



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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

Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
June 25, 2013	For Information Only
To	Deadline
Members of the Judicial Council	N/A
From	Contact
Steven Jahr	Tina Carroll
Administrative Director of the Courts	Executive Office Liaison
	415-865-4242 phone
Subject	Tina.Carroll@jud.ca.gov
Report on Activities of the Administrative Office of the Courts	

The following information outlines some of the many activities the Administrative Office of the Courts (AOC) is engaged in to further the Judicial Council's goals and priorities for the judicial branch. The report focuses on action since the council's April meeting and is exclusive of issues on the June business meeting agenda.

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Trial Court Budget Snapshots: Budget impact snapshots were completed for each of the 58 trial courts. We appreciate the tremendous assistance from trial courts in providing this information. The snapshots were used extensively in advocacy efforts in the Capitol to convey the depth of court program and service reductions for the public. They may be viewed on the [Budget Impacts page](#) of the California Courts Website.

Statewide Conference Calls on May Budget Revision: Following the release of the May Revision to the Governor's 2013–2014 proposed budget, the AOC conducted a series of statewide conference calls for trial and appellate court leaders, and the Bench-Bar Coalition, providing updates on the branch budget situation; potential solutions to address critical cash management issues facing the trial courts; and the timeline for the remainder of the budget development process.

Legislative Briefing on New Trial Court Funding Methodology: Members of the Trial Court Budget Working Group Funding Methodology Subcommittee presented a briefing for members of the Legislature and their staff on the new budget allocation methodology for funding the trial courts. With high interest in the presentation, more than 30 people were in attendance.

Judicial Branch Contract Law Audit: The State Auditor's office held its opening conference with the AOC on the first of what will be biennial audits to assess implementation of judicial branch contract law with respect to the AOC, the appellate courts, and the Habeas Corpus Resource Center. The audit will include a systems reliability review for the tracking of procurement data in the Phoenix and Oracle systems. By statute, the initial audit must be completed by December 15, 2013.

Legislative Advocacy: May 31, 2013, marked the last day on which bills could be passed out of their houses of origin in the Legislature. Throughout the extremely active legislative months of April, May, and June, Office of Governmental Affairs' advocates analyzed and brought bills within the Judicial Council's purview to the appropriate advisory bodies for input. Staff continue to monitor the bills and advocate any positions taken by the Judicial Council. A status report on 2013 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee during the 2013–2014 legislative session can be found at:

<http://courts.ca.gov/documents/Legislative-Status-Chart-2013.pdf>.

Judicial Council Sponsored Legislation: Office of Governmental Affairs advocates continue to facilitate the passage of Judicial Council-sponsored legislation through the legislative process:

- **AB 619 (Garcia) – court facilities:** Contains one of the six efficiency proposals approved for Judicial Council sponsorship in April 2013. *Status:* Heard before the Senate Judiciary Committee on June 18, 2013 and passed to the Senate Appropriations Committee.

- AB 648 (Jones-Sawyer) – court reporter fee clean-up: Cleans up language from last year that created a new \$30 fee for court reporters in civil proceedings lasting one hour or less. *Status*: Heard before the Senate Judiciary Committee on June 18, 2013, and passed to the Senate Floor.
- AB 1004 (Gray) – electronic signatures on arrest warrants: Contains one of the 17 efficiency proposals approved for Judicial Council sponsorship in December 2012. *Status*: Heard before the Senate Public Safety Committee on June 18, 2013, and passed to the Senate Floor.
- AB 1293 (Bloom) – efficiencies not accepted by the Department of Finance: After discussions with Assembly Judiciary Committee staff, the bill was amended. It now contains only one of the 17 efficiency proposals approved for Judicial Council sponsorship in December 2012: a new \$40 probate fee for filing a request for special notice in certain proceedings. *Status*: This bill is in the Senate but has not yet been referred to committee.
- AB 1352 (Levine) – court records retention: Updates and revises court record retention provisions. *Status*: Passed out of the Senate Judiciary Committee on June 11, 2013, and referred to the Senate Appropriations Committee.
- SB 378 (Block) – official record of conviction: admissibility of electronically digitized copy: Contains one of the six efficiency proposals approved for Judicial Council sponsorship in April 2013. *Status*: Passed out of the Assembly Public Safety Committee on June 11, 2013, and referred to the Assembly Appropriations Committee Consent Calendar.
- SB 406 (Evans) – Tribal Court Civil Judgment Act: *Status*: Due to continuing opposition to this bill, it has been made into a two-year bill.

Bench-Bar Coalition Day in Sacramento Legislative Visits: Judicial Council members were among the participants in the Bench-Bar Coalition's (BBC) two-day round of "Day in Sacramento" legislative visits in May. More than 40 BBC and council members from around the state visited legislators and key staff at the Capitol, while additional members met with legislators for "Day in the District" office visits on Thursdays and Fridays of each week in May and June. In all, more than 70 visits were completed. Appointments were requested primarily with legislators who would be considering the judicial branch budget and those representing districts where BBC members reside and/or practice.

Chief Justice Stakeholder Liaison Meetings:

- *State Bar of California*: The Chief Justice and AOC executives met with the president and representatives of the State Bar of California to discuss topics of mutual concern, including the judicial branch budget and legislation impacting the bar.
- *California State Association of Counties (CSAC)*: A similar meeting with CSAC president David Finigan and other representatives included a discussion of the Chief Justice's Civic Education Initiative and the CSAC "Year of the Child" initiative including a productive

discussion of ways in which counties and the branch can collaborate on these efforts. The meeting also addressed updates on the budget; the Trial Court Funding Workgroup; court construction, and Criminal Justice Realignment, including judicial officer training and Community Correction Partnerships.

- *Meet and Greet with Labor Union Representatives:* The Chief Justice and AOC executives met with labor union representatives for the San Diego County Court Employees Association and the Laborers' International Union of North America to discuss issues of mutual interest and concern, including the judicial branch budget and legislation related to court employees.

Criminal Justice Realignment:

- A report submitted to the Department of Finance documenting the probation failure rate for the first quarter of 2013. The probation failure rate (number of felony probationers revoked to either prison or jail as a percentage of the average statewide felony probation population) of 5.3 percent remains significantly below the 2006–2008 baseline probation failure rate of 7.9 percent.
- Staff presented at meetings of the California State Association of Counties and the California State Sheriffs' Association regarding the branch's efforts related to the new parole revocation hearing responsibilities, and met in-person and by conference call with the Department of Corrections and Rehabilitation regarding the upcoming transition.
- Staff attorneys facilitated discussions with the California Department of Justice to clarify statutory criminal disposition reporting requirements for parole revocation proceedings, and continued development of various proposals to facilitate court implementation of realignment, including a legislative proposal to govern competency issues during probation and mandatory supervision revocation proceedings.
- Pursuant to Penal Code Section 13155, data was collected from 56 out of 58 trial courts measuring workload impact and dispositions associated with criminal justice realignment.
- Technical assistance was provided directly to 42 court staff on data collection and reporting related to criminal justice programs. Additionally, staff provided courts with oral and written advice on various procedural uncertainties related to implementation of criminal justice realignment.
- At the request of the Legislature and Department of Finance, staff assisted with drafting amendments to SB 678 to expand the data collection requirements for probation departments to reflect realignment-related changes in the program.

Reentry Court Project:

- Preliminary findings from the Parolee Reentry Court Project were presented to the Judicial Council's Collaborative Justice Courts Advisory Committee, documenting encouraging preliminary findings. Focus groups also were conducted with Reentry Court participants in

four counties. Information gathered from the focus groups will be used to provide feedback to the courts, identify innovative and promising practices, and improve program processes.

California Risk Assessment Pilot Project:

- Site visits were made to courts in Napa, San Francisco, and Santa Cruz Counties to collect supplemental case data to be used to measure the implementation and use of risk and needs assessments at the sentencing of felony probation cases.
- At the quarterly meeting of project managers, discussions focused on technical assistance priorities for the 2013–2014 fiscal year, and development of potential areas for expansion, e.g., incorporating risk and needs assessments into pretrial and for realigned populations (post release community supervision and mandatory supervision).

Firearms Reporting: After the Joint Legislative Audit Committee approved a request to have the State Auditor examine whether information regarding mentally ill persons prohibited from possessing firearms is being reported to the Department of Justice (DOJ) in accordance with state law and whether DOJ's Armed Prohibited Persons System is up to date, the AOC's Criminal Justice Court Services Office researched the various levels of court compliance. Staff found that there is a lack of information available to the courts regarding both their requirements as well as the processes in place to address their responsibilities. The DOJ is now developing a uniform reporting system for use by the courts.

Judicial Privacy Protection Program: The Office of Security issued notification to judicial officers about its Judicial Privacy Protection Program that assists them in exercising their privacy rights under Government Code section 6254.21, by sending requests on behalf of participants to major online data vendors to remove and suppress their home addresses and phone numbers. Since the program's establishment in 2006, more than 2,000 judicial officers have been served.

Title IV-E Foster Care Review: The federal report announcing that California passed the 2012 title IV-E eligibility review specifically noted the work of the dependency courts in "ensuring that court orders consistently meet the standards for title IV-E eligibility." Passing this review assures that California's children in foster care will continue to receive the funding necessary to support them in out-of-home care. The deputy director of the California Department of Social Services noted the contribution the courts made to the successful 2012 title IV-E review and also recognized the contributions of AOC's Judicial Resources and Technical Assistance project, stating: "The project attorneys play a vital role in assisting the state's juvenile dependency judges in analyzing the ever-changing landscape of state and federal dependency law and the required judicial determinations for foster care eligibility."

Youth Court Summit: The 8th Annual Youth Court Summit was held at Chapman University in Orange County. The summit provides a unique opportunity for youth, judges, community service leaders, and youth-focused organizations to engage in a program of juvenile court diversion, truancy prevention, and civics education.

Judicial Resources and Technical Assistance Site Visits: The Judicial Resources and Technical Assistance (JRTA) project assists judges and juvenile court professionals with the many issues that arise around the findings and orders required to remove a child from his or her home, and continued judicial oversight of the foster care placement to help ensure successful outcomes of federal reviews of California's foster care cases. JRTA attorneys assist the court by analyzing court case files and identifying legal issues or training needs. During this reporting period, attorneys conducted courtesy file reviews in the following courts: Colusa, Contra Costa, Glenn, Kern, Mendocino, Napa, Riverside, Santa Barbara, Santa Clara, Tulare, and Yolo.

International, National, Tribal Court Collaboration on Justice System Issues:

- *American Bar Association:* As part of the American Bar Association's (ABA's) Rule of Court Initiative taking place in more than 60 countries, and at its invitation and expense, AOC Chief of Staff Jody Patel is participating in a two-day conference in Bahrain to facilitate the exploration by the Bahrain Judicial Council (established in 2003) of how a Judicial Council governance process and AOC (for which their council has recently received funding), can best support the needs of the courts and the public in the administration of justice.
- *International Judicial Visitors:* The AOC's Chief Counsel and staff from the Legal Services Office and Center for Families, Children & the Courts (CFCC) presented an overview of the California judicial branch, judicial ethics education and compliance, ensuring access and fairness, and family dispute resolution to a group of 29 study tour participants from the judiciary of Bulgaria.
- *National Conference on the Court Improvement Program:* A CFCC attorney was invited to present on the recent successful outcome of the State's federal audit of title IV-E funds at a national conference on the Court Improvement Program. The presentation addressed how the Judicial Resources and Technical Assistance Program assists the courts in meeting federal guidelines for foster care eligibility.
- *California Courts Cross-Cultural Exchange:* Judge Abby Abinanti, Chief Judge of the Yurok Tribal Court, and Judge Christopher G. Wilson, Superior Court Judge in Humboldt County, co-hosted the second in a series of three exchanges to discuss and problem-solve together local court concerns relating to domestic violence, sexual assault, stalking, teen dating violence and/or elder abuse in the tribal community. The project is funded by the California Emergency Management Agency.

Judicial Administration Fellowship Program Interviews: Judicial branch members conducted interviews for the 2013–2014 Judicial Administration Fellowship Program, administered by the Center for California Studies at California State University at Sacramento, and co-sponsored by the Judicial Council. Ten fellows will be selected out of a highly competitive, nationwide pool of more than 150 applicants. Commencing in September, the class of fellows will work for 10 months in individual placements in trial courts and the AOC.

Facilities

AOC Appointment of Director for the Judicial Branch Capital Program Office: Mr. William J. Guerin will join the AOC as its new director for the Judicial Branch Capital Program Office, effective July 1, 2013, following the retirement of Lee Willoughby. Mr. Guerin brings to his new role more than 30 years of public building leadership experience, primarily with the federal General Services Administration in Washington, D.C. He assumes leadership of a team of 57 professionals—architects, planners, engineers, inspectors, analysts, project managers, and administrators—who comprise the Judicial Branch Capital Program Office, 26 of whom are based in Sacramento, 19 in San Francisco, and 9 in Burbank, as well as 4 staff members who work out of court locations.

Status of SB 1407 Capital Projects:

- There are 35 active capital projects totaling over \$4.6 billion; 10 projects, totaling over \$1.4 billion, are currently in construction; construction on a further five projects will begin in 2013, bringing the total value of projects in construction to \$2 billion.
- Court, city, and county officials attended the groundbreaking ceremony for the new North Butte County Courthouse in Chico. The courthouse is expected to be ready for occupancy in winter 2014.
- The Department of Finance issued the capital outlay technical letter to the Legislature that includes 10 budget change proposals for the following: three projects moving to the construction phase (two in San Joaquin and one in San Diego), five projects moving to the working drawings phase (one in each of the following counties: Glenn, Imperial, Merced, Riverside, Tehama), one project moving into the preliminary plans phase (funded by local Siskiyou County resources), and one project to re-establish authority to enter into a lease purchase agreement with the County of Alameda.
- The lease revenue bond sale to finance the construction phase of the new Yuba City Courthouse closed on May 1, 2013. Bonds sold for a 25-year term at 3.798%.

Facility Modifications:

- As of June 11, 2013, there are 413 active facility modification projects for a total estimated value of \$59,800,664.

- Implementation of facility modification projects valued at over \$7 million approved by the Trial Court Facility Modification Advisory Committee between October 2012 and June 2013 continue to face delays due to staffing shortages.
- 2013–2014 Budget Change Proposals submitted to the Department of Finance during the previous quarter in order to increase funding for facility modification, operations, and maintenance were denied. Emergency and critical system renovations continue, but other maintenance projects will continue to be deferred.
- Internal Audit Services and the Facilities Management Unit presented its audit plan to executive management related to management and maintenance services contracts from 2006 through 2011. The plan calls for additional dedicated staff to improve the existing audit process.

Human Resources

Labor Relations/Negotiations: The AOC is currently supporting 14 trial courts in labor negotiations and two court interpreter regions in bargaining sessions. Negotiations have recently concluded in two courts. Staff are providing support to four trial courts in responding to a labor charge with the Public Employee Relations Board.

Trial Court Employee Relations: Employee relations assistance is currently being provided to 17 courts. Requests for assistance with investigations have continued to increase, with the unit currently assisting with 15 investigations.

Classification/Compensation Assistance: Classification and compensation assistance is currently being provided to two courts. The Superior Courts of Alpine and Madera Counties have enlisted the AOC's assistance in reviewing select classifications within their respective courts.

Technology

Phoenix Fiscal and Human Resource Management Systems:

- *Audit of Phoenix System Security:* The Trial Court Administrative Services Office and the Information Technology Services Office are working with the Bureau of State Audits (BSA) as they audit Phoenix System security and controls. A significant portion of this effort is to develop a business and technical solution for BSA auditors to have access to all of the data in the Phoenix System without disrupting production processing.
- *Securing Court Data:* In March 2013, the technical team for the Phoenix fiscal and HR management systems was chosen to participate in a program with ERP vendor, SAP, for the final phase of product development that will encrypt sensitive data from the courts' desktops to the California Courts Technology Center (CCTC) and further benefit the courts by saving

on development and maintenance costs. The new product version no longer requires court IT involvement for activating the service-saving installation effort at each court.

- *Phoenix System Support Contract:* Nine vendors responded to the Request for Proposals for SAP system support for the Phoenix program. The contract was awarded to EPI-Use America, Inc., effective June 2013 through June 2016.

Case Management Systems:

- *Civil, Small Claims, Probate and Mental Health (V3):* The V3 system is deployed in five courts (Orange, Sacramento, San Diego, San Joaquin, and Ventura), representing approximately 25 percent of the state's court civil caseload. A database software upgrade was deployed to Sacramento, San Diego, San Joaquin, and Ventura). Deployment has not yet occurred for the Superior Court of Orange County.
- *Sustain Justice Edition:* The AOC funds program management oversight for this system. For courts hosted at the California Courts Technology Center, maintenance activities included production support updates, system patching, and security certificate renewals. The team is meeting with member courts of the SJE Consortium to discuss the path forward for their case management system needs. The updates for AB 109 (Parole Revocation) are being tested for installation at the end of June 2013.
- *Appellate Court Case Management System:* System updates included support to manage related case comments; the ability to import documents into a Supreme Court case from the source Court of Appeal case; and improvements to the display of party and attorney information in both the case management system and the appellate cases website.

Web Resources:

- *Family Law Websites for Parents and Children:* Two new family law related websites (www.familieschange.ca.gov and www.changeville.ca.gov) were launched. The sites are intended to provide courts with information resources for family law litigants, taking full advantage of web-based technology without cost to the local courts. They provide information on divorce and separation for children, teens, and parents, and assist courts in providing parent education on family law matters. Trial Court Improvement Funds, approved by the Judicial Council, were used to adapt sites developed by the Justice Education Society, a non-profit organization that supports the British Columbia justice system.
- The Supreme Court Committee on Judicial Ethics Opinions website was launched.

Statistics on the California Courts Protective Order Registry: California Department of Justice grant-funded system deployments continued. Since May 2013, Tehama, San Joaquin, Sutter, and Glenn Counties were added to the system, for a total of 26 counties. In May 2013, 16,949 new orders were entered on the system, with a total of 56,566 active orders available to 61 law enforcement agencies.

Advisory Committees/Task Forces/Working Groups

Advisory committees will hold only one in-person meeting per year until the fiscal situation improves. Other meetings will be convened using video- or audio-conferencing.

The following committees met since the Judicial Council's April meeting:

1. Ad Hoc Joint Working Group on Court Interpreter Issues
2. Administrative Presiding Justices Advisory Committee
3. Advisory Committee on Accountability and Efficiency for the Judicial Branch
4. Appellate Court Clerks Association
5. Appellate Indigent Defense Oversight Advisory Committee
6. Blue Ribbon Commission on Children in Foster Care
7. Center for Judiciary Education and Research Governing Committee
8. Civil and Small Claims Advisory Committee
9. Collaborative Justice Courts Advisory Committee
10. Court Executives Advisory Committee/Conference of Court Executives
11. Court Facilities Advisory Committee
12. Court Technology Advisory Committee
13. Criminal Jury Instructions Advisory Committee
14. Criminal Law Advisory Committee
15. Domestic Violence Practice and Procedure Task Force
16. Family and Juvenile Law Advisory Committee
17. Mental Health Issues Implementation Task Force
18. Traffic Advisory Committee
19. Trial Court Facility Modification Advisory Committee
20. Trial Court Presiding Judges Advisory Committee

Meeting Details

Ad Hoc Joint Working Group on Court Interpreter Issues:

- This ad hoc group comprising members of various Judicial Council advisory bodies will make recommendations to the council on options for using all or a portion of interpreter funds and ensuring the coordination of efforts to expand court interpreter services. The group will sunset by September 30, 2013.
- Received updates from staff on a number of issues related to the working group's charge, and discussed the Department of Justice investigation regarding language access and a legal opinion regarding use of interpreters in civil matters.

Administrative Presiding Justices Advisory Committee:

- Discussed, among other things, a schedule for future appellate court conferences, the status of the e-filing pilot project in the First Appellate District, and the year-end fiscal outlook for the appellate courts.

Advisory Committee on Accountability and Efficiency for the Judicial Branch:

- Contracts Working Group (subcommittee) discussed approaches for a review of AOC contracting processes, and possible recommendations on a level of council oversight. AOC's Fiscal Services, Internal Audit Services, and Legal Services offices were in attendance.

Appellate Court Clerks Association:

- Discussed compliance with the Judicial Branch Contracting Manual and the upcoming audit of the appellate courts by the Bureau of State Audits.
- Discussed the level of critical information technology and fiscal services provided by the AOC to the appellate courts, as well as a technology roadmap planning out the next several years of appellate court technology projects.

Appellate Indigent Defense Oversight Advisory Committee:

- Reviewed and audited a random sampling of appellate court-appointed counsel compensation claims from the previous quarter.
- Discussed metrics pertaining to the Court-Appointed Counsel program, including cost per page, as well as edits to the program's audit manual.

Blue Ribbon Commission on Children in Foster Care:

- Discussed a briefing report on truancy and school discipline issues in California and received an update on plans for the Chief Justice's statewide summit on keeping children in school and out of court, taking place December 4, 2013.
- Amended recommendations on data and information sharing as well as permanency and reunification to be presented to the Judicial Council at its August meeting.

Center for Judiciary Education and Research Governing Committee:

- Reviewed steps for implementing the 2013 Annual Agenda; the status of new judge education report recommendations; development of the 2014–2016 Education Plan; and discussed the Judicial Council restructuring directive that the Rules and Projects Committee review and evaluate the relaxation of mandatory education requirements during times of budget constraints.
- Received an update on the 2013 Judicial College.

Civil and Small Claims Advisory Committee:

- Considered public comments received on the mandatory e-filing proposal developed in conjunction with the Court Technology Advisory Committee. Following further modification of the proposal in light of the comments, voted to recommend that the council adopt new rules authorizing courts, at their discretion, to require mandatory e-filing and e-service in civil cases.

Collaborative Justice Courts Advisory Committee:

- Finalized release of the Request for Application package for local courts to apply for the Substance Abuse Focus Grants for collaborative court projects funded through an earmarked allocation from the Legislature to the Judicial Council. Also reviewed informational materials for judges to assist in implementing Penal Code 1170.9 concerning sentencing options for veterans with mental health issues and veterans courts.

Court Executives Advisory Committee and Conference of Court Executives:

- Discussed next steps for the judicial branch allocation methodology; legislative updates including court administration efficiency proposals; and the Department of Finance proposals to exclude statutorily restricted funds when calculating the one percent fund balance amount.
- Provided input to the Trial Court Facility Modification Working Group on the status of the operations and maintenance program for the branch and prioritization of services.
- Discussed policy considerations for the appropriate subject matter of rules of court and standards of judicial administration.
- Received an update on the formation of the council's ad hoc working group to address the provision of court interpreter services.

Court Facilities Advisory Committee:

- Courthouse Cost Reduction Subcommittee reviewed the scope, budget, and sites proposed for several projects on which design work has not yet begun, and security budget issues related to new courthouses.
- Discussed the launch of a process to review topics that will inform an update to design standards.

Court Technology Advisory Committee:

- Approved the AB 2073 Mandatory E-Filing Working Group's recommendations on the proposed rules and forms for mandatory electronic filing and service for the trial courts for submission to the Judicial Council.

Criminal Jury Instructions Advisory Committee:

- Approved 38 proposed revised or new instructions to circulate for public comment until June 28, 2013, including proposals to: conform all felony murder jury instructions to the holding of *People v. Wilkins* (2013) 56 Cal.4th 333; approve two new jury instructions on Reckless Driving with Specified Injury and Mistake of Law as a Defense; address concerns raised in a recent appellate decision about the Unconsciousness Defense and the Intoxication instructions; and clarify the Criminal Street Gang instructions in light of the holding of *People v. Rodriguez* (2012) 55 Cal.4th 1125.

Criminal Law Advisory Committee:

- Sought and received approval from the Rules and Projects Committee for the circulation of two optional forms for use by supervising agencies and courts to request, order, and recall arrest warrants for persons supervised on parole and postrelease community supervision. An expedited comment period (ending May 23, 2013), was used in anticipation of the July 1, 2013, implementation of the new court responsibilities.

Domestic Violence Practice and Procedure Task Force:

- At its final meeting, considered proposals on personal service of restraining orders; a firearms symposium tentatively set for September 11, 2013; and the use of a lethality tool in webinars for family court services professionals.
- Reviewed a draft final report and recommendations for submission to the Judicial Council at its August 23 meeting.

Family and Juvenile Law Advisory Committee:

- Addressed several juvenile law policies and practices, which included possible future recommendations for legislative proposals related to confidentiality of juvenile court records; protocols regarding competency of juveniles to stand trial in delinquency cases; issues that cross over from probate to juvenile court when allegations of child abuse and neglect arise in private guardianship actions; and priorities for AOC-provided training in the juvenile courts.
- Discussed possible amendments to rules of court regarding relinquishment of firearms in domestic violence cases with participation by the chair and members of the Domestic Violence Practice and Procedure Task Force.
- With the chair and members of the Elkins Family Law Task Force, discussed ongoing implementation of task force recommendations.
- Received presentations on family law data and protective orders.

Mental Health Issues Implementation Task Force:

- Discussed tasks and priorities for fiscal year 2013–2014.
- Worked on content and priorities for future multidisciplinary training.

- Discussed consultations with community and justice partners about strategies for improving outcomes for offenders with mental illness.

Traffic Advisory Committee:

- Considered pending legislation to make recommendations to the council's internal Policy Coordination Liaison Committee.

Trial Court Facility Modification Advisory Committee:

- Approved \$2.5 million in funding for 75 facility modifications. This included 17 priority one and 25 priority two projects, and 40 facility modifications under the \$15K/5K rule (i.e., for priority two or three project under \$15,000 or priority 4 or 5 projects under \$5,000, work can proceed without a meeting of the committee and ratification requested at the next meeting. If, the committee denies funding—a rare occurrence—costs are paid from the Operations and Maintenance Fund managed by the Facility Management Unit).
- Prepared for discussion with the Trial Court Presiding Judges and Court Executives Advisory Committees to inform them about the shortage of funding necessary to properly maintain facilities and seek their input on how best to prioritize limited funds.

Trial Court Presiding Judges Advisory Committee: Executive Committee:

- Executive Committee members received updates and provided feedback on the Trial Court Funding Workgroup, the Funding Allocation Working Group, the Trial Court Facilities Modification Working Group, the Ad Hoc Joint Working Group to Address Court Interpreter Issues, and the Court Technology Advisory Committee.
- Received liaison reports from representatives of various Judicial Council advisory committees and task forces.
- Received updates from the AOC on Senate and Assembly budget hearings, and provided input on a summary of the impact a restoration of funds would have on the trial courts.

Judicial Branch Education

Summary

Judicial Education

1. Cow County Judges Institute
2. Evidence in Civil and Criminal Cases
3. Family Law Institute
4. Family Law Education Programs
5. New Judge Orientation

6. Primary Assignment Orientations (Criminal Law, Family Law, Traffic, and Handling Elder Abuse)
7. Qualifying Ethics 4 Core Class
8. Qualifying Ethics 5 (11 classes held throughout the state)
9. Recognizing Dangerousness and Lethality in Cases Involving Domestic Violence

Judicial Officer, Court Employee, and Justice System Stakeholder Education

1. Americans With Disabilities Act Update
2. Appellate Judicial Attorneys Institute
3. Business Process Reengineering Workshops (for trial court personnel)
4. Conflict Resolution and Difficult Interactions (for lead court personnel in Alameda County)
5. Core 40 (for trial and appellate court managers and supervisors)
6. Court Clerk Training Institute (for court personnel)
7. Department of Motor Vehicles and Department of Justice Reporting (for trial court personnel)
8. Fiscal Year-End Close Out Training (for court fiscal personnel)
9. Institute for Court Management courses—Court Performance Standards: Courtools, Essential Components, Fundamental Issues of Caseflow Management
10. Trial Skills for Attorneys Representing Parents and Children

Publications

1. Together Again: A Day of Celebration

New Online Resources

1. Family Law Website for Parents and Children

Broadcasts

1. Continuing the Dialogue: Overcoming Implicit Bias—Guidance for Court Personnel
2. Encore: The Jury Process (for trial court personnel)
3. Managing Workplace Stress (for trial and appellate court supervisors/managers)
4. Preventing and Responding to Sexual Harassment (for court commissioners, referees, managers, supervisors, and leads)
5. Realignment's Next Chapter: New Parole Procedures (for all court personnel)
6. Sexual Harassment: Understanding Your Rights and Responsibilities (for all court personnel)
7. Today's Law: Juvenile Delinquency Update

Updated Online Resources

1. Characterizing Property
2. Custody and Visitation
3. How to Run a Busy Calendar
4. Small Claims Court: Consumer and Substantive Laws
5. Small Claims Court: Procedures and Practices
6. Unlawful Detainer

Publications

1. Updated Benchbook: Search and Seizure, 2013 update
2. Updated and Revised Benchguide: 91: Felony Arraignment and Pleas
3. Updated Handbook: Jury Management

Program Details

Appellate Judicial Attorneys Institute: Held over two days, courses were offered on criminal realignment, foreclosures and the homeowner's bill of rights, and substantive law updates.

Assigned Judges Program Orientation: A total of 38 judges attended the one-day training that included a program overview, a best practices panel conducted by veteran assigned judges, and modules on judicial officer security, Serranus website navigation, and Lexis/Nexis research resources.

Business Process Reengineering Workshops: Within the past several months, comprehensive and timely training has been offered to court leadership in the area of business process reengineering (BPR). The training is a joint effort between the Trial Court Business Process Reengineering Working Group composed of presiding judges and court executive officers and subject matter experts from the AOC. The working group was established at the request of the Chief Justice and Judicial Council to raise awareness of business process reengineering and educate court leaders on BPR principles. The one-day workshop was pilot tested in San Bernardino and then offered at the Butte court and the AOC's Sacramento office. Participants included court leaders from 14 courts, and the response from participants was extremely positive. A key component of the workshops was to have faculty serve as mentors to courts who wanted follow-up efforts. The working group will be focusing on the future development of a repository for BPR information, as well as examples of reengineering processes implemented in courts across the state.

Conflict Resolution and Difficult Interactions: Thirty new legal processing specialists in the Alameda court attended two sessions in support of the court's year-long training program for this

new position. One session focused on conflict resolution; the second addressed challenges in handling difficult interactions.

Core 40: This week-long program for 22 court supervisors and managers offered topics on the role of the supervisor, employment law, and performance management.

Court Clerk Training Institute: Sixty-nine courtroom and legal process clerks attended the second week of the institute. Two additional week-long classes were held in Irvine, where 41 courtroom and legal process clerks attended. The program provided courses on criminal, family, probate, traffic and civil counter, and courtroom procedures. (The program was split into two weeks and moved to an AOC satellite office to minimize costs; additional classes were provided in Irvine to increase access for courts in Southern California.)

Cow County Institute: Highlights included courses on criminal realignment, parole revocation hearings, domestic violence, a gender/women of color focus group, and roundtable discussions on hot topics and how to do more with less.

Department of Motor Vehicles (DMV) and Department of Justice Reporting: Twenty-seven clerks with one year or less of experience attended a full-day class on reporting convictions, failure to appear, and failure to pay, as well as amended, corrected, or abstract reporting. Disposition codes, reportable sections, and the DMV abstract reporting manual were reviewed. Department of Justice reporting, reviewing the JUS 8715 form (Disposition of Arrest and Court Action), and subsequent actions including reportable violations, reporting various sentences, and suspended proceedings also were addressed.

Family Law Education Programs: Almost 400 attorneys, judicial officers, mediators, evaluators, and family court services directors and managers attended programs that focused on topics such as the needs of military families, Proposition 8/Defense of Marriage Act cases and family court, and considering neuroscience and child development in parenting plans.

Family Law Institute: This two-day program provided 18 courses on a variety of family law issues and was attended by 81 judicial officers.

Fiscal Year-End Close-Out Training: Annual year-end training for the trial courts comprises six 2-hour WebEx sessions to review year-end closing processes for General Ledger, Purchasing, and Trust and Treasury.

Handling Elder Abuse Cases: This two and one-half day program provided an overview of elder abuse, its definitions and impact, descriptions of victim and perpetrator characteristics and

family dynamics, components on judicial ethics and court leadership, an explanation of evidentiary issues, including *Crawford*, insights into medical issues, and issues relating to an array of case types such as criminal, probate, conservatorship, and restraining order proceedings.

Institute for Court Management—Fundamental Issues of Caseflow Management: This three-day program for court leaders in San Bernardino assessed the effectiveness of the court's caseflow management system, strategies to create or enhance their court's caseflow management program, and how to develop an effective differentiated case management plan.

Recognizing Dangerousness and Lethality in Cases Involving Domestic Violence: This workshop was presented to the San Francisco Superior Court bench at the request of court's presiding judge. The workshop was conducted as part of the Domestic Violence Safety Partnership, a project that funds local education and technical assistance on domestic violence. Topics included an overview of the extensive research on lethality and dangerousness, an explanation of a series of risk factors for victims of domestic violence in a variety of case types, and introduction of an optional bench card applying these risk factors.

Trial Skills for Attorneys Representing Parents and Children: A regional training focused on advanced trial skills necessary to achieve expert representation and lead to improved outcomes for dependent children. The content was designed to improve case analysis, direct and cross-examination, examination of experts and other witnesses, arguments, use of exhibits and advanced knowledge of and securing strong records for an appeals process. It also had a component devoted to developing attorneys as statewide mentor trainers.

Broadcasts

Managing Workplace Stress: This broadcast, offered to trial and appellate court supervisors/managers, explored the many sources of workplace stress and its consequences, both for the individual and the organization. The program focused on strategies and techniques to help prevent stress when possible, and manage it when it is impossible to avoid.

Sexual Harassment—Understanding Your Rights and Responsibilities: This new broadcast, offered to trial and appellate courts, explained prohibitions against harassment under state and federal law. It provided concise definitions of legal terms and focused on the elements of a hostile work environment.

Preventing and Responding to Sexual Harassment: This broadcast met the requirements of Government Code 12950.1 for commissioners, referees, managers, supervisors, and leads.

Publications

Together Again: A Day of Celebration: This is a new resource for local juvenile courts to use when recognizing the efforts of parents who the court determines may safely reunify with their children. Written from a child's perspective, the book seeks to describe the challenges that face children and families going through the dependency process, and celebrate the important accomplishments of parents and the professionals that support them in their efforts toward reunification. The book includes a certificate to commemorate the date of reunification. The publication can be found online at http://www.courts.ca.gov/documents/reunification_web.pdf. A limited number of hard copies are available to courts on request. During the first week of its release, almost 500 copies were requested statewide. Funding for print copies and mailing is provided by the Administration of Justice Fund. No taxpayer monies are used.

Administrative Office of the Courts Staffing Report as of May 31, 2013

STAFFING	Leadership Services Division							Operations Services Division					Administrative Services Division					AOC		
	Executive Office	Office of Gov't Affairs	Legal Services Office	JC Support Services	Office of Communications	Special Project Office	Trial Court Liaison Office	Center for Families, Child. & Courts	Court Ops Special Svc Office	Criminal Justice Court Svc Office	Center for Judiciary Education & Research	Office of JB Capital Programs	Office of Security	Fiscal Services Office	HR Services Office	Information Technology Services Office	Office of Admin Services		Office of Real Estate & Fac. Mgmt	TC Admin Services Office
Authorized Position (FTE)	8.00	12.00	63.00	12.80	9.00	2.00	9.00	72.00	49.90	5.00	68.50	58.00	10.00	95.00	38.00	135.90	7.00	68.00	93.00	816.10
Filled Authorized Position (FTE)	6.95	10.00	50.10	10.60	7.00	2.00	9.00	67.60	37.20	5.00	60.50	47.20	8.00	80.00	30.00	102.88	7.00	64.50	86.00	691.53
Headcount - Employees	7	10	51	11	7	2	9	70	38	6	61	48	8	80	30	103	7	65	86	699.00
Vacancy (FTE)	1.05	2.00	12.90	2.20	2.00	0.00	0.00	4.40	12.70	0.00	8.00	10.80	2.00	15.00	8.00	33.03	0.00	3.50	7.00	124.58
Vacancy Rate (FTE)	13.1%	16.7%	20.5%	17.2%	22.2%	0.0%	0.0%	6.1%	25.5%	0.0%	11.7%	18.6%	20.0%	15.8%	21.1%	24.3%	0.0%	5.1%	7.5%	15.3%
AOC Temporary Employee (909)	1	0	0	0	0	0	0	0	0	1	7	1	0	2	1	0	2	0	0	15.00
*Employment Agency Temporary Worker (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.5	0.0	1.0	1.0	0.0	11.0	4.0	0.0	0.0	12.0	0.0	30.50
Contractors (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8.0	0.0	0.0	1.0	54.5	0.0	0.0	0.0	63.50
TOTAL WORKFORCE (based on FTE, 909s, Agency Temps & Contractors)	7.95	10.00	50.10	10.60	7.00	2.00	9.00	68.60	37.70	6.00	68.50	57.20	8.00	93.00	36.00	157.38	9.00	76.50	86.00	800.53

Definitions:

Authorized Position (FTE) Authorized positions include all regular ongoing positions approved in the Budget Act for that year. The number is based on the position's approved full time equivalency.

Filled Authorized Position (FTE) Filled authorized positions are the number of authorized positions filled based on the employee's full time equivalency.

Headcount The actual count of persons employed by the AOC, regardless of FTE. This number could be more than the FTE count due to part-time employees being counted as "1". This count does not include AOC Temporary Employees (909) or Employment Agency Temporary Workers.

Vacancy (FTE) The number of vacancies is the number of authorized positions minus the number of filled authorized positions.

Vacancy Rate (FTE) Vacancy Rate is calculated by dividing the number of authorized positions by the number of vacant authorized positions. This number excludes AOC temporary employees ("909" funded employees). See definition of AOC temporary employees below.

AOC Temporary Employees (909) The "909" category is the State Controller code the AOC uses to reference a temporary position or a temporary employee.
 909 Position - it is a position that may not be funded through the Budget Act and it is categorized by the Office of the State Controller as a temporary position used in the absence of an authorized position. 909 positions may be occupied by regular full-time employees due to the unavailability of an authorized vacant position. 909 Employee - An employee whose salary is not funded through the Budget Act. 909 employees may receive benefits if employed at least half-time and the term of employment is for more than six months. Types of "909" Temporary Employees include: Retired Annuitants: A retired annuitant is a retiree who is hired by his or her former employer or by another employer that participates in the same retirement system as the former employer. This includes a former participant in a state retirement system who has previously retired and who is currently receiving retirement benefits. Temporary: Employees employed by the AOC on a temporary basis - they do not receive full benefits (but do receive CalPERS retirement service credit).

Employment Agency Temporary Worker (FTE) These are workers from an employment agency. They are employees of the employment agency, not the AOC, but provide short-term support for AOC workload.

Contractor (FTE) Individuals augmenting the work of the AOC and providing services for a limited period of time or on a specific project, where a particular skill set is required that is either (1) not within an existing AOC classification and/or job description or (2) where recruitment issues require the use of a contractor.

Full Time Equivalency (FTE) Full Time Equivalency is the number of total maximum compensable hours designated in a year divided by actual hours worked in a year. For example, the work year for the AOC is defined as 2,080 hours; one employee occupying a paid full time job all year would consume one FTE. One employee working for 1,040 hours each would consume .5 FTE.

Time Base
 Full time: Employee is scheduled to work 40 hours per week. Receives full benefits.
 Part time: Employee is scheduled to work less than 40 hours per week. Employees that work more than 20 hours per week receive full benefits.
 Intermittent: Employees have no established work schedule and work on an as-needed basis that varies from one pay period to the next. Eligibility for certain benefits may be limited for these employees.

Regular Employee Commonly referred to as "permanent employees" – They receive full benefits.

Limited Term Limited Term Position – It is a position that is funded through the Budget Act with a specific end date. The position is counted as an authorized position. Employee in limited term positions may be regular or temporary.

New Judgeships and Judicial Vacancy Report

Number of Judgeships Authorized, Filled, and Vacant as of **May 31, 2013**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	Filled(Last Month***)	Vacant(Last Month***)
Supreme Court	1	7	7	0	0	7	0
Courts of Appeal	6	105	101	4	0	101	4
Superior Courts	58	1695	1576	69	50*	1566	129
All Courts	65	1807	1684	123		1674	133

*Authorized January 1, 2008, 50 new (AB 159) judgeships are added. However, funding for these positions has not been provided.

***As of April 30, 2013.

New Vacancies that occurred in May 2013

JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
First Appellate District, Division One	1	Retirement	Hon. James J. Marchiano	03/15/13
Second Appellate District, Division Two	2	Retirement	Hon. Kathryn Doi Todd	01/22/13
Second Appellate District, Division Six		Retirement	Hon. Paul H. Coffee	01/31/12
Third Appellate District	1	Elevated	Hon. Tani G. Cantil-Sakauye	01/02/11
TOTAL VACANCIES	4			

JUDICIAL VACANCIES: SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	5	Retirement	Hon. Joseph Hurley	03/25/13
Alameda		Resigned	Hon. Paul D. Seeman	03/19/13

Alameda		To Fed Court	Hon. Jon S. Tigar	01/18/13
Alameda		Retirement	Hon. David E. Hunter	09/03/12
Alameda		Retirement	Hon. Robert K. Kurtz	07/10/12
Calaveras	1	Retirement	Hon. Douglas V. Mewhinney	03/01/12
Contra Costa	1	Retirement	Hon. Joyce M. Cram	03/08/13
Fresno	1	Elevated	Hon. Rosendo Pena, Jr.	12/19/12
Los Angeles	21	Retirement	Hon. Dewey Lawes Falcone	05/08/13
Los Angeles		To Fed Court	Hon. Beverly Reid O'Connell	05/01/13
Los Angeles		Retirement	Hon. Diana M. Wheatley	04/16/13
Los Angeles		Retirement	Hon. Stephanie Sautner	04/05/13
Los Angeles		Retirement	Hon. Linda K. Lefkowitz	04/05/13
Los Angeles		Retirement	Hon. Richard A. Adler	04/01/13
Los Angeles		Retirement	Hon. Peter Joseph Meeka	03/31/13
Los Angeles		Retirement	Hon. John S. Fisher	02/22/13
Los Angeles		Retirement	Hon. Dudley W. Gray II	02/19/13
Los Angeles		Retirement	Hon. Jan Greenberg Levine	02/13/13
Los Angeles		Retirement	Hon. Philip H. Hickok	02/04/13
Los Angeles		Retirement	Hon. Joseph F. De Vanon, Jr.	01/31/13
Los Angeles		Converted	New Position	12/13/12
Los Angeles		Converted	New Position	12/13/12
Los Angeles		Converted	New Position	12/13/12
Los Angeles		Converted	New Position	12/13/12
Los Angeles		Converted	New Position	12/13/12
Los Angeles		Converted	New Position	12/13/12
Los Angeles		Retirement	Hon. Charles D. Sheldon	11/13/12
Los Angeles		Retirement	Hon. Lyle Michael MacKenzie	09/07/12
Los Angeles		Retirement	Hon. Gary E. Daigh	07/16/12
Marin	1	Converted	New Position	09/27/12
Monterey	2	Elevated	Hon. Adrienne M. Grover	12/19/12
Monterey		Retirement	Hon. Terrance R. Duncan	08/17/11
Orange	9	Retirement	Hon. B. Tam Nomoto Schumann	04/22/13

Orange		Retirement	Hon. Francisco F. Firmat	02/25/13
Orange		Retirement	Hon. Craig E. Robison	01/07/13
Orange		Converted	New Position	10/02/12
Orange		Converted	New Position	08/24/12
Orange		Elevated	Hon. David A. Thompson	06/27/12
Orange		Retirement	Hon. Richard W. Stanford, Jr.	05/16/12
Orange		Retirement	Hon. Nancy A. Pollard	03/22/12
Orange		Converted	New Position	01/01/12
Riverside	5	Retirement	Hon. David B. Downing	04/29/13
Riverside		Retirement	Hon. Jean Pfeiffer Leonard	03/29/13
Riverside		Converted	New Position	01/23/13
Riverside		Retirement	Hon. Randall D. White	12/30/12
Riverside		Converted	New Position	10/12/12
Sacramento	4	Retirement	Hon. Roland L. Candee	05/15/13
Sacramento		To Fed Court	Hon. Troy L. Nunley	03/25/13
Sacramento		Retirement	Hon. Lloyd G. Connelly	12/31/12
Sacramento		Retirement	Hon. Brian R. Van Camp	09/30/12
San Bernardino	1	Retirement	Hon. John N. Martin	04/30/13
San Diego	3	Retirement	Hon. Lisa Foster	02/28/13
San Diego		Retirement	Hon. Luis R. Vargas	01/06/13
San Diego		Deceased	Hon. George W. Clarke	11/13/12
San Francisco	3	Retirement	Hon. Patrick J. Mahoney	02/28/13
San Francisco		Retirement	Hon. Katherine A. Feinstein	02/01/13
San Francisco		Retirement	Hon. Ellen Chaitin	11/02/12
San Mateo	1	Retirement	Hon. H. James Ellis	08/31/11
Santa Barbara	1	Deceased	Hon. Edward H. Bullard	03/10/13
Santa Clara	5	Retirement	Hon. Diane Northway	03/16/13
Santa Clara		Retirement	Hon. Jerome S. Nadler	01/18/13
Santa Clara		Retirement	Hon. Joyce Allegro	01/03/13
Santa Clara		Retirement	Hon. Marcel B. Poché	08/13/12
Santa Clara		Retirement	Hon. Kenneth L. Shapero	07/31/12

Shasta	1	Retirement	Hon. James Ruggiero	01/31/13
Solano	1	Retirement	Hon. Allan P. Carter	02/25/11
Sonoma	1	Retirement	Hon. Mark Tansil	10/15/12
Trinity	1	Retirement	Hon. James P. Woodward	01/05/13
Tuolumne	1	Retirement	Hon. Eric L. DuTemple	12/31/12
SUBTOTAL:	69			

Authorized January 1, 2008, 50 new (AB 159) judgeships. Funding has not been provided.

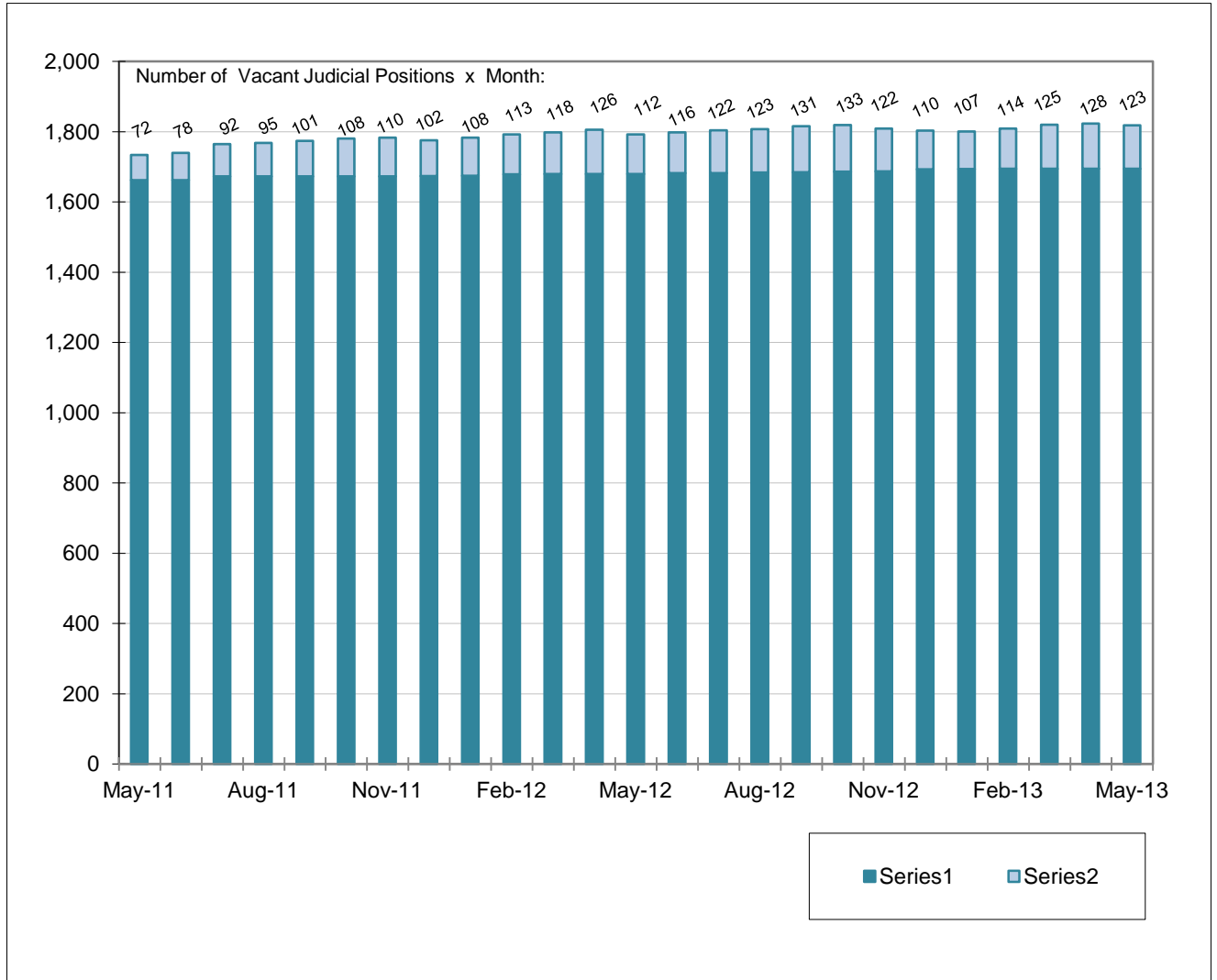
Butte	1	(AB 159)*	New Position	1/1/2008
Contra Costa	1	(AB 159)*	New Position	1/1/2008
Del Norte	1	(AB 159)*	New Position	1/1/2008
Fresno	4	(AB 159)*	New Positions	1/1/2008
Kern	3	(AB 159)*	New Positions	1/1/2008
Kings	1	(AB 159)*	New Position	1/1/2008
Los Angeles	1	(AB 159)*	New Position	1/1/2008
Madera	1	(AB 159)*	New Position	1/1/2008
Merced	2	(AB 159)*	New Positions	1/1/2008
Monterey	1	(AB 159)*	New Position	1/1/2008
Orange	1	(AB 159)*	New Position	1/1/2008
Placer	2	(AB 159)*	New Positions	1/1/2008
Riverside	7	(AB 159)*	New Positions	1/1/2008
Sacramento	6	(AB 159)*	New Positions	1/1/2008
San Bernardino	7	(AB 159)*	New Positions	1/1/2008
San Joaquin	3	(AB 159)*	New Positions	1/1/2008
Shasta	1	(AB 159)*	New Position	1/1/2008
Solano	1	(AB 159)*	New Position	1/1/2008
Sonoma	1	(AB 159)*	New Position	1/1/2008
Stanislaus	2	(AB 159)*	New Positions	1/1/2008
Tulare	2	(AB 159)*	New Positions	1/1/2008
Yolo	1	(AB 159)*	New Position	1/1/2008
TOTAL VACANCIES:	119			

Number of Judgeships Authorized, Filled and Vacant: May 2011-May 2013

Month	Superior Court					Court of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate		Authorized	Filled	Vacancy	Vacancy Rate
May-11	1,662	1,590	72	4.3%		105	103	2	1.9%
Jun-11	1,662	1,584	78	4.7%		105	102	3	2.9%
Jul-11	1,673	1,581	92	5.5%		105	102	3	2.9%
Aug-11	1,673	1,578	95	5.7%		105	102	3	2.9%
Sep-11	1,673	1,572	101	6.0%		105	102	3	2.9%
Oct-11	1,673	1,565	108	6.5%		105	101	4	3.8%
Nov-11	1,673	1,563	110	6.6%		105	101	4	3.8%
Dec-11	1,674	1,572	102	6.1%		105	101	4	3.8%
Jan-12	1,675	1,567	108	6.4%		105	101	4	3.8%
Feb-12	1,679	1,566	113	6.7%		105	100	5	4.8%
Mar-12	1,680	1,562	118	7.0%		105	99	6	5.7%
Apr-12	1,680	1,554	126	7.5%		105	99	6	5.7%
May-12	1,680	1,568	112	6.7%		105	98	7	6.7%
Jun-12	1,682	1,566	116	6.9%		105	100	5	4.8%
Jul-12	1,682	1,560	122	7.3%		105	100	5	4.8%
Aug-12	1,684	1,561	123	7.3%		105	100	5	4.8%
Sep-12	1,685	1,554	131	7.8%		105	100	5	4.8%
Oct-12	1,686	1,553	133	7.9%		105	100	5	4.8%
Nov-12	1,687	1,565	122	7.2%		105	100	5	4.8%
Dec-12	1,693	1,583	110	6.5%		105	103	2	1.9%
Jan-13	1,694	1,590	107	6.3%		105	102	3	2.9%
Feb-13	1,695	1,581	114	6.7%		105	102	3	2.9%
Mar-13	1,695	1,574	125	7.4%		105	101	4	3.8%
Apr-13	1,695	1,567	128	7.6%		105	101	4	3.8%
May-13	1,695	1,576	123	7.3%		105	101	4	3.8%

* As of May, 2013

Authorized Judgeships and Vacancies in Superior Courts





Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
June 27, 2013	Please Review
To	Deadline
Judicial Branch Colleagues	N/A
From	Contact
Steven Jahr	Zlatko Theodorovic, Director
Administrative Director of the Courts	AOC Fiscal Services Office
	916-263-1397
	zlatko.theodorovic@jud.ca.gov
Subject	
2013–2014 Judicial Branch Budget	Cory Jasperson, Director
	AOC Office of Governmental Affairs
	916-323-3121
	cory.jasperson@jud.ca.gov

This memorandum provides information on the 2013–2014 State Budget signed into law by Governor Brown earlier today, as it pertains to the judicial branch.

Earlier this month, California lawmakers passed a 2013–2014 spending plan as well as a series of trailer bills to implement the budget. Both the budget bill (Assembly Bill 110) and the court trailer bill (Senate Bill 75) include provisions relevant to the judicial branch and enact statutory changes necessary to implement the Budget Act.

The Budget Act provides for a total state budget of \$145.3 billion, including \$96.3 billion General Fund and a \$1.1 billion reserve. The judicial branch budget of \$3.1 billion (\$1.0 billion General Fund*) represents 2.1 percent of the total State Budget and 1.1 percent of the General Fund.

In a positive departure from the reductions of the past five years, the judiciary was spared from another round of major cuts. The branch secured new funding—including \$60 million in

* \$1.2 billion in General Funds reflected on the Department of Finance website includes \$200 million in State Court Facility Construction Fund Immediate and Critical Needs Account redirections.

reinvestment monies to support trial court operations and \$3 million to support the appellate courts. The budget included key language provisions regarding audits, cash flow, and trial court efficiencies. Each of these items is detailed in the following pages.

2013–2014 Judicial Branch Budget

Supreme Court	\$44.0 million
Courts of Appeal	\$207.3 million
Trial Courts	\$2,466.9 million
Judicial Council/AOC	\$150.8 million
Judicial Branch Facility Program	\$263.1 million
Habeas Corpus Resource Center	\$13.7 million
Total Branch Operational Budget	\$3,145.8 million

In addition to the above funding to address *operational* costs, \$829.8 million is included in the budget to fund additional *construction* projects discussed below. This brings total branch funding to \$3,975.6 million, when *all* funding sources are included.

Ongoing (Net) Reductions for 2013–2014

After successive years of budget reductions and actions by the Judicial Council and the courts to offset those cuts, the overall net reduction in branch *operational funding* since 2008–2009 now stands at \$472 million. The total fiscal impact is, of course, much higher after taking into account the various loans, transfers, and reductions to court construction funding as well as reductions to other branch funds. From an operational perspective, here is a snapshot of ongoing (net) reductions for 2013–2014:

Judicial Branch Entity	Governor's Proposed Budget	Final Budget	Difference
Supreme Court	-\$4.2 million	-\$3.7 million	\$500,000
Courts of Appeal	-\$17.8 million	-\$15.4 million	\$2.375 million
Judicial Council/Administrative Office of the Courts (AOC)	-\$30.17 million	-\$30.17 million	No Change
Judicial Branch Facility Program	-\$6.26 million	-\$6.26 million	No Change
Habeas Corpus Resource Center (HCRC)	-\$1.71 million	-\$1.56 million	\$150,000
Trial Courts	-\$475 million	-\$415 million	\$60 million
Total Net Reduction Since 2008–2009 Fiscal Year	-\$535 million	-\$472 million	\$63.025 million

Note: Some totals will not be exact due to rounding.

Summary of Budget and Trailer Bill Provisions

The major provisions of the budget bill (AB 110) and the court trailer bill (SB 75) include:

1. **New Funding.** \$63 million over the Governor's proposed budget for the judicial branch, \$60 million of which is designated for the trial courts utilizing the newly adopted funding allocation methodology, and \$3 million for the Supreme Court (\$500,000), the Courts of Appeal (\$2.375 million), and the Habeas Corpus Resource Center (\$150,000). (No additional funding was provided for the Judicial Council/AOC.)

The budget includes accountability language for the new trial court funding that requires individual court plans be provided to the Legislature no later than September 1, 2013, detailing how the trial courts anticipate using their share of the \$60 million to "maintain or increase public access to justice." A follow-up report to the Legislature is due by May 14, 2014, describing how the courts used or are in the process of using their augmentation.

2. **Court Efficiencies.** Approval of four (4) proposals for court efficiency, cost recovery, and new revenue, as follows:
 - An increase from \$10 to \$15 in the fee charged the plaintiff for each defendant in a small claims action. (Amends Code of Civil Procedure section 116.232.)
 - Authorization for courts to utilize the Franchise Tax Board's (FTB) Tax Intercept Program for collections without the prerequisite of submitting a debtor's social security number, although FTB may require a social security number if necessary to confirm the identity of the debtor. (Amends Government Code section 12419.10.)
 - An increase from \$20 to \$50 in the fee a court may charge for the exemplification of a record. (Amends Government Code section 70628.)
 - Authorization for the court or the county financial officer to determine that a petition for repayment by a parent or guardian need not be filed when a finding is made that such repayment will pose a barrier to reunification or that repayment would be unjust under the circumstances of the case while preserving the parents' rights to appeal a petition for repayment. (Amends Welfare and Institutions Code section 903.45.)
3. **Trial Court Audits.** Amendments to audit provisions in Public Contract Code section 19210:
 - Budget bill language allocates \$325,000 (not an augmentation of new funds, but an allocation, or allowance, from existing funds) to reimburse the California State Auditor for the costs of trial court audits incurred by the California State Auditor pursuant to section 19210 of the Public Contract Code. No later than September 1,

- 2014, the Judicial Council shall report to the appropriate fiscal and policy committees of the Legislature on how the funding identified in this provision was allocated.
- Trailer bill language has been adopted specifying that each state-level judicial branch entity (for example, the Judicial Council/AOC, the HCRC, the Supreme Court, and the Courts of Appeal) shall pay its own reasonable and necessary costs to the Bureau of State Audits for the audits.
 - The language further changes the audit schedule from an audit every four years for each court (including trial and appellate courts) and the HCRC, to a schedule of five judicial branch entities every two years. This revised audit schedule specifically excludes the AOC, which shall remain on an audit schedule of every two years and subject to an appropriation for this purpose.
 - The new audit language further states that the five judicial branch entities selected every two years for audit shall be selected based on enumerated risk factors, and that audits shall be conducted subject to an appropriation for the audits.
4. **Open Meetings.** The Governor vetoed a requirement that the Judicial Council adopt a rule of court by October 1, 2013, to provide public in-person and telephone access to Judicial Council advisory group meetings for reasons of cost, and indicated in his veto message that he urged the Judicial Council to “continue efforts to provide greater public access to Judicial Branch committee activities.”
 5. **Presentation of Budgets.** Elimination of the 2017 sunset for the public presentation of trial court budgets.
 6. **Subordinate Judicial Officers.** Authorization of the conversion of sixteen (16) subordinate judicial officer positions to judgeships in the 2013–2014 fiscal year pursuant to Government Code section 69615(c)(1)(B).
 7. **Court Reporter Fee.** Clarification of the court reporter fee provision to state that for proceedings lasting less than one hour, the \$30 fee charged for the reasonable cost of the services of an official court reporter shall be distributed to the court in which the fee was collected.

Judicial Branch Facility Program

New Long Beach Courthouse. Payments for the annual service fee will be drawn from the Immediate and Critical Needs Account (\$34.8 million in 2013–2014, and \$54.2 million in 2014–2015). The budget further requires that the Judicial Council report to the Legislature on specified aspects of the Long Beach project in order to assess the value of the public-private partnership project delivery methodology. The report must assess the cost-effectiveness of the project

compared to a minimum of three other projects constructed as part of the court construction program.

Budget Transfers and Loans. The budget transfers \$200 million to the General Fund from the Immediate and Critical Needs Account to offset a \$200 million replenishment to the Trial Court Trust Fund. Budget language requires that this transfer specify that it take place “upon the order of the [state] Director of Finance” in order to ensure that the transfer is not made in a manner that affects ongoing construction projects.

Of note, the \$90 million previously borrowed from construction funds in 2011 is not repaid via the 2013–2014 budget.

Existing Courthouse Construction Projects. The budget includes \$829.8 million in funding for the continuation phases for nine construction projects consistent with the courts’ construction plans as approved by the Judicial Council. The nine enumerated projects are:

1. Glenn – Renovation and Addition to Willows Historic Courthouse
2. Imperial – New El Centro Courthouse
3. Merced – New Los Banos Courthouse
4. San Diego – New San Diego Central Courthouse
5. San Joaquin – New Stockton Courthouse
6. San Joaquin – Renovation and Expansion of Juvenile Justice Center
7. Riverside – New Indio Juvenile and Family Courthouse
8. Siskiyou – New Yreka Courthouse
9. Tehama – New Red Bluff Courthouse

Trial Court Cash Flow Issues

Trailer bill language clarifies that certain statutorily restricted funds, (children’s waiting room funding, for example), will be excluded from the calculation of the trial courts’ allowable one percent fund balance beginning in July 2014.

The language further clarifies that the Judicial Council is authorized to make loans to the Trial Court Trust Fund from the State Court Facilities Construction Fund, the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, and the Judicial Branch Workers’ Compensation Fund to help courts manage cash flow in the absence of fund balances. Details about the internal loan process include the following:

- The total amount of outstanding loans shall not exceed \$150 million at any time during the fiscal year;
- Courts must first provide a balanced budget approved by the Judicial Council in order to receive a loan; and

- Interest shall not be charged or paid on any loans and all loans shall be repaid within two years.

We understand that this does not represent the desired outcome on the fund balance issue and will be continuing to work to restore an appropriate fund balance level for the trial courts.

Criminal Justice Realignment

Trailer bill language in Senate Bill 76 would modify certain provisions related to criminal justice realignment. If signed into law, the bills will become effective on July 1, 2013, and will include the following notable provisions related to parole revocation proceedings:

- **Jurisdiction.** Amends Penal Code sections 3000.08 and 1203.2 to expand court jurisdiction to conduct parole revocation proceedings to include the county in which the alleged violation occurred, in addition to the county in which the parolee is supervised.
- **Proper supervision.** Amends Penal Code sections 3000.08 and 3451 to clarify that a person released on parole or PRCS Post Release Community Supervision) must remain on that supervision after serving 60 days on that supervision even if there is a later determination that the person should have been released to the other category of supervision.
- **Decertified Mentally Disordered Offenders.** Amends Penal Code sections 3000.08 and 3451 to clarify that a parolee who has been certified as a “mentally disordered offender” (MDO) and required to undergo treatment by the California Department of State Hospitals is subject to parole supervision even if later decertified as an MDO by a court.

To clarify uncertainties about when periods of mandatory supervision commence, the legislation will also amend Penal Code section 1170 to specify that a period of mandatory supervision commences upon the defendant’s “release from custody.”

Next Steps

The next major step in the budget process will be action by the newly established Trial Court Budget Advisory Committee (TCBAC). This Judicial Council advisory body has been tasked with making recommendations on trial court funding allocations and advising the Judicial Council on relevant trial court funding issues. The committee will meet for the first time on Tuesday, July 9, 2013. Additional information about the advisory committee can be found on the California courts website at: <http://www.courts.ca.gov/3046.htm>, and on the Serranus website at: <http://serranus.courtinfo.ca.gov/programs/finance/tcbac.htm>.

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The Judicial Council will then meet on July 25, 2013, to consider funding recommendations submitted by the TCBAC.

The TCBAC and the council are expected to take up special funds allocations in August 2013.

Lastly, the trial courts have been tasked by the Legislature with completing a reporting template on or before September 1, 2013, concerning each court's respective share of the \$60 million budget augmentation and how it will be used to maintain or increase access to courts. Staff is currently working with trial court leadership to develop the template. It is also important to note that, per legislative language, the \$60 million in new funding will not be allocated until a corresponding plan has been submitted.

For Reference

For reference, links to the budget and trailer bills as well as the Department of Finance budget website are included here:

<http://www.dof.ca.gov/>

[AB 110 \(Budget Bill\)](#)

[SB 75 \(Courts Trailer Bill\)](#)

[SB 76 \(Public Safety Trailer Bill\)](#)

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