



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, August 20, 2015 • 2:30 p.m.–3:45 p.m.

Friday, August 21, 2015 • 8:30 a.m.–2:50 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/32892.htm> for recent postings of hyperlinked reports.

THURSDAY, AUGUST 20, 2015 AGENDA

OPEN SESSION (RULE 10.6(a))— MEETING AGENDA (ITEMS 1A–1C THROUGH ITEM 3)

2:30–2:35 p.m. **Approval of Minutes**
Approve [minutes of the July 28, 2015](#), Judicial Council meeting.

2:35–3:15 p.m. **Trial Court Facility Modifications and Maintenance**

Item 1A **[Five-Year Master Plan—Deferred Maintenance Report, Fiscal Year 2015–2016 \(Action Required\)](#)**

The Facilities Management Unit of Real Estate and Facilities Management has prepared a report of deferred maintenance within branch facilities. This report is requested on an annual basis by the state Department of Finance. The log shows 2,818 registered deferred maintenance projects with a projected rough order of magnitude cost of \$2.08 billion. Staff recommends that the Judicial Council approve the log to be submitted to the Department of Finance in September 2015.

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

Item 1B [Court Facilities: Budget Allocations for Statewide Trial Court Facility Modifications and Planning in Fiscal Year 2015–2016 and Related Matters \(Action Required\)](#)

The Trial Court Facility Modification Advisory Committee (TCFMAC) recommends allocations of the \$65 million appropriated by the Legislature for trial court facility modifications in the fiscal year (FY) 2015–2016 State Budget. The recommended allocations support facility modification planning and facility modifications for emergency and critical needs, but continue to defer funding of almost all planned facility modifications.

Item 1C [Budget: Fiscal Year 2016–2017 Budget Requests for Trial Court Facilities Operations Needs \(Action Required\)](#)

The TCFMAC recommends that the Judicial Council approve the proposed FY 2016–2017 budget requests for trial court facilities operations–related needs. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, the BCPs are to be submitted to the state Department of Finance by September 2, 2015.

Speakers: Hon. David E. Power, Chair, Trial Court Facility Modification Advisory Committee
 Hon. William Highberger, Vice Chair, Trial Court Facility Modification Advisory Committee
 Mr. Curt Soderlund, Chief Administrative Officer
 Mr. Zlatko Theodorovic, Finance
 Mr. Patrick McGrath, Facilities Operations

3:15–3:25 p.m. Item 2

[Judicial Branch Administration: Report on California Rules of Court, Rule 10.75 \(Meetings of Advisory Bodies\) \(Action Required\)](#)

Under California Rules of Court, rule 10.75(p), the Judicial Council must review the rule’s impact within one year of its adoption to determine whether amendments are needed. After considering the issue, the chairs of the Judicial Council’s five internal committees have concluded that there are no amendments needed at this time. A total of 293 meetings were held under the rule during the first year, of which 149 meetings—51 percent—were open to the public. The chairs recommend that the council accept this report and direct that the attached letter to be sent to the Joint Legislative Budget Committee as required by the Supplemental Report of the 2013–2014 Budget Package.

Speakers: Hon. Douglas P. Miller, Chair, Executive and Planning Committee
 Hon. David Rubin, Chair, Litigation Management Committee

3:25–3:45 p.m. Item 3

Judicial Administration: Implementation of Court Technology Governance and Strategic Plan (Action Required)

The Judicial Council Technology Committee (JCTC) recommends amending California Rules of Court, rules 10.16 and 10.53, the rules governing JCTC and the Court Technology Advisory Committee (CTAC), respectively. The amended rule would implement the *Court Technology Governance and Strategic Plan*, recommended by the Technology Planning Task Force and adopted by the Judicial Council in 2014, by revising the roles and responsibilities of JCTC and CTAC. It would also change CTAC’s name to the Information Technology Advisory Committee to reflect its broader role and responsibilities as a sponsor of branchwide technology initiatives.

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

3:45 p.m. Adjourn

5:00–6:00 p.m. Recognition of Judicial Council Distinguished Service Awards and the *Aranda Access to Justice Award*

The Judicial Council honors the recipients of its annual Distinguished Service Award for significant contributions to court administration in California. Additionally, the Judicial Council, California Judges Association, State Bar of California, and Commission on Access to Justice jointly confer the *Aranda Access to Justice Award*, honoring members of the judiciary who have demonstrated a long-term commitment to improving equal access to courts for low- and moderate-income Californians.

2015 Distinguished Service Award Recipients:

- Hon. Maria P. Rivera**, Associate Justice, California Court of Appeal, First Appellate District, Division Four
- Hon. Manuel J. Covarrubias**, Superior Court Judge, Superior Court of California, County of Ventura
- Hon. David Edwin Power**, Superior Court Judge, Superior Court of California, County of Solano
- Mr. David H. Yamasaki**, Court Executive Officer, Superior Court of California, County of Santa Clara

2015 *Aranda Access to Justice Award* Recipient:

- Hon. Garry T. Ichikawa**, Superior Court Judge, Superior Court of California, County of Solano

FRIDAY, AUGUST 21, 2015 AGENDA

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

8:30–10:15 a.m. **Session**

10:15–10:30 a.m. **Transitional Break**

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

10:30–10:40 a.m. **Chief Justice’s Report**
Chief Justice Tani G. Cantil-Sakauye will report.

10:40–10:50 a.m. **Administrative Director’s Report**
Mr. Martin Hoshino, Administrative Director, will report.

10:50–11:30 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

11:30 a.m.–12:00 p.m.

Judicial Council Members’ Liaison Reports
Judicial Council members will report on their liaison work.

12:00–12:30 p.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.

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

Please see our [public comment procedures](#).

- 1) Submit advance requests to speak by **4:00 p.m., Tuesday, August 18, 2015**.
- 2) Submit written comments for this meeting by **1:00 p.m. on Wednesday, August 19, 2015**.

Contact information for advance requests to speak, written comments, and questions:

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

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

12:30–1:00 p.m. Break

CONSENT AGENDA (ITEMS A1–A2 THROUGH ITEM H)

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–A2 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.

Traffic

Item A2 [Trial Courts: Permanent Authorization for Remote Video Proceedings and Implementation of Rule 4.105 in Traffic Infraction Cases \(Action Required\)](#)

The Traffic Advisory Committee and the Court Technology Advisory Committee recommend amending rule 4.220 of the California Rules of Court, which authorizes trial courts to establish remote video pilot projects in cases involving traffic infraction violations,

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and revising corresponding forms to convert the rule into a standing rule of court and to implement new rule 4.105. To comply with rule 4.105, the effective date of all changes is September 1, 2015.

Item B [Judicial Branch: Workers' Compensation Program Allocation Methodology \(Action Required\)](#)

As directed by the Judicial Council at its June 2015 meeting, the Judicial Branch Workers' Compensation Program Advisory Committee gathered additional information and is reporting back to the Judicial Council on the information obtained. The committee recommends adoption of the ultimate funding allocation methodology with the goal of reducing the current gap between the program's projected liabilities and assets.

Item C [Judicial Branch Contract Reporting Requirement: Executed Contracts and Vendor Payments from January 1 through June 30, 2015 \(Action Required\)](#)

Public Contract Code section 19209 and the Judicial Branch Contracting Manual require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts, and (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of service or good provided, and judicial branch entity receiving the good or service. Therefore, the Judicial Council staff recommends submitting this semiannual report, which lists all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2015.

Item D [Court Facilities: Sale of Equity Interest in Banning Courthouse as Surplus Property \(Action Required\)](#)

In keeping 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 recommends that the Judicial Council (1) declare as surplus property the Judicial Council's 60.37% equity interest in the Banning Courthouse, and (2) authorize the sale of the Equity Interest to the County of Riverside.

Item E [Court Facilities: Naming Request for the Merced–New Los Banos Courthouse \(Action Required\)](#)

The Court Facilities Advisory Committee recommends approving the request to name the new courthouse under construction in the City of Los Banos the *Robert M. Falasco Justice Center*. This approval simply shifts the name of the existing courthouse to the new courthouse.

Item F [Court Facilities: Senate Bill 1407 Project Funding Requests and Judicial Branch AB 1473 Five-Year Infrastructure Plan for Fiscal Year 2016–2017 \(Action Required\)](#)

The Court Facilities Advisory Committee, to meet the state Department of Finance's September 2015 deadline, recommends the submission of funding requests for the next phase of Senate Bill 1407 projects eligible for available SB 1407 funds and of the annual update of the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2016–2017.

Item G **Judicial Council: Court Public Parking Management Policy (Action Required)**

The Judicial Council controls a number of parking spaces that were either acquired through the Trial Court Facilities Act of 2002 (Sen. Bill 1732; Stats. 2002, ch. 1082) or provided in conjunction with new courthouse construction. Before SB 1732, the counties managed parking spaces, making some available for free and others for a fee. On-site parking provides an expedient feature for the employees, jurors, and other users of courts. The intent of the attached document is to initiate a branchwide policy to implement a methodical approach in developing paid parking at courthouses where feasible.

Item H **Collaborative Justice: Recommended Allocations of Fiscal Year 2015–2016 Substance Abuse Focus Grants (Action Required)**

The Collaborative Justice Courts Advisory Committee recommends that funding allocations for Collaborative Justice Courts Substance Abuse Focus Grants, through the California Collaborative and Drug Court Projects in the Budget Act of 2015 (Stats. 2015, ch. 10; §45.55.020, item 0250-101-0001), and the Dependency Drug Court Augmentation to the Substance Abuse Focus Grants, through the federal Court Improvement Program funds for FY 2015–2016 [item 0250-101-0890], be distributed to court programs as proposed in the attached table. This report details the committee's recommendations for funding programs in 50 courts for FY 2015–2016 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

DISCUSSION AGENDA (ITEMS I–L)

1:00–1:20 p.m. **Item I**

Judicial Administration: Statewide Traffic Tickets/Infraction Amnesty Program (Action Required)

The Court Executives Advisory Committee and Judicial Council staff recommend approving the Statewide Traffic Tickets/Infraction Amnesty Program Guidelines developed for use by court and county collection programs statewide in the implementation of the one-time amnesty program, as authorized by Vehicle Code section 42008.8. The amnesty program provides relief to individuals with violations of eligible Vehicle and non–Vehicle Code infractions and specified misdemeanors by reducing outstanding court-ordered debt by 50 or 80 percent (as applicable) and/or reinstating suspended driver's licenses. The 18-month amnesty program will operate from October 1, 2015, through March 31, 2017.

Speakers: Ms. Mary Beth Todd, Chair, Court Executives Advisory Committee

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workload data and to direct staff to seek legislation that would update references in the current statute to the list of positions eligible for conversion. Council action is needed so that courts have more certainty about the need to convert positions in light of changes in judicial workload since the original workload analysis was completed in 2007.

Speakers: Hon. Douglas P. Miller, Chair, Executive and Planning Committee
Ms. Leah Rose-Goodwin, Office of Court Research

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

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

The chair of E&P presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director 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 [Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours \(Gov. Code, § 68106—Report No. 33\)](#)

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 33rd report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, one superior court—County of Sutter—has issued a revised notice.

INFO 3 [Trial Courts: Annual Investment Report for Fiscal Year 2014–2015](#)

This Trial Court Annual Investment Report 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, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2014, through June 30, 2015.

INFO 4 [Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 4 of Fiscal Year 2014–2015](#)

The TCFMAC has completed its facility modification funding for the fourth quarter of fiscal year 2014–2015. In compliance with the *Trial Court Facility Modifications Policy*, the

advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 4, Fiscal Year 2014–2015* as information for the council. This report summarizes the activities of the TCFMAC from April 1, 2015, to June 30, 2015.

INFO 5 [Trial Courts: Court Realignment Data \(Calendar Year 2014\)](#)

Pursuant to Penal Code section 13155, commencing January 1, 2013, the Judicial Council must collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and submit the data annually to the California Department of Finance (DOF), the Board of State and Community Corrections (BSCC), and the Joint Legislative Budget Committee (JLBC), by September 1. This is the third annual court realignment data report to the DOF, BSCC, and the JLBC.

There were no Circulating Orders since the last business meeting.

There were no Appointment Orders since the last business meeting.