

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688
August 15, 2008
8:30 a.m.–12:35 p.m.
Open to the Public

AGENDA

- 8:30–8:40 a.m. **Public Comment Related to Trial Court Budget Issues***
[Subject to requests]
*This time is reserved for public comment on Discussion Agenda items relating to trial court budgets.
- 8:40–8:45 a.m. **Approval of Minutes**
Minutes of the April 25, 2008, business meeting.
- 8:45–9:00 a.m. **Judicial Council Committee Presentations**
Executive and Planning Committee
 Hon. Richard D. Huffman, Chair
Policy Coordination and Liaison Committee
 Hon. Marvin R. Baxter, Chair
Rules and Projects Committee
 Hon. Eileen C. Moore, Chair
[Committee Reports Tab]
- 9:00–9:20 a.m. **Judicial Council Court Visit Reports**
Hon. Thomas M. Maddock, Team Leader
Ms. Jody Patel, Northern/Central Regional Office
Report on visits to the Superior Courts of El Dorado and Yolo Counties.
- 9:20–9:30 a.m. **Administrative Director’s Report**
Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.
- 9:30–9:40 a.m. **Chief Justice’s Report**
Chief Justice Ronald M. George will report on activities in which he has been involved since the last Judicial Council business meeting.

CONSENT AGENDA (Items 1–5)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

Item 1

Court Facilities Planning: Seismic Safety Policy for Leased Buildings (Action Required)

The Administrative Office of the Courts recommends adoption of the policy, in order to provide adequate assurance of seismic life safety for both employees and the public in buildings in which space is leased for court operations. As the AOC implements its responsibility to acquire leased space for new judgeships and associated staff, for replacement of existing facilities, and for expansion of court facilities, this policy defines the seismic safety requirements for the buildings to be leased. It applies to all new leases entered into by the AOC on behalf of the court, as well as to all leased court facilities whose responsibility has already transferred to the state under the Trial Court Facilities Act of 2002 (Sen. Bill 1732; Stats. 2002, ch. 1082). The policy supports the mission and policy direction of the Judicial Council in its Long-Range Strategic Plan—Goal III, Modernization of Management and Administration and Goal VI, Branchwide Infrastructure for Service Excellence—by providing safe and secure facilities and improving existing court facilities to allow adequate, suitable space for the conduct of court business.

Staff: Mr. Robert Emerson
 Office of the Court Construction and Management
 Mr. Burt Hirschfeld
 Office of the Court Construction and Management
 Mr. Chris Magnusson
 Office of the Court Construction and Management

Item 2

Equal Access Fund: Distribution of Funds for IOLTA-Formula Grants (Action Required)

The State Bar Legal Services Trust Fund Commission has submitted its annual report on distribution of Equal Access Fund grants. In that report, the commission requests that the Judicial Council approve distribution of \$14.85 million according to the statutory formula set out in the State Budget and reports that it has complied with the guidelines set forth for distribution of those funds. The Budget Act authorizing the Equal Access Fund provides that the Judicial Council must approve the commission's

recommendations if the Judicial Council determines that the awards comply with statutory and other relevant guidelines.

Staff: Ms. Bonnie Rose Hough
Center for Families, Children & the Courts

Item 3

[Assembly Bill 1058: Base Allocations for Child Support Commissioner and Family Law Facilitator Program, Fiscal Year 2008–2009 \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee recommends that the council approve the allocation of 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). The courts are also being offered an option to use local court funds up to an approved amount to draw down federal matching funds.

Staff: Mr. Michael L. Wright
Center for Families, Children & the Courts
Ms. Ruth K. McCreight
Center for Families, Children & the Courts

Item 4

[Judicial Branch Education: Minimum Education Requirements and Expectations—Justices’ and Judges’ Individual Recording and Reporting Form \(amend Cal. Rules of Court, rules 10.461 and 10.462\) \(Action Required\)](#)

The Governing Committee of the Center for Judicial Education and Research (CJER) recommends the amendment of rules 10.461 and 10.462 of the California Rules of Court, effective immediately, to change the current requirement that the form used by individual justices and judges to record and report their judicial education participation must be provided by the Judicial Council, in order to allow courts to use other appropriate forms that include all the required information.

The proposed amendments authorize the Chief Justice, administrative presiding judges, and presiding judges to determine what recording and reporting form should be used in their court. They may determine that their court should use the form provided by the Judicial Council but may also determine that their court should use another form that has the required information.

The purposes of the proposed amendments are to enable (1) individual justices and judges to more effectively record and report their judicial education participation; (2) the Chief Justice, administrative presiding justices, and presiding judges to more effectively facilitate and monitor judicial education participation in their courts; and (3) all justices and judges to more easily and effectively demonstrate their compliance with the education requirements and expectations in the rules.

Staff: Mr. James M. Vesper
Education Division/Center for Judicial Education and
Research

Item 5

Court Interpreters: Testing and Fee Policies (Action Required)

The Court Interpreters Advisory Panel recommends raising the renewal fee for certified and registered court interpreters and modifying the court interpreter test retake policy. The Court Interpreters Program recommends approving the delegation of authority to the Administrative Director of the Courts to administer three operational areas concerning interpreter testing.

Approving these recommendations will increase the annual renewal fee, establish a more coherent and viable court interpreter test retake policy, and delegate to the Administrative Director of the Courts authority over three operational areas. Delegating authority to the Administrative Director of the Courts will provide the AOC greater flexibility to administer three operational aspects of the court interpreter testing program.

Staff: Ms. Lucy Smallsreed
Executive Office Programs Division

DISCUSSION AGENDA (Items 6, A, 7, B, 8–11)

Item 6
9:40–9:50 a.m.

**Howell Heflin Award Presented by State Justice Institute
(No Action Required. No materials accompany this item.)**

The State Justice Institute will present the Howell Heflin Award to the Administrative Office of the Courts for its *Benchguide for Judicial Officers on Handling Cases Involving Self-Represented*

Litigants. This annual award is given to the State Justice Institute–funded project that had the greatest impact on the quality of justice in state courts.

Presentation (5 minutes)

Speaker: Keith McNamara, Esq.
State Justice Institute, Board of Directors

Discussion (5 minutes)

Item A
9:50–9:55 a.m.

**Judicial Council Distinguished Service Awards for 2008
(Action Required)**

The chairs of the three Judicial Council internal committees recommend that the council approve the winners of the 2008 Distinguished Service Awards. Their recommendations will be distributed at the council meeting. The awards will be presented at the Summit of Judicial Leaders in October.

Presentation/Discussion (5 minutes)

Speaker: Hon. Richard D. Huffman, Chair
Executive and Planning Committee

Item 7
9:55–10:20 a.m.

**Fiscal Year 2009–2010 Budget Requests for the Supreme Court,
Courts of Appeal, Judicial Council/Administrative Office of the
Courts, and the Trial Courts (Action Required)**

Approval by the Judicial Council is required prior to submission of budget requests for the Supreme Court, the Courts of Appeal, the Judicial Council/Administrative Office of the Courts (AOC), and the trial courts. Budget Change Proposals (BCPs) for Fiscal Year (FY) 2009–2010 are due to be submitted to the California Department of Finance by September 12 of this year. Action by the council at its August business meeting is needed to enable staff to transmit proposals to the Department of Finance by the due date that would address various service and programmatic needs in the next fiscal year.

Presentation (15 minutes)

Speakers: Mr. Stephen Nash
Finance Division
Mr. Ruben Gomez
Finance Division

Discussion/Council Action (10 minutes)

10:20–10:35 a.m. **BREAK**

Item B
10:35–10:45 a.m.

Court Facilities Fund Authorization: Authorize Redirection and Commitment of Lease Payments to County for New East County Courthouse (Action Required)

The County of Alameda and the Superior Court of Alameda County have been developing a new east courthouse project for a number of years. A project design has been developed, land has been designated for donation, and funding has been committed by the Board of Supervisors. However, due to market conditions and inflation the designated funding is no longer sufficient to fund the project. A new funding strategy has been developed to bridge the gap. The funding will require that the transferred lease payments be dedicated toward funding the project debt service. Council approval is required of the use of \$903,000 per year from the State Court Facilities Trust Fund to the County for debt amortization.

Presentation/Discussion (5 minutes)

Speakers: Mr. Ronald G. Overholt
 Chief Deputy Director
 Ms. Kim Davis
 Office of Court Construction and Management

Discussion/Council Action (5 minutes)

Item 8
10:45–11:10 a.m.

Assembly Bill 367: Collections Performance Measures and Benchmarks, Best Practices, and Reporting Template (Action Required)

The Administrative Office of the Courts recommends adoption of the revised Collections Reporting Template, Collections Performance Measures and Benchmarks, and Collections Best Practices for use by the cooperative superior court and county collection programs. Each of these recommendations enables the Judicial Council to meet newly enacted legislative mandates in the area of collections.

Presentation (15 minutes)

Speakers: Ms. Sheila Calabro
 Southern Regional Office
 Ms. Jessica Sanora
 Southern Regional Office

Discussion/Council Action (10 minutes)

Item 9
11:10–11:35 a.m.

Interim Report of the Commission for Impartial Courts (No Action Required)

This is an interim report on the work of the Commission for Impartial Courts, which is charged with studying and recommending ways to ensure judicial impartiality and accountability. The commission will be making recommendations in its final report (to be presented to the council in 2009). However, in the interim, the commission would like to inform council members about the progress of its steering committee and four task forces over the past months; describe the issues that have been identified and explored through its research; note challenges faced; and summarize some of the preliminary findings.

Presentation (20 minutes)

Speakers: Hon. Ming W. Chin, Chair
Commission for Impartial Courts Steering Committee
Hon. William A. MacLaughlin, Chair
Task Force on Judicial Campaign Finance
Hon. Judith D. McConnell, Chair
Task Force on Public Information and Education
Hon. Douglas P. Miller, Chair
Task Force on Judicial Candidate Campaign Conduct
Hon. Ronald B. Robie, Chair
Task Force on Judicial Selection and Retention
Ms. Christine Patton
Project Director
Bay Area/Northern Coastal Regional Office

Discussion (5 minutes)

Item 10

11:35–

11:55 a.m.

[Report of the Riverside Criminal Backlog Reduction Initiative \(No Action Required\)](#)

In June 2007, the Chief Justice outlined strategic actions to address the serious backlog of criminal cases facing Riverside County's justice system. He assigned to the superior court a team of both active and retired judges (the Strike Force) with extensive criminal trial experience to concentrate their efforts on the criminal case backlog. Associate Justice Richard D. Huffman of the Court of Appeal, Fourth Appellate District convened a task force of court and criminal justice system partners to identify ways to improve the management of criminal cases and to develop and implement positive solutions for the Riverside County justice system. This report will update the Judicial Council on the results of the Strike Force and provide an update on the work of the task force to improve the management of criminal cases.

Presentation (15 minutes)

Speakers: Hon. Richard D. Huffman
Chair, Executive and Planning Committee
Ms. Sheila Calabro
Southern Regional Office
Mr. Frederick G. Miller
Executive Office Programs Division

Discussion (5 minutes)

Item 11

11:55 a.m.–
12:35 p.m.

Children in Foster Care: Final Recommendations of the California Blue Ribbon Commission on Children in Foster Care to Improve the Juvenile Dependency Courts and Foster Care System in California (Action Required)

The Blue Ribbon Commission on Children in Foster Care submits its final recommendations. These recommendations are designed to improve the juvenile dependency courts and the child welfare system. The commission further recommends that the Judicial Council direct the commission and AOC staff to take actions to implement the recommendations.

Presentation (20 minutes)

Speakers: Hon. Carlos R. Moreno
Chair, Blue Ribbon Commission on
Children in Foster Care
Mr. Christopher Wu
Center for Families, Children & the Courts

Discussion/Council Action (20 minutes)

Circulating Orders since the last business meeting.

[Circulating Orders Tab]

Appointment Orders since the last business meeting.

[Appointment Orders Tab]