



JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

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

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

Tuesday, July 29, 2014 • 10:30 a.m.–2:55 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/26694.htm> for recent postings of hyperlinked reports.

TUESDAY, JULY 29, 2014

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

10:30–10:35 a.m. Approval of Minutes

Approve minutes of the [June 26-27, 2014](#), Judicial Council meeting, and of the closed session of [July 2, 2014](#).

10:35–10:45 a.m. Chief Justice's Report

Chief Justice Tani G. Cantil-Sakauye will report.

10:45–10:55 a.m. [Administrative Director's Report](#)

Hon. Steven Jahr, Administrative Director of the Courts, will report.

10:55–11:15 a.m. Judicial Council Committee Presentations

Executive and Planning Committee

Hon. Douglas P. Miller, Chair

Policy Coordination and Liaison Committee

Hon. Kenneth K. So, Chair

Rules and Projects Committee

Hon. Harry E. Hull, Jr., Chair

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

Technology Committee
Hon. James E. Herman, Chair

11:15–11:30 a.m. Public Comment

The Judicial Council welcomes public comment, as it can enhance the council's understanding of the issues coming before it. To accommodate members of the public, the Judicial Council encourages those who wish to comment at the meeting, on either a specific agenda item or on a more general topic of judicial administration, to provide notice in order to ensure that all requests are acknowledged during the meeting.

Notice can be provided in two ways:

- 1) Written notice by **4 p.m., Friday, July 25, 2014**,
 - by e-mail to judicialcouncil@jud.ca.gov, or
 - by postal mail or delivery in person to:
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

In the notice, please state the speaker's first and last name and the specific agenda item to be addressed or, if not on the agenda, the topic to be addressed.

- 2) Sign in at the meeting reception, on the day of the meeting
 - before the call for general public comment, or
 - before the specific agenda item of interest is introduced.

All requests to speak during public comment will be allocated three minutes.

Please note that anyone wishing to speak on a specific agenda topic should arrive at the beginning of the meeting on which the agenda item will be heard, as agenda times are subject to change. 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:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

Written comments received by **1 p.m. on Monday, July 28, 2014**, will be distributed to council members at the meeting. All comments received will be posted directly to the Judicial Council page of the California Courts public website.

CONSENT AGENDA (ITEM A)

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.

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

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the Administrative Office of the Courts (AOC) recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Marin*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Mr. John Judnick, Internal Audit Services

DISCUSSION AGENDA (ITEMS B–H)

Item B **11:30 a.m.–12:00 p.m.**

[Judicial Branch Administration: Retirement of the Names “Administrative Office of the Courts” and “AOC” \(Action Required\)](#)

The chairs of the Judicial Council’s five internal committees, acting at the direction of the Chief Justice, recommend that the rules of court be amended to retire the use of the names “Administrative Office of the Courts” and “AOC” for the Judicial Council staff. These have been the names by which the council since 1961 has referred to its staff, which works for it, carrying out its policies and directives in service to the council, its advisory bodies, the trial and appellate courts, and the public. There has been confusion, however, over the relationship between the council and the Administrative Office of the Courts. The council’s action amending the rules to cease using the name “Administrative Office of the Courts” for its staff will clarify the relation

between the council and the staff who assist the council in performing its functions. To effectuate the retirement of the name immediately, the chairs recommend that three rules be amended, effective July 29, 2014; that the chairs be directed to undertake a systematic review of the California Rules of Court and propose additional amendments in the future to eliminate references to the “Administrative Office of the Courts” throughout the rules and replace them with references to “Judicial Council,” “Judicial Council staff,” or “Administrative Director,” as appropriate; and that the council direct the Administrative Director to implement actions necessary to effectuate the name change of the council staff expeditiously and cost-effectively.

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

Speakers: Hon. Harry E. Hull, Chair, Rules and Projects Committee
Hon. Douglas P. Miller, Chair, Executive and Planning Committee
Hon. James E. Herman, Chair, Technology Committee
Hon. Mary Ann O’Malley, Chair, Litigation Management Committee
Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee

Item C 12:00–12:40 p.m.

[Trial Court Allocations: Funding for General Court Operations and Specific Costs in 2014–2015 \(Action Required\)](#)

For fiscal year 2014–2015, the Trial Court Budget Advisory Committee (TCBAC) recommends the allocation of \$1.557 billion in 2014–2015 beginning base funding for general court operations, a statewide net allocation of \$86.3 million for general court operations using the Workload-based Allocation and Funding Methodology (WAFM), a net zero allocation for the WAFM funding floor adjustments, each court’s share of \$41.0 million in new funding for noninterpreter employee benefits, a preliminary one-time allocation reduction related to the 1 percent cap on trial court fund balances, each court’s contribution toward a 2 percent reserve of \$37.9 million, and \$325,000 in funding for court audits. All the allocations are from the Trial Court Trust Fund (TCTF) and the Program 45.10 (Support for Operation of the Trial Court) expenditure authority. If the council adopts all the recommendations, an estimated \$8.1 million in TCTF Program 45.10 expenditure authority will remain.

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

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

Lunch 12:40–1:10 p.m. (approx.)

Item D 1:10–1:25 p.m.

Court Facilities: Legislation to Use One-time Cash Available for Courthouse Capital Projects (Action Required)

The Court Facilities Advisory Committee recommends legislation be sought to use the \$40 million one-time cash available for courthouse capital projects due to the fiscal year (FY) 2014–2015 Budget Act Immediate and Critical Needs Account reduction from \$50 million to \$10 million for trial court operations.

Public Comment and Presentation (10 minutes) • Discussion (5 minutes)

Speaker: Hon. Patricia M. Lucas, Co-chair, Court Facilities Advisory Committee

Item E 1:25–1:40 p.m.

Court Facilities: Budget Allocations for Statewide Trial Court Facility Modifications and Planning in Fiscal Year 2014–2015 (Action Required)

The Trial Court Facility Modification Advisory Committee recommends allocations of the \$65 million appropriated by the Legislature for trial court facility modifications in the FY 2014–2015 budget. The recommended allocations support facility modification planning and facility modifications for emergency and critical needs, but continue to defer funding of planned facility modifications.

Public Comment and Presentation (10 minutes) • Discussion (5 minutes)

Speakers: Hon. David Edwin Power, Chair, Trial Court Facility Modification Advisory Committee

Mr. Gerald Pfab, Office of Real Estate and Facilities Management

Item F 1:40–1:55 p.m.

Trial Court Budget: Minimum Operating and Emergency Fund Balance Policy (Action Required)

The TCBAAC recommends that the Judicial Council terminate the minimum operating and emergency fund balance policy, which was suspended by the council for two years on August 31, 2012.

Public Comment and Presentation (5 minutes) • Discussion (10 minutes)

Speakers: Hon. Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee

Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee

Item G 1:55–2:25 p.m.

Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund for Fiscal Year 2014–2015 (Action Required)

Instead of implementation of an 11.7 percent allocation reduction, which is equivalent to \$8.3 million, to the State Trial Court Improvement and Modernization Fund (IMF) in FY 2014–2015,

the Judicial Council staff recommends a one-time funding reduction of \$600,000 to the Jury Management System program. This recommendation updates recommendation 4(c) related to FY 2014–2015 IMF allocations in Item G of the June 27, 2014, report to the Judicial Council.

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

Speakers: Hon. Steven Jahr, Administrative Director of the Courts
Ms. Jody Patel, Chief of Staff
Mr. Curtis R. Child, Chief Operating Officer
Mr. Curt Soderlund, Chief Administrative Officer
Mr. Zlatko Theodorovic, Fiscal Services Office

Item H 2:25–2:55 p.m.

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

The TCBAC recommends changes to the current Judicial Council–approved process for the allocation of the 2 percent state-level reserve in the Trial Court Trust Fund to expedite the distribution of the unexpended reserve funds to the trial courts earlier in the fiscal year. The TCBAC also recommends amending the statute that establishes the 2 percent reserve to reflect the adoption of the Workload Allocation Funding Methodology model by the Judicial Council.

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

Speakers: Hon. Laurie M. Earl, Chair, Trial Court Budget Advisory Committee
Mr. Michael Planet, Executive Officer, Superior Court of Ventura County

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 [Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours \(Gov. Code, § 68106—Report No. 25\)](#)

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 is the 25th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts—those of Fresno and Solano counties—have issued new notices.

INFO 2 [Judicial Branch Administration: Judicial Branch Workers' Compensation Program](#)

The following is an informational report on the current status of the Judicial Branch Workers' Compensation Program that includes the current cost allocation for FY 2014–2015 and an

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explanation of the methodology behind the cost allocation and funding. The report also contains the trial court cost allocation for FY 2014–2015 (Attachment A) and highlights major program changes (Attachment B) that occurred throughout the FY 2013–2014 and next steps for the coming year.

INFO 3 [Judicial Branch Administration: Interim Report on Directive 125](#)

This is an interim report on Directive 125, which directed the Administrative Director of the Courts to return to the Judicial Council with an analysis, defining the necessary emergency response and security functions for the branch and a recommendation on the organizational plan for council approval. The Court Security Advisory Committee charged with, among other things, the responsibility to make recommendations on the necessary emergency response and security functions, was only recently appointed. The committee conducted its introductory meeting on June 18, 2014. The committee has not yet had the opportunity to begin the important work with which it is charged. The committee will be prepared to meet the December 2014 deadline for a final report to the council with recommendations on the functions of the AOC Office of Security.

There were no Circulating Orders since the last business meeting.

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