

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688
March 12, 2009
3:00–4:15 p.m.
Open to the Public
AGENDA

- 3:00–3:10 p.m. **Public Comment Related to Trial Court Budget Issues***
[Subject to requests]
*This time is reserved for public comment on Discussion Agenda items relating to trial court budgets.
- 3:10–3:15 p.m. **Approval of Minutes**
Minutes of the [October 10, 2008](#), and [October 24, 2008](#), business meetings.
- 3:15–3:30 p.m. **Judicial Council Committee Presentations**
Executive and Planning Committee
 Hon. Peter Paul Espinoza, Vice-Chair
Policy Coordination and Liaison Committee
 Hon. Marvin R. Baxter, Chair
Rules and Projects Committee
 Hon. Dennis E. Murray, Chair
 [Committee Reports Tab]
- 3:30–3:40 p.m. **Administrative Director’s Report**
Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.
- 3:40–3:50 p.m. **Chief Justice’s Report**
Chief Justice Ronald M. George will report on activities in which he has been involved since the last Judicial Council business meeting.

CONSENT AGENDA (Items 1–4)

- Item 1** **Civil Discovery: Deposition Subpoenas in Actions Pending Outside of California (adopt Cal. Rules of Court, rule 3.1015) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council adopt rule 3.1015 of the California Rules of Court, effective March 13, 2009. The Legislature recently enacted a new law intended to replace the prior statute authorizing deposition subpoenas in actions pending outside of the state (Code Civ. Proc., § 2029.010) with a more detailed law concerning how to obtain such subpoenas and, if necessary, how to resolve discovery disputes in such proceedings. The new statutory provisions do not become operative until January 1, 2010, but the bill inadvertently repealed the predecessor statute effective January 1, 2009, leaving a one-year gap in the law authorizing such subpoenas. The proposed rule is intended to fill this unintended gap in the law. It incorporates the language of the predecessor statute into the rules of court so that courts and litigators may continue to act under that rule until the new statute goes into effect.

Staff: Ms. Anne M. Ronan
Office of the General Counsel

Item 2

[Revised Conflict of Interest Code for the Administrative Office of the Courts \(Action Required\)](#)

As the reviewing body for judicial branch agencies, the Judicial Council annually reviews and approves proposed amendments to the Conflict of Interest Code of the Administrative Office of the Courts. This year's proposed amended code adds and deletes designated positions.

Staff: Mr. Steven Crooks
Office of the General Counsel

Item 3

[Access to Visitation Grant Program: Approve Funding Allocations for Fiscal Year 2009–2010 \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee recommends the approval of funding allocation and distribution of approximately \$772,000 in federal Child Access and Visitation Grant funds for fiscal year 2009–2010 to continue programs listed in Attachment A. The committee also recommends that if additional federal funds become available during this funding period, a separate request for proposals and grant application process be used to allocate those funds to new programs or programs not currently funded by this grant. The grant awards to the superior courts conform with the

evaluation criteria stated in Family Code section 3204(b)(2) to approve as many funding proposals as possible while assuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program.

Staff: Ms. Shelly La Botte
Center for Families, Children & the Courts

Item 4

Child Support Commissioner and Family Law Facilitator Program: Midyear Funding Reallocation for Fiscal Year 2008–2009 (Action Required)

The Judicial Council is required to annually allocate funding to courts for the child support commissioner and family law facilitator program. Under an established procedure described in the standard agreement with each superior court, the Judicial Council at midyear redistributes to courts that have a documented need for additional funds any unallocated funds and any available funds from courts that are projected not to spend their full grants. The courts are also being offered an option to use local court funds up to an approved amount to draw down federal matching funds.

Staff: Mr. Michael L. Wright
Center for Families, Children & the Courts
Ms. Ruth K. McCreight
Center for Families, Children & the Courts

DISCUSSION AGENDA (Item 5)

Item 5
3:50–4:15 p.m.

Mediation Week: Standing Resolution Recognizing the Benefits of Mediation and Court Mediation Programs (Action Required)

The Administrative Office of the Courts recommends that the Judicial Council adopt a standing resolution recognizing the third week of every March as Mediation Week, to coincide with similar recognitions by other government organizations and leaders. Information about the Judicial Council resolution will be disseminated throughout the judicial branch and to local bar associations, mediation providers, and the general public. Judicial Council recognition of Mediation Week will encourage courts to implement and expand mediation programs; promote public awareness and use of those programs; and acknowledge the court staff, mediators, and others who make them successful.

Presentation/Discussion (20 minutes)

Speakers: Hon. Paul Lloyd Beeman
Superior Court of Solano County
Hon. Lee Smalley Edmon
Superior Court of Los Angeles County
Mr. Alan Wiener
Office of the General Counsel

Discussion/Council Action (5 minutes)

Information Only Items

- [Jury Sanctions: 2008 Report to the Legislature \(Code Civ. Proc., § 209\)](#)
- [Liability Limits of a Parent or Guardian \(amended Cal. Rules of Court, Appendix B\) \(Civ. Code, § 1714.1\)](#)
- [Information on Appeal Procedures for Limited Civil Cases \(form APP-101-INFO\)](#)
Effective January 2, 2009, a revision to form APP-101-INFO was approved by the Executive and Planning Committee on behalf of the council to reflect a change in the filing fee, under Senate Bill 1407, for a notice of appeal in a limited civil case. The changes are highlighted in the form.
- [Operating Guidelines and Directives for Budget Management in the Judicial Branch](#), reaffirmed and revised version approved by the Executive and Planning Committee January 20, 2009.

Circulating Orders since the last business meeting.

[CO-09-01 tab]

[Information Sheet on Waiver of Court Fees and Costs \(Form FW-001-INFO\)](#)

Appointment Orders since the last business meeting.

[Appointment Orders Tab]