voted to recommend several proposals for adoption or approval by the Judicial Council, including adoption of rules implementing an expedited jury trial process, which, upon consent of the parties, would provide an alternative, streamlined method for handling civil actions, to promote the speedy and economic resolution of cases and conserve judicial resources.

Court Executives Advisory Committee:

- *Ethics Education:* Circulated for public comment during the Spring 2010 public comment cycle a proposed amendment to rule 10.473(c)(1) of the California Rules of Court, which would require a minimum of three hours of ethics training be included in the 30 hours of continuing education that trial court executive officers must complete every three years. The proposal is scheduled for review by the Rules and Projects Committee in September meeting and will be presented to the council in October 2010.
- *Trial Court Records:* Proposed adoption of Cal. Rules of Court, rules 10.850 and 10.854; amend rule 10.855; and repeal standard 10.80 to modernize the creation, maintenance, and preservation of trial court records. Under these proposals, the Judicial Council would adopt a rule that would require the AOC, in collaboration with trial court presiding judges and court executives, to prepare, maintain, and distribute a manual providing standards and guidelines for the creation, maintenance, and retention of trial court records.
- The new rules, to be submitted to the council for adoption in October 2010, will ensure a smooth and effective transition of responsibilities for court records management from the Legislature to the Judicial Council.

Court Technology Advisory Committee:

- Approved for Judicial Council adoption rule modifications and Judicial Council forms to:
 - Enable courts and parties to provide notice of filings and orders using a hyperlink via the Internet rather than attaching an electronic copy of the file to an email.
 - Create a framework for e-filing of proposed orders by allowing filers to attach proposed orders to a Judicial Council coversheet, which is then filed. The proposed order is submitted in an editable format, allowing the court to modify and issue the final order.
- If approved, the rules and forms go into effect January 1, 2011.
- The technology committee joined with the Court Executives Advisory Committee to sponsor the creation and adoption of a Trial Court Records Manual to address records management and retention questions, including electronic court records.

Received the following reports and updates:

- CCMS V3 and V4 development and deployment efforts.
- Data integration efforts, including e-citations, Justice Partner Outreach, and branchwide e-filing.
- California Courts Technology Center, including background, history and status, plus a presentation by Oracle on the benefits of data center consolidations.

Criminal Law Advisory Committee:

- Discussed public comments received regarding legislative proposals to authorize trial courts to obtain fingerprints of felony defendants at arraignment on the complaint and to relieve courts of the requirement to state reasons for dismissals in the interest of justice in writing in the minutes.
- Approved three rule proposals for recommendation to the Judicial Council: sentencing on revocation of probation, application of Penal Code section 654, and imposition of enhancements.

Presiding Judges/Court Executive Officers Rules and Roles Analysis Working Group:

- Discussed final revisions to the 2009 report on recommendations on areas of amendment for California Rules of Court 10.603 and 10.610 related to the presiding judge and court executives to better reflect current duties and responsibilities, and timeline for entering the proposals in the rule amendment process.

Probate and Mental Health Advisory Committee:

- Discussed public comments received concerning three proposals for new and amended rules of court and Judicial Council forms, and a proposal for council sponsorship of legislation affecting guardianship venue in cases with prior family law custody litigation, which was jointly proposed by this committee and the Family and Juvenile Law Advisory Committee.

- In response to public comments received, approved modifications to the proposals, and voted to recommend the modified proposals to the Judicial Council in October (forms and rules proposals) and December (legislative proposal).

Task Force for Criminal Justice Collaboration on Mental Health Issues:

- Draft report is being circulated for public comment. Public hearings were held in Los Angeles and Sacramento in August 2010. Public comment period concludes in September.

Trial Court Budget Working Group:

- Concurred with the Workers' Compensation Oversight Committee's recommendations for FY 2010-2011 Allocation for the Judicial Branch Worker's Compensation Program to:
 - Adjust the cost for administrative fees so that 100 percent of the cost is distributed across the program, which includes the charge distribution to the judiciary; applying 80 percent of the charges allocated based on each entity's relative claims cost and the remaining 20 percent allocation based on each entity's relative payroll cost.
 - Use excess premium and third party administrator credits for fiscal years 2008–2009 and 2009–2010 (combined total \$285,400) for the program as a whole in order to offset the combined program charges, and to absorb the combined net amount after the offset through offsets from program reserves rather than charge backs to the courts in FY 2010–2011.
- Concurred with the staff recommendation for allocation of judicial compensation savings from the Voluntary Salary Waiver Program (VSWP) to allocate statewide VSWP proceeds in a manner that reflects the different levels of judicial participation in the statewide program based upon a range of actual-to-estimated saving ratios. The Judicial Council will act on the recommendations when a final budget is signed, along with the other allocation issues.
- Voted to defer item on Allocation of Court Reporter fees until the next Trial Court Budget Working Group meeting. Directed AOC staff to provide an alternative both with and without security in the Trial Court Trust Fund base.
- Concurred with the staff recommendation to revise the current Judicial Council-approved trial court fund balance policy to reflect changes in financial reporting guidelines consistent with Governmental Accounting Standards Board Statement 54. Discussions with staff will continue related to developing more specificity in section 5.
- Discussed the requirement that trial courts annually review all vacant authorized positions and identify for abolishment those positions that are chronically vacant. Supported the staff recommendation of no change to the existing Judicial Council Position Management policy.

Received the following updates:

- Status of implementing a revised Contract Law Enforcement Template to accommodate average costing.
- Anticipated FY 2009–2010 reimbursable court interpreter projected expenditures.

Tribal Court/State Court Forum:

- Discussed ways to share resources and addressed the following legal issues: (1) recognition and enforcement of protective orders; (2) recognition and enforcement of orders, such as civil money judgments, child custody and support, traffic, trespass and warrants, and other orders; and (3) sharing/allocating/coordinating jurisdiction.
- Proposed a communication plan to keep tribes, tribal courts, state courts, and law enforcement apprised of the Forum's work.
- Identified principles and values that related to the following themes: (1) the importance of having an historical perspective and recognition of how that history impacts tribal and state relationships; (2) principles of sovereignty; (3) citizenship rights and the shared responsibilities of tribal and state court systems to meet the needs of citizens; (4) ways in which tribal and state court systems are fundamentally the same, yet different; (5) promoting mutual trust and respect necessarily means education; and (6) the importance of consensus-building and reaching mutually acceptable solutions.

Administrative Office of the Courts

Administrative Infrastructure Initiatives

Facilities

Implementation of Senate Bill 1407: The State Public Works Board approved the last three projects:

- New Modesto Courthouse: 26 courtrooms
- New Tahoe Area Courthouse: 1 courtroom
- Renovation and Expansion to San Joaquin Juvenile Justice Center: includes 1 courtroom addition to existing facility.

The board authorized preliminary plans phase funding for six new projects:

- South Monterey County
- Indio Juvenile and Family Courthouse
- Yuba City Courthouse
- Woodland Courthouse
- North Butte Courthouse
- Santa Rosa Criminal Courthouse

Capital Projects: Architects were selected for the following nine new projects:

- Kings County – Delano Courthouse
- Kings County – Hanford Courthouse

- Los Angeles County – Glendale Courthouse
- Los Angeles County – Santa Clarita Courthouse
- Mendocino County – Ukiah Courthouse
- Merced County – Los Banos Courthouse
- Siskiyou County – Yreka Courthouse
- Inyo County – Inyo County Courthouse

A request for proposals for architectural and engineering services was published for an additional 13 projects:

- Alpine County – New Markleeville Courthouse
- Fresno County – Renovation to Fresno County Courthouse
- Glenn County – Renovation and Addition to Willows Historic Courthouse
- Kern County – New Mojave Courthouse
- Los Angeles County – New Eastlake Juvenile Courthouse
- Nevada County – New Nevada City Courthouse
- Placer County – New Tahoe Area Courthouse
- Plumas County – New Quincy Courthouse
- Riverside County – New Hemet Courthouse
- San Joaquin County – Renovation and Addition to Juvenile Justice Center
- Santa Barbara County – New Santa Barbara Courthouse
- Sierra County – New Downieville Courthouse
- Stanislaus County – New Modesto Courthouse

License and Leases: Executed 7 leases; 3 revenue licenses; 2 occupancy licenses; and 1 event license.

Facilities Management:

- In the last fiscal year, the AOC Customer Support Center opened 111,240 service work orders from courts. These included any facility maintenance need from the preventative maintenance of changing air filters to reactive maintenance of post-fire remediation.
- An effort is under way to develop a Job Order Contracting program specific to expediting smaller facility modification projects (\$25,000–\$500,000). The program includes project cost software that provides cost estimating and cost tracking data.

Technology

California Court Case Management System

Product Development: To ensure quality of the CCMS application, Deloitte and the AOC have been engaged in a Final Functional Design validation effort. This comprehensive process involves comparing code against the Final Functional Design and then fixing the

identified defects. Acceptance of the core product is targeted for April 30, 2011. The portals, Statewide Reporting Data Warehouse, Data Exchanges and e-filing will be delivered at a later date. The new delivery plan will not impact the early adopter (Superior Courts of San Diego, San Luis Obispo, and Ventura Counties) court deployments.

Governance: Deployment activities for CCMS began with the three early-adopter courts. As the project begins the transition from product development to statewide deployment, a new governance structure will be put in place. The current CCMS Oversight and Steering Committees were dissolved at the end of July. Information on the new governance structure will be distributed as it becomes available.

Deployment: The AOC and Deloitte executed the first component of the CCMS deployment with the completion of the Early Adopter Readiness and Assessment statement of work. Key areas include determining the best strategy for rollout, the objectives for data conversion, imaging, e-filing, and business process workflow. Project kick-off meetings also were held with the three courts.

Civil, Small Claims, Probate, and Mental Health (V3):

- All V3 courts (Los Angeles, Orange, Sacramento, San Diego, San Joaquin, and Ventura County Superior Courts) are now using the latest version of V3, Release 10.01, which includes the ability to process e-filed documents.

Outreach: CCMS outreach activities included the distribution of a new CCMS Executive Update and product demonstrations and presentations to the following groups:

- Court Technology Advisory Committee
- California District Attorneys Association's Technical Committee
- San Luis Obispo Bar Association

Case Management Programs

Interim Case Management System—Sustain Justice Edition

- This interim case management system was selected by the courts prior to courts converting to the CCMS. The system is operating in 10 courts hosted at the California Courts Technology Center (CCTC) and in five additional counties hosted locally (not based at CCTC).
- Users represent 26 percent of California counties, with approximately 48 court locations and 2,552 licensed court users. In this period:
 - Implemented the Interactive Web response interface for the Merced court.
 - Completed CCTC infrastructure updates.

Infrastructure & Security

Managed Security Services: This program for the courts was enhanced to include project management, design engineering, procurement and maintenance of network hardware. Security hardware will now be owned and managed by the vendor partner, AT&T, rather than by individual courts. This program is cost effective, provides the same level of service, and saves cost of ownership by the courts for equipment purchase and yearly maintenance fees.

Data Integration

Justice Partner Data Integration Project: This project provides project status and assistance to justice partners on how to integrate with CCMS.

- Met with the California Highway Patrol, Office of the State Chief Information Officer, California Department of Corrections and Rehabilitation, and the California Chiefs' Data Sharing Workgroup.
- Presented to the California District Attorney Association.

Phoenix HR System

Phoenix System Maintenance and Operations Stabilization Project: The redesign of specific technical elements of existing Payroll, Benefits, and Time Management functions, with the goal of enhanced flexibility and automation in the Phoenix HR System has been completed. The six courts currently on the system are now benefitting from the improvements attained through the Phoenix Human Resources System Operations Stabilization project.

Education and Training:

- Provided training for all employees (approximately 1,100) in San Bernardino Superior Court on functionality associated with payroll attributes of Employee Self-Service and Manager Self-Service, allowing employees to enter timesheet data electronically into Phoenix and allowing managers in a similar manner to approve validity of timesheets in order to process payments to employees.
- Created 14 Phoenix Human Capital Management process-based training courses; 146 instructor demonstrations, and 146 participant exercises for court user development.
- Developed 331 Phoenix transaction-specific user work instructions.
- Delivered two Employee Self Service/Manager Self Service super user workshop courses to 40 new court users.
- Provided instructor-led Phoenix Finance refresher training to four courts.

- Delivered six maintenance and operations stabilization requirement validation WebEx sessions to 30 court employees.

Phoenix Solution Manager: The SAP module Solution Manager was deployed to the production environment at the CCTC. This tool provides the ability to:

- Track Help Desk tickets and enhancement request from all 58 courts assign, track, and inform the user community about the progress of their request
- Serve as a document repository for business process documentation, functional and technical specifications and test cases providing the Phoenix a single location for all project and maintenance and operations work
- Monitor the health of the Phoenix application in the local court environment to manage the application for optimal capacity.

Phoenix Security: Deployment of a new encryption tool further secured the courts' data as it travels from court desktops to the CCTC.

Education Programs

B.E. Witkin Judicial College: One hundred and six participants attended the 43rd annual Judicial College (87 judges, 16 commissioners, and 3 referees). Almost 50 courses were offered, including topics on the Americans with Disabilities Act, ethics, working with self-represented litigants, dealing with interpreter issues, domestic violence, and collaborative courts.

Court Clerk Training Institute: The institute consists of two separate one-week programs and was attended by 150 courtroom and legal process clerks with courses on counter and courtroom procedures in felony criminal, misdemeanor, civil, family, juvenile delinquency; and probate matters.

Institute for Court Management: Thirty managers and supervisors attended this third offering of a course on *Managing Technology Projects and Resources*.

Qualifying Judicial Ethics Training, Fourth Cycle: Five core ethics classes were held—Bakersfield, San Francisco, Los Angeles, San Fernando, and San Bernardino. The fourth cycle of judicial ethics trainings ends December 31, 2012.

Judicial Officer, Court Employees, and Justice System Stakeholders Education

Micro-Aggressions and Fairness: This course explored the ways in which unconscious bias manifests in verbal communications and nonverbal behavior. The course demonstrated

scientifically proven methods for dismantling this bias. Forty-five San Francisco judges and court attorneys participated.

Best Practices Approach Initiative: Three one-day trainings for delinquency practitioners included how best to implement community supervision practices when working with substance abusing youth. The trainings reached 320 participants over the three-day period.

Tribal Projects Training and Curriculum: Tribal customary adoption training was held at Two Feathers Rancheria.

Faculty Development

Advanced Faculty Development: A learning styles course for 30 judicial branch faculty members focused on participant differences and design techniques to meet the various styles that participants bring to the classroom.

Design Workshop: A two-day workshop was held for judicial faculty developing courses for Dependency Primary Assignment Orientation and Family Law Primary Assignment Orientation. The workshop focused on adult learning principles and active education designs.

Faculty Development Fundamentals: Judges and subordinate judicial officers who attended Phase I of faculty development in May, returned at the end of June to complete the program and deliver demonstration teaching segments for judicial audiences. These courses will be developed further and many will be included in the local training catalog.

Broadcasts

Everyday Managing and Supervising—Traffic Operations, a new broadcast program for managers and supervisors, addressed daily challenges for traffic supervisors (including calculating bail, managing timelines, and handling clerical errors).

The Art of Interpersonal Communication, a new broadcast for court staff, addressed effective interpersonal communication in day-to-day interactions.

The Role and Responsibility of Court Leaders in Handling ADA Issues provided court leaders with guidance and resources on how to apply Cal Rules of Ct. 1.100, how to recognize the pitfalls, how to interface with court security, and related issues.

JUDICIAL VACANCY REPORT**Number of Judgeships Authorized, Filled and Vacant as of August 26, 2010**

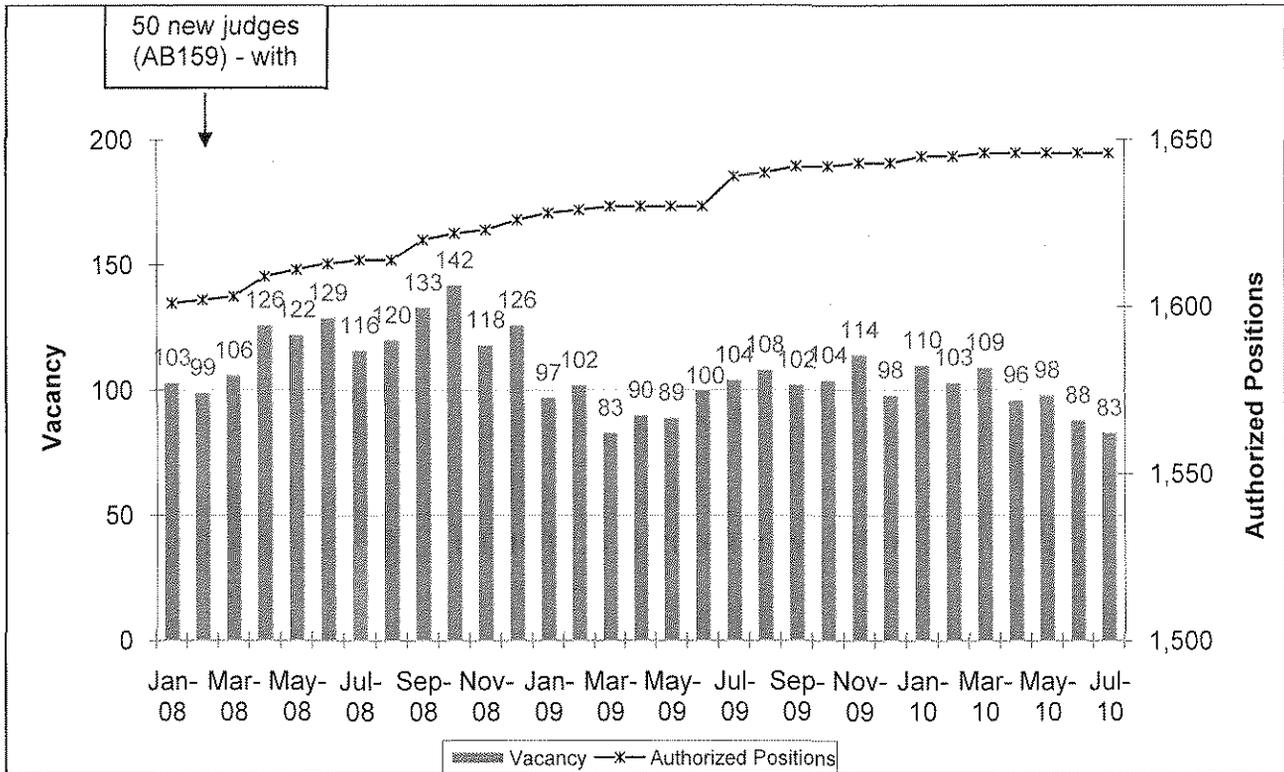
TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	Filled(Last Month)	Vacant(Last Month)
Supreme Court	1	7	7	0	0	7	0
Courts of Appeal	6	105	102	2	0	101	3
Superior Courts	58	1646	1563	33	50*	1558	88
All Courts	65	1758	1672	86		1666	91

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

**Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month,
from January 2008 through July 2010**

Month	Superior Court				Court of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Jan-08	1,601	1,498	103	6.4%	105	100	5	4.8%
Feb-08	1,602	1,503	99	6.2%	105	100	5	4.8%
Mar-08	1,603	1,497	106	6.6%	105	100	5	4.8%
Apr-08	1,609	1,483	126	7.8%	105	101	4	3.8%
May-08	1,611	1,489	122	7.6%	105	101	4	3.8%
Jun-08	1,613	1,484	129	8.0%	105	103	2	1.9%
Jul-08	1,614	1,498	116	7.2%	105	102	3	2.9%
Aug-08	1,614	1,494	120	7.4%	105	102	3	2.9%
Sep-08	1,620	1,487	133	8.2%	105	101	4	3.8%
Oct-08	1,622	1,480	142	8.8%	105	101	4	3.8%
Nov-08	1,623	1,505	118	7.3%	105	100	5	4.8%
Dec-08	1,626	1,500	126	7.7%	105	100	5	4.8%
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%

TRIAL COURT AUTHORIZED POSITIONS AND VACANCIES



JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Third Appellate District	1	Retirement	Hon. Rodney Davis	02/16/09
Fourth Appellate District, Division Two	1	Retirement	Hon. Barton C. Gaut	02/28/10
TOTAL VACANCIES	2			

JUDICIAL VACANCIES: SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	1	Retirement	Hon. Stephen Allen Dombrink	03/31/10
Colusa	1	Retirement	Hon. John H. Tiernan	06/25/10
Contra Costa	1	Converted	New Position	01/29/10
Kern	1	Retirement	Hon. L. Bryce Chase	06/01/10

Administrative Director's Report to the Judicial Council

August 27, 2010

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Lassen	1	Retirement	Hon. Stephen Douglas Bradbury	01/31/10
Los Angeles	1	Retirement	Hon. Emily A. Stevens	05/11/10
Madera	1	Elevated	Hon. Jennifer R.S. Detjen	08/05/10
Marin	2	Retirement	Hon. John A. Sutro, Jr.	02/28/10
Marin		Retirement	Hon. Michael B. Dufficy	02/18/10
Mono	1	Retirement	Hon. Edward Forstenzer	03/31/10
Monterey	1	Retirement	Hon. Jonathan R. Price	11/14/09
Sacramento	3	Retirement	Hon. Michael T. Garcia	05/31/09
Sacramento		Retirement	Hon. Richard H. Gilmour	03/31/09
Sacramento		Retirement	Hon. Thomas M. Cecil	02/01/09
San Bernardino	3	Retirement	Hon. Michael A. Smith	06/30/10
San Bernardino		Retirement	Hon. Raymond Paul Van Stockum	05/10/10
San Bernardino		DisRetirement	Hon. Linda M. Wilde	05/10/10
San Diego	2	Retirement	Hon. Charles R. Hayes	08/16/10
San Diego	1	Retirement	Hon. Michael B. Orfield	08/21/09
San Francisco	1	Retirement	Hon. David L. Ballati	08/11/09
San Joaquin	1	Retirement	Hon. Thomas M. Harrington	11/27/09
San Mateo	1	Retirement	Hon. Norman J. Gatzert	07/06/10
Santa Clara	6	To Fed Court	Hon. Lucy H. Koh	06/07/10
Santa Clara		Retirement	Hon. John J. Garibaldi	04/17/10
Santa Clara		Retirement	Hon. James C. Emerson	01/31/10
Santa Clara		Retirement	Hon. John F. Herlihy	12/31/09
Santa Clara		Retirement	Hon. Thomas C. Edwards	12/31/09
Santa Clara		Retirement	Hon. Jack Komar	10/31/09
Sonoma	1	Retirement	Hon. Arnold D. Rosenfield	12/31/09
Tulare	1	Retirement	Hon. Stephen Drew	06/30/10
Yolo	1	Retirement	Hon. Thomas E. Warriner	03/31/10
Yuba	1	Retirement	Hon. James L. Curry	07/09/10
SUBTOTAL	33			
Butte	1	(AB 159)*	New Position	1/1/2008
Contra Costa	1	(AB 159)*	New Position	1/1/2008
Del Norte	1	(AB 159)*	New Position	1/1/2008

Administrative Director's Report to the Judicial Council

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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
TOTAL VACANCIES	83			



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

TO: Honorable Ronald M. George
Members of the Policy Coordination and Liaison Committee
William C. Vickrey, Administrative Director of the Courts

FROM: Curtis L. Child, Director
Office of Governmental Affairs

DATE: August 24, 2010

RE: Status of 2010 legislation considered by the Policy Coordination and Liaison Committee

Following is the status report on 2010 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2009-2010 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description" summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The "Judicial Council position" column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at: <http://www.leginfo.ca.gov/bilinfo.html>

JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2010 Legislation
and Status of Bills

Judicial Council-sponsored Legislation (See Appendix)

AB 1229 (Evans) – Juvenile court costs.....	A
AB 1596 (Hayashi) – Protective orders: emergency protective orders: enforcement priority: sexual assault.....	A
AB 1926 (Evans) – Court records: preservation guidelines.....	A
AB 2767 (Committee on Judiciary) – Civil omnibus bill.....	A
SB 1274 (Committee on Judiciary) – Electronic service of process.....	A

Legislation Index by Subject

Civil and Small Claims

AB 2119 (Tran) – Civil procedure: deadlines: computation	6
AB 2284 (Evans) – Jury trial: expedited jury trials	6
SB 1274 (Committee on Judiciary) – Electronic service of process	9

Court Facilities, Employees, and Technology

AB 790 (Hernandez) – State employee compensation	1
AB 1699 (Hernandez) – State employee compensation	4
AB 1749 (Lowenthal, Bonnie) – Whistleblower Protection Act: Administrative Office of the Courts	4
AB 1926 (Evans) – Court records: preservation guidelines	5
AB 1987 (Ma) – Public retirement: final compensation: computation: retirees	5
SB 1425 (Simitian) – Public Retirement: final compensation: computation: retirees	9

Criminal Law and Procedure

AB 1925 (Salas) – Veterans courts	4
AB 2056 (Miller) – Criminal procedure: continuances: assault with intent to commit rape	5
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SB 1449 (Leno) – Marijuana possession: reclassification	9
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AB 939 (Committee on Judiciary) – Family law proceedings	2
AB 1050 (Ma) – Child custody: preferences of the child	2
AB 1596 (Hayashi) – Protective orders: emergency protective orders: enforcement priority: sexual assault	3
AB 2475 (Beall) – Judicial immunity	7

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AB 1335 (Lieu) – Judicial elections: write-in candidates	3
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AB 2763 (Committee on Judiciary) – Judicial needs assessment and subordinate judicial officer conversions	8

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AB 2212 (Fuentes) – Minors: mental competency	6
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Juvenile Dependency

AB 1229 (Evans) – Juvenile court costs	2
AB 1655 (Evans) – Dependent children: psychotropic medications	3
AB 1852 (Portantino) – Dependent children: locating extended family members	4
AB 743 (Portantino) – Foster care: sibling placement	1
SB 962 (Liu) – Prisoners: adjudication of parental rights: participation	8

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AB 2271 (Silva) – Probate: appeals	6
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JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2010 Legislation
and Status of Bills

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
AB 743 (Tracy Kenny)	AB 743 (Portantino) – Foster care: sibling placement As amended July 15, 2010 Modifies the standard for sibling visitation to require that if siblings are not placed together the social worker must explain why placement together would be contrary to the safety or well-being of any sibling. Requires a social worker considering a change of placement that will result in sibling separation to notify the attorney for the child being moved as well as the attorney for any affected sibling ten calendar days prior to the change, with specified exceptions.	Support	Children’s Law Center of Los Angeles	To Governor
AB 790 (Donna Hershkowitz)	AB 790 (Hernandez) – State employee compensation As amended March 22, 2010 Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for to pay compensation and employee benefits, so state employees will be fully paid in the absence of a state budget.	Oppose unless amended to provide equal treatment for judicial branch employees	California Association of Professional Scientists; Professional Engineers in California Government	Senate Floor— inactive.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
AB 939 (Tracy Kenny)	<p>AB 939 (Committee on Judiciary) – Family law proceedings</p> <p>As amended August 16, 2010</p> <p>Makes numerous changes to provisions in the Family Code. Authorizes service by mail of post-judgment modifications of child support or custody. Requires that the court receive live testimony in family law proceedings unless it finds good cause not to, and states its reasons on the record. Requires the court to rule on a request for attorney’s fees early in the proceeding, and requires that fees be awarded if the court finds that there is a disparity in income and an ability of one party to pay the other party’s fees. Allows the court to order “family centered case resolution” (previously referred to as “case management” by statute) without stipulation. Requires that the minor’s counsel and the court comply with existing rules of court concerning the appointment requirements for minor’s counsel. Eliminates the authority for minor’s counsel to prepare and submit to the court a statement of issues, and instead authorizes counsel to present only admissible evidence. Requires minor’s counsel to present the wishes of the child if the child desires them to be presented. Requires that any recommendation by a mediator in a child custody matter be provided to the parties in writing in advance of the hearing, and requires the judicial officer to inquire to ensure compliance with this provision. Requires courts to refer to child custody mediators who are authorized to submit recommendations to the court as “Child Custody Recommending Counselors,” and requires that the process be referred as “Child Custody Recommending Counseling.” Allows the court to accept a paternity stipulation in a Domestic Violence Prevention Act (DVPA) matter, and provides that custody, visitation and support orders issued in a DVPA matter survive the termination of the order. Requires that child welfare agencies investigate referrals from the family court in the same manner that they investigate other allegations of abuse. Authorizes family court personnel to examine child welfare case files, even if no petition has been filed with the court. Revises the current summary dissolution statute to allow use of this procedure for an eligible marriage that is less than five years in duration at the time the parties are legally separated, and allows the court to issue the judgment after six months, absent any other action by the parties.</p>	Support	Author	Assembly Concurrence
AB 1050 (Tracy Kenny)	<p>AB 1050 (Ma) – Child custody: preferences of the child</p> <p>As amended August 2, 2010</p> <p>Creates a presumption that a child is of sufficient maturity to provide input to the court on a child custody or visitation issue at age 14 and requires the court to permit the child to address the court unless the court finds that testimony is not in the child’s best interests and states its reasons on the record. If the court denies calling the child, requires the court to find alternate means of obtaining information about the child’s preferences. Requires the Judicial Council to promulgate a rule of court regarding the examination of a child witness, including guidelines for obtaining information by means other than direct testimony. Delays implementation of the new provisions until the rule is adopted.</p>	Support	Author	To Governor
AB 1229 (Tracy Kenny)	<p>AB 1229 (Evans) – Juvenile court costs</p> <p>As amended August 10, 2010</p> <p>Clean-up to AB 131 of last year (Stats. 2009, ch. 413), clarifies that courts can designate their own financial evaluation officers.</p>	Sponsor	Judicial Council	To Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
AB 1335 (June Clark)	<p>AB 1335 (Lieu) – Judicial elections: write-in candidates</p> <p>As amended June 9, 2010 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 provisions for a judge of a court of record. Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest, extends the time required for a write-in candidate to declare his or her intentions to run.</p>	Support	California Judges Association	To Governor
AB 1596 (Tracy Kenny)	<p>AB 1596 (Hayashi) – Protective orders: emergency protective orders: enforcement priority: sexual assault</p> <p>As amended August 5, 2010 Contains numerous technical changes to create more consistency in protective order statutes.</p>	Sponsor	Judicial Council	To Governor
AB 1655 (Tracy Kenny)	<p>AB 1655 (Evans) – Dependent children: psychotropic medications</p> <p>As introduced Establishes a pilot project in three counties, operative until January 1, 2014, to enhance procedures relating to approval of psychotropic medication requests for youth in foster care. Requires the Department of Social Services to report on the findings of the pilot project and mental health outcomes for foster youth by July 1, 2014. Requires the Judicial Council to adopt rules and forms to implement the project by July 1, 2011.</p>	Support	Children’s Law Center of Los Angeles	Assembly Appropriations Committee— Dead.
AB 1697 (Donna Hershkowitz)	<p>AB 1697 (Hall) – Court security</p> <p>As introduced and as conceptually proposed to be amended Takes the authority to allocate funding for court security away from the Judicial Council. Directs that the allocation to each sheriff be determined by the Judicial Council’s Working Group on Court Security; makes all persons who provide court-security services employees of and under the direction of the county sheriff; extends the sunset date on the \$10 increase in court security fee from 2011 to 2016 and directs that the revenue from this fee be placed in a special account; provides that this fee shall be adjusted annually based on the change in the California Price Index.</p> <p><i>UPDATE: As amended May 28, 2010 In lieu of the above, extends the sunset date on the \$10 increase in the court security fee from June 30, 2011, to June 30, 2013, and creates a court security account in the Trial Court Trust Fund which shall be used solely for court security purposes.</i></p>	<p>Oppose as introduced; oppose as conceptually proposed to be amended; inappropriately interferes with Judicial Council governance; inappropriately takes funding authority away from the Judicial Council.</p> <p>Update: <i>As amended April 15, 2010 Neutral</i></p>	California State Sheriffs’ Association; Peace Officers Research Association of California; and Los Angeles County Sheriff Lee Baca	Senate Judiciary Committee— Dead.

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
AB 1699 (Donna Hershkowitz)	<p>AB 1699 (Hernandez) – State employee compensation</p> <p>As introduced Provides that the General Fund and other special funds are to be continuously appropriated in an amount necessary for employee compensation and benefits, so that state employees will be fully paid in the absence of a state budget. The contents of this bill are identical to the provisions of AB 790.</p> <p><i>UPDATE: As amended August 17, 2010</i> <i>Extends the protections of this bill to judicial branch employees including employees of the trial court.</i></p>	<p>Oppose unless amended to provide equal treatment for judicial branch employees.</p> <p>Update: <i>As amended August 17, 2010</i> <i>Neutral</i></p>	Professional Engineers in California Government; California Association of Professional Scientists	Senate Floor
AB 1749 (Tracy Kenny)	<p>AB 1749 (Lowenthal, Bonnie) – Whistleblower Protection Act: Administrative Office of the Courts</p> <p>As introduced Extends the existing provisions of the California Whistleblower Protection Act (CWPA) to the Administrative Office of the Courts.</p> <p><i>UPDATE: As amended April 27, 2010</i> <i>Includes the trial courts, courts of appeal and Supreme Court in the CWPA. Provides that the State Personnel Board will only make recommendations to the judicial branch employer on retaliation complaints.</i></p>	<p>Oppose unless amended to address separation of powers concerns</p> <p>Update: <i>As amended April 27, 2010</i> <i>Support</i></p>	Author	Signed into law (Stats. 2010, ch. 160)
AB 1852 (Tracy Kenny)	<p>AB 1852 (Portantino) – Dependent children: locating extended family members</p> <p>As introduced Requires the county welfare department to document in the reports it provides to the court at the disposition hearing its efforts to locate and contact relative and non-relative extended family members of a dependent child to establish permanent familial connections between the child and his or her family.</p>	Support	California Youth Connection	Assembly Appropriations Committee— Dead.
AB 1894 (Daniel Pone)	<p>AB 1894 (Monning) – Judges: disqualification</p> <p>As amended June 10, 2010 Extends, for civil cases only, the time period for moving to disqualify a judge from 10 to 15 days and requires the moving party to notify all other parties within 5 days of making the motion.</p>	Support	Consumer Attorneys of California	Signed into law (Stats. 2010, ch. 131)
AB 1925 (Junc Clark)	<p>AB 1925 (Salas) – Veterans courts</p> <p>As amended August 2, 2010 Authorizes superior courts to develop and implement veterans courts for eligible veterans of the United States military.</p>	No position	Author	To Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
AB 1926 (Tracy Kenny)	<p>AB 1926 (Evans) – Court records: preservation guidelines</p> <p>As amended April 6, 2010 Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines. Requires the Judicial Council to adopt rules to establish the guidelines or standards for the creation, maintenance, reproduction, and preservation of court records. The amended statutes would not apply to court reporters’ transcripts or electronic recordings made as the official record of oral proceedings.</p>	Sponsor	Judicial Council	To Governor
AB 1987 (Donna Hershkowitz)	<p>AB 1987 (Ma) – Public retirement: final compensation: computation: retirees</p> <p>As amended August 17, 2010 For 1937 Act retirement systems, prohibits the practice of “pension spiking” by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals’ pension benefits. Prohibits “double dipping” by requiring at least six months separation before any employee covered by a state or local pension system may return to service.</p>	<p>Oppose the provision mandating a period of time for separation, unless amended to exclude subordinate judicial officers (SJO). No position on remaining provisions.</p> <p>Update: <i>No position based on commitment to allow exclusion of SJOs from separation requirement in a separate bill.</i></p>	Author	Senate Floor
AB 2056 (June Clark)	<p>AB 2056 (Miller) – Criminal procedure: continuances: assault with intent to commit rape</p> <p>As amended April 28, 2010 Adds cases involving assault with the intent to commit rape to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.</p>	Oppose; inappropriately interferes with the court’s function to have the court determine whether there is good cause for a continuance on a case-by-case basis.	Riverside County District Attorney Rod Pacheco	Assembly Public Safety Committee— Dead.
AB 2116 (June Clark)	<p>AB 2116 (Evans) – Subordinate judicial officers: gifts and honoraria</p> <p>As amended June 29, 2010 Extends existing provisions regulating gifts and honoraria limitations for judges and justices to subordinate judicial officers. Requires the court employing the subordinate judicial officer to exercise initial jurisdiction to enforce the provisions, and the Commission on Judicial Performance to exercise discretionary jurisdiction.</p>	Support	California Judges Association	To Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
AB 2119 (Daniel Pone)	<p>AB 2119 (Tran) – Civil procedure: deadlines: computation</p> <p>As introduced</p> <p>Provides that when any law governing civil procedure requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the date of the hearing.</p>	Support	State Bar of California – Committee on the Administration of Justice	Signed into law (Stats. 2010, ch. 41)
AB 2212 (Tracy Kenny)	<p>AB 2212 (Fuentes) – Minors: mental competency</p> <p>As amended August 5, 2010</p> <p>Authorizes the juvenile court or the minor’s counsel in a delinquency matter to express a doubt as to the competency of the minor who is the subject of the action, and requires the court to suspend the proceedings if the court finds that substantial evidence raises a doubt as to the minor’s competency. Upon suspension, requires the court to order that the question of the minor’s competence be determined in a hearing and to appoint an expert. Requires that, if the minor is found to be incompetent by a preponderance of the evidence, all proceedings remain suspended to determine whether there is a substantial probability that the minor will attain that capacity in the foreseeable future or the court no longer retains jurisdiction. Allows the court during the period of suspension to make any order for services to restore the minor to competency, and to rule on any motion that does not require the participation of the minor to prepare the motion. Requires the Judicial Council to adopt a rule of court to implement the requirements for the competency evaluations and proceedings.</p>	Support	Author	To Governor
AB 2217 (June Clark)	<p>AB 2217 (Fuentes) – Jurors: electronic communications</p> <p>As amended August 3, 2010</p> <p>Requires the court, when admonishing the jury against conversation about the trial, to clearly explain, as part of the admonishment, that the prohibition on conversation applies to all forms of communication, including electronic and wireless. Requires the officer in charge of a jury to prevent any form of electronic or wireless communication. Includes “research and dissemination” in the prohibition. Violation of this admonishment would be included in the list of acts constituting criminal and civil contempt of court.</p>	Support	Author	To Governor
AB 2271 (Daniel Pone)	<p>AB 2271 (Silva) – Probate: appeals</p> <p>As amended June 16, 2010</p> <p>Adds temporary trustees to the list of persons who may be appointed by the court during an appeal of certain probate orders.</p>	Support	Conference of California Bar Associations	Signed into law (Stats. 2010, ch. 94)
AB 2284 (Daniel Pone)	<p>AB 2284 (Evans) – Jury trial: expedited jury trials</p> <p>As amended August 18, 2010</p> <p>Establishes the Expedited Jury Trials Act. Among other things, defines expedited jury trial as a binding jury trial before a reduced jury panel and judicial officer. Requires the Judicial Council, by January 1, 2011, to adopt implementing rules and forms. Makes the Act operative until January 1, 2016</p>	Support, but reserve the right to modify the position, as necessary, after consideration of all public comments received on the rules proposal.	Consumer Attorneys of California; California Defense Counsel	Assembly Concurrence

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
AB 2475 (Tracy Kenny)	<p>AB 2475 (Beall) – Judicial immunity</p> <p>As amended April 28, 2010 Provides that the doctrine of judicial or quasi-judicial immunity shall not apply to any private third party engaged by the court for his or her expertise in family law matters in an advisory capacity. Requires the Bureau of State Audits to establish a compliance unit to review compliance of family courts and public employees with family laws and procedures.</p> <p><i>UPDATE: As amended May 11, 2010</i> <i>Requires the Judicial Council to adopt a statewide complaint procedure for family court appointees.</i></p>	<p>Oppose</p> <p>Update: <i>As amended May 11, 2010</i> <i>No position</i></p>	Author	Assembly Appropriations Committee— Dead.
AB 2487 (June Clark)	<p>AB 2487 (Feuer) – Judge disqualification</p> <p>As amended August 2, 2010 Requires a judge to disqualify himself or herself when the judge has received a contribution in excess of \$1,500 from a party or counsel in a matter before the judge, and the contribution was received either in support of the judge's election, if the election occurred within the last six years, or in support of an upcoming election. Allows the non-contributing party to waive the disqualification. Also requires the judge to disclose on the record any contribution of an amount that a judicial candidate would be required to report to the Fair Political Practices Commission (currently \$100).</p>	Support if amended to limit the mandatory disqualification to two years instead of six years.	Author	To Governor
AB 2499 (June Clark)	<p>AB 2499 (Portantino) – Traffic violator schools: regulation</p> <p>As amended August 5, 2010 Consolidates all traffic violator school programs under the licensing authority of the Department of Motor Vehicles. Requires courts to transmit to DMV abstracts of judgment for convictions of traffic violations rather than the court dismissing the case upon completion of the TVS program.</p>	Support	Author	To Governor
AB 2505 (June Clark)	<p>AB 2505 (Strickland) – Warrants: electronic signature: computer server transmission</p> <p>As amended April 8, 2010 Allows an oath by an affiant seeking a search warrant to be made using a telephone and computer server, in addition to a fax machine or email, and allows the affiant's signature to be in the form of an electronic signature.</p>	Support	Ventura County District Attorney Greg Totten	Signed into law (Stats. 2010, ch. 98)

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
AB 2521 (Donna Hershkowitz)	<p>AB 2521 (Torrice) – Courts: budget and fiscal management</p> <p>As amended June 17, 2010 Requires the Controller to perform a compliance audit all funds and accounts under the jurisdiction and control of each trial court every four years. Requires the Controller to perform a compliance audit all funds under the jurisdiction and control of the Administrative Office of the Courts (AOC) every 2 years. Provides that the first audit of the trial courts shall be a pilot with six trial courts established by December 15, 2012. Audits of all trial courts, and the AOC shall begin by December 15, 2013. Requires the results of the audits to be issued to the Legislature, Judicial Council, and Department of Finance. Provides that the costs of the audits shall be borne by the trial courts and the AOC within existing resources.</p>	Oppose unless funded, concerns noted about the scope and frequency of the audits.	Services Employees International Union	Senate Judiciary Committee— Dead.
AB 2763 (Donna Hershkowitz)	<p>AB 2763 (Committee on Judiciary) – Judicial needs assessment and subordinate judicial officer conversions</p> <p>As amended August 18, 2010 Requires the Judicial Council to prepare and submit to the Legislature a Judicial Needs Assessment that revises the time study specifically as to family and juvenile law judgeship needs. Authorizes the Judicial Council to convert up to an additional 10 subordinate judicial officer positions to judgeships each year, upon annual ratification by the Legislature, if the conversion of these additional positions will result in a judge being assigned to a family or juvenile law assignment previously presided over by a subordinate judicial officer.</p>	Support	Author	Assembly Concurrence
AB 2767 (Daniel Pone)	<p>AB 2767 (Committee on Judiciary) – Civil omnibus bill</p> <p>As amended June 15, 2010 Among other things: (1) Clarifies the disposition of unclaimed victim restitution money held by the superior court; and (2) Adjusts, from April 1, 2010, to April 1, 2013, the date on which the Judicial Council is required to submit the first report to the Legislature regarding increased dollar amounts for homestead exemptions.</p>	(1) Sponsor (2) Support	(1) Judicial Council (2) California Teamsters Union	To Governor
SB 962 (Tracy Kenny)	<p>SB 962 (Liu) – Prisoners: adjudication of parental rights: participation</p> <p>As amended August 2, 2010 Allows incarcerated parents to participate in specified court proceedings concerning parental rights via videoconferencing or teleconferencing if the technology is available. States the intent of the Legislature that no job placement or reduction in earned privileges while incarcerated result participation by parents from court proceedings Allows the California Department of Corrections and Rehabilitation to establish a pilot project to facilitate parental involvement in dependency court hearings if private funding can be obtained.</p>	Support	Los Angeles Dependency Lawyers, Inc.	To Governor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
SB 1041 (Daniel Pone)	SB 1041 (Harman) – Hearsay evidence: wills and revocable trusts As amended May 6, 2010 Among other things, provides that evidence of a statement made by a declarant who is unavailable as a witness that he or she has or has not established or revoked a revocable trust, or that identifies his or her revocable trust, is not made inadmissible by the hearsay rule because the declarant is unavailable as a witness.	Support	Conference of California Bar Associations	Signed into law (Stats. 2010, ch. 106)
SB 1274 (Daniel Pone)	SB 1274 (Committee on Judiciary) – Electronic service of process As amended March 23, 2010 Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. The bill also explicitly authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	Sponsor	Judicial Council	Signed into law (Stats. 2010, ch. 156)
SB 1417 (June Clark)	SB 1417 (Cox) – Corporations for prevention of cruelty to children or animals: endorsement and appointment As amended August 16, 2010 Modifies the process for formation of Societies for the Prevention of Cruelty to Animals and for the appointment of humane officers.	Support if amended to provide clear court process.	State Humane Association of California; Placer County Counsel; California State Sheriffs Association	Senate Floor
SB 1425 (Donna Hershkowitz)	SB 1425 (Simitian) – Public Retirement: final compensation: computation: retirees As amended August 19, 2010 For Public Employees' Retirement System (PERS) and State Teachers' Retirement System (STRS) prohibits the practice of "pension spiking" by excluding from the calculation of pension benefits out of the ordinary compensation increases paid for the principal purpose of enhancing individuals' pension benefits. Prohibits "double dipping" by requiring at least six months separation before any employee covered by PERS or STRS may return to service.	Oppose the provision mandating a period of time for separation, unless amended to exclude judicial officers. No position on remaining provisions. Update: <i>No position based on commitment to allow exclusion of judges and SJOs from separation requirements in a different bill.</i>	Author	Assembly Floor
SB 1449 (June Clark)	SB 1449 (Leno) – Marijuana possession: reclassification As amended April 5, 2010 Reclassifies from a misdemeanor to an infraction simple possession and possession while driving of not more than 28.5 grams of marijuana.	Support	Author	Assembly Floor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of August 23, 2010
SCA 27 (June Clark)	SCA 27 (Harman) – Death penalty appeals: transfer As introduced Authorizes the Supreme Court to transfer a case to a court of appeal when a judgment of death has been pronounced and requires the Supreme Court to review the resulting decision of the court of appeal affirming or reversing that judgment.	Support	Author	Senate Public Safety Committee— failed passage.

Appendix
Status of 2010 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of August 23, 2010
AB 1229 (Tracy Kenny)	<u>AB 1229 (Evans) – Juvenile court costs</u> As amended August 10, 2010 Clean-up to AB 131 of last year (Stats. 2009, ch. 413), clarifies that courts can designate their own financial evaluation officers.	Judicial Council	To Governor
AB 1596 (Tracy Kenny)	<u>AB 1596 (Hayashi) – Protective orders: emergency protective orders: enforcement priority: sexual assault</u> As amended August 5, 2010 Contains numerous technical changes to create more consistency in protective order statutes.	Judicial Council	To Governor
AB 1926 (Tracy Kenny)	<u>AB 1926 (Evans) – Court records: preservation guidelines</u> As amended April 6, 2010 Authorizes courts to create, maintain, and preserve records in any form or forms—including paper, optical, electronic, magnetic, micrographic, or photographic media or other technology—that satisfies standards or guidelines. Requires the Judicial Council to adopt rules to establish the guidelines or standards for the creation, maintenance, reproduction, and preservation of court records. The amended statutes would not apply to court reporters’ transcripts or electronic recordings made as the official record of oral proceedings.	Judicial Council	To Governor
AB 2767 (Daniel Pone)	<u>AB 2767 (Committee on Judiciary) – Civil omnibus bill</u> As amended June 15, 2010 Among other things: (1) Clarifies the disposition of unclaimed victim restitution money held by the superior court; and (2) Adjusts, from April 1, 2010, to April 1, 2013, the date on which the Judicial Council is required to submit the first report to the Legislature regarding increased dollar amounts for homestead exemptions.	(1) Sponsor (2) Support	To Governor
SB 1274 (Daniel Pone)	<u>SB 1274 (Committee on Judiciary) – Electronic service of process</u> As amended March 23, 2010 Authorizes service by electronic notification by defining electronic service to include both electronic transmission and electronic notification. The bill also explicitly authorizes electronic service of all types of documents and expands the courts ability to serve certain documents electronically.	Judicial Council	Signed into law (Stats. 2010, ch. 156)