



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

Thursday, August 30, 2012 • 10:30 a.m.–5:10 p.m.

Friday, August 31, 2012 • 8:30 a.m.–2:30 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.

THURSDAY, AUGUST 30, 2012 AGENDA

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

Closed Session 10:30 a.m.–12:30 p.m.

Lunch Break 12:30–1:30 p.m.

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

OPEN MEETING (RULE 10.6(A))—BUSINESS MEETING—(ITEMS 1–4)

Item 1 **1:30–2:30 p.m.**

Budget: Department of Finance Budget Update (No Action Required. There are no materials for this item.)

Presentation (30 minutes) • Discussion (30 minutes)

Speaker: Ms. Ana Matasantos, Director, California Department of Finance

2:30–2:35 p.m. **Approval of Minutes**

Minutes of the [June 20–22](#), and [July 27, 2012](#), meetings.

2:35–2:45 p.m. **Chief Justice’s Report**

Chief Justice Tani G. Cantil-Sakauye will report.

2:45–2:50 p.m. **[Interim Administrative Director’s Report](#)**

Ms. Jody Patel, Interim Administrative Director of the Courts, will report.

2:50–3:10 p.m. **[Judicial Council Committee Presentations](#)**
[under Committee Reports Tab]

Policy Coordination and Liaison Committee

 Hon. Marvin R. Baxter, Chair

Executive and Planning Committee

 Hon. Douglas P. Miller, Chair

Rules and Projects Committee

 Hon. Harry E. Hull, Jr., Chair

Technology Committee

 Hon. James E. Herman, Chair

Break **3:10–3:25 p.m**

Item 2 **3:25–4:25 p.m.**

[California Tribal Court/State Court Forum \(No Action Required\)](#)

This is an informational report on California’s tribal communities, California’s tribal courts, the California Tribal Court/State Court Forum, and some of the inter-jurisdictional issues facing tribal and state court judges in California.

Public Comment and Presentation (40 minutes) • Discussion (20 minutes)

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

Speakers: Hon. Richard C. Blake, Cochair, California Tribal Court/State Court Forum
Hon. Dennis M. Perluss, Cochair, California Tribal Court/State Court Forum

4:25–4:40 p.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., Tuesday, August 28, 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
- 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 Wednesday, August 29, 2012**, will be distributed to council members at the meeting.

Item 3 4:40–4:55 p.m.

Judicial Council Legislative Priorities: Status Report (No Action Required. There are no materials for this item.)

The Director of the Office of Governmental Affairs will present a summary of significant legislation either pending or passed by the Legislature this legislative year.

Public Comment and Presentation (10 minutes) • Discussion (5 minutes)

Speaker: Mr. Curtis L. Child, Director, Office of Government Affairs

Item 4 4:55–5:10 p.m.

Judicial Branch Strategic and Operational Planning: Process Update (No Action Required)

The Judicial Council develops and adopts branchwide strategic goals and operational objectives, which establishes a common purpose and a shared value system for the branch; provides a framework for orderly growth and progress; and ensures accountability and transparency. Over the next 12 to 18 months, the Judicial Council will work with judicial branch leaders and justice system partners in a collaborative, inclusive process to develop the next Judicial Branch Strategic and Operational Plans.

Public Comment and Presentation (5 minutes) • Discussion (10 minutes)

Speakers: Hon. Douglas P. Miller, Chair, Executive and Planning Committee
 Mr. John Larson, Court Programs and Services

FRIDAY, AUGUST 31, 2012 AGENDA—BUSINESS MEETING

CONSENT AGENDA (ITEMS A–H)

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 A Court Technology and Access: Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives (Action Required)

The Court Technology Advisory Committee recommends adopting the proposed “*Advancing Access to Justice Through Technology: Guiding Principles for California Judicial Branch Initiatives*,” effective immediately. These guiding principles are intended to help leaders and decision makers of technology initiatives in the California judicial branch address issues of access and fairness while pursuing modernization of court practices through technology. The principles are not mandates; nor do they establish conditions for technology advancement. Instead, they articulate the fundamental values that provide overall direction for technology initiatives in the branch.

Hon. Ming W. Chin, Chair, Court Technology Advisory Committee

Hon. Terence L. Bruiniers, Vice-Chair, Court Technology Advisory Committee

Staff: Ms. Jamel Jones, Information Services Division

Item B Equal Access Fund: Distribution of Funds for IOLTA-Formula Grants (Action Required)

As stated in its report on the distribution of Equal Access Fund grants, the State Bar Legal Services Trust Fund Commission recommends approving the distribution of \$14,665,927 in IOLTA-Formula Grants for grant year 2012-2013, according to the statutory formula in the state Budget Act, and approving the commission’s findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

Hon. Ellen Pirie, Cochair, Legal Services Trust Fund Commission

Mr. David Lash, Cochair, Legal Services Trust Fund Commission

Staff: Ms. Bonnie Rose Hough, Center for Families, Children & the Courts

Item C Judicial Branch Administration: Audit Reports for Judicial Council Acceptance (Action Required)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch and the Administrative Office of the Courts (AOC) recommend that the Judicial Council accept the audit reports that pertain to the Superior Courts of Mariposa and Tuolumne Counties. This acceptance complies 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 will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

Staff: Mr. John Judnick, Finance Division

Item D Judicial Branch Administration: Judicial Branch Contracting Manual (Action Required)

At the Judicial Council's regular business meeting on April 24, 2012, the council adopted comprehensive revisions to the *Judicial Branch Contracting Manual* and directed staff to report further to the council in August 2012 about additional revisions to the manual. With the concurrence of the Judicial Branch Contracting Manual Working Group, the AOC recommends the council revise the manual as proposed in this report. Adoption of the proposed revisions to the manual would make it more effective and workable for judicial branch entities' procurement and contracting.

Administrative Office of the Courts

Staff: Ms. Mary M. Roberts, General Counsel

Ms. Linda Nguyen, Office of the General Counsel

Item E Jury Instructions: Additions, Revisions, and Revocations to Criminal Jury Instructions (Action Required)

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed additions, revisions, and revocations to the *Judicial Council of California Criminal Jury Instructions* (CALCRIM). These changes will keep CALCRIM current with statutory and case authority.

Hon. Sandy R. Kriegler, Chair, Advisory Committee on Criminal Jury Instructions

Staff: Ms. Robin Seeley, Office of the General Counsel

Item F Report to the Legislature: Actions Taken to Achieve an Ongoing \$4 Million Reduction to the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, Judicial Branch Facility Program, and the Habeas Corpus Resource Center (Action Required)

The AOC recommends approval of the report to the Legislature on actions taken by the Judicial Council to achieve an ongoing \$4.0 million reduction in expenditures to state judiciary entities scheduled in the Budget Act of 2012, Item 0250-001-0001.

The Budget Act of 2012 specifically schedules \$49.043 million in reductions to the state judiciary. The enacted budget continues \$30.043 million in cuts approved by the Legislature in 2011–2012, and includes \$19 million in new reductions (\$8 million General Fund and \$11 million other funds), of which \$15 million was redirected to offset reductions to trial court operations.

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

Staff: Ms. Gwen Arafiles, Finance Division

Item G Report to the Legislature: Electronic Recording (Action Required)

The AOC recommends that the Judicial Council approve the Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2012). Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

Ms. Jody Patel, Interim Administrative Director of the Courts

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

Item H Criminal Law: Judicial Council Appointment to Board of State and Community Corrections (Action Required)

The Executive and Planning Committee recommends that the Judicial Council appoint the Hon. William R. Pounders (Ret.) to the Board of State and Community Corrections (BSCC). The BSCC, commencing July 1, 2012, was established by Senate Bill 92 (Stats. 2011, Ch. 36). The BSCC is an entity independent of the California Department of Corrections and Rehabilitation and is composed of 12 members including a judge appointed by the Judicial Council. This will be the first Judicial Council appointment to the BSCC.

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

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

DISCUSSION AGENDA (ITEMS I–N)

Item I 8:30–9:00 a.m.

Judicial Branch Administration: Council Member Liaisons to Trial Courts and to AOC Divisions (No Action Required. There are no materials for this item.)

In February 2012, the Chief Justice Tani G. Cantil-Sakauye assigned Judicial Council members to serve as liaisons to specific trial courts to enhance direct communications between trial courts and the Judicial Council and increase the transparency of Judicial Council policymaking and branch leadership within trial court leadership and judges. At the same time, the Chief Justice also assigned Judicial Council members to serve as liaisons to specific AOC divisions to

familiarize council members with how the AOC supports the development of council policy and implements the council's policy directions and to share information about the AOC with the council members, the public, and branch stakeholders. Several council members will report on their liaison experiences over the past several months.

Public Comment and Presentation (25 minutes) • Discussion (5 minutes)

Speakers: Hon. Douglas P. Miller, Chair, Executive and Planning Committee
Judicial Council Members as Trial Court Liaisons

Item J 9:00–11:00 a.m.

Judicial Branch Administration: Report and Recommendations from the Judicial Council's Executive and Planning Committee Regarding the Strategic Evaluation Committee (SEC) Report (Action Required)

Public Comment and Presentation (60 minutes) • Discussion (60 minutes)

Following careful review of the report from the Strategic Evaluation Committee (SEC) and comments on the report, the Executive and Planning Committee (E&P) recommends that the Judicial Council restructure the AOC. The specifics of its recommendations are outlined in Attachment 1, tracking the recommendations from the SEC. E&P has reorganized the recommendations to facilitate implementation. E&P also outlines in that attachment a timeline for the implementation of these structural changes. E&P recommends that the Judicial Council direct the Administrative Director of the Courts to keep E&P informed about implementation. The E&P chair will report regularly to the council on the progress of implementation.

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

Break 11:00–11:15 a.m. (approx.)

Item K 11:15–11:30 a.m.

Children in Foster Care: Report from the California Blue Ribbon Commission on Children in Foster Care (Action Required)

This report provides an update on the ongoing work of the Blue Ribbon Commission on Children in Foster Care and recommends that the Judicial Council direct staff of the Blue Ribbon Commission to seek private foundation funding to hold a California summit on truancy and school discipline. Chief Justice Tani G. Cantil-Sakauye led a team of judicial officers, including Justice Richard D. Huffman, at a conference in New York in March 2012 convened by retired New York Chief Judge Judith Kaye with private foundation funding: the National Leadership Initiative of School-Justice Partnerships: Keeping Kids in School and Out of Court. The conference focused on issues of truancy and school discipline. Following the conference, Chief Justice Cantil-Sakauye charged the Blue Ribbon Commission with taking up the issues of truancy and school discipline as they affect children and youth in the juvenile court system, and

expressed her interest in hosting a California summit on these issues if private funding can be identified and secured.

Public Comment and Presentation (10 minutes) • Discussion (5 minutes)

Speaker: Hon. Richard D. Huffman, Chair, Blue Ribbon Commission on Children in Foster Care

Item L 11:30 a.m.–12:00 p.m.

[Budget: Fiscal Year 2013-2014 Requests for the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, the Judicial Branch Facility Program and the Trial Courts \(Action Required\)](#)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch recommends that the Judicial Council (1) approve the proposed fiscal year (FY) 2013–2014 budget requests for the Administrative Office of the Courts (AOC). It is further recommended that the Judicial Council (2) approve the proposed fiscal year (FY) 2013–2014 budget requests for the Supreme Court, Courts of Appeal, the Judicial Branch Facility Program, and trial courts and (3) delegate authority to the Administrative Director of the Courts to develop budget requests for judicial branch entities as well as the authority to make technical changes to any budget proposals, as necessary. Submittal of budget changed proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, BCPs are to be submitted to the state Department of Finance (DOF) by September 10, 2012.

Public Comment and Presentation (20 minutes) • Discussion (10 minutes)

Speakers: Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
Mr. Zlatko Theodorovic, Chief Financial Officer and Director, Finance Division

Lunch 12:00–12:30 p.m.

Item M 12:30–1:15 p.m.

[Trial Court Trust Fund Allocations: Process and Criteria for Allocating 2% State-Level Reserve Funding \(Action Required\)](#)

Government Code section 68502.5 requires the Judicial Council to set aside 2 percent of the total funds appropriated in the Trial Court Trust Fund for Program 45.10 (Support for Operation of the Trial Courts) each fiscal year. The funds must be used to establish a state-level reserve in the Trial Court Trust Fund that may be allocated to trial courts for unavoidable funding shortfalls, unforeseen emergencies, and unanticipated expenses for existing programs. To establish criteria for the allocation of the reserve fund, the Trial Court Budget Working Group recommends updating the current process for allocating supplemental funding for urgent needs, which the Judicial Council approved at its October 28, 2011, meeting.

Public Comment and Presentation (15 minutes) • Discussion (30 minutes)

Speakers: Hon. David Rosenberg, Cochair, Trial Court Budget Working Group
Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Working Group

Item N 1:15–1:45 p.m.

[Trial Court Trust Fund Allocations: Statewide Programs \(Action Required\)](#)

The Trial Court Budget Working Group recommends a total of \$158.02 million in allocations from the Trial Court Trust Fund for various programs that provide technology and administrative support for trial courts, support access to justice, and reimburse courts for miscellaneous court operation costs. The working group also recommends rescinding the minimum operating and emergency fund balance requirement in the council’s trial court fund balance policy.

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

Speakers: Hon. David Rosenberg, Cochair, Trial Court Budget Working Group
Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Working Group

**CLOSED SESSION (RULE 10.6(B))—DISCUSSION PROTECTED BY
ATTORNEY-CLIENT PRIVILEGE**

Session 2:00–2:30 p.m.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks’ Office Hours \(Gov. Code, § 68106—Report No. 14\)](#)

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 14th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, six superior courts—those of Plumas, San Bernardino, Fresno, Placer, Lake, and Napa Counties—have issued new notices.

**Circulating Orders since the last business meeting
[Circulating Orders Tab]**

**Appointment Orders since the last business meeting
[Appointment Orders Tab]**

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