



JUDICIAL COUNCIL OF CALIFORNIA 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

Tuesday, April 24, 2012 • 10:30 a.m.–3:00 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.

TUESDAY, APRIL 24, 2012 AGENDA—BUSINESS MEETING

10:30–11:00 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, April 19, 2012**. 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

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

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, April 20, 2012**, will be distributed to council members at the meeting.

11:00–11:05 a.m. Approval of Minutes

Minutes of the [February 28, 2012](#), and [March 27, 2012](#), meetings.

11:05–11:20 a.m. Chief Justice’s Report

Chief Justice Tani Cantil-Sakauye will report.

11:20–11:35 a.m. Interim Administrative Director’s Report

Ms. Jody Patel, Interim Administrative Director of the Courts, will report.

11:35–11:50 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–A5, B–C)

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–A5 RULES AND FORMS

Appellate

[Item A1 Appellate Procedure: Review of California Environmental Quality Act Cases \(Action Required\)](#)

The Appellate Advisory Committee recommends adopting rule 8.497 of the California Rules of Court and amending rules 8.485 and 8.499 to fulfill the Judicial Council’s statutory obligation under recently enacted legislation to adopt rules implementing an expedited procedure for review in the Court of Appeal of California Environmental Quality Act claims involving certain large development projects.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

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

Criminal Law

[Item A2 Criminal Justice Realignment: Abstract of Judgment Forms \(Action Required\)](#)

In response to recently enacted criminal justice realignment, the Judicial Council revised the abstract of judgment forms (forms CR-290, CR-290(A), and CR-290.1), effective January 2, 2012, to include information regarding sentences under Penal Code section 1170(h), including mandatory supervision and county jail commitments. Because the form revisions were adopted without a period of public review, the revised forms were circulated for public comment in winter 2012. Upon review of the forms after the public comment period, the Criminal Law Advisory Committee recommends additional revisions designed to enhance the sentence information on the forms.

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

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

Family and Juvenile Law

[Item A3 Family Law: Miscellaneous Technical Changes to Rules \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee has identified technical errors in the chaptering of rules 5.380, 5.381, and 5.386 in Title V. In addition, with the adoption of rule 5.92, effective July 1, 2012, rules regarding the application for a court order will conflict with provisions of rule 5.118. To avoid confusion for family law court users, clerks, and judicial officers, the Family and Juvenile Law Advisory Committee recommends correcting these errors by rechaptering and amending the rules effective July 1, 2012.

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 R. Hough, Center for Families, Children & the Courts

Ms. Gabrielle D. Selden, Center for Families, Children & the Courts

Item A4 Juvenile Law: Extending Juvenile Court Jurisdiction—Nonminor Foster Youth (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending 6 of the rules and 10 of the forms adopted by the Judicial Council in October 2011 to implement those provisions of Assembly Bill 12 (the California Fostering Connections to Success Act) amended by AB 212 that relate to the extension of juvenile court jurisdiction and foster care services to dependents and wards up to 21 years of age. Four rules and eight forms included in this proposal were not circulated during the spring 2011 comment period because of the extensive expedited modifications required by the enactment of AB 212 on October 8, 2011. Although rule 5.707 and form JV-460 were circulated, both are included in this proposal to correct minor formatting, editing, and grammatical errors. Forms JV-462 and JV-468 have been added to correct minor technical errors brought to the committee's attention during the winter 2012 comment period.

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

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

Staff: Ms. Aleta M. Beaupied, Center for Families, Children & the Courts

Probate

Item A5 Probate: Substitutes for Decedent Estate Administration (Action Required)

The Probate and Mental Health Advisory Committee recommends revising three forms that are used to transfer the property of a decedent to his or her successors in interest when a full estate administration is not required.

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 Report to the Legislature: Annual Report of Fiscal Year 2010-2011 Court Facilities Trust Fund Expenditures (Action Required)

The Administrative Office of the Courts (AOC) recommends approving the *Annual Report of Fiscal Year 2010–2011 Court Facilities Trust Fund Expenditures*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Staff: Ms. Lisa Crownover, Finance

Item C Judicial Branch Report to the Legislature: Report on Flood Control and Water Conservation Liability in Los Angeles County (Action Required)

The AOC recommends that the Judicial Council approve the *Report on Flood Control and Water Conservation Liability* covering the reporting period of 2007 through 2011. Government Code sections 831.8 and 831.9 require that the Judicial Council report to the Legislature on the receipt of summary records of injuries and any civil actions ensuing from such injuries sustained by members of the public, in the unlined flood control channels and adjacent groundwater recharge spreading grounds in Los Angeles County.

Ms. Jody Patel, Interim Administrative Director of the Courts

Staff: Mr. David Smith, Court Programs and Services

Lunch Break **11:50 a.m.–12:35 p.m. (approx.)**

DISCUSSION AGENDA (ITEMS D–H)

Item D **12:35–1:00 p.m.**

[Court Facilities: Recommendations on Reducing Costs of SB 1407 Projects \(Action Required\)](#)

The Court Facilities Working Group (the Working Group) recommends the next steps to reduce costs for each SB 1407 project, including reassessing 13 projects with the goal of significantly lowering their costs. Minimum reductions to hard construction costs are recommended for all projects along with a set of principles for use by the courts, the AOC, and the design teams to meet cost reduction minimum goals. In support of reducing SB 1407 project costs, the Working Group also recommends that the director of the AOC’s Office of Court Construction and Management be delegated authority to make technical adjustments to facility design standards, subject to working group oversight.

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

Speakers: Hon. Brad Hill, Chair, Court Facilities Working Group
 Hon. Jeffrey W. Johnson, Chair, Courthouse Cost Reduction Subcommittee of
 the Court Facilities Working Group

Item E **1:00–1:25 p.m.**

[Judicial Branch Administration: Audit Report for Judicial Council Acceptance \(Action Required\)](#)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and the AOC recommend that the Judicial Council accept the audit report that pertains to the Mono Superior Court. This acceptance 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.

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

Speakers: Hon. Kathleen E. O’Leary, Vice Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
Mr. Hector Gonzalez, Jr., Executive Officer, Superior Court of California, County of Mono
Mr. John A. Judnick, Senior Manager, Finance

Item F 1:25–1:55 p.m.

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

At the Judicial Council’s regular business meeting on December 13, 2011, the council adopted revisions to the Introduction chapter of the *Judicial Branch Contracting Manual* and directed staff to report further to the council in April 2012 about comprehensive revisions to the manual. With the concurrence of the *Judicial Branch Contracting Manual Working Group*, the AOC recommends the council revise the manual as proposed in this report and direct staff to report further to the council in August 2012 about additional revisions to the manual. Based on the volume and content of feedback that staff received about the manual and the revisions circulated for public comment, adoption of the proposed revisions and subsequent revisions to the manual would make it more effective and workable for judicial branch entities’ procurement and contracting.

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

Speaker: Ms. Mary M. Roberts, General Counsel
Mr. Evan Garber, Office of the General Counsel

Break 1:55–2:10 p.m. (approx.)

Item G 2:10–2:40 p.m.

Trial Court Allocation: Operational and Security Funding for El Dorado Superior Court’s Remodeled Juvenile Facility (Action Required)

The AOC submits to the Judicial Council four options for review and consideration for funding one-time and ongoing operational and security costs for the remodeled El Dorado Superior Court juvenile facility that is expected to open on June 11, 2012. The council had previously approved funding for this facility, but it has taken longer than expected for the work to be completed.

Public Comment and Presentation (10 minutes) • Discussion (20 minutes)

Speakers: Hon. Suzanne N. Kingsbury, Presiding Judge, Superior Court of California, County of El Dorado

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

Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Item H 2:40–3:00 p.m.

Judicial Branch Administration: Update on Technology Activities (No Action Required. There are no materials for this item.)

As a follow up to the March 27, 2012, Judicial Council meeting, an update on judicial branch technology activities is being provided. This update includes the status of the activities related to terminating V4 as a statewide solution and leveraging the developed technology and software.

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

Speaker: Hon. James E. Herman, Chair, CCMS Internal Committee

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours \(Report #11\)](#)

In 2010, the Legislature enacted fee increases and fund transfers for the courts and also added section 68106 to the Government Code. In 2011, the Legislature enacted Assembly Bill 973, which amended section 68106 effective January 1, 2012. As amended, section 68106 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 eleventh report providing information about the implementation of these notice requirements. Since the tenth report, three courts—Plumas, Sierra, and Solano—have given such notice. Since section 68106 originally was added, on October 19, 2010, a total of 27 courts have given notice.

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