



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Thursday, October 8, 2015
12:10 to 1:10 p.m.
Teleconference

Advisory Body Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, and David M. Rubin; Mr. Frank McGuire and Ms. Donna D. Melby

Advisory Body Members Absent: Judges Gary Nadler and Charles D. Wachob; Mr. Richard D. Feldstein

Invited Guests Present: Judge Lorna A. Alksne, Superior Court of San Diego County; Court Executive Officer Michael M. Roddy, Superior Court of San Diego County

Committee Staff Present: Ms. Jody Patel and Ms. Nancy Carlisle

Staff Present: Mr. Cliff Alumno, Ms. Heather Anderson, Ms. Eunice Calvert-Banks, Ms. Tina Carroll, Mr. Arturo Castro, Ms. Roma Cheadle, Ms. Kerry Doyle, Ms. Deana Farole, Ms. Lucy Fogarty, Ms. Nicole Giacinti, Ms. Ann Gilmour, Ms. Eve Hershkopf, Ms. Bonnie Hough, Ms. Tracy Kenny, Ms. Olivia Lawrence, Ms. Tara Lundstrom, Mr. Chris Magnusson, Mr. Charley Martel, Ms. Susan McMullan, Mr. Douglas C. Miller, Ms. Debora Morrison, Mr. Patrick O'Donnell, Ms. Claudia Ortega, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Katherine Sher, Mr. David Smith, Mr. Corby Sturges, Mr. Zlatko Theodorovic, Mr. Courtney Tucker, Ms. Julia Weber, Mr. Don Will, and Ms. Kyanna Williams

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m. and committee staff took roll call.

Approval of Minutes

The committee approved the minutes of the August 13, 2015, meeting of the Executive and Planning Committee.

DISCUSSION AND ACTION ITEMS

Item 1

Amendment to the 2015 Annual Agenda of the Workload Assessment Advisory Committee (WAAC)

The committee reviewed proposed amendments to the 2015 WAAC annual agenda that reflect the need to revise the timeline for the update of the Resource Assessment Study (RAS).

Action: *The committee approved the amendments to the 2015 WAAC annual agenda.*

Item 2

Conversion of Two Subordinate Judicial Officer (SJO) Positions in the Superior Court of San Diego County

The committee reviewed the court's request to confirm the conversion of two vacant SJO positions in the Superior Court of San Diego County to judgeships.

Action: *With one abstention, the committee confirmed the conversion of two vacant SJO positions in the Superior Court of San Diego County to judgeships effective October 8, 2015, and acknowledged that the court may temporarily fill these converted positions until judges are named and sworn to fill them.*

Item 3

Invitation to Comment: Revision of the Conflict of Interest Code for the Judicial Council

The committee reviewed a proposal to be circulated for comment that would adopt amendments to the Judicial Council Conflict of Interest Code aligning it with the Judicial Council's new classification and compensation structure. In accordance with Government Code sections 87303 and 87306, the code must be updated "when change is necessitated by changed circumstances, including the creation of new positions" and the council must review and approve proposed amendments to the code or direct that it be further revised and resubmitted for approval.

Action: *The committee approved the proposal for circulation to comment.*

Item 4

Trial Courts Security Grants Program (No Action Required)

At the April 17, 2015, meeting, the Judicial Council approved eliminating, reducing, and deferring expenditures for specified projects funded from the State Trial Court Improvement and Modernization Fund (IMF) and directed staff to explore other funding sources to support programs funded from the IMF. During its June 15, 2015, meeting, E&P reviewed this report identifying other funding sources and directed the Legal Services office to review and comment on the report. Finance staff reported to the committee that Legal Services concurred with the analysis and conclusion.

Action: *Information Only. No committee action required.*

Item 5

Agenda Setting for the October 27, 2015, Judicial Council Meeting

The committee reviewed available draft reports and set the agenda for the Judicial Council meeting in October.

Action: *The committee approved the following items for placement on the October Judicial Council business meeting agenda:*

- ***Appellate Procedure: Access to Electronic Appellate Court Records (Action Required)***
- ***Appellate Procedure: Appendixes (Action Required)***
- ***Appellate Procedure: Costs on Appeal (Action Required)***
- ***Appellate Procedure: Prehearing Conferences (Action Required)***
- ***Appellate Procedure: Record on Appeal in Civil Cases (Action Required)***
- ***Electronic Service: Authorization of Electronic Service on Trial and Appellate Courts (Action Required)***
- ***Civil Cases: Continued Suspension of Case Management Rules (Action Required)***
- ***Civil Practice and Procedure: Summary Judgment Proceedings (Action Required)***
- ***Judicial Council Forms: Gun Violence Restraining Orders (Action Required)***
- ***Judicial Council Forms: Proof of Service (Action Required)***
- ***Small Claims: Extraordinary Writs under Code of Civil Procedure section 116.798 (Action Required)***
- ***Telephone Appearances: Time for Notice and Notice Form (Action Required)***
- ***Criminal and Traffic Procedure: Appearance in Court for Infractions Without Deposit of Bail (Action Required)***
- ***Criminal Procedure: Petition and Order for Dismissal; Human Trafficking Victims (Action Required)***
- ***Criminal Procedure: Petition and Order for Dismissal (Military Personnel) (Action Required)***
- ***Domestic Violence: Preparing for Restraining Order Court Hearing (Action Required)***
- ***Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms (Action Required)***
- ***Family and Juvenile Law: Juvenile Court Final Child Custody Orders (Action Required)***
- ***Family and Juvenile Law: Transfers to Tribal Court Under the Indian Child Welfare Act (Action Required)***
- ***Family, Juvenile, and Probate Guardianship Law: Special Immigrant Juvenile Findings (Action Required)***
- ***Family Law: New Form and Revised Forms for Stepparent and Additional-Parent Adoptions (Action Required)***
- ***Juvenile Delinquency: Documenting Wobbler Determination (Action Required)***
- ***Juvenile Law: Detention (Action Required)***
- ***Juvenile Law: Extended Foster Care (Action Required)***
- ***Juvenile Law: Proceedings Before a Referee (Action Required)***

- **Juvenile Law: Sibling Visitation (Action Required)**
- **Juvenile Law: Substance Abuse Treatment Facilities and Placement (Action Required)**
- **Forms: Miscellaneous Technical Changes (Action Required)**
- **Judicial Branch Administration: Changes to Rules, Standards, and Forms to Replace the Names “Administrative Office of the Courts” and “AOC” (Action Required)**
- **Judicial Branch Administration: Public Access to Administrative Decisions of Trial Courts (Amend Rule 10.620) (Action Required)**
- **Technology: Modernization of the Rules of Court to Facilitate E-Business, E-Filing, and E-Service (Action Required)**
- **Probate Conservatorship: Judicial Council Forms to Implement the California Conservatorship Jurisdiction Act (Action Required)**
- **Court Facilities: Naming Request for the Existing, Unnamed Courthouse in Roseville (Action Required)**
- **Court Facilities: Prospective Lease Pending Future Disposition of Corning Courthouse (Action Required)**
- **Equal Access Fund: Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)**
- **Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in Fiscal Year 2014–2015 (Action Required)**
- **Judicial Council Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant (Action Required)**
- **Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)**
- **Judicial Council Report to the Legislature: Status of the Phoenix Program, 2014 (Action Required)**
- **Juvenile Dependency: Proposed Allocation for Fiscal Year 2015–2016 for Court Appointed Special Advocate Local Assistance (Action Required)**
- **Juvenile Dependency: Proposed Allocation for Fiscal Year 2015–2016 for Juvenile Dependency Counsel Collections Program (Action Required)**
- **Court Adoption and Permanency Month: Judicial Council Resolution (Action Required)**
- **Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring (Information Only)**
- **Court Security: Report on Screening Equipment Replacement for Fiscal Year 2014–2015 (Information Only)**

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:40 p.m.

Approved by the advisory body on [insert date].

DRAFT



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF ACTION BY E-MAIL BETWEEN MEETINGS

Friday, October 16, 2015

Action by E-Mail Between Meetings

Advisory Body Members Who Participated: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, Gary Nadler, David M. Rubin, and Charles D. Wachob; Mr. Richard D. Feldstein, Mr. Frank McGuire, and Ms. Donna D. Melby

Advisory Body Members Who Did Not Participate: None

Committee Staff: Ms. Jody Patel and Ms. Nancy Carlisle

DISCUSSION AND ACTION ITEM

Continue Agenda Setting for October 27 Judicial Council Meeting (Action Required)

The committee reviewed and considered the following draft reports for placement on the business meeting agenda of the October 27 Judicial Council meeting:

1. Item H – Judicial Council Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice (Action Required) (Consent Agenda);
2. Item M – Trial Court Trust Fund Allocations: 2 Percent State-Level Reserve (Action Required) (Discussion Agenda);
3. Item N – Realignment of State Trial Court Improvement and Modernization Fund Expenditures (Action Required) (Discussion Agenda); and
4. INFO 2 – Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 34) (Information Only).

Action: *The committee approved the reports above for the October 27 Judicial Council business meeting. The committee chair concluded that prompt action by e-mail was necessary in order for them to be included on the October 27 business meeting agenda.*

CLOSURE OF ACTION

The action by e-mail concluded on Monday, October 19, 2015.

Approved by the advisory body on [insert date].



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

Monday, October 26, 2015
1:45 to 2:00 p.m.

Advisory Body Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, and David M. Rubin; Mr. Frank McGuire

Advisory Body Members Absent: Judges Gary Nadler and Charles D. Wachob; Mr. Richard D. Feldstein and Ms. Donna D. Melby

Advisory Body Staff Present: Ms. Nancy Carlisle

CLOSED SESSION

Item 1

Advisory Body Appointments

Closed Pursuant to California Rules of Court, rule 10.75(d)(1)

Review materials for appointments to the Tribal Court-State Court Forum.

Action: The committee concluded its action on October 27 by developing its recommendations to be sent to the Chief Justice regarding appointments to the Tribal Court-State Court Forum.

ADJOURNMENT

There being no further business, the committee concluded its business on October 27.

Approved by the advisory body on [insert date].



JUDICIAL COUNCIL OF CALIFORNIA

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Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

October 5, 2015

To

Members of the Executive and Planning
Committee

From

Judicial Council staff
Leah Rose-Goodwin, Manager
David Smith, Senior Research Analyst
Office of Court Research, Court Operations
Services

Action Requested

Approve Staff Recommendation to Confirm
the Conversion of One Vacant Subordinate
Judicial Officer Position

Deadline

October 30, 2015

Contact

David Smith
415-865-7696 phone
david.smith@jud.ca.gov

Subject

Conversion of One Vacant Subordinate
Judicial Officer Position in the Superior Court
of Santa Cruz County

Executive Summary

Court Operation Services staff recommend that the Judicial Council's Executive and Planning Committee (E&P) confirm the conversion of one vacant subordinate judicial officer (SJO) position in the Superior Court of Santa Cruz County. The court has notified council staff of this vacancy and requested that the position be converted to a judgeship. Confirming this request for conversion is consistent with established council policies of improving access to justice by providing constitutionally empowered judges who are accountable to the electorate in matters that are appropriately handled by judges.

Recommendation

Court Operations Services staff recommend that E&P confirm the conversion of one vacant SJO position in the Superior Court of Santa Cruz County. The Superior Court of Santa Cruz has

notified the Judicial Council that the commissioner vacated this position to accept an appointment as a judge in the court on August 7, 2015. On that basis the conversion of the SJO position to a judgeship will take effect on the date on which E&P approves the court's request.

Council staff also recommend that E&P acknowledge that the Superior Court of Santa Cruz County may treat this converted position, when it becomes vacant, as a position that the court may temporarily fill until a judge is named and sworn to fill it.

Previous Council Action

The 2002 report of the Subordinate Judicial Officer Working Group led the Judicial Council to sponsor legislation to restore an appropriate balance between judges and SJOs in the trial courts. The 2002 report found that many courts had created SJO positions out of necessity in response to the dearth in the creation of new judgeships during the 1980s and 1990s. As a result, many SJOs were working as temporary judges. This imbalance between judges and SJOs was especially critical in the area of family and juvenile law.¹

In 2007, the Judicial Council approved a methodology for evaluating the amount of workload appropriate to SJOs relative to the number of SJOs working in the courts. In the same year, the Legislature passed Assembly Bill 159, which adopted the Judicial Council's methodology. This resulted in a list of 25 courts in which a total of 162 SJO positions would be converted.

Government Code section 69615(c)(1)(A) allows for the annual conversion of up to 16 SJO vacancies upon authorization by the Legislature in courts identified by the Judicial Council as having SJOs in excess of the workload appropriate to SJOs.²

Subsequent council action established and refined guidelines for expediting the conversion of SJO vacancies. These guidelines included:

- The adoption of four trial court allocation groups and a schedule that distributes the 16 annual SJO conversions across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible;
- The delegation of authority to E&P for confirming SJO conversions;
- The establishment of guidelines for courts to notify the council of SJO vacancies and timelines for the redistribution of SJO conversions across the allocation groups; and

¹ See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), www.courts.ca.gov/7476.htm.

² See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 23, 2007), available at www.courts.ca.gov/documents/022307item9.pdf, and the update of this report and SJO allocation list (Table2), at www.courts.ca.gov/documents/jc-20150821-itemL.pdf (Aug. 24, 2015).

- The establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.³

Rationale for Recommendation

The Superior Court of Santa Cruz County is eligible for a total of 2 of the 162 conversions authorized by the Legislature and has previously converted 1 position, with the last conversion occurring in fiscal year (FY) 2011–2012. Conversion of the present position represents the final conversion for which the court is eligible. Santa Cruz belongs to allocation group 4, which is allotted four conversions each year. To date, the Santa Cruz court would be the first court in this allocation group to have converted an SJO position in FY 2015–2016. The approval of the court’s request to convert one vacant SJO position will result in three remaining positions available for conversion in this allocation group in the current fiscal year.

Comments, Alternatives Considered, and Policy Implications

This proposal, which complies with council policy on SJO conversions, was not circulated for comment. Confirming these conversions would be consistent with well-established council policy on SJO conversions.

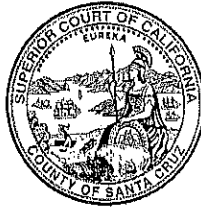
Implementation Requirements, Costs, and Operational Impacts

To date, implementation costs for the trial courts have been minimal. Upon appointment of a new judge to sit in a converted position, funding equal to the estimated judge’s compensation—which includes salary and benefits but not retirement—is removed from the trial court’s allocation, where it previously funded the SJO position. This funding is then transferred to the statewide fund for judicial salaries and benefits, Program 45.25.

Attachment

1. Attachment A: September 17, 2015, Letter from Presiding Judge Paul M. Marigonda, Superior Court of Santa Cruz County, to Justice Douglas Miller, Chair, Executive and Planning Committee, Regarding Conversion of SJO Position to Judgeship

³ See Judicial Council of Cal., *Subordinate Judicial Officers: Allocation of Conversions* (Dec. 4, 2007); and Judicial Council of Cal., *Proposal to Modify Subordinate Judicial Officer Conversion Policy* (Apr. 24, 2009).



Superior Court of California

COUNTY OF SANTA CRUZ

PAUL M. MARIGONDA
Presiding Judge
Santa Cruz Superior Court

701 Ocean Street
Santa Cruz, CA 95060
Phone (831) 420-2200

September 17, 2015

The Honorable Justice Douglas Miller
Chair, Executive and Planning Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA. 94102

RE: Conversion of Subordinate Judicial Officer Position to Judgeship

Dear Justice Miller,

On behalf of the Santa Cruz Superior Court, I am writing you and your Executive and Planning Committee (E & P) to request the approval of E & P for the immediate conversion of a subordinate judicial officer (SJO) position to a judgeship pursuant to Government Code section 69615 and the Judicial Council's allocation of eligible SJO conversions on August 21, 2015.

The Santa Cruz Superior Court judges unanimously voted at our September 16, 2015 regular meeting to support the conversion of the eligible SJO position to a judgeship. This SJO position was filled by Commissioner Stephen Siegel from 2001 until his appointment to a judgeship in August 2012, and the position has been vacant since August 2012.

Please do not hesitate to contact me if you have any questions about this conversion. Thank you for your consideration of our request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul M. Marigonda".

PAUL M. MARIGONDA
Presiding Judge of the Superior Court

PMM:p

cc: Leah Rose-Goodwin, Manager, Office of Court Research ✓



Judicial Council of California

Meeting Agenda Judicial Council

Ronald M. George
State Office Complex
William C. Vickrey
Judicial Council
Conference Center
Malcolm M. Lucas
Board Room
455 Golden Gate Avenue
San Francisco, California
94102-3688

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

Friday, December 11, 2015

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

Session: 8:00 – 9:00 a.m.

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

9:15 a.m. – 1:55 p.m.

Session: 9:15 – 10:40 a.m.

Approval of Minutes

Chief Justice's Report

Administrative Director's Report

Judicial Council Committee Presentations

Public Comment

The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council's understanding of the issues coming before it.

Please see our public comment procedures by clicking on the following link --
<http://www.courts.ca.gov/28045.htm>.

- 1) Submit advance requests to speak by 4:00 p.m., Wednesday, December 9, 2015.
- 2) Submit written comments for this meeting by 1:00 p.m. on Thursday, December 10, 2015.

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

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

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

Break: 10:40 – 10:55 a.m.

INFORMATION SESSION (RULE 10.6(A))

Session: 10:55 – 12:10 p.m.

Break: 12:10 – 12:40 p.m.

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.

[15-410](#)

Court Facilities: Public Parking Rate Increase and Transition from Free to Paid Parking at the Orange Superior Court, Harbor Justice Center (Action Required)

Summary:

Per Judicial Council of California, Court Public Parking Management Policy, effective August 21, 2015, Section 7. b., the Council will consider and act on any parking-related issue based on recommendations made by Council staff. Real Estate and Facility Management staff proposes a parking rate increase across the parking contract, and transition from “free” to “paid” parking at the Orange Superior Court, Harbor Justice Center. The branch facility management program will benefit from the approvals in the form of collection of an estimated \$194K (*\$388K revenue times an average of 50% efficiency return rate*) from the rate increase and \$204K from the Harbor Justice Center annually, this then being directly available for statewide facility operations and maintenance. The funding is required for continued operation and maintenance of the branch facility portfolio of over 500 facilities in excess of 20 million square feet.

[15-412](#)

Court Facilities: Judicial Council Policy Limiting the Acceptance and Purchasing of Art for Court Facilities (Action Required)

Summary:

The Facilities Policies Working Group recommends that the Judicial Council adopt an art policy applicable to the council’s acquisition of art for its capital projects and for both appellate and trial court facilities that it manages. This

policy addresses acquisition of art by the council and clarifies that funds appropriated for courthouse construction, maintenance, and repair will not be used to acquire art. It does not apply to art that an individual court may acquire, unless that art will be permanently affixed to a court facility.

[15-416](#)**Court Records: Electronic Signature Standards and Guidelines - Update to the Trial Court Records Manual (Action Required)****Summary:**

The Court Executives Advisory Committee (CEAC) and the Information Technology Advisory Committee (ITAC) recommend updating the Trial Court Records Manual to include new standards and guidelines governing the use of electronic signatures by trial courts and judicial officers. These standards and guidelines implement Government Code section 68150(g), which authorizes electronic signatures by a court or judicial officer “in accordance with procedures, standards, and guidelines established by the Judicial Council.” The update also includes new sections in the Trial Court Records Manual that (1) outline the various provisions in the Code of Civil Procedure, Penal Code, and California Rules of Court that authorize electronic signatures submitted to the courts by attorneys, parties, and law enforcement officers; and (2) state the effect of digitized signatures created by scanning paper court records. Lastly, the update contains technical changes to align the manual with intervening legislative and form changes.

[15-431](#)**Traffic: Uniform Bail and Penalty Schedules, 2016 Edition (Action Required)****Summary:**

The Traffic Advisory Committee recommends revisions to the Uniform Bail and Penalty Schedules, effective January 1, 2016, Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation.

15-248**Judicial Branch Administration: Audit Report for Judicial Council Acceptance (Action Required)****Summary:**

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E Committee) and Judicial Council staff recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of San Bernardino*. This acceptance is consistent with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

[15-422](#)**Report to the Legislature: State Trial Court Improvement and Modernization Fund Expenditures for Fiscal Year 2014-2015 (Action Required)****Summary:**

The Judicial Council staff recommends the council approve the Report of State Trial Court Improvement and Modernization Fund (IMF) Expenditures for Fiscal Year 2014-2015 for transmittal to the Legislature. In accordance with Government Code section 77209(i), the Judicial Council is required annually to report to the Legislature on the use of the IMF.

[15-423](#)**Report to the Legislature on the Statewide Collection of Delinquent Court-Ordered Debt for Fiscal Year 2014-2015 (Action Required)****Summary:**

The Revenue and Collections Unit of Judicial Council Finance recommends approving for submittal to the Legislature the report attached on the collection of delinquent court-ordered debt in California for fiscal year (FY) 2014-2015, in accordance with Penal Code section 1463.010.

[15-419](#)**Report to the Legislature: Standards of Timely Disposition Published in the 2015 Court Statistics Report (Action Required)****Summary:**

Judicial Council staff recommend that the Judicial Council direct staff to transmit the already published *2015 Court Statistics Report* to the Legislature. Doing so fulfills the requirements of Government Code section 68604 which requires the Judicial Council to report biennially regarding the standards of timely disposition adopted pursuant to Section 68603. The *2015 Court Statistics Report* contains case processing and time to disposition statistics that meet the requirements of Government Code section 68604.

[15-418](#)**Report to the Legislature: Annual Report of Court Facilities Trust Fund Expenditures (Action Required)****Summary:**

Judicial Council staff recommend approving the *Annual Report of Court Facilities Trust Fund Expenditures: FY 2014-2015 Report to the Legislature*. Government Code section 70352(c) requires that the Judicial Council report to the Legislature annually all expenditures from the Court Facilities Trust Fund after the end of each fiscal year.

[15-415](#)**Judicial Council-Sponsored Legislation (Criminal Justice Realignment): Court Jurisdiction Over and Calculation of Time During Supervision Revocation (Action Required)****Summary:**

The Policy Coordination and Liaison Committee (PCLC) and the Criminal Law Advisory Committee (CLAC) recommend that the Judicial Council sponsor legislation to amend Penal Code sections 1203.2(a), 1170(h)(5)(B), and 3456(b) to clarify that when supervision has been revoked, summarily or otherwise, the time that elapses during revocation shall not be credited toward any period of supervision. The proposal was developed at the request of criminal law judges to enhance judicial discretion by preserving court jurisdiction to adjudicate revocations of probation, mandatory supervision, and postrelease community supervision.

[15-417](#)**Judicial Council-Sponsored Legislation: Disposition of the San Pedro Courthouse (Action Required)****Summary:**

On April 9, 2015, the Policy Coordination and Liaison Committee (PCLC) voted to sponsor legislation to declare the existing San Pedro Courthouse surplus to allow for its disposal, contingent on Judicial Council action to declare the Courthouse as surplus for purposes of Government Code sections 70391(c) and 11011 at its April 17, 2015 meeting. This report recommends that the Judicial Council approve an alternative that would allow the council to retain the proceeds from the disposition of the San Pedro Courthouse for use on construction projects.

[15-436](#)**Proposal for Judicial Council-Sponsored Legislation: Juvenile Competency (Action Required)****Summary:**

The Policy Coordination and Liaison Committee, Family and Juvenile Law Advisory Committee, Collaborative Justice Advisory Committee and the Mental Health Issues Implementation Task Force recommend amending Welfare and Institutions Code section 709 to clarify the legal process and procedures in proceedings that determine the legal competency of juveniles.

[15-429](#)**Judicial Council-Sponsored Legislation: Two Percent Reserve Held in the Trial Court Trust Fund (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and the Trial Court Budget Advisory Committee recommend the Judicial Council sponsor legislation to amend Government Code section 68502.5, the statute that establishes the 2 percent reserve held in the Trial Court Trust Fund (TCTF) to require the Judicial Council to set aside no more than .5 percent of the total funds appropriated in Program 45.10 of Item 0250-101-0932 of the annual 2014 Budget Act and to provide that these funds shall remain in the Trial Court Trust Fund.

[15-440](#)**Judicial Council-Sponsored Legislation: Provisional Qualifications of American Sign Language of Interpreters (Action Required)****Summary:**

The Policy Coordination and Liaison Committee and the Court Interpreters Advisory Panel recommend amending Evidence Code section 754 to incorporate language allowing for provisional qualification of American Sign Language (ASL) interpreters. This proposal was developed at the request of courts to create flexibility for the courts in securing services of ASL interpreters. Its enactment will result in revisions to Judicial Council forms dealing with the use of interpreters, which will provide guidance to court staff when court certified ASL interpreters are not available.

[15-433](#)**Judicial Council: 2015 Legislative Policy Summary (Action Required)****Summary:**

The Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2015 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making

decisions about future legislation, consistent with strategic plan goals.

[15-414](#)

Jury Instructions: New, Revised, and Renumbered Civil Jury Instructions and Verdict Forms (Action Required)

Summary:

The Advisory Committee on Civil Jury Instructions recommends approving for publication the new, revised, and renumbered civil jury instructions and verdict forms prepared by the committee.

[15-396](#)

Judicial Council Forms - Gun Violence Restraining Orders (Action Required)

Summary:

The Civil and Small Claims Advisory Committee proposes adoption or approval of 23 new Judicial Council forms: EPO-002, GV-100, GV-100-INFO, GV-109, GV-110, GV-115, GV-116, GV-120, GV-120-INFO, GV-130, GV-200, GV-200-INFO, GV-250, GV-600, GV-610, GV- 620, GV-630, GV-700, GV-710, GV-720, GV-730, GV-800, and GV-800-INFO to implement legislative requirements of Penal Code section 18100 et seq. establishing a civil restraining order process for surrender of firearms before they are used to commit a crime. Penal Code section 18105 requires the Judicial Council to prescribe forms to implement the process.

15-420

Revision of Conservatorship Forms to Reflect Modification of Conservatees' Voting Rights by Legislation Effective January 1, 2016 (Action Required)

Summary:

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise three Judicial Council forms used in probate conservatorships to state the correct legal standard for a conservatee's capacity to vote, in response to legislation that has changed that standard. The committee also recommends that the council revise a fourth probate conservatorship form to delete its reference to a proposed conservatee's ability to vote because that reference is not required by law and is not needed for the form to accomplish its intended purpose. The advisory committee further recommends that the revisions be made effective on January 1, 2016, the same effective date of the legislation that has changed the voting standard for conservatees, without prior circulation for public comment, or, if circulation is required, that it take place as part of the Winter 2016 comment cycle, beginning just before the December 2015 Judicial Council meeting and extending until after the proposed effective date of the revisions.

[15-421](#)

Family and Juvenile Law: Southern California Inter-County Transfer Protocol with Modification of Form JV-550 (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee recommends, pursuant to California Rules of Court, rule 5.610(g), permitting the juvenile courts in the counties included in the Southern California Inter-County Transfer Protocol to use a modified version of *Juvenile Court Transfer Orders* (form JV-550). Rule 5.610(g) authorizes the Judicial Council to approve modifications to form JV-550 if the modification is used in a formalized regional collaboration and will facilitate the efficient process of transfer cases. The courts in San Diego, Los Angeles, Riverside, San Bernardino,

Imperial, and Orange counties established the Southern California Inter-County Transfer Protocol through a written protocol that streamlines the inter-county transfer process between these courts.

[15-432](#)

Judicial Administration: Amendment to the Conflict of Interest Code for the Judicial Council (Action Required)

Summary:

This proposal would adopt amendments (Amendments) to the Judicial Council Conflict of Interest Code (Code) and revise the Code to include updated job classifications under the Judicial Council's new classification and compensation structure. In accordance with Government Code Sections 87303 and 87306, the Code must be updated "when change is necessitated by changed circumstances, including the creation of new positions" (id., § 87306). The council must review proposed amendments to the Code and approve the Code as amended or direct that it be further revised and resubmitted for approval.

15-438

Civil Forms: Disability Access Litigation (Action Required)

Summary:

The Civil and Small Claims Advisory Body recommends that the Judicial Council revise the statutorily mandated Disability Access Litigation forms used for parties to apply for and the courts to grant stays and mandatory evaluation conferences in construction-related accessibility claims. The forms must be changed to reflect the amendments to the Civil Code made by Assembly Bill 1521 (Assembly Judiciary Committee; Stats. 2015, ch. 755), enacted in October 2015 to add a new category of defendants that may request a stay and early evaluation and another procedure that may be requested at the same time. Because the bill was enacted as emergency legislation, it was operative on enactment.

DISCUSSION AGENDA

Session: 12:40 – 1:55 p.m.

[15-435](#)

Mental Health Issues Implementation Task Force: Final Report (Action Required)

Summary:

In January 2012, Chief Justice Tani G. Cantil-Sakauye appointed the Mental Health Issues Implementation Task Force (Implementation Task Force), chaired by Judge Richard J. Loftus, Jr., of the Superior Court of Santa Clara County, to review the 137 recommendations of the Task Force for Criminal Justice Collaboration on Mental Health Issues and to develop a plan for implementing those recommendations. The Implementation Task Force focused on identifying ways to improve case processing and outcomes for court users with mental illness while being mindful of cost and public safety considerations in the post-recession/post-realignment environment. The term of the Implementation Task Force ends on December 31, 2015. While significant progress has been accomplished since the Implementation Task Force's inception, there are still unresolved challenges for the courts when handling cases involving persons with mental illness. It is recommended that the Judicial Council receive the final report of the Implementation Task Force and that the work in this area be transitioned to the appropriate Judicial Council advisory bodies.

Speakers: Hon. Richard J. Loftus, Jr., Chair, Mental Health Issues Implementation Task Force

[15-413](#)

Judicial Council: 2016 Legislative Priorities (Action Required)

Summary:

Each year, the Judicial Council authorizes sponsorship of legislation to further key council objectives and establishes priorities for the upcoming legislative year. For the 2016 legislative year, the Policy Coordination and Liaison Committee recommends an approach that follows the Chief Justice's Access 3D framework: (1) advocate for investment in our justice system to preserve access to justice for all Californians, including a method to provide stable and reliable funding; (2) advocate to secure new judgeships for communities most in need and ratify the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts; (3) advocate for a three-branch solution to ensure the fairness and efficiency of California's penalty assessment structure; (4) continue to sponsor legislation to improve judicial branch operational efficiencies, including cost savings and cost recovery measures; and (5) delegate to PCLC the authority to take positions or provide comments on behalf of the Judicial Council on proposed legislation, administrative rules or regulations, after evaluating input from council advisory bodies and council staff, and any other input received from the courts, provided that the input is consistent with the council's established policies and precedents.

Speakers:

Mr. Cory Jaspersen, Governmental Affairs

[15-430](#)

Trial Court Trust Fund Allocations: 2 Percent Reserve (Action Required)

Summary:

The Trial Court Budget Advisory Committee's 2 Percent Funding Request Review Subcommittee presents recommendations on two courts' applications for supplemental funding. There is \$37.6 million remaining of the Trial Court Trust Fund (TCTF) 2 percent reserve for fiscal year 2015-2016, of which by statute the Judicial Council allocates if there has been an approved request from a trial court(s) requesting supplemental funding for urgent needs due to unforeseen emergencies or unanticipated expenses for existing programs after October 31 and by March 15 of each fiscal year. Under the policy adopted by the Judicial Council, after the council's December business meeting, 75 percent of the remaining TCTF 2 percent reserve is distributed in January.

Speakers:

Hon. Brian McCabe and Mr. Richard Feldstein, Co-chairs, 2 Percent Funding Request Review Subcommittee Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Director, Judicial Council Finance

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[15-439](#)

Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring

Summary:

The chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the

Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

15-441 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 35)

Summary: Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 35th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, [insert names of courts] have issued new notices.

[15-409](#) **Court Facilities: Lease-Revenue Bond Issuance, Spring 2015**

Summary: As authorized and directed by the Judicial Council, the Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in spring 2015 for the financing of court facilities projects.

[15-411](#) **Court Facilities: Trial Court Facility Modification Advisory Committee Fiscal Year 2014-2015 Annual Report**

Summary: The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for fiscal year (FY) 2014-2015. In compliance with the *Trial Court Facility Modifications Policy* adopted by the Judicial Council on July 27, 2012, the TCFMAC is submitting the annual report for FY 2014-2015 as Attachment A.

[15-434](#) **Court Facilities: Trial Court Facility Modification Quarterly Activity Report for Quarter 1 of Fiscal Year 2015-2016**

Summary: The Trial Court Facility Modification Advisory Committee (TCFMAC) has completed its facility modification funding for the first quarter of fiscal year 2015-2016. In compliance with the *Trial Court Facility Modifications Policy*, the advisory body is submitting its *Trial Court Facility Modification Quarterly Activity Report: Quarter 1, Fiscal Year 2015-2016* as information for the council. This report summarizes the activities of the TCFMAC from July 1, 2015, to September 30, 2015.

[15-437](#) **Trial Courts: Quarterly Investment Report for Third Quarter of 2015**

Summary: This *Trial Courts: Quarterly Investment Report for Third Quarter of 2015* provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2015, through September 30, 2015.

Circulating Orders

Appointment Orders

Adjournment