



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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MEMORANDUM

Date

April 29, 2011

Action Requested

For Information Only

To

Members of the Judicial Council

Deadline

N/A

From

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Contact

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Subject

Report on Activities of the
Administrative Office of the Courts

The following information outlines some of the many activities taking place to further the Judicial Council's goals and agenda for the judicial branch.

Issues and activities highlighted include the following:

- Celebrating African-American Justices in the California Courts (*p. 2*)
- California Court Case Management System (*p. 2, 8 & 28*)
- Court Facilities (*p. 2 & 7*)
- Administrative Office of the Courts Cost Savings (*p. 3*)
- Legislation (*p. 10 & 23*)
- Judicial Vacancies (*p. 4 & 33*)
- Advisory Committees, Task Forces, and Working Groups (*p. 14 & 17*)
- Judicial and Court Employee Education (*p. 14 & 29*)
- *Attachment*: Legislative status report for legislation considered by the Judicial Council's Policy Coordination and Liaison Committee.

Summary

* Please note: Page numbers next to summary items reference more detailed information.

Groundbreaking for New Courthouse in Long Beach: With the groundbreaking for the Governor George Deukmejian Courthouse, construction began on the first courthouse in the United States to be delivered through Performance-Based Infrastructure, an innovative arrangement in which the state has engaged a private company to finance, design, build, operate, and maintain the building. Targeted for completion and occupancy in late 2013, the new building will house 31 courtrooms and offices for Los Angeles County justice partners. The state owns the land and the building throughout the 35-year agreement, with annual service payments beginning when the court occupies the building. More information about the project is on the California Courts website at www.courts.ca.gov/2784.htm.

African-American Justices in the California Courts: The California Legislative Black Caucus and the AOC collaborated on an educational exhibit celebrating 50 years of service by African-American justices in California. 2011 marks the 50th anniversary of the appointment of California's first African-American justice, Edwin L. Jefferson, (and the 70th anniversary of his appointment as California's first African-American judge). The exhibit opened in the State Capitol building on April 18 and official ceremonies recognizing the anniversary were held later in both the Assembly and the Senate. A majority of the bench's active and retired African-American justices were on hand for the ceremonies, along with family members that included the daughter and great grandsons of Justice Jefferson.

Milestone for Court Case Management System Core Product Acceptance (*pages 8 & 28*):

- The AOC expects to successfully complete the product acceptance testing phase for the core California Court Case Management System (CCMS) product (basic operating system for the courts) today, April 29.
- More than 70 court and AOC subject-matter experts are involved in testing process. One tester from the Fresno court shared her thoughts on reaching this milestone: "Since our part with PAT [product acceptance testing] is done, I just wanted to send you a quick "Thank You" for the opportunity to work on the CCMS project. I've really enjoyed working with the AOC and Deloitte and giving feedback. I think it's going to be a great system, too. It has been a pleasure and I really look forward to seeing the completed product!"
- Product acceptance testing for the external components (statewide data warehouse, web portal and data exchanges) is expected to be completed by the end of July 2011. Formal acceptance of CCMS will occur after the independent quality review is completed and plans are in place to address any issues identified by the review.

Award for California Courts Protective Order Registry:

- This CCMS component won a “Best in California” award from the Center for Digital Government, a national research and advisory institute for information technology policies and best practices in state and local government.
- The registry is currently operational in 21 counties. Additional counties committed to deployment in 2011 include Butte, Lassen, Merced, San Francisco, and San Joaquin.

Administrative Office of the Courts Budget and Cost Savings:

- *Budget Reduction Options:* For the last several months, each division of the Administrative Office of the Courts (AOC) has participated in budget reduction drills of 5, 8, and 12 percent based on the potential impact of the proposed fiscal year 2011–2012 General Fund reduction on AOC operations and its ability to minimize the impact on services to the courts and the public. Options are being reviewed this week by a small team of directors led by Finance Director Stephen Nash. Recommendations will be presented to the Executive Office. A full briefing on steps to making reductions will be provided at the council's June meeting.
- *Employee Vacancies:* With the elimination of 77 positions in fiscal year 2009–2010 and the ongoing freeze on external hiring, the AOC has a current vacancy rate of 15.3 percent.
- *Mandatory Furloughs:* Following the introduction of a voluntary furlough program of one-day per month in the final six months of the 2009–2010 fiscal year, a mandatory employee furlough of one-day per month was instituted for the AOC, Supreme Court, and Courts of Appeal on July 1, 2010. That furlough is ongoing. (Approximately six courts continue to have employee furloughs of one-day per month. Several other courts have a reduced number of furlough days or ended their furlough programs in December 2010.)
- *Division Consolidation:*
 - As part of the ongoing effort to achieve savings and operational efficiencies, and with the retirement of one AOC director, two divisions of the AOC—the Executive Office Programs Division and the Appellate and Trial Court Judicial Services Division—will be consolidated into a single division. This consolidation and realignment of responsibilities will streamline the provision of direct services to trial court presiding judges and executive officers, administrative presiding justices and appellate clerk/administrators. Additional cost savings will be achieved through the elimination of one director position.
 - Two units will transition out the Executive Office Programs Division. The Secretariat, which manages all business and administrative functions for the Judicial Council, will transfer to the Office of the General Counsel (OGC). OGC and Secretariat already work closely together on all legal matters pertaining to the work of the council and its advisory committees. This shift will further facilitate the effectiveness of that working relationship. The Office of Communications will begin reporting directly to the Executive Office. This closer alignment of the communications function with the Executive Office is consistent with best practices in large organizations and also makes sense given the elevated importance of communications in the current environment.

New Judgeships and Vacancies (*page 33*):

- There have been no new judicial appointments since January 1, 2011.
- Currently, there are one Supreme Court, two Court of Appeal, and 20 trial court judicial vacancies.

Judicial Diversity: *Pathways to Achieving Judicial Diversity in the California Courts: A Toolkit of Programs Designed to Increase the Diversity of Applicants for Judicial Appointment in California* has been made available to the courts. Developed with assistance from the Judicial Council's Access and Fairness Advisory Committee, the toolkit is intended to help the judicial branch meet its goal to "identify, recruit, and retain highly qualified appellate court justices, trial court judges, commissioners, referees, and other members of the judicial branch workforce, who reflect the state's diversity." (*Justice in Focus: The Strategic Plan for California's Judicial Branch 2006–2012*, Goal I.6.)

Regional Outreach to New Presiding Judges: At the beginning of each year, the regional offices visit courts with new presiding judges to discuss local priorities, share AOC resources that are available to assist the courts, and provide updates on council and AOC initiatives. Superior courts visited to date:

- *Bay Area/Northern Coastal Region:* Contra Costa, Humboldt, Lake, San Francisco, San Mateo and Santa Clara.
- *Northern/Central Region:* Colusa, Merced, and Tehama.
- *Southern Region:* Orange, Santa Barbara, Ventura, Kern, and Riverside.

Impact of Community Corrections Program:

- Preliminary reports from county probation departments estimate over 6,000 individuals avoided probation revocations in 2010 due to the implementation of SB 678, the California Community Corrections Performance Incentives Act. If these estimates hold, this rate would far exceed the national rates for other states with performance-based incentive funding.
- Chief Probation Officers and probation teams from the four California Risk Assessment Pilot counties (Napa, San Francisco, Santa Cruz, and Yolo) attended a workshop in order to develop evidence based responses to probation violations.
- Judge Richard Couzens (Ret.), who was appointed to conduct judicial education and technical assistance on evidence-based practices to the trial courts, visited several courts to discuss evidence-based practice and SB 678. This work will continue over the coming months.

New Funding for Parolee Reentry Courts: The AOC received a \$450,000 three-year grant from the California Endowment, a private health foundation that provides grants to community-based organizations throughout California, to evaluate six parolee reentry courts in California. The evaluation will measure the effect of these collaborative justice courts on parolee recidivism and will identify best practices. Findings from the study will be presented to the Legislature, the trial courts, and relevant justice system partners.

Labor Relations Services: Labor negotiations assistance is currently being provided to five courts. Assistance has been requested by an additional 12 courts whose Memorandum of Understanding will begin expiring in August 2011.

Judicial Branch Audit Program:

- *Regular cycle comprehensive audit reports completed and pending submission to the Committee on Financial Accountability and Efficiency for the Judicial Branch.* Superior Courts of Amador and Santa Cruz Counties.
- *California Case Management System:* Monthly independent project oversight and independent validation and verification reports are ongoing.

Collections: In preparation for the one-time, mandatory Infraction Amnesty Program, mandated by Senate Bill 857 and effective January 1 through June 30, 2012, a Solicitation for Request for Proposal was posted for collection services, and a pre-proposal conference was held in April for potential collection vendors who will assist collaborative court and county collection programs in the collection of older delinquent court-ordered debt at 50 percent of the eligible balance.

Public Access to Judicial Administrative Records: Since the implementation of rule 10.500 in January 2010, the AOC has handled more than 400 requests for non-deliberative, non-adjudicative judicial administrative records. Questions typically range from inquiries about financial records, requests for proposals, and executed contracts to branch projects and programs, and individual concerns. Requesters are judicial officers, attorneys, individual citizens, media, and federal and state government agencies. Analysis of the branchwide impact of the rule will be presented to the Judicial Council by February 2012.

Language Access Initiative: A working group of court leaders is being established to identify and leverage a range of practices that could be expanded or implemented to increase language access for court users across the state. These practices could include language-based calendaring strategies, multi-lingual signage and increased availability of translated materials, or implementing technology-based solutions at the counter, in self help centers and courtrooms.

Court Interpreters: Several successful statewide outreach efforts included:

- Presentations on becoming a California court interpreter to college students at the California State University, San Bernardino, and court interpreting for medical interpreters at the California Healthcare Interpreters Association conference;
- Co-sponsoring a statewide meeting of college-level providers of 10 interpreter training programs, and the annual conference of the California Teachers of English to Speakers of Other Languages; and
- Conducting a statewide ethics workshop for 25 new court interpreters of both certified and registered languages and a day-long skills-building workshop for 13 new interpreters of registered languages.
- California currently has 1716 certified and registered court interpreters.

Trial Court Staff Workload Study: Six additional site visits were conducted in the Superior Courts of Placer, El Dorado, Butte, Santa Clara, Marin, and San Bernardino Counties. The site visits aim to document similarities and differences in case-processing practices across courts, cross-validate these with time-study data, and refine the case-weight estimates for the staff workload model. Approximately four more site visits, as well as focus groups with four smaller courts, will be conducted before June for a total of 15 to 16 participating courts.

Civic Education and Public Outreach Leadership Group: This leadership group, established to follow up on recommendations from the Commission for Impartial Courts, convened for the first time. The leadership group, which comprises judges, court executives, and leaders from the education sector, the Legislature, and the bar, has a mandate to improve Californians' understanding of state courts and their role in our democracy. Initial efforts will focus on civic education for K12 students.

First Amendment Cartoon Contest: This annual contest uses community outreach to provide information about the judicial branch to the public. The cartoon contest was established in 2009 and stemmed from a joint initiative between the judicial branch and Constitutional Rights Foundation (CRF) to co-host a website, CourtsEd.org, which promotes student civic education with an emphasis on the judicial branch. The website prominently features the animated [Courts in the Classroom](#) educational resource designed by the AOC. This year's theme focused on freedom of speech and freedom of the press. More than 1,300 submissions were received, a 40 percent increase from last year. Six winners from each grade span and 30 honorable mentions will be announced on Law Day, May 1, 2011, and will be featured on the California Courts Website.

Interstate Judicial Education Consortium: The AOC hosted judicial branch colleagues from Arizona, Arkansas, California, Maryland, Minnesota, and Ohio for the Institute for Court Management's leadership faculty development program. The program is part of a three-year partnership undertaken by these states to develop a pool of ICM-certified faculty to bring ICM education and certification programs to judges and non-judicial employees in their home states.

International Delegation Visits:

- The AOC hosted a delegation from the Dominican Republic, which included the Attorney General and Consul General, for briefings on the governance structure and responsibilities of the Judicial Council and AOC.
- Twenty-five judges from China visited the AOC in March. Briefings included the structure of the California courts, judicial education and ethics, and court management at the state and local levels.

Administrative Infrastructure Initiatives

Facilities

Judicial Branch Capital Building Program: Design Excellence Forum: The Office of Court Construction and Management (OCCM) convened the second annual Design Excellence Forum to share knowledge and build relationships with the design and construction partners working with us on the facilities program's 52 active courthouse capital projects. Forum participants included approximately 175 architects, contractors, and AOC staff. The forum addressed the challenges of achieving excellence in courthouse architectural design and project management, critical elements for OCCM to fulfill its mission of creating and maintaining court buildings that reflect the highest standards of excellence.

Capital Projects:

- **52 projects moving forward:** 52 capital projects are under way. Site selection and acquisition for 34 new courthouse projects is in progress, in addition to design on 14 projects (renovations and new construction), and construction of three new courthouses.
- **Groundbreaking ceremonies:** The Chief Justice joined members of the Judicial Council, local justices and judges, and community leaders to celebrate the groundbreaking of the new Hollister courthouse for the San Benito Superior Court, the new San Bernardino Justice Center, and the Governor George Deukmejian Courthouse in Long Beach, Los Angeles.

State Public Works Board Approval:

- Site acquisition:
 - Yolo – new Woodland courthouse.
 - Tulare – new Porterville courthouse.
 - Sutter – new Yuba City courthouse.
- Site selection:
 - El Dorado – new Placerville courthouse.
 - Imperial – new El Centro courthouse.

Facility Modifications:

- **In progress:** Fifteen hundred and twenty-two active facility modifications at a value of \$59.1 million.

Facilities Management Process Re-engineering:

- Sixteen contracts were awarded for 14 Job Order Contracting zones. The two highest volume zones, Los Angeles and San Diego, will have two contractors each.

- Six firms participated in oral presentations for the Operations and Maintenance request for proposals. Contracts are scheduled to be awarded by June, with full performance beginning in the fall.

Technology

California Court Case Management System (CCMS) (page 28):

- **Governance Structure:** Regular meeting schedules have been established for the four committees.
- **Audit:** The Sixty-Day Status Report on Recommendation Implementation Efforts Regarding the Audit Report of the California Court Case Management System was submitted to the Bureau of State Audits (BSA) on April 8, 2011.
- **Independent Quality Review of the CCMS Development Process:** The goal is to select the vendor and have the review begin in late May 2011.
- **Independent Project Oversight (IPO) and Independent Verification and Validation (IV&V) of Deployment:** A statement of work was prepared and discussed with the California Technology Agency (CTA) and BSA to ensure an approach that is consistent with their expectations. Following the BSA's recommendation, separate companies will perform IPO and IV&V services on deployment.
- **Deployment:** Work continues with the three early adopter courts (San Diego, San Luis Obispo, and Ventura). To ensure cost-optimization, the focus will be on the standardization of operational processes and configurations as much as possible, as well as the development of reusable tools for future deployment in additional courts to reduce costs and implementation time.

Data Integration

Statewide Electronic Business Services (E-Filing):

- CCMS external component integration testing is under way. The electronic file services provider initiated development required for implementation of two family law data exchanges. The vendor will participate in CCMS integration and product acceptance testing.
- The AOC partnered with Institute for the Future, a California-based futurist think tank, to develop a strategic vision for the branch that describes an organizational and technological framework for comprehensive, integrated, user-centric e-business systems. During this period, the Institute led three regional roundtable discussions attended by judges, court administrators, justice partners, lawyers, and community leaders to develop

forecasts of future court initiatives leveraging emerging technologies. These discussions built on information gathered from interviews with key court leaders in the last quarter of 2010. The final report on the Judicial Branch Strategic Visioning project is expected in May.

- Following the National Center for State Courts' report on e-filing initiatives, including electronic filing service provider qualification, and a statewide e-filing portal, the team continues to develop project proposals, business cases, and an implementation strategy.

Traffic Citation Electronic Filing (E-Citation):

- Connectivity testing was successfully completed with all integration partners.
- Integration testing is under way with the California Highway Patrol and Superior Court of Orange County.

Phoenix Financial System Data Integration:

- The Uniform Civil Fee System is used by AOC Treasury Services to determine trial court balances to verify that a trial court has a cash balance sufficient to cover the distribution of fees. A new interface between Phoenix and the civil fee system was completed in April, facilitating automated daily bank balance and capital share balance reports for each trial court.
- Additional interfaces for CCMS V4 and CalPERs payroll reporting are in development.

Courts of Appeal Court-Appointed Counsel System:

- The process to convert historical data to the new system was completed.

Infrastructure and Security

California Courts Technology Center:

- CCMS infrastructure activities were initiated to support the first environment localization to be built out for early adopter court deployment including: identifying business requirements, ordering hardware, and initiating infrastructure design specifications.
- The fourth and final phase of the network diversity migration to improve the network model was completed.
- Production migration of managed courts to improve e-mail functionality and recoverability also was completed.

National Activities

National Association of State Judicial Educators (NASJE) Western Regional Conference: AOC staff chaired the planning committee for the NASJE Western Region Conference, which brought together more than 20 judicial education professionals from California, Nevada, Washington, D.C., and Nova Scotia, Canada, creating the largest Western Regional Conference to date. The purpose of the conference was to further the professional

education and experience of state judicial educators by providing information and tools to enhance their knowledge, skills, and abilities, while providing an opportunity to share resources, products, and best practices.

Adolescent Partner Violence Curriculum Development: AOC staff participated in a national meeting held in San Francisco to develop a judicial education curriculum on adolescent partner violence. The meeting was hosted by the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund.

Ethics and Unbundled Legal Services: AOC staff presented a workshop on ethical issues and best practices related to the unbundling of legal services at the Pro Bono Institute in Washington, D.C. The presentation included examples for ethical practices in consultation, document preparation, and limited representation in court.

National Center for State Courts Consortium for Language Access in the Courts: Two members of the AOC's Court Interpreters Program, both of whom hold leadership positions in the Consortium, delivered key plenary presentations at its annual meeting focusing on strategic and governance issues facing the Consortium, and technical court interpreter testing issues. Twenty-four states were represented.

Legislation

Following is a list of bills the Judicial Council is sponsoring this year (*page 23*):

Guardianship, AB 458 (Atkins): Prohibits a court from appointing a minor's parent as a guardian, except as specified; establishes requirements for transferring a proceeding; specifies circumstances for exclusive jurisdiction to determine issues of custody or visitation; requires the Judicial Council to adopt rules of court to implement inter-court communication provisions. *Status: Senate Floor*

Courts: judgeships, AB 1405 (Committee on Judiciary): Third set of 50 new trial court judgeships. *Status: Assembly Judiciary Committee*

Judgeships, SB 405 (Corbett): Ten subordinate judicial officer conversions. *Status: Senate Appropriations Committee*

Judges' retirement, SB 503 (Vargas): Service credit purchase. Co-sponsored by the California Judges Association. *Status: Senate Appropriations Committee*

Civil law: omnibus bill, SB 647 (Committee on Judiciary): Obtaining a subpoena in connection with an out-of-state proceeding. *Status: Senate Judiciary Committee*

Civil actions, SB 731 (Committee on Judiciary): Makes various changes to improve the handling of judicial arbitration awards, and streamlines the procedures governing vexatious litigants. *Status: Assembly Floor*

In addition, AOC Office of Governmental Affairs staff has presented reports to and obtained positions from the Policy Coordination and Liaison Committee on 29 bills for 2011.

Dependency proceedings: public access, AB 73 (Feuer): Establish a four-year pilot project in three courts to impose a presumption that juvenile dependency proceedings are open to the public. *Status: Senate Human Services Committee*

Criminal justice alignment, AB 109 (Committee on Budget): Shifts the jurisdiction over parole from the Executive Branch to the Judicial Branch. *Status: Signed into law (Stats. 2011, ch. 15)*

Jurors: electronic communications, AB 141 (Fuentes): Requires the court, when admonishing the jury against conversing about a trial, to explain that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. *Status: Senate Floor*

California Fostering Connections to Success, AB 212 (Beall): Clarifies the intent and implementation of the California Fostering Connections to Success Act re: eligibility for extended care; reinstatement or modification of jurisdiction; conforms and restores provisions relating to Kin-GAP guardianships and standardizes terminology regarding the "period of trial independence." *Status: Assembly Judiciary Committee*

Court facilities, AB 314 (Gorell): Requires that contracts pertaining to the acquisition and construction of court facilities be subject to the provisions of the Public Contract Code. *Status: Assembly Business Profession and Consumer Protection Committee*

Elections: office of superior court judge: write-in candidate, AB 362 (Lowenthal): Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest. *Status: Senate Elections and Constitutional Amendments*

Sentencing, AB 520 (Ammiano): Provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the fact finder and the factfinder found the facts to be true. *Status: Assembly Public Safety*

Court interpreters AB 618 (Furutani): Enacts the California Language Access Bill of Rights. *Status: Assembly Judiciary Committee*

Public employees' retirement: elected officials, AB 738 (Hagman): Provides that a person who is publicly elected to any office on or after January 1, 2012, shall not acquire any retirement rights or benefits for serving in that elective office unless required by the Constitution. Also prohibits obtaining any retirement rights or benefits from specified state and local retirement systems for serving in an elective office (does not include Judges' Retirement Systems). *Status: Assembly Public Employees, Retirement and Social Security Committee*

Trial Courts: budget process: public meeting, AB 973 (Campos): Requires each trial court to provide the public notice of, and an opportunity for input on, the trial court's proposed budget plan, as specified; amends the law governing notice of courtroom closures, or closures or reductions in the hours of clerks' offices. *Status: Assembly Floor*

Civil procedure: orders AB 1067 (Huber): Provides that the denial of a motion to reconsider an order pursuant to Code of Civil Procedure (CCP) section 1008 is not separately appealable. Specifies, however, that a determination made pursuant to CCP section 1008(a) may be reviewed on appeal from an appealable order that was the subject of a motion made pursuant to that provision. *Status: Assembly Floor*

Trial Courts: administration, AB 1208 (Calderon): Provides that each trial court is an independent constitutional and statutory court, with the independent right and duty to manage its administrative and financial affairs in accordance with its own policies, as provided by its trial court management, if the court is in reasonable compliance with accounting, audit, and budgetary standards established by law. *Status: Assembly Judiciary Committee*

Statewide Bail Commission: statewide bail schedule, AB 1264 (Hagman): Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. *Status: Assembly Floor*

Probation bonds, AB 1284 (Hagman): Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing. *Status: Assembly Public Safety*

Civil actions, AB 1403 (Committee on Judiciary): Amends the statute governing voir dire in civil jury trials; amends the statute governing additur and remittitur. *Status: Assembly Judiciary Committee*

Dissolution of marriage: disclosure, AB 1406 (Committee on Judiciary): Sets forth a time period of 60 days from the filing of a petition or a response in a marital dissolution

matter to serve the preliminary declaration of disclosure, and requires that disclosure to include the declarant's tax returns for the two years prior to service. *Status: Assembly Floor*

Small claims court: jurisdiction, SB 221 (Simitian): Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. *Status: Senate Floor*

State employees: compensation, SB 270 (Hernandez): Continuously appropriates from the General Fund, the amount necessary to fully compensate state employees should a budget not be enacted before July 1, of any given fiscal year. Does not extend its protections to employees of the judicial branch. *Status: Senate Floor*

Court records: public access, SB 326 (Yee): Requires the Judicial Council to adopt a rule of court to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court. *Status: Senate Judiciary Committee*

Public Safety Omnibus Bill, SB 428 (Strickland): *As proposed to be amended*, narrows the requirements under Penal Code section 1203.01 for transmittal of plea and sentencing transcripts and other documents to the California Department of Corrections and Rehabilitation. *Status: Senate Public Safety*

Vehicles: traffic violator schools: fees, SB 565 (DeSaulnier): Corrects a chaptering-out error describing the court's responsibility for collecting certain fees when a person is ordered or permitted to attend traffic violator school. *Status: Assembly Floor*

Court of appeal districts, SB 848 (Emmerson): Reorganizes the court of appeal districts into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties. *Status: Senate Judiciary Committee*

Probation: chief probation officer of Nevada County, SB 858 (Gaines): Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors. *Status: Senate Public Safety Committee*

Advisory Committees, Task Forces, and Working Groups (page 17):

Advisory committees will hold only one in-person meeting per year until the fiscal situation improves. Other meetings will be convened using video- or audio-conferencing.

The following committees met since the Judicial Council's February meeting:

1. Access and Fairness Advisory Committee
2. Appellate Advisory Committee
3. California Court Case Management System Governance Committees
4. Chief Justice's Assigned Judges Program Advisory Committee
5. Civil and Small Claims Advisory Committee
6. Collaborative Justice Courts Advisory Committee
7. Court Executives Advisory Committee/ Conference of Court Executives and Working Group on Records Management
8. Court-Ordered Debt Task Force
9. Court Technology Advisory Committee
10. Criminal Justice Collaboration on Mental Health Issues Task Force
11. Criminal Law Advisory Committee
12. Domestic Violence Practice and Procedure Implementation Task Force
13. Elkins Family Law Implementation Task Force
14. Presiding Judges/Court Executive Officers Rules and Roles Analysis Working Group
15. Self-Help Litigants Task Force
16. Sargent Shriver Civil Representation Pilot Project Advisory Group
17. Traffic Advisory Committee
18. Trial Court Presiding Judges Advisory Committee Tribal Court and State Court Forum
19. Veterans Court Working Group
20. Violence Against Women Education Project Planning Committee

Education and Training Programs (page 29):

Judicial Education

1. Americans with Disabilities Act Training (Superior Court of Contra Costa County)
2. Basic Civil Law Orientation
3. Criminal Primary Assignment Orientations
4. Ethics and Self-Represented Litigants in Domestic Violence Cases
5. Handling Sexual Assault Cases
6. Juvenile Delinquency Primary Assignment Orientation
7. Probate and Mental Health Institute
8. Qualifying Judicial Ethics Training
9. Supervising Judges Institute
10. The Neuroscience and Empirical Psychology of Judicial Decision-Making in Family Law
11. The Neuroscience and Psychology of Decision-Making, Demeanor and Credibility Assessment (for Santa Clara judges)

Judicial Officer, Court Employee, and Justice System Stakeholder Education

12. AB 1058 Child Support Commissioners Roundtable
13. Active Listening (for family law attorneys)
14. Court Contact Training for the Assigned Judges Program
15. Court Financial Resources (for managers and supervisors)
16. Effective Strategies for Conducting Investigations Involving Chemically Dependent Populations (for probate court investigators)
17. Family Dispute Resolution Director Training Symposium
18. Family Dispute Resolution Training
19. Family Law Education Programs
20. Family Law Institute (for judicial officers and attorneys with family law assignments)
21. Family Law Summit
22. Judicial Nomination and Evaluation Commission Orientation Training on the Neuroscience of Decision-Making
23. Juvenile Delinquency Fundamentals (two separate sessions with one for courtroom, legal, and office counter clerks, and another for court managers and supervisors)
24. Juvenile Dependency Mediator Meeting and Training
25. Leadership and Training Tools (for lead/senior clerks and assistant supervisors)
26. The Use of Technology in Domestic Violence Cases
27. Training on the Indian Child Welfare Act, Tribal Customary Adoption, Interjurisdictional Issues for Law Enforcement, and Disproportionality.

Broadcasts

28. Building and Leading Multigenerational Teams
29. Continuing the Dialogue: Neuroscience and Psychology of Decision-making, Part 1
30. Common Pre-Trial Motions in a Criminal Calendar Primer
31. Domestic Violence Restraining Orders
32. Ethics for Temporary Judges
33. Everyday Managing and Supervising: Observing and Assessing Staff Performance
34. Everyday Managing and Supervising: Building and Leading Effective Multigenerational Teams
35. Family Adoptions of Minors
36. Fee Waivers
37. Great Minds: Early California Justice: Hang 'em High!
38. Hearsay
39. Introduction to Prison Abstracts
40. Jury Challenges
41. Observing and Assessing Performance
42. Real World Judicial Ethics
43. Self-Represented Litigants
44. Situational Leadership (for presiding judges and court executive officers)

- 45. Traffic
- 46. Trial Evidence
- 47. Unlawful Detainer
- 48. 10 Minute Mentor – Criminal

Updated Online Courses

- 49. Calendar Management
- 50. Characterizing Property
- 51. Child and Spousal Support
- 52. Custody and Visitation
- 53. Determining Income
- 54. Dividing Property
- 55. Traffic
- 56. Unlawful Detainer

Online Resources

- 57. Bifurcation: Judicial Education Studio Video
- 58. Marsden: Judicial Education Studio Video
- 59. Miranda: Judicial Education Studio Video
- 60. Monthly Online Interactive Articles and Quizzes

Videos

- 61. Criminal Misdemeanor Video Simulation Series: A series of four videos illustrating various judicial techniques
- 62. Ethics for Juvenile Court Judges
- 63. Introduction to the Judicial Branch for New Judicial Officers

Benchguides (Revised)

- 64. Deferred Entry of Judgment/Diversion, BG 62
- 65. Juvenile Delinquency Initial or Detention Hearing, BG 116
- 66. Juvenile Delinquency Fitness Hearing, BG 117
- 67. Juvenile Delinquency Jurisdiction Hearing, BG 118
- 68. Juvenile Delinquency Disposition Hearing, BG 119
- 69. On-Call Duty Binder
- 70. Motions To Suppress and Related Motions: Checklists, BG 58
- 71. Small Claims Court, BG 34
- 72. Traffic Court Proceedings, BG 82

Benchbook

- 73. 2011 Felony Sentencing Handbook

Additional Detail on Summary Items

Advisory Committees/Task Forces/Working Groups

Access and Fairness Advisory Committee

- Approved the following proposals for inclusion on the committee's annual agenda for submission to the council's Executive and Planning Committee:
 - (1) Develop the structure for a pilot mentoring program for trial court staff, which would take place in four pilot trial courts;
 - (2) Conduct focus groups on gender fairness and women of color in the courts to identify best practices and model programs or guidelines instituted by individual courts, which could be shared through educational modules or in other ways to provide meaningful assistance to the courts in these areas. The focus groups would take place during the State Bar of California's annual meeting and would invite participants who are already attending the meeting or are in the Long Beach/Los Angeles area.

Administrative Presiding Justices Advisory Committee

- The administrative presiding justices met with Chief Justice Cantil-Sakauye, and also discussed the Court of Appeal budget for fiscal year 2011–2012, technology initiatives, and appellate election issues.

Appellate Advisory Committee

- Reviewed proposals for new and amended rules and forms.
- Approved a proposal to amend the rule regarding electronic recordings offered into evidence to be submitted to the Rules and Projects Committee for adoption by the council.
- Approved 14 proposals to be submitted to the Rules and Projects Committee for approval to circulate for public comment in spring 2011, including amendments regarding: (1) providing and updating the names and contact information of attorneys or self-represented litigants; (2) extension of the time to appeal a new trial order when a party rejects a conditional additur or remittitur; (3) the normal record in criminal appeals to include additional items; and (4) the use of initials to protect the identity of individuals in juvenile proceedings.

Chief Justice's Assigned Judges Program Advisory Committee

- *Assembly Bill 1208*: Did not take a position on the bill.
- *2011 Assigned Judges Program Conference*: Recommended a one-day substantive educational conference with an additional qualifying ethics course as an alternative to the two-day conference.
- *Wellness Initiative*: Selected new members to serve on this subcommittee.

Civil and Small Claims Advisory Committee

- Considered recommendations regarding proposed legislation concerning procedures in the civil and small claims courts, legislatively-mandated form amendments, and a proposal from the Tribal Courts/State Court Forum.

Collaborative Justice Courts Advisory Committee

- Discussed the proposed state budget and its policy implications, prescription drug abuse, the trial court workload study, and the parolee reentry court program.

Community Corrections Coordinating Committee

- Discussed the recently approved Public Safety Trailer Bill. Representatives from the Chief Probation Officers of California and AOC Scholar-in-Residence, Judge Roger Warren, also led discussions on the impact of the bill's realignment proposal on corrections and the committee's role in navigating these changes.

Court Executives Advisory Committee/Conference of Court Executives

- Topics included updates on the Operational and Budget Impact Working Group and the California Court Case Management System (CCMS). This involved both a review of the independent cost-benefit analysis on CCMS and an overview of the newly established CCMS governance committees.
- *Working Group on Records Management:* Discussed the responses received from the trial court survey seeking feedback on the Trial Court Records Manual and Government Code 68152 (court records retention and destruction schedule statute), suggestions regarding further development of the manual, and a Judicial Council-sponsored legislative proposal to amend Government Code 68152. Both items are targeted for development in late 2011.

Court-Ordered Debt Taskforce

- The taskforce convened for its first meeting. Following an evaluation of the various aspects of statutory criminal and traffic-related court-ordered fees, fines, forfeitures, penalties, and assessments, the task force will make recommendations to the Judicial Council and the Legislature for the simplification and prioritization of the order in which these court-ordered debts are satisfied. The taskforce will provide its first interim report to the council and the Legislature by June 30, 2011.

Court Technology Advisory Committee

- Directed the E-Business Subcommittee to work with the Criminal Law and Court Executives Advisory Committees to address access to criminal records issues raised by the East Bay Community Law Center and the American Civil Liberties Union.
- Submitted a proposal to amend the rules relating to the addresses and telephone numbers of attorneys and self-represented parties.
- Joined as co-sponsor to amend the rule of court to require e-mail addresses be included on change of address.

- Submitted a proposal to enable e-filing and service for the Supreme Court and the Courts of Appeal.
- Partnered with the Court Executives Advisory Committee Court Records Working Group for the development of policies on electronic records management, including electronic and digital signatures.
- Directed the Technology Services Subcommittee to examine legislation and rules pertaining to electronic endorsement of e-filings and, where appropriate, make recommendations for changes that will make better use of technology.

Criminal Law Advisory Committee

- Approved rule and form proposals to be submitted to the Rules and Projects Committee for circulation for public comment during the spring 2011 comment cycle, including proposals involving inter-county transfer procedures, criminal protective orders, and habeas corpus procedure.
- Reviewed pending criminal law legislation and considered a legislative proposal to modify the transcript requirements of Penal Code section 1203.01.

Domestic Violence Practice and Procedure Task Force

- Recommended development of a series of bench cards relating to risk assessment in domestic violence cases.
- Approved a plan for evaluating the impact of rule 4.700 of the California Rules of Court regarding firearms relinquishment.
- Directed staff to plan for regional court meetings in September 2011 on the subject of risk assessment and firearms relinquishment.
- Approved submission of an optional misdemeanor plea form in criminal domestic violence cases.

Elkins Family Law Implementation Task Force

- Discussed drafts of legislatively mandated rules and forms to be proposed to the Rules and Projects Committee for circulation in the spring 2011 cycle, and efforts under way to implement recommendations adopted by the council in April 2010.
- The final report of the Elkins Family Law Task Force included over 200 recommendations adopted by the council in April 2010. Comprehensive family law legislation (AB 939 and AB 1050) also made significant changes and requires that a significant number of rules and forms be implemented by July 1, 2011, or January 1, 2012. Task force members have been meeting regularly by telephone to accomplish these tasks. The meeting provided a concentrated opportunity to review drafts, discuss challenges, and develop consensus on proposals to recommend to the council for circulation for public comment.
- The task force also has been working closely with the Family and Juvenile Law Advisory Committee to effectively reflect expertise throughout the branch and identify the impact of rules and forms changes on the trial courts.

Presiding Judges/Court Executive Officers Rules and Roles Analysis Working Group

- Amended recommended rule revisions related to presiding judge and court executive responsibilities based on comments received during the public comment period.
- These rule amendments are being proposed by the group to better reflect the current duties of presiding judges and court executives and further clarify and strengthen the roles and relationship of the trial courts' leadership team.

Sargent Shriver Civil Representation Pilot Project

- Reviewed the 18 proposals submitted by legal services and court partners to implement Assembly Bill 590 (Feuer, 2009). Using the criteria set out by the statute, made recommendations to the Judicial Council for funding of projects to provide representation in civil cases involving critical needs.

Self-Help Litigants Task Force

- Completed the three-year review of the Guidelines for the Operation of Self-Help Centers in California Trial Courts and recommended approval of the guidelines for another three years.
- Established three working groups to continue implementation of the Statewide Action Plan for Serving Self-Represented Litigants.

Traffic Advisory Committee

- Approved a proposal for submission to the Judicial Council's Rules and Projects Committee to amend California Rules of Court, rule 4.104, regarding eligibility for attendance of traffic violator school, effective July 1, 2011.

Trial Court Presiding Judges Advisory Committee

- Staff reported on code and form revisions regarding vexatious litigants, which will: (1) amend language to clarify that the provision delegating authority to make a prefiling determination applies to a presiding justice and his or her designee, as well as a presiding judge, (2) authorize a presiding justice or judge to order that notice be given of a vexatious litigant's status if the clerk mistakenly files litigation without a prefiling order; and (3) create a provision setting out the process to vacate a prefiling order and remove a vexatious litigant from the statewide list. Appropriate forms are being drafted to reflect the code revisions.

Tribal Court and State Court Forum

- Developing rules and form proposals regarding registry of protective orders issued by tribal courts, as well as tribal access to juvenile court records, and legislative proposals for possible Judicial Council sponsorship.
- Recommended piloting tribal court read-only access to the California Courts Protective Order Registry.

Veterans' Court Working Group

- Held first meeting to identify project goals, objectives, and ideas to expand the availability of veterans' courts statewide.

Violence Against Women Education Project Planning Committee

- Reviewed project-sponsored statewide and local educational programs, publications, and technical assistance to develop plans for future grant-funded activities. Three groups with representatives on the committee presented overviews of their work and educational endeavors: The California Coalition Against Sexual Assault, the California Partnership to End Domestic Violence, and the Police Officer Standards and Training Division.
- Received a report on the development of a curriculum for self-help and family law facilitator staff about how to better serve litigants from tribal communities.
- Staff and a legal aid attorney presented a demonstration of the Domestic Abuse Self-Help project, a computer application that allows trained volunteers to interview domestic violence restraining order litigants, record results on an intake form that in turn populates mandatory Judicial Council forms, and facilitate attorney review.
- Launched plans to develop a curriculum relating to human trafficking in accordance with the funder's mandatory objective in this subject area.

Other Activities

Technology

California Court Case Management System

- *Governance Structure:* The Executive Committee, the General Administrative Advisory Committee, the Operational Advisory Committee, and the Justice Partner Advisory Committee all have held meetings focused on establishing work plans and creating subcommittees, where necessary, to align responsibilities and ensure clarity in structure, role and transparency..
- *Audit:* The AOC had a constructive meeting with the BSA staff and Grant Thornton in March to address and resolve questions raised in the BSA public report of March 3. Ongoing communication will assist the AOC in ensuring that BSA recommendations are fully implemented and a successful deployment of CCMS will be achieved.
- *Independent Quality Review of the CCMS Development Process:* The AOC met with representatives of the California Technology Agency (CTA) and the BSA to discuss the approach to the performance of this review and expectations of the process and the scope of the statement of work.

- *Independent Project Oversight (IPO) and Independent Verification and Validation (IV&V) of Deployment:* The existing IPO/IV&V contract was extended through the end of development in its entirety, rather than development of only the core product, and will allow for a good transition to the new IPO/IV&V vendors. Until the new contracts are signed, the AOC will continue to operate under industry guidelines and standards of the Institute of Electrical and Electronics Engineers, and the CTA's guidelines in the Information Technology Project Oversight Framework handbook.
- *Product Acceptance Testing:* More than 70 court and AOC subject-matter experts continue to be significantly involved in validating integration testing. This includes testers with V3 case category (civil, small claims, probate, and mental health) knowledge, ensuring that fixed defects in V3 remain fixed in the CCMS application. Two additional test cycles were added after the team completed the 11,000 scripts five weeks early. The focus was on repairing all identified defects and retesting new software releases. Integration testing on the external CCMS components (portals, statewide reporting data warehouse, data exchanges, and e-filing) is under way.
- *Deployment:*
 - A statement of work is being negotiated with the three early adopter courts to put together a set of blueprints that will serve as a guide through the system process with the purpose of configuring each court during deployment.
 - The project team met with the Ventura and San Luis Obispo courts to deliver the detailed deployment project plan for early adopter courts. The courts were made aware of project timelines and asked to return a fully-reviewed and updated plan to their deployment project manager.
 - An internal deployment kick-off meeting was held, where the updated project plan was introduced to members from various AOC functional areas. A planning forum followed where the extended deployment team members delivered presentations speaking to any remaining gaps, risks, assumptions, and mitigation strategies. The team will continue this internal vetting process before finalizing the plan.
 - Statewide deployment to the remaining 55 courts will continue utilizing available funding. Priority will be given to courts with urgent case management needs.

Civil, Small Claims, Probate and Mental Health Case Management System (CCMS-V3):

- The Superior Courts of Los Angeles, Orange, Sacramento, San Diego, San Joaquin, and Ventura Counties continue to use Release 10.02 (V3) of the CCMS. Collectively, they process 25 percent of civil cases statewide. User acceptance testing is currently under way on Release 10.03 and is scheduled to go live in early May 2011.
- Support for the management system continues to transition from Deloitte Consulting to the AOC. This will achieve a cost savings of approximately \$2.5 million in labor charges through fiscal year 2013–2014, while building in-house functional and technical knowledge to be used for future technical support of CCMS.

- Courts currently using V3 will continue to work with the AOC to evaluate and prioritize fixes for future releases.
- Live streaming of V3 data to Sacramento's local reporting database began in March.

Outreach: CCMS outreach activities included product demonstrations and presentations to the State Bar Board of Governors, the Court Executives Advisory Committee, and the Court of Appeal, Second Appellate District.

Legislation

Following is a list of bills the Judicial Council is sponsoring this year:

Guardianship, AB 458 (Atkins): As amended March 29, 2011, prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed, and specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation. Requires the court in which a guardianship proceeding is filed to communicate with each court where a custody or visitation proceeding is pending prior to making a determination on maintaining or transferring the guardianship proceeding. Requires the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement the inter-court communication provisions. *Status: Senate Floor*

Courts: judgeships, AB 1405 (Committee on Judiciary): As introduced, authorizes the third set of 50 critically needed new trial court judgeships. *Status: Assembly Judiciary Committee*

Judgeships, SB 405 (Corbett): As introduced, ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in the 2011–12 fiscal year where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer. *Status: Senate Appropriations Committee*

Judges' retirement, SB 503 (Vargas): As introduced, amends the Judges' Retirement System II (JRS II) statutes to allow JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years. Co-sponsored by the California Judges Association. *Status: Senate Appropriations Committee*

Civil law: omnibus bill, SB 647 (Committee on Judiciary): As amended March 24, 2011, amends the law governing the process for obtaining a subpoena in connection with

an out-of-state proceeding by requiring the first page of the pleading to state whether or not the person filing the document is a party to the out-of-state case. *Status: Senate Judiciary Committee*

Civil actions, SB 731 (Committee on Judiciary): As amended March 29, 2011, makes various changes to improve the handling of judicial arbitration awards, and streamlines the procedures governing vexatious litigants. In the judicial arbitration area: (1) provides that a party need not file a request for a trial de novo to stop entry of the arbitrator's award as the judgment in the case but instead could file a request for dismissal; and (2) gives parties up to 60 days after the filing of the arbitrator's award to file either of the requests. In the vexatious litigants area: (1) clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate to another justice or judge of the same court the authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action; (2) authorizes the presiding justice or presiding judge to order that notice be given of a vexatious litigants status if the clerk mistakenly files litigation without a pre-filing order; and (3) provides procedures for an application to vacate a pre-filing order and remove a litigant's name from the Judicial Council's list of vexatious litigants, along with guidance for the courts in deciding the application. *Status: Assembly Floor*

In addition, AOC Office of Governmental Affairs staff has presented reports to and obtained positions from the PCLC on 29 bills for 2011.

Dependency proceedings: public access, AB 73 (Feuer): As amended April 14, 2011, requires, subject to the provision of private funding, the Judicial Council to establish a four-year pilot project in three courts (Los Angeles, Ventura, and an unspecified court) to impose a presumption that juvenile dependency proceedings are open to the public. Requires the court at the commencement of the proceedings to inform the parties that the hearing is open, and to inquire as to whether there is any reason to close the proceedings. If the proceedings remain open, requires the court to admonish the parties to refrain from disclosing any information that would personally identify the child, his or her sibling, or parent. If there is a request to close the proceeding, requires the court to consider whether opening the proceedings is contrary to the child's best interests. Requires the child's attorney to advise the child of his or her right to request that the proceeding be closed, and if no attorney is present for the child, requires the court to make that advisement. Requires the Judicial Council to contract with an independent organization to evaluate the pilot and sets forth the issues to be addressed in the evaluation. Provides that the pilot shall begin within one year of securing private funding for the pilot project and evaluation. *Status: Senate Human Services Committee*

Criminal justice alignment, AB 109 (Committee on Budget): As amended March 17, 2011, among other things, shifts the jurisdiction over parole from the Executive Branch to the Judicial Branch. *Status: Signed into law (Stats. 2011, ch. 15)*

Jurors: electronic communications, AB 141 (Fuentes): As introduced, requires the court, when admonishing the jury against conversing about a trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Requires the officer in charge of a jury to prevent any form of electronic or wireless communication. Provides that violation of this admonishment constitutes criminal and civil contempt of court. *Status: Senate Floor*

California Fostering Connections to Success, AB 212 (Beall): As amended March 29, 2011, clarifies the intent and implementation of the California Fostering Connections to Success Act (AB 12 (Beall and Bass), Stats. 2010, ch. 559). Specifically, (1) clarifies the requirements for a youth to be eligible for extended care consistent with federal requirements; (2) clarifies the process by which a nonminor can petition the court for reinstatement of jurisdiction; (3) clarifies who may bring a petition to modify jurisdiction pursuant to Welfare and Institutions Code section 241.1; (4) conforms provisions relating to Kin-GAP guardianships in the delinquency statutes to reflect federal requirements; (5) restores a provision erroneously deleted from law that allows youth in Kin-GAP guardianships to receive support up to age 19 if they are in the process of completing high school or an equivalency certificate; and (6) standardizes the terminology used in statute regarding the "period of trial independence" that is authorized for youth who opt not to participate in extended foster care. *Status: Assembly Judiciary Committee*

Court facilities, AB 314 (Gorell): As introduced, requires that contracts pertaining to the acquisition and construction of court facilities be subject to the provisions of the Public Contract Code. *Status: Assembly Business Profession and Consumer Protection Committee*

Elections: office of superior court judge: write-in candidate, AB 362 (Lowenthal): As amended March 14, 2011, revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest from 100 to at least 0.1 percent of the registered voters qualified to vote, with respect to the office, provided that the petition contain at least 100 signatures and need not contain more than 600 signatures. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record. *Status: Senate Elections and Constitutional Amendments*

Sentencing, AB 520 (Ammiano): As introduced, provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the fact finder and the fact finder found the facts to be true. *Status: Assembly Public Safety*

Court interpreters AB 618 (Furutani): As amended March 31, 2011, enacts the California Language Access Bill of Rights. Provides that a person charged with a crime who is unable to understand English is entitled to “exclusive, ongoing, and simultaneous translation services throughout any proceeding at which the person is physically present.” Authorizes a party charged with a crime to request a hearing if there is a factual basis to do so, to evaluate the competence of an interpreter, or if any person’s rights would be prejudiced by use of a non-certified interpreter. Prohibits any non-interpreter staff person of the court, sheriff, probation, or any other local government entity from providing interpreter services unless he or she is a certified interpreter. *Status: Assembly Judiciary Committee*

Public employees’ retirement: elected officials, AB 738 (Hagman): As introduced, provides that a person who is publicly elected to any office on or after January 1, 2012, shall not become a member of any retirement system by virtue of that service and shall not acquire any retirement rights or benefits for serving in that elective office unless required by the Constitution. Also prohibits an elected official elected on or after January 1, 2012, from becoming a member or obtaining any retirement rights or benefits from specified state and local retirement systems for serving in an elective office (does not include Judges’ Retirement Systems). *Status: Assembly Public Employees, Retirement and Social Security Committee*

Trial Courts: budget process: public meeting, AB 973 (Campos): As amended April 7, 2011, requires each trial court, prior to adopting a baseline budget plan for the fiscal year, to provide the public notice of, and an opportunity for input on, the trial court’s proposed budget plan, as specified. Among other things, requires the court, prior to conducting a public hearing, to make the proposed baseline budget plan available to the public and to provide notice of the hearing date, time, and location, and the opportunity to submit written comments. Amends the law governing notice of courtroom closures, or closures or reductions in the hours of clerks’ offices during regular business hours on any day, by requiring a trial court to provide notification of such events by electronic distribution to individuals who have subscribed to the court’s electronic distribution service. Specifies that those required notifications must include information on how the public may provide written comments during the 60-day period on the court’s plan for closing a courtroom, or closing or reducing the hours of clerks’ offices. Requires the court to review and consider all public comments received and immediately post a revised notice if the court’s plan changes as a result of the comments received. *Status: Assembly Floor*

Civil procedure: orders AB 1067 (Huber): As introduced, provides that the denial of a motion to reconsider an order pursuant to Code of Civil Procedure (CCP) section 1008 is not separately appealable. Specifies, however, that a determination made pursuant to CCP section 1008(a) may be reviewed on appeal from an appealable order that was the subject of a motion made pursuant to that provision. *Status: Assembly Floor*

Trial Courts: administration, AB 1208 (Calderon): As introduced, provides that each trial court of this state is an independent constitutional and statutory court, with the independent right and duty to manage its administrative and financial affairs in accordance with its own policies, as provided by its trial court management, if the court is in reasonable compliance with accounting, audit, and budgetary standards established by law. Provides that each trial court shall be independently empowered with enumerated powers. Provides that, except as otherwise provided by law, all funds allocated for trial court operations, once appropriated, shall be fully allocated among the trial courts, and that no deductions shall take place without the consent of the affected courts. Requires the trial court management's written consent to impose, implement, or share any case or accounting information system, or to contribute any portion of the trial court's budget to a statewide information system, or to undertake the construction of a court facility in that county. *Status: Assembly Judiciary Committee*

Statewide Bail Commission: statewide bail schedule, AB 1264 (Hagman): As introduced, repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor and infraction offenses except Vehicle Code infractions. *Status: Assembly Floor*

Probation bonds, AB 1284 (Hagman): As introduced, permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing. *Status: Assembly Public Safety*

Civil actions, AB 1403 (Committee on Judiciary): As introduced, *Section 1:* Amends the statute governing voir dire in civil jury trials to require the trial judge to permit counsel to conduct a liberal and probing examination of prospective jurors that is calculated to discover bias or prejudice. *Section 2:* Amends the statute governing additur and remittitur to: (1) provide that if a deadline is not set forth in the conditional order, the deadline for acceptance or rejection of the addition or reduction of damages is 30 days from the date the conditional order granting a new trial is issued; (2) provide that failure to respond to the order shall be deemed a rejection of the addition or reduction of damages, and a new trial limited to the issue of damages shall be granted automatically;

and (3) require a party serving an acceptance of a conditionally ordered addition or reduction of damages to prepare an amended judgment reflecting the modified judgment amount, as well as any other uncontested judgment awards. *Status: Assembly Judiciary Committee*

Dissolution of marriage: disclosure, AB 1406 (Committee on Judiciary): As introduced, sets forth a time period of 60 days from the filing of a petition or a response in a marital dissolution matter for the petitioner or respondent to serve upon the other party the preliminary declaration of disclosure, and requires that disclosure to include the declarant's tax returns for the two years prior to service. *Status: Assembly Floor*

Small claims court: jurisdiction, SB 221 (Simitian): As introduced, increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000. *Status: Senate Floor*

State employees: compensation, SB 270 (Hernandez): As introduced, continuously appropriates from the General Fund, the amount necessary to fully compensate state employees should a budget not be enacted before July 1, of any given fiscal year. Does not extend its protections to employees of the judicial branch. *Status: Senate Floor*

Court records: public access, SB 326 (Yee): As introduced, requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court. Defines court records broadly to include any document, paper, or exhibit filed or lodged by the parties to an action or proceeding. *Status: Senate Judiciary Committee*

Public Safety Omnibus Bill, SB 428 (Strickland): *As proposed to be amended*, narrows the requirements under Penal Code section 1203.01 for transmittal of plea and sentencing transcripts and other documents to the California Department of Corrections and Rehabilitation (CDCR). Would require court, in life, life without parole, and death cases only, to transmit the charging documents, a copy of the waiver and plea forms, if any, the transcript of the proceedings at the time of the defendant's guilty or no contest plea, if the defendant pleaded guilty or no contest, and the transcript of the proceedings at the time of sentencing, to CDCR. Only requires courts in all other cases, to provide copies of the charging documents and waiver forms, if any, and upon written request from CDCR on a particular case, transcripts of the plea proceedings, if the defendant pleaded guilty or no contest and transcripts of the sentencing proceedings. *Status: Senate Public Safety*

Vehicles: traffic violator schools: fees, SB 565 (DeSaulnier): As introduced, corrects a chaptering-out error caused by the enactment of a 2010 budget trailer bill that amended the Vehicle Code provision (contained in AB 2499 (Portantino) which the Judicial

Council supported) describing the court's responsibility for collecting certain fees when a person is ordered or permitted to attend traffic violator school. *Status: Assembly Floor*

Civil law: omnibus bill, SB 647 (Committee on Judiciary): As amended March 24, 2011, amends the law governing the process for obtaining a subpoena in connection with an out-of-state proceeding by requiring the first page of the pleading to state whether or not the person filing the document is a party to the out-of-state case. [Note: contains other proposals not sponsored by the Judicial Council, including making technical changes to provisions in the Small Claims Act by deleting erroneous cross-references.] *Status: Senate Judiciary Committee*

Court of appeal districts, SB 848 (Emmerson): As introduced, reorganizes the court of appeal districts into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties. *Status: Senate Judiciary Committee*

Probation: chief probation officer of Nevada County, SB 858 (Gaines): As amended March 25, 2011, provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors. *Status: Senate Public Safety Committee*

Education Programs

Judicial Education

Criminal Primary Assignment Orientations: Offered to judges new to a criminal assignment or returning to criminal after more than two years in another assignment over the course of four and a half days during Primary Assignment Orientation week.

Criminal Assignments Week: Offered regionally to experienced judges and included Handling Sexual Assault Cases), Homicide Trials and Advanced Felony Sentencing, and Death Penalty Trials.

Ethics and Self-Represented Litigants in Domestic Violence Cases: The Violence Against Women Education Project sponsored an interactive two-and-a-half day course that featured a "nuts and bolts" component on domestic violence restraining and protective orders, a session on ethical duties when parties are not represented, and an opportunity to tape and analyze a practice hearing.

Family Law Institute: A two-day program offering 19 courses for family law judicial officers and trial court research attorneys assigned to family law. The program was held in Los Angeles in conjunction with the Family Dispute Resolution Statewide Conference.

Handling Sexual Assault Cases: A two-day course that featured components on cases from arraignment to sentencing, DNA evidence, and offender characteristics and assessment.

The Neuroscience and Empirical Psychology of Judicial Decision-Making in Family Law: An interactive course presented at the Family Law Institute, which explained how Magnetic Resonance Imaging of the brain reveal potential instantaneous assessments in family law of witness credibility, evidence, and complex decision-making and how it can be affected by unconscious processes.

Qualifying Judicial Ethics Training: Eight core ethics classes of the Fourth Qualifying Ethics cycle were held in Pasadena, Modesto, Torrance, Monterey (at the California Judges Association Retired Judges Conference, Monterey Park, and Sacramento.

Supervising Judges Institute: Thirty-nine participants focused on roles and responsibilities of supervising judges, ethical challenges and boundaries, handling difficult conversations, and the responsibility of court leaders in relationship to the Commission on Judicial Performance.

Judicial Officer, Court Employee, and Justice System Stakeholder Education

Active Listening: A 90-minute session was provided for 20 participants who attended the Legal Aid Association of California/AOC Family Law Conference. The session addressed the skill of active listening and challenges that make active listening difficult.

Building and Leading Effective Multigenerational Teams: A new program for court managers and supervisors addressed cultural influences and characteristics of the four generations in the workplace, benefits of leading multigenerational teams, and common workplace conflicts.

Court Contact Training for the Assigned Judges Program: Thirty-one superior court judicial assignment contacts from courts in the Bay Area/Northern Coastal region participated in the first-ever judicial assignments overview course. AOC staff served as faculty, providing the overview and moderating a group discussion of assignment scenarios. The program included a panel discussion with veteran assigned judges and administrators,

Family Law Education Programs: The AOC hosted four days of family and juvenile law-related educational programs in April. Approximately 550 judicial officers, court staff, and stakeholders attended this event. Special events and educational offerings included an AB 1058 Child Support Commissioners Roundtable; workshops on domestic violence and the use of

technology in these cases; family dispute resolution trainings for family dispute program directors, child custody mediators and evaluators, and juvenile dependency mediators; a family law summit; and a juvenile dependency mediator meeting and training.

Institute for Court Management: This course on the Purposes and Responsibilities of Courts was held at the Southern Regional Office with 35 managers and supervisors attending from both the courts and the AOC. Course content included instruction on purposes of courts, historical and societal roles of the courts, how the courts function today, and strategies to align court performance, court structure, court operations and court processes with court purposes.

Managing Court Financial Resources: Approximately 30 court managers and supervisors received instruction on financial reporting, budget practices, policies, how to justify budget proposals, and strategies for fiscal management during difficult fiscal situations.

Visioning and Strategic Planning: A part of the identified core competencies of court managers, this course explained how these tools and practices fit with the other core competencies and prepared participants to use these competencies effectively. The course provided an opportunity for participants to practice useful planning techniques.

Juvenile Delinquency Fundamentals: Two day-long regional sessions were held for courtroom, legal, and office counter clerks and for court managers and supervisors. Course topics included scope and purpose of juvenile delinquency court, staff roles, confidentiality requirements, purpose of proceedings, Title IV-E required findings, delinquency hearings, and post deposition reporting.

Leadership and Training Tools: A three-day regional session was held for 30 lead/senior clerks and assistant supervisors. Course topics included effective leadership, leading former peers, building successful work relationships, group dynamics, principles of adult learning, and responding to challenging workplace situations.

Training on the Indian Child Welfare Act, Tribal Customary Adoption, Inter-jurisdictional Issues for Law Enforcement, and Disproportionality: AOC staff engaged in Tribal Customary Adoption training in Mendocino County, training for law enforcement officers in Glenn County, and a presentation on Tribal Projects' work on disproportionality at the National Indian Child Welfare Act conference.

Broadcasts

Introduction to Prison Abstracts: This updated broadcast for court staff discussed the elements of prison abstracts, relevant Judicial Council forms, common errors that clerks make, and final prison packet contents.

Situational Leadership: For the first time, in preparation for this broadcast, participants were encouraged to take a short online course, which provided an overview of four basic leadership techniques and identified how they can be successfully applied in different situations or with different levels of development of their group members. It also identified essential skills in understanding the development level of group members, including experience and motivation. During the broadcast, the panel applied these situational leadership techniques through hypothetical situations court leaders might experience.

JUDICIAL VACANCY REPORTNumber of Judgeships Authorized, Filled, and Vacant as of **April 19, 2011**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	<i>Filled(Last Month)</i>	<i>Vacant(Last Month)</i>
Supreme Court	1	7	6	1	0	6	1
Courts of Appeal	6	105	103	2	0	103	2
Superior Courts	58	1662	1592	20	50*	1594	68
All Courts	65	1774	1701	73		1703	71

SUPREME COURT

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Supreme Court	1	Retirement	Hon. Carlos R. Moreno	02/28/11
TOTAL VACANCIES	1			

COURTS OF APPEAL

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Third Appellate District	1	Elevated	Hon. Tani G. Cantil-Sakauye	01/02/11
Sixth Appellate District	1	Retirement	Hon. Richard J. McAdams	02/28/11
TOTAL VACANCIES	2			

SUPERIOR COURTS

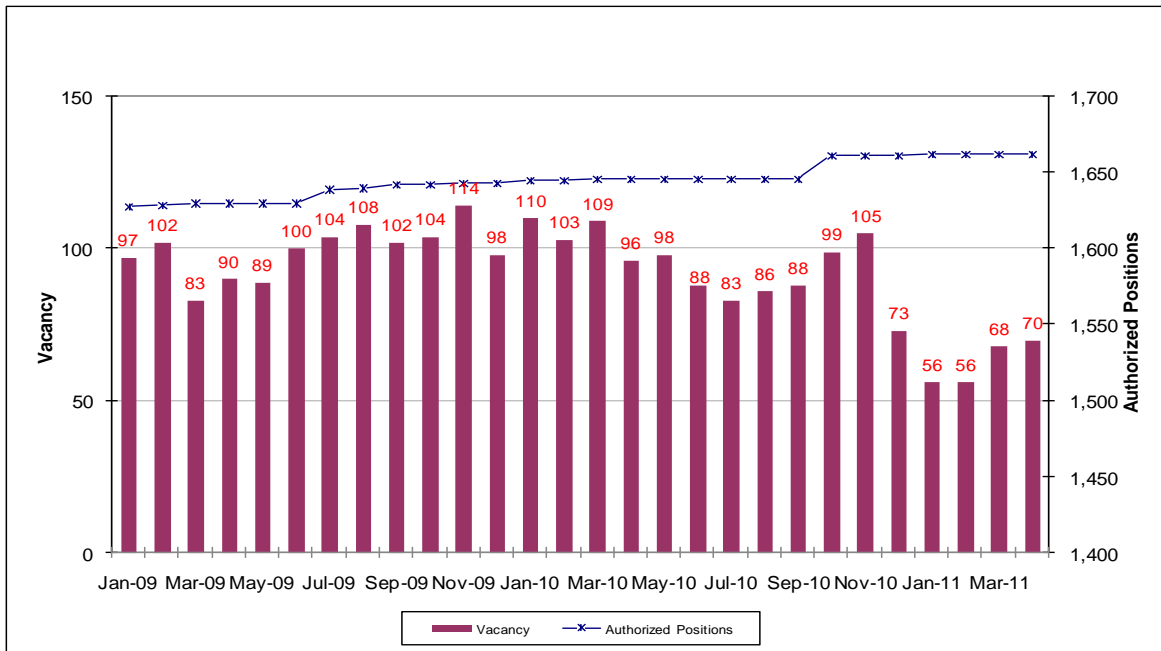
County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Imperial	2	Retirement	Hon. Joseph Zimmerman	11/10/10
Imperial		Deceased	Hon. Barrett J. Foerster	11/10/10
Los Angeles	4	Retirement	Hon. Marlene A. Kristovich	03/31/11
Los Angeles		Retirement	Hon. Jerry E. Johnson	03/02/11
Los Angeles		Retirement	Hon. Conrad Richard Aragon	02/17/11
Los Angeles		Retirement	Hon. Dennis A. Aichroth	02/17/11
Mendocino	2	Retirement	Hon. Jonathan M. Lehan	03/04/11
Mendocino		Dis Retirement	Hon. Ronald Brown	01/31/11
Riverside	3	Retirement	Hon. W. Charles Morgan	01/31/11
Riverside		Retirement	Hon. Paul E. Zellerbach	01/02/11
Riverside		Elevated	Hon. Carol D. Codrington	01/02/11
Sacramento	1	Retirement	Hon. James L. Long	03/10/11
San Francisco	1	Retirement	Hon. Mary Carolyn Morgan	03/03/11
San Mateo	1	Retirement	Hon. Rosemary Pfeiffer	03/31/11
Santa Clara**	3	Retirement	Hon. Alfonso Fernandez	04/12/11
Santa Clara		Retirement	Hon. Eugene Michael Hyman	03/01/11
Santa Clara		To Fed Court	Hon. Edward J. Davila	03/01/11
Solano	1	Retirement	Hon. Allan P. Carter	02/25/11
Stanislaus**	1	Retirement	Hon. John G. Whiteside	04/15/11
Tuolumne	1	Retirement	Hon. Douglas C. Boyack	12/31/10
SUBTOTAL:	20			
Butte	1	(AB 159)*	New Position	1/1/2008
Contra Costa	1	(AB 159)*	New Position	1/1/2008
Del Norte	1	(AB 159)*	New Position	1/1/2008
Fresno	4	(AB 159)*	New Positions	1/1/2008
Kern	3	(AB 159)*	New Positions	1/1/2008
Kings	1	(AB 159)*	New Position	1/1/2008

Los Angeles	1	(AB 159)*	New Position	1/1/2008
Madera	1	(AB 159)*	New Position	1/1/2008
Merced	2	(AB 159)*	New Positions	1/1/2008
Monterey	1	(AB 159)*	New Position	1/1/2008
Orange	1	(AB 159)*	New Position	1/1/2008
Placer	2	(AB 159)*	New Positions	1/1/2008
Riverside	7	(AB 159)*	New Positions	1/1/2008
Sacramento	6	(AB 159)*	New Positions	1/1/2008
San Bernardino	7	(AB 159)*	New Positions	1/1/2008
San Joaquin	3	(AB 159)*	New Positions	1/1/2008
Shasta	1	(AB 159)*	New Position	1/1/2008
Solano	1	(AB 159)*	New Position	1/1/2008
Sonoma	1	(AB 159)*	New Position	1/1/2008
TOTAL VACANCIES:				

* Authorized January 1, 2008, 50 new (AB 159) judgeships are added, however, funding for these positions has been deferred.

** New Vacancies in April 2011.

Trial Court Authorized Positions and Vacancies





Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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MEMORANDUM

Date	Action Requested
April 28, 2011	N/A
To	Deadline
Hon. Tani Cantil-Sakauye	N/A
Members of the Policy Coordination and Liaison Committee	Contact
William C. Vickrey	Donna S. Hershkowitz, 916-323-3121 donna.hershkowitz@jud.ca.gov
From	
Curtis L. Child, Director Office of Governmental Affairs	
Subject	
Status of 2011 Legislation considered by the Policy Coordination and Liaison Committee	

Following is the status report on 2011 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2011-2012 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description" summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The "Judicial Council position" column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at:
<http://www.leginfo.ca.gov/bilinfo.html>

JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2011 Legislation
and Status of Bills

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AB 1405 (Committee on Judiciary) – Courts: judgeships	A
SB 405 (Corbett) – Judgeships	A
SB 503 (Vargas) – Judges’ retirement	A
SB 647 (Committee on Judiciary) – Civil law: omnibus bill	B
SB 731 (Committee on Judiciary) – Civil actions	B

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JUDICIAL COUNCIL OF CALIFORNIA
Policy Coordination and Liaison Committee Action on 2011 Legislation
and Status of Bills

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 25, 2011
AB 73 (Tracy Kenny)	<p><u>AB 73 (Feuer) – Dependency proceedings: public access</u></p> <p>As amended April 14, 2011 Requires, subject to the provision of private funding, the Judicial Council to establish a four-year pilot project in three courts (Los Angeles, Ventura, and an unspecified court) making juvenile dependency proceedings presumptively open to the public. Requires the court at the commencement of the proceedings to inform the parties that the hearing is open, and to inquire as to whether there is any reason to close the proceedings. If the proceedings remain open, requires the court to admonish the parties to refrain from disclosing any information that would personally identify the child, his or her sibling, or parent. If there is a request to close the proceeding, requires the court to consider whether opening the proceedings is contrary to the child’s best interests. Requires the child’s attorney to advise the child of his or her right to request that the proceeding be closed, and if no attorney is present for the child, requires the court to make that advisement. Requires the Judicial Council to contract with an independent organization to evaluate the pilot and sets forth the issues to be addressed in the evaluation. Provides that the pilot shall begin within one year of securing private funding for the pilot project and evaluation.</p>	Support	Author	Assembly Human Services Committee
AB 109 (June Clark)	<p><u>AB 109 (Committee on Budget) – Criminal justice alignment</u></p> <p>As amended March 17, 2011 Among other things, shifts the jurisdiction over parole from the Executive Branch to the Judicial Branch.</p>	Took no position on AB 109, but directed staff to submit a letter to Governor and Legislature on behalf of the Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the judicial branch, and the critical need to provide adequate resources.	Committee on Budget	Signed into law (Stats. 2011, ch. 15)
AB 141 (June Clark)	<p><u>AB 141 (Fuentes) – Jurors: electronic communications</u></p> <p>As introduced Requires the court, when admonishing the jury against conversing about a trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Requires the officer in charge of a jury to prevent any form of electronic or wireless communication. Provides that violation of this admonishment constitutes criminal and civil contempt of court.</p>	Support	Author	In Senate

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 25, 2011
AB 212 (Tracy Kenny)	<u>AB 212 (Beall) – California Fostering Connections to Success</u> As amended March 29, 2011 Clarifies the intent and implementation of the California Fostering Connections to Success Act (AB 12 (Beall and Bass), Stats. 2010, ch. 559. Specifically, (1) clarifies the requirements for a youth to be eligible for extended care consistent with federal requirements; (2) clarifies the process by which a nonminor can petition the court for reinstatement of jurisdiction; (3) clarifies who may bring a petition to modify jurisdiction pursuant to Welfare and Institutions Code section 241.1; (4) conforms provisions relating to Kin-GAP guardianships in the delinquency statutes to reflect federal requirements; (5) restores a provision erroneously deleted from law that allows youth in Kin-GAP guardianships to receive support up to age 19 if they are in the process of completing high school or an equivalency certificate; and (6) standardizes the terminology used in statute regarding the “period of trial independence” that is authorized for youth who opt not to participate in extended foster care.	Support	Author	Assembly Judiciary Committee
AB 314 (Daniel Pone)	<u>AB 314 (Gorell) – Court facilities</u> As introduced Requires that contracts pertaining to the acquisition and construction of court facilities be subject to the provisions of the Public Contract Code.	Oppose	Author	Assembly Business Professions and Consumer Protection Committee 2 year bill
AB 362 (June Clark)	<u>AB 362 (Lowenthal) – Elections: office of superior court judge: write-in candidate</u> As amended March 14, 2011 Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest from 100 to at least 0.1 percent of the registered voters qualified to vote, with respect to the office, provided that the petition contain at least 100 signatures and need not contain more than 600 signatures. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record.	Support	California Judges Association	In Senate
AB 458 (Daniel Pone)	<u>AB 458 (Atkins) – Guardianship</u> As amended March 29, 2011 Prohibits a court from appointing a minor’s parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed, and specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation. Requires the court in which a guardianship proceeding is filed to communicate with each court where a custody or visitation proceeding is pending prior to making a determination on maintaining or transferring the guardianship proceeding. Requires the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement the inter-court communication provisions.	Sponsor	Judicial Council	In Senate

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 25, 2011
AB 520 (June Clark)	<u>AB 520 (Ammiano) – Sentencing</u> As introduced Provides that the court may not impose an upper term based on aggravating facts unless facts were first presented to the factfinder and the factfinder found the facts to be true.	Oppose	California Attorneys for Criminal Justice	Assembly Public Safety Committee
AB 618 (Tracy Kenny)	<u>AB 618 (Furutani) – Court interpreters</u> As amended March 31, 2011 Enacts the California Language Access Bill of Rights. Provides that a person charged with a crime who is unable to understand English is entitled to “exclusive, ongoing, and simultaneous translation services throughout any proceeding at which the person is physically present.” Authorizes a party charged with a crime to request a hearing if there is a factual basis to do so, to evaluate the competence of an interpreter, or if any person’s rights would be prejudiced by use of a non-certified interpreter. Prohibits any non-interpreter staff person of the court, sheriff, probation, or any other local government entity from providing interpreter services unless he or she is a certified interpreter.	Oppose	California Federation of Interpreters	Assembly Judiciary Committee
AB 738 (Tracy Kenny)	<u>AB 738 (Hagman) – Public employees’ retirement: elected officials</u> As introduced Provides that a person who is publicly elected to any office on or after January 1, 2012, shall not become a member of any retirement system by virtue of that service and shall not acquire any retirement rights or benefits for serving in that elective office unless required by the Constitution. Also prohibits an elected official elected on or after January 1, 2012, from becoming a member or obtaining any retirement rights or benefits from specified state and local retirement systems for serving in an elective office (does not include Judges’ Retirement Systems).	Oppose unless amended to expressly exclude judges from the class of elected officials affected by the bill.	Author	Assembly Public Employees, Retirement and Social Security Committee
AB 973 (Donna Hershkowitz)	<u>AB 973 (Campos) – Trial Courts: budget process: public meeting</u> As amended April 7, 2011 Requires each trial court, prior to adopting a baseline budget plan for the fiscal year, to provide the public notice of, and an opportunity for input on, the trial court’s proposed budget plan, as specified. Among other things, requires the court, prior to conducting a public hearing, to make the proposed baseline budget plan available to the public and to provide notice of the hearing date, time, and location, and the opportunity to submit written comments. Amends the law governing notice of courtroom closures, or closures or reductions in the hours of clerks’ offices during regular business hours on any day, by requiring a trial court to provide notification of such events by electronic distribution to individuals who have subscribed to the court’s electronic distribution service. Specifies that those required notifications must include information on how the public may provide written comments during the 60-day period on the court’s plan for closing a courtroom, or closing or reducing the hours of clerks’ offices. Requires the court to review and consider all public comments received and immediately post a revised notice if the court’s plan changes as a result of the comments received.	Support if amended to provide flexibility to the trial courts on how the opportunity for public comment is provided, rather than mandating a public hearing; neutral if not amended.	American Federation of State, County, and Municipal Employees	Assembly Appropriations Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 25, 2011
AB 1067 (Daniel Pone)	<u>AB 1067 (Huber) – Civil procedure: orders</u> As introduced Provides that the denial of a motion to reconsider an order pursuant to Code of Civil Procedure (CCP) section 1008 is not separately appealable. Specifies, however, that a determination made pursuant to CCP section 1008(a) may be reviewed on appeal from an appealable order that was the subject of a motion made pursuant to that provision.	Support if amended.	Conference of California Bar Associations	Assembly Judiciary Committee
AB 1208 (Curtis Child)	<u>AB 1208 (Calderon) – Trial Courts: administration</u> As introduced Provides that each trial court of this state is an independent constitutional and statutory court, with the independent right and duty to manage its administrative and financial affairs in accordance with its own policies, as provided by its trial court management, if the court is in reasonable compliance with accounting, audit, and budgetary standards established by law. Provides that each trial court shall be independently empowered with enumerated powers. Provides that, except as otherwise provided by law, all funds allocated for trial court operations, once appropriated, shall be fully allocated among the trial courts, and that no deductions shall take place without the consent of the affected courts. Requires the trial court management’s consent to impose, implement, or share any case or accounting information system, or to contribute any portion of the trial court’s budget to a statewide information system, or to undertake the construction of a court facility in that county.	Oppose, but support the process developed by the Chief Justice with the establishment of the Strategic Evaluation Committee to address branch governance issues.	Alliance of California Judges	Assembly Judiciary Committee
AB 1264 (June Clark)	<u>AB 1264 (Hagman) – Statewide Bail Commission: statewide bail schedule</u> As introduced Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor, and infraction offenses except Vehicle Code infractions.	Oppose	Author	Assembly Public Safety Committee
AB 1284 (June Clark)	<u>AB 1284 (Hagman) – Probation bonds</u> As introduced Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing.	Oppose	Author	Assembly Public Safety Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 25, 2011
AB 1403 (Daniel Pone)	<u>AB 1403 (Committee on Judiciary) – Civil actions</u> As introduced Section 1: Amends the statute governing voir dire in civil jury trials to require the trial judge to permit counsel to conduct a liberal and probing examination of prospective jurors that is calculated to discover bias or prejudice. Section 2: Amends the statute governing additur and remittitur to: (1) provide that if a deadline is not set forth in the conditional order, the deadline for acceptance or rejection of the addition or reduction of damages is 30 days from the date the conditional order granting a new trial is issued; (2) provide that failure to respond to the order shall be deemed a rejection of the addition or reduction of damages, and a new trial limited to the issue of damages shall be granted automatically; and (3) require a party serving an acceptance of a conditionally ordered addition or reduction of damages to prepare an amended judgment reflecting the modified judgment amount, as well as any other uncontested judgment awards.	Section 1: Defer action while the sponsor is considering whether or how to move forward with this issue. Section 2: Support if amended.	<i>Section 1:</i> Consumer Attorneys of California <i>Section 2:</i> California Chamber of Commerce	Assembly Judiciary Committee
AB 1405 (Donna Hershkowitz)	<u>AB 1405 (Committee on Judiciary) – Courts: judgeships</u> As introduced Authorizes the third set of 50 critically needed new trial court judgeships.	Sponsor	Judicial Council	Assembly Judiciary Committee
AB 1406 (Tracy Kenny)	<u>AB 1406 (Committee on Judiciary) – Dissolution of marriage: disclosure</u> As introduced Sets forth a time period of 60 days from the filing of a petition or a response in a marital dissolution matter for the petitioner or respondent to serve upon the other party the preliminary declaration of disclosure, and requires that disclosure to include the declarant’s tax returns for the two years prior to service.	Support	Author	Assembly Floor
SB 221 (Daniel Pone)	<u>SB 221 (Simitian) – Small claims court: jurisdiction</u> As introduced Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000.	Support	Author	Senate Judiciary Committee
SB 270 (Donna Hershkowitz)	<u>SB 270 (Hernandez) – State employees: compensation</u> As introduced Continuously appropriates from the General Fund, the amount necessary to fully compensate state employees should a budget not be enacted before July 1, of any given fiscal year. Does not extend its protections to employees of the judicial branch.	Oppose unless amended to include employees of the judicial branch in the protections provided by the bill.	Professional Engineers in California Government; California Association of Professional Scientists	Senate Appropriations Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 25, 2011
SB 326 (Tracy Kenny)	<u>SB 326 (Yee) – Court records: public access</u> As introduced Requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court. Defines court records broadly to include any document, paper, or exhibit filed or lodged by the parties to an action or proceeding.	Oppose, unworkable for courts	Courthouse News Service, First Amendment Coalition, and Californians Aware	Senate Judiciary Committee
SB 405 (Donna Hershkowitz)	<u>SB 405 (Corbett) – Judgeships</u> As introduced Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in the 2011–12 fiscal year where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.	Sponsor	Judicial Council	Senate Appropriations Committee— Suspense file.
SB 428 (June Clark)	<u>SB 428 (Strickland) – Public Safety Omnibus Bill</u> As introduced Among other things, authorizes courts to obtain thumbprints of felony defendants at the earliest possible time but no later than at the arraignment on the information or indictment or upon entry of a guilty or no contest plea under Penal Code section 859a. UPDATE: As proposed to be amended Narrows the requirements under Penal Code section 1203.01 for transmittal of plea and sentencing transcripts and other documents to the California Department of Corrections and Rehabilitation (CDCR). Would require the court, in life, life without parole, and death cases only, to transmit the charging documents, a copy of the waiver and plea forms, if any, the transcript of the proceedings at the time of the defendant’s guilty or no contest plea, if the defendant pleaded guilty or no contest, and the transcript of the proceedings at the time of sentencing, to CDCR. Only requires courts in all other cases, to provide copies of the charging documents and waiver forms, if any, and upon written request from CDCR on a particular case, transcripts of the plea proceedings, if the defendant pleaded guilty or no contest and transcripts of the sentencing proceedings.	Support Update: As proposed to be amended Support section of bill amending Penal Code section 1203.01.	Author	Senate Public Safety Committee
SB 503 (Tracy Kenny)	<u>SB 503 (Vargas) – Judges’ retirement</u> As introduced Amends the Judges’ Retirement System II (JRS II) statutes to allow JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years.	Co-Sponsor	California Judges Association and Judicial Council	Senate Appropriations Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of April 25, 2011
SB 565 (June Clark)	<u>SB 565 (DeSaulnier) – Vehicles: traffic violator schools: fees</u> As introduced Corrects a chaptering-out error caused by the enactment of a 2010 budget trailer bill that amended the Vehicle Code provision (contained in AB 2499 (Portantino) which the Judicial Council supported) describing the court’s responsibility for collecting certain fees when a person is ordered or permitted to attend traffic violator school.	Support	Author	In Assembly
SB 647 (Daniel Pone)	<u>SB 647 (Committee on Judiciary) – Civil law: omnibus bill</u> As amended March 24, 2011 Amends the law governing the process for obtaining a subpoena in connection with an out-of-state proceeding by requiring the first page of the pleading to state whether or not the person filing the document is a party to the out-of-state case. [Note: contains other proposals not sponsored by the Judicial Council, including making technical changes to provisions in the Small Claims Act by deleting erroneous cross-references.]	Sponsor	Author	Senate Judiciary Committee
SB 731 (Daniel Pone)	<u>SB 731 (Committee on Judiciary) – Civil actions</u> As amended March 29, 2011 Makes various changes to improve the handling of judicial arbitration awards, and streamlines the procedures governing vexatious litigants. In the judicial arbitration area: (1) provides that a party need not file a request for a trial de novo to stop entry of the arbitrator’s award as the judgment in the case but instead could file a request for dismissal; and (2) gives parties up to 60 days after the filing of the arbitrator’s award to file either of the requests. In the vexatious litigants area: (1) clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate to another justice or judge of the same court the authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action; (2) authorizes the presiding justice or presiding judge to order that notice be given of a vexatious litigants status if the clerk mistakenly files litigation without a pre-filing order; and (3) provides procedures for an application to vacate a pre-filing order and remove a litigant’s name from the Judicial Council’s list of vexatious litigants, along with guidance for the courts in deciding the application.	Sponsor	Judicial Council	In Assembly
SB 848 (Daniel Pone)	<u>SB 848 (Emmerson) – Court of appeal districts</u> As introduced Reorganizes the court of appeal districts into seven districts by removing the counties of Riverside, San Bernardino, and Inyo (currently Division Two) from the Fourth Appellate District and creating a new Seventh Appellate District consisting of those counties.	Oppose	Author	Senate Judiciary Committee
SB 858 (June Clark)	<u>SB 858 (Gaines) – Probation: chief probation officer of Nevada County</u> As amended March 25, 2011 Provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors.	Oppose	Author	Senate Public Safety Committee

Appendix
Status of 2011 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of April 25, 2011
AB 458 (Daniel Pone)	<p><u>AB 458 (Atkins) – Guardianship</u></p> <p>As amended March 29, 2011 Prohibits a court from appointing a minor’s parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed, and specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation. Requires the court in which a guardianship proceeding is filed to communicate with each court where a custody or visitation proceeding is pending prior to making a determination on maintaining or transferring the guardianship proceeding. Requires the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement the inter-court communication provisions.</p>	Judicial Council	In Senate
AB 1405 (Donna Hershkowitz)	<p><u>AB 1405 (Committee on Judiciary) – Courts: judgeships</u></p> <p>As introduced Authorizes the third set of 50 critically needed new trial court judgeships.</p>	Judicial Council	Assembly Judiciary Committee
SB 405 (Donna Hershkowitz)	<p><u>SB 405 (Corbett) – Judgeships</u></p> <p>As introduced Ratifies the authority of the Judicial Council to convert 10 additional subordinate judicial officer positions to judgeships in the 2011–12 fiscal year where the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.</p>	Judicial Council	Senate Appropriations Committee—Suspense file.
SB 503 (Tracy Kenny)	<p><u>SB 503 (Vargas) – Judges’ retirement</u></p> <p>As introduced Amends the Judges’ Retirement System II (JRS II) statutes to allow JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years.</p>	California Judges Association Judicial Council	Senate Appropriations Committee

Appendix
Status of 2011 Judicial Council-sponsored Legislation

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Sponsor	Status as of April 25, 2011
SB 647 (Daniel Pone)	<p><u>SB 647 (Committee on Judiciary) – Civil law: omnibus bill</u></p> <p>As amended March 24, 2011 Amends the law governing the process for obtaining a subpoena in connection with an out-of-state proceeding by requiring the first page of the pleading to state whether or not the person filing the document is a party to the out-of-state case. [Note: contains other proposals not sponsored by the Judicial Council, including making technical changes to provisions in the Small Claims Act by deleting erroneous cross-references.]</p>	Judicial Council	Senate Judiciary Committee
SB 731 (Daniel Pone)	<p><u>SB 731 (Committee on Judiciary) – Civil actions</u></p> <p>As amended March 29, 2011 Makes various changes to improve the handling of judicial arbitration awards, and streamlines the procedures governing vexatious litigants. In the judicial arbitration area: (1) provides that a party need not file a request for a trial de novo to stop entry of the arbitrator’s award as the judgment in the case but instead could file a request for dismissal; and (2) gives parties up to 60 days after the filing of the arbitrator’s award to file either of the requests. In the vexatious litigants area: (1) clarifies that the vexatious litigant statute applies to matters in the Courts of Appeal, as well as the trial courts, and that a presiding justice or judge may delegate to another justice or judge of the same court the authority to make the pre-filing determination that an individual is a vexatious litigant or is permitted to file an action; (2) authorizes the presiding justice or presiding judge to order that notice be given of a vexatious litigants status if the clerk mistakenly files litigation without a pre-filing order; and (3) provides procedures for an application to vacate a pre-filing order and remove a litigant’s name from the Judicial Council’s list of vexatious litigants, along with guidance for the courts in deciding the application.</p>	Judicial Council	In Assembly