

Judicial Council of California
Executive and Planning Committee
February 10, 2011
Proposal Circulated by E-mail on February 10, 2011

Members Participating: Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So, and David S. Wesley; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

Staff Participating: Ms. Nancy E. Spero

Agenda Setting for the February 25, 2011, Judicial Council Meeting

The committee reviewed and approved a revised report for the February 25, 2011, Judicial Council agenda.

Respectfully submitted,



Kenneth L. Kann
Director
Executive Office Programs Division

Judicial Council of California
Executive and Planning Committee
February 15, 2011, 4:00–4:20 p.m.
Conference Call

Members Participating: Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kenneth K. So, and David S. Wesley; Mr. Frederick K. Ohlrich and Mr. James N. Penrod

Member Absent: Judge Kevin A. Enright and Mr. Alan Carlson

AOC Members Participating: Mr. Dennis Blanchard, Ms. Deborah C. Brown, Ms. Nancy Carlisle, Mr. Kenneth L. Kann, Ms. Susan McMullan, Ms. Mary M. Roberts, and Ms. Nancy E. Spero

Minutes

The committee reviewed and approved the minutes of the February 7, 2011, Executive and Planning Committee meeting.

Agenda Setting for the February 25, 2011, Judicial Council Meeting

The committee reviewed reports and further set the agenda for the next Judicial Council business meeting.

Out-of-Cycle Vacancy Nomination for Appellate Advisory Committee

The committee reviewed a staff memo regarding an out-of-cycle vacancy on the Appellate Advisory Committee and formulated its recommendation to the Chief Justice.

February 22, 2011, Annual Agenda Review

The committee prepared for upcoming E&P annual agenda review meetings with chairs and principal staff of each of the committees and task forces under its purview.

Respectfully submitted,



Kenneth L. Kann
Director
Executive Office Programs Division

Judicial Council of California
Executive and Planning Committee
February 22, 2011, 11:30–4:30 p.m.
Judicial Council Conference Center, Redwood Room

Members Participating: Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So, and David S. Wesley; and Mr. Alan Carlson and Mr. James N. Penrod

Members Absent: Mr. Frederick K. Ohlrich

Judicial and Court Executive Officers Participating: Justices Terence L. Bruiniers, Ming W. Chin, Robert L. Dondero, and Ronald B. Robie; Judges Steven K. Austin, James R. Brandlin (by telephone), Julie A. McManus, Richard Vlavianos; and Ms. Kim Turner

AOC Members Participating: Ms. Francine Byrne, Ms. Roma Cheadle, Ms. Donna Clay-Conti, Dr. Diane E. Cowdrey, Mr. Kurt Duecker, Mr. Malcolm Franklin, Ms. Li Gotch, Ms. Terry Ince, Ms. Mary Jackson, Mr. Kenneth L. Kann, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Carla Reynolds, Ms. Marlene Smith, Ms. Nancy E. Spero, Ms. Nancy Taylor, Mr. James M. Vesper and Mr. William C. Vickrey

Advisory Committee and Task Force Annual Agenda Review

The Executive and Planning Committee reviewed and approved the 2011 advisory committee and task force annual agendas presented by the chairs, vice-chairs, and principal staff of eight committees and task forces for which the Chief Justice has assigned oversight. Those eight committees are: Trial Court Presiding Judges Advisory Committee, the Governing Committee of the Center for Judicial Education and Research (CJER), Court Interpreters Advisory Panel, Court Emergency Response and Security Task Force, Collaborative Justice Courts Advisory Committee, Court Technology Advisory Committee, Access and Fairness Advisory Committee, and Court Executives Advisory Committee.

Minutes

The committee revised the minutes of the December 17, 2010, Executive & Planning Committee meeting to accurately reflect the decision of the E&P committee during the December 17 meeting.

Respectfully submitted,



Ronald G. Overholt
Chief Deputy Director

Judicial Council of California
Executive and Planning Committee
March 18, 2011
Proposal Circulated by E-mail on March 17, 2011

Members Voting: Justices Richard D. Huffman and Harry E. Hull Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So and David S. Wesley; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

Staff Participating: Ms. Nancy E. Spero

Conversion of Subordinate Judicial Officer Positions (SJO)

The committee reviewed and approved the staff recommendation to confirm the conversion of two vacant positions in the Superior Court of Los Angeles County to be effective on the date the Legislature authorizes the Judicial Council to convert 16 positions to judgeships in fiscal year 2011–2012. The committee authorized the court to fill each converted position, if desired, with a retired commissioner, until a judge is appointed and sworn for that position.

Respectfully submitted,



Kenneth L. Kann
Director, Executive Office Programs Division

**Judicial Council of California
Executive and Planning Committee
March 23, 2011, 4:00–4:40 p.m.
Conference Call**

Members Participating: Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich and Mr. James N. Penrod

Member Absent: Judge David S. Wesley

AOC Members Participating: Mr. Dennis Blanchard, Ms. Nancy Carlisle, Mr. Kenneth L. Kann, Mr. Ronald G. Overholt, Ms. Nancy E. Spero, and Mr. William C. Vickrey

Minutes

The committee reviewed and approved the minutes of the February 15, 2011, and February 22, 2011, Executive and Planning Committee meetings.

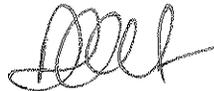
Judicial Council Issues Meetings

AOC staff briefed the committee on the agenda setting process for Judicial Council issues meetings and received the committee's suggestions on topics for the April 28, 2011, meeting as well as future meetings.

Agenda Setting for the April 29, 2011, Judicial Council Meeting

AOC staff briefed the committee on agenda items anticipated for the next Judicial Council business meeting and received the committee's response and suggestions.

Respectfully submitted,



Ronald G. Overholt
Chief Deputy Director

**Judicial Council of California
Executive and Planning Committee
April 5, 2011, 12:00–1:30 p.m.
Conference Call**

Members Participating: Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So and David S. Wesley; and Mr. James N. Penrod

Members Absent: Mr. Alan Carlson and Mr. Frederick K. Ohlrich

Other Judicial Officers Participating: Justices Terence L. Bruiniers and James R. Lambden

AOC Members Participating: Ms. Heather Anderson, Ms. Deirdre Benedict, Mr. Dennis Blanchard, Ms. Deborah C. Brown, Ms. Nancy Carlisle, Mr. Arturo Castro, Ms. Deborah Chase, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Donna Clay-Conti, Dr. Diane E. Cowdrey, Mr. Kenneth L. Kann, Mr. Gregory Keil, Ms. Olivia Lawrence, Ms. Susan McMullan, Mr. Mark A. Moore, Ms. Debora Morrison, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Ms. Kelly Quinn, Ms. Dyanna Quizon, Ms. Mary M. Roberts, Ms. Anne Ronan, Ms. Robin Seeley, Mr. Brian Simeroth, Mr. Colin Simpson, Mr. Curt Soderlund, Ms. Nancy E. Spero, Mr. Courtney Tucker, Mr. James M. Vesper, Mr. William C. Vickrey, Mr. Alan Wiener, Mr. Lee Willoughby, and Mr. Michael Wright

Minutes

The committee reviewed and approved the minutes of the March 23, 2011, Executive and Planning Committee meeting.

Judicial Council Appointments to Task Force on Court-Ordered Debt

The committee reviewed staff recommendations that E&P recommend to the Judicial Council that the council establish the statutorily mandated Judicial Council Task Force on Court-Ordered Debt and make certain appointments. The committee agreed to make these recommendations at the next council meeting and approved the draft report.

Agenda Setting for the April 29, 2011, Judicial Council Meeting

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

Operating Guidelines and Directives for Budget Management in the Judicial Branch

AOC staff briefed the committee on the status of the review of the operating guidelines and directives for budget management in the judicial branch since the committee suspended these with the adoption of related provisions in Government Code 68106. The committee approved staff's recommendation to continue suspension until staff return with recommendations.

Agenda Setting for the April 28, 2011, Issues Meeting

The committee provided direction to AOC staff on the April 28, 2011, issues meeting agenda.

Advisory Committee Terms: Rule 10.31 Revision

The committee reviewed a proposal to amend Rule 10.31 concerning terms and service on Judicial Council advisory committees. Upon discussion, the committee directed staff to withdraw the proposal.

Revision to the Access and Fairness Advisory Committee Annual Agenda

The committee approved a revision to the Access and Fairness Advisory Committee's annual agenda to include a project that would take place at the 2011 State Bar annual meeting. E&P also approved the committee's proposal for pilot programs for mentoring court staff in the Superior Courts of Alameda, Contra Costa, San Francisco, and Solano Counties, and directed the committee to oversee the program in collaboration with the Center for Judicial Education and Research Governing Committee.

Formation of a New Judicial Council Internal Committee on the California Court Case Management System (CCMS)

The committee reviewed recommendations on the formation of a new internal committee regarding CCMS.

Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

The committee developed its recommendations to the Chief Justice on the advisory committee's membership and charge. E&P directed staff to prepare to solicit nominations for new appointments effective June 30.

Respectfully submitted,



Ronald G. Overholt
Chief Deputy Director

**Judicial Council of California
Executive and Planning Committee
April 14, 2011
Proposal Circulated by E-mail on April 12, 2011**

Members Voting: Justices Richard D. Huffman and Harry E. Hull Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So and David S. Wesley; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

Staff Participating: Ms. Nancy E. Spero

Agenda Setting for the April 29, 2011, Judicial Council Meeting

The committee reviewed and approved a report for the April 29, 2011, Judicial Council agenda.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth L. Kann". The signature is written in a cursive style with a large initial 'K'.

Kenneth L. Kann
Director, Executive Office Programs Division

Judicial Council of California
Executive and Planning Committee
April 15, 2011
Proposal Circulated by E-mail on April 11, 2011

Members Voting: Justices Richard D. Huffman and Harry E. Hull Jr.; Judge Kenneth K. So; and Mr. Alan Carlson and Mr. James N. Penrod

Members Not Voting: Judges Stephen H. Baker, Kevin A. Enright, and David S. Wesley; and Mr. Frederick K. Ohlrich

Staff Participating: Ms. Nancy E. Spero

Agenda Setting for the April 29, 2011, Judicial Council Meeting

The committee reviewed and approved a report for the April 29, 2011, Judicial Council agenda.

Respectfully submitted,



Kenneth L. Kann
Director, Executive Office Programs Division

Judicial Council of California
Executive and Planning Committee
April 15, 2011
Proposal Circulated by E-mail on April 11, 2011

Members Voting: Justices Richard D. Huffman and Harry E. Hull Jr.; Judge Kenneth K. So; and Mr. Alan Carlson and Mr. James N. Penrod

Members Not Voting: Judges Stephen H. Baker, Kevin A. Enright, and David S. Wesley; and Mr. Frederick K. Ohlrich

Staff Participating: Ms. Nancy E. Spero

Agenda Setting for the April 29, 2011, Judicial Council Meeting

The committee reviewed and approved a report for the April 29, 2011, Judicial Council agenda.

Respectfully submitted,



Kenneth L. Kann
Director, Executive Office Programs Division

Judicial Council of California
Executive and Planning Committee
April 19, 2011
Proposal Circulated by E-mail on April 19, 2011

Members Voting: Justices Richard D. Huffman and Harry E. Hull Jr.; Judges Stephen H. Baker, Kenneth K. So, and David S. Wesley; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

Members Not Voting: Judge Kevin A. Enright

Staff Participating: Ms. Nancy E. Spero

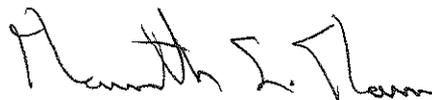
Agenda Setting for the April 29, 2011, Judicial Council Meeting

The committee reviewed and approved a presentation proposed for the April 29, 2011, Judicial Council agenda.

Notice of Limited Court Service under GC68106

The committee reviewed and approved for inclusion in the April 29, 2011, business meeting binder an informational report on the implementation of the notice requirements of Government Code section 68106.

Respectfully submitted,



Kenneth L. Kann
Director, Executive Office Programs Division

Executive and Planning Committee
May 4, 2011
11:00 a.m.–1:00 p.m.
Conference Call

Members Participating: Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich and Mr. James N. Penrod

Member Absent: None

AOC Members Participating: Mr. Kenneth L. Kann, Ms. Maria Kwan, Mr. Ronald G. Overholt, Ms. Nancy E. Spero, and Mr. William C. Vickrey

Minutes

The committee reviewed and approved the minutes of the April 5, 2011, meeting and actions taken via e-mail on February 10, March 18, and April 14, 15, and 19, 2011.

Judicial Council Nominations

The committee reviewed materials and formulated its recommendations to the Chief Justice regarding upcoming Judicial Council vacancies.

Advisory Committee and Task Force Annual Agendas

The committee received the final action items memo from the February 22, 2011, meeting to be used at the 2012 annual agenda meeting to provide foundational continuity between E&P and the overseen committees and task forces. The committee asked staff to ensure that it is distributed to the committee chairs.

Respectfully submitted,



Ronald G. Overholt
Chief Deputy Director

Judicial Council of California
Executive and Planning Committee
May 6, 2011
Proposal Circulated by E-mail on May 3, 2011

Members Voting: Justices Richard D. Huffman and Harry E. Hull Jr.; Judges Kevin A. Enright, Kenneth K. So, and David S. Wesley; and, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

Members Not Voting: Judge Stephen H. Baker

Abstentions: Mr. Alan Carlson

Staff Participating: Ms. Nancy E. Spero

FY 2011-2012 Conversion of 2 LA SJO Positions and Exemption of 1 Riverside SJO Position

The committee reviewed staff's recommendation and confirmed conversion of two vacant Subordinate Judicial Officer (SJO) positions in the Superior Court of California, County of Los Angeles effective on the date of legislative authorization to convert positions for fiscal year 2011-2012. The committee also approved a request from the Superior Court of California, County of Riverside to exempt a vacant SJO position from conversion to a judgeship.

Respectfully submitted,



Kenneth L. Kann
Director, Executive Office Programs Division

Judicial Council of California
Executive and Planning Committee
May 17, 2011, 12:30–3:10 p.m.
Judicial Council Conference Center, Golden Gate Room

Members Participating: Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich and Mr. James N. Penrod (Justice Hull and Mr. Carlson participated by telephone)

Member Absent: None

AOC Members Participating: Ms. Dianne Bolotte, Mr. Kenneth L. Kann, Ms. Maria Kwan, Mr. John Larson, Mr. Ronald G. Overholt, Ms. Nancy E. Spero, and Mr. William C. Vickrey

Request to Distribute Letter to Judicial Council Members

The chair briefed the committee members on the request of Mr. Elmy Kader that his April 11, 2011, letter be distributed to Judicial Council members. The chair summarized the letter and recommended that staff be instructed not to distribute the letter because its contents are not within the authority and purview of the Judicial Council. The committee approved the chair's recommendation. The chair stated that he would send a letter to Mr. Kader.

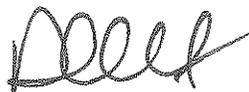
Judicial Council Planning Meeting

AOC staff briefed the committee on the plans for the June 22-23 Judicial Council planning meeting and received the committee's suggestions.

Nominations for Vacancies on the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E)

The committee reviewed materials and formulated its recommendations to the Chief Justice regarding vacancies on the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee).

Respectfully submitted,



Ronald G. Overholt
Chief Deputy Director

Executive and Planning Committee
June 1, 2011
4:00–5:20 p.m.
Conference Call

Members Participating: Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So, and David S. Wesley; Mr. Alan Carlson, Mr. Frederick K. Ohlrich and Mr. James N. Penrod

Member Absent: None

Others Participating: Justice William R. McGuiness

AOC Members Participating: Ms. Heather Anderson, Mr. Dennis Blanchard, Ms. Deborah C. Brown, Ms. Nancy Carlisle, Mr. Steven Chang, Ms. Donna Clay-Conti, Mr. Mark Dusman, Mr. Bruce Greenlee, Mr. John Judnick, Mr. Kenneth L. Kann, Ms. Susan McMullan, Mr. Mark A. Moore, Mr. Stephen Nash, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Dia Poole, Mr. Curt Soderlund, Ms. Nancy E. Spero, Mr. Courtney Tucker, and Mr. Alan Wiener

Minutes

The committee reviewed and approved the minutes of the May 4 and 17, 2011, meetings and an action taken via e-mail on May 6, 2011.

2011 Summit on Judicial Diversity

On behalf of the Judicial Council under Rule 10.11(a), the committee approved a request from the State Bar and a recommendation from the Administrative Office of the Courts that the Judicial Council co-sponsor the 2011 Summit on Judicial Diversity on September 7, 2011, in San Francisco, at the Milton Marks Conference Center. This Summit follows the 2006 judicial diversity summit and is consistent with the goals and objectives in the council's strategic and operational plans. The committee requested that AOC staff make efforts for sharing the summit costs with the State Bar. Attached to these minutes is a copy of the memorandum presenting this recommendation.

Modernization Funds for Alternative Dispute Resolution (ADR) Projects

The committee placed on the June 24 council business agenda the staff recommendations to approve using a portion of the remaining FY 2010-2011 Judicial Administration Efficiency and Modernization funds that the council already has allocated for alternative dispute resolution (ADR) projects to (1) continue FY 2010-2011 trial court civil mediation and settlement programs that E&P previously approved through December 31, 2011, and (2) produce a video to encourage and help self-represented litigants to participate in mediation programs for civil harassment cases.

Agenda Setting for the June 24, 2011, Judicial Council Business Meeting

The committee reviewed reports and further set the agenda for the June 24, 2011, Judicial Council business meeting.

Trial Court Improvement Fund Funding Request

The committee reviewed a proposal to provide funds from the Trial Court Improvement Fund for an interim case management system in the Superior Court of Nevada County. On behalf of the Judicial Council under Rule 10.11(a), the committee approved an allocation of \$674,628 from the Trial Court Improvement Fund, to deploy an interim case management system, CourtView. Two council members voted to disapprove. A copy of the report with the recommendation and alternatives is attached to these minutes.

Nominations Guidelines for AOC Staff

The committee reviewed and approved Guidelines for AOC Staff Regarding the Nomination and Appointment Process to the Judicial Council and to its Advisory Committees, adding that when requested by E&P or a member of E&P, AOC staff may identify possible nominees and information about nominees. One member voted to disapprove. A copy of the Guidelines, with the revision approved by the committee, is attached to these minutes.

Update on Judicial Council Planning Meeting

This item was deferred to a future meeting.

Respectfully submitted,



Ronald G. Overholt
Chief Deputy Director

Attachments:

1. May 24, 2011, Memorandum to the Executive and Planning Committee, "Judicial Council Co-Sponsorship of the 2011 Summit on Judicial Diversity"
2. May 27, 2011, Memorandum to the Executive and Planning Committee, "Superior Court of California, County of Nevada Interim Case Management System"
3. Guidelines for AOC Staff Regarding the Nomination and Appointment Process to the Judicial Council and to its Advisory Committees, approved June 1, 2011, by the Executive and Planning Committee



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

May 24, 2011

Action Requested

Approve Co-Sponsorship by Judicial Council

To

Members of the Executive and Planning
Committee

Deadline

June 1, 2011

From

Donna P. Clay-Conti *DPC*
Senior Attorney
Office of the General Counsel

Contact

Donna Clay-Conti
415-865-7911 phone
415-865-7664 fax
donna.clay-conti@jud.ca.gov

Subject

Judicial Council Co-Sponsorship of the
2011 Summit on Judicial Diversity

The State Bar of California (State Bar) is proposing to hold a second summit on diversity in the California judiciary on September 7, 2011, in San Francisco at the Milton Marks Conference Center. The State Bar is requesting that the Judicial Council co-sponsor the summit and authorize participation and support by the Access and Fairness Advisory Committee. The Executive Office of the Administrative Office of the Courts (AOC) recommends that the Judicial Council co-sponsor this summit, which is a five-year follow up of the initial judicial diversity summit held in 2006, consistent with the Judicial Council's number one strategic plan goal and related policy direction.

Background

The first summit on judicial diversity in the California courts was held in June 2006 at the State Bar mid-year meeting in San Jose. Approximately 100 attendees participated in that summit, including justices, judges, State Bar representatives, the Governor's Judicial Appointments Advisor, legislative staff, bar association leaders, and key stakeholders with direct involvement

in the judicial appointments process. The summit focused on the status of racial and ethnic diversity on the bench primarily, and gender diversity secondarily. The summit was impetus for several changes to the judicial appointments process which were intended to increase diversity on the bench.

The 2011 Summit on Judicial Diversity

The 2011 Summit is designed to provide a five-year status report on judicial diversity; evaluate and acknowledge achievements to date; identify how advances were achieved and best practices for increasing diversity; and plan and develop additional initiatives. A planning committee has been identified, including Administrative Director of the Courts William C. Vickrey, Chief Deputy Director Ronald G. Overholt, Justice James Lambden (Chair, Access & Fairness Advisory Committee), Judge Erica Yew (Judicial Council), Judge Brenda Harbin-Forte (Superior Court of the State of California, County of Alameda County), Senator Joe Dunn (ret.) (Executive Director of the State Bar), Judy Johnson (former Executive Director of the State Bar), Patricia Lee (State Bar, Special Assistant to the Executive Director for Diversity and Bar Relations), and Donna Clay-Conti (lead staff to Access & Fairness Advisory Committee). The committee is tasked with identifying invitees, finalizing a budget for the program, implementing program logistics, planning and finalizing the program format and topics, and identifying and inviting speakers.

The planning committee recommends inviting 75 participants, including the Chief Justice, designated Judicial Council members, justices, judges, court leaders, the Governor and his judicial appointments advisor, legislators, legislative staff, State Bar leaders, representatives from state and local bar associations, and designated AOC staff.

Co-sponsoring the summit is consistent with and promotes Goal I.6 of the Judicial Council's 2006–2012 Strategic Plan, *Justice in Focus*, i.e. to “[c]ollaborate with other branches of government and justice system partners to identify, recruit, and retain highly qualified appellate court justices, trial court judges, commissioners, referees, and other members of the judicial branch workforce, who reflect the state’s diversity.”

If you need additional information about the summit, please contact Senior Attorney Donna Clay-Conti at 415.865.7911 or donna.clay-conti@jud.ca.gov.

DPCC/gck

cc: Mr. William C. Vickrey, Administrative Director of the Courts
Mr. Ronald G. Overholt, Chief Deputy Director
Hon. James R. Lambden, Chair, Access and Fairness Advisory Committee
Ms. Mary M. Roberts, General Counsel



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date

May 27, 2011

To

Members of the Executive and Planning
Committee

From

Mark Moore
CCMS Program Management Office

Jody Patel
Regional Administrative Director,
Northern/Central Region

Subject

Superior Court of California, County of
Nevada Interim Case Management System

Action Requested

Approval of special fund allocation on behalf
of the Judicial Council in accordance with
rule 10.11(a)

Deadline

June 1, 2011

Contact

David Koon
Interim Case Management System
415-865-4618 phone
415-865-4503 fax
david.koon@jud.ca.gov

Executive Summary

The Administrative Office of the Courts (AOC) recommends that the Executive and Planning Committee, acting on behalf of the Judicial Council in accordance with California Rules of Court 10.11(a), provide \$674,628 from the Trial Court Improvement fund to deploy an interim case management system in the Superior Court of Nevada County to ensure stabilization of their case management system (CMS) until the California Court Case Management System (CCMS) is deployed to the court.

At the end of calendar year 2011, the sole county information technology staff that is knowledgeable about the legacy system is retiring. As a result, the legacy system which is used for criminal and civil case processing, preparation of all court calendars, and cashing for civil filings is at risk of failure as there is no other county resource assigned with the expertise needed

to support the legacy system. Without replacement of the CMS, the court may find itself unable to print calendars, access case information, input minute orders, collect fines and fees, and unable to make legislatively mandated changes to the case management system. This will result in significant impacts to the justice system for Nevada County.

Recommendation

The AOC recommends that the Executive and Planning Committee, acting on behalf of the Judicial Council in accordance with California Rules of Court 10.11(a), provide the Superior Court of Nevada County with \$674,628 from the Trial Court Improvement fund to deploy CourtView as an interim case management system. This request is being presented to the Executive and Planning Committee to allow the court to enter into a contract with the proposed vendor, CourtView, prior to June 30, 2011 to ensure that the case management system is deployed by calendar year-end when the sole county information technology staff knowledgeable about the legacy system retires.

A CourtView deployment includes the following components and results:

1. The court will contract directly with CourtView for licensing, maintenance, and professional services so as to commence the project as soon as possible. The vendor has provided a fixed fee pricing proposal, Statement of Work, and project timeline that is agreeable to the court.
2. The county information technology support resource will assist with data conversion and knowledge transfer on an as-needed basis. This will assist the court with a smooth transition to CourtView and provide the court with historical case data.
3. The court will receive server memory and desktop upgrades in order to support the CourtView case management system (CMS).

Previous Council Action

At its meeting on February 28, 2003, the Judicial Council voted to reaffirm the past policy approach that trial courts interested in pursuing alternatives to a statewide infrastructure initiative, including information technology initiatives, obtain the review and approval of the Administrative Director of the Courts before proceeding to avoid duplication of service and investment of resources.

Rationale for Recommendation

The Superior Court of Nevada County contacted the Administrative Office of the Courts (AOC) with concerns about their current case management systems and their ability to provide continuity of operations while the long-term objective of deploying CCMS is achieved. The court's legacy case management systems are 1980s-era mainframe applications running on outdated hardware, operating systems and software environments and the court has been notified that the only county information technology support staff is retiring within the next year. The legacy system is used for criminal and civil case processing and cashiering for civil filings. The court also utilizes an outside vendor, JDS, for its traffic case processing and criminal and traffic cashiering activities. JDS is a sole owner company that is only active in this court and the court

has raised concerns regarding the owner's continued support of the system. Additionally, the various applications are minimally integrated and do not provide the needed functionality.

The court faces significant risks and challenges with their existing case management systems while awaiting deployment of CCMS. It is assumed for purposes of this analysis that CCMS deployment for this court will not begin for approximately four years. Based upon the information obtained during the AOC's analysis and review of the alternatives, the AOC recommends the Court implement the CourtView case management system. CourtView is utilized by the other criminal justice system partners in Nevada County as well as in the Superior Court of Amador County. Deploying CourtView will provide an immediate start date and relatively short implementation period. CourtView will enhance the court's case management system functionality, consolidate all case types into a single case management system, and provide a fiscally prudent solution based upon the fixed-fee pricing proposal received from CourtView as compared to the other alternatives considered. From a strategic viewpoint, the implementation of CourtView as an interim solution would provide the highest level of risk mitigation and benefit for the court and its users.

The court will endeavor to manage the items listed below to ensure a smooth transition to CourtView:

- Ensuring the vendor can deploy the solution in the next nine months.
- Ensuring the court has the ability to perform the needed business process reengineering.
- Ensuring the court can provide their own project manager as the AOC is unable to provide the court with a project manager.

The Superior Court of Nevada County is seeking funding of \$674,628 for interim case management system deployment costs in fiscal year (FY) 2010-2011. At this time, it does not appear the court will be able to absorb the \$674,628 one-time amount for case management costs within existing resources.

Comments, Alternatives Considered, and Policy Implications

The AOC and the court identified and studied the following alternatives. A detailed cost estimate for each alternative is provided in the attachment.

Alternative One: Deploy CCMS After the First Three Early Adopter Courts are Deployed

This alternative will allow the court to begin the CCMS deployment nine months after early adopters begin their deployment. By beginning nine months after the early adopters, the templates, tools and key learnings from the early adopter courts can be leveraged into the project planning and execution.

Benefits for this alternative include:

- Deploying CCMS in the Superior Court of Nevada County supports the long-term strategy of the judicial branch.
- Less impact to court staff, processes and operations by deploying directly to CCMS rather than conducting two deployments (e.g. first to an interim case management system and then to CCMS).

- Deploying directly to CCMS would avoid the duplication of efforts and costs associated with deploying initially to an interim case management system and then to CCMS.
- The court would be on supported platforms installed at the CCTC. Thus, leveraging the CCTC benefits such as its security and disaster recovery infrastructure.

Challenges include:

- The earliest target date for a Superior Court of Nevada County CCMS deployment would be the fourth quarter 2013; therefore, the court would continue to be at considerable risk of unsupported case management systems for an extended period of time. Additionally, CCMS deployment plans are not final and are subject to current budget constraints. In view of several dependencies it is not possible, at this time, to provide solid costs projections.

Alternative Two: Stabilize and Support the Current Case Management Systems

This alternative encompasses stabilizing both the JDS vendor traffic case processing and criminal and traffic cashing systems and the County-developed CMS used for criminal and civil case processing and cashing for civil filings. Since these systems are diverse and extremely antiquated, a stabilization and support strategy must take into account a variety of actions, including acquiring and moving servers in-house to the court, hiring information technology staff, performing knowledge transfer, acquiring the source code from JDS which is in old programming languages, and paying additional licensing fees. The first year costs are estimated at \$730,400 and ongoing costs are estimated at \$230,000. It is assumed that the deployment of CCMS will occur in four years; therefore, the total cost (first year plus three years of annual cost) will be \$1,420,000.

Benefits for this alternative include:

- No functional changes for court staff as they will continue to utilize the existing case management systems.
- Avoiding the duplication of efforts and costs associated with deploying an interim case management system.
- Stabilization will reduce the risks associated with maintaining the current case management systems.

Challenges include:

- The high costs of acquiring servers, building out a computer room, additional licensing fees, and hiring information technology support staff.
- The court would still be utilizing limited functionality, non-integrated, and antiquated software that limits the court's ability to upgrade their hardware, operating systems, and some software.
- JDS is no longer supporting the system other than to provide legislative updates and each update requires a detailed accounting audit by the court to ensure the distributions are processed correctly.

Alternative Three: Deploy the Superior Court of Stanislaus County CMS

This alternative entails utilizing the Stanislaus CMS by installing it on new servers located at the Nevada Superior Court, customizing it specifically for Nevada's usage, and hiring information technology staff. This alternative would require a lengthy implementation, approximately one year, with minimal support from Stanislaus Superior Court and would involve a number of costly deployment activities. The first year costs are estimated at \$956,000 and ongoing costs are estimated at \$411,000. It is assumed that the deployment of CCMS will occur in four years; therefore, the total cost (first year plus three years of annual cost) will be \$2,189,000.

Benefits for this alternative include:

- A single CMS for all case types and a more functional CMS than what the court is currently utilizing.

Challenges include:

- Significant time and costs associated with knowledge transfer (estimated at one year).
- The court would incur costs to hire information technology staff, purchase the necessary servers and create the facility space needed for those servers.
- The majority of the costs will be on-going and would significantly increase the court's operational costs.
- The CMS is not integrated with the DMV or a cashiering/accounting module which is available with the CourtView CMS.

Implementation Requirements, Costs, and Operational Impacts

The deployment of the CourtView CMS as an interim solution will require supporting the Court with funding for the licensing, professional services, data conversion support and infrastructure upgrades. The Court will contract directly with CourtView and manage the various deployment activities. There will be operational impacts to court staff as resources will be assigned to the CMS implementation and staff will need to be trained on CourtView.

The Court is requesting reimbursement for the associated deployment costs. The detailed costs are listed in the attachment and are summarized below:

- CourtView CMS and Professional Services total: \$454,106
- Annual Maintenance (year one): \$58,828
- Conversion support: \$40,000
- Potential existing knowledge transfer & support resource: \$35,000
- Infrastructure upgrades: \$33,700
- Legal Review costs: \$15,000
- Change Control: \$37,994

Total cost for the current year is \$674,628 and the ongoing costs are \$68,828. It is assumed that the deployment of CCMS will occur in four years; therefore, the total cost (first year plus three years of annual cost) will be \$881,112. Currently, the court pays approximately \$65,000 per year to the county and JDS for the ongoing maintenance of their legacy systems; therefore, it is not anticipated the court will require funding for on-going costs.

Relevant Strategic Plan Goals and Operational Plan Objectives

Judicial Council Strategic Goal III, Modernization of Management and Administration, is supported by funding the CourtView deployment as an interim solution by providing the Superior Court of Nevada County with a stable interim case management system; therefore, reducing the risk of operational outage and subsequent degradation of services to the public.

Attachments

1. Superior Court of Nevada County CMS Interim Options Cost Breakdown

Recommendation: CourtView

CourtView CMS	1st Year	Annually
Fixed Fee pricing for CourtView CMS/DMV/eAccess deployment	\$454,106	
Annual maintenance for CourtView CMS	\$58,828	\$58,828
Conversion support from County for CMS – (County IT resource estimated 160 hours at \$85, or \$13,600; has completed most of the work already.)	\$20,000	
Conversion support from JDS – may not be necessary due to traffic cases and limited data.	\$20,000	
Knowledge transfer from County resource (support contingency)	\$25,000	
New resource contract (annual; support contingency)	\$10,000	\$10,000
Infrastructure upgrades - server memory	\$8,700	
Desktop refresh	\$25,000	
Legal review costs for CourtView licensing and support agreements	\$15,000	
Change Control	\$37,994	
Total 1st year costs	\$674,628	
Total Annual costs		\$68,828
Total 4 year costs (1st year + 3 yrs annual costs)	\$881,112	

Issues and Assumptions

1. The Court has confirmed that the Court's infrastructure and hardware is sufficient to support a CourtView implementation.
2. The Court does not anticipate additional training costs (i.e. overtime, temps, equipment costs) and therefore is not requesting funds for this.
3. No AOC funded Project Manager.
4. The CourtView proposal includes the DMV and eAccess interfaces.
5. Any interim solution will be needed for at least four years.

Alternative 2: Stabilize and Support the Current Case Management Systems

JDS Stabilization	1st Year	Annually
Knowledge transfer from JDS resource	\$50,000	
Perpetual or license transfer cost from JDS (estimate at 3x current revenue from Court)	\$150,000	
Recruit and hire new developer resource(s) (1.5 resources, includes benefits) - for Cobol, RPG, Basic, Modula2, Turbo Pascal, etc.	\$112,500	\$112,500
Procure an AS/400 (eBay)	\$15,000	
Misc. licensing, maintenance & support fees for OS, tools, etc.	\$50,000	\$50,000
Outsource or hire resource to perform citation processing, print Courtesy Notices, generate file for reporting to DMV (\$50,000 set-up; \$35,000 annually)	\$85,000	\$35,000
Additional infrastructure costs (networking, A/C, UPS, back-up, etc)	\$100,000	
Total 1st year costs	\$562,500	
Total Annual costs		\$197,500
Total four year costs (1st year + 3 yrs annual costs)	\$1,155,000	

County CMS Stabilization	1st Year	Annually
Knowledge transfer from County resource	\$25,000	
New resource contract	\$10,000	\$10,000
Moving virtualized server into Court IT -		
a. Programmer time (est 160 hours @ \$85 hr)	\$13,600	
b. Servers (2 Dell R710 w/64Gb RAM)	\$11,500	
c. VMWare:	\$4,100	
d. SAN upgrade (EqualLogic PS4000E w/failover)	\$47,500	
Licensing fees for UniVerse	\$22,500	\$22,500
Server Memory	\$8,700	
Desktop Hardware refresh	\$25,000	
Total 1st year costs	\$167,900	
Total Annual costs		\$32,500
Total 4 year costs (1st year + 3 yrs annual costs)	\$265,400	
Combined (JDS&CMS) 1st year costs	\$730,400	
Combined (JDS&CMS) Annual costs		\$230,000
Total 4 year costs for JDS & Co CMS Stabilization	\$1,420,400	

Issues and Assumptions

1. Even if we transfer knowledge and processing to another resource, we are still dealing with antiquated systems and code, and would be dependent on a single resource, potentially.
2. It is assumed that the existing JDS systems can be recreated such that the hardware, OS, development tools, and code-bases are operational in another location.
3. The majority of these costs would be on-going and would increase the Court's operational costs significantly.
4. The Nevada Court does not believe the stabilization of the JDS system is a viable solution due to the costs associated with attempting to set up and support these already antiquated systems without any benefit in doing so.
5. The Court does not feel they have the expertise or the resources to assist the AOC in pricing this option.
6. The majority of the JDS costs are estimated and not supplied by the vendor.
7. No AOC funded Project Manager.
8. Any interim solution will be needed for at least four years.

Alternative 3: Deploy the Superior Court of Stanislaus CMS

Stanislaus CMS	1st Year	Annually
Technical knowledge transfer from Stanislaus resource	\$100,000	
Resource to perform data analysis and conversion	\$160,000	
Recruit and hire DBA (FTE)	\$121,000	\$121,000
Recruit and hire Developer (1.5 resources FTE)	\$120,000	\$120,000
Purchase additional servers (will need Dev, Production) (\$80,000 in hardware for Nevada to deploy; estimated by Stanislaus asst CEO)	\$80,000	
Develop Training Strategy and Hire Trainer (functional) - transition trainer to Help Desk	\$60,000	
Develop Help Desk capability (tools, staff, procedures, etc.)	\$60,000	\$60,000
Misc. licensing fees for OS, tools, etc. (Java, Acrobat Prof, code mgnt)	\$100,000	\$100,000
License third-party Cashiering system	\$55,000	\$10,000
Additional infrastructure costs (ie new computer room, etc.)	\$100,000	
Total 1st year costs	\$956,000	
Total Annual costs		\$411,000
Total 4 year costs (1st year + 3 yrs annual costs)	\$2,189,000	

Issues and Assumptions

1. The majority of these costs would be on-going and would increase the Court's operational costs significantly.
2. The Nevada Court believes this option is not a viable solution due to the additional infrastructure, staffing and on-going costs it would entail for a small court like Nevada, in addition to the effort to implement a largely unknown and unproven system.
3. The Court does not feel they have the expertise or the resources to assist the AOC in pricing this option.
4. Stanislaus is running these applications on eight servers. They are running in a Windows, Java, web-based environment, using an Oracle database. They have three Java programmers supporting the system.
5. Nevada would take advantage of Judicial Branch's statewide Oracle license
6. No AOC funded Project Manager.
7. The Stanislaus system is not integrated with DMV, their DMS or the Cashiering module.
8. Any interim solution will be needed for at least four years.

Guidelines for AOC Staff
Regarding the Nomination and Appointment Process to the
Judicial Council and to its Advisory Committees

(Approved by the Judicial Council Executive and Planning Committee
June 1, 2011)

1. Role of the E&P Committee and the Chief Justice in the nomination and appointment process

The Judicial Council Executive and Planning Committee (E&P) is charged with assisting the Chief Justice in selecting Judicial Council and advisory committee members.¹ The committee oversees the process for publication and solicitation of nominations to fill vacancies on the council and its advisory committees. E&P members review the nominations and gather information about the nominees. E&P's recommendations, usually three nominees recommended for each position, are submitted to the Chief Justice. The Chief Justice selects the appointees and signs the appointment orders. Both E&P and the Chief Justice require the assistance and support of the staff at the Administrative Office of the Courts (AOC) in this process.

2. Purpose and four goals of these guidelines

The purpose of these guidelines is to provide guidance for AOC staff in various capacities and to provide information to nominees, nominators, members of the judicial branch, members of the executive and legislative branches, and the public about E&P's expectations of the role of AOC staff in the nomination and appointment process to both the Judicial Council and its advisory committees.

E&P has adopted these guidelines to ensure that:

- The nomination and appointment process is consistent and fair to the nominees and those who provide information to E&P;
- E&P members have information that is useful to their making recommendations on nominees who represent diverse backgrounds, experiences, and geographic locations,² who possess strong leadership qualities and ethics, and who act in the best interest of the public and the judicial system for the purposes of maintaining and enhancing public access to the justice system, as well as preserving and enhancing impartial judicial decisionmaking and an independent judicial branch of government;³
- E&P members have a sufficient number of qualified candidates from which to make recommendations; and

¹ California Rules of Court, rules 10.4, 10.11, and 10.32.

² California Rules of Court, rule 10.4(a)(1) and 10.32(a)(2).

³ California Rules of Court, rule 10.2(c)(1).

- The information about nominees that is provided to E&P and the Chief Justice in the nomination and appointment process remain confidential.

E&P and the Chief Justice expect AOC staff to take actions, consistent with these guidelines, that support these four goals: fairness, diversity and quality, sufficiency, and confidentiality.

Responsibilities and duties of specific AOC staff will be determined at the management level of AOC; these guidelines do not address staff responsibilities and duties.

3. Role of the AOC staff in the Secretariat unit in both Judicial Council and advisory committee nominations and appointments

The Secretariat unit administers the nomination and appointment process for E&P and for the Chief Justice. On behalf of E&P, the Secretariat unit solicits nominations publicly, with due notice and with sufficient time for nominees to self nominate and for nominators to submit for others. Secretariat provides to E&P all nomination documents and information about specific nominees and about the aggregation of nominees. Secretariat supports the process by which E&P members gather information about the nominees. It supports the meetings at which E&P members consider the nominations and determine what recommendations E&P will make to the Chief Justice.⁴ It provides all nomination documents and information to the Chief Justice along with the recommendations from E&P. It prepares the appointment orders and other documents, based upon the Chief Justice's selections of appointees. It administers the provision of notice to both those who are selected and those who are not selected.

4. Role of AOC staff in Judicial Council nominations

Activities that are permissible for AOC staff in the process of Judicial Council nominations are:

- Publicizing the nomination process and encouraging nominations to the Judicial Council, in general;
- Encouraging an individual to self nominate to the Judicial Council;⁵
- When requested by E&P or a member of E&P, identifying possible nominees and information about nominees; and
- Answering questions about the nomination process, including referring inquiries about the process to the Secretariat unit.

⁴ E&P does not give weight to the number of nominations for a specific nominee. Each nominee is considered on the merits.

⁵ Encouraging an individual to self nominate to the Judicial Council can, at times, be similar to a general encouragement of a nomination. E&P considers this activity by AOC staff to be positive and consistent with the four goals.

Activities that are *not* permissible for AOC staff in the process of Judicial Council nominations are:

- Nominating an individual to the Judicial Council;
- Encouraging an individual to nominate another to the Judicial Council;
- Making recommendations to E&P on Judicial Council nominees;
- Campaigning or lobbying for any specific nominee to the Judicial Council; and
- Making any promises or giving any opinions on likely outcomes regarding appointments.

5. Role of AOC staff in advisory committee nominations

Activities that are permissible for AOC staff in the process of advisory committee nominations differ from those permissible in the process of Judicial Council nominations because of two distinctions:

- Judicial Council members are policy and decision makers whereas advisory committee members provide recommendations to the policy and decision makers; and
- The number of vacancies on advisory committees, typically around 50-100 each year, including many with specific qualification requirements, require that staff to specific advisory committees be active and involved in the identification of nominees, the soliciting of nominees for the advisory committees that they staff, the making of nominations, and the provision of information about nominees to E&P so that there is a sufficient number of well-qualified candidates and sufficient information about them.

Activities that are permissible for AOC staff who support a specific advisory committee are:

- Encouraging an individual to self nominate to that committee;
- Encouraging an individual to nominate a specific person to that committee;
- Nominating an individual as a member or as chair to that committee;
- Recommending an individual for appointment to that committee;
- Providing information to E&P about specific nominees and about the aggregation of nominees for that committee; and
- Supporting the advisory committee chair in making recommendations to E&P on the nominations to that committee.

Activities that are permissible for all AOC staff, not just those who support a specific advisory committee, are:

- Publicizing the nomination process and encouraging nominations to advisory committees in general;
- Encouraging an individual to self nominate to an advisory committee;
- When requested by E&P or a member of E&P, identifying possible nominees and information about nominees; and

- Answering questions about the nomination process, including referring inquiries about the process to the Secretariat unit.

Activities that are *not* permissible for AOC staff in the process of advisory committee nominations are:

- Campaigning or lobbying for any specific nominee to an advisory committee; and
- Making any promises or giving any opinions on likely outcomes regarding appointments.

6. Periodic review of these guidelines

E&P will periodically review these guidelines and revise them as needed to help E&P members and AOC staff fulfill the objectives of the guidelines.

Judicial Council of California
Executive and Planning Committee
June 3, 2011
Proposal Circulated by E-mail on June 3, 2011

Members Voting: Justices Richard D. Huffman and Harry E. Hull Jr.; Judges Kevin A. Enright, Kenneth K. So, and David S. Wesley; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

Members Not Voting: Judge Stephen H. Baker

Staff Participating: Ms. Nancy E. Spero

FY 2011-2012 Conversion of 2 LA SJO Positions

The committee reviewed staff's recommendation and confirmed conversion of one currently vacant Subordinate Judicial Officer (SJO) position to a judgeship in the Superior Court of California, County of Los Angeles effective on the date of legislative authorization to convert positions for fiscal year 2011-2012. It also confirmed the conversion of a second position that will become vacant on July 31, 2011; the effective date of the that conversion is either the date of the vacancy or the date of legislative authorization to convert positions for fiscal year 2011-2012, whichever occurs later.

Respectfully submitted,



Kenneth L. Kann
Director, Executive Office Programs Division

**JUDICIAL COUNCIL OF CALIFORNIA
POLICY COORDINATION AND LIAISON COMMITTEE**

Conference Call Meeting

April 13, 2011

Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Keith D. Davis; Hon. Terry B. Friedman (Ret.); Hon. Sharon J. Waters; Ms. Miriam Aroni Krinsky; Ms. Edith R. Matthai; and Mr. Michael M. Roddy.

Policy Coordination and Liaison Committee members absent: Hon. Winifred Younge Smith.

OGA staff present: Mr. Curtis Child, Ms. Donna Hershkowitz, Mr. Daniel Pone, Mr. Henry Sepulveda, Ms. Monica LeBlond, and Ms. Yvette Trevino.

Other AOC staff present: Mr. William C. Vickrey and Mr. Ronald G. Overholt.

ACTION ITEMS

1. Approval of minutes

The minutes of the March 30, 2011, conference call were approved as submitted.

2. Consent Items

Action on Pending Legislation:

a) AB 1067 (Huber), as introduced – Civil procedure: orders

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.

PCLC Action: Support if amended.

Invitations to Comment:

b) Civil Law: Proposed Clean-Up Legislation on the Discovery of Electronically Stored Information

Amends California's Civil Discovery Act to address certain gaps and omissions in the e-discovery legislation enacted in 2009.

PCLC Action: Approved for circulation.

- c) Probate: Notice to Creditors in Decedents' Estates
Amends Probate Code statutes relating to language in Judicial Council form notices to Creditors in Decedents' Estates.
PCLC Action: Approved for circulation.

3. Discussion Items

Action on Pending Legislation:

- a) AB 1403 (Committee on Judiciary) – Civil actions
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.
PCLC Action: Section 1: Defer action while the sponsor is considering whether or how to move forward with this issue; Section 2: Support if amended.
- b) Ratification of appointment of AB 109 Workgroup
Identifies membership of a working group of judicial branch experts designated by advisory committee chairs to assist AOC staff in identifying substantive, procedural, and fiscal concerns, and developing proposals and recommendations for consideration on the Governor's Criminal Justice Realignment proposal.
PCLC Action: Ratified the advisory committee chairs' designees to serve as members of the Criminal Justice Realignment Workgroup.

4. Informational Items

- 1. Budget update
Curtis Child reported on the judicial branch budget.
PCLC Action: No action required.

2. Legislation update

Curtis Child and gave an update on selected bills of interest to the judicial branch.

PCLC Action: No action required.

OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: April 20, 2011

Respectfully submitted,

Curtis L. Child, Director
Office of Governmental Affairs
Administrative Office of the Courts

**JUDICIAL COUNCIL OF CALIFORNIA
POLICY COORDINATION AND LIAISON COMMITTEE**

Conference Call Meeting

April 20, 2011

Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Keith D. Davis; Hon. Terry B. Friedman (Ret.); Hon. Winifred Younge Smith; Hon. Sharon J. Waters; Ms. Miriam Aroni Krinsky; Ms. Edith R. Matthai; and Mr. Michael M. Roddy.

OGA staff present: Mr. Curtis Child, Ms. June Clark, Mr. Daniel Pone, Ms. Tracy Kenny, Mr. Henry Sepulveda, Ms. Monica LeBlond, and Ms. Yvette Trevino.

Other AOC staff present: Mr. Ronald G. Overholt.

ACTION ITEMS

1. Approval of minutes

The minutes of the April 6, 2011, conference call were approved as submitted.

2. Consent Item

Action on Pending Legislation:

- a) SB 270 (Hernandez), as introduced – State employees: compensation
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.

PCLC Action: Oppose unless amended to include employees of the judicial branch in the protections provided by the bill.

3. Discussion Items

Action on Pending Legislation:

- a) AB 314 (Gorell), as introduced – Court facilities
Requires that contracts pertaining to the acquisition and construction of court facilities be subject to the provisions of the Public Contract Code.

PCLC Action: Oppose

- b) AB 520 (Ammiano), as introduced – Sentencing.
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.
PCLC Action: Oppose
- c) AB 618 (Furutani), as amended March 31, 2011 – Court interpreters
Enacts the California Language Access Bill of Rights. Provides that a person charged with a crime who is unable to understand English is entitled to “exclusive, ongoing, and simultaneous translation services throughout any proceeding at which the person is physically present.” Authorizes a party charged with a crime to request a hearing if there is a factual basis to do so, to evaluate the competence of an interpreter, or if any person’s rights would be prejudiced by use of a non-certified interpreter. Prohibits any non-interpreter staff person of the court, sheriff, probation, or any other local government entity from providing interpreter services unless he or she is a certified interpreter.
PCLC Action: Oppose
- d) SB 848 (Emmerson), as introduced – Court of appeal districts
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.
PCLC Action: Oppose
- e) SB 858 (Gaines), as amended March 25, 2011 – Probation: chief probation officer of Nevada County
Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors.
PCLC Action: Oppose
- f) SB 428 (Strickland), as proposed to be amended – Public Safety Omnibus Bill
To be amended to narrow the requirements under Penal Code section 1203.01 for transmittal of plea and sentencing transcripts and other documents to the California Department of Corrections and Rehabilitation (CDCR). Would require courts, in life, life without parole, and death cases only, to transmit the charging documents, a copy of the waiver and plea forms, if any, the transcript of the proceedings at the time of the defendant’s guilty or no contest plea, if the defendant pleaded guilty or no contest, and the transcript of the proceedings at the time of sentencing, to CDCR. Only requires courts in all other cases, to provide copies of the charging documents and waiver forms, if any, and upon written request from CDCR on a particular case, transcripts of

the plea proceedings, if the defendant pleaded guilty or no contest and transcripts of the sentencing proceedings.

PCLC Action: Support section of bill amending Penal Code section 1203.01.

4. Informational Items

1. Budget update

Curtis Child reported on the judicial branch budget.

PCLC Action: No action required.

2. Legislation update

Curtis Child gave an update on AB 1208.

PCLC Action: No action required.

3. AB 109 (Committee on Budget) Update

June Clark gave an update on AB 109.

PCLC Action: No action required.

OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: May 11, 2011

Respectfully submitted,

Curtis L. Child, Director
Office of Governmental Affairs
Administrative Office of the Courts

**JUDICIAL COUNCIL OF CALIFORNIA
POLICY COORDINATION AND LIAISON COMMITTEE**

**Conference Call Meeting
May 11, 2011
Summary Minutes of Meeting**

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Keith D. Davis; Hon. Terry B. Friedman (Ret.); Hon. Sharon J. Waters; and Ms. Edith R. Matthai.

Policy Coordination and Liaison Committee members absent: Hon. Winifred Younge Smith, Ms. Miriam Krinsky, and Mr. Michael M. Roddy.

OGA staff present: Mr. Curtis Child, Ms. Donna Hershkowitz, Ms. June Clark, Ms. Tracy Kenny, and Ms. Monica LeBlond.

ACTION ITEMS

1. Approval of minutes

The minutes of the April 13, 2011, and the April 20, 2011, conference calls were approved as submitted.

2. Consent Item

N/A

3. Discussion Item

N/A

4. Informational Items

a) Update on AB 109

June Clark reported on the options developed by the AB 109 Working Group and gave an overview of the differences in court role and fiscal impact of each alternative that was presented to the administration. June reported briefly on the meeting with the administration. It was discussed that the Governor's May revise should provide an indication of which option, if any, the administration is embracing. June also reported on the California Department of Corrections and Rehabilitation (CDCR) implementation efforts, and the Criminal Law Advisory Committee's leading role in implementation activities related to parole

revocation, with participation from the California Judges Association, CDCR and the Chief Probation Officers of California.

PCLC Action: No action required.

b) Update on AB 1208

Curtis Child reported on the Assembly Judiciary Committee hearing on AB 1208 that was conducted on May 3. Judge Terry Friedman assisted in the presentation, having testified on behalf of the Judicial Council at the hearing. Curt discussed the amendments to AB 1208, which were approved in concept by the committee at the hearing, and in print for the first time the day of the PCLC meeting. Although PCLC members believed that the council position was unchanged by the amendments, and that staff had continuing authority to represent the council as opposing AB 1208, the matter will be brought back before the Joint Legislation Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees for recommendation on the revised version, and then back to PCLC for an updated Judicial Council position.

PCLC Action: No action required.

c) Update on other legislation and budget issues

Curtis Child reported that the Governor's May revise proposal is scheduled to be released on Monday, May 16.

Donna Hershkowitz briefly discussed the May 9, 2011, meeting of the Ad Hoc Court Security Realignment Working Group, Department of Finance, AOC, California State Sheriffs Association, and California State Association of Counties on the Governor's court security realignment proposal. Donna noted that one critical issue that still requires resolution is the obligation of the counties to continue to provide the historic levels of funding they have provided for court security (the funding provided as of January 1, 2003), in addition to using the new funds that would be provided to the counties under the realignment proposal.

PCLC Action: No action required.

OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: June 8, 2011

Respectfully submitted,

Curtis L. Child, Director
Office of Governmental Affairs
Administrative Office of the Courts

**JUDICIAL COUNCIL OF CALIFORNIA
POLICY COORDINATION AND LIAISON COMMITTEE**

**Conference Call Meeting
May 19, 2011
Summary Minutes of Meeting**

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Keith D. Davis; Hon. Terry B. Friedman (Ret.); Hon. Winifred Younge Smith; and Mr. Michael M. Roddy.

Policy Coordination and Liaison Committee members absent: Hon. Sharon J. Waters, Ms. Miriam Krinsky, and Ms. Edith R. Matthai.

Guests present: Hon. Douglas Elwell, Cochair, Joint Legislation Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees; and Ms. Rosa Junqueiro, Cochair, Joint Legislation Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees.

OGA staff present: Mr. Curtis Child, Ms. Donna Hershkowitz, Mr. Daniel Pone, Mr. Henry Sepulveda, Ms. Monica LeBlond, and Ms. Yvette Trevino.

Other AOC staff present: Mr. Ronald G. Overholt

ACTION ITEMS

1. Approval of minutes

The minutes of the May 11, 2011, conference call were approved as submitted.

2. Consent Item

N/A

3. Discussion Item

Action on Pending Legislation

- a) AB 1208 (Calderon), as amended May 18, 2011 – Trial courts: administration
Significantly reduces 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.

PCLC Action: Oppose

4. Informational Item

N/A

OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: June 8, 2011

Respectfully submitted,

Curtis L. Child, Director
Office of Governmental Affairs
Administrative Office of the Courts