

JUDICIAL COUNCIL MEETING
Minutes of August 14, 1998, Meeting

The Judicial Council of California meeting began at 8:45 a.m. on Friday, August 14, 1998, at the Administrative Office of the Courts office in San Francisco, California, on the call of Chief Justice Ronald M. George, chair.

Judicial Council members present: Chief Justice Ronald M. George; Justices Marvin R. Baxter, Roger W. Boren, and Richard D. Huffman; Judges Paul Boland, J. Richard Couzens, Lois Haight, Melinda A. Johnson, Ana Maria Luna, Michael B. Orfield, Eleanor Provost, and Kathryn D. Todd; Senator Adam Schiff; Mr. Maurice Evans, Mr. Sheldon H. Sloan, and Mr. Brian C. Walsh; and **advisory members:** Judge Dwayne Keyes, Commissioner Nori Anne Walla, Ms. Sheila Gonzalez, Mr. Stephen V. Love, and Mr. Ronald Overholt; **guest members:** Judges Albert Dover and Brenda Harbin-Forte.

Absent: Justice Carol A. Corrigan, Ms. Glenda Veasey, Mr. Joseph A. Lane, and Assembly Member Martha M. Escutia.

Others present included: Mr. William C. Vickrey; Justice Joanne C. Parrilli, Judges Thomas M. Cecil, Philip A. Champlin, Ray L. Hart, Steven V. Manley, Patrick J. Morris, Michael Nash, and Edward D. Webster; Mr. Michael Case, Ms. Beth Jay, Mr. Alex MacBain, and Mr. D. Kent Pedersen; **staff:** Ms. Martha Amlin, Mr. Michael Bergeisen, Mr. David Berkman, Ms. June Clark, Ms. Eunice Collins, Mr. Neil Cossman, Ms. Lesley Duncan, Ms. Kate Harrison, Mr. Jim Hill, Ms. Katharine Holland, Ms. Lynn Holton, Ms. Kate Howard, Ms. Fea Jacobson, Ms. Melissa Johnson, Mr. Dennis Jones, Ms. Fran Jurcso, Mr. Ray LeBov, Mr. Barry Lynch, Mr. Martin Moshier, Ms. Judy Myers, Ms. Diane Nunn, Mr. Victor Rowley, Ms. Dale Sipes, Ms. Marlene Smith, Ms. Linda Theuriet, Ms. Kiri Torre, Ms. Kady Von Schoeler, Mr. Frank Schultz, Ms. Jennifer Tachera, Mr. Jack Urquhart, Mr. Jonathan Wolin, Mr. Joseph Wong, and Mr. Christopher Wu; **media representatives:** Mr. Philip Carrizosa, *L.A. Daily Journal*, Mr. Greg Mitchell, *The Recorder*, Mr. Art Ramstein, *California Service Bureau*, and Ms. Stephanie Turner, *The Recorder*.

Except as noted, each action item on the agenda was unanimously approved on the motion made and seconded. (Tab letters and item numbers refer to the binder of Reports and Recommendations dated August 14, 1998, which was sent to members in advance of the meeting.)

Minutes of the April 24 and June 19, 1998, Meetings

Council action:

Justice Richard D. Huffman moved that the Judicial Council approve the minutes of the April 24 and June 19, 1998, meetings.

The motion passed.

Special Comment

Chief Justice Ronald M. George and Justice Marvin R. Baxter welcomed newly appointed Judicial Council member Senator Adam Schiff to his first council meeting.

Council Committee Presentations

Reports on committee activities were included in the binder of Reports and Recommendations dated August 14, 1998.

Justice Richard D. Huffman, Chair of the Executive and Planning Committee, reported on key actions taken by the committee, including certifying counties' unanimous votes for unification and acting on counties' Applications to Call for a Vote to Unify. The committee also discussed the composition of the advisory membership of the council in light of the passage of Proposition 220 and recommended that a circulating order be sent to the council. Justice Huffman noted that a copy of the signed order adding four advisory members to the council consistent with current council membership is included in the meeting binder.

Justice Huffman said the committee recommended that a circulating order also be sent to council members to amend the council's policy on criteria for a coordination assessment of "fully coordinated" to allow courts that have submitted a regional coordination plan to use an oversight committee that operates with either a majority vote or a unanimous vote, if the oversight committee agrees unanimously to do so. He commented that the Judicial Council approved the order. Justice Huffman reported that the committee agreed on guidelines for placing information items on the council's agenda and on the protocol for approval by the Administrative Director and Judicial Council of legislatively mandated studies. He said that council members will receive copies of both sets of guidelines. Justice Huffman also stated that the committee is reviewing the hundreds of nominations received for more than 80 vacancies on council advisory committees.

Justice Roger W. Boren reported that the Rules and Projects Committee had not met since the last council meeting. He mentioned that the committee circulated numerous rules, forms, and standards for comment, and these would be on the council's October meeting agenda.

Justice Marvin R. Baxter referred members to the committee's minutes submitted in the council binder of Reports and Recommendations. He stated that he had no additional items to report.

COUNCIL ITEMS 1 AND 2 WERE APPROVED AS CONSENT ITEMS, PER THE SUBMITTERS' RECOMMENDATIONS.

**Item 1 Trial Court Improvement Fund Allocation for Fiscal Year 1997–1998
(2 Percent Automation)**

Assembly Bill 233 requires that 2 percent of specified criminal fine, penalty, and forfeiture revenues be deposited in the state Trial Court Improvement Fund. The 2 percent automation fund moneys then must be allocated to individual courts in an amount not less than the revenues collected in fiscal year 1994–1995.

Council action:

The Judicial Council:

1. Allocated the \$2,600,000 in available funds to the trial courts for automation projects consistent with the statutory requirements.
2. Withheld allocations for the Stanislaus, Sierra, and Trinity County courts until their payments to the Improvement Fund are brought up-to-date.

**Item 2 New Family Law Form: *Child Support Case Registry Form* (Form
1285.92)**

Section 4014 of the Family Code requires that every child support order include a provision requiring both parents to file with the court and keep updated certain personal information that is to be maintained in the state child support order registry once the registry is developed. This form will be provided to parents for completion and filing with the court.

Assembly Bill 2169, which is anticipated to pass the Legislature and take effect October 1, 1998, amends the section of the Welfare and Institutions Code that directs clerks to implement Family Code section 4014. The *Child Support Registry Form* reflects amendments contained in Assembly Bill 2169.

Council action:

The Judicial Council adopted the *Child Support Registry Form* (Form 1285.92), effective October 1, 1998, contingent on the passage of Assembly Bill 2169.

Item 3 Strategic Plan for Court Technology

Hon. Thomas M. Cecil, Chair of the Court Technology Advisory Committee, presented the item, assisted by Mr. Victor Rowley of AOC staff. Judge Cecil noted that when the committee was created in 1995, it was directed to survey the marketplace and the courts and develop a strategic plan for court technology. The plan presented fulfills that directive.

Justice Roger W. Boren asked how the plan addressed the issue of electronic records and helped overcome the burdens of paper records and associated delays. Judge Cecil noted that the issue was at the forefront of the committee's work and included in the plan at the bottom of page 12 under Goal IV, Information, Information Collection: "Capture electronically at its source and in a usable form that eliminates any need for its subsequent reentry the data needed for case and court management, whether discrete items, forms, or documents."

Mr. Brian C. Walsh, the Judicial Council liaison to the committee, commented that he has been impressed with the committee and its work product, the strategic plan. He asked whether the committee would be ready to implement the plan when and if funding for technology is appropriated.

Mr. Rowley reported that a tactical plan would be developed from the strategic plan and would include an implementation and funding strategy. He also stated that a request for proposal (RFP) for assistance on developing this tactical plan will be issued soon.

Justice Marvin R. Baxter asked whether the plan provides that the record certified in capital cases is to be electronic. Mr. Rowley stated that the plan does not specifically cover this issue. Staff is working to define standards to facilitate electronic records and will focus specifically on capital cases.

Justice Boren noted that there are delays of up to two years in getting written court records. He requested that the plan emphasize the importance of timely and accessible electronic records and suggested having a different title for Subsection 4 of the plan currently labeled "Information."

Council action:

Ms. Sheila Gonzalez moved that the Judicial Council:

1. Adopt, effective August 14, 1998, the Strategic Plan for Court Technology as a more detailed statement of the modernization goal of its Long-Range Strategic Plan.
2. Amend the plan to promote the development of electronic case files that can expedite case processing and technological solutions to problems created by delays in certifying the record in capital cases.
3. Require that planning efforts within the judicial branch be consistent with the Strategic Plan for Court Technology to the extent that such efforts relate to technology.
4. Require that trial courts update their countywide strategic technology plans annually.
5. Require that requests for funding of technology projects demonstrate compliance with the Strategic Plan for Court Technology and any council-approved plan to implement it.

The motion passed.

Item 4 1998–1999 Drug Court Mini-Grant Recommendations

Judges Patrick J. Morris, Chair of the Oversight Committee for the California Drug Court Project, and Steven V. Manley, Chair of the Subcommittee on Drug Court Automation and Evaluation, presented the report, assisted by Ms. Fran Jurcso of AOC staff. Judge Morris noted that funding is a major issue in developing and maintaining drug courts.

Judge Morris stated that the AOC and Office of Criminal Justice Planning established a partnership to distribute funding for drug courts. The Oversight Committee on Drug Courts was created to develop and administer this mini-grant program. Because only \$900,000 in funding was available, the committee established a limit of \$40,000 per drug court request this year, allowing grants to be distributed to the greatest number of courts.

Judge Morris said that for the first time in the committee's history, two courts appealed the committee's findings that their applications did not pass technical review. As a result, Judge Morris reported that the committee will reconsider the grant applications of all eight counties that did not pass technical review.

Because small counties in particular count on these mini-grants as a major part of their drug court funding, Judge Morris recommended that the council inform counties that were previously approved for funding that money will be forthcoming, yet defer the amount of each grant until after reconsideration of the eight programs. He stated that, should the committee approve appeals for any of the eight programs, previously approved grants will be reduced to provide this funding..

Judge Melinda A. Johnson suggested that the committee calculate the minimum possible distribution of funds, based on the eight courts' passing technical review, so that courts would know the lowest amount they would receive.

Judge Lois Haight expressed concern about the lack of coordination between dependency and drug courts that sometimes enables people to receive services from more than one court.

Judge Morris stated that one county submitted an application for a dependency court grant. He noted that the committee initially favored the application because coordination of resources is so important. Ultimately, the committee decided not to fund the application because the Office of Criminal Justice Planning guidelines directed that moneys be distributed to programs with criminal defendants, and the dependency courts do not have that component.

Judge Haight noted that coordination requires that confidentiality requirements be overcome. She stated that she thought defendants should waive their right to confidentiality so that their juvenile court records can be investigated to see whether they have cases in dependency court as well. Judge Manley commented that in the Santa Clara courts, attorneys facilitate coordination by being aware of concurrent cases involving the same defendants or families. He commented that the Santa Clara courts have defendants sign a standard waiver of confidentiality.

Judge Brenda Harbin-Forte wanted to know if the committee applied the same criteria to all courts or if some criteria were applied to some drug courts and not to others. Judge Morris stated that he hoped that the committee was uniform and fair in applying the standards set forth in the binder of Reports and Recommendations. Judge Morris said that the committee did its best in the time frame given and with the resources allotted to it. Judge Harbin-Forte suggested that the committee reevaluate the applications from drug courts whose denial stemmed from the committee's applying a unique standard not applied to all courts.

Mr. William C. Vickrey stated that the task force has developed a model for review of proposals and appeals. He noted that the council has directed many committees to make programmatic, evaluative judgments, and he cautioned the council against examining the deliberations and judgments made by committees. He noted that the council earlier approved the criteria the committee used in evaluating the applications. However, if the council is uncomfortable with the results, it is appropriate for the council to reconsider the criteria. Judge Harbin-Forte agreed that the council should develop criteria that the committee should apply *uniformly* to the courts.

Mr. Ronald Overholt stated that 20 applications were not recommended for funding and 12 of those were denied for other than technical reasons, which makes them unable to participate in the committee's appeal process. He expressed concern that there be a clear delineation of what constitutes a technical problem and what is a nontechnical problem.

Judge Albert Dover stated that he hoped the committee would recommend criteria and develop the best possible program rather than one that is driven by the needs of the funding source. Judge Morris stated his hope that in the future drug courts would be funded by trial courts locally.

Judge J. Richard Couzens suggested that the Legal Division develop a standard review process.

Council action:

Justice Huffman moved that the Judicial Council:

1. Approve the following courts as provisional recipients of 1998–1999 drug court mini-grant awards, contingent on approval of a conclusive list and grant amounts by the Executive and Planning Committee, based on a final report from the Oversight Committee for the California Drug Court Project:
 - Alameda—Superior (Adult), Oakland Municipal and Hayward Municipal
 - Fresno—Superior (Adult)
 - Humboldt—Superior (Adult)
 - Los Angeles—East Los Angeles Municipal, Inglewood Municipal, Los Angeles Municipal, Pasadena Municipal, Rio Hondo Municipal, Los Angeles/San Fernando Valley Municipal, and Southeast Municipal
 - Mendocino—Superior (Juvenile)
 - Napa—Superior (Adult)
 - Nevada—Superior (Adult)
 - Orange—Superior (Adult), South Orange Municipal
 - Placer—Auburn (Adult), Tahoe (Adult)

- Riverside—Juvenile, Western (Adult)
 - San Bernardino—Central Drug Court
 - San Diego—El Cajon Municipal, North County Municipal, San Diego Municipal, and South Bay Municipal
 - Santa Barbara—Santa Barbara (Adult), Santa Maria (Adult)
 - Shasta—Superior (Adult)
 - Solano—Fairfield (Adult), Vallejo (Adult)
 - Stanislaus—Municipal (Adult)
 - Tulare—Juvenile Drug Court
2. Direct the Oversight Committee to decide what to communicate to courts regarding award recipients and amounts prior to the final decision by the Executive and Planning Committee.

The motion passed with Judge Ana Maria Luna abstaining.

Item 5 Reassessment of Trial Court Coordination Progress in Mono and San Diego Counties, Eligibility to Retain Carryover Funds Pursuant to Government Code Section 77203, and Acceptance of the Annual Report to the Legislature on Coordination Activities for Fiscal Year 1996–1997

Judge Edward D. Webster, Chair of the Trial Court Coordination Advisory Committee, presented the report, assisted by Ms. Fran Jurcso of AOC staff. Judge Webster stated that the committee was submitting three recommendations for council approval: (1) that the assessments of Mono and San Diego Counties be upgraded to “fully coordinated,” (2) that a statutorily required annual report to the Legislature on coordination activities be approved, and (3) that any county that is unified or complying with rule 991 of the California Rules of Court be eligible to retain carryover funds.

Judge Webster noted that Kern, Kings, Los Angeles, Monterey, and Yuba Counties have not implemented unified local court rules and therefore would be ineligible to retain carryover money from the 1997–1998 fiscal year.

Justice Huffman commented that, to be in compliance with Government Code section 77203, a court had to adhere to rule 991. He expressed concern that a court may be unified and not comply with rule 991 and not have, for example, unified local rules.

Council action:

Justice Huffman moved that the Judicial Council:

1. Approve the Trial Court Coordination Advisory Committee recommendation to amend the assessments of Mono and San Diego Counties' progress in implementing the trial court coordination mandates to an assessment of "fully coordinated."
2. Approve submission to the Legislature of the Annual Report on Coordination Activities for fiscal year 1996–1997.
3. Direct that trial court systems that request the retention of available carryover funds from fiscal year 1997–1998 to fiscal year 1998–1999 provide the following information to the Trial Court Budget Commission by September 1, 1998:
 - a. Declaration by the presiding judge(s) that the court is fully coordinated, having already fulfilled all measures listed in rule 991 of the California Rules of Court as certified by the Trial Court Coordination Advisory Committee.
 - b. The amount unexpended in fiscal year 1997–1998 that is requested for use in fiscal year 1998–1999, as certified by the AOC Finance Bureau.
 - c. The intended use of the carryover funds as approved by the Trial Court Budget Commission.

The motion passed.

Item 6 Report on Revised Judgeship Needs Ranking Methodology

Mr. D. Kent Pedersen, member of the Court Profiles Advisory Committee, presented the report. Mr. Pedersen stated that legal and policy changes related to court coordination and unification necessitated a review of the ranking methodology for allocating judgeships. He said that the current method allows some courts to receive one or more judges before another court has received its first judge. Additionally, under this method courts on the Judicial Council–approved list of courts with a critical need for new judicial positions could be ranked below the number of judgeships funded by the Legislature. This resulted in the courts' reapplying and being rejected annually.

Mr. Pedersen stated that the committee recommends a revised allocation methodology designed to (1) recognize trial court efficiencies resulting from coordination and unification, (2) limit inequities in the ranking procedures, and (3) increase a court's chance of having its recommended critical need for judgeships funded by the Legislature by prioritizing its placement on the list. He noted that a change in ranking methodology would be implemented by the committee in the 1999 judicial needs request cycle.

Council action:

Mr. Overholt moved that the Judicial Council:

1. Approve a criterion for recommending new judgeships on the ranked list based upon whether the court is fully coordinated under rule 991 of the California Rules of Court, or is unified. Courts that might have a need for judgeships but do not meet this criterion should not be ranked.
2. Approve the revised methodology for allocating judgeships by priority of need as follows:
 - a. The revised judgeship allocation methodology should remain consistent with the original objective of providing new judges to the courts with the greatest need.
 - b. Continue to calculate the ranking based on the total number of judges in the county. However, effective for fiscal year 1999–2000 only, provide all courts on the ranked list with one judgeship before additional judges are allocated to courts recommended for more than one position.
 - c. Require that court systems that are recommended for new judgeships but not yet awarded them by the Legislature reapply and demonstrate their need for additional judges in the current request cycle.
 - d. Any court that was recommended for new judgeships in the previous year but was not awarded new judgeships by the Legislature would receive priority in the allocation of new judgeships, provided the court is recommended for new judgeships in the current year.
3. Direct AOC staff to develop, in consultation with the Court Profiles Advisory Committee, a proposed ranking methodology to be presented to the council at its April 1999 meeting, and direct the committee to review the ranking methodology every three years.

The motion passed.

Item 7 Allocation of Judicial Branch Budget for Fiscal Year 1998–1999

Judge Ray L. Hart, Chair of the Allocation Subcommittee of the Trial Court Budget Commission (TCBC), presented the report. Judge Hart stated that the AOC is requesting authority to make technical baseline budget changes based on confirmation of Department of Finance base-year adjustment decisions affecting counties' maintenance of effort (MOE) obligation. Judge Hart noted that the baseline for fiscal year 1998–1999 is developed by adding an adjusted fiscal year 1997–1998 base allocation, the baseline court interpreter program amount, and the Department of Finance MOE adjustments to date. Judge Hart noted that the baseline budget and any adjustments to it are straightforward and formula driven.

Judge Hart explained that state funding for trial courts has shifted the role and responsibility of the TCBC in reviewing and evaluating budgets. He noted that this year trial courts are making the transition from functional to thematic or programmatic budgeting. The TCBC is looking to fund programs that improve access to courts and achieve at least minimum operating and staffing standards for all courts.

Judge Hart said that, during the summer, the AOC asked each court to reconsider its top ten budget priorities and, if necessary, to reprioritize them in relation to those in the Governor's proposed budget: security, civil and criminal case processing, and interpreters. Courts were also asked to identify current operating and service levels to assist the TCBC in foreseeing future areas of funding deficiency.

Judge Hart stated that it is anticipated that, as a result of the Governor's proposed fiscal year 1998–1999 State Budget, trial courts will benefit from a \$50 million increase in the general fund, \$44 million in civil filing fee revenues, and unspecified revenues from the 2 percent automation fund and excess fine and forfeitures. This money will fund court security, civil and criminal case processing, court-appointed counsel, court interpreter growth, continuation funding for ongoing activities, and the statutorily required reserve.

Another source of funding for trial courts is the proposed \$50 million Judicial Administration Efficiency and Modernization Fund, which will pay for continuing education, improving legal research, correcting the "year 2000 problem" in older computers, retaining experienced jurists, technical assistance, and efforts to enhance local management. Judge Hart also indicated that the Governor's proposed budget contains an additional \$6 million for the general fund to increase court interpreter rates and \$4 million to raise jurors' pay to \$10 per day.

Judge Hart reviewed the previous allocations proposed by the TCBC, which include deficiency funding for court-appointed counsel, conversion of electronic reporting to court reporters, critical relief to small counties, corrections of expense reporting errors, and negotiated salary increases. Judge Hart noted that the committee's proposed allocation amounts did not include uncommitted funds for the balance of the 1 percent funding reserve required by law, additional funds identified as a result of a recalculation in the negotiated salary increase amounts, and the balance of funds for the interpreters program.

Judge Hart stated that the Allocation Subcommittee and the full TCBC recommend that the majority of the \$37.4 million allocation should be for court security and that the balance be distributed to each trial court in proportion to its approved incremental requests in the remaining two priority program areas (civil and criminal case processing). The TCBC recommends deferring a decision on allocating the remaining portion of money until October.

Council action:

Justice Huffman moved that the Judicial Council:

1. Approve the recommendations of the Trial Court Budget Commission as presented and authorize the AOC Finance Bureau to allocate and make technical and minor adjustments to the fiscal year 1998-1999 baseline budget allocation to the trial courts as set forth in Attachment 1 of Tab 7 of the Judicial Council binder of Reports and Recommendations dated August 14, 1998. This approval is contingent on the passage of the State Budget at the appropriation level pending before the Legislature (i.e., \$50 million in new general fund dollars for trial court operations).
2. Approve allocating \$37.4 million to countywide trial court systems based on program priorities, including technology, as stated in Option C of Attachment 2 of Tab 7 of the binder of Reports and Recommendations dated August 14, 1998.
3. Defer allocation of \$3.0 million in non-earmarked funding to address historical underfunding or unfunded mandates of countywide trial court systems until the October Judicial Council meeting.
4. Defer allocation of the \$6.5 million balance of the unallocated negotiated salary increase funds until the October Judicial Council meeting.
5. Approve allocating the remaining 10 percent reserve from the fiscal year 1997–1998 Court Interpreters Program budget as stated on Attachment 3 of Tab 7 of the binder of Reports and Recommendations dated August 14, 1998 (subject to technical adjustments by the AOC Finance Bureau based on the final figures).
6. Direct the Trial Court Budget Commission to
 - a. Address the funding needs of small courts in distributing the balance of unallocated funds for fiscal year 1998–1999 so that small courts have adequate staffing levels and other necessary tools to provide access to the courts.
 - b. Then, to consider other structural inequities resulting from significant underreporting problems in the fiscal 1996–1997 base year, upon which the full state funding base budgets were established, or other systemic issues that may have had adverse impact on the system stemming from fiscal year 1996–1997 or fiscal year 1997–1998.
7. Recognize that a limited amount of discretionary funding is available and that the actions above do not attempt to address inequities that arise in fiscal year 1998–1999.

Mr. Vickrey brought to the council's attention a letter from the Riverside County courts. The letter raises concerns about the TCBC's process for determining its recommendations on funding of incremental requests involving court security. Riverside's request was denied by the TCBC. Justice Huffman stated that it was the intent of the motion to enable the TCBC to look at structural problems. He also said that he perceived the Riverside issue to be a structural problem of substantial underreporting by the sheriff in 1996 (which the TCBC would have the authority to consider) and a problem of the court's not placing security high on its lists of requests during this cycle (the priorities on which the TCBC based its decision).

Justice Boren asked where Riverside placed security on its list of priorities. Judge Hart replied that Riverside placed security 20th on its list. He commented that for courts to say that, had they known they would have received funding, they would have placed security among their top ten requests implies that their requests are based on availability of funding and not actual demonstrable needs.

Judge Johnson asked how salary increases based on reclassifications due to unification would be anticipated or funded in future years.

Mr. Vickrey stated that under court funding there is no mechanism to fund negotiated salary increases for court employees. Until the personnel study is done and the Legislature takes action, which will not be until at least 2000, counties negotiate the salary increases but the state is responsible for funding them. The Legislature has asked for a report this year on the impact of salary increases approved by the counties from July 1 forward and suggested that the state submit a deficiency request to cover that amount.

Mr. Vickrey noted that in the proposed allocation the TCBC has attempted to address salary increases that counties approved in fiscal year 1997–1998 by reallocating money that would have funded other areas of court operations. Mr. Vickrey noted that payroll increases approved by counties or sheriffs for security personnel are now the responsibility of the state, yet no funding was provided.

Ms. Gonzalez asked for clarification that the motion would address the salary increases negotiated in fiscal year 1997–1998, before the state provided trial court funding. Justice Huffman agreed that the motion directed the TCBC to consider and try to remedy all forms of approved salary increases, including pay parity and cost of living adjustments (COLAs), when proposing allocations to deal with structural inequities stemming from past fiscal years.

Mr. Overholt expressed concern about the growth of security personnel costs and the misperception that courts are a new source of funding as they enter into negotiations with sheriff's departments and other providers.

Council action:

Justice Huffman's motion passed.

Item 8 Coordination of Court Proceedings Involving Children and Families

Judge Michael Nash, member of the Family and Juvenile Law Advisory Committee, presented the report, assisted by Ms. Diane Nunn and Ms. Audrey Evje of AOC staff. Ms. Evje stated that at its planning workshop in 1997, the council requested that the Family and Juvenile Law Advisory Committee study and make recommendations on ways coordination could be achieved in proceedings involving children and families and that it propose changes in current practices. In response to the council's request, the committee undertook a nationwide study.

The committee found a national trend toward reorganizing court jurisdiction to create unified or coordinated family courts. The committee recognizes that California has 58 unique counties for which one approach would be inappropriate. Ms. Nunn emphasized that the committee sought to identify alternatives from which individual courts could choose to suit their local needs and limitations.

The national study and survey revealed that courts are opting for a variety of approaches. One approach was a "unified family court," a concept that can mean a unified family court division, one judicial officer or staff for all proceedings involving a particular family, all related proceedings under one roof, or a combination of the three. Alternatively, some courts have chosen to coordinate rather than unify proceedings. Courts that coordinate often use one or more of the following approaches: establishing a family relations committee that serves as an intake committee, having a family court advocate or intake coordinator, improving technology to link cases involving a family, creating one file for one family, assigning court-appointed counsel to handle all appropriate matters, ordering an array of court-related services, and developing protocols to foster communication and cooperation.

Judge Nash stated that, to determine the approaches most effective for California and to make informed recommendations to the council, the committee recommends that the Judicial Council authorize the committee to do the following: survey the courts to determine the number of judicial officers and staff assigned to hear cases involving children and families and to determine the total number of families involved in multiple proceedings; identify the percentage of judicial officers in juvenile and family court that are judges versus those that are commissioners and referees; survey the courts to determine the current practices and resources and to identify the best practices; and develop a list of available resources for each subdivision and identify possible funding sources. Judge Nash stated that, if authorized by the council to proceed, the committee can present a report to the council within two years.

Ms. Gonzalez stated that surveying the number of families involved in multiple proceedings was currently not possible. Judge Nash commented that Los Angeles County would encounter problems in gathering this information and stated that it should be done to the extent possible. He reported that in Los Angeles County it would be possible to track the crossover between dependency and delinquency; between dependency, family law, and probate; or between dependency, delinquency, and mental health.

Judge Paul Boland expressed concern about the significant facilities ramifications related to the coordination of proceedings involving children and families. He asked whether the survey includes questions regarding facilities and to what extent the Task Force on Court Facilities is aware of the recommendations presented. Mr. Vickrey stated that the task force will complete its work on standards for court facilities before the coordination study is done. He stated that the committee will need to coordinate with the Task Force on Court Facilities, Court Technology Advisory Committee (and its work on model case management standards), and Court Profiles Advisory Committee (and its recommendations on judicial positions dedicated to juvenile and family courts) so that the recommendations are connected but not duplicative.

Judge Johnson expressed concern that the committee emphasize programmatic recommendations and not administrative structural recommendations. She noted that the 1985 and 1990 Senate task forces recommended against a coordinated family court. The most important parts of the committee's task would be to find ways to cross-train judges, improve technology, and get commitment and leadership from judicial officers. Judge Johnson said she did not want to see the committee spend money and other resources to identify major structural changes when smaller programmatic changes can accomplish much more in the long run.

Judge Nash stated that the committee will suggest options that are broader than programmatic changes. He said the committee recommends providing a cafeteria of alternatives from which counties can choose.

Judge Dover asked whether it would be more cost-effective and less burdensome on court administrators to do a random sample of small, medium, and large courts rather than a survey of all courts. Judge Haight said she thought that surveying all courts is a terrific idea because it makes courts focus on the issues.

Council action:

Justice Boren moved that the Judicial Council direct the Family and Juvenile Law Advisory Committee and the Center for Children and the Courts to:

1. Survey the courts to determine the precise number of judicial officers and staff assigned to hear cases involving children and families;
2. Survey the courts, to the extent possible, to determine the total number of families involved in multiple proceedings;
3. Identify what percentage of judicial officers in juvenile, family, probate, and mental health proceedings are commissioners and referees;
4. Survey the courts to determine the current practices and resources, as well as the best practices;
5. Develop a list of available resources for each existing subdivision, and identify possible funding sources (public or private) for demonstration projects; and
6. Survey the types of facilities and the geographic proximity of facilities within various counties.

The motion passed.

**Item 9 Child Support Commissioner and Family Law Facilitator Allocation
for Fiscal Year 1998–1999**

For information only; no action required.

Item 10 Revised Conflict of Interest Code for the Judicial Council

For information only; no action required.

CIRCULATING ORDERS APPROVED SINCE LAST BUSINESS MEETING

Circulating Order CO-98-08: SCA 4 Certification(s) and/or Approvals of Call(s)
for a Vote

For information only; no action required.

Circulating Order CO-98-09: Fiscal Year 1998–1999 First Quarter Distribution from
the Trial Court Trust Fund

For information only; no action required.

Circulating Order CO-98-10: SCA 4 Certifications

For information only; no action required.

Circulating Order CO-98-11: SCA 4 Certification(s) and/or Approvals of Call(s)
for a Vote

For information only; no action required.

Circulating Order CO-98-12: SCA 4 Certification(s) and/or Approvals of Call(s)
for a Vote

For information only; no action required.

Circulating Order CO-98-13: Composition of the Advisory Membership of the Judicial Council After Proposition 220

For information only; no action required.

Circulating Order CO-98-14: SCA 4 Certifications

For information only; no action required.

JUDICIAL COUNCIL APPOINTMENT ORDERS SINCE LAST BUSINESS MEETING

For information only; no action required.

Special Comment:

Chief Justice George thanked Justice Boren; Judges Haight, Keyes, Provost, and Todd; Commissioner Walla; Mr. Overholt, and Mr. Walsh for their service to the council, since the meeting was the last formal business meeting each would attend during this term of service.

The meeting was adjourned at 12:05 p.m.

Respectfully submitted,

William C. Vickrey
Secretary