

JUDICIAL COUNCIL of CALIFORNIA
Minutes of the Educational Meeting—December 12, 2011
Ronald M. George State Office Complex
William C. Vickrey Judicial Council Conference Center
Malcolm M. Lucas Board Room
San Francisco, California

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

The meeting commenced at 8:30 a.m. and adjourned at 12:00 p.m.

No council action

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

Chief Justice Tani G. Cantil-Sakauye, Chair, called the meeting to order at 12:30 p.m. on Monday, December 12, 2011, at the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Justices Marvin R. Baxter, Judith Ashmann-Gerst, Harry E. Hull, Jr., and Douglas P. Miller; Judges James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O'Malley, Kenneth K. So, David S. Wesley, and Erica R. Yew; Senator Noreen Evans; Ms. Angela J. Davis, Ms. Edith R. Matthai, Mr. Mark P. Robinson, Jr., Mr. Ronald G. Overholt; **members attending by phone:** Judges Burt Pines and Sharon J. Waters; **advisory members:** Judges David F. De Alba, Terry B. Friedman (Ret.), Robert James Moss, David Rosenberg, and David M. Rubin; Commissioner Sue Alexander; Court Executive Officers Alan Carlson, Kim Turner, and David H. Yamasaki; and Mr. Frederick K. Ohlrich.

Absent: Assembly Member Mike Feuer and Judge Stephen H. Baker.

Others present included: Justices Terence L. Bruiniers, Brad R. Hill, Richard D. Huffman, and Vincent J. O'Neill, Jr.; Judges William F. Highberger, Patricia M. Lucas, David E. Power, and Nancy Wieben Stock; Court Executive Officer Michael D. Planet; **public:** Ms. Connie Carr, Mr. Robert Carr, Mr. R. Eisele, Ms. Jennifer Gates, Mr. John Givens, Ms. Cherie Oliver, Ms. Debra Pearson, Ms. Arnella Sims, and Mr. J. Vogelsang; **AOC staff:** Mr. Peter Allen, Mr. Nick Barsetti, Ms. Deborah Brown, Mr. Les Butler, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Mr. James Carroll, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Gisele Corrie, Dr. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Robert Emerson, Mr. Chad Finke, Ms. Cristina Foti, Ms. M.R. Gafill, Ms. Angela Guzman, Mr. Clifford Ham, Ms. Donna S. Hershkowitz, Mr. Burt Hirschfeld, Ms. Lynn Holton, Ms. Bonnie Hough, Mr. Daniel Hutton, Ms. Maria Kwan, Ms. Althea Lowe-

Thomas, Mr. Dag MacLeod, Mr. Patrick McGrath, Ms. Susan McMullan, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Christine Patton, Mr. Gerald Pfab, Ms. Deana Piazza, Ms. Kelly Quinn, Ms. Mary M. Roberts, Ms. Leah Rose-Goodwin, Ms. Rona Rothenberg, Ms. Teresa Ruano, Ms. Nell Schaffer, Ms. Nancy Spero, Mr. Ernie Swickard, Mr. Nick Turner, Mr. Lee Willoughby, and Ms. Daisy Yee; and **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; and Ms. Kate Moser, *The Recorder*.

Item 1 California Court Case Management System (CCMS): Status Report on Due Diligence Process for CCMS Collaborative Project

At its last meeting, the council authorized a 12-week period of due diligence discussions, information exchange, and planning to determine whether to enter a collaborative relationship with the State Bar of California and the Chan Soon-Shiong Family Foundation in an effort to facilitate deploying the California Court Case Management System (CCMS) and other technology projects. Justice Terence L. Bruiniers, Chair, CCMS Executive Committee; Judge James E. Herman, Chair, CCMS Internal Committee; Mr. Ronald G. Overholt, Interim Administrative Director of the Courts; Ms. Christine Patton, Interim Chief Deputy Director; and Ms. Mary M. Roberts, General Counsel, Administrative Office of the Courts (AOC), provided a status report of the due diligence activities.

No council action

Item 2 Report to the Legislature: Status of the California Court Case Management System and the Phoenix Program

The annual written report to the Legislature had not been distributed at the time of the meeting. Mr. Ronald G. Overholt reported that the annual report to the Legislature was in the process of being written and would be presented to the Judicial Council at a future meeting. Justice Terence L. Bruiniers, Chair, CCMS Executive Committee, proceeded with a status report of the CCMS project.

No council action

Item 3 Judicial Workload Assessment: Updated Caseweights

The Senate Bill 56 Working Group recommended 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.” The new caseweights, as proposed in the 2011 Judicial Officer Workload Study Case Types and Caseweights (see Attachment 1), would replace the caseweights approved by the council in 2001, 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 “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)).

Council action

Based on the recommendations of the Senate Bill 56 Working Group, the Judicial Council, effective December 12, 2011:

1. Approved the 2011 judicial officer workload study’s adjusted caseweights for use in evaluating statewide judicial workload, including for use in the biennial judicial needs assessment required under Government Code section 69614(c) and to meet the requirements of subdivision (c)(2); and
2. Directed the Policy Coordination and Liaison Committee to seek cleanup legislation that would update Government Code section 69614(b), which currently states that the methodology to be used to allocate new judgeships is based on standards approved by the Judicial Council in 2001 and 2004.

Based on the recommendation of the AOC, the council also, effective December 12, 2011:

3. Approved *Special Assessment of the Need for New Judgeships in Family and Juvenile Law: Report to the Legislature as Required by Government Code Section 69614* for transmittal to the Legislature, as directed by Government Code Section 69614(c)(2).

A copy of the 2011 Judicial Officer Workload Study Case Types and Caseweights is attached to these minutes.

Item 4 Court Facilities: Senate Bill 1407 Courthouse Projects, FY 2012–2013 Update to Five-Year Plan, and Funding for Existing Facilities

The Court Facilities Working Group recommended several actions related to moving forward with the Senate Bill (SB) 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 2011–2012. The working group also recommended submitting continuation-funding requests to the Department of Finance, along with the FY 2012–2013 annual update to the Judicial Branch Assembly Bill (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.

Council action

The Judicial Council, effective December 12, 2011, approved the following actions:

1. Cancelling the Alpine—New Markleeville Courthouse and the Sierra—New Downieville Courthouse projects. Improvement needs of these courthouses will be treated as facility modifications, and prioritized and implemented in accordance with

the *Prioritization Methodology for Modifications to Court Facilities* adopted by the Judicial Council in April 2009.

2. Moving forward with working drawings for the Santa Clara—New Santa Clara Family Justice Center project in FY 2011–2012, using previously committed funds.
3. Using the balance of available Courthouse Construction Funds (CCFs) to pay for a portion of the costs to complete preliminary plans for the Siskiyou—New Yreka Courthouse.
4. Completing the current phase of all SB 1407 projects, with the exception of the projects for the Alpine and Sierra courts, in accordance with the *Recommendations to Judicial Council on SB 1407 Projects*, in column B of Table 1 attached to these minutes
5. Proceeding with the next project phase of each SB 1407 project, requiring a new fiscal year 2011–2012 commitment of funds, in accordance with the *Recommendations to Judicial Council on SB 1407 Projects*, in column C of Table 1 attached to these minutes, and proceeding with preliminary plans for the following projects, based on when property is purchased and funding is available: Imperial—New El Centro Family Courthouse, Glenn—Renovation and Addition to Willows Courthouse, Merced—New Los Banos Courthouse, Shasta—New Redding Courthouse, Sonoma—New Santa Rosa Courthouse, and Tehama—New Red Bluff Courthouse.
6. Proceeding with SB 1407 projects into FY 2012–2013 in accordance with the *Recommendations to Judicial Council on SB 1407 Projects*, in column D of Table 1 attached to these minutes, which is consistent with *Option 4C–November Update*. Accordingly, staff is directed to submit FY 2012–2013 funding requests for SB 1407 projects and submit the annual update to the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2012–2013 to the Department of Finance.
7. Directing, for all SB 1407 projects including those for which staff will be submitting FY 2012–2013 funding requests, that staff implement a 2-percent reduction in the current, unescalated hard construction cost budget to reflect the reduction in projected costs resulting from implementation of the Owner Controlled Insurance Program.
8. Directing staff to reduce the SB 1407 program-wide contingency budget from 4.6 to 3 percent.
9. Seeking additional funding for operations and maintenance and facility modifications, including authorization for the council to allocate among facility needs.

Also effective December 12, 2011, the Judicial Council adopted a recommendation of the Court Facilities Working Group chair to:

10. Delegate authority to the director of the AOC’s Office of Court Construction and Management to make technical changes consistent with the intent of the *Recommendations to Judicial Council on SB 1407 Projects, Table 1*, to FY 2011–2012 new commitments and to FY 2012–2013 funding requests, subject to the review and approval of the chair of the Court Facilities Working Group.

The council took an additional action:

11. Directing the AOC to reconsider and resubmit for Judicial Council approval the revised prioritization methodology and list of planned facility modifications that the Judicial Council approved on August 26, 2011. The list of planned facility modifications should better reflect the nature of the projects and the extremely limited funding available for repairs.

The working group's *Table 1: Recommendations to the Judicial Council on SB 1407 Projects* (Attachment 3) and *Option 4C—November Update: Select Various Projects to Move Forward* (Attachment 4) follow these minutes.

Item 5 Judicial Council Legislative Priorities: 2012

The Policy Coordination and Liaison Committee (PCLC) recommended, 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.

Council action

The Judicial Council began a discussion of the Policy Coordination and Liaison Committee's recommendations; deferred action to the next day due to the shortness of time before the Distinguished Service Awards ceremony was scheduled to commence.

The council meeting moved from the Malcolm M. Lucas Board Room in the William C. Vickrey Judicial Council Conference Center to the Milton Marks Conference Center Auditorium for the Distinguished Service Awards ceremony that concluded the December 12 meeting.

Item 6 Judicial Council Distinguished Service Awards for 2011

The Judicial Council of California honored the recipients of its annual Distinguished Service Awards, announced in October, for their contributions to court administration in California:

Hon. Brad R. Hill, Administrative Presiding Justice, California Court of Appeal, Fifth Appellate District, and **Hon. Ronald B. Robie**, Associate Justice, California Court of Appeal, Third Appellate District, both recipients of the Ronald M. George Award for Judicial Excellence honoring members of the judiciary for their extraordinary dedication to the highest principles of the administration of justice statewide;

Mr. Michael D. Planet, Court Executive Officer, Superior Court of California, County of Ventura, recipient of the William C. Vickrey Leadership in Judicial Administration Award honoring individuals in judicial administration for significant statewide contributions to and leadership in their profession;

Mr. Joseph W. Cotchett, Attorney at Law, recipient of the Bernard E. Witkin Amicus Curiae Award honoring individuals other than members of the judiciary for their outstanding contributions to the courts of California;

Hon. Noreen Evans, Senator, California State Senate, recipient of the Stanley Mosk Defender of Justice Award honoring individuals from federal, state, and local government for significant contributions to advancing equal access to fair and consistent justice in California; and

Justice Maria P. Rivera, California Court of Appeal, First Appellate District, Division Four, recipient of the Benjamin Aranda III Access to Justice Award, conferred jointly by the Judicial Council, the State Bar of California, and the California Judges Association to honor members of the judiciary for long-term commitment to improving access to the courts and to significantly improving access for low- and moderate-income Californians.

No council action

The meeting was adjourned on December 12, 2011, at 5:15 p.m.

JUDICIAL COUNCIL of CALIFORNIA
Minutes of the Business Meeting—December 13, 2011
Ronald M. George State Office Complex
William C. Vickrey Judicial Council Conference Center
Malcolm M. Lucas Board Room
San Francisco, California

Chief Justice Tani G. Cantil-Sakauye, Chair, called the meeting to order at 8:30 a.m. on Tuesday, December 13, 2011, at the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Justices Marvin R. Baxter, Judith Ashmann-Gerst, Harry E. Hull, Jr., and Douglas P. Miller; Judges James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O'Malley, Burt Pines (telephone), Kenneth K. So, Sharon J. Waters (telephone), David S. Wesley, and Erica R. Yew; Ms. Angela J. Davis, Ms. Edith R. Matthai, Mr. Mark P. Robinson, Jr., and Mr. Ronald G. Overholt; **advisory members:** Judges David F. De Alba, Terry B. Friedman (Ret.), Robert James Moss, David Rosenberg, and David M. Rubin; Commissioner Sue Alexander; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, Ms. Kim Turner, and Mr. David H. Yamasaki.

Absent: Senator Noreen Evans, Assembly Member Mike Feuer, and Judge Stephen H. Baker.

Others present included: Justices Terence L. Bruiniers, Richard D. Huffman, Kathleen E. O'Leary, and Steven Z. Perren; Judges Robin Appel and David P. Warner; Court Executive Officer Rosa Junqueiro; **public:** Ms. Linda Courtright, Ms. Jennifer M. Gates, Mr. Rory McGannon, Mr. Sean Olender, Ms. Cheri Oliver, Ms. Lindsey Scott-Florez, and Mr. Stan Statham; **AOC staff:** Mr. Peter Allen, Mr. Nick Barsetti, Ms. Deborah Brown, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Ms. Marcia Carlton, Mr. James Carroll, Mr. Arturo Castro, Mr. Steven Chang, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Nicole Claro-Quinn, Ms. Christine Cleary, Mr. Kenneth Couch, Dr. Diane E. Cowdrey, Mr. Dexter Craig, Ms. Charlene Depner, Mr. Chad Finke, Ms. Cristina Foti, Mr. Ernesto V. Fuentes, Ms. Lynn Holton, Ms. Bonnie Hough, Mr. John A. Judnick, Ms. Camilla Kieliger, Ms. Maria Kwan, Ms. Althea Lowe-Thomas, Mr. Robert Lowney, Ms. Susan McMullan, Mr. Mark A. Moore, Ms. Felizia Nava-Kardon, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Jody Patel, Ms. Christine Patton, Ms. Nancy Riddell, Ms. Mary M. Roberts, Ms. Anne Ronan, Ms. Nell Schaffer, Mr. Colin Simpson, Mr. Curt Soderlund, Ms. Nancy E. Spero, Mr. Zlatko R. Theodorovic, Ms. Dorothy Wang, Mr. Lee Willoughby, and Ms. Daisy Yee; and **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Ms. Laura Ernde, *San Francisco Daily Journal*; and Ms. Kate Moser, *The Recorder*.

Public Comment

Letters submitted to the Judicial Council for consideration at this meeting are attached. Three individuals made requests to speak on Item 4 and Item L of the agenda and spoke in the following order:

1. Ms. Jennifer M. Gates, Field Services Director, San Francisco Preservation
2. Ms. Cheri Oliver, representing the California Art Deco Society
3. Mr. Stan Statham, President and Chief Executive Officer, California Broadcasters Association

Approval of Minutes

The minutes from the Judicial Council meetings of October 27 and 28, 2011, were approved.

Chief Justice's Report

The Chief Justice summarized the plan the branch is pursuing toward the return to a stable baseline level of funding. The plan rests on the current-year level of funding as the minimum necessary to perform expected services, with budget cuts totaling \$350 million already absorbed by the branch in 2010–2011, and assorted cost-saving measures to close a remaining \$300 million funding gap to be able to achieve the funding level required in 2011–2012. She also related the highlights of her activities since the October 2011 council meetings.

Interim Administrative Director's Report

Mr. Ronald G. Overholt, Interim Administrative Director of the Courts, distributed a report on the activities of the AOC since the October meetings. He noted successful bond sales for five construction projects: new courthouses in the Counties of Calaveras (the San Andreas courthouse), San Benito (the Hollister courthouse), Riverside (the Banning courthouse), San Bernardino (the San Bernardino courthouse), and Tulare (the Porterville courthouse). He mentioned that he and Interim Chief Deputy Director Christine Patton would be attending a ceremony with former Governor George Deukmejian, Jr., to celebrate the raising of the first steel column in the new Long Beach courthouse to be named in Governor Deukmejian's honor. He concluded with a brief update on the due diligence project in progress to explore the potential for a collaboration with the State Bar and the Chan Soon-Shiong Family Foundation on the early deployment of CCMS.

Judicial Council Committee Presentations

Executive and Planning Committee (E&P)

Justice Douglas P. Miller, Chair, reported that committee E&P met five times since the October 2011 Judicial Council meeting: three deliberations by e-mail on October 28, November 1, and

December 5; and two by teleconference call on November 21 and December 1, 2011. In the course of those meetings, the committee set the agenda for the council's business meetings of December 12–13, 2011. Other significant matters included approving a solicitation for nominations to fill the upcoming vacancy when Judge Burt Pines retires from the council effective January 1, 2012.

Policy Coordination and Liaison Committee (PCLC)

Justice Marvin R. Baxter, Chair, reported that the PCLC has not met since the October 2011 Judicial Council meeting, as the Legislature had been in recess. At the October meeting, the PCLC reported that it had reviewed and adopted recommendations on legislative priorities for 2012 and proposals for council-sponsored legislation for 2012. Current council discussion of these items, begun at the previous day's meeting on December 12, was planned to resume and continue to conclusion at this meeting. Justice Baxter noted that the Legislature will reconvene on January 4 for the second year of the 2011–2012 two-year session. He will update the council at future meetings as legislation is introduced, legislative positions develop, and Judicial Council-sponsored legislation moves through the Legislature.

Rules and Projects Committee (RUPRO)

Justice Harry E. Hull, Jr., Chair, reported that RUPRO met three times by telephone since the October 2011 council meeting. On November 15, RUPRO considered five proposals on the council's consent agenda and reconsidered the recommended effective dates of two proposals previously considered. RUPRO also considered a recommendation from the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) to suspend all noncritical rule and form proposals—defined as those that are not mandated by statute or case law or otherwise deemed urgent and necessary by RUPRO or the Judicial Council. RUPRO included many of the recommendations of TCPJAC and CEAC in the criteria for priority levels of rules and forms proposals to be considered in the coming year. The recommendations appear in a letter approved by RUPRO and addressed to advisory committee chairs concerning rules and forms proposals in the advisory committees' upcoming annual agendas.

On November 29, RUPRO met to review four rule and form proposals to circulate for public comment during the winter cycle. Two of these proposals—items A2 (Wage Garnishment Forms Concerning Claims of Exemption) and A4 (Petitions for Recognition of Gender Change) on the consent agenda—are recommended by RUPRO for council adoption effective January 1, 2012, to be consistent with statutory changes effective on that date (having been signed by the Governor on October 9 of this year). Following public circulation and further review by the advisory committees and RUPRO, all proposals are expected to come before the Judicial Council at the April 2012 business meeting. RUPRO also reconsidered its earlier recommendation that

specific civil jury instructions be on the council's discussion agenda and approved corrections to the Uniform Bail and Penalty Schedules that RUPRO approved at its November 15 meeting.

On December 5, RUPRO met to review two rule and form proposals to circulate for public comment during the winter cycle. Following public circulation and further review by the advisory committees and RUPRO, these proposals are expected to come before the Judicial Council at the April 2012 business meeting.

California Court Case Management System (CCMS) Internal Committee

Judge James E. Herman, Chair, reported that the committee met three times by telephone since the October council meeting: on November 9 and 23 and December 7, 2011. He noted weekly meetings taking place between committee representatives and the chair and vice-chair of the council's E&P Committee, in addition to a full-day strategy meeting on deployment held on Friday, December 9. A prevailing issue before the committee is the problem of obsolete and failing court case management systems and the need to develop a policy for providing courts with financial assistance to fund necessary interim upgrades or system replacements, particularly for courts that are not qualified for emergency funding. E&P has tasked the CCMS Internal Committee with preparing for council consideration a set of policy recommendations on the criteria for granting court assistance for interim technology updates or replacements and the oversight appropriate to ensure cost effectiveness and technological success.

Item 5 Judicial Council Legislative Priorities: 2012 (continued)

The previous day's discussion of the PCLC's recommended legislative priorities for council sponsorship in 2012 resumed and concluded with the council taking the following action, in the following order of priority. The approval of each of these four recommendations was unanimous with the exception of the second, which received one abstention.

Council action

The Judicial Council, effective December 13, 2011, approved the following PCLC recommendations as the council's legislative priorities for 2012:

1. Advocate for a combination of solutions to restore some of the funding eliminated from the branch budget in recent years, including General Fund restoration, legislation to implement cost savings and efficiencies, new revenue, and the use of existing revenue, including trial court fund balances, to restore services to the public and keep courts open. Delegate to the PCLC the responsibility to act on behalf of the council to sponsor legislative proposals to advance judicial branch cost savings, new revenue, and operational efficiencies, consistent with the council's delegation to PCLC in December 2009 authorizing PCLC generally to sponsor legislation on behalf of the council when prompt action is required. In acting under both the new and the December 2009 delegations, PCLC shall ensure that its actions for the council are consistent with the

current strategic and operational plans and with the council's annually adopted legislative policy guidelines.

2. Continue opposition to AB 1208 (Calderon) and similar efforts to legislate fundamental judicial branch governance, lessen the role of the Judicial Council in determining the allocation of funds to trial courts, or reduce the council's role in ensuring the stability of and providing oversight over trial court operations.
3. Move forward with AB 1405, sponsored by the Judicial Council in 2011 (the first year of the current two-year legislative session), to create the third set of 50 new judgeships to be allocated consistent with the council's most recent Judicial Needs Assessment.
4. Advocate for the annual legislative ratification of the Judicial Council's authority to convert 16 subordinate judicial officer (SJO) positions in eligible courts to judgeships and sponsor legislation similar to Senate Bill 405 in 2011 (Stats. 2011, ch. 705) for legislative ratification of the council's authority to convert up to 10 additional SJO positions to judgeships.

The council unanimously approved an additional legislative priority for 2012 not included among the PCLC's recommendations:

5. Monitor pension reform proposals in the Legislature as they impact the judicial branch and advocate in the interests of the branch, as appropriate, in coordination with the Judicial Recruitment and Retention Working Group and the California Judges Association.

CONSENT AGENDA (ITEMS A1–A14, B–H)

Item A1 Appellate Procedure: When to Use Initials to Identify Individuals in Juvenile Proceedings

The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommended 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 would conform the rule to an interim policy adopted by the Supreme Court of California on the use of initials in juvenile proceedings.

Council action

The Judicial Council, effective January 1, 2012, approved the committees' joint recommendation to amend rule 8.401 to:

1. Require the use of a juvenile's first name and last initial in all documents filed by parties and in all opinions certified for publication unless this would defeat anonymity;
2. Permit the use of either the juvenile's first name and last initial or just the juvenile's initials in opinions not certified for publication and in court orders;
3. Provide that if the use of the full name of a juvenile's relative would defeat anonymity for the juvenile, the relative's first name and last initial must be used unless use of only initials is required to protect the juvenile's anonymity; and
4. Move the requirements concerning references to a juvenile into a separate subdivision of the rule.

Item A2 Civil Law: Gender Change Forms

The Civil and Small Claims Advisory Committee recommended that the Judicial Council revise certain forms for petitioning a court to recognize a person's change of gender to implement the new statutory requirements enacted in AB 433 (Stats. 2011, ch. 718). Because the new law goes into effect on January 1, 2012, the advisory committee recommended that these form changes, including a title change on form NC-320, be adopted to be effective that same date and circulated for public comment after approval.

Council action

The Judicial Council, effective January 1, 2012, approved the Civil and Small Claims Advisory Committee's recommendation to:

Revise the following forms, including a title change on form NC-320:

- *Petition for Change of Name and Gender* (form NC-200)
- *Declaration of Physician Documenting Change of Gender Through Clinically Appropriate Treatment Under Health and Safety Code Sections 103425 and 103430* (form NC-210/310)
- *Order to Show Cause for Change of Name* (form NC-220)
- *Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-300)
- *Setting of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-320)
- *Order for Change of Gender and Issuance of New Birth Certificate* (form NC-330)

Item A3 Civil Forms: Notice of Entry of Dismissal and Proof of Service

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

Council action

The Judicial Council, effective January 1, 2012, approved the Civil and Small Claims Advisory Committee's recommendation to revise the *Notice of Entry of Dismissal and Proof of Service* (form CIV-120), effective January 1, 2012, to include an item for proof of electronic service as well as minor formatting changes to make the form more effective.

Item A4 Civil Law: Wage Garnishment Forms Concerning Claims for Exemption

The Civil and Small Claims Advisory Committee recommended that the Judicial Council implement the statutory changes to wage garnishment exemptions enacted in AB 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 recommended that these revised forms be adopted expeditiously and circulated for public comment after approval. With a previous set of revised wage garnishment forms already approved to become effective on January 1, 2012, 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.

Council action

The Judicial Council, effective January 2, 2012, approved the Civil and Small Claims Advisory Committee's recommendation to revise *Employee Instructions* (form WG-003) and *Notice of Opposition to Claim of Exemption (Wage Garnishment)* (form WG-009) to reflect changes in the statutory exceptions to exemptions from wage garnishments.

Item A5 Jury Instructions: Additions, Revisions, and Revocations to Civil Jury Instructions

The Advisory Committee on Civil Jury Instructions recommended approval of the proposed additions, revisions, and revocations to *the Judicial Council of California Civil Jury Instructions (CACI)*. These changes serve to keep *CACI* current with statutory and case authority.

Council action

The Judicial Council, effective December 13, 2011, approved the recommendation to approve the civil jury instructions prepared by the committee for publication under rule 2.1050 of the California Rules of Court. The new and revised instructions will be published in the 2012 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

Item A6 Electronic Filing and Service: Extending E-Filing Programs to the Supreme Court and the Courts of Appeal

The Court Technology Advisory Committee recommended that the Judicial Council amend the rules authorizing an electronic filing pilot program in the Court of Appeal, Second Appellate

District to extend the authority to the Supreme Court and any Court of Appeal that elects to do so the authority to implement and conduct their own e-filing programs.

Council action

The Judicial Council, effective January 1, 2012, approved the committee recommendation to amend rules 8.70 and 8.79 to extend the authority to conduct e-filing programs to the Supreme Court and any Court of Appeal that elects to do so.

Item A7 Criminal Justice Realignment: Abstract of Judgment Forms

This item was moved to the discussion agenda, at the request of a council member.

Item A8 Family Law: Default and Uncontested Judgment Checklist and Related Forms

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommended 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 recommended 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 would implement 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.

Council action

The Judicial Council, effective July 1, 2012, approved the recommendations of the advisory committee and task force to:

1. Adopt rules 5.405, 5.407, and 5.409 of the California Rules of Court;
2. Approve new *Judgment Checklist—Dissolution/Legal Separation* (form FL-182); and
3. Revise the following forms:
 - *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170)
 - *Judgment* (form FL-180)
 - *Child Custody and Visitation Order Attachment* (form FL-341)
 - *Child Support Information and Order Attachment* (form FL-342)
 - *Spousal, Partner, or Family Support Order Attachment* (form FL-343)

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

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council, effective January 1, 2012, revise 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 (AB) 2700 (Stats. 2010, ch. 397), which requires the 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. This recommendation also accommodates the requirements of Senate Bill (SB) 651 (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.

Council action

The Judicial Council, effective January 1, 2012, approved the advisory committee's recommendation to implement AB 2700 (Stats. 2010, ch. 397) by prescribing forms that allow a same-sex couple to dissolve a concurrent, coexisting marriage and domestic partnership in a single court proceeding, and that also address the new jurisdictional requirements of SB 651 (Stats. 2011, ch. 721):

1. *Petition—Domestic Partnership* (form FL-103) is renamed *Petition—Domestic Partnership/Marriage* and revised to serve for dissolving either type of relationship or both, if concurrent; and
2. *Response—Domestic Partnership* (form FL-123) is renamed *Response—Domestic Partnership/Marriage* and similarly revised.

Item A10 Family Law: Permission for Minors to Enter into Domestic Partnerships

The Family and Juvenile Law Advisory Committee recommended 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.

Council action

The Judicial Council, effective January 1, 2012, approved the advisory committee's recommendation to revise forms FL-910 and FL-915, as follows:

1. *Request of Minor to Marry* (form FL-910) is renamed *Request of Minor to Marry or Establish a Domestic Partnership* and revised to serve as a dual-purpose form for minors requesting a court order either to marry or to establish a domestic partnership.
2. *Order on Request of Minor to Marry* (form FL-915) is renamed *Order on Request of Minor to Marry or Establish a Domestic Partnership* and revised to serve as a dual-purpose form for orders granting either type of request.

Item A11 Family Law: Summary Dissolution

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council adopt one new summary dissolution form and revise four existing summary dissolution forms, all effective January 1, 2012, to implement the mandates of (1) Assembly Bill (AB) 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 (SB) 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.

Council action

The Judicial Council, effective January 1, 2012, approved the advisory committee's recommendation to:

1. Adopt *Judgment of Dissolution and Notice of Entry of Judgment* (form FL-825) as a new mandatory form; and
2. Revise mandatory forms FL-800, FL-810, FL-825, and FL-830.

Item A12 Forms: Miscellaneous Technical Changes

Various publishers of Judicial Council forms have pointed out certain forms with mistakes, such as inadvertent omissions or typographical errors. The AOC recommended making corrections to the forms to avoid confusion and delay for court users, clerks, and judicial officers.

Council action

The Judicial Council, effective January 2, 2012, approved the AOC's recommendation to:

1. Revise *Request for Domestic Violence Restraining Order* (form DV-100) to delete "No" and add "and ammunition" in the title of item 9 and to add check boxes in items 10 and 11; and
2. Revise item 4b in both *Request to Continue Court Hearing and to Reissue Temporary Restraining Order* (form SV-115) and *Request to Continue Court Hearing and to Reissue Temporary Restraining Order* (form WV-115) to correct an internal reference from "3b" to "4b."

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

The statutorily required content of advice to creditors of decedents' estates concerning time limits for filing claims with the court and the personal representative of the estate may conflict in some situations 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 recommended that the Judicial Council sponsor legislation amending the statutes that specify the content of the advice.

Council action

The Judicial Council, effective December 13, 2011, approved the recommendation of the PCLC and the Probate and Mental Health Advisory Committee to sponsor legislation to amend Probate Code sections 8100 and 9052 to conform statements concerning time limits on filing creditors' claims on decedents' estates to the actual requirements for filing these claims established in Probate Code section 9100.

Item A14 Probate: Substitutes for Decedent Estate Administration

Legislation effective 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 recommended 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.

Council action

The Judicial Council, effective January 1, 2012, approved the committee's recommendation to revise the following forms to reflect recent changes in the law governing the procedures in which the forms are used and to circulate these revised forms for public comment in the 2012 winter comment cycle:

1. *Affidavit re Real Property of Small Value* (form DE-305);
2. *Petition to Determine Succession to Real Property* (form DE-310); and,
3. *Order Determining Succession to Real Property* (form DE-315).

Item B Judicial Branch Administration: Audit Report for Judicial Council Acceptance

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the AOC recommended that the Judicial Council accept the audit report for the Superior Court of San Diego County. This complies with the policy approved by the council on August 27, 2010, which specifies council acceptance of audit reports as the last step to their finalization before placement on the California Courts public website.

Council action

The Judicial Council, effective December 13, 2011, accepted the pending audit report dated July 2011 entitled *Audit of the Superior Court of California, County of San Diego*. The audit report will be posted on the California Courts public website.

Item C Judicial Branch Education: Content Requirements, Approved Providers, and Choice in Completing Requirements

At the direction of the Judicial Council, the Governing Committee of the Center for Judicial Education and Research (CJER) conducted a comprehensive review of the rules and recommended amendments affecting judicial branch education to simplify and make more flexible some of the compliance requirements and to correct minor language and other typographical errors and omissions.

Council action

The Judicial Council approved the CJER Governing Committee's recommendations to:

1. Amend rules 10.452 , 10.462, and 10.469 of the California Rules of Court to provide specific references for additional education for judicial officers sitting in family, probate, or hearing domestic violence issues, effective January 1, 2012.
2. Amend relevant sections of rule 10.462, effective January 1, 2012, to provide that a new judge who previously completed the judicial college as a new subordinate judicial officer is not required to complete the college again unless the presiding judge determines that the new judge must complete it again; and that a judge beginning a presiding judge or supervising judge role is not expected to complete presiding or supervising judge education when returning to a similar presiding or supervising judge role after less than two years in another assignment or less than two years after serving in the presiding or supervising judge role.
3. Amend rule 10.481, effective January 1, 2012, to simplify the process for adding to or subtracting from the list of approved providers and keeping the list current.
4. Amend rules 10.461, 10.462, 10.471–10.474, and 10.491 to simplify and provide more individual choice and flexibility to the process of determining what and how many hours count toward the continuing education hours requirement or expectation with effective dates as follows: January 1, 2012, for relevant sections of rule 10.491; January 1, 2013, for relevant sections of rules 10.461, 10.462, 10.473, and 10.474; and January 1, 2014, for relevant sections of rule 10.471.
5. Amend rules 10.452, 10.461, 10.462, 10.468, 10.469, 10.471, 10.473, and 10.478 to make minor corrections and clarifications to the language, correct typographical errors, eliminate a superfluous provision, and make the language consistent with other rules in chapter 8; effective January 1, 2012.

Item D Uniform Bail and Penalty Schedules: 2012

The Traffic Advisory Committee recommended 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 council. The recommended revisions would bring the schedules into conformance with recent legislation.

Council action

The Judicial Council, effective January 1, 2012, adopted the revised 2012 Uniform Bail and Penalty Schedules.

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

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 (PCLC) and the Civil and Small Claims Advisory Committee recommended that the Judicial Council sponsor legislation to amend these statutes.

Council action

The Judicial Council approved the recommendation of the PCLC and the Civil and Small Claims Advisory Committee to sponsor legislation to amend the Code of Civil Procedure, effective January 1, 2013, to address various gaps and omissions in the statutes concerning the discovery of electronically stored information.

Item F Judicial Council Legislative Policy Guidelines: 2011

The Policy Coordination and Liaison Committee recommended 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, would assist the council in making decisions about future legislation, consistent with strategic plan goals.

Council action

The Judicial Council adopted the updated Legislative Policy Guidelines reflecting actions through the 2011 legislative year.

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

The State Bar Legal Services Trust Fund Commission requested 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.

Council action

The Judicial Council approved the distribution of \$14,580,000 in IOLTA-Formula Grants for 2011–2012 according to the terms of the state Budget Act, and approved the commission's findings that the proposed budget of each individual grant complies with statutory and other guidelines. The council further approved the allocation of \$1,620,000 in Equal Access Fund partnership grants for distribution to the legal services agencies as provided in Attachment 6, for programs conducted jointly with courts to provide legal assistance to self-represented litigants.

Item H Judicial Branch Administration: Judicial Branch Contracting Manual

With the concurrence of the Judicial Branch Contracting Manual Working Group, the Administrative Office of the Courts (AOC) recommended 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 would 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

Council action

The Judicial Council, effective December 13, 2011:

1. Approved the recommended revisions to the provisions in the Introduction chapter of the *Judicial Branch Contracting Manual* concerning the use of words signifying mandatory and discretionary actions; and
2. Directed the AOC to report further to the council at its regular business meeting in April 2012 about additional, comprehensive revisions to the manual.

DISCUSSION AGENDA (ITEMS I–M)

Item I Trial Court Improvement Funds Allocation: Request of the Superior Court of San Joaquin County for Supplemental Funding for Urgent Needs

The Administrative Office of the Courts submitted to the Judicial Council for review and consideration three options in response to the supplemental funding application submitted on

November 16, 2011, by the Superior Court of San Joaquin County to request 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. \$7.34 million remains in the Trial Court Improvement Fund urgent needs reserve.

Council action

The Judicial Council, in a vote of 13 to 3, allocated \$2 million from the Trial Court Improvement Fund (Gov. Code, § 77209(b)) to the Superior Court of San Joaquin County, subject to the following terms and requirements:

1. Of the \$2 million allocation from the Trial Court Improvement Fund’s “urgent needs” reserve, \$1,084,000 will be distributed on a one-time basis and does not need to be repaid by the court, and \$916,000 will be distributed as a loan.
2. The court will repay the Trial Court Improvement Fund \$916,000, without interest, by December 13, 2016. Should the court not be able to repay the loan, the Judicial Council will reconsider the loan repayment terms.
3. The supplemental funding must be used for the sole purpose of keeping open a sufficient number of courtrooms and providing other necessary services in FY 2011–2012 to meet the court’s obligation to adjudicate all matters, both civil and criminal, that come before the court.
4. The court’s remaining fund balance carried over from the 2010–2011 fiscal year is subject to the following requirements:
 - a. The court must use that portion of the fund balance that is necessary to meet its obligation to adjudicate all matters that come before the court.
 - b. The court must not use any money from the fund balance except to meet its obligation to adjudicate all matters that come before the court and meet necessary expenses that arise during the 2011–2012 fiscal year that could not reasonably have been anticipated.
 - c. Solely to enable the court to meet its obligation to adjudicate all matters that come before the court, the Judicial Council authorizes the court to reduce its fund balance below the amount that the court would otherwise be required to maintain under the council-adopted Fund Balance Policy.
5. The court must submit a written report on its use of the funding it received and on its fiscal situation as of June 30, 2012, to the council no later than August 1, 2012.
6. The court must submit by July 1, 2012, a written report on the status of correcting fiscal issues identified in the audit report accepted by council on October 28, 2011.

In addition, the council directed the AOC Regional Office to assist the court in determining whether the court has identified all possible cost-savings measures and functions to increase revenue and to report back to the council on its findings within six months to one year.

The results of the roll call vote are attached.

New Item Statewide Hearings on California’s Civil Justice Crisis

Justice Laurie D. Zelon, chair of the Elkins Family Law Implementation Task Force, reported about four public hearings, held in November and December, on California’s civil justice crisis that explored the effects of the recent cuts in court funding. Discussion focused on the general problem of chronic underfunding of legal assistance, the fundamental function of the courts in democracy, and the essential role of legal assistance in California. The California Chamber of Commerce, the California Commission on Access to Justice, and the State Bar cosponsored the hearings in collaboration with OneJustice, a nonprofit organization that staffed the hearings.

No council action

Item J Trial Courts: Allocation of Special Funds for Security System Replacement and Mandatory Valuation Reports

The Trial Court Budget Working Group (TCBWG) recommended 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 in the trial courts, and (2) development by a certified actuary of individual trial court other postemployment benefits valuation reports for FY 2011–2012 through 2012–2013.

Council action

The Judicial Council, effective December 13, 2011, approved the TCBWG’s recommendation to allocate \$1.249 million from the Trial Court Improvement Fund for FY 2011–2012 for the replacement of wireless duress systems in the trial courts and the development by a certified actuary of individual trial court other postemployment benefits valuation reports.

Item K Blue Ribbon Commission on Children in Foster Care: Implementation Progress Report

Justice Richard D. Huffman, chair of the Blue Ribbon Commission on Children in Foster Care, delivered an informational report on the two and a half years of implementation efforts by the commission, whose sweeping recommendations for reform of the juvenile court and child welfare systems 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 these reports on implementation progress.

No council action

Item L Bench-Bar-Media Committee: Final Report

The Bench-Bar-Media Committee presented the Judicial Council with its final report, which proposed 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.

Council action

The Judicial Council, effective December 13, 2011:

1. Received the final report of the Bench-Bar-Media Committee; and
2. Directed the Interim Administrative Director of the Courts to refer the committee's recommendations to the appropriate Judicial Council advisory committees, including but not limited to the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee; to AOC divisions; and to other entities for further study and consideration.

Item A7 Criminal Justice Realignment: Abstract of Judgment Forms

The Criminal Law Advisory Committee recommended 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.

Council action

The council approved, effective January 2, 2012, the following revisions to *Abstract of Judgment—Prison Commitment—Determinate* (form CR-290), *Abstract of Judgment—Prison Commitment Attachment Page* (form CR-290-A), and *Abstract of Judgment—Prison Commitment—Determinate Single, Concurrent, or Full-Term Consecutive Count Form* (form CR-290.1):

1. Replace the phrase “prison commitment” with the word “felony” in the titles, headers, and footers of each form;
2. Add check boxes to the headers and item 4 on forms CR-290 and CR-290.1 for courts to note whether the abstracts pertain to prison or jail commitments;
3. Add the phrase “if prison commitment” to the “financial obligations” section on forms CR-290 (item 9a) and CR-290.1 (item 5) to clarify that Penal Code section 2085.5 applies only to prison commitments;
4. Add a data field on forms CR-290 (item 12) and CR-290.1 (item 10) for courts to note the imposition of a period of mandatory supervision under Penal Code section 1170(h)(5)(B);

5. Add a check box to forms CR-290 (item 17) and CR-290.1 (item 15) to note that the court ordered the defendant to be delivered to the county jail; and
6. Renumber other items accordingly.

The Judicial Council, in a vote of 7 to 9, rejected a motion to direct the Criminal Law Advisory Committee to (a) consider whether the abstract of judgment forms should be designated for optional rather than mandatory use, and (b) explore alternatives to the form for memorializing sentencing information in felony cases that result in county jail commitments under Penal Code section 1170(h).

The results of the roll call vote are attached.

Item M Judicial Branch Administration: Report from the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch presented an informational report on its preliminary review of the core functions, funding levels and sources, staffing of AOC divisions, and identification of collaborative efforts among divisions.

No council action

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 AOC on behalf of the trial courts as part of the judicial branch treasury program. This report covers the period from June 1 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 for 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.

In Memoriam

Chief Justice Cantil-Sakauye closed the meeting with a moment of silence to remember recently deceased judicial colleagues and honor their service to their courts and the cause of justice:

- Hon. Robert W. Conyers (Ret.), Superior Court of California, County of San Diego
- Hon. J. Hillary Cook (Ret.), Superior Court of California, County of Alpine
- Hon. Barnet Cooperman (Ret.), Superior Court of California, County of Los Angeles
- Hon. Keith Groneman (Ret.), Superior Court of California, County of Los Angeles
- Hon. Orville Sullivan (Ret.), Municipal Court of California, County of Imperial
- Hon. Loren Miller Jr. (Ret.) Superior Court of California, County of Los Angeles

There being no further public business, the meeting was adjourned at 3:35 p.m.

Respectfully submitted,



Jody Patel
Interim Administrative Director of the Courts and
Secretary to the Judicial Council

Attachments

1. 2011 Judicial Officer Workload Study Case Types and Caseweights
2. Roll Call Sheet, Item I

3. *Table 1: Recommendations to the Judicial Council on SB 1407 Projects*
4. Option 4C November Update
5. Roll Call Sheet, Item A7
6. Equal Access Fund Partnership Grants for Distribution, Approved December 13, 2011

Judicial Needs Assessment Using 2001 Case Weights

	Criminal	Civil	Family Law	Dependency	Delinquency	Probate/MH	Total
Alameda	39.2	19.4	13.8	3.6	2.8	2.9	81.6
Alpine	0.1	0.1	0.0	0.0	0.0	0.0	0.2
Amador	1.5	0.4	0.5	0.1	0.1	0.1	2.6
Butte	7.8	2.1	3.6	1.3	0.7	0.5	16.0
Calaveras	1.3	0.5	0.7	0.2	0.1	0.1	2.9
Colusa	1.0	0.2	0.2	0.1	0.1	0.0	1.6
Contra Costa	17.1	11.6	10.5	3.5	1.3	1.5	45.4
Del Norte	1.7	0.7	0.6	0.2	0.2	0.1	3.4
El Dorado	4.8	1.9	2.4	0.5	0.4	0.4	10.3
Fresno	46.9	9.6	14.2	2.7	3.3	1.4	78.1
Glenn	1.3	0.2	0.5	0.2	0.0	0.0	2.3
Humboldt	5.2	1.4	2.1	0.4	0.4	0.4	9.8
Imperial	7.4	2.1	1.2	1.2	0.4	0.2	12.5
Inyo	1.1	0.2	0.3	0.0	0.1	0.0	1.7
Kern	32.7	7.8	11.3	3.2	2.4	2.1	59.5
Kings	7.5	1.3	2.2	0.6	0.3	0.3	12.2
Lake	2.4	0.9	1.1	0.2	0.3	0.3	5.2
Lassen	1.7	0.6	0.5	0.2	0.1	0.1	3.2
Los Angeles	293.2	142.3	110.2	39.6	24.1	10.5	619.8
Madera	7.0	2.1	2.7	0.6	0.7	0.3	13.3
Marin	5.3	2.8	2.2	0.1	0.5	0.6	11.5
Mariposa	0.7	0.2	0.2	0.0	0.0	0.0	1.1
Mendocino	5.3	0.6	1.5	0.4	0.2	0.1	8.2
Merced	12.3	2.4	3.9	1.2	0.7	0.3	20.7
Modoc	0.4	0.1	0.2	0.1	0.0	0.0	0.9
Mono	0.8	0.2	0.1	0.0	0.0	0.0	1.2
Monterey	13.2	3.8	4.1	0.6	2.0	0.4	24.1
Napa	4.4	1.4	1.6	0.2	0.5	0.4	8.5
Nevada	3.2	1.0	1.0	0.2	0.2	0.2	5.8
Orange	83.1	40.2	29.9	5.5	4.9	4.4	168.1
Placer	9.8	4.3	4.5	1.6	1.0	0.5	21.8
Plumas	0.9	0.2	0.4	0.1	0.0	0.0	1.6
Riverside	67.1	28.0	28.5	16.2	4.3	2.3	146.4
Sacramento	48.7	32.3	23.8	5.9	2.8	1.6	115.0
San Benito	2.0	0.5	0.7	0.2	0.2	0.0	3.6
San Bernardino	84.2	25.1	33.3	6.5	5.3	2.3	156.7
San Diego	79.4	35.8	36.6	6.0	4.2	3.6	165.6
San Francisco	22.9	14.9	8.1	3.0	1.0	4.2	54.1
San Joaquin	28.7	8.4	9.7	1.8	1.7	2.8	53.2
San Luis Obispo	9.7	2.3	2.6	0.7	0.5	1.5	17.3
San Mateo	13.3	6.1	6.0	3.6	2.7	1.0	32.6
Santa Barbara	13.1	4.4	3.8	1.0	2.4	1.0	25.7
Santa Clara	40.9	16.3	13.4	3.0	2.6	2.3	78.5
Santa Cruz	8.0	2.5	2.3	0.8	0.6	0.3	14.5
Shasta	9.1	2.6	3.2	0.8	0.8	0.3	16.9
Sierra	0.2	0.0	0.1	0.0	0.0	0.0	0.3
Siskiyou	2.2	0.5	0.8	0.2	0.1	0.1	3.9
Solano	18.5	4.9	6.7	0.6	1.1	0.8	32.6
Sonoma	14.5	5.4	4.6	0.8	1.7	1.0	28.0
Stanislaus	23.8	5.5	7.6	0.9	1.3	0.8	39.8
Sutter	4.5	1.1	1.8	0.4	0.2	0.4	8.4
Tehama	3.2	0.6	1.1	0.4	0.3	0.1	5.6
Trinity	0.6	0.1	0.2	0.1	0.1	0.0	1.2
Tulare	18.1	6.0	4.9	1.4	1.2	0.9	32.5
Tuolumne	2.1	0.7	0.9	0.4	0.2	0.2	4.3
Ventura	18.9	9.3	8.0	1.2	2.4	1.1	40.9
Yolo	8.2	1.7	2.3	0.6	0.4	0.3	13.5
Yuba	3.1	0.8	1.3	0.3	0.2	0.2	5.8
Total	1,164.9	478.4	440.3	125.0	86.0	57.3	2,351.9
<i>% of Total</i>	<i>49.5%</i>	<i>20.3%</i>	<i>18.7%</i>	<i>5.3%</i>	<i>3.7%</i>	<i>2.4%</i>	<i>100.0%</i>

Judicial Needs Assessment Using 2011 DRAFT Case Weights

	Criminal	Civil	Family Law	Dependency	Delinquency	Probate/MH	Total
Alameda	34.4	25.2	12.1	4.3	5.0	4.1	85.0
Alpine	0.1	0.2	0.0	0.0	0.0	0.0	0.3
Amador	1.3	0.5	0.4	0.1	0.1	0.1	2.6
Butte	6.4	2.3	3.0	1.5	1.3	0.8	15.4
Calaveras	1.0	0.7	0.6	0.3	0.2	0.1	3.0
Colusa	0.9	0.2	0.2	0.1	0.2	0.1	1.7
Contra Costa	15.1	14.3	9.1	4.2	2.3	2.4	47.5
Del Norte	1.6	1.1	0.5	0.3	0.3	0.1	3.9
El Dorado	4.0	2.2	2.1	0.6	0.8	0.5	10.2
Fresno	40.7	9.9	11.6	3.2	5.8	2.1	73.4
Glenn	1.1	0.2	0.4	0.2	0.1	0.1	2.1
Humboldt	4.4	2.0	1.7	0.4	0.7	0.7	9.8
Imperial	7.0	3.1	1.2	1.4	0.7	0.3	13.7
Inyo	1.0	0.2	0.2	0.0	0.2	0.1	1.7
Kern	31.6	7.1	9.3	3.8	4.2	2.9	59.0
Kings	7.1	1.4	1.9	0.7	0.5	0.5	12.1
Lake	2.3	1.3	0.9	0.3	0.5	0.4	5.7
Lassen	1.8	0.8	0.4	0.3	0.1	0.1	3.6
Los Angeles	282.6	152.0	94.2	47.6	42.7	18.7	637.7
Madera	6.3	2.2	2.1	0.7	1.3	0.4	13.0
Marin	4.7	3.3	2.0	0.1	0.9	0.9	11.9
Mariposa	0.6	0.3	0.2	0.0	0.1	0.1	1.2
Mendocino	4.9	0.8	1.2	0.5	0.4	0.2	8.0
Merced	10.4	2.7	3.1	1.5	1.2	0.5	19.4
Modoc	0.4	0.2	0.2	0.1	0.0	0.1	1.0
Mono	0.7	0.3	0.1	0.0	0.0	0.0	1.2
Monterey	12.8	4.6	3.5	0.7	3.6	0.7	25.8
Napa	3.9	2.0	1.4	0.2	0.9	0.5	8.9
Nevada	2.7	1.3	0.9	0.2	0.3	0.3	5.8
Orange	69.7	47.2	26.3	6.7	8.7	5.9	164.5
Placer	9.1	5.4	3.9	1.9	1.8	0.8	22.9
Plumas	0.7	0.2	0.3	0.2	0.1	0.1	1.5
Riverside	58.2	37.2	24.1	19.5	7.5	4.3	150.8
Sacramento	42.3	28.3	19.6	7.1	4.9	2.8	105.0
San Benito	1.8	0.6	0.6	0.3	0.3	0.1	3.6
San Bernardino	74.0	27.4	27.4	7.8	9.3	4.1	150.0
San Diego	64.7	41.4	32.3	7.3	7.5	6.1	159.3
San Francisco	20.2	20.2	7.1	3.6	1.8	4.9	57.8
San Joaquin	24.6	9.7	8.0	2.2	3.0	3.3	50.9
San Luis Obispo	8.3	2.6	2.3	0.8	0.8	1.8	16.6
San Mateo	12.5	6.5	5.4	4.3	4.7	1.8	35.2
Santa Barbara	12.0	5.6	3.3	1.2	4.3	1.4	27.8
Santa Clara	38.9	20.8	12.5	3.6	4.6	3.6	84.0
Santa Cruz	6.3	3.3	2.1	1.0	1.0	0.6	14.2
Shasta	8.5	3.3	2.7	1.0	1.4	0.6	17.5
Sierra	0.1	0.1	0.1	0.0	0.0	0.0	0.3
Siskiyou	2.0	0.6	0.6	0.3	0.2	0.2	3.9
Solano	16.1	5.6	5.6	0.7	2.0	1.2	31.2
Sonoma	13.4	7.0	4.2	0.9	3.0	1.6	30.2
Stanislaus	21.7	6.4	6.4	1.0	2.3	1.3	39.1
Sutter	4.1	1.3	1.5	0.5	0.3	0.5	8.2
Tehama	2.8	0.8	0.9	0.4	0.4	0.2	5.6
Trinity	0.6	0.2	0.2	0.1	0.1	0.1	1.3
Tulare	15.9	9.4	4.4	1.7	2.1	1.2	34.6
Tuolumne	1.9	0.8	0.7	0.4	0.3	0.3	4.5
Ventura	17.5	10.8	7.3	1.4	4.2	1.8	43.0
Yolo	7.3	2.2	2.0	0.7	0.8	0.5	13.4
Yuba	3.0	0.9	1.1	0.3	0.3	0.3	5.9
Total	1,050.3	548.1	377.5	150.2	152.3	88.9	2,367.3
<i>% of Total</i>	<i>44.4%</i>	<i>23.2%</i>	<i>15.9%</i>	<i>6.3%</i>	<i>6.4%</i>	<i>3.8%</i>	<i>100.0%</i>

Change from 2002 to 2011 Case Weights

	Criminal	Civil	Family Law	Dependent	Delinquent	Probate/MH	Total
Alameda	-4.8	5.8	-1.7	0.7	2.2	1.2	3.3
Alpine	0.0	0.1	0.0	0.0	0.0	0.0	0.1
Amador	-0.2	0.1	0.0	0.0	0.0	0.1	0.0
Butte	-1.4	0.2	-0.6	0.3	0.6	0.4	-0.6
Calaveras	-0.2	0.2	-0.1	0.0	0.1	0.1	0.1
Colusa	-0.1	0.0	0.0	0.0	0.1	0.0	0.0
Contra Costa	-1.9	2.7	-1.4	0.7	1.0	0.9	2.1
Del Norte	-0.1	0.4	-0.1	0.0	0.1	0.0	0.5
El Dorado	-0.8	0.4	-0.3	0.1	0.3	0.1	-0.1
Fresno	-6.2	0.3	-2.6	0.5	2.5	0.7	-4.7
Glenn	-0.2	0.0	-0.1	0.0	0.0	0.0	-0.2
Humboldt	-0.8	0.6	-0.4	0.1	0.3	0.3	0.0
Imperial	-0.5	1.0	0.0	0.2	0.3	0.1	1.2
Inyo	0.0	0.1	0.0	0.0	0.1	0.0	0.1
Kern	-1.1	-0.7	-2.0	0.6	1.8	0.8	-0.5
Kings	-0.4	0.1	-0.4	0.1	0.2	0.2	-0.1
Lake	-0.1	0.4	-0.2	0.0	0.2	0.1	0.5
Lassen	0.1	0.2	-0.1	0.0	0.1	0.1	0.4
Los Angeles	-10.5	9.7	-16.0	8.0	18.6	8.2	17.9
Madera	-0.7	0.1	-0.6	0.1	0.5	0.2	-0.4
Marin	-0.6	0.5	-0.2	0.0	0.4	0.3	0.4
Mariposa	0.0	0.1	0.0	0.0	0.0	0.0	0.1
Mendocino	-0.4	0.2	-0.3	0.1	0.2	0.1	-0.2
Merced	-1.8	0.3	-0.8	0.2	0.5	0.2	-1.3
Modoc	0.0	0.1	0.0	0.0	0.0	0.0	0.1
Mono	-0.1	0.1	0.0	0.0	0.0	0.0	0.0
Monterey	-0.4	0.8	-0.6	0.1	1.6	0.3	1.7
Napa	-0.5	0.6	-0.2	0.0	0.4	0.2	0.4
Nevada	-0.4	0.3	-0.1	0.0	0.1	0.1	0.0
Orange	-13.4	7.0	-3.7	1.1	3.8	1.5	-3.6
Placer	-0.7	1.0	-0.6	0.3	0.8	0.3	1.1
Plumas	-0.2	0.1	-0.1	0.0	0.0	0.0	-0.1
Riverside	-8.9	9.1	-4.4	3.3	3.3	2.0	4.4
Sacramento	-6.3	-4.0	-4.1	1.2	2.1	1.1	-9.9
San Benito	-0.2	0.1	-0.1	0.0	0.1	0.0	0.0
San Bernardino	-10.2	2.3	-5.9	1.3	4.1	1.8	-6.6
San Diego	-14.8	5.7	-4.3	1.2	3.2	2.5	-6.4
San Francisco	-2.7	5.3	-1.0	0.6	0.8	0.7	3.8
San Joaquin	-4.1	1.3	-1.7	0.4	1.3	0.5	-2.3
San Luis Obispo	-1.5	0.3	-0.3	0.1	0.4	0.2	-0.7
San Mateo	-0.8	0.5	-0.6	0.7	2.1	0.7	2.6
Santa Barbara	-1.1	1.2	-0.5	0.2	1.9	0.3	2.1
Santa Clara	-2.0	4.5	-0.9	0.6	2.0	1.3	5.5
Santa Cruz	-1.7	0.8	-0.2	0.2	0.4	0.2	-0.3
Shasta	-0.6	0.6	-0.4	0.2	0.6	0.3	0.7
Sierra	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Siskiyou	-0.2	0.1	-0.1	0.0	0.1	0.1	0.1
Solano	-2.3	0.7	-1.1	0.1	0.9	0.4	-1.4
Sonoma	-1.1	1.6	-0.4	0.2	1.3	0.6	2.1
Stanislaus	-2.0	0.8	-1.2	0.2	1.0	0.5	-0.7
Sutter	-0.4	0.3	-0.3	0.1	0.1	0.1	-0.2
Tehama	-0.4	0.2	-0.2	0.1	0.2	0.1	0.0
Trinity	-0.1	0.1	0.0	0.0	0.1	0.0	0.1
Tulare	-2.2	3.3	-0.6	0.3	0.9	0.3	2.1
Tuolumne	-0.1	0.1	-0.1	0.1	0.1	0.1	0.2
Ventura	-1.5	1.5	-0.7	0.2	1.8	0.6	2.1
Yolo	-0.9	0.5	-0.4	0.1	0.3	0.2	-0.1
Yuba	-0.1	0.2	-0.2	0.1	0.1	0.1	0.1
Total	-114.6	69.7	-62.9	25.2	66.3	31.6	15.4
% of Total	-5.2%	2.8%	-2.8%	1.0%	2.8%	1.3%	0.0%

JUDICIAL COUNCIL ROLL CALL VOTE

December 13, 2011, Meeting

Agenda Item # / Subject Item I option 4

VOTING MEMBERS	VOTE			
	YES	NO	ABSTAIN	RECUSE
1. Hon. Tani Cantil-Sakauye, Chair				
2. Hon. Judith Ashmann-Gerst	/			
3. Hon. Stephen H. Baker absent	N/A	N/A	N/A	N/A
4. Hon. Marvin R. Baxter	/			
5. Ms. Angela J. Davis	/			
6. Hon. Noreen Evans	_____ Absent			
7. Hon. Mike Feuer absent	N/A	N/A	N/A	N/A
8. Hon. James E. Herman	/			
9. Hon. Harry E. Hull, Jr.	/			
10. Hon. Teri L. Jackson		/		
11. Hon. Ira R. Kaufman	/			
12. Ms. Miriam Aroni Krinsky	/			
13. Ms. Edith R. Matthai	/			
14. Hon. Douglas P. Miller		/		
15. Hon. Mary Ann O'Malley	/			
16. Hon. Burt Pines T	_____ Absent			
17. Mr. Mark P. Robinson, Jr.	/			
18. Hon. Kenneth K. So	/			
19. Hon. Sharon J. Waters T		/		
20. Hon. David S. Wesley	/			
21. Hon. Erica R. Yew	/			

Totals: Yes 13 No 3 Abstain _____ Recuse _____ Absent _____

Provide allocation of 1.03
 Provide loan payable in 5 years of \$915,000
Absent 12-13-11
 Mr. Ronald G. Overholt
 Secretary to Judicial Council

* T = attending by telephone

** The Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member, as his or her name is called, responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain"). A member's recusal is indicated in the right column.

After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. At the conclusion of the roll call, the names of those who failed to answer can be called again and, when appropriate, the chair can ask if any voting member entered the room after his or her name was called. Changes of votes are permitted at this time, before the result is announced.

In roll call voting, a record of how each member voted, as well as the result of the vote, will be entered in full in the minutes.

Table 1
Recommendations to Judicial Council on SB 1407 Projects
 Court Facilities Working Group
 November 9, 2011

A Project	B Current Phase (FY 11-12)	C New FY 11-12 Funding Commitment	D FY 12-13 Phase
(1) Alameda <i>East County Hall of Justice</i>	Complete Preliminary Plans ¹	Maintaining project schedule does not require new FY 11-12 funding commitment	SB 1407 contribution of construction funds previously authorized
(2) Alpine <i>New Markleeville Courthouse</i>	Project cancelled		
(3) Butte <i>New North Butte County Courthouse</i>	Complete Preliminary Plans	Working Drawings	Construction
(4) El Dorado <i>New Placerville Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(5) Fresno <i>Renovate Fresno Courthouse</i>	Complete Preliminary Plans	Minor delay is incurred by not making a new FY 11-12 funding commitment	Working Drawings
(6) Glenn <i>Renovation and Addition to Willows Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans (in case needed) Working Drawings (in case needed)
(7) Imperial <i>New El Centro Family Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans (in case needed) Working Drawings (in case needed)
(8) Inyo <i>New County Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans

¹ Proceeding with completion of development and disposition agreement with the county and lease-purchase agreement for DOF and legislative approvals for this county managed and financed project.

Table I
Recommendations to Judicial Council on SB 1407 Projects
 Court Facilities Working Group
 November 9, 2011

A Project	B Current Phase (FY 11-12)	C New FY 11-12 Funding Commitment	D FY 12-13 Phase
(9) Kern <i>New Delano Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans
(10) Kern <i>New Mojave Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(11) Kings <i>New Hanford Courthouse</i>	Complete Preliminary Plans	Working Drawings	Construction
(12) Lake <i>New Lakeport Courthouse</i>	Complete Preliminary Plans	Minor delay is incurred by not making a new FY 11-12 funding commitment	Working Drawings
(13) Los Angeles <i>New Eastlake Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(14) Los Angeles <i>New Glendale Courthouse</i>	Proceed with Site Acquisition	Moderate delay is incurred by not making a new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(15) Los Angeles <i>New Mental Health Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(16) Los Angeles <i>New Santa Clarita Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(17) Los Angeles <i>New Southeast LA Courthouse</i>	Proceed with Site Acquisition	Moderate delay is incurred by not making a new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(18) Mendocino <i>New Ukiah Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans

Table I
Recommendations to Judicial Council on SB 1407 Projects
 Court Facilities Working Group
 November 9, 2011

A Project	B Current Phase (FY 11-12)	C New FY 11-12 Funding Commitment	D FY 12-13 Phase
(19) Merced <i>New Los Banos Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans (in case needed) Working Drawings (in case needed)
(20) Monterey <i>New South Monterey County Courthouse</i>	Complete Preliminary Plans	Working Drawings	Construction
(21) Nevada <i>New Nevada City Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(22) Placer <i>New Tahoe Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(23) Plumas <i>New Quincy Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(24) Riverside <i>New Indio Juvenile and Family Courthouse</i>	Complete Preliminary Plans	Maintaining project schedule does not require new FY 11-12 funding commitment	Working Drawings
(25) Riverside <i>New Hemet Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(26) Sacramento <i>New Sacramento Criminal Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11-12 funding commitment	Purchase Property Preliminary Plans
(27) San Diego <i>New San Diego Central Courthouse</i>	Complete Preliminary Plans	Working Drawings	Construction

Table 1
Recommendations to Judicial Council on SB 1407 Projects
Court Facilities Working Group
November 9, 2011

A Project	B Current Phase (FY 11-12)	C New FY 11-12 Funding Commitment	D FY 12-13 Phase
(28) San Joaquin <i>Juvenile Justice Center Expansion</i>	Complete Preliminary Plans	Working Drawings	Construction
(29) Santa Barbara <i>New Santa Barbara Criminal Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans
(30) Santa Clara <i>New Family Justice Center</i>	Complete Preliminary Plans	Working Drawings ²	Working Drawings (balance of funds needed to complete) Construction
(31) Shasta <i>New Redding Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans (in case needed) Working Drawings (in case needed)
(32) Sierra <i>New Downieville Courthouse</i>	Project cancelled		
(33) Siskiyou <i>New Yreka Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans
(34) Solano <i>Fairfield Old Solano Renovation</i>	Complete Preliminary Plans	Working Drawings	Construction

² There was a separate Court Facilities Working Group action regarding initiating Working Drawings in FY 2011–2012 using previously committed funds.

Table I
Recommendations to Judicial Council on SB 1407 Projects
 Court Facilities Working Group
 November 9, 2011

A Project	B Current Phase (FY 11-12)	C New FY 11-12 Funding Commitment	D FY 12-13 Phase
(35) Sonoma <i>New Santa Rosa Criminal Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans (in case needed) Working Drawings (in case needed)
(36) Stanislaus <i>New Modesto Courthouse</i>	Proceed with Site Acquisition	Maintaining project schedule does not require new FY 11–12 funding commitment	Purchase Property Preliminary Plans
(37) Sutter <i>New Yuba City Courthouse</i>	Complete Preliminary Plans	Working Drawings	Construction
(38) Tehama <i>New Red Bluff Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans (in case needed) Working Drawings (in case needed)
(39) Tuolumne <i>New Sonora Courthouse</i>	Complete Site Acquisition, except for purchasing property	Purchase property Preliminary Plans proceed pending funding availability—priority based on when property is purchased	Preliminary Plans
(40) Yolo <i>New Woodland Courthouse</i>	Complete Preliminary Plans	Working Drawings	Construction

Key Question No. 2
Option 4C - November Update
Select Various Projects to Move Forward
Court Facilities Working Group
November 9, 2011

1. Total New Commitment of Funds Needed in FY 11-12 to Move into Next Phase if No Projects are Delayed (A3 + B3 + B5)	\$	165,070,000
2. Maximum Projected Available FY 11-12 Funds for New Commitments (1)	\$	194,400,000
3. Various Next Phase New Commitments to Delay in Option A 3 = line 2 - line 1)	(line \$	(670,000)

1 Project Group Based on Current Phase (Listed by FY 11-12 quarter current phase is scheduled to complete, then in alphabetical order by court)	2 Estimated FY 11-12 Quarter Current Phase to Complete	3 Estimated FY 11-12 New Commitment of Funds Needed to Proceed with Next Phase
--	--	--

Prioritization Methodology - Priority Group	Results of Prioritization Methodology - Total Score	A 13 Projects - Now in Preliminary Plans and Eligible to Move into Working Drawings in FY 11-12	A3. Proceed with Working Drawings
Critical	14	1 Alameda - East County Hall of Justice	Q2 \$ -
Immediate	19	2 Butte - New North Butte County Courthouse	Q2 \$ 4,358,000
Immediate	17	3 Monterey - New S Monterey County Courthouse	Q2 \$ 2,985,000
Immediate	15.5	4 San Joaquin - Juvenile Justice Center Renovation	Q2 \$ 259,000
Immediate	16	5 Solano - Fairfield Old Solano - Renovation	Q2 \$ 1,393,000
Immediate	16.5	6 Sutter - New Yuba City Courthouse	Q2 \$ 4,693,000
Immediate	14.5	7 Yolo - New Woodland Courthouse	Q2 \$ 9,639,000
Critical	13	8 Kings - New Hanford Courthouse	Q3 \$ 8,342,000
Critical	13	9 San Diego - New San Diego Central Courthouse	Q3 \$ 32,367,000
Immediate	18	10 Fresno - Renovate Fresno Courthouse	Q4 \$ 6,142,000
Immediate	15	11 Lake - New Lakeport Courthouse	Q4 \$ 3,646,000
Immediate	20	12 Riverside - New Indio Juvenile & Family Courthouse	Q4 \$ 3,789,000
Critical	13	13 Santa Clara - New Family Justice Center (2)	Q4 \$ -
		Total A1 through A9	\$ 64,036,000

Prioritization Methodology - Priority Group	Results of Prioritization Methodology - Total Score	B 12 Projects - Now in Site Acquisition Phase (have secured Site Selection approval on preferred site), are Eligible to Purchase Property in FY 11-12, and are Then Eligible to Move into Preliminary Plans in FY 11-12 (if property is purchased)	B3. Purchase Property	B5. Proceed with Preliminary Plans
Immediate	15	1 Tehama - Red Bluff Courthouse	Q2 (3) \$ -	\$ 2,655,000
Critical	12.5	2 Glenn - Renovation and Addition to Willows Courthouse	Q2 \$ 339,000	\$ 1,930,000
Immediate	16	3 Merced - New Los Banos Courthouse	Q2 \$ 729,000	\$ 1,279,000
Immediate	16	4 Shasta - New Redding Courthouse	Q2 \$ 3,982,000	\$ 4,750,000
Immediate	15.5	5 Sonoma - New Santa Rosa Criminal Courthouse	Q2 \$ 5,703,000	\$ 8,172,000
Immediate	14.5	6 Imperial - New El Centro Family Courthouse	Q2 (3) \$ 990,000	\$ 1,875,000
Immediate	14.5	7 Los Angeles - New Glendale Courthouse	Q3 \$ 13,272,000	\$ 4,928,000
Immediate	15	8 Los Angeles - New SE Los Angeles Courthouse	Q3 \$ 16,262,000	\$ 4,664,000
Immediate	14.5	9 Santa Barbara - New Santa Barbara Criminal Courthouse	Q3 \$ 7,392,000	\$ 5,058,000
Critical	13	10 Siskiyou - New Yreka Courthouse	Q3 \$ 27,000	\$ 4,378,000
Critical	12.5	11 Tuolumne - New Sonora Courthouse	Q3 \$ 490,000	\$ 2,486,000
Immediate	15	12 Kern - New Delano Courthouse	Q4 \$ 721,000	\$ 1,510,000
		B3 Total = to B6 plus B9 to B12 and B5 Total = B1 to B6	\$ 20,373,000	\$ 20,661,000

Footnotes:

1. Maximum Projected Available FY 11-12 Funds for New Commitments is increased from \$101.9 million by adding \$2.5 million in unspent and unencumbered funds for the Alpine and Sierra projects, which the CFWG recommends be cancelled.
2. Moving the Santa Clara project forward into Working Drawings near the end of FY 11-12 does not require a new commitment of FY 11-12 funds.
3. Quarter to complete reflects an update to the project schedule reported at the October CFWG meeting.

JUDICIAL COUNCIL ROLL CALL VOTE

December 13, 2011, Meeting

Agenda Item # / Subject A-7 motion to return abstract form to CLAC

VOTING MEMBERS	VOTE			
	YES	NO	ABSTAIN	RECUSE
1. Hon. Tani Cantil-Sakauye, Chair				
2. Hon. Judith Ashmann-Gerst				
3. Hon. Stephen H. Baker absent	N/A	N/A	N/A	N/A
4. Hon. Marvin R. Baxter				
5. Ms. Angela J. Davis				
6. Hon. Noreen Evans	Absent			
7. Hon. Mike Feuer absent	N/A	N/A	N/A	N/A
8. Hon. James E. Herman				
9. Hon. Harry E. Hull, Jr.				
10. Hon. Teri L. Jackson	_____			
11. Hon. Ira R. Kaufman				
12. Ms. Miriam Aroni Krinsky	_____			
13. Ms. Edith R. Matthai				
14. Hon. Douglas P. Miller				
15. Hon. Mary Ann O'Malley				
16. Hon. Burt Pines T	_____			
17. Mr. Mark P. Robinson, Jr.				
18. Hon. Kenneth K. So				
19. Hon. Sharon J. Waters T				
20. Hon. David S. Wesley				
21. Hon. Erica R. Yew				

Totals: Yes 16 No 8 Absain _____ Recuse _____ Absent _____

Motion Failed

Doct 12-13-11
Mr. Ronald G. Overholt
Secretary to Judicial Council

* T = attending by telephone

** The Secretary will read each voting member's name, in alphabetical order, with the Chair last. Each member, as his or her name is called, responds in the affirmative or negative as shown above. If the member does not wish to vote, he or she answers "present" (or "abstain"). A member's recusal is indicated in the right column.

After each member speaks, the Secretary then repeats that member's name and notes that answer in the correct column. At the conclusion of the roll call, the names of those who failed to answer can be called again and, when appropriate, the chair can ask if any voting member entered the room after his or her name was called. Changes of votes are permitted at this time, before the result is announced.

In roll call voting, a record of how each member voted, as well as the result of the vote, will be entered in full in the minutes.

**Equal Access Fund Partnership Grants for Distribution
Approved December 13, 2011**

Asian Pacific American Legal Center

Asian Language Self-Help Family Law Workshops (Orange)\$45,000

Bay Area Legal Aid

Housing Law Clinic (Contra Costa)\$80,000

California Rural Legal Assistance

Landlord/Tenant Pro Per Clinic (Stanislaus)\$70,000

Central California Legal Services, Inc.

Fresno County Elder Abuse Access to Justice Partnership\$80,000

Tulare County Elder Abuse Protection Partnership\$55,000

Contra Costa Senior Legal Services

Senior Self-Help Clinic\$25,000

East Bay Community Law Center

Consumer Law Clinic (Alameda)\$45,000

Elder Law and Advocacy

Imperial County Bilingual Conservatorship/Guardianship Clinic\$50,000

Family Violence Law Center

Alameda County Domestic Violence Self-Representation Assistance\$25,000

Greater Bakersfield Legal Assistance, Inc.

Kern County Orders Project\$65,000

Legal Aid Foundation of Los Angeles

Santa Monica Self-Help Legal Access Center\$45,000

Legal Aid Foundation of Santa Barbara County

Legal Resource Center in Lompoc\$60,000

Legal Aid of Marin

Unlawful Detainer/MSC Calendar Assistance.....\$50,000

Legal Aid Society of Napa Valley
Small Claims Assistance Project\$25,000

Legal Aid Society of Orange County
Central Justice Center Self-Help Center\$55,000
Limited Conservatorship Clinic\$30,000

Legal Aid Society of San Diego, Inc.
Civil Harassment Temporary Restraining Order Clinic (East County)\$40,000
Unlawful Detainer Assistance Program (South County)\$55,000

Legal Aid Society of San Mateo County
San Mateo County Landlord/Tenant Clinic\$40,000

Legal Assistance for Seniors
Partnership to Assist Guardianship Litigants (Alameda) \$55,000

Legal Services of Northern California
Unlawful Detainer and Civil Harassment Mediation Project (Shasta)\$25,000
Mother Lode Pro Per Project (Amador, Calaveras, El Dorado, Placer)\$58,000
Restraining Order Clinic (Solano)\$35,000
Consumer Assistance Clinic (Yolo)..... \$50,000

Neighborhood Legal Services of Los Angeles County
San Fernando Civil Harassment Project\$30,000
San Gabriel Valley Self-Help Legal Access Center\$80,000

Pro Bono Project Silicon Valley
Family Court Settlement Project (Santa Clara)\$45,000

Public Law Center
Orange County Courthouse Guardianship Clinic\$35,000

Public Service Law Corporation of Riverside County
Inland Empire Expungement Project..... \$50,000

San Diego Volunteer Lawyer Project
North County Civil Harassment Restraining Order Clinic\$60,000

San Francisco Bar Volunteer Legal Services	
Family Law Assisted Self-Help (FLASH) Project	\$47,000
Senior Citizens' Legal Services	
Conservatorship and Elder Abuse Project (Santa Cruz, San Benito)	\$40,000
Watsonville Law Center	
Language Access to Court Project (Santa Cruz)	\$70,000
Total	\$1,620,000