

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
San Francisco, California
Open to the Public (except where otherwise noted)
August 26–27, 2004

AGENDA

August 26, 2004 **Issues Meeting and Executive Session**
2:00 – 4:30 p.m.

2:00–4:30 p.m.

Issues Meeting:

–*Education on Resource Standards*
–*Update on Intent Language and State Appropriations Limit Language in Budget Act of 2004–2005*

Executive Session:

–*Education and Update on Recent and Pending Negotiations with the Legislature on Budget Process and Other Matters* [**Closed session**]

August 27, 2004 **Business Meeting**
8:30 a.m. – 1:10 p.m.

8:30–8:45 a.m.

Public Comment Related to Trial Court Budget Issues*

[Subject to requests]

*If no public comment, agenda items may be advanced.

8:45–8:50 a.m. **Approval of Minutes of July 7, 2004**
[Minutes Tab]

8:50–9:10 a.m. **Judicial Council Committee Presentations** [*Informational*]
Executive and Planning Committee
 Hon. Richard D. Huffman, Chair
Policy Coordination and Liaison Committee
 Hon. Marvin R. Baxter, Chair
Rules and Projects Committee
 Hon. Norman L. Epstein, Chair
 [Council Committee Reports Tab]

9:10–9:30 a.m.

Judicial Council Court Visit Reports [Informational]

Hon. Jack Komar, Team Leader

Mr. Michael Roddy, Northern/Central Regional Office

Report on Visits to the Superior Courts of Butte, Colusa, Modoc, Lassen, and Plumas Counties

Consent Agenda (Tabs 1–3)

(If you wish to request that any item be moved from the Consent Agenda to the Discussion Agenda, please notify Dennis Blanchard at 415-865-7455 at least 48 hours before the meeting.)

Item 1

Report to the Department of Finance on Service of Process Fees Billed to the Trial Courts under Chapter 1009, Statutes of 2002 (Action Required)

Staff: Ms. Christine N. Hansen, Finance Division

AOC staff provides for consideration of the council a report to the Department of Finance as required by the Budget Act of 2003. The act provided \$3 million in funding for reimbursement to the trial courts for charges from law enforcement for service of process of specific types of orders and injunctions. This report is to be submitted to the Department of Finance by September 1, 2004.

Item 2

Revisions to Base Allocations for Child Support Commissioner and Family Law Facilitator Program for FY 2004–2005 (Action Required)

Staff: Mr. Michael Wright
Center for Families, Children & the Courts

The Family and Juvenile Law Advisory Committee recommends that the council approve annual non-trial court funding to local courts for the child support commissioner and family law facilitator program. The funds for this program are provided by a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council. Two-thirds of these funds are federal funds and the remaining one-third are state General funds (non-trial court funding).

Item 3

Appellate Procedure: Filing Brief by Mail (amend Cal. Rules of Court, rule 40(k)) (Action Required)

Staff: Ms. Heather Anderson, Office of the General Counsel

The Appellate Advisory Committee recommends that rule 40(k) be amended to replace the option of filing an appellate brief by certified mail with the option of sending the brief by priority mail. This amendment would provide litigants with a quicker and lower cost delivery option for appellate briefs.

Discussion Agenda (Tabs 4–9)

Item 4

9:30–9:45 a.m.

Revision of Appellate Rules: Fourth Installment—Rules Governing Appeals and Writs in Juvenile Cases, Miscellaneous Other Appeals, General Appellate Procedures, Original Proceedings in Reviewing Courts, Administrative Provisions, and Rules for Publication of Appellate Opinions (Action Required)

The Appellate Advisory Committee recommends adoption of this fourth and final installment of its multiyear project to revise the appellate rules of the rules of court. The installment covers the rules governing appeals and writs in juvenile cases, miscellaneous other appeals, general appellate procedures, original proceedings in reviewing courts, administrative provisions governing reviewing courts, and rules for publication of appellate opinions. The revision is necessary because many provisions of the rules have become unduly complex, difficult to understand, or inconsistent with current law or practice. The revision undertakes to cure these deficiencies by simplifying the wording of the rules and restructuring them to clarify their meanings and facilitate their use.

Presentation (5 minutes)

Speakers: Hon. Joyce L. Kennard, Chair
Appellate Advisory Committee
Mr. Peter Belton, Office of the General Counsel

Discussion/Council Action (10 minutes)

Item 5

9:45–10:25 a.m.

Report of the Collaborative Court-County Working Group on Enhanced Collections (Action Required)

The Collaborative Court-County Working Group on Enhanced Collections recommends that the council adopt the report proposals, which are intended to enhance the collection of court fines and fees on a statewide basis as required by Senate Bill 940. These recommendations will improve court collections by providing guidelines and standards for courts to use in enhancing their collection programs, establishing reporting procedures, and providing courts with other tools to improve collections. These recommendations are necessary in order to establish statewide practices to enhance the collection of court fines and fees.

Presentation (10 minutes)

Speakers: Ms. Sheila Gonzalez, Southern Regional Office
Ms. Christine M. Hansen, Finance Division
Ms. Jessica Lee, Southern Regional Office
Mr. Scott Burritt, Southern Regional Office

Discussion/Council Action (30 minutes)

10:25–10:40 a.m. **BREAK**

Item 6

10:40–11:10 a.m.

Update Judicial Needs Study (Action Required)

AOC staff recommends that the council renew the multiyear plan adopted by the council in 2001 to sponsor legislation for 150 new judgeships over the next three years.

Presentation (15 minutes)

Speakers: Mr. Dag MacLeod, Executive Office Programs
Mr. Ron Pi, Executive Office Programs

Discussion/Council Action (15 minutes)

Item 7

11:10–11:35 a.m.

Criteria for Reimbursement of Trial Court Trust Fund Reserves Utilized to Offset a Portion of the Fiscal Year 2004–2005 Unallocated Reduction (Action Required)

AOC staff provides recommendations for criteria to be used in determining reimbursement for utilization of Trial Court Trust Fund reserves to partially offset the unallocated reductions included in the budget for FY 2004–2005. The proposals would provide for the possibility of partial reimbursement in the future for some courts whose reserves were used to partially offset the unallocated reduction. The council directed staff at its July 7 business meeting to present these proposals at the August meeting.

Presentation (10 minutes)

Speaker: Ms. Christine M. Hansen, Finance Division

Discussion/Council Action (15 minutes)

Item 8

11:35–12:35 p.m.

Trial Court Budget Request: Fiscal Year 2005–2006 (Action Required)

AOC staff provides recommendations to the council regarding funding requests for the trial courts for fiscal year 2005–2006. These include requests that will be funded under the State Appropriations Limit and therefore do not require submission to the Governor and the Legislature, requests to be submitted as fall budget change proposals, and requests that are to be submitted as spring finance letter proposals.

Presentation (30 minutes)

Speaker: Ms. Christine M. Hansen, Finance Division

Discussion/Council Action (30 minutes)

Item 9

12:35–1:10 p.m.

Fiscal Year 2005–2006 Judiciary Budget Request (to include the Supreme Court, the California Judicial Center Library, the Courts of Appeal, and the Judicial Council/Administrative Office of the Courts) (Action Required)

The Judicial Council has the statutory authority to approve budget requests and budget changes for the Supreme Court, the Courts of Appeal, and the Judicial Council/Administrative Office of the Courts. Approved budget requests will be submitted to the state Department of Finance for consideration for inclusion in the Governor’s 2005–2006 budget and subsequently to the Legislature. These requests will include a proposal to increase reimbursements in FY 2004–2005 to offset costs associated with various administrative and information system services.

Presentation (15 minutes)

Speakers: Ms. Christine M. Hansen, Finance Division
Mr. Stephen N. Nash, Finance Division

Discussion/Council Action (20 minutes)

Informational Items

Judicial Branch Budget Hearing: Feedback from California Channel Viewer

[Budget Hearing Feedback Tab]

No Circulating Orders Were Approved Since the Last Business Meeting

Judicial Council Appointment Orders Since Last Business Meeting

[Appointment Orders Tab]