

**JUDICIAL COUNCIL MEETING**  
**Administrative Office of the Courts**  
**Malcolm M. Lucas Board Room**  
**455 Golden Gate Avenue**  
**San Francisco, California 94102-3688**  
**October 24, 2008**  
**8:30 a.m.–12:10 p.m.**  
**Open to the Public**

**AGENDA**

- 8:30–8:40 a.m.      **Swearing In of New Council Members**  
The Chief Justice will administer the oath of office to new council members.
- 8:40–8:50 a.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.
- Approval of Minutes**  
The minutes of the August 15, 2008, business meeting will be submitted for approval at the December 9, 2008, business meeting.
- 8:50–9:00 a.m.      **2008 California on My Honor: Civics Institute for Teachers**  
  
The two sessions of this professional development program took place June 30–July 3, in San Diego, and July 8–11, in San Francisco. Fifty selected K–12 teachers from around the state learned about the role and operation of the California court system and participated in site visits to the Superior Courts of San Diego and San Francisco Counties. Participants also explored models of existing court- and law-related education curricula and programs and reviewed current K–12 California civics standards. Since the institute, they have created unique lesson plans tailored for use in their own classrooms. Today participants from both summer sessions are gathered together for a follow-up session where they will share lesson plan projects developed since the institute with each other, display examples of student work, and evaluate the initial implementation of those lesson plans. This program is a collaboration between court staff and the California State University San Marcos, under the

leadership of Dr. Fran Chadwick, Assistant Professor of Education. Participating teachers were recruited statewide through various channels, including the California Council for the Social Studies, county department of education social studies coordinators, court leadership, and many other organizations. Several of the civics institute participants will be present at the beginning of today's council meeting.

*Introduction of Guests (5 minutes)*

Speakers: Ms. Catharine Price  
Executive Office Programs Division

9:00–9:15 a.m. **Judicial Council Committee Presentations**

Executive and Planning Committee  
Hon. Richard D. Huffman, Chair  
Policy Coordination and Liaison Committee  
Hon. Marvin R. Baxter, Chair  
Rules and Projects Committee  
Hon. Jamie Jacobs-May, Vice-chair  
[Committee Reports Tab]

9:15–9:35 a.m. **Judicial Council Court Visit Reports**

Hon. Brad R. Hill, Team Leader  
Ms. Christine Patton  
Bay Area/Northern Coastal Regional Office  
Report on visits to the Superior Courts of San Benito and Santa Cruz Counties.

9:35–9:45 a.m. **Administrative Director's Report**

Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.

9:45–9:55 a.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 A1–A41)***

*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.*

## ITEM A

## RULES, FORMS, AND STANDARDS

### *Civil Jury Instructions*

#### Item A1

#### **Civil Jury Instructions: Approve Publication of Revisions to Civil Jury Instructions (CACI) (Action Required)**

The Advisory Committee on Civil Jury Instructions recommends approval of the publication of revisions and additions to the *Judicial Council of California Civil Jury Instructions (CACI)*, which were first published in September 2003, and last revised in April 2008. This proposal includes 60 new, revised, or revoked instructions and verdict forms. Among them are revisions to the instructions and verdict forms on malicious prosecution, defamation, and elder abuse.

Staff: Mr. Bruce Greenlee  
Office of the General Counsel

### *Appellate*

#### Item A2

#### **Appellate Procedure: Petitions for Review (amend Cal. Rules of Court, rules 8.504 and 8.520) (Action Required)**

The Appellate Advisory Committee recommends: (1) amending the rule regarding petitions for review to clarify that if a petition is seeking review of a Court of Appeal order, a copy of that order must be attached to the petition and that copies of orders or opinions that must be attached to the petition do not count toward the 10-page limit on attachments to petitions for review; and (2) amending the rule regarding briefs on the merits in the Supreme Court to increase the maximum length of a reply brief on the merits to 8,400 words or 30 pages. The amendments to the rule regarding petitions for review will conform the rule to the current practice of attaching a copy of an order that is the subject of review and will also clarify the limitations on the length of attachments. Increasing the permissible length of reply briefs on the merits will make the proceedings more effective by giving petitioners additional space to more fully articulate their response to the opposing party's arguments and will improve court administration by reducing the need for petitioners to make and the court to consider requests to file overlength reply briefs.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A3**

**Appellate Procedure: Proceedings for Writs of Mandate, Certiorari, and Prohibition (amend and renumber Cal. Rules of Court, rule 8.490 as rules 8.485, 8.486, 8.487, 8.488, 8.489, 8.491, 8.492, and 8.493; adopt rule 8.490; renumber rule 8.494 as rule 8.495; amend rules 8.112, 8.264, 8.268, 8.312, 8.366, 8.450, 8.454, 8.500, 8.552, 8.931, and 8.1018; and amend the advisory committee comments to rules 8.18, 8.272, and 8.278) (Action Required)**

The Appellate Advisory Committee recommends: (1) amending the rule regarding proceedings for writs of mandate, certiorari, and prohibition in the Supreme Court and Courts of Appeal to break it up into several shorter rules, consolidate provisions concerning the content of declarations used in the supporting documents in lieu of a transcript, and place the new rules in a new, separate chapter; and (2) amending the rule regarding finality of Court of Appeal decisions, which is located in the chapter of the rules on civil appeals, to move provisions relating to the finality of decisions in criminal appeals, writ proceedings, and transfers to the chapters of the rules addressing these matters. These amendments will help make it easier to find relevant provisions of these rules and make these rules easier to use

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A4**

**Appellate Procedure: Habeas Corpus Proceedings in the Supreme Court and Courts of Appeal (amend Cal. Rules of Court, rules 8.380 and 8.384; amend and renumber rule 8.386 as rule 8.387; and adopt rules 8.385 and 8.386) (Action Required)**

The Appellate Advisory Committee recommends amending the rules relating to habeas corpus proceedings in the Supreme Court and Courts of Appeal to: (1) move the general provisions concerning the handling of petitions for writs of habeas corpus out of the rule on petitions filed by self-represented parties and into a new, separate rule; (2) eliminate the limit on the length of petitions filed by attorneys and, except in proceedings related to sentences of death, apply a 14,000-word/50-page limit to any memoranda filed by an attorney; (3) clarify the format requirements that apply when an attorney files a petition on *Petition for Writ of Habeas Corpus* (form MC-275); (4) require attorneys to provide information about previous petitions concerning the same judgment and petitioner filed in any state

court, rather than just those filed in a lower court or the Supreme Court; and (5) add new provisions addressing the issuance of orders to show cause, the filing of a return in either the superior court or appellate court, the procedures followed if the return is filed in an appellate court, and hearing and decision in the appellate court. Reorganizing these rules will help make it easier to find relevant provisions and make these rules easier to use. Clarifying the provisions concerning the format of petitions and adding procedures for handling habeas proceedings in the appellate courts will fill gaps in the existing rules and clarify these procedures.

Staff: Ms. Heather Anderson  
Office of the General Counsel

#### Item A5

**[Appellate Procedure: Certificates of Interested Entities and Persons \(adopt Cal. Rules of Court, rule 8.361; amend rules 8.208 and 8.490; and revise form APP-008\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends amending the rule relating to certificates of interested entities or persons to: (1) clarify that only entities or individuals other than the parties themselves need to be identified on the certificate; (2) clarify that an insurer does not have a financial interest requiring disclosure based simply on its status as insurer for a party; and (3) allow a party to request permission to file the certificate under seal if the identity of any person or entity subject to disclosure on the certificate has not been disclosed in the proceeding. The committee also recommends adopting a new rule relating to criminal appeals and amending the rule concerning certificates of interested entities or persons in writ proceedings to require that a certificate be filed in criminal cases in which an entity is a defendant and revising *Certificate of Interested Entities or Persons* (form APP-008) to reflect these changes in the rules. These amendments to the rules and revisions to the form will clarify the requirements concerning certificates of interested entities or persons, making them easier for parties to understand and follow.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A6****[Appellate Procedure: Briefs \(amend Cal. Rules of Court, rules 8.200, 8.216, 8.520, 8.882, and 8.884\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends: (1) amending the rules relating to amicus briefs to require that a person or entity, other than the California Attorney General, seeking to file an amicus brief must indicate whether the brief was authored in whole or in part by a party or counsel for a party and must identify any party or other person or entity, other than the amicus, who made a monetary contribution intended to fund the preparation or submission of the brief; (2) amending the rules relating to cross-appeals to clarify that a combined brief from a party that is both an appellant and a respondent must address the points in each appeal separately but may include a single statement of facts; and (3) amending the rule relating to briefs in limited civil cases to allow parties to stipulate to extensions of briefing time of up to 30 days. The amendments to the rules on amicus briefs will improve the administration of justice and make appellate proceedings fairer by ensuring that the amicus process is not being used to circumvent limits on briefing by the parties and better identifying the source of amicus briefs. The amendments to the rules on cross-appeals will clarify the requirements for combined briefs. Allowing parties in limited civil cases to stipulate to extend briefing time will improve court administration and efficiency by reducing the need for parties in these civil cases to seek, and the courts to consider, applications to extend briefing time.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A7****[Appellate Procedure: Miscellaneous Appellate Division Rules and Forms \(adopt Cal. Rules of Court, rules 8.805 and 8.843; amend the advisory committee comments to rules 8.851, 8.866, 8.868, 8.917, and 8.919; revise forms MC-210, APP-101-INFO, CR-131-INFO, CR-133, CR-134, CR-141-INFO, and CR-142\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends: (1) adopting new appellate division rules addressing amendment of the rules of court and statutes and establishing a procedure for parties in appeals of limited civil cases to request that original exhibits be transmitted to the appellate division at the time of briefing; (2) revising form MC-210 to accommodate its use by defendants

seeking a record of the oral proceedings in the trial court at public expense; and (3) updating other rules and forms to reflect these changes. Adding a new appellate division rule addressing amendment of the California Rules of Court and statutes will help users of these rules find these general provisions. Adding a new rule allowing parties in limited civil cases to request that original exhibits be sent to the appellate division at the time of briefing will increase access to justice by giving litigants in these cases an alternative, lower-cost method of providing relevant exhibits to the appellate division. Adding these rules to the appellate division rules will also increase the consistency between the appellate division rules and the Court of Appeal rules. Revising form MC-210 should make it easier for defendants to find and use this form to show they are indigent for purposes of seeking a record of the oral proceedings at public expense.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A8**

**[Appellate Procedure: Judicial Notice \(amend Cal. Rules of Court, rule 8.252\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends amending the rule relating to judicial notice in the Court of Appeal to require that motions for judicial notice explain why the material to be noticed is relevant to the appeal and state whether judicial notice of the material was sought in the trial court or whether the material relates to proceedings that occurred after the judgment or order being appealed. Requiring that motions for judicial notice include this information will improve the administration of justice and efficiency by ensuring that the Court of Appeal receives the information it needs to rule on such motions in a timely manner.

Staff: Ms. Heather Anderson  
Office of the General Counsel

**Item A9**

**[Appellate Procedure: Service and Filing \(amend Cal. Rules of Court, rule 8.25; adopt rule 8.817; approve forms APP-009, APP-009-INFO, APP-109, and APP-109-INFO; and revise forms APP-102, APP-103, APP-104, APP-106, CR-135, CR-143, APP-150-INFO, and APP-151\) \(Action Required\)](#)**

The Appellate Advisory Committee recommends: (1) amending the rule on service and filing in the Court of Appeal to indicate that there may be exceptions to the general rule that a filing is not timely unless the clerk receives the document before the time to file it expires; (2) adopting a new appellate division rule addressing service and filing; (3) approving new proof of service forms and information sheets for use in Court of Appeal and appellate division proceedings; and (4) updating other forms to reflect these changes. Amending the rule on service and filing in the Court of Appeal to recognize that there are exceptions to the general rule on filing will eliminate confusion about whether a document is considered timely filed when such an exception applies. Adding a new appellate division rule addressing service and filing will fill a gap in the appellate division rules and assist litigants in appellate division proceedings. The proposed new proof of service forms and information sheets will improve access to justice and efficiency by assisting parties in providing required proof of service in appellate proceedings.

Staff: Ms. Heather Anderson  
Office of the General Counsel

#### Item A10

**[Alternative Dispute Resolution: Procedures for Addressing Complaints About Mediators in Court-Connected Mediation Programs for Civil Cases \(renumber Cal. Rules of Court, rules 3.870–3.878 as rules 3.890–3.898, respectively; amend and renumber rules 3.865, 3.866, 3.867, and 3.868 as rules 3.868, 3.867, 3.871, and 3.872, respectively; adopt rules 3.865, 3.866, 3.869, and 3.870; amend rule 10.781; and revise Attendance Sheet for Court-Program Mediation of Civil Case \(form ADR-107\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends amending and adopting rules concerning superior court procedures for addressing complaints about court-program mediators in general civil cases and revising optional form ADR-107, *Attendance Sheet for Court-Program Mediation of Civil Case*. The advisory committee also recommends that the Administrative Office of the Courts develop model complaint procedures. The new and amended rules would expand existing general requirements concerning complaint procedures and provide that the courts that are currently required to establish complaint procedures must do so by local rule of court, and the model complaint procedures would assist courts in satisfying these requirements. This would help to ensure that complaints are



addressed in a manner that is fair and respectful to the complainant and the mediator and consistent with the mediation confidentiality laws. The revisions to form ADR-107 would make the form easier for participants to complete and more useful to mediators and courts.

Staff: Ms. Heather Anderson  
Office of the General Counsel  
Mr. Alan Wiener  
Office of the General Counsel

### *Civil and Small Claims*

#### **Item A11**

#### **Civil Rules: Motion to Be Relieved as Counsel (amend Cal. Rules or Court, rule 3.1362) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rule 3.1362 of the California Rules of Court on motions to be relieved as counsel, so that all service requirements are included in a single subdivision of the rule. Currently, under different subdivisions, the rule requires an attorney seeking to be relieved as counsel to serve the client with the moving papers and a proposed order. The amendment would eliminate confusion as to what papers must be served before the hearing.

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

#### **Item A12**

#### **Civil Forms: *Summons—Cross-Complaint* (adopt form SUM-110) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council adopt a mandatory form *Summons—Cross-Complaint* (form SUM-110). There is currently no summons form specifically for use on a cross-complaint. The mandatory summons form used for a general civil complaint must be manually modified by a defendant who seeks to cross-complain against a party who has not already appeared. The new form *Summons—Cross-Complaint* (form SUM-110) eliminates the need for such modifications.

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

**Item A13**

**Civil Forms: *Summons—Enforcement of State Housing Law* (adopt form SUM-145) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council adopt mandatory form *Summons—Enforcement of State Housing Law* (form SUM-145). There is no current civil summons form for enforcement actions under the State Housing Law. That law, in Health and Safety Code section 17990, provides for a 10-day response period to summonses in civil enforcement actions. The new form provides a summons to be used in such actions.

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

**Item A14**

**Trial Courts: Release of Court Records (amend Cal. Rules of Court, rule 2.400) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that rule 2.400 of the California Rules of Court on court records be amended to provide that filed papers may be released to an attorney of record within the court facility. The rule currently provides that papers filed in a court may be released only to a “court officer or authorized court personnel for use in a court facility.” The term “court officer” is ambiguous; it is unclear whether it applies to attorneys or court administrative officers or both. The amendment will clarify that papers may be released to “an attorney of record.”

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

**Item A15**

**Civil Discovery: Deposition Subpoenas (revise forms SUBP-015 and SUBP-020) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise *Deposition Subpoena for Personal Appearance* (form SUBP-015) and *Deposition Subpoena for Personal Appearance and Production of Documents and Things* (form SUBP-020) to add information explaining where a deponent may be required to appear for deposition. The revisions will assist subpoenaed individuals and entities by providing an individual deponent with the information about what distance he or she may be required to travel and by

identifying for all deponents, including organizations and business entities, the statute where such information may be found.

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

**Item A16**

**Civil Rules: Unlawful Detainers and Other Summary Proceedings Involving Possession of Real Property (adopt Cal. Rules of Court, rules 3.1327, 3.1347, 3.1351; renumber rules 3.1020, 3.1025, and 3.1030; and amend rule 3.1350) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council: (1) adopt rules 3.1327, 3.1347, and 3.1351 concerning motions to quash or stay actions, discovery motions, and motions for summary judgment, respectively, in summary proceedings involving possession of real property; (2) renumber rules 3.1020, 3.1025, and 3.1030 concerning discovery motions as rules 3.1345, 3.1346, and 3.1348, respectively; and (3) amend rule 3.1350 to clarify that the rules requiring the filing of certain documents to support or oppose a motion for summary judgment do not apply to such motions made in summary proceedings involving possession of real property. These new and amended rules will implement Assembly Bill 1126, which requires the Judicial Council to adopt rules prescribing the time for serving and filing opposition and reply papers relating to certain motions that may be heard on shortened notice in unlawful detainer actions and other summary proceedings involving possession of real property.

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

**Item A17**

**Civil Form: *General Denial* (revise form PLD-050) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise *General Denial* (form PLD-050). The content of the form, which may be used to respond to most complaints in limited civil cases and to unverified complaints in unlimited cases, has not been updated since trial court unification. The revised form removes the outdated reference to municipal and justice courts and clarifies the instructions on when to use the form. In addition, an outdated proof of service on

the back of the form is removed, and a reference to the Judicial Council forms for proof of service is added.

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

**Item A18**

**Civil Forms: *Proof of Service—Civil* (amend Cal. Rules of Court, rule 2.260 and revise forms POS-040 and POS-040(P)) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rule 2.260 of the California Rules of Court on electronic service and revise *Proof of Service—Civil* (form POS-040) and *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)). The amendment of rule 2.260 will require that the electronic notification address be shown *in addition to* the residence or business address. The revisions to the forms will reflect the proposed change in rule 2.260; clarify what information is required for different methods of service; add the appropriate hours for personal service on an attorney's office; and make terms in the forms consistent.

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

**Item A19**

**Small Claims: *Proof of Service* (revise form SC-104) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise *Proof of Service* (form SC-104) to clarify the Instructions to Server section. The form, approved for optional use in small claims actions, would be revised to correct contradictory information regarding when a server must mail a copy of a document to the person being served. The revised form also clarifies that mailing is required only for substituted service. Finally, it clarifies that the *Proof of Service* must be filed in advance of the hearing.

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

**Item A20**

**Civil Forms: Claims of Exemption (revise forms EJ-160 and WG-006) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise *Claim of Exemption (Enforcement of Judgment)* (form EJ-160) and *Claim of Exemption (Wage Garnishment)* (form WG-006). Claim of exemption forms, which are initially filed with the levying officer and only later, in some instances, filed with the court, do not currently include separate spaces for filing stamps by both the levying officer and the court. The revised forms provide individual blocks for each filing stamp. The revised forms also provide a space to enter the name of the claimant.

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

#### **Item A21**

#### **[Civil Case Management: Settlements \(amend Cal. Rules of Court, rule 3.1385\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rule 3.1385 of the California Rules of Court. The current procedures for notice of settlement sometimes pose practical problems (1) in cases with minors' compromises, and (2) in situations where a party has filed and served a notice of settlement but is unable to dismiss the action within 45 days. The proposed amendments to rule 3.1385 address these problems by providing additional time, under certain circumstances, for completing a settlement after notice of settlement has been provided to the court.

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

#### **Item A22**

#### **[Civil Form: Case Management Statement \(revise form CM-110\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the civil Case Management Statement (form CM-110). The main revision is to include a place in the caption for a party to indicate whether it intends to appear by telephone, which will implement the statutory provisions and rule amendments that went into effect on January 1, 2008, that generally allow parties to appear by telephone at case management conferences upon proper notice. The revised form also deletes the provision that prior case management orders must be attached in order to eliminate the unnecessary duplication of papers.

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

**Item A23**

**[Trial Courts: Alteration of Judicial Council Forms \(amend Cal. Rules of Court, rules 1.31 and 1.35\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rules 1.31 and 1.35 of the California Rules of Court to clarify under what circumstances Judicial Council forms may be altered. Rules 1.31 and 1.35 currently lack clarity regarding the extent to which courts and judicial officers may alter Judicial Council forms. This proposal would amend those rules to clarify that a court may not require the use of an altered mandatory or optional Judicial Council form, but that a judicial officer may modify a Judicial Council form order as necessary or appropriate to adjudicate a particular case.

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

**Item A24**

**[Temporary Judges: Application of Rules to Retired Judicial Officers; Education and Training Requirements \(amend Cal. Rules of Court, rules 2.810 and 2.812\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends that rule 2.810 of the California Rules of Court be amended to make the rules on court-appointed temporary judges applicable to retired judicial officers. It further recommends that rule 2.812 be amended to provide that, commencing five years after the retired judicial officer last served in a judicial position either as a full-time judicial officer or as an assigned judge, a retired judicial officer must satisfy all the education and training requirements of rule 2.812; however, a retired judicial officer in a small claims case must satisfy all the requirements of section 116.240(b) of the Code of Civil Procedure and of the rules on court-appointed temporary judges before serving in the case.

Staff: Mr. Patrick O'Donnell  
Office of the General Counsel

**Item A25**

**[Class Actions: Entry of Judgment Following Final Approval of Settlement \(amend Cal. Rules of Court, rules 3.769 and 3.770\) \(Action Required\)](#)**

The Civil and Small Claims Advisory Committee recommends amendment of rules 3.769 and 3.770 of the California Rules of Court to provide that on the approval of a class settlement and entry of judgment, a court may not also enter dismissal of the action.

Staff: Ms. Susan McMullan  
Office of the General Counsel

***Court Interpreters***  
**Item A26**

**[Court Interpreters: Interpreter Provisional Qualification Forms \(revise forms INT-001, INT-002, INT-100, INT-110, and INT-120\) \(Action Required\)](#)**

The Court Interpreters Advisory Panel recommends the Judicial Council revise the court interpreter provisional qualification forms. The current forms only provide for the provisional qualification of noncertified interpreters. The revised forms provide for the provisional qualification of noncertified and nonregistered interpreters, allow for reporting the use of noncertified and nonregistered interpreters, clarify the overall provisional qualification process, and include the four newly designated languages.

Staff: Mr. Ekuike Falorca  
Executive Office Programs Division

***Court Security***  
**Item A27**

**[Court Security Plans \(adopt Cal. Rules of Court, rules 10.172 and 10.173; and repeal Cal. Stds. Jud. Admin., std. 10.40\) \(Action Required\)](#)**

The Working Group on Court Security recommends that the council adopt rules to ensure that the individuals responsible for court security consider and address all relevant aspects of security within a court. To effect this purpose, the rules (1) provide the subject areas to be addressed in a court security plan, (2) establish a process for the review of such plans, (3) require the formation of court security committees, and (4) repeal an inconsistent rule. These rules will fully implement statutory requirements.

Staff: Mr. Malcolm Franklin  
Emergency Response and Security Unit

**Criminal Law**  
**Item A28**

**Criminal Law: Petitions for Writs of Habeas Corpus (amend Cal. Rules of Court, rule 4.551 and revise Judicial Council form MC-275) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council amend California Rules of Court, rule 4.551 and revise Judicial Council form MC-275, *Petition for Writ of Habeas Corpus*. Currently, the form and rule contain potentially misleading references to statutory service requirements, which may lead to the inappropriate summary denial of writ petitions for improper service. To eliminate the potential for inappropriate denial of writ petitions, this proposal recommends deleting two misleading references to statutory service requirements from the rule and form.

Staff: Mr. Arturo Castro  
Office of the General Counsel

**Item A29**

**Criminal Law: Criminal Protective Orders (revise Judicial Council forms CR-160, CR-161, and CR-165) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council revise forms CR-160, CR-161, and CR-165 to comply with recently enacted legislation by revising the form headings and by adding new statutorily mandated orders, instructions, and advisements.

Staff: Mr. Arturo Castro  
Office of the General Counsel

**Item A30**

**Criminal Law: Petition and Order for Dismissal (revise form CR-180 and approve form CR-181) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council revise form CR-180 and approve form CR-181, *Order for Dismissal*. The new and revised forms are designed to facilitate electronic case management systems, enhance the amount of information contained on the forms, and reduce confusion by replacing the word “expungement” with the word “dismissal” in the titles of the forms.

Staff: Mr. Arturo Castro  
Office of the General Counsel



*Criminal Law and Family and Juvenile Law*

**Item A31**

**Criminal and Juvenile Law: DNA Expungement Forms (approve forms CR-185/JV-796 and CR-186/JV-798) (Action Required)**

The Criminal Law and Family and Juvenile Law Advisory Committees jointly recommend that the Judicial Council approve forms CR-185/JV-796, *Petition for Expungement of DNA Profiles and Samples*, and CR-186/JV-798, *Order for Expungement of DNA Profiles and Samples*. There is currently no Judicial Council form for use by petitioners seeking expungement nor a Judicial Council form for use by the courts in issuing orders on these petitions. The new forms are designed to promote standardized statewide petitions and orders by ensuring the availability of forms that contain all statutorily required data elements.

Staff: Mr. Arturo Castro  
Office of the General Counsel

*Family and Juvenile Law*

**Item 32**

**Child Support: Revised Forms to Improve Quality of Translation for Non-English-Speaking Self-Represented Litigants (revise forms FL-615, FL-625, FL-626, and FL-663) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise forms FL-615, FL-625, FL-626, and FL-663. The proposed revised forms are intended to enhance the comprehension of child support stipulations for non-English-speaking self-represented litigants. A declaration of the person providing interpretation/translation would be added to two forms to attest to the quality of the interpretation or translation being provided. The current Interpreter's Declaration in two other forms would be revised to add a statement that the person is competent to interpret or translate in the litigant's primary language, to revise the name of the declaration to include both oral and written language assistance, and to add bilingual attorneys to those who may provide interpretation and translation.

Staff: Ms. Ruth McCreight  
Center for Families, Children & the Courts

**Item A33**

**[Child Support: Compliance With Federal Mandate Related to Automated Child Support Calculation Program \(amend Cal. Rules of Court, rule 5.275\) \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend rule 5.275 to bring California fully into compliance with the federal mandate that courts hearing title IV-D child support cases use only the California Guideline Child Support Calculator software program developed by the Department of Child Support Services to prepare support calculations. This amendment will bring rule 5.275 current with practices that are already in place for child support commissioners.

Staff: Ms. Ruth McCreight  
Center for Families, Children & the Courts

**Item A34**

**[Family Law: Miscellaneous Forms \(revise forms FL-105/GC-120 and FL-315; adopt forms FL-105\(A\)/GC-120\(A\) and FL-347; and approve forms FL-318-INFO, FL-348, FL-910, and FL-915\) \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends revising, adopting, and approving specific forms to promote compliance with statutory mandates and facilitate judicial consistency in family law proceedings. Particular changes relate to the Uniform Child Custody Jurisdiction and Enforcement Act; recent amendments to Family Code sections 302 and 303, regarding the marriage of minors; and Family Code section 2337, concerning separate trials to terminate status of a marriage or domestic partnership.

Staff: Ms. Bonnie Rose Hough  
Center for Families, Children & the Courts  
Ms. Gabrielle D. Selden  
Center for Families, Children & the Courts

**Item A35**

**[Juvenile Law: Miscellaneous Rule and Form Changes \(amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; and adopt forms JV-183 and JV-184\) \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council make various juvenile rule and form changes and adopt two new forms, to comply with current

statutory mandates and to facilitate consistency and clarity. The amended rules and new and revised forms will resolve issues concerning ambiguous language, typographical errors, changes in the law, and ease of form use.

Staff: Ms. Melissa Ardaiz  
Center for Families, Children & the Courts

**Item A36**

**Juvenile Law: Confidentiality of Records (adopt Cal. Rules of Court, rule 5.553 and amend rule 5.552; adopt forms JV-569, JV-571, JV-572, JV-573, and JV-574; and revise form JV-570) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends amending one rule and adding one rule to the California Rules of Court, revising one Judicial Council form, and adopting five Judicial Council forms. These changes would (1) ensure that an individual determination of the child's best interest is made for each request for disclosure of a confidential juvenile court file; and (2) implement two recently enacted statutes that increase access to confidential juvenile court files when a child has died.

Staff: Ms. Kerry Doyle  
Center for Families, Children & the Courts

***Probate***  
**Item A37**

**Probate—Decedents' Estates: Advice to Creditors of Decedents Concerning Rejected Claims (revise form DE-174) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that the *Allowance or Rejection of Creditor's Claim* (form DE-174), the form used by personal representatives of decedents' estates to notify creditors of decedents that their claims have been approved or rejected, be revised to (1) clarify the advice given to creditors whose claims have been rejected, and (2) conform the form's stated deadline for enforcing rejected claims to changes in the statutes establishing that deadline.

Staff: Mr. Douglas C. Miller  
Office of the General Counsel

**Item A38**

**Probate—Guardianships and Conservatorships: Court-Appointed Counsel for Wards and Conservatees (amend**

**Cal. Rules of Court, rule 7.1101; revise form GC-010; and adopt form GC-011) (Action Required)**

The Probate and Mental Health Advisory Committee recommends that rule 7.1101 of the California Rules of Court, concerning qualifications of counsel appointed by courts to represent minors in probate guardianships and conservatees in probate conservatorships, be amended to provide an exemption for small courts from the liability insurance requirements for private counsel and to require annual updates by counsel to show their continued qualification to accept appointments. The form adopted to demonstrate qualifications for initial appointment under rule 7.1101 would also be amended to reflect the proposed changes in the rule, and a new form would be adopted for counsel to use for their annual updates under the amended rule.

Staff: Mr. Douglas C. Miller  
Office of the General Counsel

**Item A39**

**Probate—Guardianships and Conservatorships: Reporting by Institutions and Financial Institutions About Transactions in Assets, Accounts, and Safe-Deposit Boxes of Wards and Conservatees Held by the Institutions (adopt Cal. Rules of Court, rules 7.1011 and 7.1061; revise forms GC-050, GC-150, GC-250, and GC-350) (Action Required)**

The Probate and Mental Health Advisory Committee recommends the adoption of rules 7.1011 and 7.1061 to require guardians and conservators engaged in transactions with assets of wards and conservatees held by institutions and financial institutions subject to the reporting requirements of Probate Codes sections 2890–2893 to provide the institutions and financial institutions with copies of the fiduciaries’ general and temporary *Letters of Guardianship* and *Letters of Conservatorship* and blank copies of the appropriate reporting forms. The *Letters of Guardianship* and *Letters of Conservatorship* (forms GC-150, GC-250, and GC-350) would be revised to include detailed instructions to affected institutions and financial institutions. The reporting form for institutions, form GC-050, would also be revised to give advice that fully conforms to a statutory requirement.

Staff: Mr. Douglas C. Miller  
Office of the General Counsel

## Item A40

### Probate—Guardianships and Conservatorships: Good Faith Exceptions to Notice of Hearings on Petitions for Appointment of Temporary Guardians and Conservators (amend Cal. Rules of Court, rules 7.1012 and 7.1062; revise forms GC-110(P) and GC-140; approve forms GC-112, GC-112(A-1), GC-112(A-2), and GC-115; and adopt form GC-141) (Action Required)

The Probate and Mental Health Advisory Committee recommends that rules 7.1012 and 7.1062 of the California Rules of Court be amended to permit the plain-language petition for appointment of a guardian of the person designed for self-represented persons, form GC-110(P), to contain an application for an exception to notice of hearing on the petition, and to delete the requirement of a memorandum of points and authorities with the application. The committee also recommends that form GC-110(P) be revised to reflect the changes in rule 7.1012, new optional forms for an application for an exception to notice of hearing on the petition for appointment of a temporary conservator and supporting declarations be approved, and the Existing joint use *Petition for Appointment of Temporary Guardian or Conservator* (form GC-140) be converted into separate petitions for the appointment of a temporary guardian or a temporary conservator.

Staff: Mr. Douglas C. Miller  
Office of the General Counsel

## *Miscellaneous* Item A41

### Rules and Forms: Miscellaneous Technical Changes (amend Cal. Rules of Court, rules 3.61, 3.220, 3.740, 3.851, 3.1320, 3.1342, 3.1702, 5.600, 5.645, 5.690, 5.772, 8.882, 10.613, and 10.820; and revise forms ADR-105, APP-105, CR-132, CR-136, CR-137, CR-144, CR-145, DISC-002, DISC-003/UD-106, MC-050, MC-201, PLD-C-001(2), and SUBP-002) (Action Required)

The Administrative Office of the Courts recommends making technical and minor substantive changes unlikely to create controversy to miscellaneous rules and forms. These changes are necessary to correct inadvertent omissions, typographical errors, improper formatting, and language inconsistencies, and to clarify the rules and forms at issue.

Staff: Ms. Susan McMullan  
Office of the General Counsel

***DISCUSSION AGENDA (Items B–F)***

**Item B**  
9:55–10:05 a.m.

**Facilities: Naming of the Contra Costa East County Courthouse (Action Required)**

Construction of the first new state-funded trial court facility will commence shortly in the city of Pittsburg, in East Contra Costa County. Presiding Judge Terence L. Bruiniers, Superior Court of California, County of Contra Costa, and the Contra Costa County Bar Association recommend that the new facility be named “The Richard E. Arnason Justice Center,” in honor of Judge Richard E. Arnason (Ret.), in recognition of his many accomplishments and contributions as a distinguished jurist and a pioneering member of the bar in eastern Contra Costa County.

*Presentation (5 minutes)*

Speaker: Hon. Terence L. Bruiniers  
Superior Court of California,  
County of Contra Costa

*Discussion/Council Action (5 minutes)*

**Item C**  
10:05–10:25 a.m.

**Adoption and Permanency for Children in California: A Resolution for the Courts (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council again declare November “Court Adoption and Permanency Month,” as it has since 1999. The month of November was selected so that the state’s observance would coincide with National Adoption Month. The goal of Court Adoption and Permanency Month is to highlight innovative efforts aimed at expediting adoption and permanency while raising awareness of the need for safe and permanent homes for children. The Family and Juvenile Law Advisory Committee has worked closely with the Governor’s Office and the California Legislature to develop resolutions highlighting adoption and permanency issued by the executive, legislative, and judicial branches every year. With approximately 75,000 children in California living apart from their families in child welfare–supervised out-of-home care, it is important that California’s courts continue to make concerted efforts to find them safe and permanent homes.

*Presentation (15 minutes)*

Speakers: Ms. Diane Nunn  
Center for Families, Children & the Courts  
Ms. Lanette Scott  
Student Intern

*Discussion/Council Action (5 minutes)*

10:25–10:40 a.m. **BREAK**

**Item D**

10:40–11:20 a.m.

**Court Facilities Planning: Update to Trial Court Capital-Outlay Plan, Update to Prioritization Methodology, and Selection of All Bond-Funded (SB 1407) Projects (Action Required)**

Due to the enactment of Senate Bill 1407, the Administrative Office of the Courts recommends the council update the prioritization methodology, adopt the Fiscal Year 2010–2011 Trial Court Capital-Outlay Plan, and select all 41 bond-funded (SB 1407) projects. The AOC also recommends the council delegate to the Administrative Director of the Courts the authority to submit funding requests for these 41 projects based on application of the methodology and availability of funding.

The updated plan, including any technical corrections, will be incorporated into the Judicial Branch (AB 1473) Five-Year Infrastructure Plan for Fiscal Year 2010–2011 to be submitted to the state Department of Finance on or about July 1, 2009. This submission supports the mission and policy direction of the Judicial Council in its Long-Range Strategic Plan—Goal III, Modernization of Management and Administration and Goal VI, Branchwide Infrastructure for Service Excellence. Meeting the July 1, 2009, deadline for submission avoids delays to the implementation of the trial court capital-outlay program.

*Presentation (25 minutes)*

Speakers: Mr. Lee Willoughby  
Office of Court Construction and Management  
Ms. Kelly Quinn  
Office of Court Construction and Management  
Mr. Bob Emerson  
Office of Court Construction and Management

*Discussion/Council Action (15 minutes)*

**Item E**

11:20–11:50 a.m.

**Update of the Judicial Workload Assessment (Action Required)**

The Administrative Office of the Courts recommends that the council confirm the need for the Legislature to create 50 new judgeships in the trial courts identified in 2007 as the final part of a three-year plan to create 150 judgeships. The AOC also recommends that the council approve an updated priority list of 100 additional judgeships for which staff should seek legislative authority and funding over the next two years. The methodology for the Judicial Workload Assessment was approved by the Judicial Council in 2001 and serves as the foundation for quantifying the need for judicial officers and the prioritization of that need. Council action is needed to comply with the legislative mandate in Government Code section 77001.5 and to maintain the incremental progress that has been made toward meeting the long-standing need for new judgeships in California.

*Presentation (20 minutes)*

Speaker: Mr. Dag MacLeod  
Executive Office Programs Division  
Mr. Ron Pi  
Executive Office Programs Division

*Discussion/Council Action (10 minutes)*

**Item F**

11:50–12:10 p.m.

**Juvenile Law: Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve Implementation Guide to Juvenile Dependency Court Performance Measures) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends adopting rule 5.505 (Juvenile dependency court performance measures) in order to comply with the Child Welfare Leadership and Performance Accountability Act of 2006 (Welf. & Inst. Code, §§ 16540–16545), which requires the Judicial Council to adopt, through rules of court, juvenile dependency court performance measures. The committee also recommends approving the publication *Implementation Guide to Juvenile Dependency Court Performance Measures* as a companion to proposed rule 5.505. The guide contains detailed technical information on the performance measures and is



intended to give courts and Court Case Management System (CCMS) developers the technical information necessary to implement proposed rule 5.505.

*Presentation (10 minutes)*

Speakers: Hon. Michael Nash  
Presiding Juvenile Judge  
Superior Court of California,  
County of Los Angeles  
Ms. Sonya Tafoya  
Center for Families, Children & the Courts  
Ms. Mara Bernstein  
Center for Families, Children & the Courts  
Ms. Margie Borjon-Miller  
Southern Regional Office

*Discussion/Council Action (10 minutes)*

**There have been no Circulating Orders since the last business meeting.**

**Appointment Orders since the last business meeting.**

[Appointment Orders Tab]