



## JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

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

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

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

**Thursday, August 22, 2013 • 1:30 p.m.–4:10 p.m.**

**Friday, August 23, 2013 • 8:30 a.m.–2:50 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/23114.htm> for recent postings of hyperlinked reports.

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### THURSDAY, AUGUST 22, 2013 AGENDA

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#### OPEN MEETING (RULE 10.6(A))—EDUCATIONAL AND BUSINESS MEETING AGENDA (ITEMS 1–5)

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**Item 1**            **1:30–2:30 p.m.**

**[Budget: Department of Finance Process for Developing State Budget \(No Action Required\)](#)**

*Presentation (45 minutes) • Discussion (15 minutes)*

Speaker:            Mr. Michael Cohen, Chief Deputy Director, California Department of Finance

**Break**            **2:30–2:45 p.m. (approx.)**

**Item 2**            **2:45–3:15 p.m.**

**[Workload Allocation Funding Model: Adjustment Request Process \(Action Required\)](#)**

The Trial Court Budget Advisory Committee (TCBAC) recommends the approval of the Workload Allocation Funding Model (WAFM) Adjustment Request Process. The process is

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

intended to provide trial courts the opportunity to identify factors which are not yet accounted for in WAFM, but are essential to the fundamental operation of a trial court, and request ongoing adjustments to the assessed WAFM funding needs.

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

Speakers: Hon. Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee  
Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee

**Item 3 3:15–3:40 p.m.**

**Judicial Council: Proclamation on the Center for Judiciary Education and Research’s 40th Anniversary (Action Required)**

The CJER Governing Committee recommends adoption of the attached proclamation recognizing the 40th anniversary of the Center for Judiciary Education and Research (CJER). By issuing this proclamation, the Judicial Council can actively recognize CJER’s singular contribution to judicial education for the California judiciary as well as its substantial contribution to judicial education nationally.

*Public Comment and Presentation (20 minutes) • Discussion (5 minutes)*

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

**Item 4 3:40–4:00 p.m.**

**AOC Restructuring: Efficiencies and Restructuring at the Center for Judiciary Education and Research (CJER) (No Action Required)**

The Center for Judiciary Education and Research (CJER) has a rich tradition of providing education and training to the judicial branch. It has evolved to meet the needs of the courts during its 40-year history and has been reshaped and restructured by multiple factors, including changes in funding, technology, and staffing. Reductions in funding and personnel over the past several years, in combination with implementing directives of the Judicial Council arising from the Strategic Evaluation Committee’s final report, have necessitated a restructure of CJER. Overall, staff has been reduced by 37 percent. The restructuring has created numerous efficiencies in how CJER both develops its educational products and leverages existing curricula for new audiences. CJER continues to sustain its core mission of providing high quality education to the trial and appellate courts as well as providing other essential services associated with this mission.

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

Speakers: Hon. Robert L. Dondero, Chair, Governing Committee of the Center for Judicial Education and Research  
Mr. Curtis L. Child, Chief Operating Officer  
Dr. Diane Cowdrey, Center for Judiciary Education and Research

**Item 5            4:00–4:10 p.m.**

**Judicial Council Distinguished Service Awards: Recipients for 2013 (Action Required)**

The chairs of three Judicial Council internal committees, the Policy Coordination and Liaison Committee, Executive and Planning Committee, and Rules and Projects Committee, recommend that the council approve the recommended recipients of the 2013 Judicial Council of California Distinguished Service Awards. These annual awards, the highest honors bestowed by the judicial branch, recognize individuals who exemplify the leadership strengths that create significant and positive contributions to court administration in California. Following council approval, the awards will be presented on a date and at an event to be determined.

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

Speakers:            Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee  
                             Ms. Claudia Fernandes, Center for Judiciary Education and Research

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## FRIDAY, AUGUST 23, 2013 AGENDA—BUSINESS MEETING

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- 8:30–8:35 a.m. Approval of Minutes**  
Approve minutes of the [June 28, 2013](#), and [July 25, 2013](#), Judicial Council 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
- 9:15–10:00 a.m. Judicial Council Members’ Liaison Reports**  
Judicial Council members will report on their liaison work.
- 10:00–10:30 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](mailto: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: Roma Cheadle. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Tuesday, August 20, 2013**. 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](mailto:judicialcouncil@jud.ca.gov) or mailed or delivered to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Roma Cheadle.

Only written comments received by **1 p.m. on Wednesday, August 21, 2013**, will be distributed to council members at the meeting. All comments received will be posted directly to the public Judicial Council web page.

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## **CONSENT AGENDA (ITEMS A–F)**

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*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.*

### **Item A Jury Instructions: Revisions of Criminal Jury Instructions (Action Required)**

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

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

Ms. Robin Seeley, Legal Services Office

### **Item B Collaborative Justice: Recommended Allocations of Fiscal Year 2013–2014 Substance Abuse Focus Grants (Action Required)**

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

The Collaborative Justice Courts Advisory Committee recommends that funding allocations for Collaborative Justice Courts Substance Abuse Focus Grants through the California Collaborative and Drug Court Projects in the Budget Act of 2013 (Stats. 2013, ch. 20; § 45.55.020, item 0250-101-0001) be distributed to court programs as proposed in the attached table. This report details the committee's recommendations for funding programs in 47 courts for fiscal year 2013–2014 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

Hon. Richard Vlavianos, Chair, Collaborative Justice Courts Advisory Committee

Ms. Nancy Taylor and Ms. Carrie Zoller, Center for Families, Children & the Courts

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

The Budget Act of 2013 includes \$15,874,000 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access funds are distributed primarily in two parts, IOLTA-Formula Grants and Partnership Grants (with a small amount also distributed for administration). The State Bar Legal Services Trust Fund Commission requests approval of the distribution of \$14,462,250 in IOLTA-Formula Grants for fiscal year 2013–2014, 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 relevant guidelines.

Mr. Jeffrey Ball and Mr. David Lash, Cochairs, Legal Services Trust Fund Commission

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

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

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and the Administrative Office of the Courts (AOC) recommend that the Judicial Council accept the audit report entitled *Audit of the Superior Court of California, County of Orange*. This acceptance complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports promote transparent accountability and provide the courts with information to minimize future financial, compliance, and operational risk.

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

Mr. John A. Judnick, AOC Internal Audit Services

**Item E Judicial Council Report to the Legislature: Default Prove Up in Collections Cases Under Government Code Section 68526 (Action Required)**

Government Code section 68526 requires the Judicial Council to conduct an analysis of the cost incurred by trial courts related to the default prove up process and report on the different methods trial courts use in processing filings related to the default prove up process, as well as the revenue generated by these filings. The AOC recommends that the Judicial Council approve this report and direct that it be transmitted to the Legislature.

Ms. Donna Hershkowitz, Judicial Council and Court Leadership Services Division

Ms. Susan R. McMullan, Senior Attorney, Legal Services Office

**Item F Juvenile Dependency: Counsel Collections Program Guidelines (Action Required)**

The TCBAC recommends that the Judicial Council adopt three substantive amendments to the Juvenile Dependency Counsel Collections Program Guidelines. The first of these specifies the timing and procedures under which courts may recover their eligible program implementation costs. The second establishes a transparent, equitable methodology for allocating collected reimbursements to the trial courts in conformity with statutory requirements. The third incorporates changes to the authority of the financial evaluation officer made by Senate Bill 7 5 to improve the efficiency of the financial evaluation process. Other amendments clarify that the guidelines are not intended to preclude courts from collaborating on efforts to implement the program, update references, and make grammatical and technical changes.

Hon Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee

Mr. Corby Sturges, Center for Families, Children & the Courts

**New Item Judicial Branch Administration: Adjusted Travel Reimbursement Rates for Lodging and Meals (Action Required)**

The AOC recommends that the Judicial Council approve adjustments to travel reimbursement rates for lodging and meal expenses incurred by judicial branch constitutional officers and employees. The council is encouraged to act on this recommendation to align certain lodging and meal reimbursement rates with those implemented by the Executive Branch in July 2013.

Mr. Zlatko Theodorovic, AOC Fiscal Services Office

**Break 10:30–10:45 a.m. (approx.)**

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## DISCUSSION AGENDA (ITEMS G–N)

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**Item G**            **10:45–11:25 a.m.**

**[Trial Courts: Allocations from the State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund for Court-Related Projects and Programs \(Action Required\)](#)**

For the fiscal year 2013–2014, the TCBAC recommends the allocation of \$67.09 million and \$25.14 million in funding from the State Trial Court Improvement and Modernization Fund (STCIMF) and the Trial Court Trust Fund, respectively, for various trial court-related projects and programs. In addition, the TCBAC recommends that the Judicial Council delegate authority to the Administrative Director of the Courts to make limited adjustments to allocations approved by the council from the STCIMF, subject to certain guidelines.

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

Speakers:            Hon. Laurie M. Earl, Cochair, Trial Court Budget Advisory Committee  
                              Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Advisory Committee

**Item H**            **11:25–11:55 a.m.**

**[Judicial Branch Technology: Funding for the Superior Court of Fresno County to Replace Case Management System \(Action Required\)](#)**

The Superior Court of Fresno County is requesting assistance not to exceed \$2,373,200 in Trial Court Trust Fund monies over a two-year period to fund the replacement of the V2 case management system. The court is expected to go live with the V2 replacement approximately 18 months after the project starts, and from that point on the judicial branch will no longer have a financial liability tied to the maintenance and support of V2. The Judicial Council Technology Committee (JCTC) and the TCBAC have reviewed the court's business case. The JCTC recommends to the Judicial Council to fund the replacement of the Fresno Superior Court V2 case management system. The TCBAC joins in the JCTC recommendation.

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

Speakers:            Hon. James E. Herman, Chair, Technology Committee  
                              Hon. Laurie M. Earl, Co-Chair, Trial Court Budget Advisory Committee  
                              Mr. Zlatko Theodorovic, Co-Chair, Trial Court Budget Advisory Committee  
                              Hon. Gary D. Hoff, Presiding Judge, Superior Court of Fresno County  
                              Mr. Curt Soderlund, Chief Administrative Officer

**Item I**            **11:55 a.m.–12:20 p.m.**

**[Court Facilities: Court Financial Contributions \(Action Required\)](#)**

The AOC recommends that the Judicial Council adopt a new Court-Funded Facilities Request (CFR) Procedure enabling superior courts to contribute to certain future facilities costs via allocation reduction in specified circumstances, with previously approved court contributions continuing through the end of the approved project or current lease term. The AOC also



recommends that the council make related delegations and require related reporting. Although legislation enacted in fiscal year 2012–2013 further reduced trial court funding and significantly restricted the courts’ ability to carry fund balances, the AOC recommends adoption of a new CFR Procedure to provide courts an additional method of meeting their facilities needs where contributions remain feasible.

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

Speakers: Mr. Curt Soderlund, Chief Administrative Officer  
Ms. Gisele Corrie, Judicial Branch Capital Program Office

**Item J 12:20–12:35 p.m.**

**Domestic Violence: Final Implementation Report of the Domestic Violence Practice and Procedure Task Force (Action Required)**

The Domestic Violence Practice and Procedure Task Force recommends that the Judicial Council direct the Family and Juvenile Law Advisory Committee to be responsible for a proposal about firearm relinquishment in family law matters and the Violence Against Women Education Project (VAWEP) Planning Committee, whose members are selected by the advisory committee co-chairs, to be responsible for the remainder of the task force’s projects. The task force further recommends that the Family and Juvenile Law Advisory Committee and VAWEP consult with other interested committees and groups to develop a process to address ongoing and emerging issues of court practice and procedure in criminal and civil domestic violence cases. These recommended efforts would ensure continued progress on the council’s commitment to improving practices and procedures in domestic violence cases. Also, restructuring the governance, structure, and organization of the Judicial Council’s advisory groups improves the function of these groups.

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

Speaker: Hon. Laurence D. Kay (Ret.), Chair, Domestic Violence Practice and Procedure Task Force

**Lunch 12:35–1:05 p.m. (approx.)**

**Item K 1:05–1:35 p.m.**

**Budget: Fiscal Year 2014–2015 Requests for the Supreme Court, Courts of Appeal, Judicial Council/Administrative Office of the Courts, the Judicial Branch Facility Program and the Trial Courts (Action Required)**

A&E recommends that the Judicial Council (1) approve the proposed fiscal year (FY) 2014–2015 budget requests for the AOC and the Judicial Branch Facility Program. It is further recommended that the Judicial Council (2) approve the proposed fiscal year (FY) 2014–2015 budget requests for the Supreme Court, Courts of Appeal, and trial courts and (3) delegate

authority to the Administrative Director of the Courts to make technical changes to any budget proposals, as necessary. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, BCPs are to be submitted to the state Department of Finance by September 13, 2013.

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

Speakers: Hon. Richard D. Huffman, Chair, Advisory Committee on Financial  
Accountability and Efficiency for the Judicial Branch  
Mr. Curt Soderlund, Chief Administrative Officer  
Mr. Zlatko Theodorovic, Fiscal Services Office

**Item L 1:35–2:05 p.m.**

**Children in Foster Care: California Blue Ribbon Commission Resolution and Report  
(Action Required)**

The California Blue Ribbon Commission on Children in Foster Care, reporting on its ongoing implementation activities, recommends adopting the attached resolution declaring December 4, 2013, to be Keeping Kids in School and Out of Court Day to encourage courts and local communities to take special measures to address the issues of chronic absenteeism, truancy, and school discipline policies that can lead to negative outcomes for our state’s public school children and youth.

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

Speakers: Hon. Richard D. Huffman, Chair, Blue Ribbon Commission on Children in  
Foster Care  
Hon. Stacy Boulware Eurie, Chair, BRC Truancy/School Discipline Workgroup

**Item M 2:05–2:20 p.m.**

**Juvenile Dependency: Court Appointed Special Advocate Program Funding Methodology  
(Action Required)**

The Judicial Council’s Family and Juvenile Law Advisory Committee recommends approving the proposed funding methodology for the limited available funding for the Court Appointed Special Advocate (CASA) program. This methodology would (1) establish equitable allocations for CASA programs and eliminate wide funding variations resulting from historical funding formulas; (2) supplement funding to local programs that work toward efficiency, effectiveness, and program growth; and (3) increase the number of courts and the number of dependency youth served by CASA programs.

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

Speakers: Hon. Dean T. Stout, Cochair, Family and Juvenile Law Advisory Committee  
Ms. Diane Nunn, Center for Families, Children & the Courts  
Ms. Amy C. Nunez, Center for Families, Children & the Courts

**Item N            2:20–2:50 p.m.**

**Judicial Branch Administration: Council Oversight of AOC Contracts (Action Required)**

A&E recommends that the Judicial Council adopt the guidelines presented for the review of the AOC contracting process and contracts. These guidelines if approved will enhance the effectiveness of the Judicial Council's oversight of the AOC's contracting process and provide increased financial accountability and transparency concerning AOC contracts.

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

Speakers:            Hon. Richard D. Huffman, Chair, Advisory Committee on Financial  
                                  Accountability and Efficiency for the Judicial Branch  
                                  Mr. John A. Judnick, AOC Internal Audit Services

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**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**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 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 every directive. 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. 21)**

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 21st report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts—Mendocino and Fresno Counties—have issued new notices.

**INFO 3    Criminal Justice Realignment: Court Realignment Data—Quarter 1, 2013 Report**

Under Penal Code section 13155, effective January 1, 2013, the AOC must collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Act and submit the data to the California Department of Finance (DOF), the Board of State and Community Corrections (BSCC), and the Joint Legislative Budget Committee on September 1,

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2013, and annually thereafter. This informational report includes the first data report to the DOF, BSCC, and Joint Legislative Budget Committee and describes the process for collecting such data.

#### **INFO 4 Trial Courts: Annual Investment Report for Fiscal Year 2012–2013**

This *Trial Court Annual Investment Report* provides the financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the *Resolutions Regarding Investment Activities for the Trial Courts*, approved by the Judicial Council on February 27, 2004, and the report covers the period of July 1, 2012, through June 30, 2013.

#### **Circulating Orders since the last business meeting**

**[Circulating Orders Tab]**

#### **Appointment Orders since the last business meeting**

**[Appointment Orders Tab]**