



JUDICIAL COUNCIL MEETINGS

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

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

Monday, December 12, 2011 • 8:30 a.m.–5:30 p.m.

Tuesday, December 13, 2011 • 8:30 a.m.–3:45 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by the Judicial Council Secretariat. Please check the agenda at <http://www.courts.ca.gov/jcmeetings.htm> for recent postings of hyperlinked reports.

MONDAY, DECEMBER 12, 2011 AGENDA

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

Session 8:30 a.m.–Noon

Lunch Break Noon–12:30 p.m. (approx.)

OPEN MEETING (RULE 10.6(A))—BUSINESS MEETING

Item 1 12:30–1:15 p.m.

California Court Case Management System (CCMS): Status Report on Due Diligence Process for CCMS Collaborative Project (No Action Required. There are no materials for this item.)

At its last meeting, the council authorized a 12-week period of discussion, information exchange, and planning to determine whether a collaborative relationship with the State Bar of California and the Chan Soon-Siong Family Foundation should be entered into for the purpose of deploying the California Court Case Management System (CCMS) and other technology activities. At this meeting, a status report will be provided.

Public Comment and Presentation (35 minutes) • Discussion (10 minutes)

NOTE: Time is estimated. Actual start and end times may vary.

Presenters: Hon. James E. Herman, Chair, CCMS Internal Committee
Mr. Ronald G. Overholt, Interim, Administrative Director, Administrative Office of the Courts
Ms. Christine Patton, Interim Chief Deputy Director, Administrative Office of the Courts
Ms. Mary M. Roberts, General Counsel, Office of the General Counsel

Item 2 1:15–1:30 p.m.

Report to the Legislature: Status of the California Court Case Management System and the Phoenix Program (No Action Required)

This annual written report to the Legislature will be completed very close to the meeting date and will be the subject of an informational status report at this meeting.

Public Comment and Presentation (10 minutes) • Discussion (5 minutes)

Presenters: Hon. Terence L. Bruiniers, Chair, CCMS Executive Committee
Hon. James E. Herman, Chair, CCMS Internal Committee
Mr. Ronald G. Overholt, Interim, Administrative Director, Administrative Office of the Courts
Mr. Curt Soderlund, Director, Trial Court Administration Services Division

Item 3 1:30–1:55 p.m.

Judicial Workload Assessment: Updated Caseweights (Action Required)

The SB 56 Working Group recommends that the Judicial Council approve new caseweights for evaluating the statewide need for judicial officers. Government Code section 69614(c) requires the Judicial Council “to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using the uniform criteria for allocation of judgeships.” If approved, the new caseweights would replace caseweights approved by the Judicial Council in 2001, thus updating the estimates of judicial need to reflect current law and practice. The new caseweights would be used for the 2012 report to the Legislature and Governor and would also be used to “provide to the Legislature a special assessment of the need for new judgeships in the family law and juvenile law assignments for each superior court” (Gov. Code, § 69614(c)(2)).

Public Comment and Presentation (15 minutes) • Discussion (10 minutes)

Speakers: Hon. Nancy Wieben Stock, Member, SB 56 Working Group
Mr. Dag MacLeod, Manager, Office of Court Research
Ms. Leah Rose-Goodwin, Senior Research Analyst, Office of Court Research
Ms. Deana Piazza, Supervising Research Analyst, Center for Families, Children & the Courts

Break **1:55–2:10 p.m.**

Item 4 **2:10–3:05 p.m.**

Court Facilities: Senate Bill 1407 Courthouse Projects, FY 2012–2013 Update to Five-Year Plan, and Funding for Existing Facilities (Action Required)

The Court Facilities Working Group recommends several actions related to moving forward with the Senate Bill 1407 courthouse construction program, including canceling projects for the Superior Courts of Alpine and Sierra Counties and committing additional funds to move other projects forward in fiscal year (FY) 2011–2012. The working group also recommends submitting continuation-funding requests to the Department of Finance, along with the FY 2012–2013 annual update to the Judicial Branch AB 1473 Five-Year Infrastructure Plan; making reductions to SB 1407 project construction budgets and the program-wide contingency budget; and having the council request additional funding for operations and maintenance and for facility modifications.

Public Comment and Presentation (30 minutes) • Discussion (25 minutes)

Presenters: Hon. Brad R. Hill, Chair, Court Facilities Working Group
 Hon. Patricia M. Lucas, Vice-Chair, Court Facilities Working Group
 Hon. David Edwin Power, Chair, Trial Court Facility Modification Working Group
 Hon. William F. Highberger, Member, Trial Court Facility Modification Working Group

Item 5 **3:05–3:45 p.m.**

Judicial Council Legislative Priorities: 2012 (Action Required)

The Policy Coordination and Liaison Committee recommends, consistent with the approach adopted for 2011, in which Judicial Council priorities focused primarily on budget and budget-related matters, that the Judicial Council adopt the legislative priorities for 2012 in the following order of priority: (1) budget, including advocating for a combination of solutions to restore a portion of previously reduced funding to the judicial branch and improve the ability of the branch to more effectively serve the public; (2) continuing to advocate opposition of Assembly Bill 1208, which seeks to significantly reduce the Judicial Council’s authority and role in judicial branch governance; and (3) the continuing priority of securing new judgeships and ratifying the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts.

Public Comment and Presentation (20 minutes) • Discussion (20 minutes)

Speakers: Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee
 Mr. Curtis L. Child, Director, Office of Governmental Affairs
 Ms. Donna S. Hershkowitz, Assistant Director, Office of Governmental Affairs

Break **3:45–4:00 p.m. (transition from third floor to lower level)**

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

Item 6 **4:00–5:30 p.m.**

Judicial Council Distinguished Service Awards for 2011 (No Action Required)

The Judicial Council honors the winners of the annual Distinguished Service Awards for significant and positive contributions to court administration in California. The council approved the winner at its October 28, 2011, meeting. The Ronald M. George Award for Judicial Excellence honors members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice statewide. The William C. Vickrey Leadership in Judicial Administration Award honors individuals in judicial administration for significant statewide contributions to and leadership in their profession. The Bernard E. Witkin Amicus Curiae Award honors individuals other than members of the judiciary for their outstanding contributions to the courts of California. The Stanley Mosk Defender of Justice Award honors individuals from federal, state, and local government for significant contributions to advancing equal access to fair and consistent justice in California.

- Recipients: Hon. Brad R. Hill, Administrative Presiding Justice, California Court of Appeal, Fifth Appellate District
 Hon. Ronald B. Robie, Associate Justice, California Court of Appeal, Third Appellate District
 Mr. Michael D. Planet, Court Executive Officer, Superior Court of California, County of Ventura
 Mr. Joseph W. Cotchett, Attorney at Law
 Hon. Noreen Evans, Senator, California State Senate
- Speakers: Hon. Tani Cantil-Sakauye, Chief Justice of California and Chair, Judicial Council of California
 Mr. Ronald G. Overholt, Interim Administrative Director, Administrative Office of the Courts

The Richard D. Huffman Justice for Children and Families Distinguished Service Award will be presented this inaugural year on December 14, 2011, at an event in conjunction with Beyond the Bench 21, a multidisciplinary conference, with an anticipated 1000 attendees. This year's conference will address a broad spectrum of challenges facing family and juvenile courts, collaborative justice practices, supervised visitation, and services to self-represented litigants, youth law, and tribal law. This Distinguished Service Award honors individuals for outstanding contributions to improving access to justice for children and families.

Recipients: Hon. Richard D. Huffman, Associate Justice, California Court of Appeal,
Fourth Appellate District
Mr. William C. Vickrey, Former Administrative Director of the Courts

TUESDAY, DECEMBER 13, 2011 AGENDA—BUSINESS MEETING

8:30–9:00 a.m. **Public Comment**

[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to judicialcouncil@jud.ca.gov or mail or deliver your request to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Thursday, December 8, 2011**. In the request, please state:

- The speaker's name, occupation, and (if applicable) name of the entity that the speaker represents;
- The speaker's email address, telephone number, and mailing address; and
- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than five minutes, the specific time allocation to be determined based on the number of speakers and available time.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

[Written Comments Received](#)

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to judicialcouncil@jud.ca.gov or mailed or delivered to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. Only written comments received by **1 p.m. on Friday, December 9, 2011**, will be distributed to council members at the meeting.

9:00–9:05 a.m. [Approval of Minutes](#)

Minutes of the October 27–28, 2011, meetings

- 9:05–9:20 a.m. Chief Justice’s Report**
Chief Justice Tani Cantil-Sakauye will report.
- 9:20–9:35 a.m. [Interim Administrative Director’s Report](#)**
Mr. Ronald G. Overholt, Interim Administrative Director of the Courts, will report.
- 9:35–9:50 a.m. [Judicial Council Committee Presentations](#)
[under Committee Reports Tab]**
Policy Coordination and Liaison Committee
Hon. Marvin R. Baxter, Chair
Executive and Planning Committee
Hon. Douglas P. Miller, Chair
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
California Court Case Management System (CCMS) Internal Committee
Hon. James E. Herman, Chair

CONSENT AGENDA (ITEMS A1–A14, B–H)

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.

ITEMS A1–A14 RULES, FORMS, AND STANDARDS

Appellate

[Item A1 Appellate Procedure: When to Use Initials to Identify Individuals in Juvenile Proceedings \(Action Required\)](#)

The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommend amending the rule relating to the confidentiality of juvenile proceedings in the appellate courts to require the use of a juvenile’s first name and last initial in published opinions unless the use of only initials is needed to protect anonymity of the juvenile and to require the use of the first name and last initial or only the initials of any relative of the juvenile if needed to protect anonymity of the juvenile. This amendment will conform the rule to an interim policy adopted by the Supreme Court of California on the use of initials in juvenile proceedings.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

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

Civil and Small Claims

Item A2 Civil Law: Gender Change Forms (Action Required)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise all forms for petitioning a court to recognize a person's change of gender to implement the new statutory requirements enacted in Assembly Bill 433 (Stats. 2011, ch. 718). Because the new law goes into effect on January 1, 2012, the advisory committee recommends that these form changes be adopted to be effective that same date and circulated for public comment after approval.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Ms. Anne M. Ronan, Office of the General Counsel

Item A3 Civil Forms: Notice of Entry of Dismissal and Proof of Service (Action Required)

The Civil and Small Claims Advisory Committee recommends revising the mandatory *Notice of Entry of Dismissal and Proof of Service* (form CIV-120) to include an item for proof of electronic service and minor formatting changes. This revision will enable this form to be used in cases where courts require electronic service or parties agree to such service.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Ms. Anne Ronan, Office of the General Counsel

Item A4 Civil Law: Wage Garnishment Forms Concerning Claims for Exemption (Action Required)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council implement the statutory changes to wage garnishment exemptions enacted in Assembly Bill 1388 by revising two wage garnishment forms to reflect the changed exceptions to the exemptions. Because the new law goes into effect on January 1, 2012, the committee recommends that these revised forms be adopted expeditiously and circulated for public comment after approval. A previous set of revised wage garnishment forms also become effective on January 1, 2012, so these two forms are proposed to go into effect the next day, January 2, to avoid the confusion of having different versions of a form with the same effective date.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Ms. Anne M. Ronan, Office of the General Counsel

Item A5 Jury Instructions: Additions, Revisions, and Revocations to Civil Jury Instructions (Action Required)

The Advisory Committee on Civil Jury Instructions recommends approval of the proposed additions, revisions, and revocations to *the Judicial Council of California Civil Jury*

Instructions (CACI). These changes will keep CACI current with statutory and case authority.

Hon. H. Walter Croskey, Chair, Advisory Committee on Civil Jury Instructions

Staff: Mr. Bruce Greenlee, Office of the General Counsel

Court Technology

Item A6 Electronic Filing and Service: Extending E-filing Programs to the Supreme Court and the Courts of Appeal (Action Required)

The Court Technology Advisory Committee recommends amending the rules authorizing an electronic filing pilot program in the Court of Appeal, Second Appellate District to extend the authority to conduct e-filing programs to the Supreme Court and any Court of Appeal that elects to do so.

Hon. Ming W. Chin, Chair, Court Technology Advisory Committee

Staff: Mr. Patrick O'Donnell, Office of the General Counsel

Criminal Law [A council member requested that this item be moved from the Consent Agenda to the Discussion Agenda.]

~~Item A7 Criminal Justice Realignment: Abstract of Judgment Forms (Action Required)~~

~~The Criminal Law Advisory Committee recommends that the Judicial Council approve revisions to the abstract of judgment forms (forms CR-290, CR-290-A, and CR-290.1) as required by recently enacted criminal justice realignment legislation.~~

~~Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee~~

~~Staff: Mr. Arturo Castro, Office of the General Counsel~~

Family and Juvenile Law

Item A8 Family Law: Default and Uncontested Judgment Checklist and Related Forms (Action Required)

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend that the Judicial Council, effective July 1, 2012, adopt rules 5.405, 5.407, and 5.409 of the California Rules of Court to set out consistent statewide standards for court review of judgments in dissolution or legal separation cases submitted by declaration under Family Code section 2336. The task force and the committee also recommend that the council, effective July 1, 2012, approve one new form and revise five forms to facilitate statewide simplification of the process for obtaining default and uncontested judgments. This proposal implements recommendation 1E of the Elkins Family Law Task Force's *Final Report and Recommendations*, which calls for a consistent statewide procedure for submitting and filing defaults and uncontested judgments by declaration under Family Code section 2336.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

Hon. Laurie D. Zelon, Chair, Elkins Family Law Implementation Task Force

Staff: Ms. Deborah J. Chase, Center for Families, Children & the Courts

Item A9 Family Law: Dissolution, Legal Separation, or Nullity of Same-Sex Marriage (Action Required)

The Family and Juvenile Law Advisory Committee recommends revising the domestic partnership petition and response forms to include dissolution, legal separation, and nullity of same-sex marriage. These revisions would implement the mandate of Assembly Bill 2700, which requires the Judicial Council to prescribe a form for couples who are concurrently married and registered as domestic partners to dissolve both unions in a single court proceeding. They also include the requirements of Senate Bill 651, which allows same-sex couples who married in California, but now live in a jurisdiction that does not recognize their marriage, to divorce in California.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

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

Item A10 Family Law: Permission for Minors to Enter into Domestic Partnerships (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2012, revise two forms to implement new Family Code section 297.1, which permits a person under the age of 18 to enter into a domestic partnership if the minor obtains permission of a parent or guardian and a court order and meets the legal requirements for filing a Declaration of Domestic Partnership with the Secretary of State.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

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

Item A11 Family Law: Summary Dissolution (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt a new summary dissolution form and revise four existing summary dissolution forms to implement the mandates of (1) Assembly Bill 939 (Feuer; Stats. 2010, ch. 352), which modifies the summary dissolution process and requires the council to modify forms to reflect those changes; (2) AB 2700 (Ma; Stats. 2010, ch. 397), which requires that the Judicial Council dissolution forms allow couples who are both married and registered domestic partners to dissolve both unions in a single court proceeding; and (3) Senate Bill 651 (Leno;

Stats. 2011, ch. 721), which allows same-sex couples who married in California, but now live in a jurisdiction that does not recognize their marriage, to divorce in California.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean Stout, Cochair, Family and Juvenile Law Advisory Committee

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

Miscellaneous

Item A12 Forms: Miscellaneous Technical Changes (Action Required)

Various publishers of Judicial Council forms have identified errors in forms resulting from inadvertent omissions and typographical errors. The Administrative Office of the Courts recommends making the necessary corrections to the forms to avoid confusion and delay for court users, clerks, and judicial officers.

Staff: Deborah Brown, Office of the General Counsel

Probate

Item A13 Judicial Council–Sponsored Legislation (Probate): Notice to Creditors in Decedents’ Estates (Action Required)

The statutorily required content of advice to creditors of decedents’ estates concerning time limits on filing claims with the court and the personal representative of the estate may, in some situations, conflict with the time limits to file these claims required by law. The advice may be potentially misleading to creditors of decedents. Therefore, the Policy Coordination and Liaison Committee and the Probate and Mental Health Advisory Committee recommend that the Judicial Council sponsor legislation amending the statutes that specify the content of the advice. If this recommendation leads to changes in these statutes in 2012, the Probate and Mental Health Advisory Committee would propose conforming revisions of two Judicial Council forms that must be used to advise these creditors, effective on January 1, 2013.

Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

Staff: Mr. Douglas C. Miller, Office of the General Counsel

Mr. Daniel Pone, Office of Governmental Affairs

Item A14 Probate: Substitutes for Decedent Estate Administration (Action Required)

Legislation effective on January 1, 2012, will change the maximum dollar-value limits on two summary procedures for the transfer of a decedent’s property, alternatives to full decedent estate administration. The Probate and Mental Health Advisory Committee recommends the revision of three Judicial Council forms used in these procedures to reflect the changes made by the legislation and to make additional minor improvements in the forms.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

Staff: Mr. Douglas C. Miller, Office of the General Counsel

Item B Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Administrative Office of the Courts recommend that the Judicial Council accept the audit report that pertains to the San Diego Superior Court. This complies 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 will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Staff: Mr. John A. Judnick, Finance Division

Item C Judicial Branch Education: Content Requirements, Approved Providers, and Choice in Completing Requirements (Action Required)

As directed by the Judicial Council, the Governing Committee of the Center for Judicial Education and Research (CJER) conducted a comprehensive review of the education rules and recommends certain amendments to simplify and make more flexible some of the compliance requirements and to correct minor language and other typographical errors and omissions.

Hon. Ronald B. Robie, Chair, CJER Governing Committee

Hon. Robert L. Dondero, Vice-Chair, CJER Governing Committee

Staff: Mr. Bob Lowney, Education Division/Center for Judicial Education and Research

Item D Uniform Bail and Penalty Schedules: 2012 Edition (Action Required)

The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules to become effective January 1, 2012. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation.

Hon. Mark S. Borrell, Chair, Traffic Advisory Committee

Staff: Mr. Courtney Tucker, Office of the General Counsel

Item E Judicial Council–Sponsored Legislation (Civil Law): Cleanup Legislation on the Discovery of Electronically Stored Information (Action Required)

The e-discovery legislation enacted in 2009 in a bill cosponsored by the Judicial Council left some gaps and omissions in the discovery statutes that should be corrected to properly address the discovery of electronically stored information and eliminate any confusion. The Policy Coordination and Liaison Committee and the Civil and Small Claims Advisory Committee recommend that the Judicial Council sponsor legislation to amend these statutes. If enacted next year, this legislation would become effective January 1, 2013.

Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Staff: Mr. Patrick O’Donnell, Office of the General Counsel

Mr. Daniel Pone, Office of Governmental Affairs

Item F Judicial Council Legislative Policy Guidelines: 2011 (Action Required)

The Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Guidelines reflecting actions through the 2011 legislative year. Adoption of these guidelines, which set forth concise policy guidance regarding court-related legislation, will assist the council in making decisions about future legislation, consistent with strategic plan goals.

Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee

Staff: Ms. Donna Hershkowitz, Office of Governmental Affairs

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

As stated in its report on the distribution of Equal Access Fund Partnership and IOLTA-formula grants, the State Bar Legal Services Trust Fund Commission requests that the Judicial Council approve the distribution of \$1,620,000 in partnership grants and \$14,580,000 in IOLTA-formula grants for 2011–2012, according to the statutory formula in the state Budget Act, and approve the commission’s findings that the proposed budget of each individual grant complies with statutory and other guidelines.

Hon. Maria P. Rivera, Chair, Partnership Grants Committee

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

Item H Judicial Branch Administration: Judicial Branch Contracting Manual (Action Required)

With the concurrence of the Judicial Branch Contracting Manual Working Group, the Administrative Office of the Courts (AOC) recommends that the Judicial Council revise the

provisions in the Introduction chapter of the *Judicial Branch Contracting Manual* concerning the use of words signifying mandatory and discretionary actions and, as recommended by the working group, direct the AOC to report further to the council in April 2012 about additional, comprehensive revisions to the manual. This bifurcated process will allow for a lengthier comment period regarding proposed changes, as requested by the trial courts. The proposed revisions to the Introduction chapter would make the manual more effective and workable for judicial branch entities' procurement and contracting by eliminating internal inconsistencies between actions that are required and actions that are discretionary.

Staff: Ms. Mary M. Roberts, Office of the General Counsel

DISCUSSION AGENDA (ITEMS I-M)

Item I **9:50–10:40 a.m.**

[Trial Court Improvement Funds Allocation: Request of the Superior Court of San Joaquin County for Supplemental Funding for Urgent Needs \(Action Required\)](#)

The Administrative Office of the Courts submits to the Judicial Council three options for review and consideration in response to the supplemental funding application submitted on November 16, 2011, by the Superior Court of California, County of San Joaquin requesting a one-time distribution of \$2 million in urgent needs funding for fiscal year 2011–2012, of which \$1.08 million would be used to avoid “more layoffs, furloughs, reduced hours and possibly additional court closures” and \$916,000 would provide an operating and emergency reserve. There is \$7.34 million remaining in the Trial Court Improvement Fund urgent needs reserve.

Public Comment and Presentation (25 minutes) • Discussion (25 minutes)

Speakers: Hon. Robin Appel, Presiding Judge, Superior Court of California, County of San Joaquin
 Ms. Rosa Junqueiro, Executive Officer, Superior Court of California, County of San Joaquin
 Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division
 Mr. Steven Chang, Manager, Finance Division

New Item

Statewide Hearings on California’s Civil Justice Crisis (No Action Required) *[added on December 14, 2011, to conform to the meeting]*

Four public hearings on California’s Civil Justice Crisis were held in November and December. They co-sponsored by the California Chamber of Commerce, the California Commission on Access to Justice, and the State Bar and were staffed by the non-profit organization, OneJustice. These hearings explored the devastating effects of the recent cuts in court funding and the

chronic underfunding of legal assistance. The hearings discussed the fundamental function of the courts in our democracy and the essential role of legal assistance in California.

Speaker: Hon. Laurie D. Zelon, Chair, Elkins Family Law Implementation Task Force

Break 10:40–10:55 a.m.

Item J 10:55–11:10 a.m.

[Trial Courts: Allocation of Special Funds for Security System Replacement and Mandatory Valuation Reports \(Action Required\)](#)

The Trial Court Budget Working Group recommends that the Judicial Council exercise its statutory authority to allocate funding from statewide special funds to allocate \$1.249 million from the Trial Court Improvement Fund for (1) replacement of wireless duress systems at trial courts, and (2) development by a certified actuary of individual trial court other post-employment benefits valuation reports for FY 2011–2012 through FY 2012–2013.

Public Comment and Presentation (5 minutes) • Discussion (10 minutes)

Speakers: Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division
Mr. Steven Chang, Manager, Finance Division

Item K 11:10 –11:30 a.m.

[Blue Ribbon Commission on Children in Foster Care: Implementation Progress Report \(No Action Required\)](#)

This is an informational report on two and a half years of implementation efforts by the Blue Ribbon Commission on Children in Foster Care, which issued sweeping recommendations for reform of the juvenile court and child welfare systems that were accepted by the Judicial Council in August 2008. In June 2009, Chief Justice Ronald M. George extended the work of the commission, modified its charge to include implementation activities, and requested reports on implementation progress.

Public Comment and Presentation (15 minutes) • Discussion (5 minutes)

Speaker: Hon. Richard D. Huffman, Chair, Blue Ribbon Commission on Children in Foster Care

Item L 11:30 a.m.–12:00 p.m.

[Bench-Bar-Media Committee: Final Report \(Action Required\)](#)

The Bench-Bar-Media Committee recommends that the Judicial Council receive the final report of the committee and direct the Interim Administrative Director of the Courts to refer the recommendations in the report to the appropriate Judicial Council advisory committees, Administrative Office of the Courts divisions, and other entities for further study and

consideration. In its report, the committee proposes recommendations to improve media access to court proceedings and records, enhance education about the roles and responsibilities of the courts and media, and help resolve media access conflicts in a manner that protects and promotes the administration of justice.

Public Comment and Presentation (15 minutes) • Discussion (15 minutes)

Speakers: Hon. William J. Murray, Jr., Member, Bench-Bar-Media Committee
Hon. Steven Z. Perren, Liaison to the Bench-Bar-Media Committee
Mr. Ralph Alldredge, President, California Newspaper Publishers Association, Member, Bench-Bar-Media Committee
Mr. Peter Allen, Senior Manager, Office of Communications

Lunch 12:00–12:30 p.m.

Break 2:15–2:30 p.m. (approx.)

Item A7 12:30–12:40 p.m.

[Criminal Justice Realignment: Abstract of Judgment Forms \(Action Required\)](#)

[A council member requested that this item be moved from the Consent Agenda to the Discussion Agenda.]

The Criminal Law Advisory Committee recommends that the Judicial Council approve revisions to the abstract of judgment forms (forms CR-290, CR-290-A, and CR-290.1) as required by recently enacted criminal justice realignment legislation.

Public Comment and Presentation (5 minutes) • Discussion (5 minutes)

Speakers: Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee
Mr. Arturo Castro, Office of the General Counsel

Item M 12:40–3:55 p.m.

[Judicial Branch Administration: Report from the Judicial Council’s Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch \(No Action Required\)](#)

This is an informational report by the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch on its preliminary review of the core functions, funding levels and sources, and staffing of Administrative Office of the Courts divisions; and identification of collaborative efforts among divisions.

Public Comment and Presentation (150 minutes) • Discussion (30 minutes)

- Speakers:
- Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
 - Hon. Kathleen E. O'Leary, Vice-Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
 - Hon. Gary Nadler, Member, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
 - Hon. Daniel J. Buckley, Member, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[Trial Courts: Quarterly Investment Report as of September 30, 2011](#)

The Trial Court Quarterly Investment Report provides the financial results for the funds invested by the Administrative Office of the Courts on behalf of the trial courts as part of the judicial branch treasury program. The period covered by this report is June 1, 2011, through September 30, 2011.

[Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours \(Report #8\)](#)

In the 2010 Judiciary Budget Trailer Bill, Senate Bill 857, the Legislature enacted fee increases and fund transfers for the courts and also added a new section 68106 to the Government Code. The latter directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website and relay to the Legislature all such court notices. This is the eighth report providing information about the implementation of these notice requirements. Since the seventh report, five courts—Calaveras, San Luis Obispo, San Mateo, Santa Cruz, and Ventura—have given such notice. Since the effective date of section 68106, October 19, 2010, a total of 22 courts have given notice.

[Public Records: Impact of Rule 10.500 on the Judicial Branch](#)

Rule 10.500 (Public access to judicial administrative records), effective January 1, 2010, established comprehensive public access provisions applicable to administrative records maintained by the California judiciary. Under subdivision (e)(4)(E) of the rule, “[by] January 1, 2012, the Judicial Council will review and evaluate the numbers of requests received, the time necessary to respond, and the fees imposed by judicial branch entities for access to records and information.” This report provides the available required information for initial consideration by the council; a more thorough report on the impact of the rule will follow later in 2012, after internal data and court-supplied data through the end of calendar year 2011 have been collected and analyzed.

[Circulating Orders since the last business meeting](#)

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