Executive and Planning Committee March 29, 2012 12:00 p.m.–12:50 p.m. Conference Call

Members Participating: Justice Douglas P. Miller; Judges Stephen H. Baker, David Rosenberg, Kenneth K. So, and David S. Wesley; and Ms. Edith R. Matthai, Mr. Frederick K. Ohlrich, and Mr. David H. Yamasaki.

Other Participating Judicial Officers: Judge Richard Loftus, Jr.

AOC Members Participating: Ms. Deborah C. Brown, Ms. Nancy Carlisle, Ms. Roma Cheadle, Dr. Diane Cowdrey, Ms. Lisa Crownover, Ms. Charlene Depner, Ms. Cristina Foti, Mr. Chad Finke, Ms. Lynn Holton, Mr. John Judnick, Mr. Dag MacLeod, Ms. Susan R. McMullan, Mr. Douglas C. Miller, Ms. Karen Moen, Ms. Jody Patel, Ms. Christine Patton, Ms. Jacquie Ring, Ms. Mary M. Roberts, Mr. David Smith, Ms. Nancy E. Spero, Ms. Nancy Taylor, and Mr. Zlatko Theodorovic.

Agenda Setting

The committee reviewed reports and set the agenda for the April 24, 2012, Judicial Council business meeting.

<u>Review of Annual Agenda for Mental Health Issues Implementation Task Force</u> Judge Richard Loftus, Jr., Chair of the Mental Health Issues Implementation Task Force, briefed the committee on the activities proposed by the Mental Health Issues Implementation Task Force for 2012 and the committee approved the task force's 2012 annual agenda.

2012 Annual Agenda Meeting Action Items

The committee reviewed and approved a memo documenting the action items and key points resulting from annual agenda meetings that the committee held on January 23, 2012, with the advisory groups it oversees. The committee's approval included the 2012 annual agenda submitted for the Mental Health Issues Implementation Task Force and revisions to the 2012 annual agendas submitted for the Court Technology Advisory Committee, Court Interpreters Advisory Panel, and Court Facilities Working Group.

Circulating Order on Special Fund Allocations for Education

Staff of the AOC's Education Division/Center for Judicial Education and Research briefed the committee on a proposed circulating order recommending shifting \$25,000 of an unexpended Modernization Fund allocation that the council approved for juvenile law assignment education, to fund the statewide Cow County Institute to deliver education on criminal justice realignment and other topics to judges in rural counties. The committee approved a circulating order to seek the Judicial Council's approval to reallocate the funds.

<u>Planning for E&P Nominations Meeting</u> The committee decided to hold an in-person meeting in May to review nominations for the five upcoming vacancies on the Judicial Council.

Judicial Council of California Executive and Planning Committee April 16, 2012 Proposal Circulated by E-mail on April 13, 2012

Members Voting: Justice Douglas P. Miller; Judges David Rosenberg, Kenneth K. So, and David S. Wesley; and Mr. David H. Yamasaki.

Members Not Voting: Judge Stephen H. Baker, Ms. Edith R. Matthai, and Mr. Frederick K. Ohlrich.

Staff Participating: Ms. Nancy E. Spero.

Agenda Setting

The committee reviewed reports and set the agenda for the April 24, 2012, Judicial Council business meeting.

Judicial Council of California Executive and Planning Committee April 17, 2012 Proposal Circulated by E-mail on April 16, 2012

Members Voting: Justice Douglas P. Miller; Judges David Rosenberg, Kenneth K. So, and David S. Wesley.

Members Not Voting: Judge Stephen H. Baker, Ms. Edith R. Matthai, Mr. Frederick K. Ohlrich, and Mr. David H. Yamasaki.

Staff Participating: Ms. Nancy E. Spero.

Agenda Setting

The committee reviewed reports and set the agenda for the April 24, 2012, Judicial Council business meeting.

Judicial Council of California Executive and Planning Committee April 19, 2012 Proposal Circulated by E-mail on April 18, 2012

Members Voting: Justice Douglas P. Miller; Judges Stephen H. Baker, David Rosenberg, Kenneth K. So, and David S. Wesley; and Ms. Edith R. Matthai, Mr. Frederick K. Ohlrich, and Mr. David H. Yamasaki.

Staff Participating: Ms. Nancy E. Spero.

Minutes **Minutes**

The committee reviewed and approved the minutes of two meetings held on March 19: a joint committee meeting of E&P and the CCMS Internal Committee and a second meeting of the E&P committee.

Exception to a Subordinate Judicial Officer Conversion to a Judgeship The committee reviewed and approved staff recommendations on a request by the Superior Court of California, County of Alameda for an exception to the conversion of a vacant subordinate judicial officer position to a judgeship.

Judicial Council of California Executive and Planning Committee April 20, 2012 Proposal Circulated by E-mail on April 20, 2012

Members Voting: Justice Douglas P. Miller; Judges Stephen H. Baker, David Rosenberg, Kenneth K. So, and David S. Wesley; and Mr. Frederick K. Ohlrich and Mr. David H. Yamasaki.

Member Not Voting: Ms. Edith R. Matthai

Staff Participating: Ms. Nancy E. Spero.

Agenda Setting

The committee reviewed a report and set the agenda for the April 24, 2012, Judicial Council business meeting.

Executive and Planning Committee Meeting April 24, 2012 12:15 p.m.–12:30 p.m. Conference Call

Executive and Planning (E&P) Members Participating: Justice Douglas P. Miller; Judges David Rosenberg, Kenneth K. So, and David S. Wesley; and Ms. Edith R. Matthai, Mr. Frederick K. Ohlrich, and Mr. David H. Yamasaki.

Other Judicial Council Member in Attendance: Judge David M. Rubin

AOC Members Participating: Ms. Deborah C. Brown, Ms. Roma K. Cheadle, Ms. Maria Kwan, Ms. Jody Patel, and Ms. Nancy E. Spero.

Nominations to the Judicial Council

The committee reviewed E&P's guidelines and process for reviewing nominations and submitting E&P's recommendations to the Chief Justice. The committee also considered how to handle nominations that are submitted after the April 13 deadline.

Board of State and Community Corrections (Board) Nominations

The committee reviewed E&P's guidelines and process for reviewing nominations to the Board, noting that the appointment is made by the Judicial Council, not the Chief Justice. Therefore E&P will select the one candidate it will recommend to the Judicial Council for appointment at the council's June meeting.

Judicial Council of California Executive and Planning Committee May 10, 2012 Proposal Circulated by E-mail on May 10, 2012

Members Voting: Justice Douglas P. Miller; Judges David Rosenberg, Kenneth K. So, and David S. Wesley; and Ms. Edith R. Matthai, Mr. Frederick K. Ohlrich, and Mr. David H. Yamasaki.

Member Not Voting: Judge Stephen H. Baker

Staff Participating: Ms. Nancy E. Spero.

<u>Agenda Setting</u> The committee reviewed and set the agenda for the May 17, 2012, Judicial Council meeting.

In-Person Meeting May 17, 2012 – 3:00 p.m. Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); Hon. Robert James Moss; Hon. Mary Ann O'Malley; Ms. Angela J. Davis; Mr. Mark P. Robinson, Jr.; and Ms. Kim Turner.

Policy Coordination and Liaison Committee members absent: Hon. David M. Rubin

OGA staff present: Mr. Curtis L. Child, Ms. Donna Hershkowitz, Mr. Daniel Pone, Ms. Tracy Kenny, Ms. Andi Liebenbaum, Ms. Dia Poole, and Ms. Yvette Casillas.

Other AOC staff present: Mr. Michael Giden

ACTION ITEMS

1. Approval of minutes

The minutes of the May 4, 2012, conference call were approved as submitted.

2. Consent Item

Action on Pending Legislation

a) <u>AB 1712 (Beall), as amended April 26, 2012 – Minors and nonminor</u> <u>dependents: out-of-home placement</u>

Contains numerous technical and clarifying amendments to implement the provisions of AB 12 (Beall and Bass, Ch. 559, Stats. of 2010). These include: (1) clarifying that a CASA can serve a nonminor dependent; (2) clarifying that a nonminor delinquent in a foster care placement to accomplish his or her rehabilitative goals cannot be required to complete a mutual agreement to be a nonminor dependent, but remains subject to the jurisdiction and authority of the delinquency court; (3) clarifying competency provisions relating to nonminor dependents; (4) clarifying that nonminor dependent Indian children may participate in tribal customary adoptions; (5) authorizing adult adoption as a permanent plan for nonminor dependent if he or she has established residency in a new county based upon residency in the county for at least a year; (7) allowing nonminor dependents who turn age 19 in 2012 to remain in care or to re-enter care; (8) expanding the definition of relative for purposes of Kinship

Guardianship Assistance Program (Kin-GAP) eligibility; and (9) clarifying the educational and health care privacy rights of the nonminor dependent. **PCLC Action**: Support.

 b) <u>AB 2299 (Feuer), as amended May 3, 2012 – Local government: public safety officials: confidentiality</u> Authorizes the board of supervisors of a county to establish a program whereby

Authorizes the board of supervisors of a county to establish a program whereby the names of certain public safety officials, including judges and subordinate judicial officers, may be redacted upon request from any property record of a principal residence that is disclosed to the public by that county. **PCLC Action**: Support.

c) <u>AB 2393 (Davis), as amended March 29, 2012 – Family law: child support</u> formula

Increases the net disposable income adjustment for low-income child support obligors from \$1,000 to \$1,500, and directs the Judicial Council to calculate an annual adjustment to that amount each March 1 based upon the change in the California Consumer Price Index.

PCLC Action: Support.

d) <u>SB 1433 (Alquist), as amended April 11, 2012 – Domestic violence: protective</u> orders

Modifies existing statutory requirements concerning firearms relinquishment in cases in which a Domestic Violence Prevention Act (DVPA) protective order has been issued to: (1) require courts to conduct a search to determine if the restrained person has a registered firearm when the court is performing other required criminal history searches on the party to be restrained by the order, subject to the availability of resources for this task; (2) require law enforcement officers who serve DVPA orders to request that a restrained person surrender his or her firearm when the order indicates that the party might have a gun; (3) require the restrained party to file a copy of the form filed with the court documenting the surrender of the firearm with the law enforcement agency that served the order; and (4) require a peace officer serving a DVPA protective order to take temporary custody of any firearm in plain sight or discovered pursuant to a lawful search as necessary to protect the peace officer or other person present.

PCLC Action: Support.

3. Discussion Items

Action on Pending Legislation

a) <u>AB 2442 (Williams), as amended April 25, 2012 – State property: California</u> <u>Hope Public Trust</u> Establishes the California Hope Public Trust to support the California State University, the University of California, and the California Community Colleges systems. Requires the Trust to annually submit a request to the Legislature to enact legislation that would authorize the Trust to control the state-owned real property the Trust determines it should control, including court facilities. Provides that the Trust may manage the properties it controls in a variety of ways including: disposition; construction and maintenance; leasing; entering into joint ventures with other entities for construction or development of buildings and land for joint-use purposes; issuing revenue bonds to obtain funds to pay the cost of projects involving the property; and contracting with DGS for the management and maintenance of property in possession of the Trust.

PCLC Action: Oppose unless amended to exempt all property controlled and managed by the judicial branch.

b) <u>Trailer bill language: Court security funding realignment cleanup trailer bill</u> <u>legislation</u>

Amends the Superior Court Law Enforcement Act of 2002 to reflect the changed relationship between courts, counties, and sheriffs in light of the realignment of court security funding implemented as part of the 2011-12 budget (AB 118, Stats. 2011, ch. 40). Among other things, the proposed bill: (1) expressly states that "[a]lthough realignment changed the source of funding for court security," it did not, and the amendments by this bill are not intended to and should not "result in reduced court security service delivery, increased obligations on sheriffs or counties, other significant programmatic changes that would not otherwise have occurred absent realignment"; (2) clarifies that courts generally are not responsible for and shall not pay sheriffs for costs of security, except that a court may pay for increased services that the sheriff would not have been obligated to provide absent realignment, and thus are not required to provide subsequent to realignment; (3) eliminates the distinction between "allowable" and "unallowable" costs, as the sheriffs are limited only by the requirement that all revenue in the Local Trial Court Security accounts be spent on trial court security and by the language described in (1), above. PCLC Action: Support.

4. Informational Item

a) Budget update

Curt Child provided an update on the budget. **PCLC Action**: No action required.

OTHER BUSINESS

Confirm next PCLC conference call: Proposed date: June 14, 2012

Approved by the committee June 14, 2012

Conference Call Meeting May 25, 2012 – 8:00 a.m. Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); Hon. Robert James Moss; Ms. Angela J. Davis; Mr. Mark P. Robinson, Jr.; and Ms. Kim Turner.

Policy Coordination and Liaison Committee members absent: Hon. Mary Ann O'Malley and Hon. David M. Rubin.

OGA staff present: Mr. Curtis L. Child, Ms. Donna Hershkowitz, Mr. Daniel Pone, Ms. Andi Liebenbaum, Ms. Yvette Casillas, and Ms. Nell Schaffer.

Other AOC staff: Ms. Christine Patton

ACTION ITEMS

1. Approval of minutes

N/A

2. Consent Item

N/A

3. Discussion Item

Action on pending legislation

 a) <u>Mortgage foreclosure bills</u> Curtis Child and Daniel Pone reported on pending legislation regarding mortgage foreclosure.
 <u>PCLC Action: No action required.</u>

OTHER BUSINESS

Confirm next PCLC conference call: Proposed date: June 14, 2012

Approved by the committee June 14, 2012

Conference Call Meeting June 14, 2012 – 4:30 p.m. Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. Robert James Moss; Hon. Mary Ann O'Malley; Hon. David M. Rubin; Ms. Angela J. Davis; and Ms. Kim Turner.

Policy Coordination and Liaison Committee members absent: Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); and Mr. Mark P. Robinson, Jr.

OGA staff present: Mr. Curtis L. Child, Ms. Donna Hershkowitz, Mr. Daniel Pone, Ms. Tracy Kenny, Ms. Andi Liebenbaum, Ms. Yvette Casillas, and Ms. Nell Schaffer.

Other AOC staff: Ms. Jody Patel and Mr. Curt Soderlund.

ACTION ITEMS

1. Approval of minutes

The minutes of the May 27, 2012, and the May 25, 2012, conference calls were approved as submitted.

2. Consent Items

Action on Pending Legislation

- <u>AB 1893 (Wagner), as amended May 7, 3012 Probate proceedings: rules of practice</u>
 Clarifies the procedural rules that apply to probate proceedings.
 <u>PCLC Action: Support.</u>
- b) <u>AB 2106 (Wagner), as amended May 24, 2012 Civil procedure: motion to set aside and vacate a judgment and motion for a new trial</u> Clarifies the time for bringing a motion for a new trial and a motion to set aside and vacate a judgment.
 <u>PCLC Action: Support.</u>

- <u>AB 2274 (Lara), as amended May 15, 2012 Vexatious litigants</u> Extends the vexatious litigant statute to pro per parties who had legal representation at the time of filing their lawsuits.
 <u>PCLC Action: Support.</u>
- Invitation to Comment
 - d) Probate Guardianships: Referral of Proposed Ward in a Guardianship Proceeding to County Child Welfare Department for an Investigation of the Ward's Status as a Dependent Child Under the Juvenile Court Law Reconciles recent appellate court decisions and clarifies the respective responsibilities of guardianship and juvenile courts and county child welfare departments concerning proposed wards who also may qualify as dependent children of the juvenile court.

PCLC Action: Approved for circulation.

3. Discussion Items

Action on pending legislation

<u>AB 2073 (Silva), as amended April 30, 2012 – Courts: electronic filing and service of documents in the trial courts</u>
 Authorizes the Orange County Superior Court, until July 1, 2014, to adopt a

Authorizes the Orange County Superior Court, until July 1, 2014, to adopt a local rule of court that would establish a pilot project mandating parties to civil actions identified by the court to electronically file and serve documents. Requires the Judicial Council to conduct an evaluation of the pilot project and report to the Legislature, on or before December 31, 2013, on the results of the evaluation. Requires the Judicial Council, on or before July 1, 2014, to adopt uniform rules that would permit trial courts throughout the state to mandate electronic filing and service of documents in civil cases. **PCLC Action**: Support.

b) <u>AB 2076 (Ma), as amended May 25, 2012 – Official court reporter fee</u> Provides that fees charged and collected by courts for the cost of providing a court reporter in civil cases are to be retained by the court in which the fee was collected. Directs trial courts to assess a flat \$30 fee for the services of a court reporter in civil proceedings lasting for less than one hour. Provides that the \$30 of the civil filing fee which is to be used for the services of an official court reporter in civil proceedings shall be retained by the trial court. Repeals existing statutory language which authorizes the Judicial Council to allocate revenues from the portion of the filing fees that is intended for court reporters in civil proceedings to replace reductions in the General Fund appropriation to the trial courts.

PCLC Action: 1) No position on the issue of whether courts should be able to retain the court reporter fees assessed and collected, pending action of the Trial

Court Budget Working Group. 2) Oppose the repeal of statutory language which allows the Judicial Council to redirect the filing fee revenue to replace reductions in the General Fund appropriation to the Trial Court Trust Fund. 3) No position on the provision requiring courts to assess a flat \$30 fee for court reporter services in proceedings lasting less than one hour, pending action of the Trial Court Budget Working Group. 4) Consistent with recommendation #2 and existing law, oppose the requirement that directs \$30 of each filing fee be retained by the trial court, instead of remitted to the Trial Court Trust Fund, for the purposes of providing court reporters in civil proceedings.

4. Informational Item

 a) <u>Budget Update</u> Curtis Child provided an update on the budget.
 <u>PCLC Action: No action required.</u>

OTHER BUSINESS

Confirm next PCLC conference call: Proposed date: June 28, 2012

Approved by the committee June 28, 2012

In-Person Meeting June 21, 2012 – 9:30 a.m. Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. James E. Herman, Vice-Chair; Hon. Robert James Moss; Hon. Mary Ann O'Malley; Hon. David M. Rubin; and Ms. Angela J. Davis.

Policy Coordination and Liaison Committee members absent: Hon. Marvin R. Baxter, Chair; Hon. Terry B. Friedman (Ret.); Mr. Mark P. Robinson, Jr.; and Ms. Kim Turner.

OGA staff present: Mr. Curtis L. Child, Ms. Donna Hershkowitz, and Ms. Yvette Casillas.

Other AOC staff: Mr. Curt Soderlund.

ACTION ITEMS

1. Approval of minutes

N/A

2. Consent Items

N/A

3. Discussion Item

Action on pending legislation

a) <u>AB 2442 (Williams), as amended May 25, 2012 – State property: California</u> <u>Hope Public Trust</u>

Establishes the California Hope Public Trust (Trust) to support the California State University (CSU), the University of California (UC), and the California Community Colleges (CCC) systems. Provides that the Trust be funded by transfers of state-owned property, including court facilities which the Judicial Council has authority to manage and control.

PCLC Action: Continue opposition unless amended to exempt all property controlled and managed by the judicial branch. Reject alternative proposed by author.

OTHER BUSINESS

Confirm next PCLC conference call: Proposed date: June 28, 2012

Approved by the committee June 28, 2012

Conference Call Meeting June 28, 2012 – 4:30 p.m. Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); Hon. Robert James Moss; Mr. Mark P. Robinson, Jr.; and Ms. Kim Turner.

Policy Coordination and Liaison Committee members absent: Hon. Mary Ann O'Malley; Hon. David M. Rubin; and Ms. Angela J. Davis.

Judicial Council members present: Hon. Stephen Baker

OGA staff present: Mr. Curtis L. Child, Ms. Donna Hershkowitz, Ms. Andi Liebenbaum, Mr. Daniel Pone, Ms. Nell Schaffer, Ms. Monica LeBlond, and Ms. Yvette Casillas.

Other AOC staff present: Mr. Curt Soderlund

ACTION ITEMS

1. Approval of minutes

The minutes of the June 14, 2012, and June 21, 2012, conference calls were approved as submitted.

2. Consent Item

N/A

3. Discussion Items

Action on Pending Legislation

 a) <u>AB 1913 (Skinner), as amended May 25, 2012 – Postrelease community supervision: revocation: release on bail</u> Authorizes persons on post-release community supervision (PRCS) to apply for bail during the pendency of court revocation proceedings. Specifies that admittance to bail pending revocation of PRCS is within the sole discretion of the court. Provides that a bail application pursuant to the bill's provisions shall be governed by existing statutory procedures for the setting of bail.
 <u>PCLC Action: Oppose.</u>

- b) <u>Mortgage Foreclosure Bills Update</u> Daniel Pone provided an update regarding the status of the mortgage foreclosure bills that staff reported on at the May 25, 2012, PCLC meeting.
 <u>PCLC Action: No action required.</u>
- <u>AB 2442 (Williams), as amended June 27, 2012 State property: California Hope Public Trust</u>
 Curtis Child and Nell Schaffer provided an update on the status of the bill and on efforts to secure an amendment to exempt all properties managed by the Judicial Branch.
 <u>PCLC Action: Oppose unless amended.</u>

4. Discussion Item

 a) <u>Budget update</u> Curtis Child provided an update on the budget.
 <u>PCLC Action</u>: No action required.

OTHER BUSINESS

Confirm next PCLC conference call: Proposed date: July 26, 2012

Approved by the committee on July 26, 2012

Conference Call Meeting July 26, 2012 – 4:45 p.m. Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Mary Ann O'Malley; Hon. David M. Rubin; Mr. Mark P. Robinson, Jr.; and Ms. Kim Turner.

Policy Coordination and Liaison Committee members absent: Hon. Terry B. Friedman (Ret.); Hon. Robert James Moss; and Ms. Angela J. Davis.

OGA staff present: Mr. Curtis L. Child, Ms. Donna Hershkowitz, Ms. Andi Liebenbaum, Ms. Nell Schaffer, Ms. Monica LeBlond, and Ms. Yvette Casillas.

Other AOC staff present: Ms. Eunice Calvert-Banks, Mr. Michael Giden, and Mr. Burt Hirschfeld.

ACTION ITEMS

1. Approval of minutes

The minutes of the June 28, 2012, conference call were approved as submitted.

2. Consent Item

N/A

3. Discussion Item

Action on Pending Legislation

a) <u>AB 2442 (Williams), as amended June 27, 2012 – State property: California</u> <u>Hope Public Trust</u>

Establishes the California Hope Public Trust (Trust) to support instruction and direct student services at the California State University (CSU), the University of California (UC), and the California Community Colleges (CCC) systems. Requires the Trust to manage properties transferred to it with the goal of increasing their value and that the Trust use the moneys generated from managing the properties to support the CSU, UC, and CCC systems.

Contains no exemption for any court facilities for which the Judicial Council has authority to manage and control pursuant to the Trial Court Facilities Act of 2002 (Stats. 2002, ch. 1082).

PCLC Action: Defer action, and direct OGA to work with PCLC members Judge Mary Ann O'Malley and Ms. Kim Turner on proposed language to submit to the author, to protect Judicial Branch property.

4. Informational Item

a) Curtis Child reported on a potential proposal arising out of Fresno relating to video appearances in traffic and juveniles. Andi Liebenbaum provided an overview on SB 210 relating to OR release and the likely possibility the bill will come to PCLC with a recommendation to oppose from the Criminal Law Advisory Committee and potential PCLC action in the near future.
 <u>PCLC Action: No action required.</u>

OTHER BUSINESS

Confirm next PCLC conference call: Proposed date: August 16, 2012

Approved by the committee August 16, 2012