

Executive and Planning Committee
June 28, 2013
12:25 p.m.–12:55 p.m.
William C. Vickrey Judicial Council Conference Center
Catalina Rooms A/B

Members Present: Justice Douglas P. Miller; Judges Stephen H. Baker, Teri L. Jackson, Ira R. Kaufman, Brian L. McCabe, Robert J. Moss, Kenneth K. So, David Rosenberg; Ms. Edith R. Matthai and Mr. David H. Yamasaki (by telephone).

AOC Staff Present: Ms. Deborah C. Brown, Ms. Nancy Carlisle, Ms. Roma K. Cheadle, Ms. Shelley Curran, Mr. Curtis L. Child, Mr. Chad Finke, Mr. Curt Soderlund, and Ms. Nancy E. Spero.

Briefing Regarding Court Interpreter Testing and Certification and Language Access Issues

Mr. Curtis L. Child, AOC Chief Operating Officer, and Mr. Chad Finke, Court Operations and Special Services Office briefed the committee on matters concerning the administration of court interpreter exams and the balance of program funding earmarked for court interpreting services with respect to recent recommendations from the U.S. Department of Justice on language access requirements.

Criminal Justice Realignment Issues

Following a conversation with Justice Tricia Bigelow, Judge Richard Couzens, Judge Morris Jacobson, Judge Steven Jahr, Mr. Curtis Child, Ms. Shelley Curran, and Mr. Arturo Castro, Justice Miller discussed with the committee the Criminal Law Advisory Committee's request for direction regarding the advisory committee's efforts related to criminal justice realignment. Justice Bigelow, Judge Couzens, and Judge Jacobson will join E&P for a further discussion on this issue. E&P preliminarily emphasized that judicial branch policy decisions are the purview of E&P and the Judicial Council, not the advisory committee.

Nominations to the Trial Court Facility Modifications Advisory Committee

The committee reviewed nominations and determined its recommendations to the Chief Justice for the appointment to vacant positions on the Trial Court Facility Modifications Advisory Committee.

Governance, Structure, and Organization of Judicial Council Advisory Groups

The chair briefed the committee on his discussions with the chairs of the Access and Fairness Advisory Committee and the Self Represented Litigants Task Force. He recommended that the committee and the council approve, at appropriate times in the near future, a few adjustments to the decisions made by the council in April 2013.

Approved by the committee on August 5, 2013.

Executive and Planning Committee
July 9, 2013
12:00 p.m.–12:30 p.m.
Conference Call

Members Present: Justice Douglas P. Miller; Judges Stephen H. Baker, Teri L. Jackson, Ira R. Kaufman, Brian L. McCabe, David Rosenberg; Ms. Edith R. Matthai and Mr. David H. Yamasaki.

Members Absent: Judges Kenneth K. So and Robert J. Moss

AOC Staff Present: Mr. Peter Allen, Mr. Chris Belloli, Ms. Deborah C. Brown, Ms. Francine Byrne, Ms. Tina Carroll, Ms. Roma Cheadle, Ms. Charlene Depner, Ms. Cristina Foti, Mr. Burt Hirschfeld, Mr. Steven Jahr, Mr. John Judnick, Mr. David Smith, Mr. Curt Soderlund, Ms. Nancy E. Spero, and Ms. Nancy Taylor.

Conversion of Subordinate Judicial Officer (SJO) Positions

The committee reviewed the recommendation and confirmed the conversion of one SJO position in the Superior Court of California, County of Fresno.

Agenda Setting

The committee reviewed reports and set the agenda for the July 25, 2013, Judicial Council business meeting.

Approved by the committee on August 5, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | JULY 12, 2013 PROPOSAL CIRCULATED BY E-MAIL

COMMITTEE MEMBERS PARTICIPATING: Justice Douglas P. Miller; Judges Stephen H. Baker, Terry L. Jackson, Ira R. Kaufman, Brian L. McCabe, Robert J. Moss, David Rosenberg, and Kenneth K. So; and Mr. David H. Yamasaki.

COMMITTEE MEMBERS NOT PARTICIPATING: Ms. Edith R. Matthai

COMMITTEE STAFF: Ms. Nancy E. Spero

COMMITTEE AND ACTION ITEMS

1. AGENDA SETTING

The committee reviewed a report to further set the agenda for the July 25, 2013, Judicial Council business meeting.

Action: Approved.

Approved by the committee on August 13, 2013.



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND PLANNING COMMITTEE

MEETING MINUTES | JULY 25, 2013 JUDICIAL COUNCIL CONFERENCE CENTER- SEQUOIA ROOM

- COMMITTEE MEMBERS PRESENT:** Judges Teri L. Jackson, Ira R. Kaufman, David Rosenberg, and Kenneth K. So; Mr. David H. Yamasaki
(**By Telephone:** Justice Douglas P. Miller; Judges Stephen H. Baker and Brian L. McCabe)
- COMMITTEE MEMBERS ABSENT:** Hon. Robert J. Moss and Ms. Edith Matthai
- AOC STAFF PRESENT:** Ms. Deborah C. Brown, Mr. Curt Child, Judge Steven Jahr, Ms. Jody Patel, and Mr. Curt Soderlund
- COMMITTEE STAFF:** Ms. Nancy E. Spero and Ms. Roma K. Cheadle

COMMITTEE AND ACTION ITEMS

1. **SB 56 WORKING GROUP NOMINATIONS**

The committee reviewed materials and determined its recommendations to the Chief Justice regarding appointments to the working group.

Approved by the committee on August 13, 2013.

**JUDICIAL COUNCIL OF CALIFORNIA
POLICY COORDINATION AND LIAISON COMMITTEE**

**Conference Call Meeting
June 13, 2013 – 4:30 p.m.
Summary Minutes of Meeting**

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. James R. Brandlin; Hon. David De Alba; Hon. Allan D. Hardcastle; and Ms. Mary Beth Todd.

Policy Coordination and Liaison Committee members absent: Hon. Sue Alexander, Ms. Angela J. Davis, and Mr. Mark P. Robinson, Jr.

OGA staff present: Mr. Cory T. Jasperson, Mr. Daniel Pone, Mr. Alan Herzfeld, Ms. Sharon Reilly, Ms. Kate Nitta, and Ms. Yvette Casillas-Sarcos.

AOC staff present: Hon. Steven Jahr and Mr. Curt Soderlund.

Guest: Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

ACTION ITEMS

1. Approval of minutes

The minutes of the May 16, 2013, conference call were approved as submitted.

2. Consent Items

Action on Pending Legislation

- a) AB 1167 (Dickinson), as amended May 6, 2013 – Court records: electronic forms

Clarifies the procedures for levying officers to follow in their efforts to enforce judgments where the underlying writ of execution was issued by the court in an electronic form. Among other things, AB 1167 details the specific information that must be included in a judgment creditor's instructions to the levying officer in such cases. The bill also makes clear that the levying officer in such cases may generally proceed in the same manner as if in possession of a paper version of the original writ.

PCLC Action: Support.

- b) SB 233 (Leno and Correa), as amended May 15, 2013 – Debt buying

Enacts the Fair Debt Buying Practices Act. Among other things, the bill would require a debt buyer bringing an action on charged-off consumer debt to include certain detailed information with his or her complaint.

PCLC Action: Support.

- c) SB 419 (Block), as amended May 8, 2013 – Flash incarceration
Extends the authority for “flash incarceration,” to include persons subject to probation and mandatory supervision.

PCLC Action: Support.

- d) SB 717 (DeSaulnier), as amended May 20, 2013 – Search warrants: driving under the influence
Moved to discussion.

3. Discussion Items

Action on Pending Legislation

- a) AB 655 (Quirk-Silva), as amended May 8, 2013 – Court reporters: salary fund
Creates the general authority for trial courts to establish a Reporters’ Salary Fund to be used solely to contribute to the salaries and benefits of official court reporters.
PCLC Action: Oppose.
- b) AB 1401 (Committee on Judiciary), as amended June 10, 2013 – Jury duty: eligibility
Makes a person eligible and qualified to be a prospective juror if he or she is a lawful permanent immigrant.
PCLC Action: Defer action, and direct OGA to send back to the Joint Legislation Working Group of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee for further consideration.
- c) SB 260 (Hancock), as amended May 24, 2013 – Sentencing
Requires a sentencing court, upon motion by an inmate, after 60 days’ notice to the prosecution, to hold a hearing to review the sentence of a person who meets specified criteria. Allows the judge to suspend or stay all or a portion of the sentence, reduce the sentence to any sentence that could lawfully have been ordered at the time of the original judgment, or both reduce and suspend or stay all or a portion of the sentence. Authorizes the court to consider specified evidence relating to the person’s rehabilitation and the circumstances at the time of the offense, in conjunction with any other evidence the court considers relevant, in making this determination. Requires the court to state on the record the criteria relied on in reaching its decision and to provide a statement of reasons for reliance on that criteria. Permits each person granted review whose

sentence is not suspended, stayed, or reduced, to file a new petition for review 3 or more years after the prior hearing. Requires the court to grant a review hearing if the petition demonstrates, by a preponderance of the evidence, a change in the evidence the court considered in denying the person's prior petition.

PCLC Action: Oppose.

- d) SB 513 (Hancock), as amended April 1, 2013 – Diversion programs: sealed records

Provides that two years after a person has successfully completed a pretrial diversion program, he or she may petition the court for an order sealing the arrest records and related court files and records.

PCLC Action: Support, if funded and amended to clarify that a hearing to have records sealed is only required for a petition if the prosecution so requests.

- e) SB 717 (DeSaulnier), as amended May 20, 2013 – Search warrants: driving under the influence

Authorizes the issuance of a search warrant to allow law enforcement officers to take a sample of blood or other bodily fluid that may be used as evidence in misdemeanor driving under the influence cases when a person refuses to submit to or complete a blood test as requested by the officer.

PCLC Action: Support. [*Hon. Allan D. Hardcastle recused himself from discussion and vote.*]

OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: June 20, 2013

Approved by the committee by email on July 23, 2013

Minutes

Rules and Projects Committee

Proposal Circulated by Email on Monday, June 24, 2013
and approved on Wednesday, June 26, 2013

Members participating: Hon. Harry E. Hull, Jr. (chair), Hon. Judith Ashmann-Gerst (vice-chair), Hon. Laurie M. Earl, Hon. Emilie H. Elias, Hon. Sherrill A. Ellsworth, Mr. James P. Fox, and Hon. Morris D. Jacobson, Hon. Mary Ann O'Malley, and Hon. Charles D. Wachob.

Members not participating: Mr. Alan Carlson.

RUPRO staff participating: Ms. Deborah Brown, Mr. Patrick O'Donnell, and Ms. Camilla Kieliger.

AOC staff participating: Mr. Arturo Castro and Ms. Barbara Whiteoak.

Proposals to approve for circulation for comment

Item 1 **Criminal Justice Realignment: Petitions for Revocation** (revise form CR-300)

Action: The Rules and Projects Committee approved the proposal for circulation.

Approved by the committee on August 12, 2013