



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 29, 2016

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Title	Agenda Item Type
Indian Child Welfare Act: Technical Amendment to Rule 5.482	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 5.482	August 15, 2016
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	July 21, 2016
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Mark A Juhas, Cochair	Ann Gilmour, 415-865-4207
Probate and Mental Health Advisory Committee	<a href="mailto:ann.gilmour@jud.ca.gov">ann.gilmour@jud.ca.gov</a>
Hon. John H. Sugiyama, Chair	
Tribal Court–State Court Forum	
Hon. Abby Abinanti, Cochair	
Hon. Dennis M. Perluss, Cochair	

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### Executive Summary

In response to the California Supreme Court decision in *In re Abigail A. et al.* (July 14, 2016, S220187) – Cal. 4<sup>th</sup> – [2016 WL 3755924], the Tribal Court–State Court Forum (forum) and the Family and Juvenile Law Advisory Committee and Probate and Mental Health Advisory Committee (committees) recommend amending California Rules of Court, rule 5.482, by deleting subdivision (c) of that rule, which the Supreme Court held is invalid.

## Recommendation

The forum and committees recommend that, effective August 15, 2016 unless the finality of the *In re Abbigail A. et al.* is extended, the Judicial Council amend rule 5.482, by deleting subdivision (c) of the rule and re-designating the remaining subdivisions. The August 15, 2016 effective date was chosen because it is the date upon which the *In re Abbigail A. et al.* decision will become final, unless the finality of the decision is extended by the court.

The text of the amended rule is attached at page 4.

## Previous Council Action

In 2006, the Legislature enacted Senate Bill 678 (Ducheny; Stats. 2006, ch. 838), which incorporated various provisions of the federal Indian Child Welfare Act (ICWA) (25 U.S.C. §§ 1901–1963) into the California Family Code, Probate Code, and Welfare and Institutions Code. To implement SB 678, the Judicial Council adopted comprehensive ICWA rules and forms, including rule 5.482 effective January 1, 2008.<sup>1</sup> Rule 5.482 has had no substantive amendments, since it was adopted.

## Rationale for Recommendation

Rule 5.482(c) currently states that, if a tribe responds to a notice sent in accordance with the Indian Child Welfare Act that the child is eligible for membership in the tribe if certain steps are followed, the court is required to treat the child as an Indian child and direct the individual or agency to undertake active efforts to secure tribal membership for the child. The rule, as currently drafted, applies even if the child did not meet the statutory definition of “Indian child,” which is limited to a child who is “(a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.” (25 U.S.C. §1903(4)).

On July 14, 2016, the California Supreme Court issued its decision in *In re Abbigail A. et al.*<sup>2</sup> That decision will become final on August 15, 2016 unless the finality of the decision is extended by the court. The court held that Cal. Rules of Court, rule 5.482(c), is inconsistent with federal and state law and the legislature’s intent, and thus invalid:

...As we have explained, “[t]he primary objective of Senate Bill No. 678,” which incorporated ICWA’s requirements and definitional provisions into California statutory law, “was to *increase compliance* with ICWA.” [cite omitted]... Nothing in the bill’s language or history demonstrates the Legislature intended to apply ICWA’s requirements to, or require membership applications be made on behalf of, children who are not Indian children as defined in ICWA. Instead, the Legislature left cases not involving Indian children subject to

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<sup>1</sup> The rules and forms were adopted at the October 26, 2007, Judicial Council meeting as item A27 on that agenda available at [www.courts.ca.gov/documents/102607ItemA27.pdf](http://www.courts.ca.gov/documents/102607ItemA27.pdf)

<sup>2</sup> The decision can be found at [www.courts.ca.gov/opinions/documents/S220187.PDF](http://www.courts.ca.gov/opinions/documents/S220187.PDF)

the statutes generally applicable in dependency proceedings. Rule 5.482(c) is inconsistent with those statutes, and with the Legislature's intent, and thus invalid. (Page 8) (*In re Abbigail A. et al.* (July 14, 2016, S220187) – Cal.4<sup>th</sup> – [2016 WL 3755924].)

### **Comments, Alternatives Considered, and Policy Implications**

This proposal has not been circulated for public comment. The forum and committee cochairs have concluded that, in light of the Supreme Court's decision, there is no alternative but to delete subdivision (c) of rule 5.482. Although the Supreme Court's decision articulated substantive law, the deletion of subdivision (c) to conform the rule to the law is technical in nature. It is therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2)). The forum and committees have further concluded that urgent action is needed to avoid any confusion caused by having a rule of court that is inconsistent with the law as determined by the Supreme Court.

### **Implementation Requirements, Costs, and Operational Impacts**

No implementation costs or operational impacts are expected as a result of this recommendation. In fact, costs will likely decrease by removing the confusion inherent in having a rule of court that has been determined to be invalid.

### **Attachments and Links**

1. Cal. Rules of Court, rule 5.482, at page 4.
2. *In re Abbigail A et al.*, [www.courts.ca.gov/opinions/documents/S220187.PDF](http://www.courts.ca.gov/opinions/documents/S220187.PDF)

Rules 5.482 of the California Rules of Court is amended, effective August 15, 2016, to read:

1 **Rule 5.482. Proceedings after notice**

2  
3 **(a)–(b) \* \* \***

4  
5 **~~(e) — When there is information or response from a tribe that requires additional~~**  
6 **~~steps~~**

7  
8 ~~If after notice has been provided as required by federal and state law a tribe~~  
9 ~~responds indicating that the child is eligible for membership if certain steps are~~  
10 ~~followed, the court must proceed as if the child is an Indian child and direct the~~  
11 ~~appropriate individual or agency to provide active efforts under rule 5.484(c) to~~  
12 ~~secure tribal membership for the child.~~

13  
14  
15 **~~(d)~~(c) When there is no information or response from a tribe**

16  
17 \* \* \*

18 **~~(e)~~(d) Intervention**

19  
20 \* \* \*

21 **~~(f)~~(e) Posthearing actions**

22  
23 \* \* \*

24 **~~(g)~~(f) Consultation with tribe**

25  
26 \* \* \*

27



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 29, 2016

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Title	Agenda Item Type
Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments for the Period of January 1 through June 30, 2016	Action Required
	Effective Date
	July 29, 2016
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	July 29, 2016
Recommended by	Contact
Martin Hoshino Administrative Director Judicial Council of California	Doug Kauffroath, 916-263-2872 <a href="mailto:doug.kauffroath@jud.ca.gov">doug.kauffroath@jud.ca.gov</a>
Mark Dusman Acting Chief Administrative Officer Judicial Council of California	

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### Executive Summary

Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts, and (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of service or good provided, and judicial branch entity receiving the good or service. Therefore, Judicial Council staff recommends submitting this eighth semiannual report, which lists all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2016.

## **Recommendation**

Judicial Council staff recommends that the council accept and approve for submission to the Joint Legislative Budget Committee and the California State Auditor the following report and related attachment: *Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30 2016*. The report includes information for the Supreme Court, Courts of Appeal, superior courts, Judicial Council, and Habeas Corpus Resource Center.

## **Previous Council Action**

At its August 26, 2011, business meeting, the Judicial Council approved the *Judicial Branch Contracting Manual*, which included the requirement for the preparation of the two semiannual reports and their submission to the Joint Legislative Budget Committee and the State Auditor. Previous reports were submitted and approved at Judicial Council meetings or through circulating orders, as follows:

**January 24, 2012:** The Judicial Council accepted and approved the first semiannual report for the period October 1 through December 31, 2011.

**July 27, 2012:** The Judicial Council accepted and approved the second semiannual report for the period January 1 through June 30, 2012.

**January 31, 2013:** Under Circulating Order CO-13-01, the Judicial Council accepted and approved the third semiannual report for the period July 1 through December 31, 2012.

**July 30, 2013:** Under Circulating Order CO-13-04, the Judicial Council accepted and approved the fourth semiannual report for the period January 1 through June 30, 2013.

**January 29, 2014:** Under Circulating Order CO-14-01, the Judicial Council accepted and approved the fifth semiannual report for the period July 1 through December 31, 2013.

**July 31, 2014:** Under Circulating Order CO-14-04, the Judicial Council accepted and approved the sixth semiannual report for the period January 1 through June 30, 2014.

**February 19, 2015:** Under Circulating Order CO-15-01, the Judicial Council accepted and approved the seventh semiannual report for the period July 1 through December 31, 2014.

**August 21, 2015:** The Judicial Council accepted and approved the eighth semiannual report for the period January 1, through June 30, 2015.

**February 26, 2016:** The Judicial Council accepted and approved the ninth semiannual report for the period July 1, 2015, through December 31, 2015.

## Rationale for Recommendation

### Statutory requirement

The Judicial Branch Contract Law (JBCL), enacted March 24, 2011, requires judicial branch entities to comply with the provisions of the Public Contract Code applicable to state agencies and departments related to the procurement of goods and services. The JBCL applies to all contracts initially entered into or amended by judicial branch entities on or after October 1, 2011. The JBCL also requires the council to adopt a judicial branch contracting manual containing policies and procedures applicable to judicial branch entities related to the procurement of goods and services (Pub. Contract Code, § 19206). The Judicial Council, on August 26, 2011, adopted the manual, which incorporates policies and procedures consistent with the Public Contract Code and, as the code requires, is “substantially similar to the provisions contained in the State Administrative Manual [SAM] and the State Contracting Manual [SCM].”

### Reporting requirement

The JBCL requires the Judicial Council, beginning in 2012, to provide reports to the Joint Legislative Budget Committee and the State Auditor twice each year on contracting activities by judicial branch entities under Public Contract Code section 19209. The semiannual reports must contain specific information, including details about contracts and amendments to contracts entered into by judicial branch entities with vendors or contractors, payments received by vendors and contractors, and the nature of the services or goods provided under the contracts and amendments. By statute, each fiscal year, the first report covers the period from July 1 through December 31 and must be submitted by February 1 of the following calendar year. The second report covers the period from January 1 through June 30 and must be submitted by August 1.

As required by the *Judicial Branch Contracting Manual*, revised July 1, 2016, the Judicial Council’s Finance office has lead responsibility for providing the reports to the council for approval and submission to the Joint Legislative Budget Committee and the State Auditor. Additionally, the council’s Finance office and its Trial Court Administrative Services office are responsible for coordinating with each other to ensure that all information in the reports is timely, accurate, and consistent in form and format.

The responsibilities for each judicial branch entity are specified in the manual generally as follows:

- **Supreme Court:** The Supreme Court is responsible for providing to the council’s Finance office the information relating to payments to, and contracts with, the Supreme Court’s vendors in the form and format required by Finance for Judicial Council reporting purposes.
- **Courts of Appeal:** Each Court of Appeal is responsible for providing to the council’s Finance office the information relating to payments to, and contracts with, vendors in the form and format required by Finance for Judicial Council reporting purposes.

- **Superior Courts:** The Phoenix Financial System is the source of information for compiling reports relating to payments during a reporting period by each superior court to vendors and relating to contracts between vendors and each superior court. Each superior court is responsible for inputting into Phoenix the information relating to payments to, and contracts with, that superior court's vendors as required for Judicial Council reporting purposes.
- **Habeas Corpus Resource Center (HCRC):** The HCRC is responsible for providing to the council's Finance office the information relating to payments to, and contracts with, the HCRC's vendors in the form and format required by Finance for Judicial Council reporting purposes.
- **Judicial Council:** The council's Finance office is responsible for maintaining and providing the information relating to payments to, and contracts with, vendors of the Judicial Council.

### **Contents of the reports**

The reports from the Judicial Council will include a list of all vendors that receive a payment from a judicial branch entity during the reporting period. Public Contract Code section 19209 also requires the Judicial Council to submit additional information on each distinct contract between a vendor and a judicial branch entity, but only if more than one payment was made under the distinct contract during the reporting period. For each distinct contract, the report includes the following information by vendor:

- The judicial branch entity that contracted for the good or service;
- The amount of payment; and
- The type of service or good provided.

The reports also include a list of all judicial branch entity contracts that were amended during the reporting period. The report contains the following information by vendor for each distinct contract that was amended:

- The name of the vendor;
- The type of service or good provided;
- The nature of the amendment;
- The duration of the amendment; and
- The cost of the amendment.



The reports are reviewed to determine if there are any statutory or other restrictions on information disclosure to third parties specifically related to HCRC, lawsuits in process, and the like. Such information may be redacted.

This report also includes modifications designed to improve the display of various aspects of contract information. Specifically, the Trial Court Contract Report has been revised to provide a summary of contract activity during the reporting period for each contract on a single line; previous reports included multiple lines for a single contract, resulting in difficulty when the contracts were sorted.

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments and policy implications**

It is important that each judicial branch entity maintain and provide accurate and consistent information so that the reports provided by the Judicial Council, in turn, contain accurate and complete information. All judicial branch personnel involved in maintaining and providing the necessary information must have the training, experience, level of responsibility, and accountability necessary to ensure the accuracy, completeness, and consistency of the information maintained and provided. No adverse policy implications will result from acceptance or approval of these reports.

### **Alternatives**

No alternatives were considered because the recommendation is consistent with approved council policy and with the provisions of Public Contract Code sections 19201–19210.

## **Implementation Requirements, Costs, and Operational Impacts**

The proposed recommendation imposes no specific implementation requirements or costs, other than the requirement to disclose the attached audit reports through online publication. The submission of this report was marginally delayed given the required reporting period for the financial data presented. The absence of a January Judicial Council meeting necessitated the report be submitted for review and approval upon the next available council meeting.

## **Attachments and Links**

1. *Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2016*, with the following listed attachments, which because of their size, including any explanatory footnotes, are posted separately for access and review.
  - Superior court reports:
    - Trial Court Contract Report, January 1 through June 30, 2016
    - Trial Court Payment Report, January 1 through June 30, 2016
  - Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, Judicial Council reports:
    - Contract Amendment Report, January 1 through June 30, 2016
    - Payment Report, January 1 through June 30, 2016



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MR. MARTIN HOSHINO  
*Administrative Director,  
Judicial Council*

August 1, 2016

Hon. Mark Leno  
Chair, Joint Legislative Budget Committee  
Attn: Ms. Peggy Collins  
Legislative Office Building  
1020 N Street, Room 553  
Sacramento, California 95814

Ms. Elaine M. Howle  
California State Auditor  
Bureau of State Audits  
621 Capitol Mall, Suite 1200  
Sacramento, California 95814

*Re: Semiannual Report on Contracts for the Judicial Branch for the  
Reporting Period of January 1 through June 30, 2016, as required under  
Public Contract Code section 19209*

Dear Senator Leno and Ms. Howle:

Attached is the report from the Judicial Council required under Public Contract Code section 19209 on original contracts, contract payments to vendors from judicial branch entities, and amendments to those contracts during the reporting period of January 1 through June 30, 2016. Judicial branch entities are the Supreme Court, Courts of Appeal, superior courts, Habeas Corpus Resource Center, and Judicial Council.

As required by Public Contract Code section 19209, the report includes a listing of (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts, and (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of service or good provided, and judicial branch entity receiving the good or service. The report also includes all judicial branch entity contracts that were amended during the reporting period. This is the eighth semiannual report submitted under this reporting

Hon. Mark Leno  
Ms. Elaine M. Howle  
July 29, 2016  
Page 2

requirement. The operative date of the Judicial Branch Contract Law was October 1, 2011, and only contracts with payments or amendments after that date are required to be included in the report. This report and all future reports will cover the six-month period, from January 1 through June 30, or July 1 through December 31, as appropriate. The attachments to the report include:

- Superior court reports, from January 1 through June 30, 2016:
  - a. Trial Court Contract Report
  - b. Trial Court Payment Report
  
- Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council reports, from January 1 through June 30, 2016:
  - a. Contract Amendment Report
  - b. Payment Report

Note that the report excludes certain payments or contract amendment information that is statutorily restricted, subject to any statutory restrictions on disclosure to third parties, or excluded from reporting.

The report attachments are very large. To save resources, hard copies are not attached. They may be accessed at the following address: [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

If you have any questions related to this report, please contact Mr. Doug Kauffroath, Director, Branch Accounting and Procurement, Judicial Council, at [doug.kauffroath@jud.ca.gov](mailto:doug.kauffroath@jud.ca.gov).

Sincerely,

Martin Hoshino  
Administrative Director  
Judicial Council of California

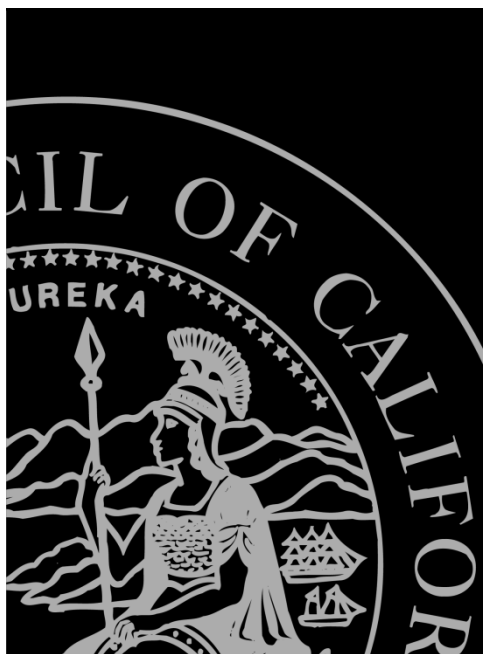
MH/OL/es

Attachments available at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm)

cc: Members of the Joint Legislative Budget Committee  
Diane F. Boyer-Vine, Legislative Counsel  
Danny Alvarez, Secretary of the Senate

Hon. Mark Leno  
Ms. Elaine M. Howle  
July 29, 2016  
Page 3

E. Dotson Wilson, Chief Clerk of the Assembly  
Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin de León  
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Anita Lee, Senior Fiscal and Policy Analyst, Legislative Analyst's Office  
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John A. Judnick, Principal Manager, Audit Services, Judicial Council  
Peter Allen, Public Affairs Officer, Public Affairs, Judicial Council  
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Andi Liebenbaum, Legislative Advocate, Governmental Affairs, Judicial Council  
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# **Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2016**

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REPORT TO THE JOINT LEGISLATIVE  
BUDGET COMMITTEE AND THE STATE  
AUDITOR AS REQUIRED BY PUBLIC  
CONTRACT CODE SECTION 19209

AUGUST 1, 2016



JUDICIAL COUNCIL  
OF CALIFORNIA

**JUDICIAL COUNCIL OF CALIFORNIA**

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*Chief Justice of California and  
Chair of the Judicial Council*

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*Administrative Director  
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*Chief of Staff*

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*Director*

**BRANCH ACCOUNTING AND PROCUREMENT**

**Mr. Doug Kauffroath**  
*Director*

**Ms. Paula Coombs**  
*Supervisor and  
Primary Author of Report*

**Semiannual Report on Contracts for the Judicial Branch for the Reporting  
Period of January 1 through June 30, 2016:  
Report to the Joint Legislative Budget Committee and the State Auditor as  
Required by Public Contract Code Section 19209**

**August 1, 2016**

**Introduction**

The Judicial Council submits this report to the Joint Legislative Budget Committee and the California State Auditor under Public Contract Code section 19209 to provide information related to procurement of contracts for the judicial branch. The report includes a list of vendors and contractors as required by Public Contract Code section 19209(b). The report further identifies the amounts of payment(s) to the contractors and vendors, the types of services and goods provided, and the judicial branch entity or entities with which the contractors and vendors contracted to provide those goods and services. The report is a summary which includes a list of all new contracts and amended contracts as required by Public Contract Code section 19209(c) and identifies the vendors and contractors as well as the types of services and goods provided under the contract, including any changes to the contract value, type of services or goods, or the contract. Judicial branch entities are the Supreme Court, Courts of Appeal (COA), superior courts, Habeas Corpus Resource Center (HCRC), and the Judicial Council.

Because the operative date of the Judicial Branch Contract Law (JBCL) was October 1, 2011, only contracts entered into or amended after that date are included in this report. This report is developed on a semiannual basis and covers the six-month periods from January 1 through June 30 and July 1 through December 31. This report covers the period from January 1 through June 30, 2016.

**Contracts excluded from the report**

Public Contract Code section 19204(c) provides that the JBCL “does not apply to procurement and contracting by judicial branch entities that are related to trial court construction, including, but not limited to, the planning, design, construction, rehabilitation, renovation, replacement, lease, or acquisition of trial court facilities.” This section also states that the JBCL “shall apply to contracts for maintenance of all judicial branch facilities that are not under the operation and management of the Department of General Services.” Appropriate exclusions and inclusions based on the above subsections have been made in this report.

Also excluded from the report are the following contracts that are unique to the superior courts and are not subject to the JBCL:

- Contracts (often referred to as memoranda of understanding or MOUs) between a superior court and the sheriff for court security services;

- Contracts between a court and a court reporter, when the court reporter provides services as an independent contractor; and
- Contracts between a court and a court interpreter, when the court interpreter provides services as an independent contractor.

### **Other reporting features**

The Trial Court Contract Report provides a summary of contract activity during the reporting period for each contract on a single line.

### **Format of the report**

The Judicial Council's Branch Accounting and Procurement office is responsible for preparing the report. The portion of the report that relates to the Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council is extracted by the Oracle Financial System. The information that relates to the superior courts is extracted from the Phoenix Financial System. Because two different information management systems are used, the format and data elements of various portions of the report differ. The four portions of the report are listed below.

- Superior courts:
  1. Trial Court Contract Report
  2. Trial Court Payment Report
- Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council:
  1. Contract Amendment Report
  2. Payment Report

The chart on the following page explains the differences in the format of the reports and describes the data elements.

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Judicial Branch Contract Reports			
Comparison of Required Data Elements to Report According to Public Contract Code Section 19209 with the Actual Reports			
		Data Element Column Heading	
Report	Required to be Reported by Statute	Superior Court Reports	Supreme Court, COA, HCRC, and JC Reports
<b>Payment Report</b>	<p>Vendors and contractors receiving any payment.</p> <p>Report each distinct contract between the vendor or contractor and a judicial branch entity.</p> <p>Identify the:</p> <ol style="list-style-type: none"> <li>1. Amount of payment to the contractor or vendor;</li> <li>2. Type of service or good provided; and</li> <li>3. Judicial branch entity (JBE) or entities with which the vendor or contractor was contracted to provide that service or good.</li> </ol>	<p>Vendor Name</p> <p>Vendor ID</p> <p>Contract Number</p> <p>Total Payments</p> <p>Goods/Services</p> <p>JBE</p>	<p>Vendor Name</p> <p>PO/Contract</p> <p>Amount</p> <p>Payment Summary</p> <p>Entity Name</p>
<b>Contract and Contract Amendment Report</b>	<p>For all contract amendments made, identify:</p> <ol style="list-style-type: none"> <li>1. Vendor or contractor;</li> <li>2. Type of service or good provided under the contract;</li> <li>3. Nature of the amendment;</li> <li>4. Duration of the amendment; and</li> <li>5. Cost of the amendment.</li> </ol>	<p>Court</p> <p>Contract</p> <p>Vendor ID</p> <p>Vendor Name</p> <p>Last Reported Contract Value</p> <p>Contract Value (New)</p> <p>Contract Value (Changed)</p> <p>Goods / Services (New)</p> <p>Goods / Services (Changed)</p> <p>Contract Duration (New)</p> <p>Contract Duration (Changed)</p> <p>Total Contract Duration</p>	<p>Entity Amendment Number</p> <p>Contract Number</p> <p>Vendor Name</p> <p>Type of Goods/Service Desc.</p> <p>Nature of Amendment</p> <p>Duration (months) Cost of Amendment</p>

This semiannual report includes all the information required by statute. Portions of the report related to the superior courts contain items of information (vendor ID), as listed above, that are not required for the Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council.

The superior court information includes contracts and contract amendments that were entered into during the reporting period, even if no payments were made. This is additional information

and is not required by the JBCL. The portion of the report related to the Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council does not include contracts for which no payment was made during the reporting period. The superior court report consolidates all payments to a vendor or contractor under one contract as one payment for the reporting period.

## **Statistics**

On the following pages, a series of tables provides statistical information for the January 1 through June 30, 2016, reporting period. Note that some tables may include totals that may not equal 100 percent, due to rounding.

- **Table 1.** Overall Contract and Payment Statistics
- **Table 2.** Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council: Payment Statistics Summary
- **Table 3.** Trial Court Payment Statistics: Goods and Services Detail Summary

Because of their size, the detailed reports, including any explanatory footnotes, are posted separately for access and review. They are:

1. Superior court reports, from January 1 through June 30, 2016
  - a. Trial Court Contract Report
  - b. Trial Court Payment Report
2. Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council reports, from January 1 through June 30, 2016
  - a. Contract Amendment Report
  - b. Payment Report

*This space intentionally left blank.*

Table 1 provides an overall summary of contracts and payments for the reporting period:

<b>Table 1</b> <b>Overall Contract and Payment Statistics</b> <b>Reporting Period: January 1 through June 30, 2016</b>		
	Superior Courts	Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council
<b>Payments:</b>		
Number	17,911	2,734
Dollar amount	\$ 252,065,967	\$ 204,231,109
Number of associated contracts	8,781	1,782
<b>Contracts:</b>		
Original contracts	5,484	*
Value of original contracts	\$ 154,681,548	*
Contracts with amendments	1,436	364
Cost of amendments	\$ 15,504,337**	\$ 22,161,033
* Includes only contracts with amendments as required by statute. ** Includes increases and decreases to contract value, such as changes in contract scope.		

As described below in table 2, a total of \$204,231,110 was paid to vendors by the Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council.

<b>Table 2</b> <b>Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council:</b> <b>Payment Statistics Summary</b> <b>Reporting Period: January 1 through June 30, 2016</b>	
	Payments
<b>Supreme Court</b>	3,484,529
<b>Courts of Appeal:</b>	
1st District	1,569,048
2nd District	3,583,952
3rd District	1,298,622
4th District	4,354,366
5th District	1,680,957
6th District	1,640,724
<b>Judicial Council</b>	186,302,286
<b>Habeas Corpus Resource Center</b>	316,626
<b>TOTAL</b>	<b>\$ 204,231,110</b>

Table 3, Trial Court Payment Statistics: Goods and Services Detail Summary, on pages 7–8, provides a summary of all payments for goods and services by the trial courts during this reporting period. The table shows 17,911 payments representing approximately \$252 million associated with more than 8,781 contracts.

There were 5,484 trial court contracts reported, of which 1,436 were affected by amendments. A small number of contracts may have been affected by changes in account codes. Otherwise, amendments consisted of the following:

- 810 that had an increase in contract value;
- 626 that had a decrease in contract value; and
- 91 that had a change in contract duration.

**Table 3**  
**Trial Court Payment Statistics: Goods and Services Detail Summary**  
**Reporting Period: January 1 through June 30, 2016**

<b>Goods and Services</b>	<b>Payments</b>	<b>Values</b>	<b>Contracts</b>
ADVERTISING	146	190,259.41	58
BANKING AND INVESTMENT SERV	14	40,119.57	2
COLLECTION SERVICES	92	11,563,382.67	37
CONSULTING SERVICES - TEMP	58	1,255,757.77	50
CONSULTING/PROFESSIONAL SVCS	7	1,217,954.42	5
CONTRACTED SERVICES	45	1,106,673.30	32
COUNTY-PROVIDED SERVICES	150	20,696,445.99	123
COURT APPOINTED COUNSEL CHA	462	22,994,022.19	158
COURT INTERPRETER SERVICES	2,609	11,044,478.90	235
COURT ORDERED PROFESSIONAL	995	5,618,936.57	574
COURT REPORTER SERVICES	326	3,126,572.74	16
COURT TRANSCRIPTS	1,871	9,695,374.60	22
DUES AND MEMBERSHIPS	133	147,558.10	15
EMPLOYEE RELOCATION	1	280.71	
EQUIPMENT MAINTENANCE	251	1,246,144.03	198
EQUIPMENT RENTAL/LEASE	208	3,387,690.27	158
EQUIPMENT REPAIRS	141	286,566.80	109
FEES/PERMITS	155	2,001,664.71	57
FREIGHT AND DRAYAGE	22	5,888.89	11
GENERAL CONSULTANT AND PROF	802	29,453,645.63	459
GENERAL EXPENSE	11	42,030.56	3
GENERAL EXPENSE - SERVICE	309	1,716,738.59	197
GROUNDS	29	180,708.19	21
INFORMATION TECHNOLOGY	8	536,641.95	6
INSURANCE	31	585,978.53	12
INVESTIGATIVE SERVICES	135	353,906.57	47
IT COMMERCIAL CONTRACT	221	14,155,482.77	192

<b>Goods and Services</b>	<b>Payments</b>	<b>Values</b>	<b>Contracts</b>
IT INTER-JURISDICTIONAL CON	10	654,398.86	6
IT MAINTENANCE	454	10,997,994.51	385
IT OTHER	32	228,641.46	16
IT REPAIRS/SUPPLIES/LICENSE	499	12,348,146.61	402
JANITORIAL	165	7,042,263.38	103
JUROR COSTS	34	50,712.33	9
LABORATORY EXPENSE	36	60,797.54	8
LEGAL	129	1,919,250.84	90
LIBRARY PURCHASES AND SUBSC	535	6,245,248.56	283
MAINTENANCE AND SUPPLIES	238	2,758,105.87	179
MAJOR EQUIPMENT	183	10,310,307.33	168
MEDIATORS/ARBITRATORS	276	1,361,010.12	50
MEETINGS, CONFERENCES, EXHI	164	214,061.07	36
MINOR EQUIPMENT - UNDER \$5K	1,217	14,356,870.03	1,109
OFFICE EXPENSE	2,019	4,979,572.09	1,652
OTHER CONTRACT SERVICES	42	1,170,010.97	30
OTHER FACILITY COSTS - GOODS	110	205,124.09	80
OTHER FACILITY COSTS - SERV	58	538,848.50	36
OTHER ITEMS OF EXPENSE	18	51,230.48	8
OTHER TRAVEL EXPENSE	12	1,798.00	1
OTHER-SPECIAL ITEMS OF EXPENSE	2	1,800.00	1
PHOTOGRAPHY	13	34,031.64	7
POSTAGE	19	525,008.56	7
POSTAGE METER	62	3,222,058.39	32
PRINTING	475	3,016,312.39	363
RENT/LEASE	98	1,613,861.49	67
SECURITY	117	7,606,084.72	76
SHERIFF	357	899,373.15	12
STAMPS, STAMPED ENVELOPES,	193	4,222,232.65	91
TELECOMMUNICATIONS	734	11,355,844.59	549
TRAINING	270	956,547.35	84
UNIFORM ALLOWANCE	2	2,958.12	2
VEHICLE OPERATIONS	106	464,556.92	42
<b>Grand Total</b>	<b>17,911</b>	<b>252,065,967.04</b>	<b>8,781</b>

## **Report Information**

### **Superior courts**

#### 1. Trial Court Contract Report

The Phoenix Financial System is not configured to collect information about contracts in a manner that precisely matches the statutory reporting requirements. Below are some key factors to consider when reviewing the contract data related to the superior courts.

- The Trial Court Contract Report includes all contracts and amendments completed within the reporting period because including all contracts is more cost-effective than

developing a report that includes distinct contracts for only the vendors who received more than one payment in the reporting period. *Vendor* is often used synonymously with *contractor* in the report.

- Goods/Services descriptions are determined by the general ledger account(s) entered in the system.
- The only amendment descriptions that can be reported are changes in the overall value or duration of an agreement, or changes in the goods/services provided.
- The Phoenix Financial System cannot distinguish between a true amendment and an error correction. Screens were built to allow superior courts to review transactions included in the report and exclude changes that were error corrections. This design feature affects the accuracy of the data based on a court’s ability/availability to review its transactions.

**Contract report fields**

The chart below contains a list of the report fields and their descriptions.

Field Name	Field Description
<b>Court</b>	Judicial Branch Entity. Name of the superior court with the associated contract.
<b>Contract</b>	Unique identifier for the contract which can be system generated or a court-specific number.
<b>Vendor ID</b>	Unique identifier for the vendor which can be system generated or a court-specific vendor identifier.
<b>Vendor Name</b>	Name of the vendor.
<b>Last Reported Contract Value</b>	When the transaction record is for a contract that has been previously reported, the value in this field will refer to the most recently reported contract value. Only contracts created or amended after January 1, 2012, have been reported.
<b>Contract Value (New)</b>	When the transaction record is for a new contract, the value in this field refers to the known or estimated original contract value.
<b>Contract Value (Changed)</b>	This value will indicate the increase or decrease to the contract value if the contract value changed within the reporting period. It is possible for this to occur in the same reporting period as a new contract.
<b>Goods/Services (New)</b>	When the transaction record is for an original contract, this field provides a description of the goods/services based on the general ledger accounts associated with the contract. <b>The goods/services are rolled up from subaccounts, so descriptions may appear to be duplicates but are really separate subaccounts in the rolled-up category.</b>

Field Name	Field Description
<b>Goods/Services (Changed)</b>	When the transaction record refers to an amendment to the goods/services, this field provides a description of the changed goods/services based on the general ledger accounts associated with the contract. <b>The goods/services are rolled up from subaccounts, so descriptions may appear to be duplicates but are really separate subaccounts in the rolled-up category.</b>
<b>Contract Duration (New)</b>	When the transaction record is for an original contract, this field refers to the original contract duration which is represented in months or a fraction thereof.
<b>Contract Duration (Changed)</b>	When the transaction record refers to an amendment to the current contract duration, the value will indicate the increase or decrease to the contract duration which is represented in months or a fraction thereof.
<b>Total Contract Duration</b>	This field represents the total contract duration, including cumulative changes to the original contract duration. The value is represented in months or a fraction thereof.

## 2. Trial Court Payment Report

Below are some key factors to consider when reviewing the payment data.

- Goods/Services descriptions are determined by the general ledger account(s) entered in the system.
- A single payment may have multiple lines of data in the file if the payment is for multiple goods/services. Simple sorting by contract number keeps these records together. They can also be sorted by court (JBE) or by vendor.

The chart below contains a list of the report fields and their descriptions.

Field Name	Field Description
<b>JBE</b>	Name of the superior court making the payment.
<b>Contract Number</b>	Unique identifier for the contract under which the payment was made. If the payment was not associated with a contract, this field will be blank.
<b>Goods/Services</b>	Description of the goods/services based on the general ledger account associated with the payment. The goods/services are rolled up from subaccounts, so descriptions may appear to be duplicates but are really separate subaccounts in the rolled-up category.
<b>Vendor ID</b>	Unique identifier for the vendor.
<b>Vendor Name</b>	Name of the vendor.
<b>Total Payments</b>	Total payments to a vendor, reported by court, contract, and goods/services under the contract. Data can be sorted in various ways to obtain totals by court, vendor, contract, goods/services, etc.



## **Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council**

### **General rules applicable to these portions of the report**

Contract and payment information concerning active litigation on capital cases is not reported at the request of the Habeas Corpus Resource Center under statutory and work-product principles.

#### **1. Contract Amendment Report**

Exclusions and explanations in the Contract Amendment Report follow:

- Schedule changes that constitute amendments to a contract indicate the cost of amendment as “0.00,” “n/a,” or “not applicable” because no additional cost was involved.
- “Change of cost and schedule of the work” has an associated cost. Cost changes result from any number of reasons, and there is no specificity for this data element in the Oracle Financial System. Further details related to the basis of the cost change require review of the individual contract.

#### **2. Payment Report**

Payments extracted from the Oracle Financial System were reviewed to determine whether they were contractual payments. Any payment types considered “non-contractual items” are excluded from the reporting, including:

- Payroll and other payments to state employees and judicial officers and the related benefits payments;
- Assigned judges’ compensation;
- Appellate court-appointed counsel panel attorney compensation claims (paid on court order);
- Most utilities;
- Postage;
- Travel reimbursements;
- Settlement charges; and
- Trial court allocations.

Some of the above payment types may be included in the superior court reports, such as utilities, postage, and travel reimbursements.

## **Attachments**

Because of their size, the following attachments, including any explanatory footnotes, are posted separately for access and review.

1. Superior court reports, from January 1 through June 30, 2016:
  - a. Trial Court Contract Report
  - b. Trial Court Payment Report
  
2. Supreme Court, Courts of Appeal, Habeas Corpus Resource Center, and Judicial Council reports, from January 1 through June 30, 2016:
  - a. Contract Amendment Report
  - b. Payment Report