## JUDICIAL COUNCIL MEETING February 20, 1997

Radisson Hotel Sacramento, California 8:30 a.m. - 12:30 p.m.

#### AGENDA

Item A 8:30 - 8:40 a.m. **Approval of Minutes of January 29, 1997 Meeting** [Tab A]

Item B 8:40 - 9:00 a.m. Judicial Council Committee Presentations
Executive and Planning Committee
Hon. Arthur Scotland, Chair
Policy Coordination and Liaison Committee
Hon. Marvin Baxter, Chair
Rules and Projects Committee
Hon. Paul Boland, Chair
[Tab B]

## Consent Agenda: Action Required (Tab Nos. 1-2)

(If you wish to request that any item be moved from the Consent Agenda to the Discussion Agenda, please notify Jessica Fiske at (415) 396-9177, at least 24 hours before the meeting.)

Item 1

Judicial Council Pilot Project: Nonrelative Extended Family Member Foster Care Placements [Tab 1]

Staff: Ms. Diane Nunn

The Juvenile Law Subcommittee of the Family and Juvenile Law Advisory Committee recommends approval of four counties to establish pilot projects allowing foster care placements in nonlicensed, nonrelative extended family member homes as required by SB 1262.

#### Item 2

# Report on the Efficiency and Effectiveness of the Court Appointed Counsel Program

[Tab 2]

Staff: Ms. Mary Carlos

The Administrative Presiding Justices Advisory Committee recommends approval of the report and authorization to have the Administrative Director of the Courts transmit the report to the Legislature.

## Discussion Agenda (Tab Nos. 3-6)

Item 3

**Status Report on Funding the Trial Courts (No Action Required)** 

[Tab 3]

9:00 - 9:25 a.m.

Update on reallocation of funding to courts and pending legislation, including the status of SB 21 which includes \$290.5 million for trial courts.

Presentation (9:00-9:15 a.m.)
Staff: Mr. Marty Moshier

Discussion/Council Action (9:15-9:25 a.m.)

#### Item 4

Approval of Trial Court Budget Commission Recommendations Regarding Gov. Code § 68073 Actions by the Trial Courts in Orange and Lassen County (Action Required)

[Tab 4]

9:25 - 11:35 a.m.

(a) Overview of Gov. Code § 68073 and discussion of its legal, procedural, and budgetary provisions and implications.

## Presentation/Council Discussion (9:25-9:55 a.m.)

Staff: Mr. Michael Bergeisen

Mr. Marty Moshier Ms. Kiri Torre

(b) The Trial Court Budget Commission recommends adoption of the definition of "need for additional funding."

## Presentation (9:55-10:05 a.m.)

Speaker: Hon. Steve Jahr Staff: Mr. Jerry Yalon

#### Discussion/Council Action (10:05-10:15 a.m.)

(c) The Trial Court Budget Commission recommends approval and adoption of the finding that Lassen County Courts have established a need for additional funding.

#### Presentation (10:15-10:20 a.m.)

Speaker: Hon. Steve Jahr Staff: Mr. Jerry Yalon

Discussion/Council Action (10:20-10:25 a.m.)

#### 10:25 - 10:40 a.m.

#### Break

#### Item 4, continued

(d) The Trial Court Budget Commission recommends approval and adoption of the finding that, with exceptions, the Orange County Courts' deficiency request for \$18.9 million is justified based upon documentation submitted.

## Presentation (10:40-10:50 a.m.)

Speaker: Hon. Steve Jahr Staff: Mr. Jerry Yalon

## Special Presentation (10:50-11:00 a.m.)

County Counsel, Orange County

Speaker: Mr. Thomas Agin, Assistant

#### Special Presentation (11:00-11:10 a.m.)

**Orange County Superior Court** 

Speakers: Hon. Theodore Millard

Hon. Kathleen O'Leary

Mr. Alan Slater

Discussion/Council Action (11:10-11:20 a.m.)

(e) The Trial Court Budget Commission recommends a determination that a claim of deficiency regarding trial court facilities is outside the scope of TCBC authority and approval and adoption of the finding that no state funds are available for allocation or reallocation at this time.

Presentation (11:20 - 11:25 a.m.)

Speaker: Hon. Steve Jahr Staff: Mr. Jerry Yalon

Discussion/Council Action (11:25-11:35 a.m.)

Item 5

Proposed Amendments to Rules on Certification of the Record in Death Penalty Appeals (Cal. Rules of Court, rule 39.5; new rules 39.50-39.57) (Action Required)

[Tab 5]

11:35 - 11:50 a.m.

Presentation (11:35-11:40 a.m.)

Speaker: Hon. Christopher Cottle Staff: Ms. Melissa Johnson

#### Discussion/Council Action (11:40-11:50 a.m.)

The Criminal Law Advisory Committee recommends amendment of existing rules and adoption of new rules to implement AB 195, legislation that establishes new procedures to expedite certification of the record in capital appeals.

Item 6

Proposed Legislation for Early Mediation of Civil Actions and Proceedings (Action Required)

[Tab 6]

11:50 - 12:05 p.m.

Presentation (11:50-12:00 p.m.)

Speaker: Hon. Norm Epstein Staff: Mr. John Toker

Discussion/Council Action (12:00-12:05 p.m.)

The Civil and Small Claims Advisory Committee recommends sponsoring legislation to authorize an early status conference to consider early referral to mediation for actions and proceedings in which the amount in controversy exceeds \$50,000.

12: 05 - 12:30 p.m.

EXECUTIVE SESSION--DISCUSSION OF LEGISLATIVE NEGOTIATIONS

Information Agenda (Tabs C-D)

Item C

**Circulating Orders Approved Since Last Business** 

**Meeting** 

[Tab C]

Item D

**Judicial Council Appointment Orders Since Last** 

**Business Meeting** 

[Tab D]