JUDICIAL COUNCIL MEETING Administrative Office of the Courts San Francisco, California February 27, 2004 8:00 a.m.–2:20 p.m.

AGENDA

8:00–8:15 a.m.	Public Comment Related to Trial Court Budget Issues* [Subject to requests] *If no public comment, agenda items may be advanced.
8:15–8:20 a.m.	Approval of Minutes of December 5, 2003 [Minutes Tab]
8:20–8:40 a.m.	Judicial Council Committee Presentations Executive and Planning Committee Hon. Richard D. Huffman, Chair Policy Coordination and Liaison Committee Hon. Marvin R. Baxter, Chair Rules and Projects Committee Hon. Norman L. Epstein, Chair [Council Committee Reports Tab]

Consent Agenda (Tabs 1-3)

(If you wish to request that any item be moved from the Consent Agenda to the Discussion Agenda, please notify Sonya Smith at 415-865-7653 at least 48 hours before the meeting.)

Item 1	Annual Report of Trial Court Expenditures for Fiscal Year 2002–2003 (Action Required)		
	Staff: Mr. Stephen Nash, Finance Division		
	AOC staff recommends that the council approve the annual report to the Legislature on prior year trial court expenditures, as reported in the Quarterly Financial Statements for fiscal year 2002–2003.		
Item 2	Internal Audit Services Charter Approval (Action Required)		
	Staff: Mr. John A. Judnick, Finance Division		

AOC staff recommends that the council approve the Internal Audit Services Charter. Internal audit organizations are required to be an independent appraisal activity within organizations. That independence is acknowledged and approved through the Internal Audit Services Charter.

Item 3 Child Support Commissioner and Family Law Facilitator Midyear Funding Reallocation for Fiscal Year 2003–2004 (Action Required)

The Judicial Council is required to allocate non-trial court funding annually to local courts for the child support commissioner and family law facilitator program. Under an established procedure contained in the standard agreement with each superior court, the Judicial Council redistributes at midyear any unallocated funds and funds from courts that are projected not to spend their full grants to other courts that have a documented need for additional funds. The funds for this program are provided by a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council. Two-thirds of these funds are federal funds and the remaining one-third state General Funds (non-trial court funding).

Discussion Agenda (Tabs 4–9)

Item 4Facilities Planning: Trial Court Five-Year Capital Outlay Plan8:40–10:10 a.m.(Action Required)

The council will review staff recommendations and discuss project prioritization for proposed capital projects for the trial courts. The council will be asked to approve a ranked list of projects to be submitted to the Department of Finance, to approve application of FY 2004–2005 funds to ten demonstration projects, to approve submittal of a budget request for FY 2005–2006, and to direct staff to develop a broad range of financing alternatives for discussion at a future council meeting.

Presentation (60 minutes)

Speakers: Ms. Kim Davis Office of Court Construction and Management Mr. Robert Emerson Office of Court Construction and Management

Staff: Mr. Michael Wright Center for Families, Children & the Courts

Discussion/Council Action (30 minutes)

Item 5Early Mediation Pilot Programs: Evaluation Report and
Recommendations (Action Required)

As part of the legislation establishing the Early Mediation Pilot Programs, Code of Civil Procedure section 1742 requires the Judicial Council to submit a report to the Legislature and Governor on these pilot programs. The council is asked to approve the report that was prepared to fulfill that statutory mandate, for submission to the Legislature and Governor. Based on the benefits of the pilot programs outlined in the report, the council is also asked to support the continuation of early mediation programs as part of the core operations in the existing pilot courts, support the expansion of such programs to other courts based on those courts' needs, and direct the Civil and Small Claims Advisory Committee and staff to take actions to encourage and support the expansion of such programs.

 Presentation (10 minutes)
Speakers: Mr. Michael Bergeisen, Office of the General Counsel Ms. Heather Anderson, Office of the General Counsel Mr. Ron Pi, Executive Office Programs
Discussion/Council Action (10 minutes)

10:30–10:45 a.m. **BREAK**

Item 6Report of the Task Force on Self-Represented Litigants and10:45–11:05 a.m.Statewide Action Plan (Action Required)

The Task Force on Self-Represented Litigants recommends that the council approve the Statewide Action Plan for Self-Represented Litigants. The task force was created by the Judicial Council to make recommendations to the council on how to respond to the growing number of unrepresented litigants, who are having a great impact on the court system. The task force was charged with reviewing current activities and developing a Statewide Action Plan with recommendations for the future to assist the council in efficiently and effectively implementing its goals of increasing access to the courts and improving the quality of justice and service to the public.

Presentation (10 minutes)Speaker:Hon. Kathleen E. O'Leary
Court of Appeal, Fourth Appellate District

	Discussion/Council Action (10 minutes)		
Item 7 11:05–11:25 a.m.	Juvenile Law: Responsibilities of Children's Counsel in Delinquency Proceedings (adopt Cal. Rules of Court, rule 1479 (Action Required)	9)	
	The Family and Juvenile Law Advisory Committee recommends adoption of a rule that would clarify the extent of a child's counsel's responsibilities in delinquency proceedings. By consolidating relevant statutory provisions, the rule helps to ensure protection of the child's interest at every stage of the proceedings.		
	Presentation (10 minutes)		
	Speakers: Hon Susan D. Huguenor		
	Superior Court of San Diego County		
	Co-chair, Family and Juvenile Law Advisory		
	Committee		
	Ms. Diane Nunn		
	Center for Families, Children & the Courts		
	Ms. Audrey Evje		
	Center for Families, Children & the Courts		
	Ms. Melissa Ardaiz		
	Center for Families, Children & the Courts		
	Discussion/Council Action (10 minutes)		
Item 8 11:25 a.m.–12:15	Budget Status Report on Fiscal Years 2003–2004, 2004–2005, and 2005–2006 (Action Required)		

p.m.

AOC staff will provide information on budget issues affecting the judicial branch and recommend that the Judicial Council approve budget change proposal priorities for fiscal year 2005–2006. Among the multiyear funding issues discussed will be shortfalls in fee revenues and the State Court Facilities Construction Fund loan, the Judges' Retirement System I deficiency, the Trial Court Trust Fund, and reductions in funding for court security and consolidated administrative services. Budget change proposals and unallocated reductions for fiscal year 2004–2005 will also be discussed, as well as spring Finance letters.

Presentation (30 minutes)Speakers:Ms. Christine M. Hansen, Finance Division
Mr. Stephen Nash, Finance DivisionDiscussion/Council Action (20 minutes)

12:15–12:45 p.m. **LUNCH BREAK**

Item 9Allocation of \$11 Million Trial Court Security and \$2.5 Million12:45–1:05 p.m.Consolidated Administration Reductions for Fiscal Year 2003–
2004 (Action Required)

AOC staff will present recommendations on methodology for allocating the trial court security reduction and the consolidated administration reduction.

Presentation (10 minutes)Speakers:Ms. Christine M. Hansen, Finance DivisionMr. Stephen Nash, Finance DivisionDiscussion/Council Action (10 minutes)

Item 10Statement of Investment Policy for the Trial Courts and1:05–1:20 p.m.Resolutions Regarding Investment Activities for the Trial
Courts (Action Required)

Many courts have established trial court operating funds separate from the county treasury, consistent with Government Code section 77009. Often funds in these accounts will remain idle for periods ranging from a few days to several months. Prudent financial management standards mandate that these idle funds should be invested in accounts that combine liquidity with safety of funds while maximizing return.

In order to accomplish the investment of trial court funds within statutory requirements, AOC staff recommends that the Judicial Council approve the following:

- 1. Statement of investment policy for the trial courts;
- 2. Resolution authorizing development of an investment program for the trial courts;
- 3. Resolution authorizing investments for the trial courts; and
- 4. Resolution regarding investment reporting requirements for the trial courts.

Presentation (10 minutes)

Speakers: Ms. Christine M. Hansen, Finance Division Mr. John A. Judnick, Finance Division Discussion/Council Action (5 minutes)

Item 11Access to Electronic Court Records: Interim Rule to Allow Trial1:20-2:20 p.m.Courts to Provide Internet Access to Electronic Court Records
in Selected Criminal Cases (adopt Cal. Rules of Court, rule
2073.5) (Action Required)

AOC staff recommends the adoption of interim rule 2073.5, which would allow courts to post criminal case records on the Internet in a high-publicity case under specified circumstances. Rule 2073 currently allows courts to provide remote (i.e., Internet) access to all electronic court records in civil cases, but not in criminal cases, because of privacy concerns. However, in high-publicity criminal cases, the use of the Internet may be appropriate, as it will significantly ease burdens on court staff and most information in the court file is already widely disseminated through the media. The rule would become effective immediately upon approval by the Judicial Council and would be in affect only until the end of the year, at which time the council could consider whether to adopt a permanent rule.

Presentation (15 minutes)

Speakers: Ms. Melissa Johnson, Office of the General Counsel Mr. Joshua Weinstein, Office of the General Counsel Discussion/Council Action (45 minutes)

Circulating Orders Approved Since Last Business Meeting [Circulating Orders Tab]

Judicial Council Appointment Orders Since Last Business Meeting

[Appointment Orders Tab]