

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

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**Report**

TO: Members of the Judicial Council

FROM: Executive and Planning Committee  
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SUBJECT: Judicial Council Advisory Committee Short-term Response Plans  
and Recommendations for Improving Public Trust and Confidence  
in the California Courts (Information Only)

Issue Statement

This report and the non-action item recommendations it contains are intended for presentation at the Judicial Council business meeting on February 24, 2006, as additional follow-up to the June 2005 judicial branch planning meeting.

Attendees at the planning meeting, held June 22–23, 2005, reviewed the preliminary results of the then recently completed *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys*. On June 23, 2005, the council, along with representatives of its advisory committees and Administrative Office of the Courts (AOC) executive staff, discussed and debated a variety of strategies for addressing survey findings. The result of their deliberations was a list of eight short-term strategies for improving public trust and confidence that could be addressed over the next 12 to 18 months. Per rule 6.30(c) of the California Rules of Court, these strategies were referred to the council's advisory committees as an "annual charge" for additional deliberation and follow-up.

More specifically, the Judicial Council's Executive and Planning Committee instructed the advisory committees to prepare a response plan by December 19, 2005, that would include the following components:

1. Short-term proposals (including recommendations for the council's consideration, committee projects and tasks, and endorsements of ongoing

activities undertaken by other entities) for improving public trust and confidence that specifically address strategies identified at the June 23, 2005, Judicial Council planning meeting that (1) are relevant to the committee’s charge, (2) are deemed highest priority by the committee members, and, (3) given available resources, can be realistically addressed within 12 to 18 months.

2. In addition, committees were invited to propose specific revisions to the current judicial branch operational plan that would more explicitly address the unmet needs identified by the trust and confidence survey.

The following list identifies the eight short-term strategies and the committees with primary responsibility for addressing them. In some instances—where a specific strategy was deemed relevant to their work—other committees also chose to submit suggestions for short-term strategies that were not assigned to the committee.

Short-term Strategy	Advisory Committee
1. Improve court user satisfaction in the family, juvenile, and traffic courts.	<ul style="list-style-type: none"> <li>• Governing Committee CJER</li> <li>• Family and Juvenile Law</li> <li>• Traffic</li> </ul>
2. Improve and enhance the courts’ use of the Internet for disseminating information and conducting court business.	<ul style="list-style-type: none"> <li>• Court Technology</li> </ul>
3. Reduce case delays and continuances.	<ul style="list-style-type: none"> <li>• Family and Juvenile Law</li> <li>• Civil and Small Claims</li> <li>• Criminal Law</li> </ul>
4. Emphasize quality service to court users in all court staff and judicial officer training programs; include an emphasis on procedural fairness, observance of code, and rules of court, and appropriate applications of court orders in judicial officer training.	<ul style="list-style-type: none"> <li>• Governing Committee of the CJER</li> </ul>
5. Leverage jury service and other venues of contact with the public as a means of educating the public about the courts.	<ul style="list-style-type: none"> <li>• Governing Committee of the CJER</li> <li>• Civil Jury Instructions</li> </ul>
6. Revive community-focused court planning.	<ul style="list-style-type: none"> <li>• Access and Fairness</li> <li>• Trial Court Presiding Judges</li> <li>• Court Executives</li> </ul>
7. Increase the availability of affordable legal representation.	<ul style="list-style-type: none"> <li>• Access and Fairness</li> <li>• Family and Juvenile Law</li> <li>• Civil and Small Claims</li> </ul>
8. Expand services to non-English-speaking court users.	<ul style="list-style-type: none"> <li>• Access and Fairness</li> <li>• Court Interpreters</li> </ul>

### Non–Action Item Recommendations

#### *Response Plan Proposals: Recommendations, Committee Projects/Tasks, and Endorsements of Ongoing Activities*

Attachments 1–8 of this report, which begin on page 5, contain the response plan projects/tasks, endorsements, and recommendations received from the council’s advisory committees on December 19, 2005. Responses have been presented with the short-term strategy to which they correspond.

#### *Operational Plan Amendments*

Only two advisory committees chose to submit suggested operational plan amendments. The Civil and Small Claims Advisory Committee suggested objectives to improve the quality of temporary judging and to establish high-quality mediation programs in all courts. The Criminal Law Advisory Committee suggested that the council consider objectives to promote the improvement of criminal case management. Details of the committees’ proposals—including possible desired outcomes—are included in attachment 9 on page 35.

#### *Additional Non–Action Item Staff Recommendation*

Staff of the AOC Planning and Effective Programs Unit will request that the Judicial Council’s Executive and Planning Committee or the Rules and Projects Committee coordinate the implementation of the attached advisory committee response plans. Furthermore, under rule 6.30(c) of the California Rules of Court, staff also will request that the above-referenced internal committees consider an “annual charge” to the advisory committees to identify a list of high-priority long-term strategic policy directions for each of the six goals included in the current branch strategic plan, *Leading Justice Into the Future (March 2000)*. Committee recommendations could be reviewed, discussed, revised, and further prioritized at the Judicial Council’s June 2006 annual planning meeting and would help to inform revisions to the branch strategic plan, due December 2006.

### Rationale for Recommendations

The above-referenced recommendations represent the advisory committees’ efforts to comply with the council’s June 2005 instructions, which were to identify short-term ways and means (including recommendations, projects and tasks, and endorsements) for improving trust and confidence in the California courts. The recommendations listed above are intended for implementation over a period of 12 to 18 months (beginning January 2006). Only those options that can be reasonably implemented with existing resources have been included in this report.

### Alternative Actions Considered

Several advisory committees have identified longer-term, more resource-intensive implementation strategies and programs that they believe would be effective in

addressing the eight short-term strategies for improving public trust and confidence identified at the council's June 2005 planning meeting. These strategies, along with other strategic data, will be presented to the council at its June 2006 planning meeting.

Implementation Requirements and Costs

Recommendations in this summary report include only projects and programs that can be implemented with advisory committees' existing resources.

## ATTACHMENT 1

### STRATEGY 1: Improve court user satisfaction in the family, juvenile, and traffic courts.

*Detailed Advisory Committee Response Plan Proposals: Recommendations, Committee Projects/tasks, and Endorsements of Ongoing Activities*

➤ **Submitted by Civil and Small Claims Advisory Committee**

1. **Plain-language forms (current/planned).** The committee plans to revise additional forms frequently used by self-represented litigants to be in the plain-language format (specifically, forms for use in small claims cases, elder abuse proceedings, and name change petitions).
2. **Survey of small claims advisors (planned/possible).** The committee supports improving the small claims advisor programs. It intends to conduct a survey of existing small claims advisor programs to collect information that may be used to recommend changes to improve the programs in the future. [This survey will require assistance from the AOC Office of Court Research.] The committee may also explore the idea of establishing a limited civil case advisor program.
3. **Encouragement of use of mediation small claims (current/planned).** The Civil Mediation and Settlement Grants Program has been expanded to encompass small claims. The committee may study and report on the existence, characteristics, effectiveness, and needs of small claims mediation programs, including programs that make mediation available before the hearing dates. [This study will require assistance from the AOC Office of Court Research.] More generally, the committee will consider means to expand the use of mediation in small claims cases; it may also explore expanding the use of mediators in limited civil cases.
4. **Endorsement—Temporary judge training and administration (planned).** The committee endorses efforts by the judicial branch to implement the new rules on court-appointed temporary judges as a means to ensure and improve the quality of temporary judging in small claims, traffic, family law, and other types of cases.
5. **Endorsement—Court-based self-help centers.** The committee supports the development of court-based self-help centers to assist self-represented parties.
6. **Endorsement—Plain-language forms and other materials.** The committee supports the development of plain-language forms in other civil and criminal areas (for example, for family, juvenile, probate, and traffic cases). It also supports the development and distribution of informational materials to assist self-represented litigants in a broad range of types of civil cases, including personal injury and contract cases.
7. **Endorsement—Night court.** The committee supports the increased use of night courts for small claims and traffic cases.

8. **Endorsement—Convenient and accessible facilities.** The committee supports the location of facilities and courtrooms for small claims, traffic, and family law cases in places that are convenient and accessible to the public.
9. **Endorsement—Mediation in family law and juvenile cases.** The committee supports the expanded use of mediation for noncustody disputes in family law. It also endorses expanded juvenile court mediation programs (that is, victim offender and restorative justice programs).
10. **Endorsement—Judicial training and education.** The committee supports the training of judicial officers to improve public satisfaction with the courts. Specific training that it recommends includes (1) training in handling cases involving self-represented litigants (including listening skills), (2) training in settlement techniques and communication skills, and (3) training on calendar management. This training would apply to temporary judges as well as other judicial officers.

➤ **Submitted by Collaborative Justice Courts Advisory Committee**

1. **Collaborative justice in conventional courts.** Assist juvenile and family courts in implementing collaborative justice practices outside specialized collaborative justice courts. Transferable practices that improve outcomes for clients have been identified through a series of studies with judges and stakeholders.
2. **Evaluation of dependency drug courts.** Legislatively mandated by the Comprehensive Drug Court Implementation Act, which is co-administered by the State Department of Alcohol and Drug Programs and the Administrative Office of the Courts, this study compares child outcomes and cost, particularly out-of-home placement costs, associated with dependency drug courts and “business as usual.” The study is conducted by the University of California at Los Angeles (UCLA) and coordinated by the State Department of Social Services.
3. **Promising practices.** Conduct forums and roundtable meetings for courts to identify and share promising practices and strategies for improving outcomes. Promising practices and strategies for improving court outcomes will be shared through forums and roundtable meetings with drug court coordinators, networking symposia for peer courts at Beyond the Bench, and symposia for driving under the influence (DUI) prevention projects in juvenile courts throughout 2005–2006.
4. **Substance Abuse Focus Grants.** Obtain and distribute funding to trial courts to implement collaborative justice programs, with special funding programs offered to juvenile and family court projects.
5. **Young Adult Collaborative Justice DUI/Drug Court Pilot Project; California Peer Court DUI Intervention, Curriculum, and Prevention Strategies Program.** Implement and evaluate DUI prevention and early

intervention programs in juvenile justice system through pilot programs and DUI drug courts

➤ **Submitted by Family and Juvenile Law Advisory Committee**

1. **Court Improvement Project.** The Court Improvement Project 2005–2006 Strategic Plan calls for training in customer satisfaction research to be provided to juvenile court staff or judicial officers at the Beyond the Bench conference. The Court Improvement Project will also develop a self-assessment process and tool for each juvenile court to use in evaluating and addressing any deficiencies in its policies and processes, including collaboration with community stakeholders and assessing the needs and feedback of court users.
2. **Family dispute resolution projects.** The AOC Center for Families, Children & the Courts (CFCC) will provide mandated training for court-connected child custody mediators and evaluators and juvenile dependency mediators that emphasizes the importance of respect for the court user, procedural fairness, and addressing the needs of the court user. For example, training based on the rules of court for mediators in cases involving domestic violence promotes the implementation of safety measures intended to provide a safe experience for the court user and an outcome that addresses the safety and well-being of the children involved. Other projects include to review the courts' complaint forms and procedures regarding child custody mediations and to provide technical assistance to local family court services to implement mandated or effective mediation and related services.
3. **Domestic Violence Safety Partnership program.** The Domestic Violence Safety Partnership program provides the courts with a tool to assess compliance with statutory and other mandates and recommended practices in the area of domestic violence. Primary areas of focus are restraining orders, family court services protocols, and recommended procedures to enhance safety. Based on a local evaluation conducted using the project's self-assessment tool or on independently identified local needs, courts can request technical assistance or local training and education to improve services to court users with domestic violence cases. Funding is provided by grant monies administered by the Violence Against Women Education Project.
4. **Juvenile Review and Technical Assistance project—Indian Child Welfare Act (ICWA) education.** A new initiative assists courts and agencies to comply with ICWA by providing education and technical assistance at a limited number of local courts. In collaboration with CJER, the project is publishing a judicial handbook on ICWA.
5. **Family and Juvenile Law Case Management Project.** The project will develop a manual and provide three regional workshops for trial courts to

discuss principles of effective case management, share best practices, and develop a plan that includes an emphasis on improving the process for court users.

6. **Family Law Judicial Officer Survey.** This survey will be conducted with all family law judges and commissioners (including IV-D commissioners) across the state and represents the first of a series of comprehensive surveys that are planned periodically in the area of family law. The survey will be used to identify promising practices, develop training and education programs, address legislatively mandated questions regarding substance testing in the court, and identify needs for additional court services and resources.
7. **Dependency Representation, Administration, Funding, and Training (DRAFT) Program.** DRAFT is a comprehensive pilot effort involving 10 volunteer court systems designed to identify the impact of statewide administration of court-appointed counsel services in juvenile dependency proceedings. The program goals are, in part, to develop uniform minimum qualifications and ongoing training standards for dependency counsel, provide ongoing training to all system participants, and develop and implement uniform performance, caseload, and compensation standards for juvenile dependency attorneys in order to improve the quality of representation for families and children in dependency court. The AOC has developed particularized training curriculum for each of the participating court systems and finalized minimum qualification, training, and practice standards for court-connected attorneys. Currently, DRAFT is finalizing an attorney mentoring and performance evaluation component, collecting and distributing caseload and performance data, and piloting two models of repayment by parents for legal services rendered.
8. **Focus groups in self-help centers.** Staff will conduct focus groups of litigants who have received family law self-help assistance to identify suggestions for improvement. They will also develop training workshops to assist court staff and legal services programs to conduct their own focus groups.
9. **Judicial Council Court Appointed Special Advocates (CASA) Grants Program.** The Judicial Council is mandated (Welf. & Inst. Code, §§100–109) to fund CASA programs in California. CASA programs recruit, screen, train, and supervise community volunteers to serve abused and neglected children who are dependents of the court. The purpose of CASA is to improve the experience of dependent children in the courts and the child welfare system.
10. **Unified Courts for Families Program, Mentor Courts.** The Unified Courts for Families Program established seven mentor courts under the Judicial Council’s operational plan to focus on unification and coordination of family, juvenile, probate, and other matters involving families and

- children. The mentor courts are in the third year of their efforts and are producing examples of promising practices designed to contribute to developing a statewide strategy to reduce differences among courts in the quality and availability of trial court services provided to children, youth, families, and adults requiring court intervention.
11. ***Unified Courts for Families Deskbook***. The deskbook provides a comprehensive overview for courts interested in unification and coordination of family, juvenile, probate, and other related matters involving families and children. The deskbook provides examples of protocols, highlights important legal issues, and offers ways to improve services to families and children.
  12. **Violence Against Women Education Project**. The AOC receives grant funds earmarked for the enhancement of judicial branch training and education and court performance in the areas of domestic violence, sexual assault, and stalking. The project provides local, regional, and statewide live educational programming, distance-learning opportunities, publications, and technical assistance on these subjects to local courts, staff, and judicial officers. The project also supports the development of self-help materials for litigants in domestic violence cases.
  13. **Recommendation**. The committee recommends the reallocation of local superior court resources, including the consideration of categorical funding to the family and juvenile courts, to improve the way family and juvenile cases are handled as identified in the Public Trust and Confidence Report.
  14. **Recommendation**. The committee recommends continuing the support of the Family Law Facilitators program, including augmenting the program to provide services to litigants in cases other than Title IV-D cases.
  15. **Recommendation**. The committee recommends supporting and augmenting self-help centers and identifying ways of supporting low-or no cost-community legal services that provide legal representation and assistance.
  16. **Recommendation**. The committee recommends that the AOC assist each local superior court to develop and implement a local plan to educate the public and increase public awareness of the complexity of issues in juvenile and family cases and the needs our children and families in these cases.
- **Submitted by Governing Committee of the Center for Judicial Education and Research (CJER)**
1. **Revise curriculum, substantive areas of the law**. Revise curriculum in substantive areas of the law for judges to include
    - a. Results of the trust and confidence survey;
    - b. Suggestions for improving trust and confidence; and

- c. Suggestions for improving perceptions of procedural fairness, observance of codes and rules of court, and appropriate applications of court orders.
  - 2. **Revise curriculum work in service-related topics for court personnel.** Revisions to include
    - a. Results of the trust and confidence survey;
    - b. Suggestions for improving public trust and confidence; and
    - c. Suggestions for improving perceptions of procedural fairness.
  - 3. **Develop “Excellence in Public Service” course for court personnel.**
  - 4. **Identify and promote Kleps projects.** Promote court programs and practices that have won Kleps Awards for initiatives regarding enhanced service to court users or community outreach or education.
- **Submitted by Probate and Mental Health Advisory Committee**
1. **Plain-language forms (current).** The committee will continue its planned revision of additional probate forms frequently used by self-represented litigants to the plain-language format (specifically, forms for use in probate guardianships and elder abuse proceedings).
  2. **Survey of court administrative experience with, and collections under, the graduated filing fee for decedents’ estates (planned/possible).** With the help of the AOC Office of Court Research, the committee proposes to conduct a survey of courts in 2006 to determine their experience with the graduated filing fee in decedents’ estates, with a view toward determining whether a revenue-neutral simplified alternative can be proposed or supported.
  3. **Support legislative proposals for licensing and regulation of private professional fiduciaries (proposed).** Working with the AOC Office of Governmental Affairs and the Probate Conservatorship Task Force, review anticipated 2006 legislative proposals for licensing and regulation of private professional fiduciaries, including guardians and conservators appointed by the courts, and make recommendations for Judicial Council sponsorship or support of appropriate and comprehensive proposals.
  4. **Support creation and funding of additional probate court investigator positions (possible).** Working with the AOC Office of Governmental Affairs and the Probate Conservatorship Task Force, recommend Judicial Council sponsorship or support of anticipated legislative proposals to create additional probate court investigator positions.
  5. **Support California Judges Association and Probate Conservatorship Task Force proposal for amendment of the canons of the Code of Judicial Ethics (current).** Support proposal from the California Judges Association (drafted by the chair of this advisory committee) before the Supreme Court Advisory Committee on the Code of Judicial Ethics in January 2006 to amend the canons of the Code of Judicial Ethics to permit

- probate judicial officers to review and react to ex parte communications concerning possible fiduciary abuse in probate protective proceedings.
6. **Develop consistent format for private professional fiduciary fee requests (possible).** Draft and consider proposing a new Judicial Council form and associated rule of court that would provide a uniform format for declarations supporting fee requests of court-supervised private professional fiduciaries.
  7. **Require copies of accountings be provided to court investigators (possible).** Propose Judicial Council support or sponsorship of legislation, or adoption of California Rules of Court, or both, that would require parties in probate guardianships and conservatorships to provide a copy of court-filed accountings to the court investigator assigned to the matter.
  8. **Provide more detailed prescription of what court investigators are to do on initial and renewal conservatorship investigations (possible).** Propose Judicial Council support or sponsorship of legislation prescribing the duties of probate court investigators in conservatorship investigations and reinvestigations with greater specificity than currently.
  9. **Require private professional guardians and conservators to post a general obligation bond applicable to all cases in addition to a specific surety bond in each case (possible).** Consider proposing Judicial Council support or sponsorship of legislation that would require private professional guardians and conservators to post a general-obligation bond that would cover all matters in which they were appointed by the court (separately or as an element of a proposed new licensing system for such fiduciaries), in addition to the surety bond posted in each matter.
  10. **Increase communication and cooperation between probate referees and the court (possible).** Promote development of programs to inform judicial officers about the proper role of probate referees to point out suspicious conduct indicating possible collusive property sale practices, particularly in conservatorships.
  11. **Create separate notice of hearing form for notice of petition for appointment of conservator and provide advice on this form on the right to request special notice and the benefits of doing so (possible).** In an effort to increase oversight of conservatorships and guardianships by persons interested in the welfare of conservatees and wards, propose development of a specialized form of notice of hearing to be used for petition for appointment of conservator or guardian that would emphasize the right of family members and others interested in these proceedings to request and receive special notice of further proceedings.
  12. **Amend rules of court and *Petition for Appointment of Temporary Conservator* (possible).** Consider proposing changes in applicable rules of court and the Judicial Council form *Petition for Appointment of Temporary*

- Conservator* to require greater and more specific showing of good cause to dispense with five-day notice requirement to proposed conservatee.
13. **Support amendment of Probate Code section 2250(d) (possible).** Propose Judicial Council support or sponsorship of legislation that would amend Probate Code section 2250(d) to apply to conservatorships. (Section 2250(d), now applicable only to guardianships, requires a hearing within 30 days of issuance of Temporary Letters of Guardianship to reconsider such letters if the hearing on the permanent petition is set more than 30 days after issuance of the temporary letters.)
  14. **Provide a means and funding for random audits of accountings (possible).** Propose Judicial Council support or sponsorship of legislation that would provide a method and the means for courts to conduct random audits of accountings filed in probate protective proceedings.
  15. **Provide greater formality, other safeguards, for nominations of conservators (possible).** Propose Judicial Council support or sponsorship of legislation that would require greater formality or other safeguards for written nominations of conservators by proposed conservatees that are not contained in wills, trusts, durable powers of attorney, or other formal documents.
  16. **Require at least 24-hour telephone notice to conservatee's known second degree relatives of a petition for appointment of temporary conservator (possible).** Propose a new rule of court and a form declaration of notice showing telephone notice given to, and the positions concerning the proposed temporary appointment given by, the close relatives of the proposed conservatee.
  17. **Increase compliance by institutions and financial institutions with requirements of Probate Code sections 2890–2893 (possible).** Support proposals to require greater compliance with the notification requirements of Probate Code sections 2890–2893 (notification by institutions and financial institutions to the court of changes in institution accounts or safe-deposit boxes held by the conservatee to reflect the conservatorship). Ideas under consideration include (1) supporting Judicial Council support or sponsorship of legislation that would impose liability on the institution or financial institution for losses to the estate caused by failure to give the required notice; and (2) adopting a rule of court and revising Letters of Conservatorship to advise newly appointed conservators of the duties of institutions and financial institutions to report changes of account ownership, and to require conservators to deliver copies of the proper notification forms to the affected institutions.
  18. **Court-based self-help centers.** The committee supports the continued development and expansion to more courts of court-based self-help centers to assist self-represented parties, particularly in probate guardianship matters.

**19. Task Force on Probate Conservatorship Practices and Procedures (“Conservatorship Task Force”).** The committee supports the proposed new Judicial Council Probate Conservatorship Task Force, and will coordinate its response to the *Los Angeles Times*’ articles with the work of the task force.

➤ **Submitted by Traffic Advisory Committee**

1. **Training programs for temporary judges.** Assist CJER and the Temporary Judges Working Group with development of model training materials and programs for judicial officers and temporary judges assigned to traffic calendars.
2. **Community outreach.** Update, maintain, and disseminate traffic self-help Web site materials for defendants on the California Courts Web site and update community outreach materials for use by judicial officers in making presentations to schools and other community groups on issues regarding traffic offenses and penalties.
3. **Rules of court.** Draft rules of court to improve Internet access to traffic citation information and payment options on local court Web sites.
4. **Legislative proposal.** Draft a legislative proposal to improve processing of unsigned traffic citations and enable final disposition of cases and reporting of abstracts of judgments to the Department of Motor Vehicles.
5. **Translate traffic forms.** Translate traffic forms posted on the California Courts Web site to provide helpful reference material for non-English-speaking defendants that receive traffic citations.
6. **Amend rule of court.** Amend rule of court on attendance of traffic violator school after trial.
7. **Develop a standard of judicial administration.** Develop a standard of judicial administration and optional form for courts to use when issuing a courtesy notice for traffic citations.
8. **Study possible rule of court.** Study the possibility of
  - a. A rule of court and form to standardize procedures for informal summary hearings of traffic cases under Vehicle Code section 40901;
  - b. A possible rule and form for same-day arraignment and trial for traffic citations; and
  - c. A rule of court to establish standard procedures on posting bail when a trial is requested for a traffic citation.

## ATTACHMENT 2

### **STRATEGY 2: Improve and enhance the courts' use of the Internet for disseminating information and conducting court business.**

*Detailed Advisory Committee Response Plan Proposals: Recommendations, Committee Projects/Tasks, and Endorsements of Ongoing Activities*

#### ➤ **Submitted by Civil and Small Claims Advisory Committee**

1. **Serranus-based ADR Resource Center (current).** The ADR Resource Center, hosted on Serranus, is a collection of materials that may be helpful to judicial officers and court staff involved in designing, implementing, administering, evaluating, and improving court-connected ADR programs for civil cases.
2. **ADRNetwork listserv (current).** The ADRNetwork listserv is a forum for court ADR program administrators to discuss issues and share information about court-connected ADR programs for civil cases.
3. **California Courts Web site: Civil cases (current/planned).** Review of information on civil cases: Committee staff will continue to provide input on the California Courts Web site by reviewing and contributing information and materials on small claims cases and other types of civil cases.
4. **California Courts Web site: ADR information.** The committee supports the creation of a prominent area on the California Courts Web site with more comprehensive information about ADR (in plain English and other languages) and links to ADR information on individual court Web sites.
5. **Videos on ADR.** The committee supports the development of videos explaining ADR processes and how to effectively use them. These may be made available through the California Courts Web site and through local court Web sites.
6. **Traffic tickets.** The committee supports the improvement and implementation of means for the public to process tickets through the Internet.

#### ➤ **Submitted by Court Technology Advisory Committee**

1. **Web content guidelines.** Develop Web content guidelines and analyze ways to create a central repository of court Web services as follows:
  - a. Analyze existing court Web sites to identify current content.
  - b. Create strategy for developing content guidelines for court Web sites and encouraging their use.
  - c. Recommend criteria to be included in minimum and optimum court Web site content (e.g., ADA compliance, foreign language translation).
  - d. Develop roster of court Web development staff and other court Web development resources.

- e. Evaluate strategies for creating a central repository of court Web services (to promote such services as e-filing, jury services, e-traffic payment).
- 2. **Higher profile for court e-service.** Increase public awareness of court e-service as follows:
  - a. Define target outreach partners to best promote court Web services.
  - b. Identify ways to partner with entities to encourage and facilitate the use of the Internet for court services by low-income and indigent court users.
  - c. Recommend strategies for increasing public awareness of court e-services, including placing pertinent court Internet addresses on Judicial Council and other local forms.
- 3. **Identify statewide e-services.** Identify e-services that should be made available statewide as follows:
  - a. Catalog existing e-services available through the courts.
  - b. Survey courts on the effectiveness of current e-services offered through their Web sites.
  - c. Recommend e-services that should be available branchwide, potentially through the California Courts Technology Center.

➤ **Submitted by Family and Juvenile Law Advisory Committee**

- 1. **Provide free Internet-based child support calculator.** Integrate child support guideline program to be launched by the Department of Child Support Services in fall 2006 with the judicial branch's Online Self-Help Center in order to make the guideline program available free to the public.
- 2. **Forms packets.** Develop Internet-based forms packages for commonly clustered groups of forms to minimize the amount of duplicate typing and to ensure that the appropriate forms are used for the identified action.
- 3. **Expand family law content for self-help Web site.** Expand information available regarding family law on the Online Self-Help Center at [www.courtinfo.ca.gov/selfhelp/](http://www.courtinfo.ca.gov/selfhelp/).
- 4. **Family and Children's Court Technology System (FACCTS).** Minute order/orders after hearing software. Develop model software program that allows court clerks, volunteers, or others to prepare minute orders and orders after hearing easily that can be provided to self-represented litigants.
- 5. **Child custody template.** Prepare Internet-based software program that allows litigants to complete custody and visitation agreements or proposals online at no charge.
- 6. **Family dispute resolution training approval forms.** Provide online training approval forms that education and training providers need to submit to have their training qualify as approved training or continuing education for child custody mediators or evaluators.

- **Submitted by Probate and Mental Health Advisory Committee**
1. **Recommend creation of Probate Network listserv (possible).** The committee recommends and supports creation of a probate-specific Probate Network listserv as a forum for discussing issues and best practices related to court administration of probate proceedings generally and court supervision of appointed fiduciaries specifically.
  2. **Review current rules of court concerning access to court documents over the Internet to determine whether current restrictions are sufficient for privacy concerns (current).** Continue current project to determine whether current rules of court concerning Internet access to court-filed documents in probate proceedings provide sufficient protection of the privacy rights of conservatees, wards, heirs and beneficiaries of decedents' estates, and settlors and beneficiaries of trusts in trust proceedings; and make recommendations for changes if necessary or appropriate.
  3. **California Courts Web site (possible).** The committee supports expansion of the probate-specific portions of the judicial branch Web site's Online Self-Help Center to include decedents' estates, decedent estate alternatives, and court-related trust issues.

### ATTACHMENT 3

#### STRATEGY 3: Reduce case delays and continuances.

*Detailed Advisory Committee Response Plan Proposals: Recommendations, Committee Projects/tasks, and Endorsements of Ongoing Activities*

➤ **Submitted by Civil and Small Claims Advisory Committee**

1. **Civil case management rules (planned).** The committee will complete its development of the final set of comprehensive civil case management rules with the development of rules concerning what the parties in a case must do immediately before trial. The rule or rules will cover such matters as the filing of witness lists, exhibit lists, jury instructions, and motions in limine.
2. **Improved ADR-Civil Mediation and Settlement Grants Program (current).** Mediation and other forms of ADR are important means of managing and settling civil cases. The Civil Mediation and Settlement Grants program will continue to provide funding and AOC staff support to help superior courts plan, implement, and improve mediation and settlement programs for civil cases. The committee also supports expanding the use of mediation in small claims cases.
3. **Tentative orders on case management orders (planned).** The committee will develop a rule authorizing the courts to provide tentative case management orders by telephone or e-mail. The use of this tentative order procedure will streamline the case management process and will make it easier for the courts to limit the attendance of counsel and self-represented parties to case management conferences at which personal attendance is necessary or beneficial.
4. **Model direct calendaring (possible).** Begin developing a model direct calendaring program by studying existing practices. [The study will require assistance from the AOC Office of Court Research.]
5. **Legislation and rule changes (planned/possible).** The committee will consider legislative and rule changes to facilitate the implementation of mediation programs for civil cases.
6. **Additional judicial positions.** The committee supports the establishment of additional judicial positions by the Legislature so that all courts will be able to process civil and criminal cases in a timely and effective manner.
7. **Developing Effective Practices in Criminal Case Flow Management (current project).** The committee endorses this project, which seeks to develop effective practices in criminal case flow management through workshops, technical assistance, and Web site posting of effective practices. Courts' effective management of all types of cases is interdependent, and effective management of all types of cases is important for each type to be effectively managed.

8. **Developing Effective Case Management for Family Law Cases (current).** The committee endorses the efforts being undertaken to improve case management for family law cases. All types of case management are interdependent.
9. **Education (current).** The committee endorses education and training of judicial officers and trial court administrators concerning (1) case management, including civil case management; and (2) the potential benefits of mediation and other settlement programs. The committee may assist in developing and presenting programs to judicial officers concerning the assessment and referral of appropriate civil cases to ADR, as part of the case management process.

➤ **Submitted by Criminal Law Advisory Committee**

1. **Endorsement—Developing Effective Practices in Criminal Case Flow Management (existing BANCRO project).** The Criminal Law Advisory Committee endorses this project, which seeks to develop effective practices in criminal case flow management through workshops, technical assistance, and Web site posting of effective practices.

➤ **Submitted by Family and Juvenile Law Advisory Committee**

1. **AB 1058 child support program.** The AB 1058 child support program helps to reduce case delays in governmental child support cases by providing specialized commissioners with expertise in child support matters. Child support commissioners are provided in each of the 58 counties. The program also provides for the establishment of a Family Law Facilitator Office in each county. Under this part of the program, each court appoints a licensed attorney with mediation or litigation background in family law. The facilitators reduce case delays by assisting unrepresented litigants to prepare their litigation papers correctly and to more fully understand the court process.
2. **Mediation evaluation and training for FDR court staff.** Biannual meetings of the trial courts' family dispute resolution managers, directors, and supervisors address issues relating to effective case management and efficient case flow. These objectives are balanced with the responsibility to implement the mandates of providing a full mediation with the objective of a comprehensive parenting plan, and a process that may involve interviewing children and gathering additional information if recommendations are to be made about custody and visitation.
3. **Judicial Review and Technical Assistance (JRTA) project site visits.** The JRTA project helps to reduce delays in dependency and delinquency foster care cases by providing a courtesy review of juvenile court case files and by conducting courtroom observations for compliance with state and federal timelines and other requirements.

4. **Dependency Representation, Administration, Funding and Training (DRAFT) program.** DRAFT is a comprehensive pilot effort involving 10 volunteer court systems designed to identify the impact of statewide administration of court-appointed counsel services in juvenile dependency proceedings. The program goals are, in part, to develop uniform minimum qualifications and ongoing training standards for dependency counsel, provide ongoing training to all system participants, and develop and implement uniform performance, caseload, and compensation standards for juvenile dependency attorneys. The AOC has developed particularized training curriculum for each of the participating court systems and finalized minimum qualification, training, and practice standards for its attorneys. Currently, DRAFT is finalizing an attorney mentoring and performance evaluation component, collecting and distributing caseload and performance data, and piloting two models of repayment by parents for legal services rendered. Trainings emphasize the important roles of attorneys in reducing delays in dependency cases.
  5. **Court Improvement Project.** The Court Improvement Project's strategic plan for 2005–2006 calls for planning and implementation to begin on two initiatives designed in part to address delays and continuances in juvenile dependency courts. The first is the development of a self-assessment process and tool for each juvenile court to use in evaluating and addressing any deficiencies in its policies and processes, including several aspects of timeliness and the granting of continuances only for good cause. The second initiative is developing a pilot program to identify and implement key aspects of the National Council of Juvenile and Family Court Judges' *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. The need for timely court proceedings is a major theme of the *Resource Guidelines*.
  6. **Family and juvenile law case management projects.** Develop a manual and provide three regional workshops for trial courts to discuss principles of effective case management, share best practices, and develop a plan that includes minimizing case delays.
- **Submitted by Probate and Mental Health Advisory Committee**
1. **Require filing of a preliminary inventory of cash and (unappraised) non-cash assets no later than 60 days after qualification (possible).** Propose Judicial Council support or sponsorship of legislation that would require court-appointed fiduciaries to file preliminary inventories of self-appraised cash assets and unappraised non-cash assets no later than 60 days after appointment and qualification.
  2. **If the 90-day deadline for filing completed inventory and appraisal is not met, require filing of a status report explaining reasons why the completed inventory was not filed within deadline (possible).** Propose

Judicial Council support or sponsorship of legislation, if necessary, or propose rules of court that would require court-appointed fiduciaries to file a status report explaining why they failed to meet the current 90-day deadline.

3. **Support more vigorous enforcement of deadlines for completion of decedents' estates (possible).** Consider rules of court and educational programs for judicial officers that emphasize and encourage stricter enforcement of the existing provisions of Probate Code section 12200 et seq. These provisions establish time periods to complete administration of decedents' estates and authorize a variety of sanctions for failure to meet these time deadlines.

## ATTACHMENT 4

### **STRATEGY 4: Emphasize quality service to court users in all court staff and judicial officer training programs; include an emphasis on procedural fairness, observance of codes and rules of court, and appropriate applications of court orders in judicial officer training.**

*Detailed Advisory Committee Response Plan Proposals: Recommendations, Committee Projects/Tasks, and Endorsements of Ongoing Activities*

#### ➤ **Submitted by Civil and Small Claims Advisory Committee**

1. **Temporary judge training (planned).** The committee will assist the AOC Education Division/CJER and the courts in the development of training programs for court-appointed temporary judges, especially those who serve in the area of small claims.
2. **Temporary judge training (planned).** The committee endorses efforts by the judicial branch, including the AOC Education Division/CJER, to assist the trial courts in implementing the new rules on court-appointed temporary judges as a means to ensure and improve the quality of temporary judging in small claims, traffic, family law, and other cases. In particular, as provided under the new rules adopted by the Judicial Council, the training of attorneys who serve as temporary judges should place a significant emphasis on procedural fairness and proper bench demeanor as well as on the need to follow all applicable rules and statutes.
3. **Judicial training and education.** The committee supports the training of judicial officers to improve public satisfaction with the courts. Some specific training that it recommends includes (1) training in handling cases involving self-represented litigants (including listening skills), (2) training in settlement techniques and communication skills, and (3) training on calendar management. This training would apply to temporary judges as well as other judicial officers.
4. **Employee recognition.** Members of the committee suggested that recognition of the importance, and praise for the efforts, of front-line employees who assist the public can result in enhanced service to the public.

#### ➤ **Submitted by Collaborative Justice Courts Advisory Committee**

1. **Project—Judicial Education Curriculum in Collaborative Justice.** This curriculum covers basic principles and practices of collaborative justice, for use in the general court system as well as in specialized courts and calendars. Curriculum includes material on procedural fairness, observance of rules and code, and appropriate application of court orders.
2. **Project—Develop dissemination plan for collaborative justice resource materials.** Much of the material developed by the Collaborative Justice

Program touches on the themes in strategy #4. Studies in collaborative justice, prepared as committee projects and including *California's Collaborative Justice Courts: Building a Problem-Solving Judiciary*, *Collaborative Justice in Conventional Courts*, and the drug court cost study, will be the initial focus of this effort.

➤ **Submitted by Family and Juvenile Law Advisory Committee**

1. **Family dispute resolution projects.** The AOC Center for Families, Children & the Courts will provide mandated training for court-connected child custody mediators and evaluators and juvenile dependency mediators, which emphasizes the importance of respect for the court user, procedural fairness, and addressing the needs of the court user. For example, training based on the rules of court for mediators in cases involving domestic violence promotes the implementation of safety measures intended to provide a safe experience for the court user and an outcome that addresses the safety and well-being of the children involved.
2. **Domestic Violence Safety Partnership program.** The Domestic Violence Safety Partnership (DVSP) program provides the courts with a tool to assess compliance with statutory and other mandates and recommended practices in the area of domestic violence. Primary areas of focus are restraining orders, family court services protocols, and recommended procedures to enhance safety. Based on the local evaluation conducted using the project's self-assessment tool or on independently identified local needs, courts can request technical assistance or local training and education. Funding is provided by grant monies administered by the Violence Against Women Education Project.
3. **AB 1058 child support program.** The AB 1058 child support program helps to reduce case delays in governmental child support cases by providing specialized commissioners with expertise in child support matters. Child support commissioners are provided in each of the 58 counties. The program also provides for the establishment of a Family Law Facilitator Office in each county. Under this part of the program, each court appoints a licensed attorney with mediation or litigation background in family law. The AB 1058 child support program provides training to child support commissioners and family law facilitators on compliance with state and federal laws concerning child support.
4. **Project—Judicial Review and Technical Assistance (JRTA) project: Permanency trainings.** This is a new initiative to provide judicial education at a limited number of courts on expanding approaches to permanency for dependent children and regional training to probation departments on the appropriate procedures to follow for termination of parental rights.

5. **Pilot project—Dependency Representation, Administration, Funding, and Training (DRAFT) program.** DRAFT is a comprehensive pilot effort involving 10 volunteer court systems designed to identify the impact of statewide administration of court-appointed counsel services in juvenile dependency proceedings. The program goals are, in part, to develop uniform minimum qualifications and ongoing training standards for dependency counsel and to provide ongoing training to all system participants.
  6. ***Unified Courts for Families Deskbook.*** The *Unified Courts for Families Deskbook* provides a comprehensive overview for courts interested in unification and coordination of family, juvenile, probate, and other related matters involving families and children. The deskbook provides examples of protocols, highlights important legal issues, and offers ways to improve practice and procedure in this area.
  7. **Project—Violence Against Women Education Project (VAWEP).** The AOC receives grant funds earmarked for the enhancement of judicial branch training and education and court performance in the areas of domestic violence, sexual assault, and stalking. The project provides local, regional, and statewide live educational programming, distance-learning opportunities, publications, and technical assistance on these subjects to local courts, staff, and judicial officers. The project also supports the development of self-help materials for litigants in domestic violence cases and the Domestic Violence Safety Partnership (DVSP) project.
  8. **Project—Court Improvement Project Beyond the Bench Conference.** Beyond the Bench is an annual multidisciplinary, statewide conference on issues concerning the juvenile dependency and delinquency courts. The conference emphasizes the importance of collaboration between the court and community stakeholders in serving the families and children before the court. Attendees include judges, commissioners, referees, attorneys, probation staff, child welfare staff, Court Appointed Special Advocates, and others involved in serving families and children in the juvenile court.
  9. **Domestic Violence Practice and Procedure Task Force.** The Family and Juvenile Law Advisory Committee will collaborate and comment on the recommendations and proposals of the Domestic Violence Practice and Procedure Task Force, as appropriate.
  10. **Collaborate with the CJER Governing Committee.** The Family Law Subcommittee and the Juvenile Law Subcommittee will each send a committee member to serve on the CJER Governing Committee.
- **Submitted by Governing Committee of the Center for Judicial Education and Research (CJER)**
1. **Revise curriculum work in substantive areas of the law for judges to include**

- a. Results of the trust and confidence survey;
  - b. Suggestions for improving trust and confidence; and
  - c. Suggestions for improving perceptions of procedural fairness observance of code and rules of court, and appropriate applications of court orders.
2. **Revise curriculum work in service-related topics for court personnel to include**
    - a. Results of the trust and confidence survey;
    - b. Suggestions for improving public trust and confidence; and
    - c. Suggestions for improving perceptions of procedural fairness.
  3. **Develop “Excellence in Public Service” course for court personnel.**
  4. **Promote Kleps programs.** Identify and promote practices of courts that have won Kleps Awards for initiatives regarding enhanced service to court users or community outreach or education.
- **Submitted by Probate and Mental Health Advisory Committee**
1. **Recommendation—Support increased education of judicial officers and court staff about proper role of probate referees (possible).** Support development of an educational program to provide more instruction to probate judicial officers and staff about the proper role of probate court referees to spot and point out possible abuses in sales of estate property by court-appointed fiduciaries in decedents’ estates and conservatorships.
  2. **Recommendation—Support funding of CJER training programs for probate court investigators (proposed).** Propose Judicial Council support or sponsorship of legislation that would provide funding for comprehensive training and education of probate court investigators that would be comparable to the education programs for court-connected custody evaluators in the family court.
  3. **Endorsement—Judicial training and education.** The committee supports the training of judicial officers to improve public satisfaction with the courts. Some specific training that it recommends includes (1) training in handling cases involving self-represented litigants (including listening skills), (2) training in mediation techniques and communication skills, and (3) training on calendar management. This training would apply to temporary judges as well as other judicial officers.
  4. **Recommendation—Support creation and funding of CJER programs of training for probate court investigators (current).** Support ongoing efforts in the AOC to create a CJER-based and AOC-supported program of education and training for probate court investigators, to replace and expand the program of training now offered by the voluntary organization of court investigators.

## ATTACHMENT 5

### **STRATEGY 5: Leverage jury service and other venues of contact with the public as a means of educating the public about the courts.**

*Detailed Advisory Committee Response Plan Proposals: Recommendations, Committee Projects/Tasks, and Endorsements of Ongoing Activities*

➤ **Submitted by Advisory Committee on Civil Jury Instructions**

The committee endorses the work of the Steering Committee on Jury Rule Proposals shown below.

1. New rule 863, Juror Note-Taking
2. New rule 864, Juror May Submit Questions
3. New rule 865, Statements to the Jury Panel
4. New rule 866, Pre-instruction
5. New rule 867, Assisting Jurors at Impasse
6. New Standard of Judicial Administration section 19.1, Juror Notebooks in Complex Cases
7. New Form MC-002(a), *Capital Case Supplement to Form MC-002, Juror Questionnaire for Criminal Cases* (form MC-002 was approved for use by the Judicial Council, effective January 1, 2006. The proposed effective date for form MC-002(a) is July 1, 2006).
8. Explore the possibility of developing a legislative proposal in 2006 to allow the Judicial Council to sponsor a pilot program to test predeliberation discussions by jurors in civil cases in various court settings. The earliest effective date for such legislation would be January 1, 2008.

➤ **Submitted by Civil and Small Claims Advisory Committee**

1. **Endorsement—Public education and outreach.** The committee supports measures to use jury service and other contacts with the public to educate the public about the courts. Members suggested that it has been helpful to have a judge welcome jurors at the beginning of their service. Thank-you letters to jurors after a trial also have positive effects. The contributions of jurors who did not get selected should be acknowledged. And some committee members thought that posttrial questionnaires for jurors on their satisfaction with jury service might be helpful. Other means of educating the public about the courts is through schools and involvement of members of the public on court committees.

➤ **Submitted by Governing Committee of the Center for Judicial Education and Research (CJER)**

1. **Recommendation—Juror education and orientation.** Develop and disseminate a package of materials for juror education and orientation that local courts can adapt and use (in collaboration with the AOC Executive Office Programs Division).

➤ **Submitted by: Probate and Mental Health Advisory Committee**

1. **Endorsement—Public education and outreach.** The committee supports measures to use jury service (rare in probate practice, limited to trial of contested conservatorships in probate and mental health settings) and other contacts with the public to educate the public about the courts. Other means of educating the public about the courts is through the schools, local bar association community outreach programs, and the involvement of members of the public on court committees.

## ATTACHMENT 6

### STRATEGY 6: Revive community-focused court planning.

*Detailed Advisory Committee Response Plan Proposals: Recommendations, Committee Projects/Tasks, and Endorsements of Ongoing Activities*

#### ➤ Submitted by Access and Fairness Advisory Committee

1. **Recommendation—Revive the Community-Focused Court Planning Task Force.** The committee recommends that the Judicial Council revive the Community-Focused Court Planning Task Force and that it become a standing advisory committee to the council. The committee would monitor, assist, and advise the courts regarding future community-focused court planning efforts.
2. **Recommendation—Assess community-focused court planning programs.** The committee recommends that community-focused planning programs, which all 58 counties were asked to implement, be examined and evaluated. The evaluation should determine the status and effectiveness of the 58 courts' implementation of the strategic plans (developed in 2000) through community-focused court planning and assess which components of those plans were most effective. It should also determine whether the planning and implementation included the participation of persons with disabilities and persons with no or limited English-speaking skills.
3. **Recommendation—Develop effective court outreach programs for various racial and ethnic populations.** Develop and submit recommendations to the AOC Education Division/CJER that it develop model educational programs for the courts' respective communities that are intended to foster a healthy social environment in communities through increased awareness of U.S. customs and laws. Endorse the Court Interpreters Advisory Panel's proposal to enhance existing outreach programs, including instructional videos designed to expand knowledge of the judicial system for litigants with limited English proficiency, as well as the general public.
4. **Recommendation—Judicial officers take leadership roles in planning community outreach.** The committee recommends that judicial officers take the leadership in implementing section 39 of the California Standards of Judicial Administration. Section 39 provides that the judiciary is encouraged to
  - a. Provide active leadership within the community in identifying and resolving issues of access to justice within the court system;
  - b. Develop local education programs for the public designed to increase public understanding of the court system;
  - c. Create local mechanisms for obtaining information from the public about how the court system may be more responsive to the public's

needs;

- d. Serve as guest speakers, during or after court hours, to address local civic, educational, business, and charitable groups that have an interest in understanding the court system but do not espouse a particular political agenda with which it would be inappropriate for a judicial officer to be associated; and
- e. Take an active part in the life of the community where the participation of the judiciary will serve to increase public understanding and promote public confidence in the integrity of the court system. Develop a mechanism for periodic evaluation of these efforts.

➤ **Submitted by Civil and Small Claims Advisory Committee**

1. **Role of courts receiving Civil Mediation and Settlement Program Planning and Assessment Grants (current).** Courts that receive grants under the program are required to collaborate with community representatives in the needs assessment and development of the court's mediation or settlement program plan.

➤ **Submitted by Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC)**

1. **Review existing resources on community-focused planning.** The committees propose to review the following for information on community involvement in court planning, especially with respect to obtaining input from the public and sharing updates on improvements made based on such input:
  - a. Recent AOC survey entitled Institutionalizing Innovative Projects;
  - b. Final Report of the Community-Focused Court Planning Implementation Committee (task force) dated December 31, 2002; and
  - c. Report of the Judicial Council Special Task Force on Court-Community Outreach dated January 26, 1999.
2. **Identify best practices; develop guidelines.** The committees propose to identify best practices on community involvement in court planning from the above-referenced sources; these practices will be compiled into draft guidelines for courts. The following process will be employed:
  - a. Draft guidelines compiled by the committees will be circulated for preliminary review and comment to CEAC, TCPJAC Executive Committee, AOC planning staff, and a sample of courts currently known to be especially proactive in involving their communities in court planning;
  - b. After review, draft guidelines will be revised based on input received from preliminary circulation;
  - c. Final draft of guidelines will be submitted to the Judicial Council for approval and distribution to courts; and

- d. Follow-up will be done with courts on whether and how guidelines were useful.

## ATTACHMENT 7

### STRATEGY 7: Increase the availability of affordable legal representation.

*Detailed Advisory Committee Response Plan Proposals: Recommendations, Committee Projects/Tasks, and Endorsements of Ongoing Activities*

- **Submitted by Access and Fairness Advisory Committee**
  1. **Endorsement—Task Force on Self-Represented Litigants Guidelines.** The committee endorses the Task Force on Self-Represented Litigants’ development of guidelines and best practices for self-help centers.
  2. **Develop and submit education recommendation to AOC Education Division/CJER.** Develop and submit recommendations to CJER to prepare additional educational materials on the procedural and ethical issues that judicial officers may face on the issues of unbundled services provided to litigants and the judicial officer’s role with respect to pro bono services and prepaid legal services.
  3. **Endorsement—Task Force on Judicial Ethics Issues clarification rules on ethics.** The committee endorses the Task Force on Judicial Ethics Issues’ continued examination of any changes needed to clarify the ethical rules with regard to interaction with self-represented litigants, with particular emphasis on the perception of procedural fairness as to demeanor and court rules.
  4. **Proposal—Develop appropriate recommendations for collaborating with law schools.** Develop appropriate recommendations, including methods of working with law schools, to expand the use of their clinical programs to increase pro bono representation for underserved populations.
  
- **Submitted by Civil and Small Claims Advisory Committee**
  1. **Limited scope representation (planned).** The committee will develop rules and forms to facilitate attorney’s providing limited scope representation in civil cases. These will be based on the rules (rules 5.170 and 5.171) and forms (forms FL-950, FL-955, FL-956, and FL-958) for limited-scope representation in family law cases.
  2. **Promotion of mediation and settlement.** No current statewide civil ADR initiatives directly increase the *availability* of affordable legal representation. However, the Early Mediation Pilot Program study found that settlement at mediation substantially reduced litigant costs and attorney hours. Therefore, current and planned ADR projects that promote the availability of successful mediation programs may increase the *affordability* of legal representation.

➤ **Submitted by: Family and Juvenile Law Advisory Committee**

1. **Family Law Facilitators.** The family law facilitator offices are headed by licensed attorneys who provide litigants with free education, information, and referrals to other community legal resources on paternity, child support, and other family law issues specified by statute. State law mandates family law facilitator offices in each of the 58 counties, and funding and program direction are provided through the AOC.

## ATTACHMENT 8

### STRATEGY 8: Expand services to non-English-speaking court users.

*Detailed Advisory Committee Response Plan Proposals: Recommendations, Committee Projects/Tasks, and Endorsements of Ongoing Activities*

#### ➤ Submitted by Access and Fairness Advisory Committee

1. **Adopt a statewide language access policy.** The Access and Fairness Advisory Committee will recommend that the Judicial Council (1) adopt a statewide policy stating that courts will provide necessary language translation and interpreter services for all criminal and civil matters and (2) propose or support legislation to secure the resources necessary to fund the policy.
2. **Create language assistance sheets and bilingual informational material for court staff and court users.** Assistance sheets would be developed with a glossary of commonly used terms and their phonetic pronunciations that would facilitate informing the non-English-speaking litigant to wait for an interpreter or have a seat, or would contain simple phrases such as “one moment please.” Bilingual materials would be provided in a manner that assists court users—for example, allowing them to read the translated document and mark a box to indicate the type of information being sought or the nature of the case to be addressed by court staff.
3. **Cultural competency training for court staff and judges.** Endorse the Court Interpreters Advisory Panel’s proposal to “update and expand current education programs to include cultural behavior and language sensitivity training components.”
4. **Examine the certification process for any barriers it may pose to increasing the interpreter pool.** Endorse the Court Interpreters Advisory Panel’s proposals to increase the numbers of certified and registered interpreters working in the courts by removing barriers preventing noncertified/nonregistered interpreters from becoming certified or registered interpreters; and to conduct an assessment of the certifying agencies and the examination components to ensure that the certified language examinations are accurate measures of each individual’s competency in performing courtroom interpretation and that the rating process is fair and accurate.
5. **Collaboration with local colleges and universities to develop interpreter programs.** Endorse the Court Interpreters Advisory Panel’s proposal to establish a collaborative effort with colleges and universities that is designed to increase or develop professional interpreter curricula and programs.

6. **Increase use of existing technology such as the language line and also telephonic interpreting services.** Endorse the Court Interpreters Advisory Panel's proposal to expand on already existing telephone and video technology to increase access to certified and registered interpreters.
7. **Develop an effective media outreach program to increase the pool of certified and registered court interpreters.** Endorse the Court Interpreters Advisory Panel's proposal to collaborate with internal and external contract media professionals to develop an effective outreach campaign that can be ready to launch in 12 to 18 months.

➤ **Submitted by Civil and Small Claims Advisory Committee**

1. **Instruction sheet for interpreters.** The committee plans to develop an instruction sheet to be used to instruct interpreters on their duties, especially in cases where a nonprofessional interpreter such as a relative or friend is doing the translating.
2. **Expanded services.** The committee supports exploring means to expand court services to non-English-speaking court users in civil cases. Assistance for non-English speakers should be provided not only at trials and hearings, but also in ADR proceedings and other court contexts.
3. **Materials for use in the courtroom.** The committee supports the development of written materials that may be used in the courtroom to assist non-English speakers, including (1) a standard phrase book and (2) handouts containing standard instructions to litigants (such as, "you are ordered to return to the court on a particular date").
4. **Materials on Web sites.** The committee supports the development and provision of written materials and information on the California Courts Web site and local courts Web sites for non-English-speaking litigants.

➤ **Submitted by Collaborative Justice Courts Advisory Committee**

1. **Cultural competency.** This area is to be included in the strategic planning efforts of the committee for 2006. The committee identified cultural competency as one of the essential components of collaborative justice and has determined that a focus on defining and operationalizing this component should be included in the upcoming strategic planning efforts of the committee.

➤ **Submitted by Court Interpreters Advisory Panel**

1. **Certified test standards and procedures (current).** Review/develop standards and clear protocols to ensure that the certified language examinations are accurate measures of each individual's competencies in performing courtroom interpretations. Also, ensure that the rating process is fair and accurate.

2. **Increase interpreter recruitment (planned).** Establish permanent interpreter recruitment campaign based on the successful 2002 pilot project “One Law, Many Languages.” Will emphasize outreach through foreign-language press by means of both print and broadcast media.
3. **Identify barriers (planned).** Survey the noncertified/nonregistered interpreters already working in the court system to identify barriers preventing them from becoming certified/registered interpreters. Use the survey results in making related decisions and recommendations.
4. **Policy recommendation (planned).** The committee will recommend a policy to prioritize court interpreter–provided services in additional case types.
5. **Collaboration with institutions of higher learning (current).** Expand collaboration with educational institutions by identifying available opportunities and options with each one. Create an implementation timeline for each opportunity/option identified.
6. **Telephonic interpreting (current).** Study the technical and fiscal feasibility of expanding/enhancing the use of telephonic interpretation through modernization of audio equipment and using videoconferencing equipment. Review study findings and make an appropriate recommendation.

➤ **Submitted by Family and Juvenile Law Advisory Committee**

1. **Translation of forms and instructional materials.** A list of forms and instructional materials commonly used by self-represented litigants will be developed and translated into Spanish and other languages as funds permit.

**ATTACHMENT 9**  
**PROPOSED OPERATIONAL PLAN AMENDMENTS**

➤ **Submitted by Civil and Small Claims Advisory Committee**

1. Suggested objective: Ensure and improve the quality of temporary judging throughout the state.

*Desired outcomes (by December 31, 2009):*

Implement the new temporary judge rules to ensure that all attorneys who serve as court-appointed temporary judges are fully trained and qualified, that the courts have effective means to administer their temporary judge programs, and that information concerning the use of temporary judges is reported on a regular basis.

2. Suggested objective: Establish high-quality mediation or other settlement programs in all courts where these programs are likely to be beneficial.

*Desired Outcomes (by December 31, 2009):*

- a. One-third of all superior courts will have assessed the potential benefits of implementing a new mediation or settlement program for civil cases.
- b. One-third of all superior courts whose assessments indicated that a new mediation or settlement program is likely to be beneficial will implement such a program.

➤ **Submitted by Criminal Law Advisory Committee**

1. Suggested objective: Improve courts' management of criminal cases.

*Desired outcomes (by December 31, 2009):*

- a. Assist courts in evaluating and identifying practices to reduce delay and increase timely adjudication of criminal cases.
- b. Develop and implement model juror questionnaires to assist courts in increasing efficiency in jury selection.
- c. Evaluate methods that may assist courts in enhancing communications between courts in issuing protective orders in criminal, family law, and civil harassment cases.
- d. Evaluate whether to assist courts in developing and implementing standards for the evaluation and selection of court-appointed counsel.