



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING

Thursday, July 14, 2016

12:10 to 12:40 p.m.

Teleconference

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**Committee Members Present:** Justice Douglas P. Miller (Chair) and Judge Marla O. Anderson (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, Gary Nadler, David M. Rubin, and Charles D. Wachob; Mr. Frank McGuire and Ms. Donna D. Melby

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**Committee Members Absent:** Mr. Richard D. Feldstein

**Committee Staff Present:** Ms. Amber Barnett and Ms. Pam Reynolds

**Staff Present:** Mr. Peter Allen, Ms. Heather Anderson, Mr. Patrick Ballard, Ms. Nadine Blaschak-Brown, Ms. Deborah Brown, Ms. Roma Cheadle, Ms. Diane Cowdrey, Ms. Charlene Depner, Ms. Cristina Foti, Mr. Jay Fraser, Ms. Lucy Fogarty, Mr. Martin Hoshino, Ms. Donna Ignacio, Ms. Diane Nunn, Ms. Leah Rose-Goodwin, Mr. Colin Simpson, Mr. David Smith, Ms. Nancy Taylor, Ms. Millicent Tidwell, Mr. Don Will and Ms. Carrie Zoller

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### OPENING MEETING

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#### Call to Order and Roll Call

The vice chair called the meeting to order at 12:10 p.m. and committee staff took roll call.

#### Approval of Minutes

The committee voted to approve the following minutes and Judge David Rubin abstained:

- June 9, 2016, Executive and Planning Committee meeting
- June 23, 2016, Executive and Planning Committee meeting (closed session)
- June 24, 2016, Executive and Planning Committee meeting (closed session)

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**DISCUSSION AND ACTION ITEMS**

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**Item 1**

**Agenda Setting for the July 29 Judicial Council Meeting (Action Required)**

Review draft reports and set the agenda for the Judicial Council meeting in July.

***Action: The committee reviewed draft reports and set the agenda for the Judicial Council meeting in July.***

**Item 2**

**Update on Subordinate Judicial Officer Conversions (Action Required)**

Review the policy update on subordinate judicial officer conversions and consider the policy update to be presented on the Judicial Council meeting in August.

***Action: The committee reviewed the policy update on subordinate judicial officer conversions and recommended that it be included on the agenda for the Judicial Council meeting in August.***

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**A D J O U R N M E N T**

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There being no further open meeting business, the meeting was adjourned at 12:40 p.m.

Approved by the advisory body on \_\_\_\_\_.



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Minutes of Action by E-mail Between Meetings for  
Executive and Planning Committee

**E-mail Proposal**

As part of the agenda setting for council meetings, the Executive and Planning Committee was asked to review the reports *Indian Child Welfare Act: Technical Amendment to Rule 5.482* and *Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2016* for approval to be included on the July 29, 2016, Judicial Council business meeting agenda.

**Notice**

On July 21, 2016, a notice was posted advising that the Executive and Planning Committee was proposing to act by email between meetings under California Rules of Court, rule 10.75(o)(1)(B).

**Action Taken**

Majority of members voted to approve both reports for the consent agenda of the council business meeting. One member abstained from voting on the Indian Child Welfare Act: Technical Amendment to Rule 5.482.

Approved by the advisory body on \_\_\_\_\_.



## JUDICIAL COUNCIL OF CALIFORNIA

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

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### MEMORANDUM

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**Date**

July 19, 2016

**Action Requested**

Approve Staff Recommendation

**To**

Members of the Executive and Planning  
Committee

**Deadline**

August 31, 2016

**From**

Judicial Council Staff  
Leah Rose-Goodwin, Manager  
David Smith, Senior Analyst  
Office of Court Research, Court Operations  
Services

**Contact**

David Smith  
415-865-7696 phone  
david.smith@jud.ca.gov

**Subject**

Request for the Elimination of Four  
Subordinate Judicial Officer Positions in the  
Superior Court of Contra Costa County

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**Executive Summary**

Court Operations Services staff recommend that the Judicial Council's Executive and Planning Committee (E&P) confirm the request from the Superior Court of Contra Costa County for the reduction in the number of authorized subordinate judicial officer (SJO) positions in the court from the current 8.0 positions to 4.0 positions. The Superior Court of Contra Costa County has informed council staff that the proposed reduction would enable the court to more closely align its number of approved SJO positions with the appropriate SJO workload, as established by Judicial Council-approved measures of judicial officer workload.

**Recommendation**

Court Operations Services staff recommend that E&P confirm the request from the Superior Court of Contra Costa County for a reduction in the number of authorized SJO positions in the court from the current 8.0 positions to a total of 4.0 positions.

### **Previous Council Action**

In 2007, the Judicial Council approved a methodology for evaluating the amount of workload appropriate to SJOs relative to the number of SJOs working in the courts. This work was used to identify SJO positions that were eligible for conversion to judgeships, as codified in Government Code section 69615(c)(1)(A). In addition, the council delegated authority to E&P for many of the administrative functions concerning subordinate judicial officers, including confirming requests for the conversion of SJO positions and approving changes to the number of SJO FTEs based on workload measures.<sup>1</sup>

### **Rationale for Recommendation**

Currently the court has three filled SJO positions and five vacant SJO positions. Granting the request for the reduction of four SJO positions would enable the court to more closely align its current number of SJO positions with the appropriate SJO workload of 4.8 positions, as established by the Office of Court Research through its research on judicial workload. The court, in its letter requesting the reduction, stated that it wished to retain one of the currently vacant positions in anticipation of future expected workload growth. Approving this request is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a), which delegated authority to E&P for review and approval of courts' requests to permanently adjust the workload or number of SJOs serving in a court.<sup>2</sup>

### **Comments, Alternatives Considered, and Policy Implications**

This proposal, which complies with council policy, was not circulated for comment.

### **Implementation Requirements, Costs, and Operational Impacts**

If the reduction in SJO positions is granted by E&P, the court would incur no new costs. Although the court had previously been identified as having SJO positions eligible for conversion to judgeships, the eligibility would no longer be in effect because the court's total number of authorized SJO positions would fall slightly below the court's allocation number based on projected SJO workload. On that basis, the costs and operational impact are projected to be minimal.

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<sup>1</sup> See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 14, 2007), available at [www.courts.ca.gov/documents/022307item9.pdf](http://www.courts.ca.gov/documents/022307item9.pdf), and the update of this report and SJO allocation list (Table 2), at [www.courts.ca.gov/documents/jc-20150821-itemL.pdf](http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf) (Aug. 11, 2015).

<sup>2</sup> Judicial Council Meeting of Feb. 23, 2007, San Francisco, California, Item 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in the Trial Courts*, at <http://www.courts.ca.gov/documents/min0207.pdf>.

Members of the Executive and Planning Committee

July 19, 2016

Page 3

**Attachment**

1. Attachment A: June 27, 2016, Letter from Presiding Judge Steven K. Austin and Court Executive Officer Stephen H. Nash, to Justice Douglas Miller, Chair, Executive and Planning Committee, Regarding a Request for the Reduction of SJO Positions.

# Superior Court of California

COUNTY OF CONTRA COSTA  
725 COURT STREET  
P.O. BOX 911  
MARTINEZ, CA 94553-0091



June 27, 2016

Hon. Douglas P. Miller, Chair  
Judicial Council of California  
Executive and Planning Committee  
455 Golden Gate Avenue, Fifth Floor  
San Francisco, Ca 94102-3688

Dear Justice Miller:

We submit this letter to request a reduction in the number of authorized subordinate judicial officer (SJO) positions at Contra Costa Superior Court, from the current 8.0 positions to 4.0. This change would more closely align our SJO positions with current court SJO workload, which was computed by Judicial Council staff at 4.8 positions. The change would also be more consistent with the financial reality that the court does not have, and does not foresee having, sufficient financial resources to fill the four vacant positions being requested for deletion.

While only 3.0 SJO positions are currently filled, the court may need to fill an additional SJO position in the future to address expected growth in traffic court hearings, to assist in the management of civil discovery workload, to provide relief for other commissioners when on leave, or to address other related workload.

Please note that approval of this request would also obviate the need for council approval of a separate request for an exemption from the SJO conversion process that we transmitted to you on February 16 of this year.

Thank you for your consideration of this matter. If you or staff have any questions regarding this request, please contact Stephen Nash at (925) 957-5600.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. K. Austin".

Hon. Steven K. Austin  
Presiding Judge

A handwritten signature in blue ink, appearing to read "Stephen H. Nash".

Stephen H. Nash  
Court Executive Officer

cc: Hon. Jill Fannin, Assistant Presiding Judge  
Martin Hoshino, Administrative Director of the Courts, Judicial Council  
Leah Rose Goodwin, Manager, Office of Court Research



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# MEMORANDUM

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**Date**

July 29, 2016

**Action Requested**

Approve Staff Recommendation

**To**

Members of the Executive and Planning  
Committee

**Deadline**

August 31, 2016

**From**

Judicial Council Staff  
Leah Rose-Goodwin, Manager  
David Smith, Senior Analyst  
Office of Court Research, Court Operations  
Services

**Contact**

David Smith  
415-865-7696 phone  
david.smith@jud.ca.gov

**Subject**

Request for the Deferral of the Conversion of  
One Subordinate Judicial Officer Position in  
the Superior Court of Placer County

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### Executive Summary

Court Operations Services staff recommend that the Judicial Council's Executive and Planning Committee (E&P) confirm the request from the Superior Court of Placer County for a deferral of the conversion of one vacant subordinate judicial officer (SJO) position to a judgeship. The Superior Court of Placer County has informed council staff that the caseload this position presides over in the Tahoe City courthouse is appropriate for an SJO and that staffing, budgetary, and geographical constraints converge to make the conversion of this position to a judgeship a hardship for the court at this time. Allowing the Placer Superior Court to appoint an SJO to this vacant position will allow the court the flexibility it needs to wisely use its limited judicial resources to effectively and efficiently serve the public in Placer County.

## Recommendation

Court Operations Services staff recommend that E&P confirm the request from the Superior Court of Placer County for a deferral of the conversion of one vacant SJO position to a judgeship. To date, the court has not requested that E&P confirm a request for the conversion of vacant SJO positions. Granting a deferral from the conversion of the vacant SJO position serving the Tahoe City courthouse will allow the court the flexibility it needs in the allocation of limited judicial resources when serving litigants seeking legal assistance at this remote court location as well as residents of Placer County more generally.

## Previous Council Action

The 2002 report of the Subordinate Judicial Officer Working Group led the Judicial Council to sponsor legislation to restore an appropriate balance between judges and SJOs in the trial courts. The 2002 report found that many courts had created SJO positions out of necessity in response to the dearth in the creation of new judgeships during the 1980s and 1990s. As a result, many SJOs were working as temporary judges. This imbalance between judges and SJOs was especially critical in the area of family and juvenile law.<sup>1</sup>

In 2007, the Judicial Council approved a methodology for evaluating the amount of workload appropriate to SJOs relative to the number of SJOs working in the courts. In the same year, the Legislature passed Assembly Bill 159, which adopted the Judicial Council's methodology. This resulted in a list of 25 courts in which a total of 162 SJO positions would be converted. Government Code section 69615(c)(1)(A) allows for the annual conversion of up to 16 SJO vacancies upon authorization by the Legislature in courts identified by the Judicial Council as having SJOs in excess of the workload appropriate to SJOs.<sup>2</sup>

Subsequent council action has established and refined guidelines for confirming and expediting the conversion of SJO vacancies. These guidelines include the following.

- The adoption of four trial court allocation groups and a schedule that distributes the 16 annual SJO conversions across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible;
- The delegation of authority to E&P for confirming SJO conversions;
- The establishment of guidelines for courts to notify the council of SJO vacancies and timelines for the redistribution of SJO conversions across the allocation groups; and

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<sup>1</sup> See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), [www.courts.ca.gov/7476.htm](http://www.courts.ca.gov/7476.htm).

<sup>2</sup> See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 14, 2007), available at [www.courts.ca.gov/documents/022307item9.pdf](http://www.courts.ca.gov/documents/022307item9.pdf), and the update of this report and SJO allocation list (Table 2), at [www.courts.ca.gov/documents/jc-20150821-itemL.pdf](http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf) (Aug. 24, 2015).

- The establishment of criteria for E&P to use in evaluating and granting requests by courts for the deferral of the conversion of SJO vacancies.

## **Rationale for Recommendation**

The Superior Court of Placer County is eligible for a total of two of the 162 conversions authorized by the Legislature under Government Code 69615(b)(1)(A). The Placer court belongs to allocation group four, which is allotted four conversions each year, two of which have already been allocated in fiscal year 2015–2016. To date, the court has not requested that E&P confirm a request for the conversion of vacant SJO positions.

Granting a deferral from the conversion of the SJO position serving the Tahoe City courthouse will allow the court the flexibility it needs in the allocation of limited judicial resources when serving litigants seeking legal assistance at this remote court location, as well as residents of Placer County more generally. The Superior Court of Placer County maintains three courthouses spread throughout the county. The Roseville and Auburn courthouses, situated in southern Placer County, address a heavy caseload that reflects the rapid and quite significant population growth that has occurred in this area over the last twenty years. This workload also reflects the fact that the court has 14.5 authorized judicial positions, at a time when the court's assessed judicial need is 19.4. On that basis having to shift a judicial officer to the Tahoe area may impair the ability of the court to serve the public in southern Placer County.

Further, the judicial officers now serving in the southern Placer County courthouses may encounter significant difficulty if they must travel the 80 or more miles to the Tahoe City courthouse to hear cases originating in the Lake Tahoe area. Conversely, many Tahoe area residents may encounter significant difficulty if they must commute to the southern Placer courthouses to have cases of relatively low complexity heard there. The travel related difficulties for both groups may be compounded during the winter months when extreme forms of weather are not uncommon, given that much of the Tahoe area resides at an elevation of over 5,000 feet, with the Tahoe City courthouse situated at an elevation of over 6,000 feet.

Finally, the Placer Court has explained that its case distribution matrix has been optimized to allow the court to effectively address the court's caseload in its widely dispersed courthouses. The appointment of a judge in the Tahoe City courthouse may require the reconfiguration of this framework at a time when the court's judicial and administrative resources are stretched thin.

Council policies concerning SJO conversion grant E&P the authority to confirm conversions, as well as evaluate and grant requests by courts for deferral of the conversion of SJO vacancies. Because this request appears to fall within the boundaries of the current policy on the deferral of conversions, and is consistent with the spirit of the statute governing SJO conversions, it is staff's recommendation that the request be granted.<sup>3</sup>

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<sup>3</sup> See Judicial Council of Cal., *Subordinate Judicial Officers: Allocation of Conversions* (Dec. 4, 2007); and Judicial Council of Cal., *Proposal to Modify Subordinate Judicial Officer Conversion Policy* (Apr. 14, 2009), available at: <http://www.courts.ca.gov/documents/042409itemh.pdf>.

## **Comments, Alternatives Considered, and Policy Implications**

This proposal, which complies with council policy on SJO conversions, was not circulated for comment.

## **Implementation Requirements, Costs, and Operational Impacts**

If the temporary exception to SJO conversions is granted by E&P, the court would incur no new costs while the requirement for eventual conversion of the aforementioned positions would continue to be in effect. The granting of a deferral of the conversion of the SJO position in question is designed to help minimize the adverse operational impact that state funding cuts have had on the court's budget. On that basis the operational impact is projected to be minimal.

## **Attachment**

1. Attachment A: July 15, 2016, Letter from Chief Executive Officer Jake Chatters, Superior Court of Placer County, to Justice Douglas Miller, Chair, Executive and Planning Committee, Regarding a Request for the Deferral of the Conversion of an SJO Position to a Judgeship in the Tahoe City Courthouse.



**Superior Court of the State of California**  
**In and For The County of Placer**  
**Roseville, California**

10820 JUSTICE CENTER DRIVE, ROSEVILLE, CALIFORNIA 95678  
P.O. BOX 619072, ROSEVILLE, CALIFORNIA 95661

**JAKE CHATTERS**  
**COURT EXECUTIVE OFFICER**  
**AND CLERK OF THE SUPERIOR COURT/**  
**JURY COMMISSIONER**  
**(916) 408-6186 FAX (916) 408-6188**

July 15, 2016

Hon. Douglas P. Miller, Chair  
Executive and Planning Committee  
Judicial Council of California  
455 Golden Gate Ave.  
San Francisco, CA 94102

Transmitted via email to: [executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

Re: Notification of Commissioner Vacancy and Request for Deferral of Conversion  
Due to Hardship

Dear Justice Miller,

The purpose of this letter is to seek approval by the Executive and Planning Committee to defer the conversion of a Commissioner position at the Placer County Superior Court to a judgeship. This request is occasioned by the recent retirement of the Court's long-time Commissioner at the Placer Superior Court's most remote courthouse in Tahoe City. As explained below, this deferral request is being made due to hardships created by various geographical, caseload and operational considerations. This request has the unanimous backing of the Placer County Superior Court bench.

We understand that the Executive and Planning Committee is currently in the process of reevaluating the criteria that may justify a court deferring the conversion of a commissioner position to a judgeship. We submit a deferral is justified here either in light of existing criteria or those being currently considered for future adoption by E&P.

In considering this request, it is first important to take note of the locations of the Placer County Superior Court's courthouses. The main courthouse for the Placer County Superior Court is located in Roseville, in south Placer County. The courthouse in Roseville, which opened in 2008, operates nine courtrooms, the court's administrative offices and is located adjacent to the Placer County Jail and Probation Offices. This court helps serve the tremendous growth in population in south Placer County over the past few

decades. The Placer Superior Court also operates an historic courthouse and juvenile court facilities in Auburn. Placer County extends from its border with Sacramento County approximately 110 miles to north Lake Tahoe in the Sierra Mountains, an elevation change of 5,000 feet. The Court operates a single courtroom at a small facility in Tahoe City, which is more than 80 miles from the nearest other court facility in Auburn. The Tahoe City courtroom has for many years handled cases traditionally handled by commissioners, primarily including traffic, misdemeanor, unlawful detainer, small claims, and limited civil cases, with a small family law caseload. This court facility helps to serve the residents and attorneys in the north Tahoe area, who would otherwise be required to travel from the Sierras to other court facilities in Placer County. The Tahoe City courtroom has been served by a commissioner for decades.

Currently, the Placer Superior Court is eligible to convert up to two commissioner positions, pursuant to the report on Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data, acted on by the Judicial Council at its August 21, 2015 meeting. However, the Court believes it can best maintain continuity of service to court users in the North Tahoe area by continuing to maintain a commissioner position at the Tahoe courtroom. Due to the geographic remoteness of the court in Tahoe City, and the need to maintain a continuing level of service and a connection to that local community, the court strongly feels continuing a commissioner position remains ideal at this location.

We note that, in the Placer County Superior Court's overall matrix of case assignments, the Tahoe City location continues to be set up to hear traffic cases, small claims cases, unlawful detainer cases, limited civil cases, and some criminal cases (misdemeanor cases through trial and felony cases up to preliminary hearing). We acknowledge that there is a small family law caseload at the Tahoe City court. However, the vast bulk of cases heard at the Tahoe City location are consistent with the traditional functions of a subordinate judicial officer, and consistent with the report on Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data.

The court stands ready to promptly fill the now vacant commissioner position and that continuity of service at this remote location would be more assured in this fashion, as opposed to unknown delay that would likely result awaiting a judicial appointment.

You may be aware that the Placer County Superior Court continues to operate with a significant deficiency in judicial resources. The Placer Superior Court has an Assessed Judicial Need (AJN) of 19.4 (includes AB 1058 workload). With only 14.5 authorized judicial positions, the court is currently operating with 25% fewer judicial officers than necessary to address our caseload. This shortage is not likely to be cured until previously authorized new judgeships are funded, in which case the court would receive three new judgeships. In the meantime, this deficiency in judicial positions requires the court to maximize its judicial resources and to ensure that judges are able to hear the most serious cases, as occurs now under the well-functioning case matrix determined by the Presiding Judge. The judges of the court continue to believe that maintaining the current judicial assignments will best serve the public, including citizens at the far end of Placer County who are able to use the Tahoe City court for the types of matters listed above.

In terms of caseload dynamics, we note a workload increase in misdemeanor cases being handled by the court. The court is experiencing a 20% increase in new misdemeanor filings. Due to the significant shortage of judicial resources in the court, it is imperative that the court have the flexibility to assign some of these misdemeanor cases to the commissioner at the remote Tahoe City court, if needed, so that the court's judges may focus on the balance of the heavy misdemeanor and felony caseload currently scheduled at the Roseville and Auburn courts.

The court highlights these points in support of our request that the current vacant SJO position not convert, at this time. Again, this request is primarily based on the remote location of the vacancy, the caseload assigned to this remote location, and the need to provide better continuity of court services to the court users in the North Tahoe area of Placer County. We believe the confluence of these factors, together with the court's overall shortage in judicial resources and increased misdemeanor filings, constitute hardships and certainly justify deferring a conversion at this time. Finally, in the event additional judgeships are funded for the Placer Court, we fully anticipate not having to request any additional deferrals in converting a commissioner position to a judgeship, with the exception of the commissioner position assigned to the court in Tahoe City.

Thank you, and the members of E&P, for considering the court's request. Should E&P require further information or clarifications, please do not hesitate to contact me using the information above.

Sincerely,

/s/

Jake Chatters  
Court Executive Officer

cc: Hon. Alan V. Pineschi, Presiding Judge, Superior Court of Placer County  
Ms. Leah Rose-Goodwin, Manager, Office of Court Research, Judicial Council of California



# Judicial Council of California

Ronald M. George State  
Office Complex  
Malcolm M. Lucas  
Board Room  
455 Golden Gate Avenue  
San Francisco, California  
94102-3688

## Meeting Agenda

### Judicial Council

*Open to the Public Unless Indicated as Closed  
(Cal. Rules of Court, rule 10.6(a))*

Thursday, August 25, 2016

San Francisco

## OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session 12:15–3:15 p.m.

### EDUCATIONAL AGENDA

**16-131      Judicial Branch Technology Update: Appellate Technology (No Action Required. There are no materials for this item.)**

**Summary:** An update on the implementation of the Judicial Council-adopted *Court Technology Governance and Strategic Plan* including how technology can be used now and in the future to improve access to justice and address challenges. The report will highlight how technology is being used to meet current Appellate Court business needs by improving business processes, operations, and service to the public, as well as provide a statewide E-Filing initiative and status update.

**Speakers:** Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee  
Ms. Julie Bagoye, Information Technology  
*30 minutes*

**16-133      Resource Assessment Study, Workload-based Allocation and Funding Methodology, and the Trial Courts (No Action Required. There are no materials for this item.)**

**Summary:** Judicial Council Finance and Office of Court Research Staff will provide an overview of the Workload-based Allocation and Funding Methodology (WAFM) and the Resource Assessment Study (RAS) model.

**Speakers:** Ms. Deana Farole, Office of Court Research  
Mr. Colin Simpson, Budget Services  
*60 minutes*

**16-153      Department of Finance Presentation: Economic Forecast (No Action Required. There are no materials for this item.)**

**Summary:** SPEAKER TBD  
*60 minutes*

### DISCUSSION AGENDA

[16-129](#)**Judicial Council - Innovations Grant: Solicitation for Applications  
(Action Required)****Summary:**

The Ad Hoc Working Group for Innovations Grants recommends the Judicial Council approve the Request for Applications (RFA)-Court Innovations Grant Program (Attachment A). The recommended RFA is intended to provide a transparent and user-friendly process for courts seeking innovation grant funding. The RFA will be released on September 1, 2016 to trial courts and appellate courts, to solicit grant proposals for a grant period covering June 1, 2017 - June 30, 2020, for monies appropriated by the Budget Act of 2016. The RFA includes guidelines for grant proposals that promote innovative and efficient access to justice including new programs or practices and the adoption of existing best practices that better serve the public and court users.

**Speakers:**

Hon. David Rosenberg, Chair, Ad Hoc Working Group on Innovations Grants  
*30 minutes*

**Adjournment (approx. 3:15 p.m.)**

*Note: the following presentation will be held in the Milton Marks Conference Center Auditorium (lower level of the Ronald M. George State Office Complex).*

**DISTINGUISHED SERVICE AWARDS**

*The Judicial Council honors the recipients of its annual Distinguished Service Award for significant contributions to court administration in California. Additionally, the Judicial Council, California Judges Association, State Bar of California, and Commission on Access to Justice jointly confer the Aranda Access to Justice Award, honoring members of the judiciary who have demonstrated a long-term commitment to improving equal access to courts for low- and moderate-income Californians.*

2016 Judicial Council Distinguished Service Award Honorees

Hon. Maria Hernandez

Mr. Alan Carlson & Mr. Robert Oyung

2016 Aranda Access to Justice Award Honorees

Hon. Colleen Toy White

Hon. Julia C. Kelety



# Judicial Council of California

Ronald M. George State  
Office Complex  
Malcolm M. Lucas  
Board Room  
455 Golden Gate Avenue  
San Francisco, California  
94102-3688

## Meeting Agenda

### Judicial Council

*Open to the Public Unless Indicated as Closed  
(Cal. Rules of Court, rule 10.6(a))*

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Friday, August 26, 2016

San Francisco

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## OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session: 8:30 a.m.–12:00 p.m.

### Call to Order

### Approval of Minutes

**16-143**            **Minutes of the July 29, 2016, Judicial Council meeting.**  
*5 minutes*

### Chief Justice's Report

*20 minutes*

### Administrative Director's Report

**16-144**            **Administrative Director's Report**  
*15 minutes*

### Judicial Council Committee Presentations

**16-145**            **Judicial Council Committee Reports**

**Summary:**        Executive and Planning Committee  
                          Hon. Douglas P. Miller, Chair  
                          Policy Coordination and Liaison Committee  
                          Hon. Kenneth K. So, Chair  
                          Rules and Projects Committee  
                          Hon. Harry E. Hull, Jr., Chair  
                          Judicial Council Technology Committee  
                          Hon. Marsha G. Slough, Chair  
*30 minutes*

### Judicial Council Members' Liaison Reports

*15 minutes*

## Public Comment

30 minutes

*The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council's understanding of the issues coming before it. Please see our public comment procedures below:*

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, August 23.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, August 24.

Contact information for advance requests to speak, written comments, and questions:

E-mail: [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

Postal mail or delivery in person:

Judicial Council of California

455 Golden Gate Avenue

San Francisco, California 94102-3688

Attention: Donna Ignacio

**Break: 10:20–10:35 a.m.**

## CONSENT AGENDA

*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 Carlisle at 415-865-7614 at least 48 hours before the meeting.*

**16-125**

### **Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)**

**Summary:**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Humboldt*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

**16-128**

### **Five Year Master Plan: Deferred Maintenance Report, Fiscal Year 2016-2017 (Action Required)**

**Summary:**

In compliance with the California state Department of Finance's (DOF) annual request, Judicial Council Real Estate and Facilities Management staff has prepared the Deferred Maintenance Request Log for fiscal year (FY) 2017-2018, which provides deferred maintenance project information within judicial branch facilities. This information is part of DOF Budget Letter (BL) 15-17 and is

included as part of the Council's Five-Year Infrastructure Plan. To comply with DOF's request, Real Estate and Facilities Management staff has prepared the attached Deferred Maintenance List to include building name, project system, project rough order of magnitude, as well as the branch's share of costs. The list is also prioritized based primarily on need. For active facilities, the list presents a total of 2,849 deferred maintenance needs with an estimated rough order of magnitude value of \$2.03 billion, of which the Judicial Branch responsible share is \$1.59 billion.

[16-130](#)**Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships (Action Required)****Summary:**

The Executive and Planning Committee (E&P) of the Judicial Council has authority to confirm conversions of subordinate judicial officer positions to judgeships under Government Code section 69615, using uniform criteria adopted by the Judicial Council to identify positions eligible for conversion. Under certain circumstances, E&P may grant a temporary exception to conversion at the request of a court that wishes to defer a conversion until a later time. The policy that established the criteria for deferring conversions was adopted by the Judicial Council in 2009 but needs to be updated in order to fit the current needs of courts. In order to meet the operational needs of courts and to provide clear guidance to both courts and E&P regarding the circumstances under which an exception may be granted, E&P recommends that the Judicial Council approve updated criteria under which a court can seek a deferral of a conversion.

[16-132](#)**Jury Instructions: Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*. These changes will keep CALCRIM current with statutory and case authority.

[16-134](#)**Judicial Council Report to the Legislature: Report on California Rules of Court, rule 10.75 (Meetings of Advisory Bodies) (Action Required)****Summary:**

Under California Rules of Court, rule 10.75(p), the Judicial Council must review the rule's impact periodically to determine whether amendments are needed. It has been determined that there are no amendments needed at this time. Judicial Council staff recommends that the council receive this report and direct that the attached letter be sent to the Joint Legislative Budget Committee as required by the Supplemental Report of the 2013-2014 Budget Package.

[16-135](#)**Judicial Council Report to the Legislature: Allocations and Reimbursements to the Trial Courts for Fiscal Year 2015-2016 (Action Required)****Summary:**

Judicial Council staff recommend approving the *Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2015-2016*. Government

Code section 77202.5(a) requires that the Judicial Council report to the Legislature on all approved allocations and reimbursements to the trial courts in each fiscal year by September 30: to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary, and the chairs of the Assembly Committees on Budget and Judiciary. The allocations and reimbursements reflect disbursements to courts through July 27, 2016, and any remaining encumbrances as of July 27, 2016. The report will be updated to include the final regular distribution to the trial courts scheduled for August 31, 2016, before submission to the Legislature.

[16-137](#)**Court Facilities: Court-Funded Facilities Request (CFR) Procedure Revision (Action Required)****Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) recommends that the Judicial Council of California revise the Court-Funded Facilities Request (CFR) Procedure to more expeditiously serve the trial courts in meeting their facilities needs. By allowing Council staff to approve CFRs and by increasing the small project budget maximum value from its current threshold of \$15,000 per project, trial court leadership can better plan their facilities financial contributions and see urgent facilities projects come to fruition as much as 45 days sooner than the current standard allows.

[16-142](#)**Court Facilities: Superior Court of California, County of Los Angeles: Hollywood Courthouse Project Design-Build Delivery Method and Prequalification Process (Action Required)****Summary:**

Judicial Council staff recommends that the Judicial Council proceed with the design-build delivery method for the new Hollywood Courthouse and establish the prequalification process for design-build entities for the new Hollywood Courthouse project.

[16-148](#)**Judicial Council Administration: Increased Maximum Lodging Reimbursement Rate for San Francisco (Action Required)****Summary:**

Judicial Council staff recommends that the Judicial Council approve an increase in the maximum lodging reimbursement rate for San Francisco from \$150 per night to \$250 per night. This increase will align the rate for judicial branch officers and employees with the rate implemented by the executive branch for excluded employees in July 2016.

[16-150](#)**Trial Courts: Financial Policies and Procedures (Action Required)****Summary:**

Judicial Council staff recommends amending rule 10.804 of the California Rules of Court concerning the *Trial Court Financial Policies and Procedures Manual* because the rule currently provides that the manual include policies and procedures for procurement and contracting by superior courts. That is no longer necessary because these policies and procedures are now contained in the *Judicial Branch Contracting Manual*.

[16-152](#)**Judicial Branch Education: Judicial Council Education (Action Required)**

**Summary:** Rule 10.491 addresses education requirements for Judicial Council staff. The overarching goal of amending rule 10.491 is to enable Judicial Council staff to more effectively fulfill their education requirements by eliminating administrative elements that do not directly bear on education, adding flexibility to better serve the structure and operation of the Judicial Council staff office, and streamlining the tracking of employee education in the Human Resources and Education Management System (HREMS). Judicial Council staff recommends these amendments, which are supported by the Administrative Director and by the Governing Committee of the Center for Judicial Education and Research.

## DISCUSSION AGENDA

[16-139](#) **Budget: Fiscal Year 2017-18 Budget Proposals for Supreme Court, Courts of Appeal, Judicial Council, Judicial Branch Facilities Program, Trial Courts, and Habeas Corpus Resource Center (Action Required)**

**Summary:** The delegated committees of the Judicial Council recommend approving fiscal year 2017-18 budget proposals for the Supreme Court, Courts of Appeal, Judicial Council, Judicial Branch Facility Program, Trial Courts, and Habeas Corpus Resource Center. In addition, the Judicial Council staff recommends delegating authority to the Administrative Director to make technical changes to any budget proposals, as necessary. Submittal of budget change proposals is the standard process for proposing funding adjustments in the State Budget, which must be submitted to the state Department of Finance by September 2, 2016.

**Speakers:** Mr. Zlatko Theodorovic, Budget Services

*50 minutes*

[16-141](#) **Court Facilities: Budget Allocations for Statewide Trial Court Facility Modifications and Planning in Fiscal Year 2016-2017 (Action Required)**

**Summary:** The Trial Court Facility Modification Advisory Committee (TCFMAC) recommends allocations of the \$65 million appropriated by the Legislature for trial court facility modifications in the fiscal year (FY) 2016-2017 State Budget. The recommended allocations support facility modification planning and facility modifications for emergency and critical needs.

**Speakers:** Hon. Donald Cole Byrd, Chair, TCFMAC  
Hon. William Highberger, Vice-Chair, TCFMAC  
Mr. Enrique Villasana, Real Estate and Facilities Management  
Mr. Brad Boulais, Real Estate and Facilities Management

*15 minutes*

**16-151** **Court Facilities: Recommendation on the Active Senate Bill 1407 Courthouse Capital Projects (Action Required)**

**Summary:** The Court Facilities Advisory Committee recommends that, given the revenue issues with respect to the Immediate and Critical Needs Account, its

recommendations are adopted to adjust and in some cases hold the schedules of the active Senate Bill 1407 projects.

**Speakers:**

Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee  
Mr. Mike Courtney, Capital Program

20 minutes

## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[16-136](#)

**Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 4 of Fiscal Year 2015-2016**

**Summary:**

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the fourth quarter of fiscal year 2015-2016. In compliance with the *Trial Court Facility Modifications Policy*, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 4, Fiscal Year 2015-2016* as information for the council. This report summarizes the activities of the TCFMAC from April 1, 2016, to June 30, 2016.

[16-138](#)

**Trial Courts: Court Realignment Data (Calendar Year 2015) (Action Required)**

**Summary:**

Pursuant to Penal Code section 13155, commencing January 1, 2013, the Judicial Council must collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and submit the data annually to the California Department of Finance (DOF), the Board of State and Community Corrections (BSCC), and the Joint Legislative Budget Committee (JLBC) by September 1. This is the fourth annual court realignment data report to the DOF, BSCC, and JLBC. The *Court Realignment Data (Calendar Year 2015)* is included as Attachment A to this report.

[16-140](#)

**Criminal Sentencing: Findings from a Study on the Use of Risk and Needs Assessment Information**

**Summary:**

The California Risk Assessment Pilot Project, which was funded under a partner grant from the State Justice Institute and the National Institute of Corrections, explores the ways in which evidence-based practices, specifically the use of risk and needs assessment (RNA) information, can be incorporated into adult felony probation sentencing and violation proceedings to reduce offender recidivism and improve offender accountability. Probation departments in the pilot sites sentenced a significantly lower proportion of felony probationers to prison and jail compared to the rest of the state and findings support the validity of the RNA tools as a means to predict the occurrence of future noncompliant behavior. The final project report is included as Attachment A: *The California Risk Assessment Pilot Project: The Use of Risk and Needs Assessment Information in Adult Felony Probation Sentencing and Violation Proceedings*.

[16-147](#)

**Trial Courts: Annual Investment Report for Fiscal Year 2015-2016**

**Summary:**

This *Trial Courts: Annual Investment Report* covers the period of July 1, 2015,

through June 30, 2016, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

**There were no Circulating Orders since the last Judicial Council business meeting.**

**Appointment Orders**

**16-154 Appointment Orders since the last Judicial Council business meeting.**

**Adjournment (approx. 12:00 p.m.)**