



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 25, 2013

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Title	Agenda Item Type
Judicial Branch Administration: Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups	Action Required
	Effective Date
	April 25, 2013
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	April 17, 2013
Recommended by	Contact
Hon. Douglas P. Miller, Chair, Executive and Planning Committee	Nancy E. Spero, 415-865-7915 <a href="mailto:nancy.spero@jud.ca.gov">nancy.spero@jud.ca.gov</a>
Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee	
Hon. James E. Herman, Chair, Technology Committee	

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### Executive Summary

The council's Executive and Planning Committee (E&P), Rules and Projects Committee (RUPRO), and Technology Committee recommend that the council approve recommendations to improve the governance, structure, and organization of its advisory groups. Some recommendations assign oversight of advisory groups when previously unclear. Others recommend the merger of existing groups or functions, while others recommend that certain groups sunset. Others recommend that certain task forces and working groups become standing advisory committees, with explicit council oversight and rotating appointments, and with nominations solicited publicly. These three internal council committees also recommend the council clarify that advisory groups should solicit the approval of the assigned council oversight committee before creating subcommittees or subgroups and adding new projects and that the council, through its internal committees, regularly review the governance, structure, and

organization of its advisory groups. Implementing these recommendations will set priorities and direction for the council's advisory group function and will improve the council's oversight of the advisory groups and the Administrative Office of the Courts (AOC).

### **Recommendation**

The council's E&P, RUPRO, and Technology Committee recommend that the council approve the recommendations in Attachment 1, "Recommendations for Improved Governance, Structure, and Organization for Judicial Council Advisory Groups." The recommendations are listed under the column labeled: "E&P, RUPRO, & Technology Committee Recommendations." These three internal committees further recommend that the council clarify that advisory groups should solicit the approval of the assigned council oversight committee before creating subcommittees or subgroups and adding new projects and that the council, through its internal committees, regularly review the governance, structure, and organization of its advisory groups.

### **Previous Council Action**

Advisory groups provide the Judicial Council with policy recommendations by using their individual and collective experience, opinions, and wisdom and by gathering stakeholder perspectives. (Cal. Rules of Court, rule 10.30(b).) The Judicial Council, the Chief Justice, and the Administrative Director of the Courts have authority to establish and charge advisory groups. (Cal. Rules of Court, rules 10.70 and 10.30(g).) Advisory groups go by a variety of names: advisory committee, task force, commission, and working group. A standing advisory committee is typically created by the Judicial Council and is described by a rule of court; the current council advisory committees are outlined in rules 10.40 through 10.59. The council has been assisted by advisory groups for decades.

Under the council leadership of Chief Justice Tani G. Cantil-Sakauye, the Judicial Council has been reviewing its governance, expanding public participation in council proceedings, enhancing the council's oversight of the AOC, identifying and directing branch efficiencies, and improving its accountability and transparency. Many of the short- and mid-term E&P recommendations based on ideas generated at the council's June 2011 planning meeting have been accomplished, including opening the council's educational meetings to the public, relaxing the council's rules on public comment, and creating liaison programs where the council members establish connections with specific trial courts and specific offices at the AOC. In August 2012, the Judicial Council gave 145 directives to the AOC, the council's staff agency, for restructuring. The council is currently overseeing the implementation of those directives.

### **Rationale for Recommendation**

The council initiative for reviewing the governance, structure, and organization of the council's advisory groups had its genesis in its June 2011 planning meeting. In August 2011, E&P made this recommendation to the council:

The Judicial Council will review the structure and organization of its advisory groups, including its advisory committees and task forces, and their subcommittees and advisory groups.<sup>1</sup>

With the council having addressed the short- and mid-term governance recommendations that were generated at the council's June 2011 planning meeting, members of E&P, RUPRO, and the Technology Committees met several times over the past few months and with each chair of most of the council's standing advisory committees and task forces and many of its working groups. The attendees reviewed each advisory group's annual agenda, which is an outline of the projects it proposes to address in the coming year and considered preliminary governance, structure, and organization recommendations. The attachment reflects recommendations to the council from E&P, RUPRO, and the Technology Committees, developed during this period to improve the governance, structure, and organization of the council's 49 advisory groups.

The council is accountable for the resources used by its advisory groups. By actively reviewing the function and organization of its advisory groups from time to time and by making changes to the governance, structure, and organization of these groups as a result of such a review, the Judicial Council can reset priorities and direction for the council's advisory group function and improve its oversight of its advisory groups and of the AOC's support of those groups. This can result in efficiencies, clarifications of functions and charges, cost reductions, consolidations, and the identification of the need for advisory groups on emerging issues. By reviewing the advisory groups, the council can make decisions that will allow it to increase the value from its advisory groups.

As the governing body for the judicial branch, the council has had the benefit of advisory groups for decades, assisting the council in making sound policy decisions for the judicial branch and the people of California. Dozens of advisory groups currently perform valuable work assisting the council in the improvement of the administration of justice in California. Those advisory groups are typically composed of judges, appellate justices, court leaders, attorneys, subject matter experts, and representatives of justice system partners—hundreds of such individuals serve enthusiastically and without compensation.

Considerable value can be obtained for the benefit of the judicial branch and the people of California through the well-organized efforts of these many advisory groups and the efficient functioning of these groups of high-level volunteers. By reviewing and improving the governance, structure, and organization of these groups, the council is creating greater value.

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<sup>1</sup> Judicial Council meeting minutes, August 25–26, 2011, page 7, report from the Chair of the E&P. <http://www.courts.ca.gov/documents/jc-20110826-minutes.pdf>. See also, Minutes, August 12, 2011, E&P meeting. <http://www.courts.ca.gov/documents/jc-121311-comrep.pdf>

The recent review by the three internal committees has been intended to identify opportunities for:

- Creating efficiencies by consolidating certain committee activities and reducing overlapping responsibilities. In some cases, merger has been recommended. In others, the sunseting of a group has been recommended. In others, the repeal of a rule or statute has been recommended.
- Reducing the costs associated with committee operations, including gaining a better understanding of the resources and staff support reasonably needed by the council's advisory groups. During this review, the council members and advisory group chairs discussed the frugal use of resources and staff support in this time of diminished resources for the branch.
- Strengthening Judicial Council oversight of the groups that had not been directly overseen by the council, such as subcommittees and subgroups which had been created by the council's advisory groups. The recommendations include several changes minimizing these tiered advisory relationships and shifting oversight of some of these subgroups.
- Creating formal standing advisory committees to succeed task forces and working groups when the continued assistance of those groups is needed. These recommendations include RUPRO's oversight for the development of a formal rule of court, which will include the typical features of a standing advisory committee, including a charge, staggered appointment terms for members, and the open solicitations of nominations.

Attachment 1, "Recommendations for Improved Governance, Structure, and Organization for Judicial Council Advisory Groups," reflects the considered recommendations from the council's E&P, RUPRO, and Technology Committees. Should the council approve these recommendations, these internal council committees will monitor the outcomes and will return to the council with any further recommendations or corrections, in order to stay on course for the continuous improvement and efficiencies of the advisory group function.

These three internal council committees also recommend that the council clarify that advisory groups, notwithstanding California Rules of Court, rule 10.30(c) and rule 10.34(f)(3), should solicit the approval of the assigned council oversight committee before creating subcommittees or subgroups and adding new projects. As a corollary for being accountable for the resources used by its advisory groups, the Judicial Council should determine the charge and projects for each proposed subgroup as well as the requested resources and staffing. To assist the assigned council oversight committee in making a determination of whether an advisory group should have a subcommittee, the following factors can be considered:

- The proposed charge to the proposed subcommittee and why the existing advisory group is unable to undertake this activity or project;
- The estimated staffing levels necessary to support the proposed subcommittee charge;
- The timeline for the proposed subcommittee charge and an end date for the subcommittee;
- The expected budget for this subcommittee; and

- If two or more advisory groups propose creating a joint subcommittee, which parent advisory group will have reporting responsibility for that subcommittee.

Finally, these three internal council committees recommend that the council, through its internal committees, regularly review the governance, structure, and organization of its advisory groups. This regular review and consideration of the function and value of advisory groups is another aspect of the council's accountability.

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

During the December 2012 through March 2013 development of these recommendations, the members of the council's E&P, RUPRO, and Technology Committees consulted with the chairs of most of the affected groups to determine the implications and likely results from various possible choices. These recommendations are the result of the consideration of those comments.

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

The AOC, the staff agency to the Judicial Council, provides staff support to the council's advisory groups. The implementation of these recommendations, including developing and proposing rules amendments, will, therefore, be supported by AOC staff. Other than the use of AOC staff time, the costs for implementing these recommendations should be minimal. The courts will not be impacted by the implementation of these recommendations.

### **Attachments**

1. Recommendations for Improved Governance, Structure, and Organization for Judicial Council Advisory Groups

## Recommendations for Improved Governance, Structure, and Organization for Judicial Council Advisory Groups

	Current Judicial Council Advisory Group*	Related Working Groups & Subcommittees	Current Oversight or Reporting Responsibility	E&P, RUPRO, & Technology Committee Recommendations		
				Proposed Oversight or Reporting Responsibility	Proposed Reorganization	Proposed Resulting Group To Be Supported by AOC
1.	Access and Fairness Advisory Committee		E&P	E&P	The Self-Represented Litigants Task Force to complete as many of its projects as possible by 9-1-13. The task force chair to submit recommendations by 8-1-13, for consideration at the August 2013 Judicial Council meeting, for the assignment of the remainder of its work and projects. It is anticipated that remaining projects will be merged with the Access and Fairness Advisory Committee.	Access and Fairness Advisory Committee, resulting from the merger of: <ul style="list-style-type: none"> <li>• Access and Fairness Advisory Committee</li> <li>• Self Represented Litigants Task Force</li> </ul>
2.	Ad Hoc Advisory Committee to Review Working Group Recommendations for Court Operational Efficiencies				Merge with Joint TCPJAC/CEAC Trial Court Efficiencies Working Group.	
3.	Administrative Presiding Justices Advisory Committee (APJAC)	<ul style="list-style-type: none"> <li>• Appellate E-Filing Working Group</li> </ul>	E&P	E&P		Administrative Presiding Justices Advisory Committee (APJAC)
4.	Advisory Committee on Civil Jury Instructions (CACI)		RUPRO	RUPRO		Advisory Committee on Civil Jury Instructions (CACI)

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5.	Advisory Committee on Criminal Jury Instructions (CALCRIM)		RUPRO	RUPRO		Advisory Committee on Criminal Jury Instructions (CALCRIM)
6.	Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E)		E&P	E&P		Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E)
7.	Appellate Advisory Committee	<ul style="list-style-type: none"> <li>• Appellate Division Rules Working Group</li> <li>• Appellate E-Filing Working Group</li> <li>• Joint CEAC/Appellate Advisory Committee Working Group on Response to Supreme Court Order re Court Reporter Transcripts</li> <li>• Writs Working Group</li> </ul>	RUPRO	RUPRO		Appellate Advisory Committee
8.	Appellate E-Filing			JC Technology	Pending recommendation from	

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	Working Group			Committee	Judicial Council Technology Committee.	
9.	Appellate Indigent Defense Oversight Advisory Committee		APJAC	APJAC		Appellate Indigent Defense Oversight Advisory Committee
10.	Assembly Bill 2073 Mandatory E-Filing Working Group		CTAC	JC Technology Committee	Sunset group when work is completed at the end of 2013.	
11.	B.E. Witkin Judicial College Steering Committee			CJER Governing Committee	CJER Governing Committee to have reporting responsibility for the Judicial College Steering.	
12.	Bench-Bar Coalition (BBC) (voluntary participation)			PCLC		Bench-Bar Coalition (BBC)
13.	Blue Ribbon Commission on Children in Foster Care	<ul style="list-style-type: none"> <li>• Truancy/School Discipline Workgroup</li> </ul>	RUPRO	RUPRO		Blue Ribbon Commission on Children in Foster Care
14.	Governing Committee of the Center for Judicial Education and Research (CJER)	<ul style="list-style-type: none"> <li>• CJER Appellate Practice Curriculum Committee</li> <li>• CJER Civil Law Curriculum</li> <li>• CJER Criminal Law Curriculum Committee</li> </ul>	E&P	E&P	CJER Governing Committee to have reporting responsibility for the Curriculum committees and the B.E. Witkin Judicial College Steering Committee.	Governing Committee of the Center for Judicial Education and Research (CJER)

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		<ul style="list-style-type: none"> <li>• CJER Family Law Curriculum Committee</li> <li>• CJER Judicial Branch Ethics &amp; Fairness Curriculum Committee</li> <li>• CJER Judicial Branch Leadership Development Curriculum Committee</li> <li>• CJER Juvenile Law Curriculum Committee</li> <li>• CJER Probate Law Curriculum Committee</li> <li>• CJER Trial and Appellate Court Operations Curriculum Committee</li> </ul>				
15.	Civil and Small Claims Advisory Committee	<ul style="list-style-type: none"> <li>• Arbitrator Ethics Standards Working Group</li> </ul>	RUPRO	RUPRO	Fam/Juv Advisory Committee to have reporting responsibility for Protective Orders Working	Civil and Small Claims Advisory Committee

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				Proposed Oversight or Reporting Responsibility	Proposed Reorganization	Proposed Resulting Group To Be Supported by AOC
		<ul style="list-style-type: none"> <li>Protective Orders Working Group</li> </ul>			Group.	
16.	Collaborative Justice Courts Advisory Committee		E&P	E&P		Collaborative Justice Courts Advisory Committee
17.	Collections Informal Working Group		AOC Fiscal Services Office	Court-Ordered Debt Task Force	Court-Ordered Debt Task Force to have reporting responsibility for the work of the Collections Informal Working Group	Collections Informal Working Group
18.	Commission for Impartial Courts Implementation Committee		E&P	E&P	<ul style="list-style-type: none"> <li>Sunset group by June 30, 2013.</li> <li>E&amp;P will review the Commission's pending recommendations and refer them to the appropriate advisory groups.</li> </ul>	
19.	Conference of Court Executives				See first bulleted recommendation under #23 to merge this group with CEAC.	
20.	Court Emergency Response and Security Task Force		E&P	E&P	Become standing advisory committee with a charge and a rule of court. RUPRO will oversee the drafting of rule of court.	Establish Court Security Advisory Committee
21.	Court Executives Advisory Committee (CEAC)	<ul style="list-style-type: none"> <li>Records Management Working Group</li> <li>TCPJAC/CEAC Joint Trial Court</li> </ul>	E&P	E&P	<ul style="list-style-type: none"> <li>Combine the Conference of Court Executives and the Court Executives Advisory Committee into one advisory group with an executive</li> </ul>	Court Executives Advisory Committee (CEAC) to be combined with: <ul style="list-style-type: none"> <li>Conference of Court Executives</li> </ul>

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		Efficiencies Working Group <ul style="list-style-type: none"> <li>• TCPJAC/CEAC Joint Legislation Working Group</li> <li>• TCPJAC/CEAC Joint Rules Working Group</li> <li>• TCPJAC/CEAC Trial Court Business Process Reengineering Joint Working Group</li> <li>• E-access Working Group</li> <li>• Joint CEAC/Appellate Advisory Committee Working Group on Response to Supreme Court Order re Court Reporter Transcripts</li> <li>• CEAC Lexis/Westlaw</li> </ul>			committee. That combined group will not have an appellate court administrator position. CA Appellate Court Clerks Association meets separately and works with Administrative Presiding Justices Advisory Committee. <ul style="list-style-type: none"> <li>• RUPRO will oversee drafting of amendments to the rules of court.</li> <li>• CEAC and TCPJAC to provide consultative work on the Judicial Branch Contracting Manual.</li> </ul>	

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				Proposed Oversight or Reporting Responsibility	Proposed Reorganization	Proposed Resulting Group To Be Supported by AOC
		Online Legal Research Working Group				
22.	Court Facilities Working Group (CFWG)		E&P	E&P	Become a standing advisory committee with a charge and a rule of court. RUPRO will oversee the drafting of rule of court.	Establish Court Facilities Advisory Committee.
23.	Court Interpreters Advisory Panel (CIAP)		E&P	E&P		Court Interpreters Advisory Panel (CIAP)
24.	Court Technology Advisory Committee (CTAC)	<ul style="list-style-type: none"> <li>• Appellate E-Filing Working Group</li> <li>• E-access Working Group</li> <li>• Projects Subcommittee</li> <li>• Rules &amp; Policy Subcommittee</li> <li>• Outreach Subcommittee</li> </ul>	JC Technology Committee	JC Technology Committee		Court Technology Advisory Committee (CTAC)
25.	Court-Ordered Debt Task Force (Judicial Council appoints 6 of its members)	<ul style="list-style-type: none"> <li>• Priorities Subcommittee</li> <li>• Collections Subcommittee</li> </ul>	E&P	E&P	Court-Ordered Debt Task Force to have reporting responsibility for the Collections Informal Working Group	Court-Ordered Debt Task Force
26.	Criminal Law Advisory Committee (CLAC)	<ul style="list-style-type: none"> <li>• E-access Working Group</li> <li>• Protective Orders</li> </ul>	RUPRO	RUPRO	Fam/Juv Advisory Committee to have reporting responsibility for Protective Orders Working	Criminal Law Advisory Committee (CLAC)

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		Working Group			Group.	
27.	Domestic Violence Practice and Procedure Task Force (DVTF)	<ul style="list-style-type: none"> <li>Protective Orders Working Group</li> </ul>	RUPRO	RUPRO	<ul style="list-style-type: none"> <li>Complete as many of its projects as possible by 9-1-2013. The chair to submit a report by 8-1-2013 for consideration at the August 2013 Judicial Council meeting. It is anticipated that remaining projects will be merged with the Violence Against Women Education Project (VAWEP).</li> <li>Fam/Juv Advisory Committee to have reporting responsibility for Protective Orders Working Group.</li> </ul>	
28.	Elkins Family Law Implementation Task Force		RUPRO	RUPRO	Sunset on 6-30-13 as previously scheduled. The chair to submit a report to the Judicial Council on assignment of remaining projects.	
29.	Family and Juvenile Law Advisory Committee (Fam/Juv)	<ul style="list-style-type: none"> <li>Protective Orders Working Group</li> </ul>	RUPRO	RUPRO	Fam/Juv Advisory Committee to have reporting responsibility for Protective Orders Working Group.	Family and Juvenile Law Advisory Committee <ul style="list-style-type: none"> <li>Potential for assignments from Domestic Violence Practice and Procedure Task Force</li> <li>Potential for assignments from Elkins Family Law</li> </ul>

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				Proposed Oversight or Reporting Responsibility	Proposed Reorganization	Proposed Resulting Group To Be Supported by AOC
						Implementation Task Force
30.	Judicial Branch Contracting Manual Working Group				<ul style="list-style-type: none"> <li>Sunset group.</li> <li>Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee to provide consultative work on the Judicial Branch Contracting Manual.</li> </ul>	
31.	Judicial Branch Technology Initiatives Working Group (Formed by the council's Technology Committee)		JC Technology Committee	JC Technology Committee	Pending recommendation from the Judicial Council Technology Committee.	
32.	Judicial Branch Workers' Compensation Oversight Committee		Provides annual information to Judicial Council	E&P		Judicial Branch Workers' Compensation Oversight Committee
33.	Judicial Services Advisory Committee				Repeal rule of court	
34.	Kleps Awards Committee				Activities are currently suspended. E&P and RUPRO will revisit in FY 13-14.	
35.	Leadership Group on Civics Education and		ADOC	Chief Justice	Merge 2 groups.	Leadership Group on Civics Education and Public Outreach

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				Proposed Oversight or Reporting Responsibility	Proposed Reorganization	Proposed Resulting Group To Be Supported by AOC
	Public Outreach  Civic Education Summit Steering Committee					
36.	Legal Services Trust Fund Commission (Some members are appointed by Judicial Council and others by State Bar Board of Trustees)		Judicial Council	Judicial Council		Legal Services Trust Fund Commission
37.	Mental Health Issues Implementation Task Force		RUPRO	RUPRO	Chair to submit a report by 8-1-2013, for consideration at the August 2013 Judicial Council meeting, on the status of the remaining work and projects, including estimated completion dates and whether the work can be completed by December 2013 (instead of December 2014).	
38.	Probate & Mental Health Advisory Committee	<ul style="list-style-type: none"> <li>Protective Orders Working Group</li> </ul>	RUPRO	RUPRO		Probate & Mental Health Advisory Committee
39.	Protective Orders Working Group (POWG)			Fam/Juv Advisory Committee	Fam/Juv Advisory Committee to have reporting responsibility for Protective Orders Working Group.	

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				Proposed Oversight or Reporting Responsibility	Proposed Reorganization	Proposed Resulting Group To Be Supported by AOC
				Continue to include the POWG's work on the annual agendas of each advisory group that participates on the POWG.		
40.	Sargent Shriver Civil Counsel Act Implementation Committee		E&P	E&P		Sargent Shriver Civil Counsel Act Implementation Committee
41.	Self-Represented Litigants Task Force		RUPRO	RUPRO	Complete as many of its projects as possible by 9-1-13. The chair to submit recommendations by 8-1-13, for consideration at the August 2013 Judicial Council meeting, for the assignment of the remainder of its work and projects. It is anticipated that remaining projects will be merged with the Access and Fairness Advisory Committee.	
42.	Senate Bill (SB) 56 Working Group (Appt'd by ADOC)		E&P	E&P	E&P will evaluate other possible recommendations later in 2013.	Senate Bill (SB) 56 Working Group
43.	Traffic Advisory Committee		RUPRO	RUPRO		Traffic Advisory Committee

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44.	Trial Court Budget Working Group (Appt'd by ADOC)	<ul style="list-style-type: none"> <li>• Expenditure Review Subcommittee</li> <li>• Funding Methodology Subcommittee</li> <li>• Revenue Tracking Subcommittee</li> <li>• Court-Appointed Counsel Funding Subcommittee</li> </ul>	E&P	E&P	Become a standing advisory committee, with a charge and rule of court, and appointments made through the annual nominations process. Members of the recommending internal committees also agreed that presiding judges appointed to the committee will complete a three-year term even after their terms as presiding judge end. RUPRO will oversee drafting of rule of court.	Establish Trial Court Budget Advisory Committee.
45.	Trial Court Facility Modification Working Group		E&P	E&P	Become a standing advisory committee, with a charge and rule of court, and appointments made through the annual nominations process. RUPRO will oversee drafting of rule of court.	Establish Trial Court Facility Modification Advisory Committee.
46.	Trial Court Presiding Judges Advisory Committee (TCPJAC)	<ul style="list-style-type: none"> <li>• TCPJAC/CEAC Joint Legislation Working Group</li> <li>• TCPJAC/CEAC Joint Rules Working Group</li> <li>• TCPJAC/CEAC Trial Court</li> </ul>	E&P	E&P		Trial Court Presiding Judges Advisory Committee (TCPJAC) <ul style="list-style-type: none"> <li>• Merge Ad Hoc Advisory Committee to Review Working Group Recommendations for Court Operational Efficiencies into Joint TCPJAC/CEAC Trial</li> </ul>

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		Business Process Reengineering Joint Working Group • Joint TCPJAC/CEAC Trial Court Efficiencies Working Group				Court Efficiencies Working Group • TCPJAC and CEAC may provide consultative work on the Judicial Branch Contracting Manual
47.	California Tribal Court-State Court Forum		Participates in annual agenda process	E&P [According to Rules of Court 10.30 (d); 10.34 (b) and (f)]	Become a standing advisory committee with a charge and rule of court, and appointments made through the annual nominations process. RUPRO will oversee drafting of rule of court.	California Tribal Court-State Court Forum
48.	Working Group on Court Security		Reports to JC as needed		Repeal rule [See recommendation under #22 to establish Court Security Advisory Committee.]	
49.	Working Group on Court Security Fiscal Guidelines		Reports to JC as needed		Repeal rule [See recommendation under #22 to establish Court Security Advisory Committee.]	

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