

**JUDICIAL COUNCIL of CALIFORNIA**  
**Minutes of the Business Meeting—April 25–26, 2013**  
**Ronald M. George State Office Complex**  
**William C. Vickrey Judicial Council Conference Center**  
**Malcolm M. Lucas Board Room**  
**San Francisco, California**

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**Thursday, April 25, 2013—OPEN MEETING (RULE 10.6(A))—**  
**EDUCATIONAL AND BUSINESS MEETING AGENDA**  
**(ITEMS 1–4)**

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Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the meeting to order at 1:30 p.m. on Thursday, April 25, 2013, 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 Judith Ashmann-Gerst, Marvin R. Baxter, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, James R. Brandlin, David De Alba, Emilie H. Elias, Sherrill A. Ellsworth, James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O’Malley, and David Rosenberg; Ms. Angela J. Davis and Mr. James P. Fox; **advisory members present:** Judges Laurie M. Earl, Allan D. Hardcastle, Morris D. Jacobson, Robert James Moss, Kenneth K. So, and Charles D. Wachob; Commissioner Sue Alexander; Chief Executive Officer Alan Carlson; and Court Executive Officers Mary Beth Todd and David H. Yamasaki; **Secretary to the council:** Steven Jahr, Administrative Director of the Courts.

**Members absent:** State Senator Noreen Evans, Assembly Member Richard Bloom, Judge Brian L. McCabe, Ms. Edith R. Matthai, and Mr. Mark P. Robinson, Jr.

**Incoming member present:** Mr. Mark G. Bonino.

**Others present:** Court Executive Officer Tammy L. Grimm; **members of the public:** Ms. Naomi Adelson, Ms. Mary Lou Aranguren, Ms. Kate Bancroft, Mr. Eric Bishop, Ms. Marina Brodskaya, Mr. Darren Carroll, Ms. Carla Cuevas, Ms. Marie Damon, Ms. Maria del Carmen Munoz, Ms. Megan Denkers, Mr. Curtis Draves, Ms. Mary Flynn, Ms. Olivia Frank, Ms. Anabelle Garay, Mr. Steven Gingold, Mr. Victor Hernandez, Mr. Francisco Jiron, Ms. C. Locano, Ms. Conchita Lozano, Mr. Manuel Lozano, Ms. Karina McMillan, Mr. D. Navarro, Ms. Carol Palacio, Ms. Marianne Pripps-Huerta, Mr. Rodrigo Reyes, Ms. Margaret Roberts, Mirtha T. Sanchez, Ms. Margo Seely, Ms. Lindsay Scott-Florez, Mr. Brandon Scovill, Ms. Molly Smith, Mr. David Sweet, Mr. Andy Ta, Ms. Camille Talara, Mr. Hiram Torres, Ms. Katy Van Sant, Ms. Angela

Zadawazki; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Mr. Paul Jones, *Daily Journal*; and Ms. Virginie Grouber, *Agence France Presse*.

### **Approval of Minutes**

The Judicial Council approved the minutes of the February 25–26, 2013, Judicial Council meetings.

### **Chief Justice’s Report**

Chief Justice Tani G. Cantil-Sakauye summarized her activities and engagements since the last council meeting in February, beginning with the “Civic Learning California Summit: Making Democracy Work” in March, where Justice Sandra Day O’Connor (Ret.) gave the keynote address. The summit included the participation of educators, students, education organizations and institutions, labor organizations, business and community leadership, the state bar, and elected officials. Making reference to a recent poll by the Public Policy Institute of California indicating the importance of civics education in public opinion, the Chief Justice credited the educational outreach efforts of appellate and trial courts as an important contribution to the public’s improved understanding of the court system and public trust in the judicial branch of government.

In March, the Chief Justice participated in the annual Read Across America Day with the theme of “reading is the window to opportunity.” She appeared in a video broadcast and performed a reading for a group of third graders, with participation from other appellate justices. The subject of her reading selections for the event was the courage and bravery that lives within us all.

On March 13, 2013, the Chief Justice gave her State of the Judiciary Address to a joint session of the Legislature. She spoke on the importance of the justice system, attorneys, and the courtroom as a forum for justice, as exemplified in the case *Gideon v. Wainwright*. She encouraged decision makers in Sacramento to reinvest in justice and made the point that the current rate of budget appropriation, one penny on the dollar, is not sufficient to run the judicial branch of the most diverse state in the nation. The judicial branch budget remains the ongoing focus of her meetings with the Governor, the Legislature, and justice system partners.

Other engagements she attended included: groundbreaking ceremonies for facilities at the Superior Court of California in the counties of Solano and Yolo; events for the Supervising Judges and Appellate Judges Institutes; events of the Los Angeles County Bar Association and the Bar Association of San Francisco; the San Francisco Bar Association’s Justice and Diversity Center award ceremony to appreciate outstanding volunteers; and the California Lawyer Attorneys of the Year Awards, honoring attorneys in different fields for their outstanding pro bono work. She also administered the oath of office for 12 new judges taking the bench in the Superior Court of California, County of Los Angeles.

## **Administrative Director's Report**

Steven Jahr, Administrative Director of the Courts, provided his written report on the activities of the AOC since the February council meeting. He highlighted discussions with the State Director of Finance on the branch's continuing concern over the amendment made last year to the Lockyer-Isenberg Trial Court Funding Act, limiting trial court reserves to 1 percent of their budget and the cash flow difficulties that this presents to the courts.

With respect to the the Administrative Office of the Courts (AOC) quarterly report on vacancies, Judge Jahr reported on the status of 118 existing vacancies that have been vacant six months or more, due to the extended hiring freeze on all but critical positions. The vast majority of the vacancies, 26, are in the Information Technology Services Office. He further reported that the AOC is in the process of reducing contractors and will conduct a recruitment for regular employees to fill critical long-term maintenance and support roles. This is expected to result in a significant savings in personnel costs for the AOC but will not increase the employee headcount.

Judge Jahr also commended the work AOC staff performed in a variety of areas: providing staff support to the Trial Court Funding Workgroup (Item O on the agenda); providing staff support to the Trial Court Budget Working Group's proposal for a new allocation formulation (Item P on the agenda); training 43 courts to perform the mandated data collection on the courts' criminal realignment workload; initiating the oral proficiency exam for registered court interpreters; facilitating labor negotiations in 10 courts; conducting regional interpreter contract negotiations; analyzing position classification and compensation categories with regard to Fair Labor Standards Act provisions; and implementing the AOC's pilot of a new telecommute program. He noted that the AOC Legal Services Office has continued to meet workload demands despite a reduction in workforce. He also referred to the work in progress by the AOC Special Projects Office, which has been involved in the tracking of all Judicial Council directives on AOC restructuring; an evaluation of core activities for the AOC; the design of an upcoming customer service survey program; and the recommendations from the council's internal committees on restructuring council advisory groups, also on the agenda for this meeting.

On the topic of court facilities and construction, Judge Jahr also mentioned that the Judicial Branch Capital Program Office received the American Institute of Architect's Academy of Architecture for Justice "Excellence Award" for 2013, recognizing the Richard E. Arnason Justice Center of the Superior Court of California, County of Contra Costa. He reported that eight courthouse projects are currently in construction, and eight more are expected to start construction next year.

## **Judicial Council Committee Presentations**

### *Policy Coordination and Liaison Committee (PCLC)*

Justice Marvin R. Baxter, Chair, reported that the committee had met four times since the last Judicial Council meeting in February: twice in March and twice in April, taking positions on

behalf of the Judicial Council on 19 separate pieces of legislation, approving seven legislative proposals to go out for public comment, and adopting recommendations on six proposals for Judicial Council sponsorship.

On March 7, PCLC reviewed legislation, taking the following positions on behalf of the council:

- Support Assembly Bill 492, on Proposition 36 probation cases;
- Oppose Assembly Bill 515 and Senate Bill 123, relating to the California Environmental Quality Act; and
- Recommend for Judicial Council-sponsored legislation six of nine proposals submitted to PCLC on operational efficiencies, cost savings, and new revenue.

The committee also provided the AOC Office of Governmental Affairs (OGA) with direction on its practice of preparing fiscal analyses for the Legislature on pending legislation and bills impacting the branch.

On March 28, PCLC reviewed legislation, taking the following positions on behalf of the council:

- Oppose Assembly Bill 36, dealing with probation officer appointments;
- Oppose Senate Bill 366, related to civil assessments for traffic violations; and
- Continue to oppose Assembly Bill 515, relating to the California Environmental Quality Act (CEQA), and oppose Assembly Bill 566, relating to the Trial Court Employment Protection and Governance Act; with direction to OGA to work with the authors of these bills to explore possible alternatives to make them more workable for the courts.

On April 11, PCLC reviewed and took the following positions on behalf of the council:

- Continue to oppose Senate Bill 123, requiring the Judicial Council to direct the creation of new environmental and land use divisions at the superior court level to hear CEQA and related cases;
- Oppose Assembly Bill 723, relating to postrelease community supervision;
- Oppose Assembly Bill 1118, regarding the statewide bail schedule; and
- Approve for circulation for public comment six legislative proposals from the Mental Health Issues Implementation Task Force, Criminal Law Advisory Committee, and the California Tribal Court/State Court Forum in conjunction with the Family and Juvenile Law Advisory Committee.

On April 18, the committee reviewed legislation and took the following positions on behalf of the council:

- Oppose Assembly Bill 301, requiring election officials to cancel the affidavit of registration of individuals reported by the clerk of court for specified reasons;
- Oppose Assembly Bill 655, relating to court reporters salary fund;
- Oppose Assembly Bill 756, dealing with expedited judicial review procedures for public works projects;

- Oppose Assembly Bill 1008, which would eliminate the ability of a judge to perform the duties of a clerk during a session of a superior court or in a judge's chambers;
- Oppose the provisions of Senate Bill 530 relating to certificates of rehabilitation;
- Support Assembly Bill 1006, relating to the sealing and destruction of juvenile court records;
- Support Assembly Bill 1403, which revises the Uniform Parentage Act to make it gender neutral;
- Support, on condition of being amended and funded, Senate Bill 597, dealing with a pilot project to provide interpreter services to limited-English proficient parties in civil matters; and
- No position on Assembly Bill 868, because the current curriculum for juvenile and family court judges would comply with the requirements of the bill.

Justice Baxter also noted that on March 11, 2013, in Sacramento, the Chief Justice delivered the State of the Judiciary address to a joint session of the Legislature and the Bench-Bar Coalition held its day in Sacramento, when bench and bar leaders met with legislators on issues of critical importance to the judicial branch.

#### *Executive and Planning Committee (E&P)*

Justice Douglas P. Miller, Chair, reported that E&P had met six times since the February council meeting. In the course of those meetings, the committee set the agenda for the April 25–26, 2013, meeting.

With regard to other business conducted, the committee:

- Reviewed recommendations regarding two out-of-cycle vacancies on the Criminal Law Advisory Committee and made recommendations on those to the Chief Justice;
- Reviewed comments from the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) regarding the audit reports for the AOC Facilities Management Unit (Item Q on the discussion agenda) and for the Superior Court of Alameda County (Item R on the discussion agenda);
- Reviewed nominations for three upcoming vacancies on the Judicial Council;
- Reviewed and approved annual agendas from many council advisory bodies, with the participation of the Rules and Projects (RUPRO) and Technology Committees;
- Finalized, with RUPRO and the Technology Committee, recommendations on streamlining the existing structure of the council's advisory groups to consolidate committee activities, strengthen council oversight, and reduce the costs associated with committee operations;
- Received briefings on the Judicial Council's grace period policy for interpreters to be certified in languages newly designated for certification and on the fiscal year (FY) 2011–2012 annual report for the AOC Facilities Modification Program.

E&P acted on behalf of the Judicial Council to establish an ad hoc working group charged with making recommendations to the Judicial Council on the accumulation of funding appropriated

for court interpreter services (Program 45.45) and to provide PCLC with advice on pending interpreter-related bills.

*Rules and Projects Committee (RUPRO)*

Justice Harry E. Hull, Jr., Chair, reported that the RUPRO Committee had met three times since the February 26 Judicial Council meeting.

On March 11, RUPRO met by videoconference jointly with the E&P and Technology Committees to continue reviewing the structure, organization, and oversight of the Judicial Council's advisory groups.

On March 22, RUPRO met by telephone to review seven proposals that had circulated for public comment during the winter rules cycle and a technical amendment report that was not circulated for comment. RUPRO recommended approval of these proposals, Items A through H on the consent agenda.

RUPRO met by videoconference on April 15 to consider 35 proposals to circulate for public comment. The committee approved circulation of the proposals, with changes to the invitation to comment form to provide the Judicial Council with more information about the effect of a proposal on costs, operational impacts, and public access.

RUPRO members also approved proposals by e-mail on March 18, April 5, and April 17.

In addition to the meetings of the full RUPRO committee, an informal education committee of five RUPRO members chaired by RUPRO vice-chair Justice Judith Ashmann-Gerst met earlier in the day to address Judicial Council directive #79 concerning relaxation of mandatory education requirements for AOC and court staff.

*Judicial Council Technology Committee (JCTC)*

Judge James E. Herman reported that the JCTC had held two meetings since the February council meeting.

On March 18, the committee:

- Discussed the Technology Planning Task Force, Technology Governance Committee Review, Judicial Branch Technology Initiatives Working Group and Workstream Efforts, the Court Technology Advisory Committee (CTAC) annual agenda, and the Superior Court of Fresno County's remote video proceedings pilot project; and
- The JCTC approved a recommendation to distribute \$600,000 in funds to 25 of the 42 requested jury projects.

On April 22, the committee:

- Reviewed progress on the Appellate E-Filing Project;

- Received an update on the Jury Grant Distribution Project, in which 20 courts are being funded to implement jury systems; and
- Reviewed a proposal to add family law and juvenile dependency case types to the Court Case Management System (CCMS-V3).

Judge Herman summarized the progress of the remote video proceedings pilot project underway at the Superior Court of Fresno County. The court launched the project in April at three courthouse locations. Fifteen members of the public have taken advantage of this service, including six court appearances.

Judge Herman introduced Judge Robert James Moss, Chair of the Judicial Branch Technology Initiatives Working Group, to update the council on the four leading efforts by this group to advance branch technology: (1) the development of a technology roadmap; (2) V2/V3 maintenance and support; (3) e-filing; and (4) an RFP for awarding contract agreements to vendors for case management systems. The group hosted a WebEx meeting to review the final reports and recommendations on the four technology initiatives.

Judge Herman concluded with the activities of the Technology Planning Task Force, which met for the first time on February 27, and again by phone on March 18 and April 23. The task force is pursuing three project tracks: (1) a structure for the governance of branch technology initiatives (led by Mr. Jake Chatters, Court Executive Officer, Superior Court of California, County of Placer); (2) development of a strategic plan (led by Mr. Brian Cotta, Chief Information Officer, Superior Court of California, County of Fresno); and (3) long term funding sources for branch technology (led by Hon. Marsha Slough, Presiding Judge, Superior Court of California, County of San Bernardino).

### **Judicial Council Trial Court Liaison Reports**

The following Judicial Council members reported on their liaison visits with their assigned courts:

1. Justice Judith Ashmann-Gerst on the Superior Court of Ventura County;
2. Presiding Judge Laurie M. Earl on the Superior Court of Sutter County;
3. Judge Emilie H. Elias on the Superior Court of Imperial County;
4. Judge Teri L. Jackson on the Superior Court of San Mateo County;
5. Judge Morris D. Jacobson on the Superior Court of Contra Costa County; and
6. Judge David Rosenberg on the Superior Court of Solano County.

### **Public Comment**

Nine individuals commented in the following order on Thursday regarding general judicial administration issues, and on Friday regarding agenda Items O and P:

Thursday, April 25

1. Mr. Brandon Scovill, Northern California Representative, California Federation of Interpreters;

2. Ms. Margo Seely, Certified Court Interpreter;
3. Mr. Eric Rafael Bishop, Director, Spanish-English Interpretation Program, California State University Extension, San Francisco;
4. Ms. Kate Bancroft, Court Interpreter, Superior Court of California, County of Contra Costa;
5. Angela Zadawazki, Certified Court Interpreter and Instructor, Legal and Community Interpreting Program, Laney College, Oakland; and
6. Ms. Fanny Suarez, Certified Court Interpreter, Superior Court of California, County of San Francisco.

Friday, April 26

1. Justice James R. Lambden (Ret.), Member, California Commission on Access to Justice (Item O);
2. Presiding Judge Marsha P. Slough, Superior Court of California, County of San Bernardino (Item P); and
3. Presiding Judge David P. Warner, Superior Court of California, County of San Joaquin (Item P).

#### **Item 1      Judicial Branch Procurement: California State Auditor March 2013 Audit Report**

Mr. Curt Soderlund, AOC Chief Administrative Officer, and Mr. A. John Judnick of AOC's Internal Audit Services summarized the results of the March 19, 2013, audit entitled *Judicial Branch Procurement: Six Superior Courts Generally Complied With the Judicial Branch Contracting Law, but They Could Improve Some Policies and Practices*, submitted by the California State Auditor (Auditor), which assessed the implementation of the California Judicial Branch Contract Law (Law). The Auditor reviewed the extent to which the applicable *Judicial Branch Contracting Manual* (Manual) was consistent with the Public Contract Code and whether the Manual was substantially similar to the *State Administrative Manual* and the *State Contracting Manual*, as required by law. The Auditor also assessed compliance with statute by the AOC in its semiannual reporting. The report contained 10 recommendations and concluded that the six pilot courts generally complied with the Law and that the semiannual reporting could be improved.

***No council action***

#### **Item 2      Judicial Branch Court Facilities Construction Procurement: Legislative Analyst's Office March 2013 Report**

Mr. Curtis L. Child, AOC Chief Operating Officer, accompanied by Ms. Kelly Quinn of the AOC's Judicial Branch Capital Program Office, presented the highlights of the report required in Senate Bill 78 and prepared by the Legislative Analyst's Office's (LAO) analyzing the costs and timeliness of construction projects delivered by the judicial branch in comparison to similar projects completed by the Department of General Services (DGS). The LAO comparison report

found that the judicial branch generally delivered projects in a more timely manner, exceeded its budget less often, and incurred lower project management costs than did DGS.

***No council action***

**Item 3 Judicial Council–Sponsored Legislation: Court Operational Efficiencies, Cost Savings, and New Revenue Proposals**

The Policy Coordination and Liaison Committee recommended Judicial Council sponsorship of legislation related to six proposals for operational efficiencies, cost savings, and new revenue.

***Council action***

Upon full presentation and discussion of the six proposals related to court operational efficiencies, cost savings, and/or new revenue, the Judicial Council accepted the recommendations of the Policy Coordination and Liaison Committee and those made in subsequent motions during the council discussion. Specifically, the Judicial Council voted to take the following six actions:

1. Sponsor legislation to amend Penal Code section 1000(a) for the efficiency proposal that excludes infractions for marijuana possession, per Health and Safety Code section 11357(b), from eligibility for deferred entry of judgment;
2. Sponsor legislation to repeal Vehicle Code section 23622(c) for the efficiency proposal that eliminates as the court’s responsibility notification of a subsequent driving under the influence (DUI) to courts that previously convicted the defendant of a DUI;
3. Sponsor legislation to amend Evidence Code section 452.5 for the efficiency proposal that authorizes courts to prepare and precertify electronic “prior packets” and discuss with the author of existing legislation on the same subject (Senate Bill 378), whether the proposal could be joined with that bill;
4. Sponsor legislation to amend Government Code section 70377 for the efficiency proposal that calculates interest on late payments to the judicial branch construction funds at the Local Agency Investment Fund rate and discuss with the author of existing legislation on the same subject (Assembly Bill 619), whether the proposal could be joined with that bill;
5. Sponsor legislation to repeal Government Code sections 70045.1, 70045.2, 70045.4, 70045.6, 70045.75, 70045.77, 70045.8, 70045.9, 70045.10, 70046.4, 70050.6, 70056.7, 70059.8, 70059.9, and 70063 for the efficiency proposal that eliminates the requirement that the enumerated courts (i.e., Trinity, Modoc, Merced, Kern, Nevada,

El Dorado, Butte, Shasta, Tehama, Lake, Tuolumne, Monterey, Solano, San Luis Obispo, and Mendocino) use court reporters in specified case types; and

6. Sponsor legislation to amend Family Code section 3176 for the efficiency proposal that eliminates the requirement for service by certified, return receipt postage prepaid mail for notice of mediation, and clarifies that the court is responsible for sending the notice.

#### **Item 4 Judicial Branch Administration: Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups**

The Judicial Council's E&P, RUPRO, and Technology Committees recommended that the council approve recommendations to improve the governance, structure, and organization of the council's advisory groups. Some recommendations assigned oversight of advisory groups when previously unclear. Others recommended the merger of existing groups or functions, while others recommended that certain groups sunset. Others recommended 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 recommended 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.

##### ***Council action***

1. The Judicial Council approved the 49 "Recommendations for Improved Governance, Structure, and Organization for Judicial Council Advisory Groups" which reflects modifications made by the council during the discussion of this item (in the column "E&P, RUPRO, & Technology Committee Recommendations, in Attachment 1 of these minutes), including the following:

These five groups to become standing advisory committees, with a formal charge, a rule of court, and appointments to be made through the annual nominations process:

- Following the sunset of the Court Emergency Response and Security Task Force, establish a Court Security Advisory Committee;
- Court Facilities Working Group to become the Court Facilities Advisory Committee;
- Trial Court Budget Working Group to become the Trial Court Budget Advisory Committee;
- Trial Court Facility Modifications Working Group to become the Trial Court Facility Modifications Advisory Committee; and
- California Tribal Court-State Court Forum to become a standing advisory committee with the same name.

The following advisory groups to have modified oversight, or a changed reporting responsibility, or be restructured, as described in the attachment:

- Center on Judiciary Education and Research Governing Committee;
- Court Executives Advisory Committee (CEAC) and the Conference of Court Executives;
- Domestic Violence Practice and Procedure Task Force;
- Elkins Family Law Implementation Task;
- Mental Health Issues Implementation Task Force; and
- Self-Represented Litigants Task Force.

The council approved variations on the written recommendations in the attachment for three advisory groups, as a result of the oral recommendation by Justice Douglas P. Miller at the meeting:

- To allow for completion of pending projects and an orderly transition of remaining work, the council extended the sunset date for the Elkins Family Law Task Force and the Self-Represented Litigants Task Force to October 31, 2013, and asked the chairs to submit reports to the council by October 1, 2013, for consideration at the October 2013 meeting.
- The council changed the sunset date for the Mental Health Issues Implementation Task Force from December 31, 2014, to July 1, 2014, and asked the chair to submit a report to the council by June 1, 2014, for consideration at the June 2014 council meeting.

The council deferred taking action on the Judicial Branch Contracting Manual Working Group.

2. The council clarified that advisory groups should solicit the approval of the assigned council oversight committee before creating subcommittees or subgroups and adding new projects.
3. The council stated that it intends to regularly review, through its internal committees, the governance, structure, and organization of its advisory groups.
3. To implement these changes, the council requested RUPRO to oversee development of appropriate rules of court and E&P to oversee the nominations process for the groups converted to standing advisory committees.

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## FRIDAY, APRIL 26, 2013 AGENDA—BUSINESS MEETING

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**Judicial Council members present:** Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Marvin R. Baxter, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, James R. Brandlin, David De Alba, Emilie H. Elias, Sherrill A. Ellsworth, James E. Herman, Teri L. Jackson, Ira R. Kaufman, and David Rosenberg; Ms. Angela J. Davis, Mr.

James P. Fox, and Mr. Mark P. Robinson, Jr.; **advisory members present:** Judges Laurie M. Earl, Allan D. Hardcastle, Morris D. Jacobson, Brian L. McCabe, Robert James Moss, and Kenneth K. So; Commissioner Sue Alexander; Chief Executive Officer Alan Carlson; and Court Executive Officers Mary Beth Todd and David H. Yamasaki; **Secretary to the council:** Steven Jahr, Administrative Director of the Courts.

**Members absent:** State Senator Noreen Evans; Assembly Member Richard Bloom; Judges Mary Ann O'Malley and Charles D. Wachob; and Ms. Edith R. Matthai.

**Incoming member present:** Mr. Mark G. Bonino.

**Others present:** Presiding Judges Thomas James Borris, Elizabeth W. Johnson, Cynthia Min-mei Lee, David P. Warner, and Marsha P. Slough; Court Executive Officers Sherri Carter, Jake Chatters, Rosa Junquero, Stephen H. Nash, Christina M. Volkers, Laurie Wills, and Leah Wilson; **members of the public:** Ms. Judy Cooperman, Ms. Ann Dunlan, Ms. Mary Flynn, Ms. Amy Holland, Ms. Anita Lee, Mr. Danny Lee, Ms. Corrine M. Pos, Ms. Lindsay Scott-Florez, Mr. Ruben Soto, and Ms. Sue Wong; **media representatives:** Ms. Maria Dinzeo, *Courthouse News Service*; Mr. Paul Jones, *Daily Journal*; and Mr. Max Taves, *The Recorder*.

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## CONSENT AGENDA (ITEMS A–N)

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### ITEMS A–H RULES AND FORMS

#### *Civil and Small Claims*

#### **Item A Civil Practice and Procedure: Change in Computation Method for Garnishing Wages**

The Civil and Small Claims Advisory Committee recommended revising *Earnings Withholding Order (Wage Garnishment)* (form WG-002), to implement recent statutory changes to the method of computing the maximum amount of a judgment debtor's earnings that may be garnished under an earnings withholding order. Assembly Bill 1775 (Wieckowski; Stats. 2012, ch. 474) mandates that the Judicial Council revise the "instructions to employer" concerning this computation by July 1, 2013.

#### **Council action**

The Judicial Council approved, effective July 1, 2013, revisions to the *Earnings Withholding Order (Wage Garnishment)* (form WG-002) to implement recent statutory changes and to make other nonsubstantive changes.

## **Item B Civil Practice and Procedure: Forms and Rules for Disability Access Litigation**

The Civil and Small Claims Advisory Committee recommended adopting two new disability access litigation forms for use in construction-related accessibility claims and revising three of the disability access litigation forms adopted effective January 1, 2013. The revisions were recommended to correct statutory cross-references and revise the directions for serving the forms to reflect the longer service time in new rules that the committee is concurrently recommending. The new forms are for parties to apply for and the court to set mandatory evaluation conferences in such actions. The committee also recommended revising the advisory form that attorneys are required to send out regarding such claims. All the forms are mandated by Senate Bill 1186 (Steinberg and Dutton; Stats. 2012, ch. 383), enacted in September 2012 to promote compliance with the state's disability access laws and deter unwarranted litigation in that area.

### **Council action**

The Judicial Council approved, effective July 1, 2013, the following actions:

1. Revise *Important Advisory Information for Building Owners and Tenants* (form DAL-001), and adopt the form for mandatory use;
2. Revise *Confidential Cover Sheet and Declaration re Documents for Stay and Early Evaluation Conference* (form DAL-006), *Notice of Stay of Proceedings and Early Evaluation Conference* (form DAL-010), and *Proof of Service—Disability Access Litigation* (form DAL-012);
3. Adopt new forms *Application for Mandatory Early Evaluation Conference* (form DAL-015) and *Notice of Mandatory Evaluation Conference* (form DAL-020); and
4. Adopt rules 3.680 and 3.682 of the California Rules of Court relating to service of the new forms.

## **Item C Civil Practice and Procedures: Memorandum of Garnishee**

The Civil and Small Claims Advisory Committee recommended revising the *Memorandum of Garnishee* (form AT-167/EJ-152) to comply with the requirements under recently enacted Assembly Bill 2364 (Wagner; Stats. 2012, ch. 484). AB 2364 amends the statutory requirements regarding what statements must be included in the memorandum of a garnishee served in response to a writ of attachment or a writ of execution. The current form would be inconsistent with the law if not revised. The committee also recommended additional revisions to change the format of the caption and file-stamp boxes on the form to the current format for Judicial Council forms that are not recorded, and add items to include the names of the garnishee and the judgment debtor.

### **Council action**

The Judicial Council approved, effective July 1, 2013, revising the *Memorandum of Garnishee* (form AT-167/EJ-152) to reflect recent changes in statute plus other nonsubstantive changes.

### ***Criminal Justice***

#### **Item D Criminal Justice Realignment: Minimum Contents of Parole Revocation Reports**

The Criminal Law Advisory Committee recommended amendments to rule 4.541 of the California Rules of Court to apply its minimum content requirements to parole revocation reports as required by Penal Code section 3000.08(f).

#### ***Council action***

The Judicial Council amended, effective July 1, 2013:

1. Rule 4.541(a) to establish that the rule applies to parole revocation proceedings;
2. Rule 4.541(b)(1) to explain that the phrase “supervised person” as used in the rule includes persons subject to parole supervision;
3. Rule 4.541(e) to require that parole revocation reports include information about intermediate sanctions as required by Penal Code section 3000.08(f); and
4. The advisory committee comment on rule 4.541(e) to explain the specific statutory provisions that govern requirements for intermediate sanctions in the parole revocation context.

### ***Family and Juvenile Law***

#### **Item E Family Law: Disclosure of Assets and Debts**

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommended amending rule 5.77 and revising forms FL-140, FL-141, FL-107-INFO, FL-800, and FL-810 to reflect amendments to Family Code section 2104 (Assem. Bill 1406; Stats. 2011, ch. 107) that took effect on January 1, 2013, relating to service of a preliminary declaration of disclosure. The committee and task force also recommended revising forms FL-160 and FL-161 for parties to use to comply with the requirements to disclose assets and debts and to request a default judgment in an action for dissolution, legal separation, or nullity. In addition to revising forms FL-800 and FL-810 to comply with the new disclosure requirements of Family Code section 2104, the committee and task force recommended revising them to reflect an increase in the published limits for community and separate property assets based on a change in the California Consumer Price Index.

### **Council action**

The Judicial Council approved, effective July 1, 2013, the following actions:

1. Amending rule 5.77 (Summary dissolution) and revising forms FL-140, FL-141, FL-107- INFO, FL-800, and FL-810 to reflect the new time frame for service of, and the new requirement to serve tax returns with, a preliminary declaration of disclosure under Family Code section 2104;
2. Amending rule 5.77 and revising forms FL-140, FL-141, FL-107-INFO, FL-160, FL-800, and FL-810 to reflect that a party may serve either a *Schedule of Assets and Debts* (form FL-142) or a *Property Declaration* (form FL-160) (and *Continuation of Property Declaration* (form FL-161)) as a means of disclosing each party's community and separate property assets and obligations;
3. Making additional changes to form FL-107-INFO to further help courts comply with rule 5.83. Family centered case resolution. Changes include expanding the form's content to provide information about legal separation cases and information pertinent to same-sex marriages and domestic partnerships and renaming the form "Legal Steps for a Divorce or Legal Separation";
4. Approving and adopting the calculations provided in the committee and task force report *Family Law: Disclosure of Assets and Debts*, dated April 15, 2013, on page 15, which demonstrate the increase required to the maximum dollar amounts for community and separate property assets in summary dissolution forms FL-800 and FL-810;
5. Revising forms FL-800 and FL-810 to reflect an increase solely in the published limits for community and separate property assets under Family Code section 2400(a)(7) from \$38,000 to \$40,000; and
6. Making formatting and technical changes to the forms necessary to effect the above revisions.

### **Item F Family Law: Rules and Forms for Domestic and Intercountry Adoptions**

The Family and Juvenile Law Advisory Committee recommended adopting three rules of court and one Judicial Council form to clarify the requirements for courts conducting adoptions under the Hague Adoption Convention and revising two additional Judicial Council forms for use in all adoption proceedings. Revisions to the affected forms were also needed to conform to new legislation: Assembly Bill 687, which allows the court to issue orders of adoption nunc pro tunc in certain cases; and Assembly Bill 1757, which amends and adds sections relating to adoption in the Family Code. The committee also recommended revisions in response to many suggestions received from courts and other users to make the forms both easier to use and more comprehensive.

**Council action**

The Judicial Council, effective July 1, 2013, adopted rules 5.490, 5.491, and 5.492 of the California Rules of Court, and *Verification of Compliance with Hague Adoption Convention Attachment* (form ADOPT-216) to assist courts conducting adoptions under the Hague Adoption Convention; it approved the recommended revisions to *Adoption Request* (form ADOPT-200) and *Adoption Order* (form ADOPT-215) to conform to statutory changes and promote ease of use.

**Item G Juvenile Law: Indian Child Welfare Act in Delinquency Cases**

The Family and Juvenile Law Advisory Committee and the Tribal Court/State Court Forum recommended amending rules 5.480–5.482, 5.530, and 5.785 of the California Rules of Court following the California Supreme Court’s decision in *In re W.B.* (2012) 55 Cal.4th 30, issued August 6, 2012, which requires revisions to the California Rules of Court governing the application of the Indian Child Welfare Act (ICWA) and corresponding provisions of the Welfare and Institutions Code in juvenile wardship proceedings. As currently written, the rules mandate compliance with all of the substantive ICWA requirements in any juvenile wardship proceeding when the child is in foster care or at risk of entering foster care. This is inconsistent with the holding in the *W.B.* decision.

**Council action**

To conform to the holding in the *W.B.* decision, the Judicial Council approved, effective July 1, 2013, amendments to:

1. Rule 5.480, defining the application of the ICWA rules, to clarify that the ICWA requirements apply only to juvenile wardship proceedings when the child is in foster care or at risk of entering foster care and either (i) the proceedings are based on conduct that would not be criminal if committed by an adult, (ii) the court has set a hearing to terminate parental right, or (iii) although the proceedings are based on conduct that would be criminal if committed by an adult, the court is considering a foster care placement based entirely on conditions within the home and not on the child’s criminal conduct;
2. Rule 5.481(b)(2), addressing ICWA notice in juvenile wardship proceedings, to provide that notice need only be sent in juvenile wardship proceedings where the child is in foster care or at risk of entering foster care, it is known or there is reason to know that an Indian child is involved, and (i) the court’s jurisdiction is based on conduct that would not be a crime if the child were 18 years of age or older, (ii) the court is setting a hearing to terminate parental rights, or (iii) although the court’s jurisdiction is based on criminal conduct, the court is considering placement outside the family home based entirely on harmful conditions within the child’s home;
3. Rule 5.482, concerning proceedings after ICWA notice, to apply to only those cases that fall within rule 5.480 as amended. Further, section (g) of rule 5.482 currently

provides that any person or court involved in the placement of an Indian child must use the services of the Indian child's tribe to secure placement. This provision would be amended to apply to only those proceedings described in rule 5.480 as amended;

4. Rule 5.530, addressing who may be present at juvenile proceedings as it relates to representatives of an Indian child's tribe, to apply to only the proceedings falling under rule 5.480 as amended in the proposal; and
5. Rule 5.785(c), addressing case plans in delinquency proceedings in which the probation officer is recommending placement in foster care or in which the child is already in foster care placement. Under the current rule, the court is required to consider whether the probation officer has solicited and integrated into the case plan inter alia the input of "the child's identified Indian tribe." The rule would be amended to apply only to proceedings falling under rule 5.480 as amended.

## ***Miscellaneous***

### **Item H Rules and Forms: Miscellaneous Technical Changes**

Various Judicial Council advisory committee members, court personnel, members of the public, and AOC staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, language inconsistencies, or changes in the rules and forms name and numbering systems, as well as changes resulting from legislation. The AOC recommended making the necessary corrections to avoid confusion for court users, clerks, and judicial officers.

#### ***Council action***

The Judicial Council approved, effective immediately, the recommended revisions to form EJ-156 to correct certain dollar amounts on the form, changing the exemption amount under Code of Civil Procedure section 703.140(b)(1) from \$25,075 to \$25,575; the exemption amount under section 703.140(b)(6) from \$7,575 to \$7,625; and the exemption amount under section 704.100 from \$12,225 to \$12,200. The current figures were entered on the form erroneously and do not correctly reflect the adjustment to the exemption amount mandated by Code of Civil Procedure section 703.150(d). The council also approved minor changes to the text to reflect recent legislative amendments to the text of section 703.140(b).

The Judicial Council approved, effective July 1, 2013, the following changes to the California Rules of Court and Judicial Council forms:

1. Amend rule 1.6 to correct the web address to *www.courts.ca.gov*;
2. Amend rule 2.304(d) to delete the first sentence. This statement, which derives from proofs of service, does not belong in a declaration about filing which may be performed by parties in a case;

3. Amend rule 2.506(a) to correct a reference from “GC 68150(h)” to “GC 68150(l)”;
4. Amend rule 3.1702(b)(2)(B) to correct a reference from “8.891(b)(2)” to “8.892(c)(1)”;
5. Amend rule 4.102, in the Note, to correct the web address to *www.courts.ca.gov*;
6. Amend rule 5.555(d)(2)(D) to correct a reference from “366.2” to 366.22”;
7. Amend rule 8.112(a)(4)(C)(i) for correct article/noun agreement (“a separate volumes”);
8. Amend rule 8.454, subd (f)(1) to correct “postdetermination” to “posttermination” in two instances, and subd (h)(2) to correct a rule reference from “8.404(a)” to “8.407(a)”;
9. Amend rule 10.855(l) to correct a form reference from “982.8A” to “REC-003”;
10. Revise form APP-003 to clarify that “Case Number” on pp. 2–4 refers to the superior court case number to clarify the information requested on the form and help avoid confusion and delays;
11. Revise form APP-151, item 5, to correct “60” to “30” days;
12. Revise form CR-115, item 1g, to add “(incl. city/zip)” after “Home address” to avoid confusion and delay resulting from defendants providing incomplete address information;
13. Revise form DISC-005, section 4(d), to add a checkbox and lines to add a definition;
14. Revise form DV-200 to correct a reference from “Family Code, §§ 6344 6340-6344” to “Family Code, §§ 243, 245, and 6345”;
15. Revise form FL-117 to correct “other” to “other parent/party” in the caption, and to correct the titles of several referenced and renamed forms to avoid confusion and delay. The form is used as a proof of service by mail and identifies to the respondent, and to the court clerk, all the documents mailed that comprise the initial filing in an action for dissolution, legal separation, or nullity. Form FL-117 must be revised to reflect the correct title of the forms required to be served on the respondent, and to delete references to revoked forms. These changes are urgently needed to avoid confusion to litigants and avoid delay or increased work load for filing clerks processing the form;

16. Revise form FL-485, page 1, caption, to change “ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name and Address*):” to “ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name, State Bar number, and address*):” and add “E-MAIL ADDRESS (*Optional*):”; on pp. 1–2, replace references to form FL-301, which was revoked effective July 1, 2012, with “*Request for Order* (form FL-300).” The revisions are urgently needed as they incorrectly refer users to a form that was revoked by the Judicial Council. The reference to a revoked form can cause confusion and delay access to justice for litigants who request court orders relating to child support;
17. Revise form FL-490, to add “Parent/Party” after “Other” in the caption; revise the second checkbox to read “Spousal or partner support”; add “Attachment to *Request for Order* (form FL-300)” under the title of the form; and replace all references to revoked forms “*Order to Show Cause* (form FL-300)” and “*Notice of Motion* (form FL-301)” with “*Request for Order* (form FL-300).” The revisions are urgently needed as they incorrectly refer users to a form that was revoked by the Judicial Council. The reference to a revoked form can cause confusion and delay access to justice for litigants who request court orders relating to child support;
18. Revise form JV-226, item 3.c., to change “None” to “Medications.” This revision is needed to correct the omission of “Medications” as an option;
19. Revise form JV-642, item 16, to add a box for “through counsel” as in item 14; and
20. Revise forms SC-220, SC-220-INFO, SC-221, and SC-222 to correct a reference in the footer from “116.570” to “116.620,” and to correct the web addresses to [www.courts.ca.gov](http://www.courts.ca.gov).

The Judicial Council approved, effective January 1, 2014, the following changes to the Judicial Council forms:

1. Revise form CR-300, item 3, to delete an extra instance of “in case numbers (specify):”;
2. Revise form DISC-003/UD-106, item 78.0, to correct “puffy” to “party”;
3. Revise form EA-200, item 4, to add item g, “EA-250, *Proof of Service of Response by Mail* (blank form),” and revise items g and h as h and i, respectively;
4. Revise form FL-686, item 3, to correct the title of form FL-320 to “*Responsive Declaration to Request for Order*.” The revisions are needed as they incorrectly refer users to a form that was previously revised and retitled by the Judicial Council. The

- reference to a retitled form can cause confusion to and delay access to justice for litigants;
5. Revise form JV-401, to delete extra instance of “between the child and the child’s sibling (name):” and to correct formatting;
  6. Revise form JV-421, item 9b, to delete reference to item 10; item 20e to delete reference to item 21(e); and renumber item “35” as “34” and “36” as “35.” The references and incorrect numbering could cause confusion to and delay access to justice for litigants;
  7. Revise form JV-618 to switch the location of the “Print name” and signature lines. The revision will make the form consistent and avoid confusion;
  8. Revise form MC-703 to correct the title in the footer on page 2;
  9. Revise form SV-100-INFO to correct a form reference from “CH00-INFO” to “CH-100-INFO,” and from “SV-220” to “SV-260”;
  10. Revise form WG-030 to add more room in the caption on page 1; and
  11. Revise form WV-100-INFO to correct a form reference from “WV-220” to “WV-260.”

**Item I Report to the Legislature: Findings from the SB 678 (California Community Corrections Performance Incentives Act of 2009) Program**

The AOC recommended that the Judicial Council receive the *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* and direct the Administrative Director of the Courts to submit this report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the AOC is required to submit a comprehensive report on the implementation of the act—including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration—no later than 18 months after the initial receipt of funding under the act and annually thereafter. The report was developed in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California.

**Council action**

The Judicial Council:

1. Received the *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* documenting findings,

implementation activities, and potential recommendations related to the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678); and

2. Directed the Administrative Director of the Courts to submit this report to the California Legislature and Governor by April 30, 2013, to comply with Penal Code section 1232, which requires the AOC, in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California, to submit to the Governor and the Legislature a comprehensive report on the implementation of the SB 678 program, including information on the effectiveness of the program and policy recommendations regarding resource allocation for improvements to the SB 678 program.

**Item J     Child Support: Midyear Funding Reallocation for Fiscal Year 2012–2013 and Base Funding Allocation for Fiscal Year 2013–2014 for the Child Support Commissioner and Family Law Facilitator Program**

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council approve the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2012–2013. Additionally, the committee recommended that the Judicial Council approve the allocation of funding for this same program for FY 2013–2014, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). The funds are provided through a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council. At midyear, under an established procedure described in the standard agreement with each superior court, the Judicial Council redistributes to courts that have a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants that year. The courts are also offered an option to use local court funds up to an approved amount to draw down, or qualify for, federal matching funds.

***Council action***

The Judicial Council, effective April 26, 2013:

1. Approved the reallocation of funding for child support commissioners for FY 2012–2013, subject to the state Budget Act;
2. Approved the reallocation of funding for family law facilitators for FY 2012–2013, subject to the state Budget Act;
3. Approved the allocation of funding for child support commissioners for FY 2013–2014, subject to the state Budget Act; and
4. Approved the allocation of funding for family law facilitators for FY 2013–2014, subject to the state Budget Act.

Tables detailing the recommended reallocations and allocations of funding are attached to these minutes (Attachment 2).

**Item K     Judicial Branch Administration: Audit Report for Judicial Council Acceptance**

The A&E and the AOC recommended that the Judicial Council accept the audit report entitled *Performance Audit of the Superior Court of California, County of Los Angeles*. Judicial Council policy, as approved on August 27, 2010, specifies that the Judicial Council’s acceptance of audit reports is the last step to finalize the reports before they are placed on the California Courts public website to facilitate public access, enhance accountability, and provide the courts with information to minimize financial, compliance, and operational risk.

**Council Action**

The Judicial Council, effective April 26, 2013, accepted the “pending” audit report dated February 2013, entitled *Performance Audit of the Superior Court of California, County of Los Angeles* and authorized public posting of the audit report on the California Courts public website.

**Item L     Judicial Branch Report to the Legislature: *Annual Report of Fiscal Year 2011–2012 Court Facilities Trust Fund Expenditures***

The AOC recommended approving the *Annual Report of Fiscal Year 2011–2012 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.

**Council Action**

The Judicial Council approved the *Annual Report of Fiscal Year 2011–2012 Court Facilities Trust Fund Expenditures* and directed the AOC to submit the report to the Legislature.

**Item M     Judicial Branch Report to the Legislature: Electronic Recording**

The AOC recommended approving the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2012)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

**Council Action**

The Judicial Council approved the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2012)* as required by Government Code Section 69958 and directed the AOC to submit the report to the Legislature.

**Item N Report to the Legislature and the Department of Finance: 2 Percent Set-Aside of the Trial Court Trust Fund**

The AOC recommended that the Judicial Council approve the *Report on the Allocation of the 2 Percent Set-Aside of the Trial Court Trust Fund* for FY 2012–2013. Government Code section 68502.5(c)(2)(C) requires that the Judicial Council report to the Legislature and the Department of Finance each fiscal year regarding all requests and allocations made from the 2 percent set-aside of the Trial Court Trust Fund to the superior courts.

**Council Action**

The Judicial Council approved the *Report on the Allocation of 2 Percent Set-Aside of the Trial Court Trust Fund* and directed the AOC to submit the report to the Legislature and the Department of Finance.

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**DISCUSSION AGENDA (ITEMS O–R)**

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**Item O Trial Court Budget: Final Report of the Trial Court Funding Workgroup**

In a joint letter dated September 19, 2012, the Governor and the Chief Justice announced the creation of a new working group to “evaluate the state’s progress in achieving the goals of the Lockyer-Isenberg Trial Court Funding Act of 1997.” The charge of the Trial Court Funding Workgroup (TCFW) was “to ascertain whether the goals of the Trial Court Funding Act have been met, and to propose options to the Judicial Council to effectively meet and maintain the goals of having a state-funded trial court system and enhance transparency and accountability.” The TCFW recommends that the Judicial Council accept the workgroup’s report to the council and the Governor and begin the process of examining and implementing its recommendations.

**Council action**

The Judicial Council accepted the report of the TCFW and adopted all 18 of its recommendations (Attachment 3 to these minutes). The council also took the following actions:

1. Referred to the E&P for review, appropriate action, and timely recommendations to the council: Recommendations 1, 2, and 13 in the TCFW report to address identifying and implementing statewide priorities and policies, including policies on physical access to courts—all to promote greater access to justice.
2. Approved the establishment of a new task force to review, take appropriate action, and make timely recommendations to the council on some of the non-funding related aspects of: Recommendations 3, 12, 14, 16, and 17 related to developing and promoting efficiencies, cost containment, accountability, and transparency based on

relevant data and indicators to assess if courts are operating efficiently and promoting equal access to justice. The task force is to be subject to a specific sunset date.

3. Referred to the Trial Court Budget Advisory Committee to review, take appropriate action, and make timely recommendations to the council: Recommendations 4, 6, 7, 8, 9, 10, and 18 related to the new methodology to allocate funding, the development of funding priorities, and ensuring greater transparency in funding decisions. With regard to recommendation 9(c), the Trial Court Budget Advisory Committee shall coordinate with the Judicial Council Technology Committee.
4. Referred to the SB 56 Working Group to review, take appropriate action, and make timely recommendations to the council: Recommendations 5 and 11 related to developing performance indicators or metrics to demonstrate effective and accountable use of resources and provide decision makers information on how resources are or can be used to increase access to justice.
5. Referred to the Trial Court Presiding Judges and Court Executives Advisory Committees to review, take appropriate action, and make timely recommendations to the council: Recommendation 15 related to identifying remaining vestiges of the pre-unification period that are inefficient or result in unnecessary costs.
6. Directed the Administrative Director of the Courts to work with E&P to assess—and report back to the council in June—resources required to provide necessary and appropriate levels of staff support to the various committees tasked with following up on the recommendations of the Trial Court Funding Workgroup so as to be able to timely and effectively implement the directives in the various committees.

**Item P Trial Court Funding: Recommendation of New Budget Development and Allocation Methodology**

The Trial Court Budget Working Group recommended that the Judicial Council adopt the proposed trial court budget development and allocation process. Funding needs for each trial court would be based upon workload as derived from filings through a specified formula. The new allocation methodology would require shifts in current baseline funding from some courts to others. These shifts would be phased in over a five-year period. New state funding for trial court operations would be fully allocated according to the proposed methodology. Specified elements of the process would be subject to further refinement by the Trial Court Budget Working Group based upon input from trial courts and key stakeholders, and subject to final review and approval by the Judicial Council.

***Council action***

The Judicial Council:

1. Accepted the Trial Court Budget Working Group report and adopted its proposed workload-based allocation and funding methodology and the five-year implementation timeline as set forth on pp. 1–3 of the report (in Attachment 4) with the stipulation that the Bureau of Labor Standards component of the methodology will be refined by the Judicial Council’s June meeting, and the Trial Court Budget Advisory Committee will report back to the council on the status. The council may make modifications to the methodology and timeline in light of changes to the judicial branch budget or as otherwise needed.
2. Directed that the following unresolved issues identified in the report to the council *Trial Court Funding: Recommendation of New Budget Development and Allocation Methodology*, dated April 17, 2013, be referred for resolution as follows:
  - a. Issue: Evaluate impacts of the new methodology on California’s smallest courts (Cluster 1) and include or make adjustments as appropriate.  
Referred to the Trial Court Budget Advisory Committee.
  - b. Issue: Further refine the process for estimating employee benefits.  
Referred to the Trial Court Budget Advisory Committee.
  - c. Issue: Evaluate self-help funding.  
Referred to the Trial Court Budget Advisory Committee, the Access and Fairness Advisory Committee, and the new task force being formed pursuant to council action on Item O.
  - d. Issue: Evaluate the impact of AOC provided services.  
Referred jointly to E&P and the Trial Court Budget Advisory Committee to make appropriate assignments and review and report back to the Judicial Council.
  - e. Issue: Include best practices standards.  
Referred to E&P to refer to the new task force established pursuant to council action on Item O.
  - f. Issue: Evaluate what to do with local fees and financial obligations.  
Referred to the Trial Court Budget Advisory Committee.
  - g. Issue: Evaluate how to allocate funding for technology.  
Referred to the Trial Court Budget Advisory Committee and the Judicial Council Technology Committee.
  - h. Issue: Validate the data used in the new methodology, including the accuracy of the data.  
Referred to the SB 56 Working Group.
3. Directed the Administrative Director of the Courts to work with E&P to assess—and report back to the council in June—resources required to provide necessary and appropriate levels of staff support to implement the workload-based allocation and funding methodology as set forth in this motion.

The Chief Justice requested that the record reflect the standing ovation in honor of the Trial Court Budget Working Group's accomplishment and the council's unanimous adoption of the new budgeting and allocation process.

**Item Q     Judicial Branch Administration: Audit Report for Judicial Council  
                  Acceptance Audit**

Mr. John A. Judnick of AOC's Internal Audit Services summarized the findings of the audit report entitled *Audit of the OCCM, Facilities Management Unit—Compliance Audit of Management and Maintenance Services Contracts (2006 through 2011)*. The Facilities Management Unit of the former Office of Court Construction and Management (OCCM) is now part of the Office of Real Estate & Facilities Management. The A&E and the AOC recommended that the Judicial Council accept the report. Judicial Council policy, as approved on August 27, 2010, specifies that the Judicial Council's acceptance of audit reports is the last step to finalize the reports before placing them on the California Courts public website to facilitate public access, enhance accountability, and provide the courts with information to minimize financial, compliance, and operational risk.

**Council action**

The Judicial Council, effective April 26, 2013, accepted the "pending" audit report dated September 2012, entitled *Audit of the OCCM, Facilities Management Unit—Compliance Audit of Management and Maintenance Services Contracts (2006 through 2011)* and authorized public posting of the audit report on the California Courts public website. The council also directed the AOC Facilities Management Unit to:

1. Continue gathering for a full year the necessary data on vendor performance of current vendors to complete the evaluation of the transition from a primary cost plus contract model to a primary fixed price contract model; and
2. After completing a year's evaluation, report back to E&P on the results to determine appropriate action and to inform the Judicial Council of the evaluation and recommended action.

**Item R     Judicial Branch Administration: Audit Report for Judicial Council  
                  Acceptance**

Mr. John A. Judnick of AOC's Internal Audit Services and Ms. Pat Sweeten, Executive Officer, Superior Court of California, County of Alameda, discussed the findings of the audit report that pertain to the Superior Court of Alameda County with respect to guidelines for managing information technology projects. The A&E and the AOC recommended that the Judicial Council accept the audit report. Judicial Council policy, as approved on August 27, 2010, specifies that the Judicial Council's acceptance of audit reports is the last step to finalize reports before they are placed on the California Courts public website to facilitate public access, enhance

accountability, and provide the courts with information to minimize financial, compliance, and operational risk.

**Council action**

The Judicial Council, effective April 26, 2013, accepted the “pending” audit report dated March 2013, entitled *Audit of the Superior Court of California, County of Alameda* and referred to its internal Technology Committee the request to provide recommendations to the Judicial Council on appropriate education, training, or written guidelines with respect to compliance with Government Code section 68511.9 requirements and existing industry standards regarding the management of information technology projects. This acceptance also authorized public posting of the audit report on the California Courts public website.

**In Memoriam**

Chief Justice Cantil-Sakauye closed the public session of 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. Edward H. Bullard, Superior Court of California, County of Santa Barbara
- Hon. Timothy J. Hanifin (Ret.), Santa Clara County Municipal Court
- Hon. James G. Changaris (Ret.), Superior Court of California, County of Sutter
- Hon. Lawrence E. Drumm (Ret.), Los Angeles Municipal Court
- Hon. Warren H. Deering (Ret.), Superior Court of California, County of Los Angeles
- Hon. William A. Munnell (Ret.), Superior Court of California, County of Los Angeles
- Hon. Antonio E. Chavez (Ret.), Los Angeles Municipal Court
- Hon. Richard W. Kessell (Ret.), Superior Court of California, County of Santa Cruz
- Hon. Ellen E. Brodie (Ret.), San Bernardino County Municipal Court

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**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**INFO 1 Judicial Council: Implementation of Judicial Council Directives on AOC Restructuring**

The Chair of E&P submitted this informational report providing the council with an update on the implementation of the Judicial Council AOC Restructuring Directives, as approved by the Judicial Council on August 31, 2012. The AOC Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each council meeting on every directive.

**INFO 2 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 18)**

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and also relay them to the Legislature. This was the 18th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, seven superior courts—those of Los Angeles, San Bernardino, Kings, Tehama, Orange, Imperial, and Kern Counties—issued new notices.

**INFO 3 Trial Courts: Enhancing Language Access Services for Limited-English-Proficiency Court Users**

In September 2011, the State Justice Institute awarded the AOC a grant to study language access services in California courts. The goal of the study was to identify tools, resources, best practices, and strategies other courts may want to replicate. The AOC contracted with the University of California, Hastings College of the Law to conduct the study using the Public Law Research Institute, part of UC Hastings' Center for State and Local Government Law. The report, *Enhancing Language Access Services for Limited-English-Proficiency Court Users*, described the study's results.

Respectfully submitted,



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Steven Jahr  
Administrative Director of the Courts and  
Secretary to the Judicial Council

**Attachments**

1. Recommendations for Improved Governance, Structure, and Organization for Judicial Council Advisory Groups
2. Child Support Commissioner Program and Family Law Facilitator Program Allocations: Mid-Year (FY 2012–2013) and FY 2013–2014
3. Trial Court Funding Workgroup: Findings and Recommendations Related to the Report to the Judicial Council of California and Governor Edmund G. Brown, Jr.
4. The Trial Court Budget Working Group Recommendations to the Judicial Council, Approved April 26, 2014 and Judicial Council voting sheet

5. Correspondence dated March 21, 2013, from Hon. Ronald B. Robie, Chair, Commission on Access to Justice
6. Correspondence dated April 24, 2013, from Hon. David P. Warner, Presiding Judge, Superior Court of California, County of San Joaquin
7. Correspondence dated April 23, 2013, from Mr. John C. Fitton, Court Executive Officer, Superior Court of California, County of San Mateo
8. Correspondence dated April 24, 2013, from Mr. Allan F. Jose, President, San Joaquin County Bar Association

## 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)

\*All groups appointed by the Chief Justice unless otherwise noted in this column.

## 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
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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## 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
	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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## 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
		<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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## 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
		<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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## 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
		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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## 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
		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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## 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
		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 <del>6-30-13</del> as previously scheduled <b>October 31, 2013</b> . The chair to submit a report to the Judicial Council by <b>October 1, 2013</b> , for consideration at the <b>October 2013 council meeting</b> , 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</li> </ul>

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## 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
						Force <ul style="list-style-type: none"> <li>• Potential for assignments from Elkins Family Law Implementation Task Force</li> </ul>
30.	Judicial Branch Contracting Manual Working Group			E&P	<ul style="list-style-type: none"> <li>• <del>Sunset group.</del></li> <li>• <del>Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee to provide consultative work on the Judicial Branch Contracting Manual.</del></li> </ul> <p>The council deferred its action.</p>	
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	

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## 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
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 Public Outreach  Civic Education Summit Steering Committee		ADOC	Chief Justice	Merge 2 groups.	Leadership Group on Civics Education and Public Outreach
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	<b>Sunset on July 1, 2014.</b> The chair to submit a report by <del>8-1-2013</del> <b>June 1, 2014, for consideration at the August June 2014 council meeting, on the assignment of the remaining projects.</b> <del>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</del>	

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## 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
					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)			<p>Fam/Juv Advisory Committee</p> <p>Continue to include the POWG's work on the annual agendas of each advisory group that participates on the POWG.</p>	Fam/Juv Advisory Committee to have reporting responsibility for Protective Orders Working Group.	
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	<p>Sunset on October 31, 2013. 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 a report by October 1, 2013, for consideration at the</p>	

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## 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
					October 2013 council meeting, on 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
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		E&P	E&P	Become a standing advisory committee, with a charge and	Establish Trial Court Facility Modification Advisory

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

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				Proposed Oversight or Reporting Responsibility	Proposed Reorganization	Proposed Resulting Group To Be Supported by AOC
	Working Group				rule of court, and appointments made through the annual nominations process. RUPRO will oversee drafting of rule of court.	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 Business Process Reengineering Joint Working Group</li> <li>• Joint TCPJAC/CEAC Trial Court Efficiencies Working Group</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 Court Efficiencies Working Group</li> <li>• TCPJAC and CEAC may provide consultative work on the Judicial Branch Contracting Manual</li> </ul>
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		Reports to JC as		Repeal rule	

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## 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
	Court Security		needed		[See recommendation under #20 to establish Court Security Advisory Committee.]	
49.	Working Group on Court Security Fiscal Guidelines		Reports to JC as needed		Repeal rule [See recommendation under #20 to establish Court Security Advisory Committee.]	

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CHILD SUPPORT COMMISSIONER PROGRAM MID-YEAR REALLOCATON, FY 2012-13										
	A	B	C	D	E	F	G	H	I	J
County	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Mid-Year Changes to Base Allocation	Mid-Year Changes to Federal Drawdown Option	Recommended Base Allocation (Column A + C)	Recommended Federal Drawdown Option Allocation (Column B + D)	Federal Share 66% (Column F x .66)	Court Share 34% (Column F x .34)	Total Allocation (Columns E + F)	Contract Amount (Columns E + G)
Alameda	1,055,625	477,581	9,582		1,065,207	477,581	315,203	162,378	1,542,788	1,380,410
Amador	142,508	64,474			142,508	64,474	42,553	21,921	206,982	185,061
Butte	363,685	50,315			363,685	50,315	33,208	17,107	414,000	396,893
Calaveras	133,526	37,209			133,526	37,209	24,558	12,651	170,735	158,084
Colusa	45,987	19,133			45,987	19,133	12,628	6,505	65,120	58,615
Contra Costa	1,014,068	458,778			1,014,068	458,778	302,793	155,985	1,472,846	1,316,861
Del Norte	48,315	21,859			48,315	21,859	14,427	7,432	70,174	62,742
El Dorado	206,440	93,395			206,440	93,395	61,641	31,754	299,835	268,081
Fresno	1,557,552	704,659			1,557,552	704,659	465,075	239,584	2,262,211	2,022,627
Glenn	118,593	53,653	1,076	11,642	119,669	65,295	43,095	22,200	184,964	162,764
Humboldt	122,985	55,640		(55,640)	122,985	-	-	-	122,985	122,985
Imperial	163,746	74,082			163,746	74,082	48,894	25,188	237,828	212,640
Inyo	78,314	18,328	(20,164)	(18,328)	58,150	-	-	-	58,150	58,150
Kern	645,590	292,074	5,860	107,926	651,450	400,000	264,000	136,000	1,051,450	915,450
Kings	294,155	133,080	2,670		296,825	133,080	87,833	45,247	429,905	384,658
Lake	157,624	22,018			157,624	22,018	14,532	7,486	179,642	172,156
Lassen	94,874	42,922			94,874	42,922	28,329	14,593	137,796	123,203
Los Angeles	5,093,465	2,304,358			5,093,465	2,304,358	1,520,876	783,482	7,397,823	6,614,341
Madera	215,224	97,370			215,224	97,370	64,264	33,106	312,594	279,488
Marin	150,260	67,979	(32,184)	(67,979)	118,076	-	-	-	118,076	118,076
Mariposa	76,427	34,576			76,427	34,576	22,820	11,756	111,003	99,247
Mendocino	173,010	78,272			173,010	78,272	51,660	26,612	251,282	224,670
Merced	548,422	248,113			548,422	248,113	163,755	84,358	796,535	712,177
Modoc	-	-			-	-	-	-	-	-
Mono	44,688	20,216	(11,557)	(20,216)	33,131	-	-	-	33,131	33,131
Monterey	371,256	167,961		(83,980)	371,256	83,981	55,427	28,554	455,237	426,683
Napa	179,966	81,420	1,634		181,600	81,420	53,737	27,683	263,020	235,337
Nevada	332,867	150,595			332,867	150,595	99,393	51,202	483,462	432,260
Orange	2,271,576	802,863		(403,740)	2,271,576	399,123	263,421	135,702	2,670,699	2,534,997
Placer	367,149	166,102			367,149	166,102	109,627	56,475	533,251	476,776
Plumas	93,732	12,968			93,732	12,968	8,559	4,409	106,700	102,291
Riverside	968,009	437,940			968,009	437,940	289,040	148,900	1,405,949	1,257,049
Sacramento	1,031,990	466,887	9,367		1,041,357	466,887	308,145	158,742	1,508,244	1,349,502
San Benito	136,260	61,645			136,260	61,645	40,686	20,959	197,905	176,946
San Bernardino	2,544,692	1,151,255		(351,255)	2,544,692	800,000	528,000	272,000	3,344,692	3,072,692
San Diego	1,770,159	800,845	16,067		1,786,226	800,845	528,558	272,287	2,587,071	2,314,784
San Francisco	891,641	479,952			891,641	479,952	316,768	163,184	1,371,593	1,208,409
San Joaquin	689,435	70,349			689,435	70,349	46,430	23,919	759,784	735,865
San Luis Obispo	225,765	102,140			225,765	102,140	67,412	34,728	327,905	293,177
San Mateo	395,940	179,129		419,855	395,940	598,984	395,329	203,655	994,924	791,269
Santa Barbara	460,907	208,521	4,184	45,147	465,091	253,668	167,421	86,247	718,759	632,512
Santa Clara	1,707,810	505,407			1,707,810	505,407	333,569	171,838	2,213,217	2,041,379
Santa Cruz	187,809	76,731			187,809	76,731	50,642	26,089	264,540	238,451
Shasta	423,384	191,546			423,384	191,546	126,420	65,126	614,930	549,804
Sierra	-	-			-	-	-	-	-	-
Siskiyou	233,265	105,533	2,117	51,052	235,382	156,585	103,346	53,239	391,967	338,728
Solano	524,122	153,727			524,122	153,727	101,460	52,267	677,849	625,582
Sonoma	488,152	220,846	4,431	166,076	492,583	386,922	255,369	131,553	879,505	747,952
Stanislaus	783,525	195,072			783,525	195,072	128,748	66,324	978,597	912,273
Sutter	195,330	88,369			195,330	88,369	58,324	30,045	283,699	253,654
Tehama	92,238	41,730		56,767	92,238	98,497	65,008	33,489	190,735	157,246
Trinity	-	-			-	-	-	-	-	-
Tulare	552,849	179,730			552,849	179,730	118,622	61,108	732,579	671,471
Tuolumne	161,119	72,893			161,119	72,893	48,109	24,784	234,012	209,228
Ventura	563,318	254,854	5,113	129,425	568,431	384,279	253,624	130,655	952,710	822,055
Yolo	193,254	87,432			193,254	87,432	57,705	29,727	280,686	250,959
Yuba	198,813	89,947	1,804	13,248	200,617	103,195	68,109	35,086	303,812	268,726
	31,581,415	13,074,473	-	-	31,581,415	13,074,473	8,629,152	4,445,321	44,655,888	40,210,567

CSC Base Funds	31,581,415
CSC Federal Drawdown	13,074,473
Total Funding Available	44,655,888

FAMILY LAW FACILITATOR PROGRAM MID-YEAR REALLOCATON, FY 2012-13										
County	A	B	C	D	E	F	G	H	I	J
	Beginning Base Funding Allocation	Beginning Federal Drawdown Option	Mid-Year Changes to Base Allocation	Mid-Year Changes to Federal Drawdown Option	Recommended Base Allocation (Column A + C)	Recommended Federal Drawdown Option Allocation (Column B + D)	Federal Share 66% (Column F x .66)	Court Share 34% (Column F x .34)	Total Allocation (Columns E + F)	Contract Amount (Columns E + G)
Alameda	369,025	156,997	2,427		371,452	156,997	103,618	53,379	528,449	475,070
Amador	-	-	-	-	-	-	-	-	-	-
Butte	103,647	44,095		5,114	103,647	49,209	32,478	16,731	152,856	136,125
Calaveras	119,392	10,926			119,392	10,926	7,211	3,715	130,318	126,603
Colusa	52,326	22,261		2,582	52,326	24,843	16,396	8,447	77,169	68,722
Contra Costa	342,973	130,351			342,973	130,351	86,032	44,319	473,324	429,005
Del Norte	49,723	5,138			49,723	5,138	3,391	1,747	54,861	53,114
El Dorado	105,446	44,862			105,446	44,862	29,609	15,253	150,308	135,055
Fresno	390,532	166,148			390,532	166,148	109,658	56,490	556,680	500,190
Glenn	75,385	32,071	496	3,719	75,881	35,790	23,621	12,169	111,671	99,502
Humboldt	88,688	37,730			88,688	37,730	24,902	12,828	126,418	113,590
Imperial	52,326	22,261	345	2,582	52,671	24,843	16,396	8,447	77,514	69,067
Inyo	56,866	24,194	374	2,806	57,240	27,000	17,820	9,180	84,240	75,060
Kern	351,518	149,549	2,312	17,342	353,830	166,891	110,148	56,743	520,721	463,978
Kings	58,001	24,677	381		58,382	24,677	16,287	8,390	83,059	74,669
Lake	58,640	24,948			58,640	24,948	16,466	8,482	83,588	75,106
Lassen	111,304	47,352			111,304	47,352	31,252	16,100	158,656	142,556
Los Angeles	1,870,754	795,891			1,870,754	795,891	525,288	270,603	2,666,645	2,396,042
Madera	82,062	34,913			82,062	34,913	23,043	11,870	116,975	105,105
Marin	139,122	59,187			139,122	59,187	39,063	20,124	198,309	178,185
Mariposa	46,234	19,668	(18,169)	(19,668)	28,065	-	-	-	28,065	28,065
Mendocino	61,300	26,080		3,024	61,300	29,104	19,209	9,895	90,404	80,509
Merced	100,217	42,636			100,217	42,636	28,140	14,496	142,853	128,357
Modoc	72,130	1,889			72,130	1,889	1,247	642	74,019	73,377
Mono	47,891	1,254			47,891	1,254	828	426	49,145	48,719
Monterey	119,672	50,913			119,672	50,913	33,603	17,310	170,585	153,275
Napa	61,300	26,080	403		61,703	26,080	17,213	8,867	87,783	78,916
Nevada	118,168	50,272	777		118,945	50,272	33,180	17,092	169,217	152,125
Orange	534,214	227,274		(96,007)	534,214	131,267	86,636	44,631	665,481	620,850
Placer	89,126	37,917	586	4,397	89,712	42,314	27,927	14,387	132,026	117,639
Plumas	56,866	7,254			56,866	7,254	4,788	2,466	64,120	61,654
*Riverside	658,653	280,217			658,653	280,217	184,943	95,274	938,870	843,596
Sacramento	306,439	130,372	2,015	15,119	308,454	145,491	96,024	49,467	453,945	404,478
San Benito	61,300	26,080			61,300	26,080	17,213	8,867	87,380	78,513
San Bernardino	454,656	193,428			454,656	193,428	127,662	65,766	648,084	582,318
San Diego	602,559	225,226	3,961		606,520	225,226	148,649	76,577	831,746	755,169
San Francisco	243,890	103,761			243,890	103,761	68,482	35,279	347,651	312,372
San Joaquin	217,745	68,636			217,745	68,636	45,300	23,336	286,381	263,045
San Luis Obispo	66,516	28,298		3,282	66,516	31,580	20,843	10,737	98,096	87,359
San Mateo	129,159	54,948		6,372	129,159	61,320	40,471	20,849	190,479	169,630
Santa Barbara	168,964	71,882	1,111	8,336	170,075	80,218	52,944	27,274	250,293	223,019
Santa Clara	441,000	187,619			441,000	187,619	123,829	63,790	628,619	564,829
Santa Cruz	73,576	31,301			73,576	31,301	20,659	10,642	104,877	94,235
Shasta	160,170	68,142			160,170	68,142	44,974	23,168	228,312	205,144
Sierra	-	-			-	-	-	-	-	-
Siskiyou	75,822	32,258			75,822	32,258	21,290	10,968	108,080	97,112
Solano	131,471	55,933			131,471	55,933	36,916	19,017	187,404	168,387
Sonoma	137,123	58,339	902	6,765	138,025	65,104	42,969	22,135	203,129	180,994
Stanislaus	223,137	94,931			223,137	94,931	62,654	32,277	318,068	285,791
Sutter	65,735	27,967		3,243	65,735	31,210	20,599	10,611	96,945	86,334
Tehama	27,802	3,287			27,802	3,287	2,169	1,118	31,089	29,971
Trinity	24,833	34,565			24,833	34,565	22,813	11,752	59,398	47,646
Tulare	312,151	117,503		15,400	312,151	132,903	87,716	45,187	445,054	399,867
Tuolumne	65,735	27,967			65,735	27,967	18,458	9,509	93,702	84,193
Ventura	250,857	106,724	1,650	12,376	252,507	119,100	78,606	40,494	371,607	331,113
Yolo	75,822	32,258			75,822	32,258	21,290	10,968	108,080	97,112
Yuba	65,184	27,733	429	3,216	65,613	30,949	20,426	10,523	96,562	86,039
<b>Totals</b>	<b>10,825,147</b>	<b>4,414,163</b>	<b>-</b>	<b>-</b>	<b>10,825,147</b>	<b>4,414,163</b>	<b>2,913,348</b>	<b>1,500,815</b>	<b>15,239,310</b>	<b>13,738,495</b>

FLF Base Funds 10,825,147  
FLF Federal Drawdown 4,414,163  
Total Funding Available 15,239,310

CHILD SUPPORT COMMISSIONER PROGRAM ALLOCATION, FY 2013-14						
County	A Recommended Base Funding Allocation	B Recommended Federal Drawdown Option	C Federal Share 66% (Column B x .66)	D Court Share 34% (Column B x .34)	E Total Allocation (Columns A + B)	F Contract Amount (Columns A + C)
Alameda	1,055,625	477,581	315,203	162,378	1,533,206	1,370,828
Amador	142,508	64,474	42,553	21,921	206,982	185,061
Butte	363,685	50,315	33,208	17,107	414,000	396,893
Calaveras	133,526	37,209	24,558	12,651	170,735	158,084
Colusa	45,987	19,133	12,628	6,505	65,120	58,615
Contra Costa	1,014,068	458,778	302,793	155,985	1,472,846	1,316,861
Del Norte	48,315	21,859	14,427	7,432	70,174	62,742
El Dorado	206,440	93,395	61,641	31,754	299,835	268,081
Fresno	1,557,552	704,659	465,075	239,584	2,262,211	2,022,627
Glenn	118,593	53,653	35,411	18,242	172,246	154,004
Humboldt	122,985	55,640	36,722	18,918	178,625	159,707
Imperial	163,746	74,082	48,894	25,188	237,828	212,640
Inyo	78,314	18,328	12,096	6,232	96,642	90,410
Kern	645,590	292,074	192,769	99,305	937,664	838,359
Kings	294,155	133,080	87,833	45,247	427,235	381,988
Lake	157,624	22,018	14,532	7,486	179,642	172,156
Lassen	94,874	42,922	28,329	14,593	137,796	123,203
Los Angeles	5,093,465	2,304,358	1,520,876	783,482	7,397,823	6,614,341
Madera	215,224	97,370	64,264	33,106	312,594	279,488
*Marin	150,260	67,979	44,866	23,113	218,239	195,126
Mariposa	76,427	34,576	22,820	11,756	111,003	99,247
Mendocino	173,010	78,272	51,660	26,612	251,282	224,670
Merced	548,422	248,113	163,755	84,358	796,535	712,177
Modoc	-	-	-	-	-	-
Mono	44,688	20,216	13,343	6,873	64,904	58,031
Monterey	371,256	167,961	110,854	57,107	539,217	482,110
Napa	179,966	81,420	53,737	27,683	261,386	233,703
Nevada	332,867	150,595	99,393	51,202	483,462	432,260
Orange	2,271,576	802,863	529,890	272,973	3,074,439	2,801,466
Placer	367,149	166,102	109,627	56,475	533,251	476,776
Plumas	93,732	12,968	8,559	4,409	106,700	102,291
Riverside	968,009	437,940	289,040	148,900	1,405,949	1,257,049
Sacramento	1,031,990	466,887	308,145	158,742	1,498,877	1,340,135
San Benito	136,260	61,645	40,686	20,959	197,905	176,946
San Bernardino	2,544,692	1,151,255	759,828	391,427	3,695,947	3,304,520
San Diego	1,770,159	800,845	528,558	272,287	2,571,004	2,298,717
San Francisco	891,641	479,952	316,768	163,184	1,371,593	1,208,409
San Joaquin	689,435	70,349	46,430	23,919	759,784	735,865
San Luis Obispo	225,765	102,140	67,412	34,728	327,905	293,177
San Mateo	395,940	179,129	118,225	60,904	575,069	514,165
Santa Barbara	460,907	208,521	137,624	70,897	669,428	598,531
Santa Clara	1,707,810	505,407	333,569	171,838	2,213,217	2,041,379
Santa Cruz	187,809	76,731	50,642	26,089	264,540	238,451
Shasta	423,384	191,546	126,420	65,126	614,930	549,804
Sierra	-	-	-	-	-	-
Siskiyou	233,265	105,533	69,652	35,881	338,798	302,917
Solano	524,122	153,727	101,460	52,267	677,849	625,582
Sonoma	488,152	220,846	145,758	75,088	708,998	633,910
Stanislaus	783,525	195,072	128,748	66,324	978,597	912,273
Sutter	195,330	88,369	58,324	30,045	283,699	253,654
Tehama	92,238	41,730	27,542	14,188	133,968	119,780
Trinity	-	-	-	-	-	-
Tulare	552,849	179,730	118,622	61,108	732,579	671,471
Tuolumne	161,119	72,893	48,109	24,784	234,012	209,228
Ventura	563,318	254,854	168,204	86,650	818,172	731,522
Yolo	193,254	87,432	57,705	29,727	280,686	250,959
Yuba	198,813	89,947	59,365	30,582	288,760	258,178
<b>Totals</b>	<b>31,581,415</b>	<b>13,074,473</b>	<b>8,629,152</b>	<b>4,445,321</b>	<b>44,655,888</b>	<b>40,210,567</b>

CSC Base Funds	31,581,415
CSC Federal Drawdown	13,074,473
Total Funding Available	44,655,888

FAMILY LAW FACILITATOR PROGRAM ALLOCATION, FY 2013-14						
County	A Recommended Base Funding	B Recommended Federal Drawdown Option	C Federal Share 66% Column B x .66	D Court Share 34% Column B x .34	E Total Allocation (Columns A + B)	F Contract Amount (Columns A + C)
Alameda	369,025	156,997	103,618	53,379	526,022	472,643
Amador	-	-	-	-	-	-
Butte	103,647	44,095	29,103	14,992	147,742	132,750
Calaveras	119,392	10,926	7,211	3,715	130,318	126,603
Colusa	52,326	22,261	14,692	7,569	74,587	67,018
Contra Costa	342,973	130,351	86,032	44,319	473,324	429,005
Del Norte	49,723	5,138	3,391	1,747	54,861	53,114
El Dorado	105,446	44,862	29,609	15,253	150,308	135,055
Fresno	390,532	166,148	109,658	56,490	556,680	500,190
Glenn	75,385	32,071	21,167	10,904	107,456	96,552
Humboldt	88,688	37,730	24,902	12,828	126,418	113,590
Imperial	52,326	22,261	14,692	7,569	74,587	67,018
Inyo	56,866	24,194	15,968	8,226	81,060	72,834
Kern	351,518	149,549	98,702	50,847	501,067	450,220
Kings	58,001	24,677	16,287	8,390	82,678	74,288
Lake	58,640	24,948	16,466	8,482	83,588	75,106
Lassen	111,304	47,352	31,252	16,100	158,656	142,556
Los Angeles	1,870,754	795,891	525,288	270,603	2,666,645	2,396,042
Madera	82,062	34,913	23,043	11,870	116,975	105,105
Marin	139,122	59,187	39,063	20,124	198,309	178,185
Mariposa	46,234	19,668	12,981	6,687	65,902	59,215
Mendocino	61,300	26,080	17,213	8,867	87,380	78,513
Merced	100,217	42,636	28,140	14,496	142,853	128,357
Modoc	72,130	1,889	1,247	642	74,019	73,377
Mono	47,891	1,254	828	426	49,145	48,719
Monterey	119,672	50,913	33,603	17,310	170,585	153,275
Napa	61,300	26,080	17,213	8,867	87,380	78,513
Nevada	118,168	50,272	33,180	17,092	168,440	151,348
Orange	534,214	227,274	150,001	77,273	761,488	684,215
Placer	89,126	37,917	25,025	12,892	127,043	114,151
Plumas	56,866	7,254	4,788	2,466	64,120	61,654
*Riverside	658,653	280,217	184,943	95,274	938,870	843,596
Sacramento	306,439	130,372	86,046	44,326	436,811	392,485
San Benito	61,300	26,080	17,213	8,867	87,380	78,513
San Bernardino	454,656	193,428	127,662	65,766	648,084	582,318
San Diego	602,559	225,226	148,649	76,577	827,785	751,208
San Francisco	243,890	103,761	68,482	35,279	347,651	312,372
San Joaquin	217,745	68,636	45,300	23,336	286,381	263,045
San Luis Obispo	66,516	28,298	18,677	9,621	94,814	85,193
San Mateo	129,159	54,948	36,266	18,682	184,107	165,425
Santa Barbara	168,964	71,882	47,442	24,440	240,846	216,406
Santa Clara	441,000	187,619	123,829	63,790	628,619	564,829
Santa Cruz	73,576	31,301	20,659	10,642	104,877	94,235
Shasta	160,170	68,142	44,974	23,168	228,312	205,144
Sierra	-	-	-	-	-	-
Siskiyou	75,822	32,258	21,290	10,968	108,080	97,112
Solano	131,471	55,933	36,916	19,017	187,404	168,387
Sonoma	137,123	58,339	38,504	19,835	195,462	175,627
Stanislaus	223,137	94,931	62,654	32,277	318,068	285,791
Sutter	65,735	27,967	18,458	9,509	93,702	84,193
Tehama	27,802	3,287	2,169	1,118	31,089	29,971
Trinity	24,833	34,565	22,813	11,752	59,398	47,646
Tulare	312,151	117,503	77,552	39,951	429,654	389,703
Tuolumne	65,735	27,967	18,458	9,509	93,702	84,193
Ventura	250,857	106,724	70,438	36,286	357,581	321,295
Yolo	75,822	32,258	21,290	10,968	108,080	97,112
Yuba	65,184	27,733	18,304	9,429	92,917	83,488
<b>Totals</b>	<b>10,825,147</b>	<b>4,414,163</b>	<b>2,913,348</b>	<b>1,500,815</b>	<b>15,239,310</b>	<b>13,738,495</b>

CSC Base Funds

10,825,147

CSC Federal Drawdown

4,414,163

Total Funding Available

15,239,310

**Trial Court Funding Workgroup  
Findings and Recommendations Related to the Report to the  
Judicial Council of California and Governor Edmund G. Brown, Jr.**

Upon evaluating the available material and leveraging the experience of its members, the Trial Court Funding Workgroup makes the following findings.

(1) Workload Metrics, Staffing Standards, Efficiencies, and Other Data

The workgroup finds that the judicial branch has substantially complied with the requirements of the act, achieving full completion of most of the requirements. The principal area found to be in need of improvement revolves around the allocation of funding to trial courts. One of the problems AB 233 sought to address was the disparity in the levels of funding for courts across the state. When counties were responsible for the majority of court funding, the fiscal health of each county and competing local priorities dictated how much funding was provided to a trial court. As a result, trial courts came into state funding with very different funding levels. With limited exceptions, since AB 233 was enacted, funding has been allocated to the trial courts in a manner that perpetuates inequities among the courts rather than alleviating them. Attempts to provide additional funding to courts that had insufficient resources to meet their obligations and provide adequate service to the public were made in fiscal years 1998–1999 through 2000–2001. Supplemental funding was also provided to underresourced courts, as determined by the council, when the judicial branch received State Appropriations Limit funding as part of the budget in fiscal years 2005–2006 through 2007–2008. Outside of these examples, the workgroup finds that funding has not been allocated based on workload fluctuations or in a manner designed to promote equal access to the courts statewide, implementation of statewide policies, or implementation of efficiencies and cost-saving measures to support access to justice.

At its February 2013 meeting, the Judicial Council approved an update to the Resource Assessment Study (RAS) model, which measures the workload of non-judicial staff in the trial courts. The updated RAS model takes into account caseweights that may be helpful in producing workload estimates. Using the RAS model or a similar model can help to determine the relative funding need of courts and, as part of a budget development process, to move toward equity in funding. However it is not a staffing standard and does not determine or measure the quality of justice or equal access. It will, however, provide the branch the ability to more effectively assess other relevant data to ensure the branch is moving toward a system that provides administrative efficiency and equal access for litigants statewide.

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(2) Cost Drivers and Other Factors that Impact Equal Access

The workgroup finds that, as with most other entities, labor costs are the single largest expenditure of trial courts, representing 79 percent of court costs. Although the state funds the court system, court employee compensation and benefits are negotiated at the local level (some by the courts, some by the counties), which has the potential to impact equal access to justice even if there is an equitable distribution of funding. The workgroup finds that this structure is complicated and, in light of the significant percentage of trial court expenditures involved, should probably be reviewed.

The workgroup also finds that the Administrative Office of the Courts performs some pertinent services on an as-needed basis for the trial courts. In addition, the workgroup finds that court-to-court agreements have been developed that allow courts to partner together to provide a single or unified service or rely on the expertise of one court to effectively deliver the service. These may not be appropriate models for all courts, but are among the approaches that should be explored for further cost containment.

Another significant cost driver is facility operations and maintenance, which is important to provide adequate physical access to courts for litigants. The Trial Court Facilities Act of 2002 vested in the Judicial Council authority over the construction and location of new court facilities, and the Judicial Council has adopted the Site Selection and Acquisition Policy for Court Facilities to govern the process for determining the location of new facilities. However, access to existing court facilities is subject to the control of individual courts to a great extent. For example, the decisions on whether to reduce the hours clerks' offices are open, or whether to close a branch court, are made by each superior court. There are no statewide policies addressing the criteria a court must consider in determining whether to close or reduce the hours of clerks' offices or close courtrooms. Government Code section 68106 requires courts to provide notification not less than 60 days prior to closing any courtroom or closing or reducing the hours of clerks' offices, including the financial constraints or other reasons that make the closure or reduction necessary. The public may provide written comments on the court's plan during the 60-day period and the court must review and consider all public comments received. The workgroup finds that consideration of statewide policies would encourage local decisions that appropriately balance the fiscal needs of the courts with the right of litigants to access justice and provide more transparency in these local decisions.

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(3) Methods to Enhance Savings through Administrative Efficiencies and Coordinated Efforts

The workgroup finds that there are numerous ways in which the judicial branch has adopted administrative efficiencies and has coordinated efforts between trial courts. This includes the provision of administrative, legal, financial, human resources, and information technology services for courts to take advantage of economies of scale. It also includes the development of best practices to improve the quality of justice and uniformity of practices and procedures statewide through the work of the Domestic Violence Practice and Procedure Task Force, the Blue Ribbon Commission on Children in Foster Care, and the Elkins Family Law Task Force.

Coordinated efforts between courts or by the Administrative Office of the Courts for the trial courts are also promoted and provided to create efficiencies and enhance savings. Examples include the Shared Procurement Services program implemented by the Superior Court of Riverside County providing procurement services to 18 trial courts; the merger of appellate divisions in 4 small courts into a single appellate division serving those courts; the coordination of civil cases to limit duplication of effort and resources so a single court can hear related cases, freeing up other courts to focus resources on other critical matters; and the Superior Courts of Shasta and Ventura Counties providing enhanced collection services to 7 other courts (6 by Shasta, 1 by Ventura) to capitalize on the expertise and efficiency developed in these two courts.

These examples of cost-savings measures improve access to justice by relying on the expertise of either the Administrative Office of the Courts or other courts, and present an efficient use of resources to support a uniform statewide system.

(4) Steps to Increase Funding Transparency

At its simplest, funding transparency is about making information about funding decisions available to the public. But posting the information on the California Courts website is not sufficient. To be transparent, it must also be understandable. The workgroup finds that although the Judicial Council posts on the judicial branch's California Courts website all council decisions about allocation of resources, including reports detailing the options considered by the council and its rationales for making those decisions, it may not be understandable to the lay public. Furthermore, the workgroup finds that transparency regarding funding decisions must apply to trial courts as well.

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Government Code section 68511.7 requires each trial court, prior to adopting a baseline budget plan for the year, to provide the public with notice of the proposed plan and an opportunity to provide input, either in writing or at a public hearing. This is an important step, but this information also must be made understandable to truly meet the definition of being “transparent.”

Funding transparency is about the broader context as well. The workgroup further finds that some measures should be adopted to allow for greater understanding of how the funding provided to courts is used to equalize access or to support identified priorities.

(5) Other Findings

A sampling of accomplishments reviewed by the workgroup included a review of 56 separate items, falling into the following eight broad categories: administrative, legal, and human resources; case management; direct public services; education and guidance; fiscal management and reporting; judges and jury practices; records and technology; and security. The workgroup gained an understanding of the breadth of programs and services implemented since the enactment of the Trial Court Funding Act to provide uniform practices and procedures, take advantage of economies of scale, and create structural efficiencies and simplicity, leading to overall improvements in the court system and increasing access to justice for litigants. While some of these innovative or effective programs and services are mandatory and available in all courts, some are not. Some do not lend themselves to being mandated. The workgroup finds that the Judicial Council needs to reevaluate these items and consider additional mandatory requirements, if appropriate and where they would further promote equal access or achieve the goals outlined in AB 233.

Recommendations of the Workgroup

Based on the findings noted in this report, the workgroup recommends that the Judicial Council:

- (1) Review accomplishments made toward achieving the goals of a state-funded trial court system and begin the process of considering making some of these innovations mandatory providing incentives for courts to implement others. To accelerate the pace of ensuring equal access to justice, some of the programs and services developed should be considered for statewide implementation. The Judicial Council should examine the list of accomplishments and prioritize statewide

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Judicial Council of California and Governor Edmund G. Brown, Jr.**

implementation of the programs and services that can result in statewide efficiencies or provide greater access to justice.

- (2) Establish and continually update statewide priorities and continually evaluate whether the branch can provide greater access and find more ways to efficiently deliver programs and services to Californians consistently throughout the state.
- (3) Continually evaluate how the branch can promote and implement efficiencies and best practices and improve accountability and transparency.
- (4) Consider adopting funding priorities that would be taken into account when allocating resources, seeking additional resources through the state's budget process, or responding to changes in the state's economy that lead to reduced available funding.
- (5) Demonstrate how future funding affects access for litigants, how the number of judges correlates to the ability of litigants to have their cases heard, and/or identify other indicia that demonstrate effective and accountable use of resources.
- (6) Adopt a new methodology for allocating funding appropriated for support of trial court operations, to be implemented commencing with fiscal year 2013–2014.
- (7) Ensure that the new methodology allocate funding to the trial courts in a manner that, consistent with the intent of AB 233:
  - a. Improves equal access to justice;
  - b. Supports the ability of the courts to carry out their necessary functions; and
  - c. Is guided by the principles of uniformity, equity, accountability, and flexibility.
- (8) Include the following factors in the new allocation methodology to ensure that the above-stated principles are implemented:
  - a. The new formula should be phased in so courts that may receive a smaller allocation under the new formula than they would have received absent the change can effectively plan for the reduced funding.
  - b. Where applicable (e.g., funding for general court operations and not for specific costs or activities), funding should be based primarily on court workload, not on historic funding percentages.

**Trial Court Funding Workgroup  
Findings and Recommendations Related to the Report to the  
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- c. The methodology should take into account all cost drivers in the trial courts in determining an equitable allocation, including regional variation in the costs of labor.
  - d. The methodology should promote efficiency and accountability and direct the development of performance measures and strategies to deliver those goals.
  - e. The formula resulting from the methodology should be reviewed and, if necessary, updated and/or modified at least every three years to address changes in workload and/or other cost drivers and to ensure that the methodology is fine-tuned over time to promote efficiency, access to justice, transparency, and accountability.
- (9) In addition to the factors stated above the Judicial Council will need to determine how to address the following:
- a. Unique factors in a court that the workload model does not appropriately consider in determining funding need.
  - b. Whether local revenues should be considered as part of the allocation process.
  - c. Technology, as it relates to efficiency within the court, including technology that is needed or is already in place.
- (10) Provide that the allocation methodology be used to determine the amount of funding to be allocated to each court, while allowing for local differences and preserving sufficient flexibility for presiding judges and court executives to operate their courts.
- (11) For the purpose of providing increased funding transparency, adopt performance indicators or other metrics that can be used to measure trial court activity and provide decision makers with information about the use of resources and the impact those factors have on outcomes. Such measures could include filing trends, allocation per population, staffing per case, and expenditures by category, or other measures the council finds appropriate.
- (12) Review and develop indicators that demonstrate anomalies in expenditures and point to equal access and quality of justice to determine whether courts are operating efficiently and expending funds to promote equal access consistent with the Judicial Council's identified priorities.
- (13) Consider the development of policies, guidelines, or standards on physical access to

**Trial Court Funding Workgroup  
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courthouses, including the factors relevant to opening or closing branch courts and the hours at which court services are available to the public in clerks' offices. Such policies could encourage uniformity in practice across the state in an effort to promote the equal access to justice that AB 233 was intended to achieve.

- (14) Analyze opportunities for cost savings that can be implemented on a statewide basis to achieve uniformity and equal access to justice across the state.
- (15) Identify remaining vestiges of the years prior to unification that should have been, but were not, effectively resolved by unification, and which result in inefficiencies and unnecessary costs or use of resources.
- (16) Personnel costs represent 79 percent of trial court expenditures, and the current system relies on individual courts to negotiate salaries and certain employee benefits, counties to negotiate other employee benefits, and the state to fund the costs. The council may wish to examine this area given that it is a primary cost driver and may be an area where opportunities exist for containing state costs.
- (17) Determine methods to effectively measure quality of justice.
- (18) Provide greater transparency by ensuring that fiscal information posted on the judicial branch's California Courts website is understandable to the lay public and information provided by the courts, including their proposed baseline budget plan, is understandable to the lay public.

**The Trial Court Budget Working Group Recommendations to the Judicial Council  
Approved April 26, 2014**

1. Approve the Workload-based Allocation and Funding Methodology (WAFM) for use in allocating the annual state trial court operations funds, consistent with the implementation schedule below, with the understanding that ongoing technical adjustments will continue to be evaluated by the TCBWG and that those adjustments will be submitted to the Judicial Council for approval.
2. Direct the TCBWG to provide annual updates of the WAFM beginning with the April 2014 Judicial Council meeting.
3. Adopt the five-year implementation schedule for the WAFM outlined below and described in more detail in the body of this report:
  - a. In fiscal year (FY) 2013–2014 the currently estimated \$261 million in unallocated reductions shall be allocated to each court on a pro rata basis (based upon each court’s current share of the statewide total of all applicable funds);
  - b. Beginning in FY 2013–2014, *base funds*—the courts’ applicable funding adjusted for the \$261 million reduction identified above and excluding any adjustments based on new money—shall all be allocated pursuant to the new WAFM as follows:

FY 2013–2014:

- 10 percent allocated pursuant to the WAFM
- 90 percent allocated pursuant to the FY 2013–2014 historically based funding methodology (see 3b for definition of FY 2013-2014 base funds)
- The state’s smallest courts—courts that are classified as Cluster 1 in Appendix A—would be excluded from any change in their allocation based upon the WAFM in FY 2013–2014. Instead, base allocations to these courts would be based on their historical share of the statewide total of all applicable funds subtracting only their share of the \$261 million reduction until the impact of the methodology upon these smallest courts is reviewed and adjusted. Any recommendations to include the Cluster 1 courts in the WAFM will be evaluated by the TCBWG and submitted to the Judicial Council for approval.

FY 2014–2015:

- 15 percent allocated pursuant to the WAFM
- 85 percent allocated pursuant to the FY 2013–2014 historical based funding methodology

FY 2015–2016:

- 30 percent allocated pursuant to the WAFM

- 70 percent allocated pursuant to the FY 2013–2014 historical based funding methodology

FY 2016–2017:

- 40 percent allocated pursuant to the WAFM
- 60 percent allocated pursuant to the FY 2013–2014 historical based funding methodology

FY 2017–2018:

- 50 percent allocated pursuant to the WAFM
  - 50 percent allocated pursuant to the FY 2013–2014 historical based funding methodology
- c. Allocate any new money appropriated for general trial court operations entirely pursuant to the WAFM; and
  - d. Reallocate applicable base funding pursuant to the WAFM on a dollar-for-dollar basis for any new money appropriated for general trial court operations.

# CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

c/o State Bar of California – 180 Howard Street – San Francisco, CA 94105 – (415) 538-2251 – (415) 538-2524/fax

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MARY LAVERY FLYNN  
*Director, Office of Legal Services  
State Bar of California*

March 21, 2013

**Hon. Harry E. Hull, Jr., Co-Chair**  
Member, Judicial Council of California  
Associate Justice of the Court of Appeal  
Third Appellate District

**Hon. Phillip Isenberg, Co-Chair**  
Delta Stewardship Council, Chair

Dear Justice Hull and Mr. Isenberg:

Please accept the attached modified ‘Minimum Standards for Access’ statement adopted by the California Commission on Access to Justice. Recognizing that appropriation and allocation of judicial resources is a complex matter, it was our intent to identify some basic needs that are faced by all courts and the litigants who use them, with the hope these goals will help to define necessary funding levels.

The Commission stands ready to assist in the development of a narrative that amplifies and explains these standards, as well as the identification of appropriate methods for measuring these standards wherever possible.

We will be happy to provide any further information or assistance that you would find beneficial.

Sincerely,



Hon. Ronald B. Robie – Chair  
Commission on Access to Justice

# CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

c/o State Bar of California – 180 Howard Street – San Francisco, CA 94105 – (415) 538-2251 – (415) 538-2524/fax

## Minimum Standards for Access

### **Introduction:**

To ensure equal access to justice in California, courts must be funded adequately throughout all parts of the state, and courts must design their own processes to provide effective and efficient court services for all who use the courts.

Using standards now in court rules, and to be developed, concerning case disposition by case type, minimum hours at clerks' offices, self-help centers, etc., funding should be allocated based on a court's need to add resources to achieve minimum standards, and after that to expand services beyond the minimum.

Recognizing that each litigant, advocate, and witness may have different individual needs, courts should adopt procedures and rules that meet the constitutional mandate of due process and that do not disadvantage any identifiable cohort of the population. To meet these goals, and to ensure the most efficient use of available resources to provide the same access to justice for all litigants in all jurisdictions, the following principles of access are defined:

- **All litigants shall receive due process of law**
- **Courts shall be accessible to all court users**
- **An official record shall be made to preserve court proceedings and to preserve the right to a meaningful appeal**
- **Access to the courts shall be affordable**
- **Jurisdictions shall have adequate numbers of judicial officers, staff, and other non-judicial resources to meet caseloads**
- **Courts shall provide services to meet community needs**
- **The identified components of these access standards shall be tracked on a regular basis**

\* \* \* \* \*

## **Minimum Standards for Access**

- **All litigants shall receive due process of law**
  - Hearings will be conducted by impartial, trained bench officers according to applicable laws, rules and procedures.
  - Hearings will be conducted on a timely basis and dispositions will be reached without undue delay.
  - Hearings will be timely provided in all case types, from traffic and small claims to family, complex civil, and long cause criminal matters.
  - Services will be provided to ensure participants understand and can participate in the proceedings.
    - Court users will have access to accurate and timely information through adequate counter hours at clerks' offices and telephonic access to a live court staff member.
    - Court users will have access to accurate and timely information both on-line and through staffed self help centers.
    - Interpreter services will be provided.
  - Orders after hearing and judgments will be timely prepared and made available to litigants.
  
- **Courts shall be accessible to all court users**
  - Courthouses will be located so that users are not forced to travel unreasonable times or distances, especially where public transportation is inadequate or unavailable.
  - Court facilities will be safe and adequate to conduct the business of the courts.
  - Courts will maintain reasonable hours of operations so that court users can file documents and conduct their court business without undue delays.
  - Technology will be developed and maintained to meet the needs of the court and court users.
  - State and federal access requirements, including the Americans with Disabilities Act, will be met for all court facilities and services.
  - Copies of court pleadings, orders and judgments will be accessible in a timely manner and at a reasonable cost.
  
- **An official record shall be made to preserve court proceedings and to preserve the right to a meaningful appeal**
  
- **Access to the courts shall be affordable**
  - Courts will be funded principally from public funds, not user fees.
  - User fees will not be set at levels that deny access to persons of moderate income, nor at levels that create the perception that process is based upon incentives other than the fair administration of justice.
  - Petitions for fee waivers will be addressed in full compliance with the law.
  - Where technology is utilized, it will be designed for all users to have impartial and effective access and will not be deployed in a manner that

- excludes access to court proceedings and services to those without access to technology or the internet.
- Courts will not order participation in services or programs a litigant cannot afford.
  - **Jurisdictions shall have adequate numbers of judicial officers, staff, and other non-judicial resources to meet caseloads**
    - Courts will appropriately assign judicial and non judicial resources by case type.
    - Courts will make resources available for alternative dispute resolution to assist litigants in resolving their civil cases at a cost which does not create a barrier to utilization.
    - Regular training will be provided to all judicial officers and staff.
  - **Courts shall provide services to meet community needs**
    - Specialty courts will be maintained or established whenever they are the most effective way to serve population needs, such as drug courts, homeless courts, and veterans' courts.
    - Other services identified as special needs in the community to obtain access to the courts will be provided.
  - **The identified components of these access standards shall be tracked on a regular basis**
    - The allocation of resources will be adjusted if these standards are not achieved in the period under review.

Adopted by the Executive Committee, California Commission on Access to Justice,  
March 21, 2013



## **The Superior Court of California**

COUNTY OF SAN JOAQUIN

222 East Weber Avenue • Stockton, California 95202

Telephone 209-468-2827 • Fax 209-468-8373

[www.stocktoncourt.org](http://www.stocktoncourt.org)

DAVID P. WARNER  
*Presiding Judge*

April 24, 2013

Chief Justice Tani Cantil-Sakauye  
Members of the Judicial Council  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102

*VIA E-MAIL*

Re: Proposed Workload-based Allocation and Funding Methodology

Dear Chief Justice and Judicial Council Members,

This letter is written on behalf of the San Joaquin County Superior Court in reference to the Report to the Judicial Council from the Trial Court Budget Working Group, Trial Court Funding: Recommendation of New Budget Development and Allocation Methodology, to be considered at the April 26, 2013 meeting.

While the San Joaquin Superior Court is pleased with the new methodology being presented and thanks the committee for its hard work, we find the implementation schedule to be wholly inadequate. Under the proposal, it will take five years to move to a model that is half pro rata and half case-based funding. Unless the state pumps in hundreds of millions of dollars of additional funding, we will never get to a full workload-based methodology.

Since the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997, the Judicial Council has failed to move away from pro rata allocations, even though the system has no rational basis. Consequently, those same funding inequities that existed prior to the legislation - and were the genesis for its drafting - have been perpetuated and even exacerbated by the continued use of the pro rata formula. Only intermittent adjustments alleviated the pain for the under-resourced courts. For the last 15 years, those trial courts that were well funded (as compared to the other trial courts) enjoyed the benefits of the pro rata historic funding model while the under-resourced courts were left to deal with the continued fallout of being poor.

San Joaquin Superior Court is one of those poor courts and the results of the inequitable funding system can be seen. We have argued continuously through the years for a fair funding methodology. It seemed apparent that those in control were not interested in bringing about a real

change in the system. As it became clearer to most that the pro rata distribution was unfair, pressure mounted to make a change.

This is not to suggest that the Judicial Council has taken no action to assist the poor courts. Those steps are outlined in the Report. However, those actions did not correct the inequitable funding model used. The pro rata historic system was retained.

Now, more than 15 years after the legislation's enactment, a new workload-based allocation methodology is being presented to the Judicial Council. It represents a great deal of time and effort and seems to be what Lockyer-Isenberg envisioned.

Were the state's fiscal situation better, we would request an adjustment or augmentation to ameliorate the impact of years of underfunding. Understanding that such a request would not be realistic now, we respectfully request the rapid implementation of the new model to stop the continued fallout which is the result of being one of the most under-resourced courts in this state.

The Report states that "...the state's current fiscal crisis and the branch's current allocation methodology threaten the basic delivery of justice. The barrier is our own and the proposed workload-based funding methodology is a significant step in eliminating it." We agree. We are an example of what pro rata funding produces. It will not change unless the new methodology is put in place – but not somewhere far down the road. It needs to happen now.

Alternative 2 listed in the Report provides for implementation of the Workload-based Allocation and Funding Methodology more aggressively. It is rejected because of the impact on the courts that will be taking cuts. It states that those courts need time to adjust. At whose expense? The answer is at the expense of the poor courts. The poor courts are told to wait. Keep in mind that the courts taking cuts will not be asked to come down to the level of revenue that we have endured for many years. They will not be dealing with the same magnitude of a budget shortfall as we have.

The second reason listed for rejecting Alternative 2 is that the courts that will receive an increase in funding need time to adjust as well. Since we weren't asked if there would be a problem, let us give you the answer: No, we do not need time to adjust to receiving an increase in funding. It's amazing to witness the difference of perspective between those courts on the top of the funding pile and those on the bottom. The poor courts are viewed as being unable to quickly put an increase in funding to proper use. Quite frankly, the argument is demeaning.

In addition to the two alternatives referred to in the Report, another option is possible. That is, full implementation of the new methodology now. Any court that finds the resulting cut too dramatic causing a negative fund balance can request supplemental funding from the Judicial Council. This has been used in the past for any court that considered their allocation insufficient. San Joaquin and others have been given that direction in the past. Why is that not an acceptable method for those who will face adjustments to their budget?

We simply seek that which fairness dictates we receive: current funding that allows San Joaquin residents and businesses reasonable and appropriate access to the court system their hard-earned

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taxes pay for equivalent to that available in comparatively well-funded counties. The new system becomes meaningless if we don't get the present benefit of it. An implementation process that runs years into the future is not acceptable and likely to be delayed or changed before it's fully implemented.

If our justice system is going to be fair, it must provide the same access for the citizens of San Joaquin County that other counties' citizens have enjoyed for years. Financial resources are at the very heart of that goal.

We appreciate the difficulty of the issue before you. We hope that you will carefully consider the importance of this new funding model as well as the critical and immediate need of a historically underfunded court.

Sincerely,



David P. Warner  
Presiding Judge



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO  
HALL OF JUSTICE  
400 COUNTY CENTER  
REDWOOD CITY, CALIFORNIA 94063-1655

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April 23, 2013

*Re: Item P on the April 26<sup>th</sup> Judicial Council Meeting – Trial Court Funding:  
Recommendation of New Budget Development and Allocation Methodology*

Dear Judicial Council Members:

I am writing to register my support for the Workload-based Allocation and Funding Methodology (WAFM) being presented today by Judge Earl and her subcommittee.

As the Court Executive Officer for the San Mateo County Superior Court, I recognize the vital importance of the subcommittee's efforts to create an accurate, transparent, equitable and justifiable funding methodology based on real and measurable cost drivers - starting with workload - and including geography/cost of labor. A fully justifiable cost-of-labor factor is particularly important to high-cost areas like San Mateo and other Bay Area Counties. I have worked to support these efforts and am extremely proud of the process and methodology produced by Judge Earl's subcommittee.

As we are painfully aware, trial courts throughout California have suffered unprecedented State budget cuts of more than \$1 billion over the past five years. In San Mateo, we have already reduced our workforce by more than 30 percent, reduced clerk's office and phone hours, reduced certain calendars, fully utilized technology efficiencies and consolidated our traffic and small claims clerk's offices – all efforts to maintain the most essential court services, operate within our significantly-reduced means and protect the public we serve. Still, with the added State funding reductions in this fiscal year and next, we are facing further reductions in services, courtrooms/ calendars, commissioners and workforce if current State cuts to the trial courts are not eliminated.

We have heard from State leaders that we will not receive any significant restoration of court funding unless we come up with a fair, complete, equitable and justifiable model for funding the trial courts. I believe the Workload-based Allocation and

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Funding Methodology fully meets this requirement and positions our branch to request essential restorative funding for the trial courts.

Trial courts have been cut disproportionately and these cuts do not serve Californians or our communities well. Trial courts protect the public – public rights, public freedom and public safety. We have seen many courts already forced to close courtrooms and branches and severely limit their services. In San Mateo, we have successfully delayed these severe actions as long as possible, sustaining important court services for our community - but we will not be able to avoid severe actions absent immediate restoration of essential court funding.

Every Court Executive Officer I know is wrestling with their own version of these dire issues. Further, the growth of population and workload in some Counties and the need to have a fair funding methodology that equitably serves all courts (small, mid-sized and large) make effective resolution of these issues both essential and urgent. For these reasons and the others stated above, I respectfully ask the Judicial Council to approve the work of Judge Earl's subcommittee and approve the WAFM, consistent with the implementation schedule described.

Sincerely,



John C. Fitton  
Court Executive Officer

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# SAN JOAQUIN COUNTY BAR ASSOCIATION

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Rebekah Burr-Siegel

April 24, 2013

Judicial Council of California  
Attention: Nancy Carlisle  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

*Governors*

Mary Aguirre

Michael Belden

Jenny Dennis

Lisa Blanco Jimenez

Kerry Krueger

Allison Lafferty

David Wellenbrock

Moses Zapien

Judicial Council Members:

We appreciate the opportunity to comment on the recommendation of new budget development and allocation methodology trial court funding report for the April 26, 2013 Judicial Council meeting and congratulate the committee on its hard work.

We request a faster implementation period than the one recommended in the report. The San Joaquin County Superior Court has waited 15 years for an equitable funding system. The recommendations in the report are acceptable. However, the implementation is far too slow.

It is well known that some counties have benefited from the current funding while others have not. San Joaquin County Superior Court has been under-funded by the Judicial Council for far too long. Now, at the recommendation of this report, our county is asked to wait five more years to get to 50% of the funding recommendation. This is not acceptable. Our county is not as large as many other counties, nor is our voice heard as loudly as others. But, our county is entitled to the same level of justice system as other counties and in a timely manner, regardless of size, location or political power.

Sincerely,

Allan F. Jose  
President