



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

Thursday, April 16, 2015 • 3:30 p.m.–4:45 p.m.

Friday, April 17, 2015 • 8:30 a.m.–2:10 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support. Please check the agenda at <http://www.courts.ca.gov/29192.htm> for recent postings of hyperlinked reports.

THURSDAY, APRIL 16, 2015 AGENDA

CLOSED SESSION (RULE 10.6(b))—PERSONNEL AND OTHER CONFIDENTIAL MATTERS

Session **3:30 p.m.–4:45 p.m.**

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

FRIDAY, APRIL 17, 2015 AGENDA

OPEN SESSION (RULE 10.6(a))—MEETING AGENDA

- 8:30–8:35 a.m.** [Approval of Minutes](#)
Approve minutes of the February 19, 2015, Judicial Council meeting.
- 8:35–8:45 a.m.** **Chief Justice’s Report**
Chief Justice Tani G. Cantil-Sakauye will report.
- 8:45–8:55 a.m.** [Administrative Director’s Report](#)
Mr. Martin Hoshino, Administrative Director, will report.
- 8:55–9:25 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
Technology Committee
 Hon. James E. Herman, Chair
- 9:25–9:45 a.m.** **Judicial Council Members’ Liaison Reports**
Judicial Council members will report on their liaison work.
- 9:45–10:15 a.m.** **Public Comment**
The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council’s understanding of the issues coming before it.
- Please see our [public comment procedures](#).
- 1) Submit advance requests to speak by **4:00 p.m., Tuesday, April 14.**
 - 2) Submit written comments for this meeting by **1:00 p.m. on Wednesday, April 15.**
- Contact information for advance requests to speak, written comments, and questions:
E-mail: judicialcouncil@jud.ca.gov

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

Postal mail or delivery in person:

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

Break **10:15–10:30 a.m. (approx.)**

CONSENT AGENDA (ITEMS A1–A9 THROUGH E)

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–A9 RULES AND FORMS

Civil and Small Claims

**Item A1 [Rules and Forms: Confidential Information Form under Civil Code §1708.85](#)
(Action Required)**

The Civil and Small Claims Advisory Committee recommends adopting a new form to implement Assembly Bill 2643, which creates a private right of action against a person who distributes sexually explicit material. Effective July 1, 2015, the new law authorizes a plaintiff in such an action to proceed using a pseudonym instead of his or her true name and requires all parties to avoid or redact certain identifying information from any pleading filed in the action. The law mandates that the Judicial Council, by July 1, 2015, adopt a confidential information form on which the parties are to provide the plaintiff's true name and any redacted material to the court, so that the information may be kept outside the public record.

Item A2 [Rules and Forms: Notice of Application for Recognition and Entry of Tribal Court Money Judgment](#) **(Action Required)**

The Civil and Small Claims Advisory Committee recommends the adoption of the new notice form, which was mandated by the Legislature in the recently enacted Tribal Court Civil Money Judgment Act. The act provides for the enforcement of certain tribal court money judgments in state courts. The statute requires that the judgment creditor in the tribal court action use a form prescribed by the Judicial Council to serve—in the same manner as service of a summons—the judgment debtor with notice of filing the application for recognition of the judgment. The proposed form is intended to comply with those requirements.

Collaborative Justice

Item A3 [Military Service: Notification of Military Status](#) (Action Required)

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council revise the optional *Notification of Military Status* (form MIL-100) to ensure the language is consistent throughout the form and that all relevant statutory provisions are referenced. The form was previously revised effective January 1, 2015, in response to legislative changes that became effective on that same date. The short time available for that revision did not allow for a period of public comment prior to the council's action in approving the revisions. The January 1, 2015, version of the form has since been circulated for public comment and is submitted for further revision.

Family and Juvenile Law

Item A4 [Domestic Violence and Family Law: Technical Changes to Forms](#) (Action Required)

The Family and Juvenile Law Advisory Committee recommends making technical revisions to one domestic violence form and three family law forms. The revision to the domestic violence form was suggested by court staff to avoid the perception that a court hearing is required before obtaining a judge's signature on the form. The technical changes to the two family law summary dissolution forms are mandated by Family Code section 2400 to reflect an increase in the California Consumer Price Index. The third summary dissolution form is updated to remove a citation to a recently revoked form and update the title of the mandatory form used to initiate an action for dissolution of a marriage or domestic partnership.

Judicial Administration

Item A5 [Judicial Administration: Changes to Delegations in Rules of Court](#) (Action Required)

The Rules and Projects Committee recommends amending rules 10.70, 10.101, and 10.804 of the California Rules of Court to change the Judicial Council's delegations of authority to better align them with council governance policies. This need arises from the October 17, 2013, recommendations of the Executive and Planning Committee to the council concerning delegations of authority that the council issued to its Administrative Director.

Miscellaneous

Item A6 [Forms: Miscellaneous Technical Changes](#) (Action Required)

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

Trial Courts

Item A7 Judicial Branch Education: Court Executive Officers Education (Action Required)

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) recommend the amendment of rule 10.473 of the California Rules of Court that addresses education for trial court executive officers. Among other provisions, it requires that continuing education be completed every three years and that half of the required hours be in the form of live, face-to-face education. The proposed amendment would instead allow the presiding judge discretion to determine the number of hours of live, face-to-face education required to meet the court executive officer's continuing education requirement.

Item A8 Subordinate Judicial Officers: Complaints and Notice Requirements (Action Required)

TCPJAC recommends amending rules 10.603 and 10.703 of the California Rules of Court to (1) simplify the procedures a presiding judge must follow while reviewing and investigating complaints against subordinate judicial officers (SJOs); (2) clarify a presiding judge's authority in conducting an investigation and determining the appropriate action to be taken; and (3) clarify the circumstances under which discipline against an SJO must be reported to the Commission on Judicial Performance (CJP). The proposed amendments were prompted in part by a suggestion from Victoria B. Henley, Director–Chief Counsel of the CJP, that the rule be amended to address ambiguity as to what types of disciplinary action a presiding judge can impose after an investigation and what types of action must be reported to the CJP.

Item A9 Trial Courts: Reporting of Reciprocal Assignment Orders (Action Required)

The Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee recommend the amendment of rule 10.630 of the California Rules of Court that addresses the reporting of reciprocal assignment orders. It defines a reciprocal assignment order as “an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other's courts.” (Cal. Rules of Court, rule 10.630.) The rule also requires the trial courts to report monthly to the Judicial Council each assignment of a judge from another county to its court under a reciprocal assignment order. The proposed amendment would remove the reporting requirement, while leaving the definition unchanged.

Item B Child Support: Midyear Funding Reallocation for Fiscal Year 2014–2015 and Base Funding Allocation for Fiscal Year 2015–2016 for the Child Support Commissioner and Family Law Facilitator Program (Action Required)

The Family and Juvenile Law Advisory Committee recommends 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) 2014–2015. The committee also recommends that the Judicial Council approve the allocation of funding for this same program for FY 2015–2016, as required by Assembly Bill 1058 (Stats. 1996, ch. 957).

Finally, the committee seeks approval to reconsider the allocation methodology developed in 1997 for implementation in future allocations. The funds are provided through a cooperative agreement between the California Department of Child Support Services 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 with 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.

Item C **Judicial Council Report to the Legislature: Annual Report of Court Facilities Trust Fund Expenditures (Action Required)**

Judicial Council staff recommends approving the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2013–2014 Report to the Legislature*. 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.

Item D **Judicial Council Report to the Legislature and the Department of Finance: 2 Percent Set-Aside in the Trial Court Trust Fund for Fiscal Year 2014–2015 (Action Required)**

Judicial Council staff recommend approval of the attached *Report on the Allocation of the 2 Percent Set-Aside in the Trial Court Trust Fund for FY 2014–2015*. 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 in the Trial Court Trust Fund to the superior courts.

Item E **Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)**

Judicial Council staff recommend approval of the attached Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (July 1–December 31, 2014). Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

DISCUSSION AGENDA (ITEMS F–M)

Item F **10:30–11:10 a.m.**

Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund and the Trial Court Trust Fund for 2015–2016 (Action Required)

The Trial Court Budget Advisory Committee is recommending fiscal year (FY) 2015–2016 allocations for various programs and projects funded from the State Trial Court Improvement

and Modernization Fund (IMF; \$59.372 million) and the Trial Court Trust Fund (\$139.371 million); the elimination of IMF funding starting in 2015–2016 or 2016–2017 for various programs and projects; the shift of IMF costs for various programs either to other judicial branch funds, the courts, or other sources; and other funding-related proposals. Depending on the outcome of the Budget Act of 2015, the advisory committee might propose changes to these recommendations for the council’s consideration at its July 2015 meeting.

Speakers: Hon. Laurie M. Earl, Cochair, TCBAC Revenue and Expenditure Subcommittee
Hon. Marsha Slough, Cochair, TCBAC Revenue and Expenditure Subcommittee
Ms. Sherri R. Carter, Court Executive Officer, Superior Court of California, County of Los Angeles

Item G 11:10–11:30 a.m.

Technology: V3 Interim Case Management System Funding (Action Required)

In April 2014, the Judicial Council directed the Judicial Council Technology Committee (JCTC) to make a recommendation on a plan to eliminate funding from the Improvement and Modernization Fund (IMF) and Trial Court Trust Fund (TCTF) for the V3 Case Management System (V3). In February 2015, the council adopted the joint recommendation from the JCTC and the Trial Court Budget Advisory Committee (TCBAC) that the JCTC continue to work with the affected courts to align V3 and Sustain Justice Edition case management systems with JCTC strategy. The V3 courts consider taking on maintenance and operations costs for V3, as well as funding a replacement case management system for V3, to be a major challenge due to the judicial branch budget, the need to replace case management systems for other case types, the lack of control the V3 courts have over the cost of V3 operations and maintenance, and the negative impact of the Workload-Based Allocation and Funding Methodology (WAFM) on their budgets. The V3 courts also committed significant resources to the development and deployment of V3 as well as subject matter expertise to the development of the terminated CCMS case management system. The JCTC has collaborated with the V3 courts on a path forward that will allow the courts time to transition to another case management system or assume the costs for V3, previously allocated from the IMF or TCTF.

Speakers: Hon. James E. Herman, Chair, Judicial Council Technology Committee
Hon. David De Alba, Vice-Chair, Judicial Council Technology Committee

ITEM H DEFERRED TO FUTURE JUDICIAL COUNCIL MEETING

~~Item H 11:30–11:50 a.m.~~

~~Trial Court Allocation: Restoration of Benefits Funding in 2015–2016 (Action Required)~~

Item K 1:20–1:35 p.m.

Court Facilities: Declaration of San Pedro Courthouse as Surplus Property (Action Required)

In connection with the Judicial Council’s authority and responsibility to dispose of surplus court facilities under Government Code section 70391(c) and rule 10.183 of the California Rules of Court, the Facilities Policies Working Group (FPWG) recommends that the council declare the San Pedro Courthouse to be surplus property. The FPWG further recommends that the council direct Judicial Council staff to notify the Legislature that the court facility is surplus and take all actions necessary to obtain the Legislature’s authorization to dispose of the surplus facility in accordance with Government Code sections 70391(c) and 11011.

Speakers: Hon. Marla O. Anderson, Vice-Chair, Facilities Policies Working Group
Ms. Eunice Calvert-Banks, Real Estate and Facilities Management

Item L 1:35–1:55 p.m.

Court Facilities: Request for Approval to Lease Plumas-Sierra Courthouse to Third Party (Action Required)

The Facilities Policies Working Group recommends (1) the Plumas-Sierra Courthouse be leased to a third party; and (2) delegation of authority to the Administrative Director to sign a lease and any associated documents. The short term lease of the closed courthouse will assist in reducing judicial branch facility expenditures.

Speakers: Hon. Marla O. Anderson, Vice-Chair, Facilities Policies Working Group
Ms. Eunice Calvert-Banks, Real Estate and Facilities Management

Item M 1:55–2:10 p.m.

Judicial Branch Workers’ Compensation Program: Origins and Update (No Action Required)

An informational report on the origins of the Judicial Branch Workers’ Compensation Program (JBWCP), its Advisory Committee, and the current status of the program. Included is an explanation of the share of cost (allocation) model for the program.

Speaker: Ms. Linda Cox, Human Resources

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 **Trial Courts: Quarterly Investment Report for Fourth Quarter of 2014**

This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2014* provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10,

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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, 2014, through December 31, 2014.

INFO 2 [Court Facilities: Trial Court Facility Modification Quarterly Activity Report, Quarter 2 of Fiscal Year 2014–2015](#)

The Trial Court Facility Modification Advisory Committee has completed its facility modification funding for the second quarter of FY 2014–2015. In compliance with the *Trial Court Facility Modifications Policy*, adopted by the Judicial Council on July 27, 2012, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 2, Fiscal Year 2014–2015* as information for the council. This report summarizes the activities of the Trial Court Facility Modification Advisory Committee from October 1, 2014, to December 31, 2014.

INFO 3 [Judicial Council Restructuring: Policy 8.9, Working Remotely \(Telecommuting\) Program: Status Update](#)

The Judicial Council’s Human Resources office (HR) has prepared this annual status report on the progress of Judicial Council Directive 26, which states that: “...the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy.” This report provides a one-year update on the telecommuting program that officially began on July 1, 2014, following the council’s April 24, 2014, decision to convert the program from the original 12-month pilot program. It also includes information on how the program has responded to council directive concerning appropriate performance management for the *ad hoc* program. The report also provides details regarding employee usage, how accountability has been monitored, and next steps in the process.

There were no Circulating Orders since the last business meeting.

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