



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 13, 2013

Title	Agenda Item Type
Judicial Branch Administration: Report and Recommendation to Improve the Governance, Structure, and Organization of a Judicial Council Advisory Group—the SB 56 Working Group	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	December 13, 2013
Recommended by	Date of Report
Hon. Douglas P. Miller, Chair, Executive and Planning Committee	December 4, 2013
Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee	Contact
Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee	Nancy E. Spero, 415-865-7915 nancy.spero@jud.ca.gov
Hon. James E. Herman, Chair, Technology Committee	

Executive Summary

The chairs of the Judicial Council's Executive and Planning, Policy Coordination and Liaison, Rules and Projects, and Technology Committees recommend establishing the Judicial Branch Resource Needs Assessment Advisory Committee, a standing Judicial Council advisory committee, to succeed the Senate Bill (SB) 56 Working Group previously established by the Administrative Director of the Courts. This recommendation continues with improvements to the governance, structure, and organization of the council's advisory groups commenced by the council in April 2013.

Recommendation

The chairs of the council's Executive and Planning (E&P), Policy Coordination and Liaison (PCLC), Rules and Projects (RUPRO), and Technology Committees recommend the establishment of the Judicial Branch Resource Needs Assessment Advisory Committee, a formal standing Judicial Council advisory committee, to succeed the SB 56 Working Group, with E&P providing oversight and guidance and with RUPRO overseeing the development of a rule of court.

Previous Council Action

The Judicial Council, the Chief Justice, and the Administrative Director of the Courts have authority to establish and charge advisory groups (Cal. Rules of Court, rules 10.70 and 10.30(g)). A standing advisory committee is typically created by the Judicial Council and is described by a rule of court. The current council advisory committees are outlined in rules 10.40 through 10.61. The council has been assisted by advisory groups for decades.

Requirements under Government Code sections 69614(c) and 77001.5

In 2006, the Legislature passed SB 56, which added Government Code section 69614(c) requiring the Judicial Council to "report biennially to the Legislature and the Governor on the factually determined need for new judgeships in each superior court, as specified." SB 56 also added Government Code section 77001.5 directing the Judicial Council to adopt and report to the Legislature annually concerning "judicial administration standards and measures that promote the fair and efficient administration of justice." In 2008, staff updated the Judicial Workload Assessment and the Administrative Director of the Courts submitted the report to the Legislature on behalf of the Judicial Council per Government Code section 69614(c). In May 2009, the Administrative Director of the Courts submitted to the Legislature the first of the reports mandated under Government Code section 77001.5.

Creation of the SB 56 Working Group

To assist in complying with SB 56, the Administrative Director of the Courts, under California Rules of Court, rule 10.70, created the SB 56 Working Group in August 2009. It was charged with advising AOC in areas such as:

- Processes, study design, and methodologies that should be used to measure and report on court administration; and
- Amendments to the Judicial Workload Assessment and Resource Allocation Study models as they relate to standards and measures of court administration.

In 2010, with the guidance of the SB 56 Working Group, the Administrative Director of the Courts submitted to the Legislature the second report mandated under Government Code section 69614(c) and the second report mandated under Government Code section 77001.5.

In December 2011, the Judicial Council approved a report by the SB 56 Working Group recommending updated caseweights to estimate the need for judgeships in the superior courts.

In October 2012, the Judicial Council approved the third update of the mandated report on the need for judgeships in the superior courts under Government Code section 69614(c). In addition, at the same meeting, using new guidelines for the submission of mandated reports to the Legislature, the Judicial Council approved the transmittal of a report to the Legislature assessing the need for judgeships in family and juvenile cases. Additionally, in February 2013, the Judicial Council received and approved a report from the SB 56 Working Group recommending new caseweights to estimate the need for staff in the superior courts.

Improved governance, structure, and organization for advisory groups

Under the leadership of Chief Justice Tani G. Cantil-Sakauye, the Judicial Council has been reviewing its governance, expanding public participation in council proceedings, enhancing the council's oversight of the AOC, identifying and directing branch efficiencies, and improving its accountability and transparency. Many of the short- and midterm E&P recommendations based on ideas generated at the council's June 2011 planning meeting have been accomplished, including opening the council's educational meetings to the public, relaxing the council's rules on public comment, and creating liaison programs where the council members establish connections with specific trial courts and specific offices at the AOC.

During its April 2013 meeting, the Judicial Council approved a variety of recommendations to improve the governance, structure, and organization of the council's advisory groups, including the conversion of certain task forces and working groups to standing advisory committees, with explicit council oversight and rotating appointments, and with nominations solicited publicly. The council also accepted the reports of the Trial Court Funding Workgroup, jointly created by the Chief Justice and the Governor, and of the Trial Court Budget Working Group Funding Methodology Subcommittee and took further actions to implement many of these reports' recommendations to bring greater equity to California trial court funding and help ensure the delivery of quality justice and equal access to justice statewide. One such action was the creation of a new task force, the Task Force on Trial Court Fiscal Accountability, to review and make recommendations on:

- Best practices for the trial courts;
- Methods to improve the judicial branch's accountability and transparency;
- Indicators that demonstrate anomalies in expenditures and point to equal access and quality of justice consistent with the Judicial Council's identified priorities;
- Opportunities for cost savings to achieve uniformity and equal access to justice across the state;
- Personnel costs if there are opportunities for cost containment or savings; and
- Methods to effectively measure the quality of justice.

The April 2013 council actions regarding its advisory groups were, according to the statements of the chair of E&P, steps in a continuous process of the council reviewing and considering improvements of the advisory group function to improve the council's oversight of the advisory groups.

Rationale for Recommendation

The Judicial Council is accountable for the resources used by its advisory groups. By actively reviewing the function and organization of its advisory groups from time to time and by making changes to the governance, structure, and organization of these groups as a result of such a review, the council can reset priorities and direction for the advisory group function and improve its oversight of its advisory groups and of the AOC's support of those groups. These changes can result in efficiencies, clarifications of functions and charges, cost reductions, consolidations, and the identification of the need for advisory groups on emerging issues. By reviewing and improving the governance, structure, and organization of these groups, the council can increase the value from its advisory groups.

The work of the SB 56 Working Group will continue, as mandated by state law. The time is ripe for the council to convert this to a formal advisory committee, the Judicial Branch Resource Needs Assessment Advisory Committee, in order to improve the group's accountability to the council, make more transparent the nominations process for its positions, grant to E&P the oversight of its nominations process, and clarify E&P's oversight of the group's priorities and direction. By making this group a formal advisory committee, the council applies the framework for all of its rules for standing advisory committees (Cal. Rules of Court, rules 10.11(h), 10.31, and 10.32). The council directs RUPRO, with this recommendation, to oversee the development of a rule of court incorporating typical advisory committee features, including a charge, staggered appointment terms for members, and the open solicitations of nominations.

The four internal council committee chairs presenting this report will monitor the outcomes of this and other decisions improving the council's advisory group function and will return to the council with any further recommendations or adjustments in order to stay on course for continuous improvement and efficiencies.

Comments, Alternatives Considered, and Policy Implications

Since December 2012, the council's leaders have consulted with the chair of the SB 56 Working Group to determine the implications and likely results from the working group becoming a standing Judicial Council advisory committee. The recommendation to create the Judicial Branch Resource Needs Assessment Advisory Committee, to succeed to the work of the SB 56 Working Group, is the result of those consultations.

Implementation Requirements, Costs, and Operational Impacts

The AOC, the staff agency to the Judicial Council, provides staff support to the council's advisory groups. The implementation of this recommendation, including developing and proposing a rule of court for this new advisory committee, will, therefore, be supported by AOC staff. Other than the use of AOC staff time, the costs for implementing this recommendation should be minimal. The costs incurred by this new advisory committee, including meeting and travel expenses, will be similar, if not identical, to those currently incurred by the SB 56 Working Group. The courts will not be impacted by the implementation of this recommendation.