

JUDICIAL COUNCIL MEETING
Minutes of January 26, 2000, Meeting

The Judicial Council of California meeting began at 12:50 p.m. on Wednesday, January 26, 2000, at the Administrative Office of the Courts Judicial Council Conference Center in San Francisco, California, on the call of Chief Justice Ronald M. George, Chair.

Judicial Council members present: Chief Justice Ronald M. George; Justices Richard D. Aldrich, Marvin R. Baxter, Carol A. Corrigan, and Richard D. Huffman; Judges James Allen Bascue, Paul Boland, J. Richard Couzens, Leonard P. Edwards, Donna J. Hitchens, Steven E. Jahr, Melinda A. Johnson, Ana Maria Luna, Ronald B. Robie, and Ronald L. Taylor; Mr. Michael Case, Mr. John J. Collins, Ms. Pauline W. Gee, and Mr. Sheldon H. Sloan; and **advisory members:** Judge David John Danielsen, Commissioner David L. Haet, Mr. Ron Barrow, Mr. Stephen V. Love, Mr. Frederick Ohlrich, and Mr. Arthur Sims.

Absent: Senator Adam B. Schiff and Assembly Member Sheila James Kuehl.

Others present included: Mr. William C. Vickrey; Justice James A. Ardaiz, Judges Aviva K. Bobb, Judith Donna Ford, Stephen V. Manley, and William F. McDonald; Ms. Tamara Beard, Mr. Bill Fenwick, Ms. Salle Jantz, Mr. Fred Klunder, Ms. Lynn Maynard, Ms. Judith A. Myers, Ms. Carla Shuman, Mr. Alan Slater, Ms. Antonia Taylor, Mr. David Tirapelle, Mr. Ken Torre, Ms. Kiri Torre, Ms. Donna Walkup, Ms. Karen Ward, Mr. Howard Weinberg, Mr. Gary Whitehead; **staff:** Ms. Emma Adarlo, Ms. Martha Amlin, Ms. Jessica Fiske Bailey, Mr. Patrick Ballard, Mr. Christopher Belloli, Mr. Michael Bergeisen, Ms. Deborah Brown, Mr. James Carroll, Ms. Dana Cassino-Stamey, Ms. June Clark, Ms. Eunice Collins, Ms. Monica Driggers, Ms. Sharon Ezekiel, Ms. Denise Friday, Ms. Lori Hara, Ms. Kate Howard, Mr. Dennis Jones, Ms. Jamel Jones, Mr. Peter Kiefer, Ms. Patricia Kilkenny, Mr. Shawn Landry, Mr. Ray LeBov, Ms. Kate Lucchio, Ms. Michele Molotsky, Ms. Jacqueline Murphy, Ms. Vicki Muzny, Mr. Gregory Myers, Mr. Gaidi Nkruma, Ms. Noema Olivas, Mr. Randall Raftery, Mr. Victor Rowley, Mr. Richard Schaffler, Ms. Elizabeth Schiff, Mr. Frank Schultz, Ms. Sanna Singer, Ms. Dale Sipes, Mr. Todd Spitler, Ms. Marcia Taylor, Ms. Rochelle Terrell, Ms. Michelle Ting, Ms. Elizabeth Vazquez-Avila, Mr. Anthony Williams, Ms. Leah Wilson, Mr. Jonathan Wolin, and Ms. Pat Yerian; **media representatives:** Mr. Paul Elias, *The Recorder*; and Ms. Jean Guccione, *The L.A. Daily Journal*.

Except as noted, each action item on the agenda was unanimously approved on the motion made and seconded. (Tab letters and item numbers refer to the binder of Reports and Recommendations dated January 26, 2000, which was sent to members in advance of the meeting.)

Council Committee Presentations

Executive and Planning Committee

Justice Richard D. Huffman, chair, reported that the Executive and Planning Committee had met three times since the last council meeting.

On December 15, the committee reviewed a report from the Trial Court Budget Commission recommending allocations of one-time and 2 percent automation funds. On behalf of the council, the Executive and Planning Committee approved:

1. Permanently allocating \$11 million in 2 percent automation funds;
2. Allocating \$15 million for fiscal year 1998–1999 staff negotiated salary increases (NSIs) and pay equity adjustments;
3. Approving the methodology for allocation of \$8 million and \$4.5 million in one-time funding for unification transition costs and critical unfunded mandates for court systems that have unified to the maximum extent allowable by law, and for those court systems that vote to unify by January 31, 2000;
4. Distributing \$12.5 million in one-time funding as follows: (1) distribution in January 2000—after approval of the allocation recommendations by the Executive and Planning Committee on December 16, 1999—to all court systems except those of Los Angeles and Kern Counties, and (2) another distribution in February 2000, once it is known whether Los Angeles and Kern Counties will be eligible to receive the portion of this funding held in reserve for them, subject to the approval of the allocation recommendations by the Judicial Council at its January 26 business meeting.

Justice Huffman stated that at that meeting, the Executive and Planning Committee, also acting on behalf of the Judicial Council, reviewed a Government Code section 68554 request from a Los Angeles County judge for a one-year leave of absence to study restorative justice courts. The sabbatical request conformed to the government code requirements and was supported by Presiding Judge Victor E. Chavez. The Executive and Planning Committee approved the request and asked that at the end of the sabbatical the judge provide the Judicial Council’s Collaborative Justice Courts Advisory Committee with a summary of the judge’s study of restorative justice courts. The committee also authorized reallocating the salary and benefits savings created by the judge’s leave to the assigned judges program, as is standard practice.

Justice Huffman reported that the committee also approved a staff recommendation that the council authorize domestic partnership health benefits for judicial branch employees, effective January 1, 2000. The benefits offered would mirror those offered by the executive branch to its employees effective January 1, 2000, and hence would continue the practice of providing judicial branch employees with benefits similar to those provided by the executive branch to its employees.

Pursuant to the council’s December directive, the committee reviewed a staff report recommending compensation policies related to court interpreters’ travel time and time worked beyond a half day, and defining unusual circumstances under which a higher base rate can be paid. The committee approved policies and recommended that they be adopted by the full council via circulating order. (A copy of the approved circulating order is the first item behind the Circulating Order tab in the binder for today’s meeting.)

Justice Huffman reported that at its January meeting the committee reviewed items submitted for this meeting, determined their readiness for council action, and set the agenda.

He noted that Administrative Office of the Courts (AOC) staff recently updated the committee on the AOC's revised project to assess the need for additional judgeships in California. The committee approved a work plan for this project, which will build on the work of the former Court Profiles Advisory Committee. The focus of the project is to develop an objective, standardized methodology for quantitatively assessing judicial workload. The approach will have three components:

- The use of a Delphi (judges' focus group) process,
- A time study, and
- An assessment of quality-of-justice issues and their impact on the number of judgeships needed.

Justice Huffman reported that AOC staff will:

- Develop and implement the new approach in partnership with the Research Division of the National Center for State Courts;
- Pilot the new method in several courts before using it statewide, and include judges and court administrators from those courts in a very important project working group;
- Develop standards that are clear and usable;
- Make extensive use of existing data sources; and
- Minimize the impact on the judiciary.

Justice Huffman said the committee met yesterday, January 25, for an update on the outcome of budget discussions with the Governor and a report on the continued development of trial court budget procedures that will be credible, predictable, stable, and understandable to the trial courts, the AOC, and the other branches of government. The council will hear a report on this topic in March, including an action and implementation plan.

The committee also met yesterday with Judge Judith Donna Ford, chair of the Court Technology Advisory Committee, and committee staff to discuss the changes made to the draft tactical plan as a result of comments received from trial courts. Committee members are impressed with the work of Judge Ford's committee, particularly its ability to gain agreement from people and courts with very diverse interests.

Justice Huffman reported that the committee additionally reviewed a draft agenda for the council's strategic planning workshop in March. The emphases of the workshop will be:

- Agreeing on the council's desired statewide planning cycle;
- Hearing about all of the court-community planning activities during the last 18 months that culminated in the drafting of local strategic plans;
- Integrating new input from these local strategic plans; and
- Deciding on a new trial court budget development process for the 2001–2002 budget development cycle.

Finally, on behalf of the council, the committee yesterday granted extensions under Penal Code section 1202.4. The committee approved requests for extensions as follows:

- Superior Court of Los Angeles County—extension granted to January 1, 2001;
- Superior Court of Orange County—extension granted to January 1, 2001;
- Superior Court of San Diego County—extension granted to March 1, 2000; and
- Superior Court of Stanislaus County—extension granted to July 1, 2000.

Policy Coordination and Liaison Committee

Justice Marvin R. Baxter, chair, reported that the Policy Coordination and Liaison Committee had met once since the last council meeting to review the final report of the Task Force on Trial Court Employees. The committee voted to recommend that the council co-sponsor legislation implementing the report's recommendations.

Justice Baxter also noted that the sixth annual Judicial-Executive-Legislative Forum and the Chief Justice's State of the Judiciary Address will occur on Tuesday, March 28, 2000. Council members are encouraged to attend.

Rules and Projects Committee

Judge Steven E. Jahr, chair, reported that the Rules and Projects Committee had met twice since the last council meeting. The committee reviewed updates to the annual bail penalty schedule and recommended that the council adopt the schedule via circulating order. The committee also reviewed and sent out for comment rules and forms with July 1, 2000 effective dates.

Special Comment

Chief Justice Ronald M. George announced the unification of the Los Angeles County trial courts. He expressed his pleasure at being involved in the induction of more than 170 Los Angeles Municipal Court judges as superior court judges. He noted that the Los Angeles court leadership had worked hard to achieve trial court unification, and congratulated the court on doing so.

Chief Justice George reported that three counties are still not unified: Kern County and two counties with voting rights issues—San Luis Obispo and Monterey.

Chief Justice George reported that the Governor had released his budget since the last council meeting. The budget includes money for jury reform, including one-day/one-trial, increased juror compensation, and child care pilot programs for jurors. The Governor's budget also includes money for a 5 percent judicial pay raise.

Approval of the Minutes of the December 2, 1999, Judicial Council Meeting

Council action:

Judge Melinda A. Johnson moved that the Judicial Council approve the minutes of the December 2, 1999 meeting of the Judicial Council, with the following changes to page 17:

1. At the top of the page, after the sentence “The Kern County trial courts have requested an exemption due to population and cost constraints,” insert the following:

“Staff recommends:

- Denying Colusa’s, Tehama’s, and Lassen’s requests;
- Granting Alpine’s request with a stipulation that the court work with G. Thomas Munsterman of the National Center for State Courts to determine the feasibility of implementing one-day/one-trial in the county and, if it is feasible, to develop an implementation plan; and
- Granting a one-year good cause exemption for the Kern County trial courts contingent upon an assessment by Mr. Munsterman that the increased costs projected by Kern courts are reasonable.”

2. In full paragraph three, delete the last sentence and instead insert the following sentence: “They call jurors once every three years as opposed to the more frequent norm.”

The motion passed.

Item 1 Family Law Information Centers: Determination of Pilot Projects

The Budget Act of 1999 provides \$300,000 for the council to establish three pilot project for family law information centers as set forth in Family Code sections 15000–15012. Administrative costs of the project total \$30,000; \$270,000 is available for distribution.

As recommended by the Family and Juvenile Law Advisory Committee, a special selection review committee was established to review grant applications and make recommendations regarding funding. The selection review committee reviewed the applications and selected three pilot projects based on criteria set forth in the statute, including the requirement that the Judicial Council “give priority to courts in counties that the Judicial Council determines are most underserved.”

Council action:

The Judicial Council approved allocating \$270,000 in fiscal year 1999–2000 to the following three family law information center pilot projects:

- Los Angeles (\$130,000)
- Fresno (\$70,000)
- Sutter (\$70,000)

Item 2 Adoption of the Judicial Council Legislative Guidelines and Precedents

The Administrative Office of the Courts (AOC) Office of Governmental Affairs recommended adopting the council’s 1999 Legislative Guidelines and Precedents, which states the council’s historical policies on key legislative issues and sets limits on the areas in which the Policy Coordination and Liaison Committee can take positions. The document helps to ensure that council members, advisory committee members, and AOC staff have a common understanding of council policy on issues presented in proposed legislation.

Council action:

The Judicial Council adopted the 1999 restatement of the Judicial Council Legislative Guidelines and Precedents.

Item 3 Tactical Plan for Court Technology

Judge Ford, chair of the Court Technology Advisory Committee, presented the report, assisted by Ms. Pat Yerian and Mr. Victor Rowley, director and assistant director, respectively, of the AOC’s Information Services Bureau. Judge Ford stated that the tactical plan was developed to respond to the historical underfunding of technology in the judicial branch. It presents a coordinated and integrated approach to managing branchwide technology expenditures. The plan attempts to provide a framework for articulating funding needs and moving trial courts toward regional and collaborative technological solutions to their business needs.

Judge Ford reported that, per the council’s directive, the plan was circulated for comment. Changes were made to the plan to address concerns raised by courts, to allow courts more flexibility to meet local needs while reflecting state policy, and to provide for more collaboration between courts.

Judge Ford reviewed the policy and business objectives of the plan:

- A cohesive approach,
- Improved public service,
- Increased collaboration with justice system partners,
- Maximization of funding opportunities,
- Economy of scale,
- Technology standards,
- Strategic planning, and
- Leveraged procurement.

She reported that the Judicial Administration Efficiency and Modernization Fund could present significant capital for implementing the plan's objectives. The fund could be used to bring courts up to a minimum standard of technology and to enhance or replace case management systems. Growth funding could be used for new initiatives and special projects. Technology funding in baseline budgets would continue to be used for operational costs, such as staffing, licensing, maintenance equipment replacement, education, and training.

Judge Ford said the next step would be to convene meetings of the trial courts to form the court groups that provide the basic management structure of the tactical plan. These court groups could be based on location or region, size, and/or common business and technology environments. The groups would develop common technology plans, which would incorporate their local technology needs, for amassing into a branchwide technology plan.

Mr. Arthur Sims raised the issue of beginning the implementation of the plan in fiscal year 2000–2001. He noted that courts already submitted budgets for that fiscal year, and expressed concern that the rules for receiving technology money would be changed in midstream. Judge Ford concurred and indicated that the allocations of funding for fiscal year 2000–2001 should be consistent with the tactical plan's general framework and objectives. Requests for funding for fiscal year 2001–2002, which will be submitted by the courts in the summer of 2000, would be developed by the trial court groups.

Judge Donna J. Hitchens stated that in many counties divisions within courts cannot communicate with each other because of incompatible technologies. She asked whether achieving improvements in this area will be considered when the Court Technology Advisory Committee evaluates budget requests. Judge Ford responded that the tactical plan will provide a vehicle for obtaining funding to support coordination and unification within courts, such as installation of networks and common case management systems among divisions in courts.

Judge Leonard P. Edwards noted that juvenile law judges currently cannot fulfill their statutory obligations without adequate technology that supports sharing of specific data. Mr. Victor Rowley stated that this is an excellent example of the need for technology

standards for court management systems to ensure that technology allows courts not only to process cases effectively but to meet mandated and statutory requirements.

Council action:

Justice Huffman moved that the Judicial Council, effective January 26, 2000:

1. Adopt the Tactical Plan for Court Technology, which describes general objectives for technology funding within the judicial branch;
2. Direct that the Court Technology Advisory Committee meet and confer with the Community-Focused Court Planning Implementation Committee, the Trial Court Presiding Judges Advisory Committee, and the Court Executives Advisory Committee to determine how to most effectively implement the plan's general objectives; and
3. Direct that the tactical plan be interpreted and implemented consistent with the following policy statements:
 - a. The base budget for technology in each court will be identified and reported. It will be evaluated and taken into account as requests for funding new development are prepared and as requests for funding for the ongoing support of new initiatives are prepared.
 - b. The abilities to meet state and local operational needs are equally important.
 - c. The implementation of the tactical plan will be a collaborative partnership between the AOC and the courts, and between the individual courts and the courts of each group as well as the AOC.
 - d. A statement of program objectives and evaluation criteria will be developed. This statement will assist the courts as they develop group plans, will be used by staff in the analysis and evaluation of those plans, and will be used by the Court Technology Advisory Committee in making proposals to the Judicial Council.

The motion passed.

Item 4 Trial Court Budget Allocations

Mr. Jonathan Wolin, Manager of the Trial Court Funding Unit, presented the report. He stated that the report covers four separate allocation issues.

Mr. Wolin stated that the Trial Court Budget Commission (TCBC) recommends allocating \$20 million from the state Trial Court Trust Fund to finance NSIs and pay equity adjustments that will take effect in fiscal year 1999–2000. He said that 48 trial court systems need \$24.3 million. The TCBC recommends distributing the available \$20 million on a prorated basis, resulting in each court's receiving 82 percent of its requested amount.

Mr. Wolin said that the TCBC also recommends allocating \$1.5 million to remedy fiscal year 1996–1997 underreporting errors for courts with confirmed errors in reporting. He stated that the TCBC recommends permanent budget increases of \$1,305,818 to 10 courts and one-time funding of \$162,892 to one court.

Mr. Wolin stated that the TCBC also recommends allocating \$3 million to small court systems with insufficient resources. The allocation recommendations were developed based on the following criteria: (1) workload-to-staff ratio; (2) workload-to-funding ratio; (3) staff-to-authorized judicial position ratio; and (4) cost-per-authorized judicial position ratio. Using this methodology, 14 courts fell within 10 percent of three of the four ratios previously approved by the council. The TCBC recommends allocating funds to two courts that do not meet the four approved criteria but need funding to provide an adequate level of service to the public.

Mr. Wolin said that the TCBC additionally recommends allocating \$12.5 million in one-time funding to address one-time unification transition costs and critical unfunded mandates for trial courts that have unified to the maximum extent allowable by law by January 31, 2000. On December 15, 1999 the Executive and Planning Committee, on behalf of the Judicial Council, approved a total of \$8,326,342 for allocation. The TCBC recommends allocating \$3,907,777 to the Superior Court of Los Angeles County, based on its successful unification vote, and distributing the remaining \$265,881 to the other eligible courts, using the same methodology as was used to allocate the rest of the funding.

Justice Richard D. Aldrich asked whether Monterey and San Luis Obispo Counties, the two preclearance counties with voting rights issues, are eligible to receive a portion of the \$12.5 million in one-time funding. Mr. Wallace C. Vickrey responded that these courts are unified to the fullest extent allowed by law and therefore are eligible to receive this money.

Mr. Vickrey suggested that the council consider holding the \$265,881 (Kern County's share of the funding) in abeyance for several months to see if significant progress on court unification discussions occur during that period.

Justice Carol A. Corrigan expressed concern that a 90-day delay in a decision on Kern County's share of the money set aside to address unification transition costs would send the county the wrong message. It might be perceived that the council is not serious about enforcing its policies.

Chief Justice George noted that Kern County Superior Court has a new presiding judge who is working to resolve court concerns and that others in the county are also lending their support to coordination and unification discussions.

Council action:

Justice Huffman moved that the Judicial Council:

1. Approve the allocation of \$20 million for fiscal year 1999–2000 staff negotiated salary increases and pay equity adjustments on a prorated basis, as indicated at column E of Attachment 1, subject to technical adjustments by the Administrative Director of the Courts.

2. Approve the allocation of permanent budget increases in the amount of \$1,305,818 to 10 courts and one-time funding in the amount of \$162,892 to one court, with identified and confirmed errors in reporting of fiscal year 1996–1997 expenditures, as indicated at column E of Attachment 1.
3. Approve the permanent allocation of \$2,770,112 to the baseline budgets of 14 small countywide trial court systems, based on the courts' being within 10 percent of three of the four ratios previously approved by the Judicial Council, as indicated at column J of Attachment 1.
4. Approve the permanent allocation of funding to the baseline budgets of two small courts, that do not meet the four approved criteria but that have difficulty providing adequate levels of service to the public: \$117,888 to the Superior Court of Alpine County and \$112,000 to the Superior Court of Sierra County.
5. Approve the allocation of \$3,907,777 to the Superior Court of Los Angeles County, based on its successful unification vote, completed on January 14, 2000.
6. Direct staff to hold \$265,000 in abeyance for 90 days, pending unification discussions in Kern County, and to report to the council in March on the status of these discussions.

The motion passed.

Item 5 Task Force on Trial Court Employees Final Report

Justice James A. Ardaiz, chair of the Task Force on Trial Court Employees, presented the report, assisted by Ms. Judith A. Myers, former director of the AOC's Human Resources Bureau, and Mr. Anthony Williams, and Ms. Deborah Brown, AOC staff members. Justice Ardaiz stated that the task force was statutorily created by the Trial Court Funding Act of 1997. The task force was established to make recommendations to the Legislature on a personnel system and employment status for trial court employees, taking into consideration state trial court funding and the complexity of the interests of employees and various governmental entities. He noted that task force members were appointed by the Chief Justice, Legislature, and Governor and included judges, court executives, union representatives, and executive branch staff. Justice Ardaiz remarked that the recommendations contained in the report that was forwarded to the Legislature received unanimous agreement from the task force members who had very different perspectives and viewpoints.

Justice Ardaiz stated that the task force's objectives were to develop a personnel system that would provide local court governance, would ensure that employee benefits were not reduced upon implementation of the new system, and would have local flexibility and statewide applicability. He said that the task force ultimately recommended that trial court employees be court employees, not state or county employees.

Justice Ardaiz reported the task force's recommendation that employees not be in county service systems but rather be moved into a separate trial court employment protection system that includes as minimum requirements progressive discipline and the provision that discipline, up to and including termination, be for cause. Certain employees, such as

commissioners and referees, are excluded from the employment protection system recommended by the task force.

Justice Ardaiz stated that the task force requested, and the council's Policy Coordination and Liaison Committee concurred, that the Judicial Council co-sponsor the legislation with two of the larger unions representing the trial court employees and the California State Association of Counties. He said that there is extensive support for the system and that both unions and county organizations have agreed to co-sponsor legislation to implement the recommendations.

Council action:

Judge J. Richard Couzens moved that the Judicial Council co-sponsor, with other interested parties, legislation to implement the recommendations contained in the Final Report of the Task Force on Trial Court Employees in the council's sponsored legislation package for 2000.

The motion passed.

Item 6 Trial Court Uniform Model Classification Plan Report

Ms. Myers presented the report, assisted by Mr. Williams and Mr. David Tirapelle, consultant. Ms. Myers stated that each countywide court system currently has a different classification system. The Task Force on Trial Court Employees recommends a statewide uniform classification system that encompasses existing trial court classifications. The task force also recommends establishing salary ranges that reflect local salaries. Local courts may create ranges to fit local circumstances within the broad outline provided by the statewide plan.

Ms. Myers commented that the task force hired a consultant who contacted all courts to solicit input into the task force's report.

Ms. Myers reported the task force's recommendation that the council sponsor legislation to implement the proposals in the report. She added that implementing the recommendations will require staff to draft rules of court establishing the classification system and develop a manual to explain it.

Justice Aldrich expressed concern that the recommended legislation is inconsistent with local courts' maintaining control over classification systems. Ms. Myers responded that the task force is statutorily charged with establishing a system of uniform court employee classifications; however, the task force wants to maintain local flexibility. The proposed legislation achieves both goals.

Judge Johnson commented that court administrators would probably find it easier to use two sets of nomenclature than to try to change the local culture about titles.

Council action:

Justice Huffman moved that the Judicial Council:

1. Approve the Trial Court Uniform Model Classification Plan Report;
2. Approve the submission of the report and recommendations to the Legislature; and
3. Include proposed legislation to implement the recommendations in the council's sponsored legislation package for 2000.

The motion passed.

Item 7 Drug Court Partnership Act Interim Report

Judge Stephen V. Manley, Liaison to the Drug Court Partnership Act Executive Steering Committee, Ms. Salle Jantz, acting director of the State Department of Alcohol and Drug Programs (ADP), and Ms. Monica Driggers, AOC staff member, presented the report. Ms. Jantz noted that \$12 million in funding has been provided to the partnership program during the last two years, and it is expected that \$8 million will be provided this year and again next year. Grants totaling \$11.4 million have been awarded to adult postplea drug courts in 34 counties through the program.

She noted that the Drug Court Partnership Act mandated the ADP and Judicial Council to develop an interim report for submission to the Legislature by March 1, 2000. The report contains the history and goals of the program, its accomplishments to date, a description of the grant award process, and a list of projected next steps.

Judge Manley stated that the statute also requires the submission of a final report by March 1, 2002, to include a final analysis of the grant program. He noted that the final report is intended to focus on the evaluation design for the partnership program, prepared by the ADP, and on outcomes of drug court programs, outcomes as mandated by statute.

Ms. Driggers expressed her appreciation of the work of the ADP toward fulfilling the goals of the Drug Court Partnership Act legislation. She reported on the AOC staff's work toward meeting the council's larger goals related to drug courts. Staff members are developing a research design to study the impact of drug courts on court operations and to analyze drug courts' costs and benefits to the judicial branch and the public. Ms. Driggers commented that the Drug Court Partnership Act legislation focuses on 34 postplea adult, criminal drug court programs only, and therefore evaluates only a limited range of drug courts for a limited amount of time.

Justice Huffman noted that the council will rely on the Administrative Director of the courts to ensure that the council fulfills its part of the partnership with the ADP. He expressed support for pursuing the proposed broader research design so that the judicial branch can learn other valuable information about drug courts.

Council action:

Justice Huffman moved that the Judicial Council approve the Drug Court Partnership Act interim report as drafted by the staffs of the Administrative Office of the Courts and the Department of Alcohol and Drug Programs.

The motion passed.

Item 8 Juvenile Dependency: 90-Day Review Hearings (Welf. & Inst. Code, §§ 366.2 and 366.3)

Ms. Kate Howard, assistant director of the AOC's Office of Governmental Affairs, presented the report. She stated that the Family and Juvenile Law Advisory Committee and the Policy Coordination and Liaison Committee recommended that the council sponsor legislation to require court hearings every 90 days for specified children to assess the progress of reunification service plans. She noted that the hearings would involve only dependent children under the age of three whose permanent plan is adoption. Ms. Howard commented that this type of case often languishes in the system. The proposed 90-day hearings would be status meetings, not contested hearings.

Ms. Howard said that she was aware that cost and judicial resources will be concerns but asserted that the benefits would offset the costs.

Council action:

Judge Edwards moved that the Judicial Council sponsor legislation amending Welfare and Institutions Code sections 366.2 and 366.3 to require court hearings every 90 days to assess the progress of reunification service plans for specified children, but delay implementation until after the council can address the issue of additional resources.

Judge Johnson expressed concern that the legislation would require additional social workers as well as additional judicial resources. She asked if staff had discussed the proposal with the state Department of Social Services. Ms. Howard responded that no discussions with the department had taken place yet.

Justice Huffman asked whether the council needs to sponsor legislation for more frequent hearings. He stated that judges can hold hearings more often than is currently required without legislation.

Judge Hitchens reported that in San Francisco mediations are used for 90-day status meetings. These do not require reports from social workers or attendance from judicial officers.

Judge Edwards stated that the legislation would prescribe best practices, and delaying implementation would prescribe the standard while alerting the Legislature about the additional resources required to achieve the desired goal.

Mr. Vickrey suggested that the council direct staff to survey courts to determine the resources necessary to implement 90-day hearings in specified cases and to develop legislation providing for more frequent hearings to include appropriate judicial and social worker resources.

Council action:

Justice Huffman made a substitute motion that the Judicial Council direct the Administrative Director of the Courts to report back to the council on a methodology and implementation plan to achieve 90-day review hearings for dependent children under the age of three whose permanent plan is adoption, taking appropriate judicial and social services resources into consideration.

The motion passed.

The meeting was adjourned at 3:40 p.m.

Respectfully submitted,

William C. Vickrey
Secretary