



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

Milton Marks Auditorium

455 Golden Gate Avenue • San Francisco, California 94102-3688

Thursday, December 13, 2012 • 1:00 p.m.–6:00 p.m.

Friday, December 14, 2012 • 8:30 a.m.–1:00 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support Services. Please check the agenda at <http://www.courts.ca.gov/20094.htm> for recent postings of hyperlinked reports.

THURSDAY, DECEMBER 13, 2012 AGENDA

NON-BUSINESS MEETING—CLOSED (RULE 10.6(A) AND 10.6(B)— EDUCATIONAL MEETING AND PRIVILEGED ATTORNEY-CLIENT DISCUSSIONS)

Session 1:00–3:15 p.m.

Break 3:15–4:30 p.m.

OPEN MEETING (RULE 10.6(A))—EDUCATIONAL MEETING AGENDA (ITEM 1)

Item 1 4:30–6:00 p.m.

**Judicial Council Distinguished Service Awards and Benjamin Aranda Award for 2012
(No Action Required. There are no materials for this item.)**

The Judicial Council honors the winners of the annual Distinguished Service Awards for significant and positive contributions to court administration in California. The council approved the winners at its October 25, 2012, meeting. The Ronald M. George Award for Judicial Excellence honors members of the judiciary for their extraordinary dedication to the highest

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

FRIDAY, DECEMBER 14, 2012 AGENDA—BUSINESS MEETING

- 8:30–8:35 a.m.** **[Approval of Minutes](#)**
Approve minutes of the October 25–26, 2012, meetings.
- 8:35–8:45 a.m.** **Chief Justice’s Report**
Chief Justice Tani G. Cantil-Sakauye will report.
- 8:45–8:55 a.m.** **[Administrative Director’s Report](#)**
Hon. Steven Jahr, Administrative Director of the Courts, will report.
- 8:55–9:15 a.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
- 9:15–9:45 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 Carlisle. 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, December 11, 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 e-mail 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 Carlisle. Only written comments received by **1 p.m. on Wednesday, December 12, 2012**, will be distributed to council members at the meeting.

CONSENT AGENDA (ITEMS A1–A5, B–Q)

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.

ITEMS A1–A5 RULES, FORMS, AND STANDARDS

Civil Jury Instructions

Item A1 Jury Instructions: Additions, Revisions, Revocations, and Renumbering of Civil Jury Instructions (Action Required)

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

Hon. H. Walter Croskey, Chair, Advisory Committee on Civil Jury Instructions

Mr. Bruce Greenlee, Legal Services Office

Civil and Small Claims

Item A2 Civil Practice and Procedure: Application for and Notice of Stay and Early Evaluation Conferences in Construction-Related Accessibility Claims (Action Required)

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

The Civil and Small Claims Advisory Committee recommends that the Judicial Council adopt, effective January 1, 2013, forms for defendants to apply for and the court to give notice of a stay of proceedings and early evaluation conference in construction-related accessibility claims. Senate Bill 1186 (Steinberg and Dutton; Stats. 2012, ch. 383) was enacted in late September 2012 to promote compliance with the state's disability access laws and deter unwarranted litigation in that area. Many provisions of the new law are already in effect, including the expansion of the categories of defendants who are eligible for automatic stays and early evaluation conferences under Civil Code section 55.54. The new law mandates that the Judicial Council revise the current provisional and statutorily mandated forms to implement these changes by January 1, 2013.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Hon. Frank Roesch, Chair, Chair, Rules and Forms Subcommittee

Ms. Anne M. Ronan, Legal Services Office

Traffic

Item A3 Traffic: Automated Traffic Enforcement System Notice to Appear (Action Required)

The Traffic Advisory Committee recommends revision of forms TR-115, *Automated Traffic Enforcement System Notice to Appear*, and TR-INST, *Notice to Appear and Related Forms*, effective January 1, 2013. Vehicle Code section 40518(a) authorizes the Judicial Council to prescribe the form of a notice to appear that is issued when a person is cited by an automated enforcement system for certain red light violations. Recent legislation, enacted effective January 1, 2013, amended Vehicle Code section 40518 to require specific additional contact information for the notice to appear form and Vehicle Code section 42005 to permit drivers with a commercial driver's license who are cited for a violation while driving a noncommercial vehicle to attend traffic violator school (TVS). The revised forms are recommended to comply with the new laws.

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

Mr. Courtney Tucker, Legal Services Office

Item A4 Traffic: Procedures and Eligibility Criteria for Attending Traffic Violator School (Action Required)

The Traffic Advisory Committee recommends amending rule 4.104 of the California Rules of Court to update the rule to conform to recent legislation that becomes effective January 1, 2013. Assembly Bill 1888 (Stats. 2012, ch. 302) amended Vehicle Code section 42005 to permit drivers with a commercial driver's license who are cited for a violation while driving a noncommercial vehicle to attend traffic violator school (TVS). AB 1888 also added Vehicle Code section 1808.10, which limits eligibility for TVS to one traffic violation citation in an 18-month period. Amended rule 4.104 provides updated procedures and eligibility criteria for attending traffic violator school.

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

Mr. Courtney Tucker, Legal Services Office

Item A5 Uniform Bail and Penalty Schedules: 2013 Edition (Action Required)

The Traffic Advisory Committee recommends revisions to the *Uniform Bail and Penalty Schedules*, effective January 1, 2013. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. Under rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The recommended revisions bring the schedules into conformance with recent legislation.

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

Mr. Courtney Tucker, Legal Services Office

Item B Judicial Council: Parliamentary Procedures for Meetings (Action Required)

The Parliamentary Procedures Working Group recommends that the Judicial Council adopt several minor revisions to the Parliamentary Procedures for the Judicial Council. The procedures provide guidance to the council regarding the conduct of council meetings and voting requirements on council matters.

Hon. Harry E. Hull, Jr., Chair, Parliamentary Procedures Working Group

Mr. Mark Jacobson, Legal Services Office

Item C Access to Visitation: Program Funding Allocation Methodology for Fiscal Year 2013–2014 (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve a methodology for one-year continuation Access to Visitation grant funding allocations for fiscal year 2013–2014. The recommended process will fund current programs that were previously approved by the Judicial Council for fiscal years 2011–2012 and 2012–2013. Courts will complete a simplified request for application process and the proposed allocations for each court will be submitted to the Judicial Council for approval in early 2013.

Hon. Kimberly J. Nystrom-Geist and Hon. Dean T. Stout, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Shelly La Botte and Mr. Michael L. Wright, Center for Families, Children & the Courts

Item D Equal Access Fund: Distribution of Funds for Partnership Grants (Action Required)

As stated in its report on the *Equal Access Fund: Distribution of Thirteenth Year Equal Access Fund Partnership Grants*, the State Bar Legal Services Trust Fund Commission requests that the Judicial Council approve the distribution of \$1.624 million in partnership grants for 2013, according to the statutory formula in the state Budget Act, and approve the commission's findings that the proposed budget for each individual grant complies with statutory and other guidelines.

Mr. Jeffrey Ball, Cochair, State Bar Legal Services Trust Fund Commission

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

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

Item E Judicial Branch Education: Renaming the Office of Education/CJER (Action Required)

The Governing Committee of the Center for Judicial Education and Research recommends that the Office of Education/CJER be renamed the Center for Judiciary Education and Research (CJER). The Governing Committee has determined that the proposed renaming more accurately captures the mission and scope of this office and the work that it does for the entire California judiciary in the area of education. In addition, this name highlights the work that the Judicial Council, the California Judges Association, and the Continuing Education of the Bar accomplished in creating an entity that is devoted to education for the California Judicial Branch.

Hon. Robert L. Dondero, Chair, Governing Committee of the Center for Judicial Education and Research

Mr. Curtis L. Child, Chief Operating Officer, Judicial and Court Operations Services Division

Mr. Robert Lowney, Office of Education/CJER

NEW CONSENT ITEM

AOC Restructuring: Additional Judicial Council Directive Regarding AOC Policy on Working Remotely (Telecommuting) (Action Required)

On August 31, 2012, the Judicial Council directed the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting (working remotely) policy consistently and to identify and correct all existing deviations and violations of the existing policy. The council also directed the Administrative Director to review that policy and provide the council with a report proposing any recommendations and amendments to the policy. The Executive and Planning Committee recommends that the council add an additional directive—to consider and report on alternatives, including whether this policy should remain in force—and return to the council with a report and recommendations for the council's February 2013 meeting.

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

Ms. Nancy Spero, Judicial Council and Court Leadership Services Division

Item F Judicial Council Legislative Policy Summary: 2012 (Action Required)

The Policy Coordination and Liaison Committee recommends that the Judicial Council adopt the updated Legislative Policy Summary reflecting actions through the 2012 legislative year. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with strategic plan goals.

Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee

Ms. Donna S. Hershkowitz, Office of Governmental Affairs

Mr. Daniel Pone, Office of Governmental Affairs

Item G Judicial Council–Sponsored Legislation: Tribal Court Civil Judgment Act (Action Required)

The Policy Coordination and Liaison Committee, California Tribal Court/State Court Forum, Civil and Small Claims Advisory Committee, and Family and Juvenile Law Advisory Committee, jointly recommend that the Judicial Council sponsor legislation to clarify and simplify the process by which tribal court civil judgments will be recognized and enforced in California, in the form of the Tribal Court Civil Judgment Act. Currently, tribal court judgments may be recognized under the provisions of the Uniform Foreign-Country Money Judgments Recognition Act. (Code of Civ. Proc., §§ 1713-1724.) Proceedings to obtain enforcement under that act can be lengthy and costly. This proposal would provide a discrete procedure for recognizing and enforcing tribal court civil judgments, to provide swifter recognition of such judgments while continuing to apply the principles of comity appropriate to judgments of sovereign tribes.

Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee

Hon. Richard Blake and Hon. Dennis M. Perluss, Cochairs, California Tribal Court/State Court Forum

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Hon. Kimberly J. Nystrom-Geist and Hon. Dean T. Stout, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Ann Gilmour and Ms. Jennifer Walter, Center for Families, Children & the Courts

Ms. Tracy Kenny, Office of Governmental Affairs

Ms. Anne M. Ronan, Legal Services Office

Item H Judicial Council–Sponsored Legislation: Court Reporter Fee Cleanup (Action Required)

The 2012 public safety budget trailer bill (Sen. Bill 1021; Stats. 2012, ch. 41) created a new \$30 fee to be assessed against litigants for court reporter services in civil proceedings lasting less

than one hour. The statute did not provide clear guidance, however, on how to implement this fee. The Policy Coordination and Liaison Committee (PCLC) and the Joint Legislation Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees (JLWG) therefore recommend addressing the lack of specificity and resulting confusion to better enable courts to collect revenue from this new source. This proposal will streamline procedures and create sufficient flexibility and guidance for the courts and for litigants on how this new fee will be assessed.

Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee

Hon. Laurie M. Earl, Chair, Trial Court Presiding Judges Advisory Committee

Mr. Alan Carlson, Chair, Court Executives Advisory Committee

Ms. Donna S. Hershkowitz and Mr. Daniel Pone, Office of Governmental Affairs

Item I Judicial Branch Report to the Legislature: Statewide Collection of Court-Ordered Debt (Action Required)

The Enhanced Collections Unit of the AOC Fiscal Services Office recommends approving the fiscal year 2011–2012 annual *Report to the Legislature on Statewide Collection of Court-Ordered Debt*, as required by Penal Code section 1463.010.

Mr. Curt Soderlund, Chief Administrative Officer, Judicial and Court Administrative Services Division

Mr. Zlatko Theodorovic, Fiscal Services Office

Ms. Margie Borjon-Miller, Fiscal Services Office

Item J Judicial Branch Report to the Legislature: Statewide Amnesty Program for Fiscal Year 2011–2012 (Action Required)

The Enhanced Collections Unit of the AOC, Fiscal Services Office, is submitting a report to the Legislature on the Statewide Amnesty Program for review and approval by the Judicial Council, as required by Vehicle Code section 42008.7.

Mr. Curt Soderlund, Chief Administrative Officer, Judicial and Court Administrative Services Division

Mr. Zlatko Theodorovic, Fiscal Services Office

Ms. Margie Borjon-Miller, Fiscal Services Office

Item K Judicial Branch Report to the Legislature: Court Facilities Construction Procurement Practices (Action Required)

The AOC recommends that the Judicial Council direct the AOC to submit a report on Judicial Branch Construction Procurement Practices to the Joint Legislative Budget Committee (JLBC) by January 15, 2013, to meet Government Code section 70403(d) statutory reporting requirements. The report to the JLBC discusses the six projects that the

AOC completed for the judicial branch during the reporting period of January 1, 2008, to January 1, 2013, delivering each under budget and saving the state nearly \$29 million.

Mr. Curtis L. Child, Chief Operating Officer, Judicial and Court Operations Services
Division

Mr. Robert Emerson, Judicial Branch Capital Program Office

Ms. Kelly Quinn, Judicial Branch Capital Program Office

Item L Judicial Branch Report to the Legislature: Receipts and Expenditures From Local Courthouse Construction Funds (Action Required)

The Judicial Branch Capital Program Office of the AOC recommends approving *Receipts and Expenditures From Local Courthouse Construction Funds: Report to the Budget and Fiscal Committees of the Legislature* for submission to the budget and fiscal committees of the Legislature. The report provides information for the reporting period of July 1, 2011, through June 30, 2012, regarding receipts and expenditures from local courthouse construction funds, as reported by each county. The annual submission of this report is required under Gov. Code section 70403(d).

Mr. Curt Soderlund, Chief Administrative Officer, Judicial and Court Administrative
Services Division

Mr. Lee Willoughby, Judicial Branch Capital Program Office

Ms. Gisele Corrie, Judicial Branch Capital Program Office

Item M Judicial Branch Report to the Legislature: Tribal Customary Adoption (Action Required)

The AOC, Judicial and Court Operations Services Division, Center for Families, Children & the Courts recommends that the Judicial Council approve for submission to the Legislature the report *Tribal Customary Adoption: Evaluation of Assembly Bill 1325*. This report, which evaluates a new statutorily created permanency option for “Indian children” (as defined in 25 U.S.C. § 1903 (4) and Welf. & Inst. Code, § 224.1 (a)), is required to be submitted by the Judicial Council under Welfare and Institutions Code section 366.24 (f).

Mr. Curtis L. Child, Chief Operating Officer, Judicial and Court Operations Services
Division

Ms. Diane Nunn, Center for Families, Children & the Courts

Ms. Ann Gilmour, Center for Families, Children, & the Courts

Item N Judicial Branch Report to the Legislature: Special Funds Expenditures for Fiscal Year 2011–2012 (Action Required)

The Administrative Office of the Courts recommends that the Judicial Council approve the report of trial court special funds expenditures for fiscal year 2011–2012, as required by Gov.

Code section 77209(j), to the chair of the Joint Legislative Budget Committee, vice-chair of the Senate Committee on Budget and Fiscal Review, and the chair and vice-chair of the Assembly Committee on Budget.

Mr. Zlatko Theodorovic, Fiscal Services Office

Mr. Steven Chang, Fiscal Services Office

Item O Judicial Branch Report to the Legislature: Status of the California Court Case Management System and the Phoenix Program 2012 (Action Required)

The AOC recommends that the Judicial Council approve the *Status of the California Court Case Management System and the Phoenix Program 2012*, as required by Government Code section 68511.8(a), to be sent to the chair of the Joint Legislative Budget Committee, vice-chair of the Senate Committee on Budget and Fiscal Review, and the chair and vice-chair of the Assembly Committee on Budget.

Mr. Curt Soderlund, Chief Administrative Officer, Judicial and Court Administrative Services Division

Mr. Mark Dusman, Information Technology Services Office

Item P Judicial Branch Report to the Legislature: Judicial Administration Standards and Measures that Promote the Fair and Efficient Administration of Justice (Action Required)

The Administrative Office of the Courts recommends that the Judicial Council approve the transmittal of the attached report to the Legislature on Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice, as required under Government Code section 77001.5. Although this is an annual requirement, reports due November 2010 and 2011 were not submitted due to resource limitations in the judicial branch. The attached report attempts to overcome these limitations by identifying and reporting on existing measures adopted by the Judicial Council that respond to the reporting requirements. Taking advantage of improvements in data quality, the report provides information on the following standards and measures of trial court operations: (1) caseload clearance rates; (2) time to disposition; (3) stage of case at disposition; (4) trials by type of proceeding; and (5) judicial workload and resources.

Mr. Curtis L. Child, Chief Operating Officer, Judicial and Court Operations Services Division

Mr. Dag MacLeod, Court Operations Special Services Office

Item Q Judicial Branch Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant (Action Required)

The Administrative Office of the Courts (AOC) recommends that the Judicial Council approve the report Disposition of Criminal Cases According to the Race and Ethnicity of the

Defendant for transmission to the Legislature and the Governor. Doing so fulfills the requirements of Penal Code section 1170.45 which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to the defendants' race and ethnicity. Since 2001 the Administrative Office of the Courts Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the California State Department of Justice. Consistent with previous years, the 2012 report finds that when controlling for prior record and type of offense, there are no consistent patterns in the severity of sentence related to the defendants' race/ethnicity.

Mr. Curtis L. Child, Chief Operating Officer, Judicial and Court Operations Services
Division

Mr. Dag MacLeod, Court Operations Special Services Office

DISCUSSION AGENDA (ITEMS NEW, R–X)

NEW DISCUSSION ITEM 9:45–10:15 a.m.

Judicial Branch Budget: Update (No Action Required. There are no materials for this item.)

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

Speakers: Hon. Steven Jahr, Administrative Director of the Courts
Hon. Laurie M. Earl, Chair, Trial Court Presiding Judges Advisory Committee
Mr. Alan Carlson, Chair, Court Executives Advisory Committee
Mr. Curt Soderlund, Chief Administrative Officer, Judicial and Court
Administrative Services

Item R 10:15–10:40 a.m.

Judicial Council Legislative Priorities: 2013 (Action Required)

Each year, the Judicial Council sponsors legislation to further key council objectives and set its legislative priorities for the upcoming legislative year. For the 2011 and 2012 legislative years, the council's legislative priorities focused mostly, though not entirely, on budget and budget-related items. The Policy Coordination and Liaison Committee recommends a similar approach for the 2013 legislative session, with the following legislative priorities: (1) budget, including advocating against further reductions and for sufficient resources for the judicial branch as well as continuing to advocate for the 17 operational efficiencies, cost savings, and revenue proposals approved for sponsorship in 2012; and (2) the continuing priority of securing new judgeships and ratifying the authority of the council to convert vacant subordinate judicial officer positions to judgeships in eligible courts. These legislative priorities will help ensure that Californians continue to have access to courts and critical court services, and that the judicial branch can provide some degree of access to justice.

Public Comment and Presentation (15 minutes) • Discussion (10 minutes)

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

Speakers: Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee
Mr. Cory Jaspersen, Office of Governmental Affairs
Ms. Theresa Taylor-Carroll, Office of Governmental Affairs

Break 10:40–10:55 a.m. (approx.)

Item S 10:55–11:15 a.m.

Court Facilities: Trial Court Facility Modifications Working Group Charge (Action Required)

The Trial Court Facility Modifications Working Group (TCFMWG) and the AOC recommend the Judicial Council approve the proposed charge for the TCFMWG. The working group has functioned for over five years without a charge based on the Judicial Council’s policies on Facility Modifications. The proposed charge formalizes the previous responsibilities and includes expanded responsibilities related to operations and maintenance of court facilities.

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

Speaker: Hon. David Edwin Power, Chair, Trial Court Facility Modifications Working Group
Mr. Curt Soderlund, Chief Administrative Officer, Judicial and Administrative Services Division

Item T 11:15–11:45 a.m.

Court Security: Final Report of the Court Emergency Response and Security Task Force (Action Required)

The Court Emergency Response and Security Task Force has evaluated court security—including emergency planning, continuity of operations, and personal security issues—and presents its recommendations for the Judicial Council to manage, maintain, and enhance security in the courts. The task force recommends that the council receive its report, maintain the AOC Office of Security, and create a Court Security Advisory Committee to promote the security of judges, court employees, and the public they serve.

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

Speaker: Mr. Michael Roddy, Member, Court Emergency Response and Security Task Force

Item U 11:45 a.m.–12:00 p.m.

Judicial Branch Administration: Retaining the AOC Office of Security (Action Required)

At its August 31, 2012, meeting, the Judicial Council directed the Administrative Director of the Courts “to return to the Judicial Council with an analysis, defining the necessary emergency

response and security functions for the branch and a recommendation on the organizational plan for council approval.” Based on the recommendation of the final report of the Court Emergency Response and Security Task Force, the Administrative Director of the Courts recommends maintaining the AOC Office of Security within the Judicial and Court Operations Services Division and directing a proposed Court Security Advisory Committee to review the AOC Office of Security and make recommendations defining the necessary emergency response and security functions to be performed by the office. When the necessary functions are established, the Administrative Director of the Courts will conduct a staffing and organizational study of the AOC Office of Security and make changes to the office in consultation with the proposed Court Security Advisory Committee, as appropriate.

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

Speakers: Hon. Judge Steven Jahr, Administrative Director of the Courts
Mr. Curtis L. Child, Chief Operating Officer, Judicial and Court Operations Services Division

Item V 12:00–12:20 p.m.

Court Facilities: Court Financial Contributions and Judicial Council Oversight (Action Required)

The AOC recommends that the Judicial Council discontinue the existing Court-Funded Facilities Request (CFR) Procedure, with a narrow exception, and recommends additional council actions to ensure informed council oversight of court facilities and related costs. The CFR Procedure was created as an interim measure to assist courts pending completion of the transfers of responsibility for their facilities from counties to the state, and those transfers were completed on December 31, 2009. As legislation enacted this summer further reduced trial court funding and significantly restricted the courts’ ability to carry fund balances, the AOC also recommends that an analysis be prepared for presentation to the Judicial Council in June regarding the courts’ existing financial commitments to contribute to facilities costs and the advisability of permitting future such contributions to supplement insufficient state funding. Such future contributions would be via allocation reduction in narrow circumstances with specified requirements. Finally, the AOC recommends designating the council’s Trial Court Facility Modifications Working Group to receive reporting about court leases generally.

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

Speakers: Hon. Steven Jahr, Administrative Director of the Courts
Ms. Gisele Corrie, Judicial Branch Capital Program Office

~~Item W 11:50 a.m.–12:10 p.m.~~ THIS DISCUSSION ITEM DEFERRED TO A FUTURE 2013 MEETING; SEE RELATED “NEW CONSENT ITEM” ON PAGE 7

~~AOC Restructuring: Revisions to Policy 8.9–Working Remotely (Telecommuting) (Action Required)~~

~~The Administrative Director of the Courts recommends that the Judicial Council approve the revisions to Policy 8.9, Working Remotely (Telecommuting) of the AOC Personnel Policies and~~

~~*Procedures Manual.* In August 2012, the Executive and Planning Committee recommended that the Judicial Council direct the Administrative Director of the Courts to require immediate compliance with the requirements and policies in the *AOC Personnel Policies and Procedures Manual*, including compliance with the rules limiting telecommuting. The Judicial Council further directed the Administrative Director of the Courts to propose amendments to the existing policy. As a response to that directive, the Administrative Director of the Courts confirms that all telecommuting staff are in compliance with the existing policy and has prepared a report containing the proposed revised Policy 8.9 for the council's consideration. In addition to partially addressing Judicial Council directive 125, the revision better addresses the business justifications for telecommuting, incorporates feedback from the Executive Office and office directors, and addresses eligibility requirements, frequency, and the development of approval mechanisms in order to ensure compliance with the policy.~~

~~*Public Comment and Presentation (10 minutes) • Discussion (10 minutes)*~~

~~Speaker: ——— Hon. Steven Jahr, Administrative Director of the Courts~~

Item X 12:20–1:00 p.m.

[Public Access to Judicial Administrative Records: AOC Policy and Procedures for Responding to Requests for Information and Records Under Rule 10.500 \(Action Required\)](#)

Judicial Council members recommend that the council approve and direct the Administrative Director of the Courts to implement a policy for guiding AOC staff in responding to public requests for information/explanation and for judicial administrative records under rule 10.500 of the California Rules of Court. A formal policy is needed because the AOC has recently been receiving an increased number of requests that do not fall squarely within the bounds of rule 10.500. Adoption of the proposed policy and direction to the AOC to implement will ensure appropriate, consistent handling of all requests.

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

Speakers: Hon. Judith Ashmann-Gerst, Judicial Council member
 Hon. Harry E. Hull, Jr., Judicial Council member
 Mr. Chad Finke, Court Operations Special Services Office

Lunch 1:00 p.m. (approx.)

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[INFO 1 Judicial Council: Implementation of Judicial Council Directives on AOC Restructuring](#)

The Chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council AOC Restructuring Directives as approved by the

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

council on August 31, 2012. The AOC Restructuring Directives specifically direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on each of the directives. This informational report provides an update on the progress of implementation efforts.

[INFO 2 Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours \(Gov. Code, § 68106—Report No. 16\)](#)

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 16th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, ten superior courts—those of Yolo, Fresno, San Joaquin, Plumas, Mendocino, Sonoma, Sutter, Solano, San Mateo and San Bernardino Counties—have issued new notices.

[INFO 3 Trial Courts: Trial Court Records Manual, Version 2.0](#)

This report presents the revised *Trial Court Records Manual* (Version 2.0), prepared by the Court Executives Advisory Committee. The manual is an important resource, containing references to statutes, rules, industry standards, and best practices relating to records management. The revised manual includes new sections on standards for managing microfilm records and for records created, maintained, and preserved in electronic form. It also contains a new section on the filing of documents, the form and format requirements for filed documents, and the role of civil fees and fee waivers.

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

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