



JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

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

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

Friday, July 27, 2012 • 10:00 a.m.–3:00 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by the Judicial Council Secretariat. Please check the agenda at <http://www.courts.ca.gov/jcmeetings.htm> for recent postings of hyperlinked reports.

FRIDAY, JULY 27, 2012 AGENDA

OPEN MEETING (RULE 10.6(A))—BUSINESS MEETING

10:00–10:05 a.m. Chief Justice’s Report

Chief Justice Tani Cantil-Sakauye will report.

10:05–10:45 a.m. Public Comment

[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to judicialcouncil@jud.ca.gov or mail or deliver your request to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Wednesday, July 25, 2012**. In the request, please state:

- The speaker’s name, occupation, and (if applicable) name of the entity that the speaker represents;
- The speaker’s email address, telephone number, and mailing address; and

NOTE: Time is estimated. Actual start and end times may vary.

- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences.

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than five minutes, the specific time allocation to be determined based on the number of speakers and available time.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

Written Comments Received

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to judicialcouncil@jud.ca.gov or mailed or delivered to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. Only written comments received by **1 p.m. on Thursday, July 26, 2012**, will be distributed to council members at the meeting.

CONSENT AGENDA (ITEMS A1–A2 THROUGH D)

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 Spero at 415-865-7915 at least 48 hours before the meeting.

Item A1 Appellate Procedure: References to Amount of Fee for Filing Notice of Appeal (Action Required)

To reflect increases in filing fees recently enacted by urgency legislation, the Appellate Advisory Committee recommends amending the rule relating to filing a notice of appeal in an unlimited civil case and revising the information sheet concerning these appeals. Because the increased fees went into effect on June 27, 2012, and this proposal would simply update the references to the fee amounts, the advisory committee recommends that these rule and form changes be adopted effective immediately without being circulated for public comment.

Hon. Justice Kathryn Doi Todd, Chair, Appellate Advisory Committee

Staff: Ms. Heather Anderson, Office of the General Counsel

Item A2 [Criminal and Traffic: Uniform Bail and Penalty Schedules, July 2012 Edition \(Action Required\)](#)

Effective July 13, 2012, the Judicial Council adopted the July 2012 Uniform Bail and Penalty Schedules to incorporate information on a statutory increase to the state penalty assessment imposed under Government Code section 76104.7 in criminal cases. Page x of the preface to the revised schedules includes an example of the calculation of fines, penalties, and fees for multiple violations when a case is eligible for referral to a traffic violator school program. The example contains certain inadvertent numerical errors that need to be corrected. The Traffic Advisory Committee recommends updating the council's schedules to show the correct numerical values and assist courts in revising local bail schedules to facilitate proper collection of criminal fines, fees, and penalties in accordance with the new law.

Hon. Mark S. Borrell, Chair, Traffic Advisory Committee

Staff: Mr. Courtney Tucker, Office of the General Counsel

Item B [Judicial Branch Contract Reporting Requirement: Report Listing Executed Contracts and Vendor Payments for the period January 1, 2012, through June 30, 2012 \(Action Required\)](#)

The Administrative Office of the Courts recommends that the Judicial Council approve for submission to the Joint Legislative Budget Committee and the State Auditor reports required under Public Contract Code section 19209 and the Judicial Branch Contracting Manual approved by the Judicial Council on August 26, 2011. The report is required to provide 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 the judicial branch entity receiving the good or service. Also reported are all judicial branch entity contracts that were amended during the reporting period. This is the second semiannual report and covers the period January 1 through June 30, 2012.

Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Staff: Mr. John A. Judnick, Finance Division

Item C [Trial Courts: Policy on Prefunding Other Postemployment Benefits and Establishing Qualified Irrevocable Trusts \(Action Required\)](#)

The Court Staff Retirement Cost and Planning Working Group of the Court Executives Advisory Committee recommends that the council adopt a revision to the Judicial Council policy on prefunding other postemployment benefits and establishing irrevocable trusts within the trial courts. The revision would require trial courts to notify the AOC of their intent to establish an irrevocable trust and to continue to follow the Judicial Council's *Statement of Investment Policy for the Trial Courts*, adopted in 2004.

Ms. Pat Sweeten, Chair, Court Staff Retirement Cost and Planning Working Group

Staff: Mr. Kenneth R. Couch, Human Resources Office

Item D [Judicial Sabbatical: Request for Approval of Unpaid Leave \(Action Required\)](#)

The Executive and Planning Committee recommends approving an unpaid sabbatical leave for Judge Lisa Foster, Superior Court of California, County of San Diego, for a six-month period, September 1, 2012, through February 28, 2013. During this sabbatical leave, Judge Foster will analyze the civil caseload in California to identify efficiencies that will improve the administration of justice; she will provide her findings to the Judicial Council’s Executive and Planning Committee and its Civil and Small Claims Advisory Committee. Judge Foster and the Presiding Judge of the Superior Court of San Diego County have presented information supporting a conclusion that this leave will benefit the administration of justice and her judicial performance and that her absence will not work to the detriment of the court.

Hon. Douglas P. Miller, Chair, Executive and Planning Committee

Staff: Ms. Nancy Spero, Office of the General Counsel

DISCUSSION AGENDA (ITEMS E–H)

Item E **10:45–11:15 a.m.**

[Judicial Branch Budget: Allocation of Fiscal Year 2012–2013 Reductions to State Judiciary Entities \(No Action Required\)](#)

The Budget Act of 2012 (Stats. 2012, ch. 33) includes reductions to appropriation items for state judiciary entities—the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, Judicial Branch Facility Program, and Habeas Corpus Resource Center—representing prior year reductions as well as new reductions for fiscal year (FY) 2012–2013. This report provides information on the \$19 million in FY 2012–2013 budget reductions for the state judiciary entities, as well as the continuation of the FY 2011–2012 reductions totaling approximately \$30 million.

Public Comment and Presentation (15 minutes) • Discussion (15 minutes)

Speakers: Mr. Curt Soderlund, Interim Chief Deputy Director
 Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Item F **11:15 a.m.–12:35 p.m.**

[Trial Court Budget: Fiscal Year 2012–2013 Allocations \(Action Required\)](#)

In accordance with Government Code section 68502.5(c), the Judicial Council has the responsibility to allocate funding for the trial courts. The Trial Court Budget Working Group recommends allocations to trial courts for fiscal year 2012–2013, including those related to base funding for court operations, criminal justice realignment funding, a reduction of \$385 million required by the Budget Act of 2012, a reduction offset of up to \$58.988 million, and a holdback of \$27.8 million from trial courts’ Trial Court Trust Fund allocations as required by Government Code section 68502.5(c)(2)(B).

NOTE: Time is estimated. Actual start and end times may vary.

Public Comment and Presentation (40 minutes) • Discussion/Council Action (40 minutes)

Speakers: Hon. David Rosenberg, Chair, Trial Court Presiding Judges Advisory Committee, and Co-chair, Trial Court Budget Working Group
Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division, and Co-chair, Trial Court Budget Working Group

Lunch 12:35–1:05 p.m. (approx.)

Item G 1:05–1:25 p.m.

Court Facilities: Revised Policy for Prioritizing Facility Modifications (Action Required)

The Trial Court Facility Modification Work Group and the Court Facilities Working Group recommend adoption of the new *Trial Court Facility Modifications Policy*, which updates and supersedes the current *Prioritization Methodology for Modifications to Court Facilities*. The creation of the Court Facilities Working Group, a clarification of the policy’s definition of “Facility Modification,” and three additional years of implementation have necessitated that this policy be updated.

Public Comment and Presentation (10 minutes) • Discussion/Council Action (10 minutes)

Speaker: Hon. David Edwin Power, Chair, Trial Court Facility Modification Working Group

Item H 1:25–1:45 p.m.

Court Facilities: Modifications Budget and Proposed Funding Recommendation for Fiscal Year 2012-2013 (Action Required)

The Trial Court Facility Modification Working Group and the Court Facilities Working Group recommend an allocation of the \$50 million appropriated by the Legislature for court facilities modifications in the fiscal year 2012–2013 budget.

Public Comment and Presentation (10 minutes) • Discussion/Council Action (10 minutes)

Speaker: Hon. David Edwin Power, Chair, Trial Court Facility Modification Working Group

Break 1:45–2:00 p.m. (approx.)

NON-BUSINESS MEETING—CLOSED (RULE 10.6(A))

Session 2:00–3:00 p.m.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours \(Report #13\)](#)

In 2010, the Legislature enacted fee increases and fund transfers for the courts and also added section 68106 to the Government Code. Effective January 1, 2011, and June 27, 2012, the Legislature amended section 68106. In its current form, section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website and relay to the Legislature all such court notices. This is the thirteenth report providing information about recent court notices received pursuant to this requirement. Since the twelfth report, seven courts—Nevada, Shasta, El Dorado, Tulare, San Diego, Kings, and Napa—have given such notices. Since section 68106 was originally enacted, a total of 35 courts have given notice.

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