



JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

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

Administrative Office of the Courts • Sacramento Offices

2860 Gateway Oaks Drive, Suite 400 • Sacramento, California 95833

Thursday, February 20, 2014 • 9:00 a.m.–2:45 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support Services. Please check the agenda at <http://www.courts.ca.gov/25042.htm> for recent postings of hyperlinked reports.

THURSDAY, FEBRUARY 20, 2014

NON-BUSINESS MEETING—CLOSED (RULE 10.6(A) AND 10.6(B))

Session 9:00–9:55 a.m.

Break 9:55–10:00 a.m. (approx.)

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

10:00–10:05 a.m. **Approval of Minutes**
Approve minutes of the [January 23, 2014, Judicial Council meeting](#).

10:05–10:15 a.m. **Chief Justice’s Report**
Chief Justice Tani G. Cantil-Sakauye will report.

10:15–10:25 a.m. **[Administrative Director’s Report](#)**
Hon. Steven Jahr, Administrative Director of the Courts, will report.

10:25–10:55 a.m. **[Judicial Council Committee Presentations](#)**
[under Committee Reports Tab]

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

Policy Coordination and Liaison Committee

Hon. Kenneth K. So, Chair

Executive and Planning Committee

Hon. Douglas P. Miller, Chair

Rules and Projects Committee

Hon. Harry E. Hull, Jr., Chair

Technology Committee

Hon. James E. Herman, Chair

10:55–11:25 a.m. Judicial Council Members' Liaison Reports

Judicial Council members will report on their liaison work.

11:25–11:55 a.m. Public Comment

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

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to

judicialcouncil@jud.ca.gov or mail or deliver your request to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Cliff Alumno. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Tuesday, February 18, 2014**. In the request, please state:

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

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

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

Written Comments Received

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to judicialcouncil@jud.ca.gov or mailed or delivered to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Cliff Alumno.

Only written comments received by **1 p.m. on Wednesday, February 19, 2014**, will be distributed to council members at the meeting. All comments received will be posted directly to the public Judicial Council web page.

CONSENT AGENDA (ITEMS A1–A4 THROUGH G)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.

ITEMS A1–A4 RULES AND FORMS

Criminal Jury Instructions

Item A1 [Jury Instructions: Revisions to Criminal Jury Instructions \(Action Required\)](#)

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*. These changes will keep CALCRIM current with statutory and case authority.

Hon. Sandy R. Kriegler, Chair, Advisory Committee on Criminal Jury Instructions

Ms. Robin Seeley, Legal Services Office

Criminal Law

Item A2 [Criminal Procedure: Intercounty Transfers of Probation and Mandatory Supervision Cases \(Action Required\)](#)

The Criminal Law Advisory Committee recommends amending rule 4.530 of the California Rules of Court, which governs intercounty transfers of probation and mandatory supervision cases, to delete an exception for certain drug possession cases commonly known as Proposition 36 cases, as required by recent legislation that amended Penal Code section 1203.9 to apply a single intercounty transfer procedure to all probation and mandatory supervision cases.

Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

Ms. Kimberly DaSilva, Criminal Justice Court Services Office

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

Judicial Council Forms

Item A3 [Judicial Council Forms: Change in Federal Poverty Guidelines \(Action Required\)](#)

The Civil and Small Claims, the Family and Juvenile Law, and the Appellate Advisory Committees recommend that three Judicial Council forms containing figures based on the federal poverty guidelines be amended to reflect the changes in those guidelines recently published by the federal government.

Hon. Jerilyn L. Borack, Cochair, Family & Juvenile Law Advisory Committee

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Hon. Patricia M. Lucas, Chair, Civil and Small Claims Advisory Committee

Ms. Heather Anderson and Ms. Anne Ronan, Legal Services Office

Mr. Corby Sturges, Center for Families, Children & the Courts

Traffic

Item A4 [Uniform Bail and Penalty Schedules: March 2014 Edition \(Action Required\)](#)

The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective March 1, 2014, to make a technical correction to page x of the preface to the schedules. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. The Judicial Council adopted the Uniform Bail and Penalty Schedules, 2014 Edition, effective January 1, 2014. Page x of the preface to the March 2014 schedules is revised to correct the sample calculation of assessments imposed on multiple traffic violations upon completion of a traffic violator school program, which will facilitate proper collection of assessments for traffic cases.

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

Mr. Courtney Tucker, Criminal Justice Court Services Office

Item B [Access to Visitation: Program Funding Allocation for Grant Fiscal Year 2014–2015 \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve the allocation and distribution of \$776,549 statewide for the Access to Visitation Grant Program for federal grant fiscal year 2014–2015 funds for projects within the period April 1, 2014 through March 31, 2015. The funding will be directed to 11 superior courts representing 18 counties and involving 17 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services. Family Code section 3204(b) (2) requires the

Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Shelly La Botte and Mr. Michael Wright, Center for Families, Children & the Courts

Item C **Judicial Branch Report to the Legislature: Annual Report of Fiscal Year 2012–2013 Court Facilities Trust Fund Expenditures (Action Required)**

The AOC recommends approving the *Annual Report of Fiscal Year 2012–2013 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.

Hon. Steven Jahr, Administrative Director of the Courts

Mr. Zlatko Theodorovic, Fiscal Services Office

Item D **Judicial Council–Sponsored Legislation: Two New Court of Appeal Justices (Action Required)**

The Policy Coordination and Liaison Committee and the Administrative Presiding Justices Advisory Committee recommend the Judicial Council sponsor legislation to authorize two new justice positions for Division Two of the Court of Appeal, Fourth Appellate District. These two new justice positions are necessary to address the substantial and growing workload in the Fourth Appellate District.

Hon. Tani G. Cantil-Sakauye, Chair, Administrative Presiding Justices Advisory Committee

Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Ms. Donna Hershkowitz, Court Operations Special Services Office

Mr. Alan Herzfeld, Office of Governmental Affairs

Item E **Judicial Council Report to the Legislature: California’s Access to Visitation Grant Program (Fiscal Years 2012–2013 and 2013–2014) (Action Required)**

The AOC, Center for Families, Children & the Courts recommends that the Judicial Council approve *California’s Access to Visitation Grant Program (Fiscal Years 2012–2013 and 2013–2014): 2014 Report to the Legislature* for submission to the Legislature. The report provides information on the programs funded for fiscal years 2012–2013 and 2013–2014 under California’s Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents. This report to the Legislature must be submitted in even-numbered years and is required by Family Code section 3204(d).

Ms. Diane Nunn, Center for Families, Children & the Courts

Ms. Shelly La Botte and Mr. Michael Wright, Center for Families, Children & the Courts

Item F [Judicial Council Report to the Legislature: Compliance with Education Requirements of Welfare and Institutions Code Section 304.7 \(Action Required\)](#)

The CJER Governing Committee recommends that the Judicial Council review and approve submission to the Legislature of a report on the compliance by trial court judges, commissioners, and referees with the education requirements of Welfare and Institutions Code section 304.7. The report is derived from data submitted by the trial courts.

Dr. Diane Cowdrey, Center for Judiciary Education and Research

Item G [Judicial Council Report to the Legislature: Trial Court Interpreters Program Expenditure Report for Fiscal Year 2012–2013 \(Action Required\)](#)

The AOC recommends that the Judicial Council approve the annual report on trial court interpreter expenditures for submission to the Legislature. This report to the Legislature is required by the Budget Act of 2012 (Stats. 2012, ch. 21).

Ms. Donna Hershkowitz, Court Operations Special Services Office

Ms. Catharine Price, Court Operations Special Services Office

DISCUSSION AGENDA (ITEMS H–L)

Item H **11:55 a.m.–12:20 p.m.**

[Judicial Branch Administration: California State Auditor Audit Report on Procurement Practices, Review of Information Systems, and Semiannual Contract Reporting \(Action Required\)](#)

In December 2013 the California State Auditor released a report, *Judicial Branch Procurement: Semiannual Reports to the Legislature Are of Limited Usefulness, Information Systems Have Weak Controls, and Certain Improvements in Procurement Practices Are Needed*, that is required to be performed to assess the implementation of the Judicial Branch Contract Law by the Supreme Court, Courts of Appeal, the AOC, and the Habeas Corpus Resource Center. The California State Auditor reported that although these entities are generally complying with the law’s requirements and with the provisions of the Judicial Branch Contracting Manual, they need to improve certain practices. The California State Auditor also reviewed the controls of the information systems utilized in the procurement process to determine data reliability and identified pervasive deficiencies that led to an assessment of the data reliability as “not sufficiently reliable.”

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

Speakers: Hon. Richard D. Huffman, Chair, Advisory Committee on Financial
 Accountability and Efficiency for the Judicial Branch
 Mr. Curt Soderlund, Chief Administrative Officer

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

Mr. Mark Dusman, Information Technology Services Office
Mr. John A. Judnick, Internal Audit Services

Lunch **12:20–12:50 p.m. (approx.)**

Item I **12:50–1:15 p.m.**

Judicial Administration: Rules for Advisory Groups (Action Required)

The Judicial Council's Rules and Projects Committee (RUPRO), Executive and Planning Committee (E&P), and Technology Committee (internal committees) recommend the adoption of four new California Rules of Court formally establishing by rule the Judicial Council Technology Committee (JCTC) and three advisory committees; the amendment of two rules for existing advisory committees, one rule addressing internal committees generally, and two rules addressing advisory committees generally; and the repeal of one rule. At its meeting on April 25, 2013, the Judicial Council approved the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Groups*, which included these recommendations. The internal committees also recommend a technical change to rule 10.960.

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

Speakers: Hon. Douglas P. Miller, Chair, Executive and Planning Committee
 Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee

Item J **1:15–1:45 p.m.**

Trial Court Allocations: Criminal Justice Realignment, Court-Appointed Dependency Counsel, and Workers' Compensation Liabilities (Action Required)

The Trial Court Budget Advisory Committee recommends the council allocate \$7.64 million in funding from the Trial Court Trust Fund and the State Trial Court Improvement and Modernization Fund for costs associated with criminal justice realignment, court-appointed dependency counsel, and the settlement of workers' compensation tail claim liabilities.

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

Speakers: Hon. Laurie M. Earl, Co-Chair, Trial Court Budget Advisory Committee
 Mr. Zlatko Theodorovic, Co-Chair, Trial Court Budget Advisory Committee
 Mr. David H. Yamasaki, Chair, Court Executives Advisory Committee

Item K 1:45–2:15 p.m.

[Trial Court Allocations: Revisions to the Workload-Based Allocation and Funding Methodology \(Action Required\)](#)

The Trial Court Budget Advisory Committee recommends the council approve several revisions to the Workload-Based Allocation and Funding Methodology, including one that would establish an absolute funding floor, and direct the Judicial Branch Resource Needs Assessment Advisory Committee to study special circumstance cases in their next round of updates to the Resource Assessment Study.

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

Speakers: Hon. Laurie M. Earl, Co-Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Co-Chair, Trial Court Budget Advisory Committee

Item L 2:15–2:45 p.m.

[Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve \(Action Required\)](#)

The AOC submits the following to the Judicial Council for its consideration: 1) Recommendation and options on the Superior Court of Kings County application for supplemental funding for the second year deployment of a new case management system. The amount remaining in the 2 percent state-level reserve set-aside in the Trial Court Trust Fund for 2013–2014 is \$35.2 million. By statute, the Judicial Council after October 31 and before March 15 of each year may distribute the remaining funds if there has been a request from a trial court(s) for unforeseen emergencies or unanticipated expenses for existing programs. 2) Allocations to all courts to be distributed after March 15 of a proportionate share of any unexpended funds from the 2 percent state-level reserve.

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

Speakers: Hon. Thomas DeSantos, Presiding Judge, Superior Court of California, County of Kings
Hon. Steven D. Barnes, Assistant Presiding Judge, Superior Court of California, County of Kings
Mr. Curt Soderlund, Chief Administrative Officer
Mr. Zlatko Theodorovic, Fiscal Services Office

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 [Judicial Council: Implementation of Judicial Council Directives on AOC Restructuring](#)

The chair of E&P presents this informational report on the implementation of the Judicial Council AOC Restructuring Directives, as approved by the Judicial Council on August 31, 2012.

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

The AOC Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

INFO 2 [Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 2 of Fiscal Year 2013–2014](#)

The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the second quarter of fiscal year 2013–2014. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2013–2014* as information for the council.

INFO 3 [Trial Courts: Quarterly Investment Report for Fourth Quarter of 2013](#)

This *Trial Court Quarterly Investment Report* provides the financial results for the funds invested by the Administrative Office of the Courts on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the *Resolutions Regarding Investment Activities for the Trial Courts*, approved by the Judicial Council on February 27, 2004, and the report covers the period of October 1, 2013, through December 31, 2013.

[Circulating Order \(CO-14-01\)—Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments for the Period July 1 through December 31, 2013](#)

[Circulating Order \(CO-14-02\)—Trial Courts: Allocation from the State Trial Court Improvement and Modernization Fund for the Telecommunications Support Program](#)

[Appointment Orders since the last business meeting.](#)