

JUDICIAL COUNCIL MEETING
Minutes of the December 9, 2008, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:55 a.m. on Friday, December 9, 2008, at the Administrative Office of the Courts (AOC) in San Francisco, California.

Judicial Council members present: Chief Justice Ronald M. George; Justices Marvin R. Baxter, Tani Cantil-Sakauye, Brad R. Hill, and Richard D. Huffman; Judges George J. Abdallah, Jr., Lee Smalley Edmon, Peter Paul Espinoza, Terry B. Friedman, Jamie A. Jacobs-May, Carolyn B. Kuhl, Thomas M. Maddock, Dennis E. Murray, Winifred Younge Smith, and James Michael Welch; Mr. Raymond G. Aragon, Mr. Anthony P. Capozzi, Mr. Joel S. Miliband, Mr. James N. Penrod, and Mr. William C. Vickrey; advisory members: Judges Kenneth K. So and Mary E. Wiss; Commissioner Lon F. Hurwitz; Mr. John Mendes, Mr. Michael D. Planet, and Mr. Michael M. Roddy.

Absent: Senator Ellen M. Corbett and Assembly Member Dave Jones.

Others present included: Former Senator Joseph Dunn, Judges Michael Einum Barton, Jed Beebe, Edward H. Bullard, J. Richard Couzens (Ret.), Jean M. Dandona, David F. De Alba, Mark R. Forcum, Arthur A. Garcia, John Stephen Graham (Ret.), Charles F. Haines, Thomas Charles Hastings (Ret.), Charles W. Hayden (Ret.), Brian Hill, Teri L. Jackson, Erik Michael Kaiser (Ret.), Kay S. Kuns, Rudolph (Barry) Loncke (Ret.), J. William McLafferty, William A. McKinstry (Ret.), Vernon K. Nakahara, David Edwin Power, Gregg L. Prickett, James L. Quaschnick (Ret.), James F. Rigali, Richard E. Spann (Ret.), John V. Stroud (Ret.), and Eddie C. Sturgeon; Executive Officer Gary M. Blair; Mr. Jim. Brock, Mr. Philip Brozenick, Ms. Patricia Cantley, Ms. Lynn Dunlap, Mr. John Greacen, Ms. Beth Jay, Mr. Darrell Parker, Ms. Rayna Pinkerton, and Ms. Maggie Wong; **staff:** Mr. Peter Allen, Mr. Anthony Alosi, Mr. Nick Barsetti, Mr. Dennis Blanchard, Ms. Margie Borjon-Miller, Ms. Deborah Brown, Mr. Scott Burritt, Mr. Les Butler, Ms. Francine Byrne, Ms. Sheila Calabro, Mr. Brad Campbell, Ms. Tina Carroll, Ms. Roma Cheadle, Mr. Curtis L. Child, Dr. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Mark W. Dusman, Mr. David Glass, Mr. Joe Glavin, Ms. Cynthia Go, Mr. Ruben Gomez, Ms. Marlene Hagman Smith, Ms. Sue Hansen, Ms. Fran Haselsteiner, Ms. Donna Hershkowitz, Ms. Lynn Holton, Ms. Jonna Houghton, Ms. Mary Jackson, Mr. Kenneth L. Kann, Mr. Bill Kasley, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Maria Kwan, Mr. Briggs Matheson, Ms. Angela McIsaac, Ms. Susan McMullan, Ms. Christine Miklas, Mr. Douglas C. Miller, Mr. Frederick G. Miller, Ms. Diane Nunn, Mr. Kevin O'Connell, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Mr. Daniel Pone, Ms. Susan Reeves, Mr. Christopher Rey, Ms. Mary M. Roberts, Ms. Robin Seeley, Mr. Curt Soderlund, Ms.

Nancy E. Spero, Ms. Marcia M. Taylor, Mr. Courtney Tucker, Mr. Tony Wernert, Mr. Lee Willoughby, Ms. Josely Yangco-Fronza, and Ms. Daisy Yee; and **media representatives:** Ms. Amy Yarbrough, *San Francisco Daily Journal*.

Public Comment Related to Trial Court Budget Issues

Chief Justice George noted that no requests to address the council had been received.

Approval of Minutes

The minutes of the August 15, 2008, business meeting were approved.

Judicial Council Committee Presentations

The minutes of the meetings of the Judicial Council's internal committees: the Executive and Planning Committee, the Rules and Projects Committee, and the Policy Coordination and Liaison Committee, can be found in the Committee Reports tab in the Judicial Council binders. The minutes are also linked to the Judicial Council Committee Presentation title on the business meeting agenda, which is posted on the California Courts Web site at www.courtinfo.ca.gov/jc/meetings.htm.

Executive and Planning Committee

Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met three times since the October 24, 2008, Judicial Council meeting: by teleconference on November 17 and December 2, 2008, and in person on December 8, 2008.

Justice Huffman reported that on November 17, 2008, the committee met to begin the process of agenda-setting for the December 9 council meeting.

The committee confirmed, effective immediately, the conversion of one vacant SJO position to a judicial position in the Superior Court of Orange County and another such position in the Superior Court of Los Angeles County. The committee also confirmed, effective December 26, 2008, the conversion of a position anticipated to become vacant in the Superior Court of Merced County. The committee approved the filling of these positions with retired commissioners, should the courts choose to do so, pending the naming and swearing in of a judge for those positions. With these three conversions, there remain only two more SJO positions that the Legislature has authorized to be converted in fiscal year 2008–2009.

The committee voted to approve the Los Angeles court's request for an exception to the conversion of two other presently vacant SJO positions. The committee did so with the understanding that the Los Angeles court will have two more vacant SJO positions eligible for conversion later this fiscal year. The committee also voted to approve the request from the Superior Court of San Diego that the three SJO vacancies that it anticipates by the end of this fiscal year not be converted. To date, including the most

recent conversions, the Los Angeles court has had 7 out of 78 eligible SJO positions converted and the San Diego court has had 2 out of 7 eligible SJO positions converted.

The committee reviewed the results of a survey of 2008–2009 members regarding topics for issues meetings and provided staff with their ideas, priorities, and direction. The committee directed staff to develop topics for issues meetings for future council meetings and to consult with the committee regarding specific topics as each meeting approaches.

The committee met again on December 2, 2008, to finalize the agenda-setting process. The committee also reviewed and approved the annual report to the Legislature of FY 2007–2008 expenditures from the Trial Court Improvement Fund and Judicial Administration Efficiency and Modernization Fund. The committee further reviewed and approved FY 2008–2009 budgets for the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund.

Lastly, the committee reviewed recommendations regarding nominations to fill an upcoming out-of-cycle vacancy on the Judicial Council and make recommendations to the Chief Justice.

Policy Coordination and Liaison Committee

Justice Marvin R. Baxter, chair, of the Policy Coordination and Liaison Committee (PCLC) reported that the committee had met once since the October 24, 2008, Judicial Council meeting:

On November 20, 2008, PCLC met to discuss priorities for the 2009 Judicial Council–sponsored legislation, which are Item 9 on today’s discussion agenda. At a prior meeting, the committee also approved several other Judicial Council–sponsored legislative items, which are contained in Item 2 on today’s consent agenda.

Justice Baxter reported that the Legislature convened on December 1, 2008, the first of the 2009–2010 legislative session. The Senate has 11 new members, all of whom previously served in the Assembly. The Assembly has 28 new members, 3 of whom previously served in the Senate. The total number of attorneys in the Legislature is 21, which represents a net loss of two attorneys.

Justice Baxter also reported that, as the legislative session gets underway, PCLC will be beginning its meeting schedule to evaluate legislation that impacts the Judicial Branch and will update the council at future meetings as legislation is introduced, positions are taken, and the legislation moves through the legislative process.

Lastly, Justice Baxter reported that PCLC will solicit the Judicial Council advisory committees, possibly some time in January, to get their recommendations regarding Judicial Council–sponsored legislation for the future.

Rules and Projects Committee

Judge Dennis E. Murray, chair, reported that the Rules and Projects Committee (RUPRO) had met two times since the October 24, 2008, Judicial Council meeting.

On November 14, the committee met by teleconference to review four proposals being submitted for Judicial Council action at this meeting. They are Items 3–6 on the consent agenda, and RUPRO recommends their approval.

On December 8, the committee met for an orientation meeting since it was the first time the new membership had had an opportunity to meet face to face. The committee also discussed several future proposals and approved their being circulated for public comment. Those proposals will come before the council at its April 24, 2009, business meeting.

Judge Murray also reported that Judge Jamie A. Jacobs-May, who had served in the capacity of vice-chair of RUPRO, would be leaving the Judicial Council and thanked her for her work on the committee.

Administrative Director’s Report

Mr. Vickrey reported on the following matters, which occurred since the last council meeting.

Mr. William C. Vickrey noted that the Administrative Office of the Courts (AOC) is pursuing urgent legislation to address two immediate court-funding concerns: one on court security and the other concerning 41 new and renovated courthouse projects approved by the Judicial Council on October 24, 2008.

The AOC is seeking the Legislature’s help to pass court security legislation that failed to pass with the adoption of the budget last year. The judicial branch and the sheriffs’ representatives initially agreed to court security provisions, which were jointly supported in the Senate and the Assembly. However, these provisions failed to pass due to a dispute over an unrelated provision in that bill.

The new revenue bond program to finance courthouse renovations or replacements requires that the AOC seek appropriation authority from the Legislature to move ahead on the 41 capital projects slated for new and renovated courthouse facilities. The AOC is seeking this authority for all 41 projects in one omnibus legislative package, to allow the AOC to proceed with site selection and the design stages for smaller projects and to have the revenue bonds available to finance construction projects as needed.

New Judicial Council members met as a delegation in Washington D.C. with federal court administrative leaders, to exchange information on subjects of mutual interest. They met with the General Services Administration (GSA) regarding federal courthouse construction and with the U.S. Administrative Office of the Courts on budget and planning issues. While in Washington, Administrative Director Courts William C. Vickrey, Chief Deputy Director Mr. Ronald G. Overholt, and Office of Governmental Affairs Director Curtis L. Child, also met with government affairs representatives from the National Center for State Courts regarding congressional initiatives that affect state court systems.

Regarding court facilities, the AOC is implementing a series of communications and educational programs designed to brief court staff and judges on the fees, assessments, and penalties to be collected beginning in January 2009, according to the requirements of Senate Bill 1407. As of November 18, transfer agreements have been executed for 281 court facilities to be reassigned to state responsibility, with an additional 160 expected to transfer by December 31. Several hundred more facilities will remain to be transferred to the state; many of those are not courthouses but auxiliary support buildings for the courts. For the Long Beach courthouse construction project, the AOC released a request for qualifications to potential performance-based infrastructure developers. This open invitation will allow the AOC to select three of the most qualified teams to prepare detailed proposals on the design, cost, construction, finance, and operations of the new court building. The AOC will analyze the proposals for those that afford the best value. A decision on the successful proposal is expected in late 2009.

The process is also underway in all 58 courts, and at the state level, to adopt the upgrade to the statewide financial system, referred to as the Phoenix system, in addition to development of the statewide payroll system for the trial courts. AOC Trial Court Administrative Services Director Curt Soderlund and his staff have been working closely with the trial courts to accomplish this undertaking; a complex task due to the number of collective bargaining units with diverse contract terms.

The AOC is required to report to the Legislature at the beginning of this legislative session on our progress with the California Case Management System (CCMS) software development project. The software development is expected to be completed by July 2010. Meanwhile, the exchange standards for our state and local justice partners have been designed, and that information is being shared between the courts, their local partners, and state partners to ensure a smooth transition. A vendor has been selected to deploy the system, and the contract is now pending award to assist the trial courts with their implementation of the CCMS. As soon as the contract is executed, regional forums will be held with the courts to prepare them for upcoming deployment activities.

Mr. Vickrey indicated he would be happy to respond to any questions. There being none, his report was concluded.

Visitors from the Superior Court of Santa Barbara County

The Chief Justice welcomed Presiding Judge J. William McLafferty and Assistant Presiding Judge Arthur A. Garcia and the rest of their group of visiting judges and court staff from the Superior Court of Santa Barbara County who were in attendance, participating in the AOC's Visiting Judge Program, to learn more about the operations of the Judicial Council and the AOC.

Special Recognition for the Accomplishments of the Riverside Strike Force

Chief Justice George recognized and thanked the nearly 50 members of the Riverside Strike Force, many of whom were in attendance at the meeting, who had participated in the strike force's extraordinary year-long effort to eliminate the backlog of criminal cases in the Superior Court of Riverside County.

The Chief Justice announced that resolutions in honor of their service and a certificate signed by Administrative Director of the Courts William C. Vickrey, commemorating their service, would be presented to each participant. Chief Justice George asked Ms. Nancy E. Spero to read the names of those present.

Ms. Spero first read the names of the retired judges who were present—J. Richard Couzens (Ret.), Thomas Charles Hastings (Ret.), Charles W. Hayden (Ret.), Erik Michael Kaiser (Ret.), Rudolph (Barry) Loncke (Ret.), William A. McKinstry (Ret.), James L. Quaschnick (Ret.), Richard E. Spann (Ret.), and John V. Stroud (Ret.)—and asked that they come forward to be presented with their resolutions. Ms. Spero then read the names of the active judges present—Michael Einum Barton, David F. De Alba, Mark R. Forcum, John Stephen Graham, Charles F. Haines, Teri L. Jackson, Vernon K. Nakahara, David Edwin Power, Gregg L. Prickett, and Eddie C. Sturgeon—and asked that they come forward to be presented with their resolutions.

Chief Justice George then gave his special thanks to council member Justice Richard D. Huffman for an excellent job in overseeing the efforts of the strike force and providing his unique experience and perspective to bring about discussions with justice system partners, not only to improve the criminal case flow management in the Riverside Court, but also to institute some permanent changes that will ensure continuing efficiency for the court as a result of this effort.

The Chief Justice once again called on Ms. Spero to bring forward members of the AOC staff whose hard work facilitated the success of this significant project. Honored for their efforts were Mr. Scott Burritt, Ms. Sheila Calabro, Ms. Cynthia Go, Mr.

Frederick G. Miller, Mr. Kevin O'Connell, Ms. Romunda Price, Ms. Marcia M. Taylor, and project consultant Mr. John Greacen.

Chief Justice's Report

Chief Justice George reported on the activities in which he had been involved since the last Judicial Council meeting.

Chief Justice George highlighted several meetings he attended since the October 24, 2009, meeting: with the Consumer Attorneys of California, with the Habeas Corpus Resource Center, and with the Death Penalty Clerks attending an AOC training on Death Penalty Appeals Processing. Chief Justice George and Judge Arthur Lawrence Alarcon of the U.S. Court of Appeals for the Ninth Circuit cochaired a meeting of the Federal California Judicial Council, staffed by an equal number of state judges and federal judges. It is currently addressing issues of jury reform, community outreach, the processing of capital cases, and other matters of court administration.

Promoting public awareness of the state court process, Chief Justice George and the members of the Supreme Court of California attended a conference on the California Supreme Court organized by the U.C. Berkeley School of Law Boalt Hall in November. The event was credited as a first-ever collaboration between the Supreme Court and a law school. Topics included the death penalty and the appellate process, a review of the court's 2007–2008 term, and judicial elections and impartiality. It served as a forum for reminding the public that approximately 98 percent of the court caseload in the United States is in the state courts and only the balance is in the federal courts. The U.C. Berkeley School of Law plans an annual issue of the law review devoted to the work of the Supreme Court of California.

The Chief Justice was pleased to note that he recently received his fourth jury summons since becoming the Chief Justice. He performed one day of jury duty according to the policy of one-day or one trial. Although he was not selected for a jury, he emphasized the importance of setting an example for others and the need to promote a broader recognition that everyone has the obligation to serve.

The Chief Justice attended numerous public speaking engagements earlier in the week: the Appellate Justices Institute, the Chancery Club in Los Angeles, the Italian American Bar Association, the University of San Diego, and a criminal justice memorial in southern California. He also spoke at the dedication of the Community Court building at the Superior Court of Orange County, an outstanding example of a community-based collaborative court program. The Chief Justice recognized the court for its innovative, multidisciplinary organizational model. The Orange County Community Court houses the District Attorney, the Public Defender, a complement of drug and mental health courts, a new veterans' court, liaisons to health agencies such as the Veterans Administration, and other social service resources, such as

psychologists and psychiatrists, all under one roof. This combination of legal, health, and social services enables the court to assist the homeless, the mentally ill, and people in the community who are unable to resolve their legal problems on their own. The Court handles approximately 100 cases a day.

CONSENT AGENDA (Items 1–8)

Item 1 Collaborative Justice Project: Grant Funding Allocations for Fiscal Year 2008–2009

The Collaborative Justice Courts Advisory Committee requested authorization to distribute the full allocation, set at \$1,203,000 in California Collaborative and Drug Project funds, to local jurisdictions in the form of grants distributed through the Collaborative Justice Courts Project. The Budget Act for fiscal year 2008–2009 provided for this allocation of \$1,203,000 to California collaborative and drug court projects.

Council action

The Judicial Council, effective December 9, 2008, approved the committee’s recommended allocation of fiscal year 2008–2009 Collaborative Justice Project Substance Abuse Focus Grant funds.

Item 2 Proposed Judicial Council-Sponsored Legislation: Electronic Discovery, Court Operations, and Bail Collection by the Franchise Tax Board (Code Civ. Proc., §§ 116.820, 1985.8, 2016.020, 2031.010–2031.060, 2031.210–2031.280, 2031.290–2031.320; Gov. Code, §§ 68085.1, 68565; Welf. & Inst. Code § 903.1; and Rev. & Tax Code, § 19280)

The Policy Coordination and Liaison Committee and Administrative Office of the Courts staff recommended responsoring the following proposals:

Council action

The Judicial Council voted to sponsor and resubmit the following proposals to the Legislature:

1. Electronic discovery;
2. Postjudgment fees in small claims proceedings;
3. Court Interpreter Advisory Panel membership—American Sign Language interpreters;
4. Reimbursement of the costs associated with providing minor’s counsel in dependency cases; and
5. Collection of unpaid bail amounts by the Franchise Tax Board.

Item 3 Traffic: 2009 Uniform Bail and Penalty Schedules (revise schedules)

The Traffic Advisory Committee proposed revisions to the Uniform Bail and Penalty Schedules to become effective January 1, 2009. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. According to rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The proposed revisions would bring the schedules into conformance with recent legislation.

Council action

The Judicial Council, effective January 1, 2009, adopted the proposed 2009 Uniform Bail and Penalty Schedules.

Item 4 Probate Conservatorships: Authorization to Disclose a Conservatee’s or Proposed Conservatee’s Protected Health Information to Court Investigators (adopt form GC-336)

Recent legislation required that the Judicial Council adopt, effective January 1, 2009, rules of court and Judicial Council forms necessary to implement a procedure to authorize, by court order, a proposed conservatee’s health-care provider to disclose confidential medical information about the proposed conservatee to a court investigator. The Probate and Mental Health Advisory Committee recommended that the Judicial Council adopt, effective January 1, 2009, the *Ex Parte Order Authorizing Disclosure of (Proposed) Conservatee’s Health Information to Court Investigator—HIPAA* (form GC-336). To enable the council to meet the statutory deadline, the advisory committee further recommended that the council adopt the form immediately without prior circulation for public comment and that the proposal be circulated for public comment after the effective date of its adoption. This court order would provide authority under federal medical confidentiality law and regulations for health-care professionals and record keepers to disclose a conservatee’s or proposed conservatee’s protected health information to court investigators engaged in investigations required under the Guardianship-Conservatorship Law. This proposal was in response to a recommendation of the Probate Conservatorship Task Force and was mandated by 2007 legislation.

Council action

The Judicial Council, effective January 1, 2009, adopted a new mandatory form,

Ex Parte Order Authorizing Disclosure of (Proposed) Conservatee's Health Information to Court Investigator—HIPAA (form GC-336). To ensure compliance with the statutory deadline, the council adopted the form without prior circulation for public comment and directed staff to circulate the proposal for public comment after the effective date of its adoption.

Item 5 Criminal Jury Instructions: Approve Publication of Revisions and Additions

The Advisory Committee on Criminal Jury Instructions recommended approval of the publication of the revisions and additions to the Judicial Council of California Criminal Jury Instructions. The additions and revisions will improve the clarity, accuracy, and breadth of the instructions.

Council action

The Judicial Council, effective December 9, 2008, approved for publication under rule 2.1050 of the California Rules of Court, the criminal jury instructions prepared by the committee. The new and revised instructions will be officially published in the 2009 edition of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

Item 6 Litigation Management Rules: Changes to Conform to Policy and Practice (amend Cal. Rules of Court, rules 10.14, 10.201, and 10.202)

In June 2008, the Judicial Council adopted new governance policies that provide for Litigation Management Committee oversight of claims and litigation seeking \$100,000 or more. This proposal amended the rules on litigation management to be consistent with those policies by requiring that the Litigation Management Committee oversee claims and lawsuits in which the likely monetary exposure is \$100,000 or more and by making other related changes.

Council action

The Judicial Council, effective December 9, 2008:

1. Amended rule 10.14 to (a) confirm that the Litigation Management Committee oversees claims and litigation in which the likely monetary exposure is \$100,000 or more, rather than those that seek recovery of that amount or more, and (b) include claims or litigation that raise issues of significance to the judicial branch in the description of matters that require committee oversight;
2. Amended rule 10.201 to increase the Office of the General Counsel's authority to approve (a) payment of up to \$100,000 for claims, and (b)

- payment of up to \$100,000 for judgments and settlement of lawsuits that do not raise issues of significance to the judicial branch; and
3. Amended rule 10.202 to provide that the Office of the General Counsel must make recommendations to the Litigation Management Committee for settlement of claims or lawsuits requiring payment of \$100,000 or more or raising issues of significance to the judicial branch.

**Item 7 Allocation of Revenue From the Trial Court Improvement Fund
in Accordance With Rule 10.105 of the California Rules of
Court and Government Code section 77205(a)**

The Administrative Office of the Courts (AOC) recommended approval of specific one-time allocations under Government Code section 77250(a) for FY 2007–2008 for distribution in December 2008. AOC staff identified which courts/counties had contributed to the 50/50 Excess Fines Split Revenue that exceeded the FY 2002–2003 base year and, following the methodology approved by the council on December 10, 2004, prorated the share of the portion that would be distributed to the courts that had contributed to the surplus amount.

Council action

The Judicial Council:

1. Approved specific amounts to be allocated for FY 2007–2008, including 20 percent of the excess fines split revenue (\$639,857) to be distributed to the trial courts located in counties that contributed to the 50/50 Excess Fines Split Revenue, and 60 percent (\$1,919,571) to be retained in the Improvement Fund; and
2. Delegated authority to the Administrative Director of the Courts to make any needed adjustments to these amounts to the extent that revisions are made by the State Controller’s Office to the 50/50 Excess Fines Split Revenue amounts recorded as deposited into the Improvement Fund prior to distribution.

Item 8 Equal Access Fund—Distribution of Funds for Partnership Grants

The Legal Services Trust Fund Commission of the State Bar has prepared a report requesting approval of an allocation of \$1,600,000 in Equal Access Funds. The funds would be distributed to legal services providers for programs conducted jointly with courts to provide legal assistance to self-represented litigants (partnership grants). The Budget Act authorizing the Equal Access Fund provides that the Judicial Council must approve the commission’s recommendations if the Judicial Council determines that the awards comply with statutory and other relevant guidelines. The report demonstrates that the commission has complied with those guidelines.

Council action

The Judicial Council, effective December 9, 2008, approved the allocation of \$1,600,000 in Equal Access Fund partnership grants to the State Bar Legal Services Trust Fund Commission for distribution to the following legal service agencies for programs conducted jointly with the courts providing legal assistance to self-represented litigants:

BAY AREA LEGAL AID	
Domestic Violence Emergency Orders Clinic	\$39,000
BET TZEDEK LEGAL SERVICES	
Elder Law Project	\$126,000
CALIFORNIA RURAL LEGAL ASSISTANCE	
Landlord/Tenant and Small Claims Pro Per Assistance Project, San Joaquin	\$70,000
Stanislaus County Landlord/Tenant Pro Per Clinic	\$55,000
CENTRAL CALIFORNIA LEGAL SERVICES, INC.	
Domestic Violence Rural Access Partnership, Kings	\$54,000
CONTRA COSTA SENIOR LEGAL SERVICES	
Senior Self-Help Clinic	\$20,000
EAST BAY COMMUNITY LAW CENTER	
Alameda County Clean Slate Clinic	\$52,000
ELDER LAW AND ADVOCACY	
Bilingual Conservatorship Clinic	\$40,000
GREATER BAKERSFIELD LEGAL ASSISTANCE, INC.	
Family Law Access Project	\$65,000
LAW CENTER FOR FAMILIES	
Alameda County Family Law Collaborative	\$30,000
LEGAL AID FOUNDATION OF LOS ANGELES	
Torrance Self-Help Legal Access Center	\$45,000
LEGAL AID FOUNDATION OF SANTA BARBARA COUNTY	
Legal Resource Center in Lompoc	\$68,000

LEGAL AID SOCIETY OF ORANGE COUNTY	
Lamoreaux Justice Self-Help Center	\$58,000
LEGAL AID SOCIETY OF SAN DIEGO, INC.	
Civil Harassment Temporary Restraining Order Clinic	\$70,000
Unlawful Detainer Assistance Program, South County Courthouse	\$70,000
LEGAL AID SOCIETY OF SAN MATEO COUNTY	
San Mateo County Landlord/Tenant Clinic	\$40,000
LEGAL SERVICES OF NORTHERN CALIFORNIA	
Legal Information and Assistance Project	\$45,000
Mendocino County Self-Help Legal Access Center	\$55,000
Solano County Restraining Order Clinic	\$45,000
Unlawful Detainer Mediation Project	\$28,000
LOS ANGELES CENTER FOR LAW AND JUSTICE	
Case Assessment/System Evaluation (CASE) Project	\$70,000
NEIGHBORHOOD LEGAL SERVICES OF LOS ANGELES COUNTY	
Domestic Abuse Self-Help Project	\$55,000
San Gabriel Valley Self-Help Legal Access Center	\$65,000
PRO BONO PROJECT SILICON VALLEY	
Domestic Violence Self-Representation Assistance	\$30,000
PUBLIC COUNSEL	
Appellate Self-Help Clinic	\$50,000
PUBLIC LAW CENTER	
Orange County Courthouse Guardianship Clinic	\$30,000
SAN DIEGO VOLUNTEER LAWYER PROJECT	
North County Civil Harassment Restraining Order Clinic	\$60,000
SAN FRANCISCO BAR VOLUNTEER LEGAL SERVICES	
Family Law Litigants Without Lawyers Project	\$60,000
SENIOR CITIZENS' LEGAL SERVICES	
Conservatorship and Elder Abuse Project	\$40,000
THE WATSONVILLE LAW CENTER	
Language Access Project	\$65,000

DISCUSSION AGENDA (Items 9–10)**Item 9 2009 Judicial Council Legislative Priorities**

Mr. Curtis L. Child and Ms. Donna Hershkowitz, both of the Office of Governmental Affairs, presented this item.

The Policy Coordination and Liaison Committee (PCLC) recommended that the Judicial Council continue to sponsor legislation on the following topics that have been in process or have been partially implemented in recent years: (1) reform of the Judges' Retirement System II and (2) new judgeships. Additionally, the PCLC recommends that the Judicial Council sponsor legislation as appropriate to implement recommendations of the Blue Ribbon Commission on Children in Foster Care. These proposals are critical to the council's strategic plan.

Council action

The Judicial Council approved the following legislative proposals and directed the Office of Governmental Affairs to coordinate council review and approval of individual proposals as needed:

1. Modify Judges' Retirement System II (JRS II) to provide a defined benefit after 10 years of service on the bench for judges at least age 63. It is anticipated that this proposal will be cosponsored with the California Judges Association.
2. Enact appropriate recommendations for legislative change adopted by the Blue Ribbon Commission on Children in Foster Care (BRC). To accomplish this, the council authorized the chairs of the PCLC and the BRC to designate members of their respective committees as a subgroup to determine the appropriate BRC recommendations to pursue legislatively and to advise and assist the Office of Governmental Affairs on developing and revising language as necessary as it moves through the legislative process.
3. Establish the third set of 50 new trial court judgeships to be allocated consistent with the council's 2007 Judicial Needs Assessment.
4. Exercise the authority to convert 16 vacant subordinate judicial officer positions to judgeships in eligible courts in fiscal year 2009–10.

Item A10 Probate Conservatorship Task Force Recommendations to the Judicial Council: Status of Implementation

Ms. Christine Patton, Bay Area/Northern Coastal Regional Office, Mr. Daniel Pone, Office of Governmental Affairs, and Mr. Douglas C. Miller, Office of the General Counsel, presented this item.

The AOC recommended that the council (1) accept this progress report, which summarized the implementation status of the 85 recommendations from the Probate Conservatorship Task Force, and (2) adopt recommended best practices and direct staff to publish a guide for the trial courts. Many of the recommendations already have been incorporated into statutes, rules of court, and education programs; however, other recommendations require further study and review, funding analyses, additional changes in legislation or rules of court, and preparation of guidelines for the courts. The implementation of the recommendations will establish more uniform practices and procedures and improve the administration of probate conservatorship programs throughout the state.

Council action

The Judicial Council, effective immediately:

1. Received and accepted this report on progress in implementing the task force's recommendations;
2. Adopted the "Recommended Best Practices for Improving the Administration of Justice in Probate Conservatorship Cases" and directed staff to publish a guide for the courts; and
3. Directed the Administrative Director of the Courts to refer to the appropriate Judicial Council advisory committee, Administrative Office of the Courts division or divisions, or other entity recommendations that are significantly long-term, multidivisional projects for further study and development.

There were no Circulating Orders since the last business meeting.

Appointment Orders since the last business meeting.

[Appointment Orders Tab]

There being no further public business, the meeting was adjourned at 10:20 a.m.

Respectfully submitted,

William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council

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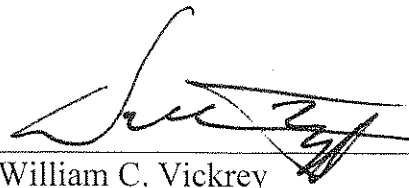
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Respectfully submitted,



William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council