



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 25, 2013

Title

Judicial Branch Administration: Judicial Council Delegations to the Administrative Director of the Courts

Agenda Item Type

Action Required

Effective Date

October 25, 2013

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

October 17, 2013

Recommended by

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

Contact

Hon. Douglas P. Miller
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Executive Summary

The Executive and Planning Committee recommends that the Judicial Council terminate, maintain, or modify specific delegations of authority that the council has issued to the Administrative Director of the Courts since 1998. The delegations represent the Judicial Council's authorization for the Administrative Director to act on the council's behalf. The committee reviewed the delegations in conjunction with the council's directive to provide greater oversight to ensure transparency, accountability, and efficiency in the operations and practices of the Administrative Office of the Courts (AOC), as stated in recommendation 2 of the *Report and Recommendations from the Judicial Council's Executive and Planning Committee Regarding the Strategic Evaluation Committee (SEC) Report* (August 27, 2012).

Recommendations

The Executive and Planning Committee (E&P) recommends that the Judicial Council approve the recommendations in Attachment 1, *Judicial Council Delegations to the Administrative Office of the Courts or the Administrative Director (February 1998–August 2013)*, indicated in the column titled "Recommendation." Specifically, E&P recommends that the council take the following actions.

1. Allow to lapse without further action the 33 delegations that E&P has determined to be obsolete because responsibilities have been completed, superseded, or expired.
2. Terminate without further action the 21 delegations that E&P has determined are no longer relevant to achieving the outcomes or council objectives for which they were intended.
3. Continue the 26 delegations recommended to be maintained without changes.
4. Modify, as described in the attachment, the 20 delegations recommended for minor or substantive modifications (listed in Table 2).
5. Refer the two delegations referencing the \$100,000 litigation settlement authorization level that are recommended for review, to the Litigation Management Committee for the committee's consideration. (Numbers 82 and 83)
6. Refer the seven delegations recommended for modification that require related changes in the corresponding California Rules of Court, to the council's Rules and Projects Committee to oversee the rule making process for further recommendations on rule amendments. (Numbers 86, 87, 88, 92, 93, 97, and 99).
7. Direct the Administrative Director of the Courts to maintain an ongoing, central list of active delegations.

Previous Council Action

On August 31, 2012, the Judicial Council adopted 145 directives, recommended by E&P, to restructure the AOC and strengthen governance overall. The directives included a statement reaffirming that the Administrative Director of the Courts operates subject to the oversight of the Judicial Council.¹ As one of its four projects related to Judicial Council oversight of the AOC, E&P indicated its intent to perform an analysis of the council's delegations of authority to the Administrative Director of the Courts.²

E&P is charged with overseeing the Judicial Council's review of the council governance policies and principles and making recommendations to the council on the policies and practices in effect.³ The committee reviewed the council delegations⁴ to ensure that the delegations are clear and relevant to implementing branch goals and policies.

¹ Judicial Council of Cal., *Judicial Branch Administration: Report and Recommendations from the Judicial Council's Executive and Planning Committee Regarding the Strategic Evaluation Committee (SEC) Report* (August 27, 2012), p. 1 of Attachment 1, recommendation 1.

² *Id.* at p. 3.

³ Cal. Rules of Court, rule 10.11(g), and Judicial Council of Cal., *Governance Policies* (June 2008), pt. 7.B.1.g.

⁴ Excluded from the review are statutory authorizations to the Administrative Director or the AOC or functions that the AOC performs as the council's staff agency.

Under the leadership of Chief Justice Tani G. Cantil-Sakauye, the Judicial Council continues to review its governance policies and practices. Expanding public participation in council proceedings, enhancing the council's oversight of the AOC, identifying and directing branch efficiencies, and improving accountability and transparency are examples of the subjects of the council's focus. Most recently, in April 2013, the council adopted reforms in the governance, structure, and organization of its advisory groups to reinforce oversight, transparency, and efficiency in the council's policymaking process.

Rationale for Recommendation

The delegations review is an important check on the authority, duties, and limits that the council has expressly delegated to the Administrative Director. Most of these delegations were council decisions reached in the context of public business meetings. Some are included in the California Rules of Court, the Judicial Council Governance Policies, and administrative guidelines. The review is important for maintaining clear lines of accountability between the council and the AOC, especially as the AOC proceeds on restructuring to align essential services with its core mission.

E&P began this process with a review of the existing delegations since 1998. AOC offices with a role in implementing the delegations provided status information and recommendations on whether to terminate, maintain, or modify the delegated responsibilities that were specific to their programs. E&P performed an independent evaluation of the relevance of and need for these delegations of the council's authority according to the council's priorities.

The committee concluded that 26 delegations continue to be relevant and appropriate to the Administrative Director's duties and recommends that these 26 continue, unchanged. Thirty-three delegations have lapsed and cease to be in effect. Apart from these, the committee recommends one set of the delegations for termination and a second set for modification.

Delegations recommended for termination

The committee recommends 21 delegations for termination on grounds that they:

- Have been superseded by new responsibilities or council directives;
- Represent authorities that are contained in the California Rules of Court and are therefore duplicative;
- Refer to activities that do not equate to delegable responsibilities; or
- No longer have a purpose relevant to AOC operations.

Table 1 displays the titles of delegations, detailed in Attachment 1, that the Executive and Planning Committee recommends the council discontinue or terminate.

Table 1: Twenty-One Recommended for Termination

Branch Governance	
34.	Statewide Services
Finance and Budgeting	
35.	Trial Court Improvement Fund
36.	Operating Guidelines & Directives
37.	Allocate Year-End Savings
38.	Superior Court Allocations
39.	Superior Court Allocation
40.	Allocations for Statewide Administrative Infrastructure Services
41.	Judicial Administration Efficiency and Modernization Fund
47.	Revisions to Court-County Agreements About Fees
Communications	
42.	Public Outreach Working Group
Capital Programs/Facilities	
43.	Funding Approval (SB 1407 projects)
44.	Contracting Policies & Procedures
45.	Performance Expectations
46.	Site Selection, Acquisition
Human Resources	
48.	Other Post-Employment Benefits
Litigation	
49.	Policies
Probate	
50.	Guidelines
Security	
51.	Funding Standards
Strategic Planning	
52.	Superior Courts
53.	Judicial Council
Technology	
54.	California Court Case Management System

Delegations that require revision—recommended for modification

The committee determined that 20 of the delegations should be modified to ensure that these delegations remain current and continue to align with the council’s intended priorities. The modifications fall into three categories:

- Modifications to increase the council’s direct oversight of the responsibility, either by placing oversight and monitoring with the council, including the appropriate advisory committee in the process, or by requiring a report to the council to keep the council directly informed of developments;

- Adjustments to ensure that the delegations correspond to recent changes in the council’s advisory committee structure; or
- Updates—in responsibilities or related subject matter—that have evolved since the council’s original delegation.

Table 2 displays the titles of the delegations, detailed in Attachment 1, that the Executive and Planning Committee recommends the council modify.

Table 2: Twenty Recommended for Modification (including minor modifications)

Branch Governance	
85.	Advisory Committees
86.	Other Advisory Bodies
Finance and Budgeting	
81.	Entrance Screening Equipment
87.	Recommended Branch Budgets; Appropriated Funding
88.	Policies, Negotiations, Stop-Gap Funding
89.	Trial Court Budget Advisory Committee
90.	Authorizing Use of Trial Court Trust Fund (TCTF) Revenues; Reducing Allocations
91.	Use of Trial Court Trust Fund, Trial Court Improvement Fund for Four Facilities Projects
97.	Financial Policies and Procedures
98.	Investment of Superior Court Funds
Education	
92.	Training Requirements (programs serving family and juvenile mediation)
93.	Training Requirements (advanced training for child custody and visitation evaluations)
Capital Programs/Facilities Projects	
94.	Site Selection, Acquisition
95.	Bond Documents
96.	Seismic Safety
Forms	
99.	Modifications
Litigation	
82.	Manage Claims, Litigation
83.	Claim and Litigation Procedure
84.	Commission on Judicial Performance Insurance Policy
Self-Help Centers	
100.	Guidelines, Procedures

E&P’s final recommendation is to establish a centrally accessible list of active delegations that serves as an ongoing reference to council members and AOC staff. It is important to maintain a consistent and reliable record of these responsibilities.

Taken together, the recommended actions in this proposal allow for:

- Greater administrative efficiency by consolidating and refocusing the delegations to the Administrative Director on current functions that are directly applicable to the council’s priorities.
- Strengthened accountability and transparency by reinforcing the council’s oversight in areas such as budget authority, fiscal policies, and the management of branch facilities and infrastructure.
- A timely update of the Rules of Court and internal AOC policies that have been affected by recent changes in some of the council’s business processes and procedures and the reorganization of its advisory committees.

Comments, Alternatives Considered, and Policy Implications

Public comment was not solicited on E&P’s recommendations because these delegations relate to Judicial Council governance and oversight, matters for which E&P is vested with the authority to monitor and advise the council as necessary. Seven delegations, however, are recommended for referral to the council’s Rules and Projects Committee for further review as part of the council’s rulemaking process. The delegations, as a matter of council governance, represent administrative authorities and functions of little direct consequence to the courts, court users, or the public.

As an alternative to E&P’s recommendations, the Judicial Council could elect to take no action on the delegations. The delegations are integral to the Judicial Council’s institutional authority and the council’s ability to improve the administration of justice, as constitutionally required. To be effective, the delegations must align with current operating conditions and must be performed as intended. Deferring attention to the delegations would be a missed opportunity for the council to ensure that the authorities granted to the Administrative Director continue to serve their intended purpose.

Implementation Requirements, Costs, and Operational Impacts

Some of the recommendations, if approved, also affect the related California Rules of Court and will require rule amendments to maintain consistency in the delegations and the rules. There are staffing and workload implications for the AOC, the Executive and Planning Committee, and the Rules and Projects Committee in these instances. Other than rule changes, the recommendations are not expected to result in costs or operational impacts for the courts.

Relevant Strategic Plan Goals and Operational Plan Objectives

E&P’s recommendations are consistent with Goal II of the branch strategic plan, Independence and Accountability. This goal affirms that “[t]he branch will maintain the highest standards of accountability for its use of public resources, and adherence to its statutory and constitutional mandates.” Ensuring the continuity and the purpose of the council’s delegations of authority to the Administrative Director of the Courts and the AOC is fundamental to this standard.

Attachment

1. *Judicial Council Delegations to the Administrative Office of the Courts or the Administrative Director (February 1998–August 2013)*

Judicial Council Delegations to the Administrative Office of the Courts or the Administrative Director (February 1998–August 2013) With Recommendations From the Judicial Council’s Executive and Planning Committee

Purpose: This document summarizes Judicial Council delegations to the Administrative Director of the Courts (ADOC) or to the Administrative Office of the Courts (AOC) between February 1998 and August 2013, for the Judicial Council’s review at the October 2013 council meeting.

Time Period: The chart begins in 1998, when the Lockyer-Isenberg Trial Court Funding Act of 1997¹ took effect, transferring financial responsibility for superior courts from counties to the state and expanding Judicial Council authority and responsibilities. One 1997 delegation also is included because it remains in active use.

Chart Organization: Delegations in the chart are categorized by the action recommended for the Executive and Planning Committee’s (E&P’s) review: No Action Necessary/Completed, Superseded, Expired, Recommended for Termination, Maintain/No Changes Recommended, Maintain with Minor Modification, and Recommended for Modification.

Included/Excluded: Judicial Council action is considered a “delegation” for purposes of this chart if it authorizes the ADOC or the AOC to act on the council’s behalf. The chart thus does *not* include (1) actions that statute expressly instructs the ADOC or AOC to perform or (2) functions that the AOC performs as the council’s staff agency.

¹ Assem. Bill. 233 (Stats. 1997, ch. 850).

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
No Action Necessary/Completed, Superseded, or Expired (1–33)					
1.	Budget (Amnesty Program)	Original The Judicial Council approved a plan allocating \$500,000 received from the state Department of Finance (DOF) to reimburse court and county collection programs for payments to private collection vendors under the statewide amnesty program, which is effective January 1 to June 30, 2012. The council also delegated to the ADOC the authority to reallocate any remaining funds to qualifying programs proportionally based on the amount of remaining amnesty-eligible debt, as reflected in the report to be submitted to the DOF in April 2012.	1/24/12 Judicial Council meeting, Item B	No action is necessary. Expired.	
2.	Budget (Allocating Reductions)	Original The Judicial Council delegated to the ADOC authority to make minor technical adjustments in the council’s allocation of reductions, based on the Budget Act, to individual court budgets.	7/22/11 and 7/7/04 Judicial Council meetings, Items 2 and 1, respectively	To be incorporated in modification of #88.	
3.	Budget (Adjust Allocations)	Original The Judicial Council delegated to the AOC authority to adjust allocations to courts and for approved programs and projects as needed to address unanticipated needs and contingencies, with direction that AOC report any adjustments to the council at the end of the fiscal year.	Judicial Council meetings on 7/22/11, 12/14/10, 10/29/10, 10/23/09, 7/29/09; 10/10/08; and 8/31/07	No action is necessary. Each instance of delegation was for a limited duration that has expired.	

² Possible actions include No action necessary, Terminate Delegation, Maintain Delegation, Maintain Delegation with Modification, Modify Delegation, or in some instances Refer Delegation.

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
4.	Budget (Redirect Funds)	Original The Judicial Council, for Fiscal Year (FY) 2010–2011, allocated \$7.4 million to courts for technology equipment replacement (e.g., for personal computers and printers), and authorized the ADOC, on case-by-case basis, to allow courts with severe cash flow problems to redirect the money to offset impact of budget reductions that year.	12/14/10 Judicial Council meeting, Item 15	No action is necessary. Expired.	
5.	Budget (50/50 Excess Fines Split Revenue)	Original The Judicial Council approved allocation of the 50/50 Excess Fines Split Revenue (per Gov. Code, § 77205), directing that a specified portion be retained in the Trial Court Improvement Fund (TCIF) and a specified portion be distributed to specified superior courts. The council then delegated to the ADOC authority to make any needed adjustments to approved amounts if the State Controller’s Office (SCO) revised revenue amounts.	Judicial Council meetings on 12/9/2008, 12/7/07, 12/1/06, 12/2/05, and 12/10/04	No action is necessary. Expired.	
6.	Budget (Court Security Costs)	Original After making specific allocations of FY 2006–2007 State Appropriation Limit (SAL) security funding for facilities opening or transferring in that fiscal year, the Judicial Council delegated to the ADOC authority to allocate any remaining available funding to other courts with new facilities for specified security costs, applying a specified methodology.	12/1/06 Judicial Council meeting	No action is necessary. Expired.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
7.	Budget (Allocate Funding)	Original After approving certain FY 2006–2007 superior court budget allocations, the Judicial Council delegated to the ADOC authority to: <ul style="list-style-type: none"> • Allocate ongoing and one-time savings in undesignated funding from the Trial Court Trust Fund (TCTF), or SAL funding, to the extent that funds are available, for program areas identified in the SAL Allocation Template, • Make technical adjustments to the SAL allocations without returning to the council, and • Allocate funding from the TCTF related to one county’s increased Maintenance of Effort payments, to be distributed to the court, beginning in FY 2006–2007. 	8/25/06 Judicial Council meeting, Item 7	No action is necessary. Expired.	
8.	Budget (SAL Adjustments)	Original The Judicial Council approved allocations of FY 2005–2006 security funding from the SAL percentage adjustment to courts and delegated authority to the ADOC to make technical adjustments to the allocations as required.	11/4/05 Judicial Council meeting, Item D	No action is necessary. SAL suspended.	
9.	Budget (SAL Allocation Process and Template)	Original The Judicial Council adopted the SAL Allocation Process and Template, and delegated authority to the ADOC to make technical corrections to it when necessary.	4/15/05 Judicial Council meeting, Item E	No action is necessary. SAL suspended.	
10.	Budget (Technical Corrections to Allocations)	Original After allocating discretionary funding for superior courts provided in the 2004 Budget Act, the Judicial Council delegated to the ADOC authority to make adjustments to the allocations where technical corrections were needed.	2/18/05 Judicial Council meeting, Item 10	No action is necessary. Expired.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
11.	Budget (Amend Allocations Based on Collections)	Original The Judicial Council delegated to the Chief Justice and the ADOC the authority to amend the allocations the council made for FY 2003–2004 based upon actual collected revenues, after considering specified factors, and instructed staff to provide specified reports.	8/29/03 Judicial Council meeting, Item 3	No action is necessary. Expired.	
12.	Budget (Adjustments to Budget Reductions Plan)	Original The Judicial Council approved budget reduction plans for FY 2002–2003 and FY 2003–2004, and delegated to the ADOC authority to make “any further adjustments” to the plans if the branch experienced “an acute cash flow situation or if the proposed reduction [was] not passed at the current amount.”	2/28/03 Judicial Council meeting, Item 4	No action is necessary. Expired.	
13.	Budget (Suspend Special Fund Expenditures)	Original The Judicial Council delegated to the Chief Justice and the ADOC the authority to suspend expenditures from the TCIF and the Modernization Fund (Mod Fund) if necessary.	12/13/02 Judicial Council meeting, Item 16	No action is necessary. Expired.	
14.	Budget (Submit Budget Change Proposals [BCPs])	Original The Judicial Council authorized AOC staff to review courts’ pay equity requests based on unification and other market factors, and in light of “possible time constraints,” delegated to the ADOC authority to submit a BCP for those requests that were justified for FY 2003–2004, without returning to the council.	8/30/02 Judicial Council meeting, Item 5	No action is necessary. Expired.	
15.	Budget (Allocation for Extraordinary Expenses in Homicide Case)	Original The Judicial Council delegated to “AOC staff” authority to provide the Superior Court of Mariposa County with up to \$350,000 in one-time funding on an as-needed basis through the end of the trial of a high-profile homicide case. Funding to be provided as reimbursements for actual court expenditures documented in writing by the court administrator.	4/27/01 Judicial Council meeting, Item 6	No action is necessary. Expired.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
16.	Budget (Allocate Special Funding)	Original The Judicial Council delegated to “staff” authority to allocate funding for elder and dependent adult protective order processing costs before the end of the fiscal year to avoid reversion of funding to state General Fund.	4/27/01 Judicial Council meeting, Item 6 (1-time funding applicable to FY 2000–2001)	No action is necessary. Expired.	
17.	Budget (Superior Court Allocations)	Original The Judicial Council delegated to AOC “staff” the authority to allocate funding appropriated in the 2000 Budget Act for superior court negotiated salary increases and pay equity adjustments based on court-reported information. The council’s delegation was accompanied by specific direction about the manner in which funds were to be allocated.	8/24/2000 Judicial Council meeting, Item 10A (1 time)	No action is necessary. Expired.	
18.	Budget (Superior Court Allocations)	Original The Judicial Council approved the allocation of \$20 million from the FY 1999–2000 superior court budget to cover negotiated salary increases and pay equity adjustments, and authorized the ADOC to make technical adjustments.	1/26/2000 Judicial Council meeting, Item 4 (1 time)	No action is necessary. Expired.	
19.	Budget (Trial Court Special Funds: Allocations)	Original The Judicial Council delegated to the Administrative Director of the Courts the authority to transfer STCIMF allocations approved for 2012–2013 by the council from one program or project to another, subject to any restrictions or conditions provided by the council.	10/25/12, Judicial Council meeting, Item H	No action is necessary. Expired.	
20.	Facilities (SB 1407 Funding Requests)	Original The Judicial Council delegated to the OCCM Division Director the authority to make technical changes consistent with the intent of the <i>Recommendations to the Judicial Council on SB 1407 Projects, Table 1</i> , to FY 2011–2012 new commitments and to	12/12/11 Judicial Council meeting, Item 4	No action is necessary. Expired.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		FY 2012–2013 funding requests, subject to review and approval of Court Facilities Working Group chair.			
21.	Facilities (Long Beach)	<p>Original The Judicial Council confirmed authority of ADOC (or designee) to take all actions necessary or desirable for completion of the new Long Beach courthouse, including:</p> <ul style="list-style-type: none"> • Developing specified documents, • Selecting the firms to submit proposals, • Negotiating with the firm submitting the proposals ranked highest based on the selection criteria, • Selecting a proposal, and • Executing and delivering an agreement and all related documents and instruments for the delivery of the new Long Beach courthouse. <p>ADOC or designee authorized to consult with DOF and notify Joint Legislative Budget Committee as statutorily required and report periodically to the council during the project’s development.</p>	12/7/07 Judicial Council meeting, Item 13	<p>No action is necessary.</p> <p>Project completed.</p>	
22.	Facilities (Joint Powers Authority)	<p>Original The Judicial Council authorized the AOC to:</p> <ul style="list-style-type: none"> • Take “a lead role in establishing” a Joint Powers Authority (JPA) comprised of counties transferring facilities with Level V seismic ratings, to establish a multijurisdictional seismic risk pool to address financial consequences of seismic-related damages to those facilities. AOC’s lead role to include coordinating with participating counties to develop a JPA governance model, refine the JPA’s mission, and document the model and mission in a binding agreement establishing the Earthquake Recovery Indemnity Authority (ERIA). • Directly or through a nonprofit corporation, provide administrative support to the ERIA by establishing a program to manage participating counties’ legal and financial risks associated with seismic-related damage to Level V facilities, establishing required county contributions, and outsourcing administrative tasks 	10/26/07 Judicial Council meeting, Item G	<p>No action is necessary.</p> <p>Joint Powers Authority was terminated in June 2011.</p>	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		as needed. The council also delegated to the ADOC (or designee) authority to approve methods to address the seismic issues so that the state does not have a financial burden greater than it would have had if Level V facilities that are transferred had a seismic rating of Level IV.			
23.	Facilities (Portola/ Loyalton Courthouse)	Original The Judicial Council authorized the ADOC (or designee) to approve and execute an agreement for property acquisition and related documents for a new Portola/Loyalton courthouse.	6/29/07 Judicial Council meeting, Item 2 (1 project)	No action is necessary. Completed.	
24.	Facilities (Fresno Property Acquisition)	Original The Judicial Council authorized the ADOC (or designee) to approve and execute an agreement for property acquisition and related escrow instructions for the Sisk Federal Courthouse (Fresno).	4/27/07 Judicial Council meeting, Item C (1 project)	No action is necessary. Completed.	
25.	Facilities (Antioch Courthouse)	Original The Judicial Council authorized the AOC (or designee) to approve and execute agreement for property exchange and related documents for acquisition of designated site for the new Antioch Courthouse.	2/23/07 Judicial Council meeting, Item 1 (1 project)	No action is necessary. Completed.	
26.	Facilities (5-Year Infrastructure Plan)	Original The Judicial Council adopted the updated Five-Year Infrastructure Plan, FY 2007–2008, and delegated to the ADOC authority to make technical corrections to the plan, as necessary.	2/24/06 Judicial Council meeting, Item 5	No action is necessary. Completed.	
27.	Facilities (Prioritization of Facility Modifications)	Original The Judicial Council adopted the Prioritization Methodology for Modifications to Court Facilities, and directed the AOC to create separate working groups for trial and appellate court facility modifications.	12/2/05 Judicial Council meeting, Item 13	No action is necessary. Superseded by	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		<ul style="list-style-type: none"> • The two <i>working groups</i> were: <ul style="list-style-type: none"> ○ Directed to meet annually and develop annual reports with preliminary prioritized lists of specified facility modifications for the next fiscal year; and ○ Authorized to (1) reprioritize certain planned facility modifications as necessary, and (2) reallocate funds among the groups of approved facility modification budgets as needed. • Until June 30, 2007, the <i>Interim Court Facilities Panel</i> was to review the working group reports and approve the prioritized lists. (See, CRC, former rule 10.15.) Beginning on July 1, 2007, E&P was to assume responsibility for advising the council in this regard. (<i>Ibid.</i>; see also, <i>id.</i>, rule 10.11(c) [E&P “oversees the council’s policies and procedures regarding court facilities”].) • The <i>AOC</i> was directed to: <ul style="list-style-type: none"> ○ Implement the lists of approved facility modifications, and ○ Report to the Judicial Council on the effectiveness of the above policy recommendations in their first 12 months of implementation. 		Judicial Council’s adoption of a revised policy in July 2012.	
28.	Facilities (Court of Appeal Facility)	<p>Original</p> <p>The Judicial Council authorized the ADOC to approve the real property acquisition agreement and related documents for purchase of the selected site for the new Court of Appeal building in Orange County, provided that the terms and conditions are substantially the same as those presented to the council at its April 15, 2005, business meeting.</p>	6/24/05 Judicial Council meeting, Item 3a (1 project)	<p>No action is necessary.</p> <p>Completed.</p>	
29.	Facilities (Approval of Court Facilities Requests)	<p>Original</p> <p>The Judicial Council delegated to the Administrative Director the authority to approve the following types of new Court-Funded Facilities Requests (CFRs) between December 14, 2012, and the date of the Judicial Council’s June 2013 meeting, consistent with the following guidelines and requirements:</p> <ul style="list-style-type: none"> • The court contribution will be used exclusively to pay either: <ul style="list-style-type: none"> ○ Lease-related costs (i.e., lease payments, operating costs, repairs, or 	12/14/12 Judicial Council meeting, Item V	<p>No action is necessary</p> <p>Expired.</p> <p>Superseded by new CFR</p>	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		<p>modifications required by a lease); or</p> <ul style="list-style-type: none"> ○ Costs that otherwise are allowable under rule 10.810 of the California Rules of Court (i.e., equipment, furnishings, interior painting, flooring replacement or repair, furniture repair, or records storage); ● The resulting court financial commitment will not extend longer than three years; ● If the court contribution is for lease-related costs, the contribution must be necessary to avoid other greater costs, for example, a lease termination that would require relocation to a different facility and increased space rental costs; ● The court demonstrates its ability to meet its full financial commitment; and ● Each CFR so approved between December 2012 and June 2013 will be reported to the Judicial Council by the Administrative Director at each council meeting during this time period, in an informational report covering CFR approvals that have occurred since the last council meeting, with the report to cover all points specified in this delegation. 		procedure adopted by the Judicial Council on August 23, 2013.	
30.	Fiscal (Repayment of Superior Court Debts)	Original The Judicial Council authorized the ADOC to use a specified portion of money remaining in the TCIF and the Mod Fund at the end of FY 1999–2000 to help repay trial courts’ contractual obligations and loans, primarily for technology, on condition that courts sign Memoranda of Understanding acknowledging their responsibility to fully resolve such debts. The council also imposed related reporting obligations.	8/24/2000 Judicial Council meeting, Item 11 (1 time)	No action is necessary. Expired.	
31.	Jury Service (One-Day/ One-Trial)	Original The Judicial Council adopted former rule 861 (since renumbered as rule 2.1002), limiting jury service to either one day or one trial, but permitting superior courts to seek an exemption from the council on a specified showing. The council also adopted	Rule 2.1002 4/29/99 Judicial Council	No action is necessary. Policy expired	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		a policy clarifying the procedure for seeking an exemption. Under the policy, the ADOC was to review all requests for exemptions, granting those that qualified under the rule, and referring those that did not qualify to E&P for a decision on the council's behalf. If the decision required determination on a policy issue, E&P was to submit the issue to the council for decision.	meeting, Item 11	on 9/1/99.	
32.	Civil Cases (Liability Limits)	<p>Original By circulating order, the Judicial Council adjusted the maximum liability limits for parents and guardians for willful misconduct of minors, as required by Civ. Code, § 1714.1(c), to reflect increases in the cost of living in California, as indicated by the annual average of the California Consumer Price Index. The council directed that the formula for making the required adjustment and the resulting liability limits be adopted as an appendix to the rules of court. (See CRC, Appendix B.) It then authorized the ADOC to:</p> <ul style="list-style-type: none"> • Make the future adjustments required by Civ. Code, § 1714.1 in each odd-numbered year, and • Report the action at the next council meeting. 	Circulating order dated 6/24/97; confirmed in Judicial Council meeting minutes, 8/22/97. (ongoing)	<p>No action is necessary</p> <p>Superseded by Judicial Council action on 6/28/13 amending Appendix B of California Rules of Court to adjust the maximum liability. Adjustments are subject to council approval.</p>	
33.	Civil Practice and Procedure (Exemptions from	<p>Original The Judicial Council authorized the Administrative Office of the Courts to prepare a list of the amounts of certain exemptions from enforcement of judgments and to periodically update the list as required by Code of Civil Procedure section</p>	4/23/04 Judicial Council meeting, Item 1	<p>No action is necessary</p> <p>Superseded by</p>	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
	Judgments)	703.150(d)–(e).		Judicial Council action. Updates to the exemptions are subject to council approval.	
Recommended for Termination (34–54)					
34.	Branchwide Governance (Statewide Services)	Original The Judicial Council reaffirmed its previous direction to the AOC to develop and implement the necessary administrative infrastructure to support the operations of the superior courts by providing efficient, cost-effective, and reliable statewide administrative services in the areas of finance, human resources, information technology, and legal services, while avoiding duplication of services. <i>To achieve the latter end, among other things, the council also directed that courts interested in pursuing an alternative to a statewide approach first obtain the ADOC’s review and approval.</i>	2/28/03 Judicial Council meeting, Item 6	Terminate delegation (Stated in italics.)	
35.	Budget (Trial Court Improvement Fund)	Original The Judicial Council has delegated to the ADOC the authority to administer the TCIF consistent with accompanying guidelines specifying the manner in which money contained in the fund may be used, with council input at its annual planning meeting. The ADOC or a designee must present to E&P a proposed budget of potential programs and projects to be paid from the TCIF for approval. After E&P approves the budget, the ADOC or his/her designee may do the following if specified conditions are met: <ul style="list-style-type: none"> • Approve new projects and programs during the fiscal year within the approved 	12/5/03 Judicial Council meeting, Item 15	Terminate delegation. Superseded by Judicial Council action on 8/23/13 regarding administration	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		funding levels; <ul style="list-style-type: none"> • Approve changes to, defer, or eliminate programs or projects in the approved budget within specified limits; • Approve one-time emergency funding requests from the reserve; • Transfer up to 20 percent of the budget between specified categories; and • Transfer any funding that is unexpended as of May 1 to any program or project that may be funded by the TCIF except for unexpended money in emergency funding reserve. 		of the State Trial Court Improvement and Modernization Fund.	
36.	Budget (Operating Guidelines & Directives)	<p>Original After approving revisions to its <i>Operating Guidelines and Directives for Budget Management in the Judicial Branch</i>, the Judicial Council delegated to the ADOC authority to act upon provisions in the guidelines and directives that require council consultation and/or approval.</p> <p><i>Note:</i> On Dec. 2, 2010, acting on the council’s behalf, E&P suspended the guidelines and directives, which, inter alia, specified minimum clerks’ office hours, pending further review and recommendations. (See Judicial Council minutes (Dec. 14, 2010), p. 2.) At E&P’s direction, an AOC working group was formed, conducted review, and concluded guidelines and directives likely should be repealed, because new laws and rules supersede them.</p>	12/10/04 Judicial Council meeting, Item 20 (ongoing)	Terminate delegation.	
37.	Budget (Allocate Year-End Savings)	<p>Original The Judicial Council delegated to the ADOC authority to allocate one-time year-end savings, if available, each year, as extent of the savings would not be known until very near fiscal year end, so insufficient time to go through normal process for recommending allocation to council.</p>	4/27/01 Judicial Council meeting, Item 6 (ongoing)	Terminate delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
38.	Budget (Superior Court Allocations)	<p>Original The Judicial Council approved a policy providing that, from FY 2000–2001 and beyond, whenever superior court funding proposals submitted to the state are based on specific amounts provided by the courts, the allocation of approved funding will be based on the same amounts, without the need for the Judicial Council to consider/approve the allocations. The council then delegated to “staff” the authority to allocate superior court funding as follows:</p> <ul style="list-style-type: none"> • If the appropriation amount provided by the state is reduced on a court-specific basis, only the allocation to the specific courts involved would be reduced; and • If the amount provided is reduced on a court-wide (sic) [likely meant “statewide”] basis, the available funds will be allocated on a prorated basis to all courts whose funding requests were incorporated into the funded BCP. 	8/24/2000 Judicial Council meeting, Item 10A (ongoing)	Terminate delegation.	
39.	Budget (Superior Court Allocation)	<p>Original The Judicial Council delegated to AOC “staff” authority to:</p> <ul style="list-style-type: none"> • Develop a procedure for courts to report the number of elder and dependent adult abuse protective order petitions filed and for reimbursement of courts based on filings, and • Determine an appropriate level of funding per filing and the timing for reporting and allocations. 	8/24/2000 Judicial Council meeting, Item 10A (ongoing)	Terminate delegation.	
40.	Budget (Allocations for Statewide Administrative Infrastructure Services)	The Judicial Council approved a system of funding for statewide administrative infrastructure services, specifying the expenses to be paid statewide and those to be paid by courts, with a supplemental funding process to assist courts unable to pay their share of technology project costs. The council then delegated to the ADOC authority to allocate one-time and ongoing unallocated funds from the TCTF and the TCIF to the courts in accordance with the supplemental funding request process, and, if necessary, to make direct payment for statewide administrative infrastructure costs from one-time funding in the TCTF.	4/21/06 Judicial Council meeting, Item F (ongoing)	Terminate delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
41.	Budget (Judicial Administration Efficiency and Modernization Fund)	<p>Original The Judicial Council delegated to ADOC authority to administer the Judicial Administration Efficiency and Modernization Fund consistent with accompanying guidelines specifying manner in which money contained in fund may be used, with council input at its annual planning meeting. The ADOC or a designee must present to E&P a proposed budget of potential programs and projects to be paid for using the fund for approval. After E&P approves the budget, the ADOC or a designee may do the following if specified conditions are met:</p> <ul style="list-style-type: none"> • Approve new projects and programs during the fiscal year within the approved funding level of each of three specified budget categories; • Approve changes to, defer, or eliminate programs or projects in the approved budget within specified limits; • Transfer up to 20 percent of the budget between specified categories; and • Transfer any funding that is unexpended or unencumbered as of June 1 to any program or project that may be funded by the Mod Fund. 	12/5/03 Judicial Council meeting, Item 15	<p>Terminate delegation.</p> <p>Superseded by Judicial Council action on 8/23/13 regarding administration of the State Trial Court Improvement and Modernization Fund.</p>	
42.	Communi-cations (Public Outreach Working Group)	<p>Original The Judicial Council directed the ADOC to appoint a leadership advisory group, entitled the Public Outreach Working Group, and to implement related recommendations of the Commission for Impartial Courts.</p>	8/27/10 Judicial Council meeting, Item 6 (ongoing)	<p>Terminate delegation.</p>	
43.	Facilities (Funding Approval)	<p>Original The Judicial Council adopted an updated Trial Court Capital-Outlay Plan, an update to the <i>Prioritization Methodology for Trial Court Capital Outlay Projects</i>, and a list of 41 trial court capital projects to be funded by Senate Bill 1407. It directed the AOC to evaluate the 41 projects according to the updated methodology to determine:</p> <ul style="list-style-type: none"> • Which projects should be submitted to DOF for funding approval and 	10/24/08 Judicial Council meeting, Item D (ongoing)	<p>Terminate delegation.</p> <p>Superseded by Court Facilities Advisory</p>	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		<ul style="list-style-type: none"> Whether changes were needed to projects that the council previously had approved before submission to DOF for funding. <p>The council delegated to the ADOC authority to decide when to submit projects from the approved list to DOF, with related reporting obligations.</p>		Committee (CFAC) oversight and recommendations.	
44.	Facilities (Contracting Policies & Procedures)	<p>Original</p> <p>The Judicial Council approved the Court Facilities Contracting Policies and Procedures, which included delegation to the ADOC of authority to amend the policies and procedures “as necessary or desirable,” “consistent with the interests of the judicial branch and the public it serves.”</p>	12/7/07 Judicial Council meeting, Item 5 (ongoing)	Terminate delegation.	
45.	Facilities (Performance Expectations)	<p>Original</p> <p>The Judicial Council delegated to the ADOC authority to develop performance expectations for court facility proposals, which must cover specified points.</p>	12/7/07 Judicial Council meeting, Item 13 (ongoing)	Terminate delegation.	
46.	Facilities (Site Selection, Acquisition)	<p>Original</p> <p>The Judicial Council adopted the Site Selection and Acquisition Policy for Court Facilities, which delegates authority to the ADOC to approve selection and acquisition of sites for court facilities.</p>	6/29/07 Judicial Council meeting, Item 4 (ongoing)	Terminate delegation.	
47.	Fiscal (Revisions to Court-County Agreements About Fees)	<p>Original</p> <p>After taking other actions to implement AB 139, which resolved longstanding issues regarding previously undesignated fees, including civil assessments, the Judicial Council directed that all revisions to local (court-county) agreements about civil filing fees, fees for services, and civil assessments, be approved by the ADOC before execution.</p>	8/26/05 Judicial Council meeting, Item 8 (ongoing)	Terminate delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
48.	Human Resources (Other Post-Employment Benefits)	<p>Original The Judicial Council delegated to the ADOC authority to:</p> <ul style="list-style-type: none"> • Permit exceptions to the council’s 2-year moratorium on courts’ prefunding “other postemployment benefits” such as retiree health benefits and establishing irrevocable trusts; • Decide on case-by-case basis whether a court may, in establishing a qualified trust, use a provider other than one of the three council-approved providers; and • Approve the investments that a superior court proposes in prefunding other postemployment benefits, following the council’s “<i>Statement of Investment Policy for the Trial Courts.</i>” 	<p>10/23/09 Judicial Council meeting, Item F</p> <ul style="list-style-type: none"> • 2-year delegation, likely expired; and • Ongoing delegations. 	<p>Terminate delegation.</p> <p>First bullet has expired and requires no action.</p>	
49.	Litigation (Policies)	<p>Original The Judicial Council adopted policies governing the administration of the Litigation Fund and the Excess Liability Fund. One of those policies permitted use of those funds for payments to county risk management pools or county counsel through an overhead or similar administrative charge for a specified period and specified expenses. The council authorized the ADOC thereafter to determine whether allowing such use of the funds was cost-effective.</p>	<p>12-2-99 Judicial Council meeting, Item 6 (ongoing)</p>	<p>Terminate delegation.</p>	
50.	Probate (Guidelines)	<p>Original The Judicial Council adopted guidelines for probate examiners and court investigators to use in reviewing accountings of conservators and guardians, and delegated to the ADOC authority to revise the guidelines from time to time as necessary or advisable, in consultation with, and working with, specified groups.</p>	<p>10/23/09 Judicial Council meeting, Item A25 (ongoing)</p>	<p>Terminate delegation.</p> <p>Revisions to guidelines must be approved by the Judicial Council.</p>	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
51.	Security (Funding Standards)	Original The Judicial Council approved specified court security funding standards, and then delegated “to staff” (AOC) the authority to make technical adjustments.	4/15/05 Judicial Council meeting, Item F (ongoing)	Terminate Delegation Budget legislation and realignment of court security in 2011 transferred spending authority to the counties.	
52.	Strategic Planning (Superior Courts)	Original The Judicial Council approved multi-year and annual cycles for superior court strategic planning activities, and: <ul style="list-style-type: none"> • Authorized the ADOC to implement those planning cycles for superior courts and make technical adjustments, as needed, to ensure planning conducted in a manner serving overall branch interests; and • Directed the ADOC to provide guidelines to the courts during fall planning workshop regarding future planning activities and timelines. 	8/24/00 Judicial Council meeting, Item 4 (ongoing) Rule 10.11(b)	Terminate delegation.	
53.	Strategic Planning (Judicial Council)	Original The Judicial Council approved multiyear and annual cycles for council strategic planning activities and authorized the ADOC to implement those planning cycles and make any technical adjustments as needed to ensure planning conducted in a manner serving overall branch interests.	3/17/00 Judicial Council meeting, Item 3 (ongoing)	Terminate delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
54.	Technology (CCMS)	The Judicial Council authorized the AOC to execute a letter of intent between the AOC, the State Bar of California, and the Chan Soon-Shiong Family Foundation to engage in a 12-week period of discussion, information exchange, and planning to determine if the parties were willing and able to enter into a collaborative relationship to accomplish deployment of CCMS and other technology-related activities.	10/28/11 Judicial Council meeting, Item L (1-time) (The council ordered this process suspended, effective Jan. 24, 2012.	Terminate delegation.	
Maintain (55–80)					
55.	Branch Governance (Circulating Orders)	Original The Chief Justice or the ADOC may approve the Judicial Council’s being asked to act on urgent matters by circulating order between business meetings. <i>Note:</i> The ADOC does not vote, but triggers the process asking the council to vote between meetings by circulating order.	Rule 10.5(h)	Maintain delegation.	
56.	Budget (Trial Court Allocations)	Original The Judicial Council delegated to the Administrative Director of the Courts the limited authority to transfer allocations between STCIMF and TCTF funded projects and programs, subject to council approved guidelines, that: <ul style="list-style-type: none"> • The sum of allocation transfers cannot exceed 20 percent of the allocation to be reduced nor 20 percent of allocation augmented. • The Administrative Director must notify the chairperson of the council’s Executive and Planning Committee and cochairs of the Budget Advisory 	8/23/13 Judicial Council meeting, Item G	Maintain delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		Committee, and <ul style="list-style-type: none"> The Administrative Director must report back to the council on the rationale for amounts of any approved adjustments. 			
57.	Budget (Budget Submissions)	Original The Judicial Council delegated to the Administrative Director of the Courts the authority to prepare budget submissions to the state Department of Finance, consistent with budget submissions to the Judicial Council. (From motion to amend.)	8/23/13 Judicial Council meeting, Item K	Maintain delegation.	
58.	CASA	Original The Judicial Council authorizes the AOC to create a <i>CASA Program Policies and Procedures Manual</i> with recommended protocols for specified topics, in collaboration with the California CASA Association and California CASA program directors.	Rule 5.655	Maintain delegation.	
59.	Court Records (Manual)	Original In collaboration with superior court presiding judges and court executives, the AOC must: <ul style="list-style-type: none"> Prepare, maintain, and distribute a manual (the <i>Trial Court Records Manual</i>) providing standards and guidelines for creation, maintenance, and retention of superior court records, consistent with the Government Code, rules of court, and council policies; and Update the manual to reflect changes in technology affecting creation, maintenance, and retention of court records. Specified notice and comment requirements apply when the manual is updated or changed. 	Rule 10.854	Maintain delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
60.	Court Reporters (Electronic Recording Equipment)	Original Electronic recording equipment used in making the official verbatim record of oral courtroom proceedings must conform to the specifications in rule 2.954. The ADOC may approve electronic recording devices and equipment that a court acquired before 2007, however, if the court has found them to produce satisfactory recordings of proceedings.	Rule 2.954	Maintain delegation.	
61.	Facilities (Alameda Capital Project)	Original The Judicial Council authorized: <ul style="list-style-type: none"> • Development of an agreement with Alameda County for construction of a new East County Courthouse, and • Submission of a BCP to the state DOF proposing to use \$903,000 per year from the State Court Facilities Trust Fund for the term of the project debt. 	8/15/08 Judicial Council meeting, Item B	Maintain delegation.	
62.	Facilities (Inyo Courthouse)	Original After deciding location of New Inyo County Courthouse, the Judicial Council directed staff to proceed with selection and acquisition of a site.	4/29/11 Judicial Council meeting (1 project)	Maintain delegation.	
63.	Facilities (Standards)	Original The Judicial Council has authorized the AOC to develop standards, and to propose substantive changes, for council approval, regarding alteration, remodeling, renovation, and expansion of existing court facilities and construction of new court facilities. The AOC may make nonsubstantive changes to standards without council approval.	Rule 10.180(b)	Maintain delegation. Following adoption of Rules of Court to define the charges of the Court Facilities and Trial Court	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
				Facility Modification Advisory Committees, E&P will consider referring to the appropriate committee to review for changes.	
64.	Facilities (Operation and Maintenance)	Original The Judicial Council has authorized the AOC to take “action on the operation of court facilities, including the day-to-day operation of a building and maintenance of a facility,” “in cooperation” with courts.	Rule 10.182(b)	Maintain delegation. Following adoption of Rules of Court to define the charges of the Court Facilities and Trial Court Facility Modification Advisory Committees, E&P will consider referring to the appropriate committee to	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
				review for changes.	
65.	Facilities (Transfers)	<p>Original The Judicial Council has authorized the AOC to:</p> <ul style="list-style-type: none"> • Approve transfer agreements with a specified exception; and • Administer shared-use court facilities, e.g., by deciding to displace minority county tenants, seeking changes in court spaces, responding to counties seeking changes in their space, and auditing specified revenues. 	Rule 10.183(d)(2)–(3)	<p>Maintain delegation.</p> <p>Following adoption of Rules of Court to define the charges of the Court Facilities and Trial Court Facility Modification Advisory Committees, E&P will consider referring to the appropriate committee to review for changes.</p>	
66.	Facilities (Acquisition, Space Programming, Construction, Design)	<p>Original Judicial Council rule confirms that the AOC is responsible for “the acquisition, space programming, construction, and design of a court facility, consistent with the facilities policies and procedures” that the council adopts. Also, in consultation with the affected court, the AOC must establish and work with an advisory group for each court construction or major renovation project.</p>	Rule 10.184(b), (d)	<p>Maintain delegation.</p> <p>Following adoption of Rules of Court</p>	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
				to define the charges of the Court Facilities and Trial Court Facility Modification Advisory Committees, E&P will consider referring to the appropriate committee to review for changes.	
67.	Facilities (Funding Requests)	Original The Judicial Council delegated to the Administrative Director of the Courts the authority to make technical changes to FY 2013–2014 funding requests submitted to the state Department of Finance necessary to move forward all judicial branch construction projects, subject to the review and approval of the chair of the Court Facilities Working Group.	1/17/13 Judicial Council meeting, Item E	Maintain delegation.	
68.	Facilities (Funding Requests)	Original The Judicial Council delegated to the Administrative Director of the Courts the authority to make technical changes to FY 2013–2014 and FY 2014–2015 funding requests submitted to the DOF necessary to move forward all judicial branch construction projects, subject to the review and approval of the chair and vice-chair of the Court Facilities Working Group and the chair of the working group’s Courthouse Cost Reduction Subcommittee.	2/26/13 Judicial Council meeting, Item J	Maintain delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
69.	Facilities (Approval of Court-Funded Requests)	Original The Judicial Council delegated to the Trial Court Facility Modification Advisory Committee the authority to approve court-funded facilities requests, with the AOC then making related payments from the Trial Court Trust Fund and corresponding reductions to courts' TCTF allocations.	8/23/13 Judicial Council meeting, Item I	Maintain delegation.	
70.	Fiscal (Travel Reimbursement Policy)	Original In 2007, the Legislature enacted Gov. Code, § 68506.5, directing the Judicial Council to adopt fiscally responsible judicial branch travel expense reimbursement policies. The following year, the council adopted rule 10.106, providing that there would be one branch policy on the subject, and delegating to the ADOC the authority to make technical changes and clarifications to that policy, so long as the changes and clarifications meet specified standards. <i>Note:</i> In August 2013, the council changed the travel reimbursement rates. It did not change the delegation to the ADOC.	Rule 10.106(c) (ongoing)	Maintain delegation.	
71.	Fiscal (Courts Accepting Credit Cards)	Original The Judicial Council has authorized the ADOC to act on its behalf in approving superior court requests to: <ul style="list-style-type: none"> • Accept credit cards for payment of court fees, and • Impose a charge for use of credit cards. The council also adopted standards to guide the ADOC in deciding such requests and authorized the ADOC to refer any such request to the council.	Rule 10.820	Maintain delegation.	
72.	Fiscal (Superior Court Bank Accounts)	Original The Judicial Council approved delegation of authority to the ADOC to establish bank accounts for superior courts with specified standards.	4/19/2002 Judicial Council meeting (ongoing)	Maintain delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
73.	Fiscal (Gifts)	Original The Judicial Council has authorized the ADOC to accept gifts to any court, the council, or the AOC in specified circumstances, and to delegate this authority to specified representatives of each entity. The ADOC may delegate authority to accept gifts to (1) court executive officers, (2) clerks/administrators of a court of appeal, (3) the clerk of the Supreme Court, or (4) the Director of the AOC Fiscal Services Office.	Rule 10.102	Maintain delegation.	
74.	Human Resources (Workers' Compensation)	Original To carry out the Judicial Council's duty to establish a workers' compensation program for the superior courts, the AOC, through its Human Resources Division, must, among other things, "[r]eview and approve or disapprove any other workers' compensation programs identified by a [superior] court for consideration as a vendor to provide workers' compensation benefits to its employees."	Rule 10.350(b)(6)	Maintain delegation.	
75.	Language Access and Interpreters (Select Testing Entities)	Original The Judicial Council delegated to the ADOC to authorize entities to test and certify court interpreters for deaf or hard-of-hearing individuals, based on council guidelines.	12/15/09 Judicial Council meeting (ongoing)	Maintain delegation.	
76.	Language Access and Interpreters (Exams)	Original The Judicial Council delegated to the ADOC authority to: <ul style="list-style-type: none"> • Set policies regarding court interpreters retaking certification and registration examinations, • Determine the number of times the exams will be administered each year, and • Determine the amount of the annual fee to renew interpreters' certification and registration, applying a specified standard. 	8/15/2008 Judicial Council meeting (ongoing)	Maintain delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
77.	Language Access and Interpreters (Languages)	Original The Judicial Council: <ul style="list-style-type: none"> • Approved the 2000 Language Need and Interpreter Use Study, a 5-year report for the Governor and Legislature; • Approved addition of 5 more languages to the Court Interpreter Certification Program; and • Delegated to the ADOC authority to designate additional languages for inclusion in the same program in the future. 	10/27/00 Judicial Council meeting (ongoing)	Maintain delegation.	
78.	Language Access and Interpreters (Compliance)	Original The Judicial Council adopted revisions to the <i>Compliance Requirements for Certified Court and Registered Interpreters of Nondesignated Languages</i> , covering continuing education and certification renewal, and delegated to the ADOC authority to approve future revisions.	8/24/00 Judicial Council meeting (ongoing)	Maintain delegation.	
79.	Jury Instructions (Publication)	Original The AOC may: <ul style="list-style-type: none"> • Contract with an official publisher to publish council jury instructions in both paper and electronic formats; • Take steps necessary to ensure publication by commercial publishers does not occur without AOC permission, e.g., by ensuring that publishers accurately publish the council's instructions, accurately credit the council as the source, and do not claim copyright of the instructions; and • Require commercial publishers to pay fees or royalties in exchange for permission to publish the instructions. 	Rule 2.1050(c)	Maintain delegation.	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
80.	Technology (Surplus Equipment)	Original A superior court wishing to dispose of surplus technology equipment to which it acquired title on or after July 1, 2000, must provide a written description of the equipment to the ADOC. If, within 60 days of receipt of the description, the ADOC determines that another state court in California needs the equipment, the court must donate the equipment to the other court. If the ADOC determines that no other court needs the equipment or makes no determination within 60 days, the court may otherwise dispose of the equipment as specified in the rule. The ADOC must provide to the courts a definition of the term “technology equipment” as used in this rule and must provide 30 days’ notice of any amendment to the definition.	Rule 10.830	Maintain delegation.	
Maintain with Modification (81–84)					
81.	Budget (Entrance Screening Equipment)	Original The Judicial Council approved a list of entrance screening equipment to be replaced in FY 2007–2008 from funding in the 2007 Budget Act, and delegated to the ADOC authority to approve such lists in future fiscal years.	12/7/07 Judicial Council meeting, Item 11 (ongoing)	Maintain delegation with modification.	Add that the ADOC will report annually on screening equipment replacement lists to the Judicial Council.
82.	Litigation (Manage Claims, Litigation)	Original To carry out the Judicial Council’s duty to provide for representation, defense, and indemnification of branch officials and employees, OGC, under the direction of the ADOC and the General Counsel, must take specified actions, including: <ul style="list-style-type: none"> • Make settlement decisions in all claims and lawsuits other than those requiring payments of \$100,000 or more or raising significant issues for the branch 	Rule 10.202	Refer delegation to Litigation Management Committee for review and further recommendations to the	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
				council.	
83.	Litigation (Claim and Litigation Procedure)	Original To carry out the Judicial Council’s responsibility under Gov. Code, § 912.7 to act on a claim, claim amendment, or application for leave to present a late claim against a judicial branch entity or a judge, the Office of General Counsel, under the ADOC’s direction, must take specified actions, including: <ul style="list-style-type: none"> • Allow and authorize payment of claims below \$100,000; • Make recommendations to the Litigation Management Committee regarding proposed settlements of claims requiring payments of \$100,000 or more; and • After specified consultations, settle lawsuits for payments below \$100,000 and authorize payment of judgments below \$100,000. 	Rule 10.201	Refer delegation to Litigation Management Committee for review and further recommendations to the council.	
84.	CJP Insurance Policy	Original The Judicial Council authorized the ADOC to enter into a master insurance policy contract for defending justices, judges, and commissioners against complaints before the CJP using funds allocated from the TCIF and the appellate budget.	7/15–16/99 Judicial Council meeting, Item 6 (ongoing)	Maintain delegation with modification.	Update the reference to the TCIF fund to the State Trial Court Improvement and Modernization Fund.
Recommended for Modification (85–100)					
85.	Branch Governance (Advisory Committees)	Original Judicial Council <i>advisory committees</i> may pursue matters beyond those specified in their annual charge, as long as the matters are consistent with their general charge and are within (1) the limits of their resources and (2) any other limits specified by the council, the designated internal committee, or the ADOC. <i>The ADOC:</i> <ul style="list-style-type: none"> • Determines whether projects undertaken by a council advisory body in addition to those specified in its annual charge are consistent with the body’s general charge, its approved annual agenda, and the council’s strategic plan; 	Rule 10.34(b), (d), (e); See also, CRC, Appendix D, Judicial Council Governance Policies, pt. I.C.1 and II.B	Modify delegation. Refer to RUPRO to oversee rules revision process (rule 10.34(b), (d), (e) and amend	

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		<ul style="list-style-type: none"> • Determines whether any additional matters are within the body’s authorized budget and available resources; and • May authorize an advisory body or its chair to make decisions or give instructions that are binding on AOC staff. <p>Superseded by Judicial Council directive, approved April 25, 2013, establishing that:</p> <ul style="list-style-type: none"> • Advisory groups must solicit the approval of the assigned council oversight committee before creating subcommittees or subgroups and adding new projects. • The Judicial Council, through its internal committees, regularly reviews the governance, structure, and organization of its advisory groups. 	4/25/13 Judicial Council meeting, Item 4	Governance Policies as needed.	
86.	Branch Governance (Other Advisory Bodies)	<p>Original</p> <p>The Chief Justice, the ADOC, or the Judicial Council may establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council’s standing advisory committees. These task forces and other advisory bodies may be required to report to one of the internal committees or the ADOC, as designated in their charges.</p>	<p>Rule 10.70</p> <p>See also, Governance Policies, pt. I.C.2</p>	<p>Modify delegation.</p> <p>Refer to Rules and Projects Committee (RUPRO) to oversee rules revision process (rule 10.70) and amend Governance Policies as needed.</p>	<p>Remove the reference to the ADOC in the first sentence.</p> <p>Add that the ADOC retains authority to appoint working groups for the ADOC’s own purposes.</p>

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
87.	Budget (Recommended Branch Budgets; Appropriated Funding)	<p>Original The Judicial Council has authorized the Chief Justice and the ADOC to take the following actions on its behalf regarding the council’s recommended budgets for the appellate courts, the superior courts, the council, the Habeas Corpus Resource Center (HCRC), and the AOC:</p> <ul style="list-style-type: none"> • Make technical changes; and • Make changes during negotiations with the legislative and executive branches, consistent with council goals, priorities. <p>In addition, the Chief Justice and the ADOC, acting for the council, may allocate funding appropriated in the annual state budget to the appellate courts, the council, the HCRC, and the AOC. The ADOC must report to the council at the end of the fiscal year regarding actual expenditures from those budgets.</p>	<p>Rule 10.101(c)</p> <p>See also, Governance Policies, pt. I.A.6</p>	<p>Modify delegation.</p> <p>Refer to RUPRO to specify the meaning of “technical changes” and to oversee the rules revision process (rule 10.10(c)). Amend Governance Policies, pt. I.A.6, as needed.</p>	<p>Remove reference to ADOC (2nd paragraph) to indicate the Chief Justice has the authority to act on behalf of the council to allocate funding to the appellate courts, the HCRC, and the AOC.</p>
88.	Budget (Policies, Negotiations, Stop-Gap Funding)	<p>Original The Judicial Council has authorized the ADOC to:</p> <ul style="list-style-type: none"> • Develop policies and procedures for creation and implementation of the yearly branch budget; • Present the judicial branch budget in negotiations with the Governor and the Legislature; and • After a state budget is approved, but before the council allocates superior court funding, allocate to each superior court an amount necessary for its operations in the interim, up to 25% of the court’s prior fiscal year baseline allocation. 	<p>Rule 10.101(d)</p>	<p>Modify delegation.</p> <p>Refer to RUPRO to oversee rules revision process (rule 10.101(d)).</p>	<p>Remove ADOC (1st sentence/1st bullet) to indicate only the Judicial Council develops the policies and procedures referenced.</p> <p>Specify that the ADOC is authorized to:</p>

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
					<ul style="list-style-type: none"> • (2nd bullet) present the judicial branch budget in negotiations; • (3rd bullet) allocate, after a state budget is approved and before the council allocates funding, superior court funding as necessary, as stated. <p>Add that ADOC may make minor technical adjustments in the council's allocation of reductions, based on the Budget Act, to individual court budgets (per #2, to be deleted and merged with #88).</p>
89.	Budget (Trial Court Budget Advisory Committee)	<p>Original The Judicial Council has directed the ADOC to appoint annually a Trial Court Budget Working Group to advise the ADOC on superior court budget issues.</p> <p>Superseded by Judicial Council directive, approved April 25, 2013, establishing: A standing advisory committee, with a charge and rule of court, and appointments made through the annual nominations process. RUPRO is overseeing the drafting of</p>	<p>Rule 10.107</p> <p>4/25/13 Judicial Council meeting, Item 4</p>	<p>Modify delegation.</p> <p>As approved in Judicial Council action on April 25,</p>	<p>New Rule of Court is in progress.</p>

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		rule of court.		2013.	
90.	Budget (Authorizing Use of Trial Court Trust Fund [TCTF] Revenues; Reducing Allocations)	Original In making FY 2006–2007 superior court budget allocations, the Judicial Council delegated to the AOC the authority under Gov. Code, § 68085(a)(2)(A) to: <ul style="list-style-type: none"> • Generally authorize direct payment or reimbursement of allowable costs from the TCTF or the TCIF to pay court operation costs on consent of participating courts, and • Reduce the courts’ allocations by a corresponding amount, to the extent their expenditures are reduced and courts are supported by the expenditures. The council also directed the AOC to (1) review and amend or supplement existing policies, procedures, and criteria to ensure administration of Gov. Code, § 68085(a)(2)(A) promotes effective, efficient, reliable, and accountable superior court operations, and (2) provide affected courts with quarterly reports on authorized payments.	10/20/06 Judicial Council meeting, Item G (ongoing)	Modify delegation.	Amend the AOC’s authority to allow the AOC to propose policies, procedures, and criteria to the Judicial Council for approval and report quarterly on authorized payments. Update the reference to the TCIF to the State Trial Court Improvement and Modernization Fund.
91.	Budget (Use of TCTF, TCIF Funds for Four Facilities Projects)	Original The Judicial Council authorized the AOC to make direct payments or reimbursements from the TCTF or the TCIF for court-county facilities projects pending in Fresno, Merced, Orange, and Santa Cruz counties. In doing so, it observed that the authorization directly to the AOC was “outside of any other policies and procedures that may apply,” and was “only to serve as an approved, alternative mechanism for making equitable adjustments in amounts previously approved” by the AOC and California State Association of Counties.	10/20/06 Judicial Council meeting, Item G (4 projects)	Modify delegation.	Update the delegation to name the Fresno Project as the one project that remains open. Eliminate references to the three projects that have ended. Add that AOC’s management of the remaining project is subject to the Court Facilities Advisory

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
					Committee's oversight of the judicial branch capital construction program for trial and appellate courts throughout the state.
92.	Education (Training Requirements)	Original The AOC must approve all programs that provide required education and training for court-connected mediators, mediation supervisors, family court service directors, child custody evaluators, dependency mediators, and specified dependency mediation support positions.	Rules 5.210(g)(2), 5.225(o), 5.518(g), (i)(2)	Modify delegation. Refer to RUPRO to oversee rules revision process (rules 5.210(g)(2), 5.225(o), and 5.518(g), (i)(2)).	Require AOC to consult with Family and Juvenile Law Advisory Committee.
93.	Education (Training Requirements)	Original The Judicial Council requires that specified child custody or visitation investigators and evaluators perform 16 hours of advanced training within a 12-month period, with 12 hours of that instruction covering specified topics "as approved by the AOC."	Rule 5.230(d)(1)(A)	Modify delegation. Refer to RUPRO to oversee rules revision process (rule 5.230(d)(1)(A)).	Require AOC to consult with Family and Juvenile Law Advisory Committee on the content and selection of instructional topics.

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
94.	Facilities (Site Selection, Acquisition)	<p>Original The Judicial Council also authorized the ADOC or designee to take the following steps, “[w]henever a capital project for a Judicial Branch facility is funded in the State Budget for site selection and acquisition”:</p> <ul style="list-style-type: none"> • Establish criteria for site selection for specific projects; • “Approve sole source justification of any specific site;” • Approve site selection prior to submittal to the State Public Works Board (SPWB); • “[A]pprove negotiated terms of acquisition prior to submittal to the SPWB;” • “[A]cquire court facility sites and . . . execute required documentation to acquire those sites without further [council] approval; and” • “Refer to the Judicial Council the approval decision for the selection and acquisition of those recommended sites that” the ADOC concludes are controversial or as the ADOC or E&P concludes is appropriate. 	8/14/09 Judicial Council meeting, Item 4 (ongoing)	Modify delegation.	Specify that the ADOC keep the Court Facilities Advisory Committee informed and consult with the Chair on actions that may be taken in response to this delegation.
95.	Facilities (Bond Documents)	<p>Original The Judicial Council delegated to the ADOC or designee “authority to execute bond documents” on its behalf, with directions to report to the council at least annually on actions taken pursuant to the delegation.</p>	8/27/10 Judicial Council meeting (ongoing) (See also, Jud. Branch Five-Year Infrastructure Plan, FY 2011–2012, p. 59.)	Modify delegation.	Add a provision to specify how and when the ADOC shall provide reports to the council.
96.	Facilities (Seismic Safety)	<p>Original The Judicial Council adopted the Seismic Safety Policy for Leased Buildings, and authorized the ADOC to approve updates to the policy thereafter as needed. The</p>	8/15/08 Judicial Council meeting (ongoing)	Modify delegation.	Add that Seismic Safety Policy changes go through the Court

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
		policy also authorized the ADOC to make final determinations about whether to grant administrative exceptions permitting use of new or re-leased court facilities even if they do not meet seismic safety requirements of the policy.			Facilities Advisory Committee or Trial Court Facility Modification Advisory Committee, as appropriate, for recommendation to the council. The ADOC is to report to the Judicial Council on administrative exceptions made under this delegation.
97.	Fiscal (Financial Policies & Procedures)	Original The AOC must prepare and adopt a financial policies and procedures manual for the superior courts (the TCFPPM), consistent with the rules of court and policies adopted by the Judicial Council. Before issuing or amending the manual, the AOC must make it available for comment from the superior courts, DOF, and the SCO for 30 days.	Rule 10.804	Modify delegation. Refer to RUPRO to oversee rules revision process (rule 10.804).	Judicial Council must approve amendments to the <i>Trial Court Financial Policies and Procedures Manual</i> .
98.	Fiscal (Investment of Superior Court Funds)	Original The Judicial Council approved the <i>Statement of Investment Policy for the Trial Courts</i> , and directed that an investment program be developed for superior courts, with the AOC's Finance Division Director acting as the "treasurer" for invested funds and activities. The council also authorized two types of investments for trial court funds and authorized the ADOC to approve other such investments.	2/27/2004, Judicial Council meeting (ongoing)	Modify delegation.	Add a provision for the ADOC to report to the council on investment fund activity.

	Topic	Delegation	Source	Recommendation on Delegation	
				Action ²	Proposed Changes
99.	Forms (Modifications)	<p>Original</p> <p>Although form JV-550 (Juvenile Court Transfer Orders) is mandatory, the form may be modified for use by a formalized regional collaboration of courts to facilitate the efficient processing of transfer cases among those courts “if approved by the Judicial Council of California, Administrative Office of the Courts.”</p>	Rule 5.610(g)	<p>Refer delegation to RUPRO to request a proposal from Family and Juvenile Law Advisory Committee on further recommendations to the council.</p>	
100.	Self-Help Centers (Guidelines, Procedures)	<p>Original</p> <p>The AOC, in collaboration with judges, court executives, attorneys, and other parties with demonstrated interest in services to self-represented litigants, must:</p> <ul style="list-style-type: none"> • Develop and disseminate to superior courts by March 1, 2008, guidelines and procedures covering specified topics related to operation of court self-help centers; and • Review and update the guidelines and procedures at least every three years. 	Rule 10.960	<p>Modify delegation.</p> <p>Pending Rule of Court on the Access and Fairness Advisory Committee’s merger with the Task Force on Self-Represented Litigants.</p>	<p>Add provision for the Access and Fairness Advisory Committee (per Judicial Council directive on April 25, 2013) to review proposed updates to the guidelines and procedures.</p>

