

Judicial Council of California
Executive and Planning Committee Meeting Minutes
August 12, 2009, 10:30 a.m.–3:00 p.m.
Judicial Council Conference Center, Golden Gate Room

Members Participating: Justice Richard D. Huffman; Judges Peter Paul Espinoza, Thomas M. Maddock, Winifred Younge Smith, Kenneth K. So, and James Michael Welch; and Mr. Raymond G. Aragon and Mr. Michael D. Planet

AOC Members Participating: Mr. Dennis Blanchard, Mr. Steven Chang, Mr. Curt L. Child, Mr. Bob Fleshman, Mr. Ruben Gomez, Mr. Kenneth L. Kann, Ms. Maria Kwan, Mr. Stephen Nash, Mr. Ronald G. Overholt, Ms. Mary M. Roberts, Ms. Nancy E. Spero, and Mr. William C. Vickrey

Minutes

The committee reviewed and approved the minutes of the July 22 and July 28, 2009, meetings.

Proposed Criteria for Use in Evaluating Requests for Exceptions to the Judicial Council's Operating Guidelines and Directives on Minimum Hours for Trial Court Clerk's Offices

The committee reviewed and, on behalf of the Judicial Council, approved recommendations by the AOC's Office of the General Counsel regarding proposed criteria for use in evaluating requests for exceptions to the Judicial Council's Operating Guidelines and Directives on minimum hours for trial court clerk's offices.

Information Only Item

Letter of thanks from Presiding Judge Kim G. Dunning, Superior Court of California, County of Orange regarding conversion of a subordinate judicial officer position.

Agenda Setting for the August 14, 2009, Judicial Council Meeting

The committee reviewed and approved two reports for the August 14 Judicial Council meeting agenda, and further set the agenda for the August 14 business meeting.

Advisory Committee Nominations

The committee reviewed materials and formulated its recommendations to the Chief Justice regarding advisory committee vacancies.

Respectfully submitted,



Ronald G. Overholt
Chief Deputy Director

Judicial Council of California
Executive and Planning Committee
September 8, 2009
Proposal Circulated by E-mail on September 3, 2009

Members Voting: Justice Richard D. Huffman; Judges Thomas M. Maddock, Winifred Younge Smith, and Kenneth K. So; and Mr. Raymond G. Aragon and Mr. Michael D. Planet

Members Absent: Judges Peter Paul Espinoza and James Michael Welch

Staff Participating: Mr. Kenneth L. Kann

Revised Uniform Bail and Penalty Schedules

The committee adopted on behalf of the Judicial Council, under rule 10.11(a) of the Rules of Court, the revised Uniform Bail and Penalty Schedules for September 2009 to include the recently enacted increase of the court security fee. The revised schedules are effective as of September 8, 2009.

Respectfully submitted,



Kenneth L. Kann
Director, Executive Office Programs Division

Judicial Council of California
Executive and Planning Committee Meeting Minutes
September 17, 2009, 12:00 p.m.–1:00 p.m.
Conference Call

Members Participating: Justice Richard D. Huffman; Judges Lee Smalley Edmon, Mary Ann O'Malley, Winifred Younge Smith, Kenneth K. So, and James Michael Welch; and Mr. Frederick K. Ohlrich and Mr. James N. Penrod

AOC Members Participating: Ms. Deborah C. Brown, Ms. Nancy Carlisle, Mr. Curtis L. Child, Ms. Donna Hershkowitz, Ms. Bonnie Hough, Mr. Kenneth L. Kann, Ms. Susan R. McMullan, Ms. Linda N. Nguyen, Mr. Ronald G. Overholt, Mr. Daniel A. Pone, Ms. Mary M. Roberts, Ms. Nancy E. Spero, and Mr. William C. Vickrey

Introduction and Orientation

Justice Richard D. Huffman welcomed and oriented new members to the committee's role and procedures.

Minutes

The committee reviewed and approved the minutes of the August 12, 2009, meeting and the action taken via e-mail on September 8, 2009.

Conversion of SJO Position in the Superior Court of Los Angeles County

The committee reviewed and approved a staff recommendation to confirm the conversion of a vacant commissioner position in the Superior Court of Los Angeles County, effective immediately, and to authorize the court to employ a retired commissioner, if desired, until a judge is named and sworn in the position.

Rule on Public Access to Court Administrative Records

The committee received a report on the statutory requirement that the Judicial Council adopt rules of court by January 1, 2010, that provide public access to nonadjudicative and nondeliberative court records, and the committee reviewed a draft rule. Staff will provide the committee with a copy of the rule proposal that circulates for public comment.

**JUDICIAL COUNCIL OF CALIFORNIA
POLICY COORDINATION AND LIAISON COMMITTEE**

**Conference Call Meeting
July 23, 2009 – 4:30 p.m.**

Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. Brad R. Hill, Vice-Chair; Hon. Terry B. Friedman; Hon. Mary E. Wiss; and Mr. Michael M. Roddy.

Policy Coordination and Liaison Committee members absent: Hon. Carolyn B. Kuhl, Mr. Anthony P. Capozzi, and Mr. Joel S. Miliband.

OGA staff present: Mr. Curtis L. Child, Ms. Donna Hershkowitz, Mr. Daniel Pone, Mr. Janus Norman, and Ms. Yvette Trevino.

Other AOC staff present: Mr. Patrick O'Donnell.

ACTION ITEMS

1. Approval of minutes

The minutes of the May 28, 2009, June 23, 2009, July 2, 2009, and July 13, 2009, conference calls were approved as submitted.

2. Consent Item

Invitation to Comment

a) Electronic Service of Documents

The proposed amendment to section 1010.6 of the Code of Civil Procedure would authorize electronic service not only by means of the electronic transmission of documents, but also by the electronic notification that a document is being served and provision of a hyperlink at which the document may be viewed and downloaded.

PCLC Action: Approved for circulation

3. Discussion Items

a) Update on State Budget and Court Trailer Bill

Curtis Child reported on State Budget and Court Trailer Bill.

PCLC Action: No action required.

OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: Wednesday, August 12, 2009

Respectfully submitted,

Curtis L. Child, Director
Office of Governmental Affairs

**JUDICIAL COUNCIL OF CALIFORNIA
POLICY COORDINATION AND LIAISON COMMITTEE**

**Conference Call Meeting
August 24, 2009 – 4:30 p.m.**

Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. Brad R. Hill, Vice-Chair; Hon. Terry B. Friedman; Hon. Carolyn B. Kuhl; Hon. Mary E. Wiss; and Mr. Anthony P. Capozzi.

Policy Coordination and Liaison Committee members absent: Mr. Joel S. Miliband and Mr. Michael M. Roddy.

OGA staff present: Mr. Curtis L. Child, Ms. Donna Hershkowitz, Ms. June Clark, Mr. Daniel Pone, Ms. Tracy Kenny, Mr. Janus Norman, Mr. Henry Sepulveda, Ms. Monica LeBlond, and Ms. Yvette Trevino.

ACTION ITEMS

1. Approval of minutes

The minutes of the July 23, 2009, conference call were approved as submitted.

2. Consent Items

None

3. Discussion Items

Action on Pending Legislation

a) AB 590 (Feuer), as proposed to be amended – Legal aid

Creates a pilot project to provide legal representation to indigent litigants in specified civil case types including domestic violence, civil harassment, probate conservatorship, elder abuse, child custody matters in which one parent is seeking sole legal or physical custody, and housing-related cases. The pilot project would be funded, beginning July 2011, with the revenue from recently enacted increases to a number of miscellaneous civil court fees that were included in the recently adopted revision of the budget, and are currently being used to backfill cuts in the Trial Court Trust Fund. Pilot would be selected by the Judicial Council and require a partnership between a trial court and a legal services agency, with the trial court responsible for improving self-help, case flow, and/or training in the selected case type(s) and the legal services agency taking the lead role in securing representation for eligible litigants.

PCLC Action: Support, as proposed to be amended.

b) Proposal for Statutory Clarification: Electronic Recording

Clarifies language recently amended into the law defining the circumstances under which electronic recording may be used. Makes the language of Government Code section 69957 consistent with current practice, providing authority to use electronic recording to monitor court room performance of subordinate judicial officers (SJOs), hearing officers, and temporary judges, but not Article VI judges.

PCLC Action: Directed the Office of Governmental Affairs staff to pursue budget clean-up legislation clarifying the monitoring language contained in Government Code section 69957 to more precisely reflect its intent (subject to final language approval).

4. Discussion Items

- a) Update on State Budget Trailer Bill Technical Clean Up: Government Code Sections 68085.1, 68085.3, 68085.4 and 1465.8

Donna Hershkowitz reported on state budget trailer bill technical clean up legislation.

PCLC Action: No action required.

- b) Update on Federal Legislation and Advocacy

Curtis Child reported on Federal Legislation and Advocacy.

PCLC Action: No action required.

- c) Update on Corrections Legislation

June Clark provided an update on the status of prison reform legislation, including the parole reentry court program and the intensive probation supervision program.

PCLC Action: No action required.

OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: Thursday, September 3, 2009

Respectfully submitted,

Curtis L. Child, Director
Office of Governmental Affairs

**JUDICIAL COUNCIL OF CALIFORNIA
POLICY COORDINATION AND LIAISON COMMITTEE**

**Conference Call Meeting
September 3, 2009 – 4:30 p.m.**

Summary Minutes of Meeting

Policy Coordination and Liaison Committee members present: Hon. Marvin R. Baxter, Chair; Hon. Terry B. Friedman; Hon. Carolyn B. Kuhl; Hon. Mary E. Wiss; Mr. Anthony P. Capozzi; Mr. Joel S. Miliband; and Mr. Michael M. Roddy.

Policy Coordination and Liaison Committee members absent: Hon. Brad R. Hill, Vice-Chair.

OGA staff present: Mr. Curtis L. Child, Ms. Donna Hershkowitz, Ms. June Clark, Ms. Tracy Kenny, Mr. Janus Norman, Ms. Monica LeBlond, and Ms. Yvette Trevino.

Other AOC staff present: Mr. Patrick O'Donnell and Mikayla Connell.

ACTION ITEMS

1. Approval of minutes

The minutes of the August 24, 2009, conference call were approved as submitted.

2. Consent Items

None

3. Discussion Items

Invitation to Comment

a) Management of Trial Court Records: Proposed Legislation

Recommends that two sections of the Government Code relating to the management of trial court records be amended to enable courts to modernize the methods of creating, maintaining, and preserving records.

PCLC Action: Note: Moved from proposed consent to discussion. Approved for circulation.

4. Information Update

a) Update on State Budget Trailer Bill Technical Clean Up: Government Code Sections 68085.3, 68085.4, 69957, 20969.1; and Penal Code Section 1465.8.

Janus Norman reported on state budget trailer bill technical clean up legislation.

PCLC Action: No action required.

b) Update on Corrections Legislation

June Clark reported on the status of prison reform legislation, including the parolee reentry court program and the intensive probation supervision program.

PCLC Action: No action required.

OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: Thursday, October 1, 2009

Respectfully submitted,

Curtis L. Child, Director
Office of Governmental Affairs

Minutes

Rules and Projects Committee Meeting

Monday, December 8, 2008

10:00 a.m. – 12:30 p.m.

Catalina Room

Administrative Office of the Courts, 3rd Floor

Members present: Hon. Dennis Murray (Chair), Hon. George A. Abdallah (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, Hon. Lon Hurwitz, Hon. Jamie Jacobs-May, Mr. John Mendes, and Mr. James Penrod.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff present: Ms Heather Anderson, Ms. Tamara Abrams, Ms. Audrey Fancy, Mr. Douglas C. Miller, Ms. Anne Ronan, and Ms. Gabrielle Selden.

Orientation

Orientation to the roles and responsibilities of the Rules and Projects Committee

Members and staff introduced themselves and provided a brief summary of their professional experience. Committee staff provided an overview of the Rules and Projects Committee and its role and responsibilities.

Proposals to recommend circulation for comment

Civil and Small Claims

Item 1 Civil: Fee Waiver Rules and Forms

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Invitation to Comment summary:

Page 4, discussion re: rules: Invite comments on whether amended rule 3.54 should include (1) specific standards for determining whether the confidential information be released and (2) provisions limiting the use of such information upon release. Also, consider asking whether rules should include authorization for access to a court agency.

Page 11: Revise last heading to read “Appellate Court Fee Waiver Rules and Forms.”

Generally in rules:

To maintain consistent terminology change “initial fee waiver” to “initial waiver” after first instance in rule 3.50.

Rule 3.50, last sentence: Revise to read “determine that the previously waived fees and costs be paid.”

Rule 8.821(c)(1): Add “and that order has not been terminated or revoked” after “issued an order.”

APP-015/FW-015-INFO, “What fees and costs will the court waive”, second paragraph, 3rd line: Delete “See rules.”

FW-001, item 4: Change “cancel” to “waive.”

FW-002 Item 3: Correct “in any” to “if any.”

FW-003:

Item 4, third option: Correct to reflect current form name.

Item 4.c.: Delete the option “Court fees for telephonic or oral argument.”

FW-010, item 4: Add a space between “Fee” and “Waiver.”

FW-012 Item 6.d.2: Add “Court fees for” before “Phone Hearings.”

Item 2 **Civil Form: Disability Access Litigation** (adopt *Important Information for Building Owners and Tenants* (form DAL-001).

Action: The Rules and Projects Committee approved circulation for comment.

Probate and Mental Health Advisory Committee

Item 3 **Guidelines for Court Investigators and Examiners in Reviewing the Accountings of Conservators and Guardians**

Item withdrawn by the advisory committee.

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

Action: The Rules and Projects Committee approved circulation for comment.

- Item 5** **A Guardianship Petitioner’s Duty to Inquire About the Proposed Ward’s Status as an Indian Under the Indian Child Welfare Act** (revise form GC-210(CA))

Item withdrawn by the advisory committee.

- Item 6** **Changes in Conservatorship and Guardianship Forms to Reflect 2008 Legislation and the Professional Fiduciaries Act** (revise forms GC-310, GC-314, and GC-212)

Action: The Rules and Projects Committee approved circulation for comment.

Family and Juvenile

- Item 7** **Family Law: Domestic Violence Prevention Act forms** (revise Judicial Council forms DV-100, DV-110, DV-120, DV-130, DV-210, DV-510, DV-540, and adopt form DV-115)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Invitation to Comment summary: Add request for comment on whether, if an order is denied a new form should be created for the petitioner to ask for the matter to be taken off calendar (DV-115, item 3).

In all forms: Change “Pets and Livestock” to “Animals.”

DV-110, item 13: Add “incl. animals” after “any property.” Update other forms as necessary.

DV-116-INFO, item 2, first bullet: Add”; or must have been a cohabitant or former cohabitant (Family Code 6209, 6211); or involved with you in a past or present dating/engagement relationship (Family Code 6210, 6211); or be subject to a paternity action involving your child (Family Code 6211(e))” after “by marriage.”

Other Business

- Item 8** **Approve Minutes: October 3 and November 14 meeting minutes**

Action: The Rules and Projects Committee approved the minutes with the following modifications:

November 14, 2008, members present: Change to “Hon. Lee Smalley Edmon.”

Approved by the committee on September 2, 2009

Minutes

Rules and Projects Committee Teleconference

Wednesday, March 18, 2009

10:00 a.m. – 12:00 p.m.

Members present: Hon. Dennis Murray (Chair), Hon. George A. Abdallah (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, Hon. Lon Hurwitz, and Hon. Sharon J. Waters.

Members absent: Mr. John Mendes, and Mr. James Penrod.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff present: Ms. Tamara Abrams, Ms. Audrey Fancy, Mr. Douglas C. Miller, and Ms. Gabrielle Selden.

Proposals to recommend Judicial Council approval

Probate and Mental Health Advisory Committee

Item 1 **Changes in Conservatorship and Guardianship Forms to Reflect 2008 Legislation and the Professional Fiduciaries Act** (revise forms GC-310, GC-314, and GC-212)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Family and Juvenile

Item 2 **Family Law: Protection for Specified Animals** (revise Judicial Council forms DV-100, DV-110, DV-120, DV-130, DV-170, DV-210-INFO, and DV-510-INFO)

Action: The Rules and Projects Committee deferred action on this item until March 27, 2009.

The Rules and Projects Committee requests that staff consider and return with a recommendation on how to elicit a demonstration of right of possession and good cause for protecting an animal.

Miscellaneous

Item 3 **Family Law: Summary Dissolution** (revise forms FL-800 and FL-810)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Item 4 **Rules and Forms: Miscellaneous Technical Changes** (amend Cal. Rules of Court, rules 2.260, 8.486, 8.860, 8.862, 8.863, 8.869, 8.8916, 8.1010, and 8.1105; and revise forms CR-135, CR-161, CR-290, CR-290.1, CR-292, INT-110, MC-025, SUBP-002, TR-INST, and WG-002)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Approved by the committee on September 2, 2009

Minutes

Rules and Projects Committee Teleconference

Friday, March 27, 2009

12:00 – 1:00 p.m.

Members present: Hon. Dennis Murray (Chair), Hon. George A. Abdallah (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, and Hon. Lon Hurwitz.

Members absent: Mr. John Mendes, Mr. James Penrod, and Hon. Sharon J. Waters.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff present: Ms. Tamara Abrams, Ms. Heather Anderson, Ms. Audrey Fancy, Ms. Anne Ronan, and Ms. Gabrielle Selden.

Proposals to recommend Judicial Council approval

Item 1 **Family Law: Protection for Specified Animals** (revise Judicial Council forms DV-100, DV-110, DV-120, DV-130, DV-170, DV-210-INFO, and DV-510-INFO)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.

Item 2 **Alternative Dispute Resolution: Extend Effective Date of New and Amended Rules on Requirements for Addressing Complaints About Court-Program Mediators** (Cal. Rules of Court, rules 3.865–3.872)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.

Item 3 **Civil and Appellate Fee Waiver Rules and Forms** (adopt new rules 3.57 and 8.26; amend rules 1.31, 3.50, 3.51, 8.100, 8.122, 8.128, 8.821, 8.832, and 8.833 of the California Rules of Court; repeal rules 3.52, 3.53, 3.54, 3.55, 3.58, and 3.59; amend and renumber rules 3.56, 3.57, 3.60, 3.61, 3.62, and 3.63 as rules 3.52, 3.53, 3.54, 3.55, 3.56, and 3.58, respectively; revoke Judicial Council form FW-004; revise forms FW-001, FW-001-INFO, FW-002, FW-003, FW-005, FW-006, CIV-110, SUM-100, SUM-110, SUM-120, SUM-130, SUM-140, SUM-145, FL-110, APP-101-INFO, and APP-103; and adopt forms FW-007, FW-008, FW-010, FW-011, FW-012, FL-336, FL-337, FL-338; APP-015/FW-015-INFO and APP-016/FW-016)

Action: The Rules and Projects Committee recommended approval

on the Judicial Council's consent agenda with the following modifications:

Rule 3.54(b): The Rules and Projects Committee requested that the Civil and Small Claims Advisory Committee consider if and how access to confidential records may be granted in a manner other than by noticed motion, for instance in fraud or criminal investigations

Rule 3.57: Change to read "any party to a civil action..."

Rule 3.58: Change to read "you may ask the court to permit you..."

FL-110, Standard Family Law Restraining Orders: The Rules and Projects Committee requested that the Family and Juvenile Law Advisory Committee consider if and how to include reference to any orders on the protection of animals, possibly tracking form DV-170, might be included in a future revision.

Approved by the committee on September 2, 2009

Minutes

Rules and Projects Committee Meeting

Thursday, April 2, 2009

12:00-1:00 p.m.

800-644-1474

Members present: Hon. Dennis Murray (Chair), Hon. George A. Abdallah (Vice-Chair), Hon. Tani Cantil-Sakauye, and Hon. Lon Hurwitz, Hon. Sharon J. Waters.

Members absent: Hon. Lee Smalley Edmon, Mr. John Mendes and Mr. James Penrod.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff present: Mr. Bruce Greenlee.

Item 1 Civil Jury Instructions: Approve Publication of Revisions

Action: The Rules and Projects Committee approved publication of 28 instructions, and recommended approval of the publication of 43 new, revised, and revoked instructions and verdict forms on the Judicial Council's consent agenda with the following modifications:

Instruction 1207B:

First two paragraphs: Change four instances of "name of third person" to "name(s) or description(s) of nonparty tortfeasor(s)."

Approved by the committee on September 2, 2009

Minutes

Rules and Projects Committee Meeting

Wednesday, April 15, 2009

11:00 a.m. - 5:00 p.m.

RUPRO members present: Hon. Dennis Murray (Chair), Hon. George A. Abdallah (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, Hon. Lon Hurwitz, and Hon. Sharon J. Waters.

Members absent: Mr. James Penrod.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff present: Ms. Tamara Abrams, Ms. Heather Anderson, Ms. Melissa Ardaiz, Mr. Arturo Castro, Ms. Donna Clay-Conti, Ms. Kerry Doyle, Ms. Audrey Fancy, Ms. Bonnie Rose Hough, Mr. Douglas C. Miller, Mr. Patrick O'Donnell, Ms. Anne Ronan, Ms. Gabrielle Selden, Mr. Jim Vesper, Ms. Bobbie Welling, Mr. Alan Wiener, Mr. Michael Wright, and Ms. Carrie Zoller.

Others present: Hon. Laurence D. Kay.

Annual Agenda Review

Item 1 Annual Agenda Review: Domestic Violence Practice and Procedure Task Force

Action: The Rules and Projects Committee approved the annual agenda.

Proposals to circulate for public comment

Domestic Violence

Item 2 Domestic Violence: Judicial Education on Domestic Violence Issues (adopt Cal. Rules of Court, rule 10.464)

Action: The Rules and Projects Committee approved circulation for comment.

Item 3 Domestic Violence: Firearms Relinquishment in Criminal Cases (adopt Cal. Rules of Court, rule 4.170)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Rule 4.700:

In general: Delete “court” from “criminal court protective order” throughout.

(b)(1): add “and” at the end of the sentence.

(d)(1): Change to read:

“At the review hearing, if the court finds that the defendant has a firearm in or subject to his or her immediate possession or control, the court must consider whether bail, as set, or defendant’s release on own recognizance is appropriate.”

Delete subparagraphs (A)–(D).

Criminal

Item 4 **Criminal Law: Felony Notice of Appeal** (revise form CR-120)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Form CR-120:

Title box: Add “and Rehabilitation” after “Dept. of Corrections.”

Notice: Change “entered” to “rendered.”

Item 5 **Criminal Law: Deadlines for Filing Pretrial Motions** (amend Cal. Rules of Court, rule 4.111(a))

Action: The Rules and Projects Committee approved circulation for comment.

Item 6 **Criminal Law: Misdemeanor Domestic Violence Plea Form**
(approve form CR-102)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

CR-102, item 6: Add restitution fine and victim restitution to list.

Item 7 **Criminal Law: Petitions for Writs of Habeas Corpus** (revise form MC-275)

Action: The Rules and Projects Committee approved circulation for comment.

Item 8 **Criminal Law: Petition and Order for Dismissal** (revise forms CR-180 and CR-181)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

CR-180, item 3.c: Change “may” to “must.”

Item 9 **Criminal Law: Felony Plea Form** (revise form CR-101)

Action: The Rules and Projects Committee approved circulation for comment.

Criminal and Family and Juvenile

Item 10 **Criminal and Juvenile Law: Subpoena Standby Agreement**
(approve form CR-125(A)/JV-525(A))

Action: The Rules and Projects Committee approved circulation for comment.

Family and Juvenile

Item 11 **Family Law: Child Custody Evaluations** (amend Cal. Rules of Court, rule 5.220; revise form FL-327; approve form FL-327-INFO; adopt form FL-328)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Invitation to Comment summary: Add request for comment on whether the first bullet on FL-327-INFO, under “What do I need to do...” should be modified to allow for instances where the evaluator makes the first contact.

FL-327, items 3 and 4: Add check boxes before “See attached...”

FL-327-INFO: Under “What will the evaluator do?”: Add “interview others who had contact with the child.”

- Item 12** **Child Support: Revised Forms to Implement Changes to the Family Code and Improve Administration of Title IV-D Cases** (revise forms FL-342, FL-350, FL-530, FL-615, FL-618, FL-625, FL-630, FL-665, FL-684, FL-687, FL-688 and FL-692)
- Action:** The Rules and Projects Committee approved circulation for comment with the following modifications:
- Generally:* Replace the phrase “limiting age” with “the age when the child is no longer considered eligible for coverage as a dependent under the insurance contract.”
- Change “party” to “parent.”
- FL-615, item 3.q:* Delete check box, and change sentence to read “Under Family Code section 17404 _____ is added as a party.”
- Item 13** **Juvenile Law: Deferred Entry of Judgment** (amend Cal. Rules of Court, rule 5.800; revise form JV-751)
- Action:** The Rules and Projects Committee approved circulation for comment.
- Item 14** **Juvenile Law: Review and Permanency Hearings in Dependency Proceedings** (amend Cal. Rules of Court, rules 5.695, 5.710, 5.715, and 5.720; adopt rules 5.706, 5.708, and 5.722)
- Action:** The Rules and Projects Committee approved circulation for comment.
- Item 15** **Juvenile Law: Prisoner’s Telephonic Participation at Hearing Affecting Parental Rights** (amend Cal. Rules of Court, rule 5.530, revise Form JV-450, and approve Form JV-451)
- Action:** The Rules and Projects Committee approved circulation for comment.
- Item 16** **Juvenile Law: Presence and Participation of Child at Hearings** (amend Cal. Rules of Court, rules 5.534 and 5.725)
- Action:** The Rules and Projects Committee approved circulation for comment with the following modifications.
- Rule 5.534(p):* Correct “resence” to “presence.”
- Rule 5.725(d):* Withdraw this amendment.

Item 17 **Juvenile Law: Request to Change Court Order** (amend Cal. Rules of Court, rule 5.570)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Rule 5.570: Change “application” to “petition.”

Item 18 **Juvenile Law: Required Information for Child Attaining Age of Majority** (revise form JV-365)

Action: The Rules and Projects Committee approved circulation for comment.

Item 19 **Juvenile Law: Nondiscrimination in the Appointment of Court Appointed Special Advocates (CASAs)** (amend Cal. Rules of Court, rule 5.655)

Action: The Rules and Projects Committee approved circulation for comment.

Item 20 **Juvenile Law: Affidavit under Penalty of Perjury** (revise form JV-210)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

JV-210: Delete item 9.

Probate and Mental Health

Item 21 **Self-Representation by Fiduciaries in Civil Cases** (adopt Cal. Rules of Court, rule 7.15; revise Judicial Council forms MC-050, MC-051, and MC-053).

Action: The Rules and Projects Committee deferred action on this item until its April 22, 2009, meeting, and suggested the following modifications:

Consider adding a provision mirroring rule 9.43(g) to add that the court that a person wishes to appear in will decide whether the person is entitled to appear.

Clarify rule 7.15(c) to make sure that non-attorney fiduciaries

understand that there could be civil cases where they might represent themselves.

Advisory committee staff was directed to contact Supreme Court staff to discuss the affect of the rule [or this proposal] on the Supreme Court's authority to regulate the practice of law

Item 22 **Probate Conservatorships and Guardianships: Value of estate property for purposes of setting the amount of the surety bond for the cost of recovery on the bond** (amend Cal. Rules of Court, rule 7.207)

Action: The Rules and Projects Committee approved circulation for comment.

Item 23 **Guidelines for Probate Examiners and Court Investigators to Assist Them in Reviewing Accountings of Conservators and Guardians and Detecting Fraud** (adopt and authorize distribution of guidelines)

Action: The Rules and Projects Committee approved circulation for comment.

Probate and Civil and Small Claims

Item 24 **Compromises of the claims of minors and actions involving minors or disabled persons, and disposition of the proceeds of judgments in favor of minors or disabled persons** (amend Cal. Rules of Court, rules 7.101, 7.950, and 7.955; and adopt rule 7.950.5; revise Judicial Council forms MC-350 and MC-351; adopt form MC-350(EX); and approve form MC-350(A-13b(5)))

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Rule 7.950.5(c)(1): Add “within 10 days of the filing of the petition” after “an interested party.”

Item 25 **Access to Electronic Records: Records in Proceedings to Compromise the Claims of Minors or Persons with a Disability** (amend Cal. Rules of Court, rule 2.503)

Action: The Rules and Projects Committee approved circulation for comment.

Court Technology

- Item 26** **Electronic Filing and Service: Changes to the Rules** (adopt Cal. Rules of Court, rule 2.251; amend rules 2.256, 2.257, and 2.260)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Rule 2.260:

(a)(2): Delete “indicates that the party.”

(a)(2)(C): Move (C) to a separate subparagraph (3). At the end of the paragraph, add “A court that provides for electronic filing in small claims cases must provide a means for a party filing electronically to indicate if it does not consent to electronic service in the case.”

- Item 27** **Forms for Electronic Service: *Consent to Electronic Service and Change of Electronic Notification Address*** (approve forms EFS-005 and EFS-010)

Action: The Rules and Projects Committee approved circulation for comment.

- Item 28** **Forms for Electronic Service: Adopt new *Proof of Electronic Service, Attachment to Proof of Electronic Service (Documents Served), Attachment to Proof of Electronic Service (Additional Persons Served), and revise *Proof of Service-Civil**** (adopt forms POS-050/EFS-050, POS-050(D)/EFS-050(D), and POS-050(P)/EFS-050(P); and revise *Proof of Service-Civil* (form POS-040))

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

POS-040, item 6.f.: Change to “Based on a court order or a party’s consent”

Judicial Administration

- Item 29** **Judicial Branch Internal Access to Electronic Court Records and Information** (adopt Cal. Rules of Court, rule 10.816)

Action: The Rules and Projects Committee deferred action on this proposal.

The committee asked that this proposal be coordinated with the Court Technology Advisory Committee and the Trial Court Presiding Judges Advisory Committee, and other entities as appropriate.

Civil and Small Claims

Item 30 **Civil Discovery: Deposition Subpoenas in Actions Pending Outside California** (adopt forms SUBP-030, SUBP-035, SUBP-040, SUBP-045, and SUBP-050)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

SUPB-035, item 1.b.: Change “at the witness’s address” to “at the address in item 1.”

SUBP-050: Delete “Deposition” from the title.

Item 31 **Name Change: Confidential Name Change Rules and Forms** (adopt Cal. Rules of Court, rules 2.575, 2.576, and 2.577; (adopt forms NC-400, NC-400-INFO, NC-410, and NC-420; approve form NC-425; and revise form NC-100)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Rule 2.575(e): Correct reference from “1722(b)” to “1277(b).”

Rule 2.576(b): Add “at the Secretary of State Safe at Home program” after “petitioner.”

Rule 2.577(d)(1): Clarify to read “The party requesting that a record be filed under seal must lodge it with the court in a sealed envelope.”

NC-425, item 3: Change “10 day” to “10 days.”

Item 32 **Civil Forms: Attachment Forms, Financial Abuse of Elder or Dependent Adults** (revise forms AT-105, AT-115, AT-120, AT-125, AT-130, and AT-140)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

ATT-140, item 2.c.: Change “maybe” to “may be.”

- Item 33** **Civil Forms: *Notice of Intent to Appear by Telephone*** (adopt form CIV-020)
- Action:** The Rules and Projects Committee approved circulation for comment with the following modifications:
- CIV-020, item 1:* Add “Other” as an option.
- Item 34** **Administrative Record in CEQA Actions** (adopt Cal. Rules of Court, rules 3.1365, 3.1366, 3.1367, and 3.1368)
- Action:** The Rules and Projects Committee approved circulation for comment.
- Item 35** **Statement of Decision** (amend Cal. Rules of Court, rule 3.1590)
- Action:** The Rules and Projects Committee approved circulation for comment.
- Item 36** **Small Claims Plain-Language Forms** (adopt forms SC-200 and SC-202A; approve forms SC-112, SC-113, SC-150, SC-152, SC-200-INFO, SC-220, SC-220-INFO, SC-221, SC-222 and SC-290; and revoke forms SC-106, SC-110, SC-111, SC-130, and SC-132)
- Action:** The Rules and Projects Committee approved circulation for comment.
- Item 37** **Alternative Dispute Resolution (ADR): Qualifications of Mediators in Court-Connected Mediation for General Civil Cases** (amend Cal. Rules of Court, rule 10.781 and the advisory committee comments to rules 3.851 and 3.865, and approve model qualifications standards for mediators in court-connected mediation programs for general civil cases)
- Action:** The Rules and Projects Committee approved circulation for comment with the following modifications:
- Rule 3.851:* Clarify that the rule applies to a mediator chosen solely by the parties if that person happens to be on a court’s list.
- Item 38** **Alternative Dispute Resolution: Access to Hearings and Records in Proceedings Before Temporary Judges and Referees** (adopt Cal. Rules of Court, rules 2.833, 3.930, 3.931, and 3.932; amend rules 2.400, 3.902, and 3.926: amend and renumber rules 2.833, 2.834, and 3.909 as 2.834, 2.835, and 3.907, respectively; and repeal rules 3.907, 3.908, 3.910, and 3.927)

Action: The Rules and Projects Committee approved circulation for comment.

Access and Fairness

Item 39 **Court-Appointed Temporary Judges: Recruitment, Selection, and Appointment of Temporary Judges** (amend Cal. Rules of Court, rules 10.741 and 10.743)

Action: The Rules and Projects Committee deferred action on this proposal.

The committee asked that the Access and Fairness Advisory Committee consider making the rule permissive rather than directive. Additionally, the advisory committee should consider whether to include an exemption for small courts, and to modify the rule to leave it to a court's discretion to determine where to publicize the opportunity to serve as a temporary judge.

Appellate and Access and Fairness

Item 40 **Appellate Procedure: Time for Review of Decisions Regarding Request for Accommodations** (amend Cal. Rules of Court, rule 1.100 and revise *Request for Accommodations by Persons with Disabilities and Response* (form MC-410))

Action: The Rules and Projects Committee approved circulation for comment.

Appellate and Civil and Small Claims

Item 41 **Civil Actions: Notice of Entry of Judgment or Order** (adopt form CIV-030)

Action: The Rules and Projects Committee approved circulation for comment.

Appellate and Trial Court Presiding Judges

Item 42 **Appellate Procedure: Videoconferencing Oral Argument in the Superior Court Appellate Division** (amend Cal. Rules of Court, rules 8.885 and 8.929)

Action: The Rules and Projects Committee approved circulation for comment.

Appellate and Family and Juvenile

Item 43 **Appellate Procedure: Appeals and Writ Proceedings in Juvenile Dependency and Delinquency Cases** (adopt Cal. Rules of Court rules 5.585, 8.401, 8.403, 8.404, 8.405, 8.406, 8.410, and 8.411; amend rules 5.595, 8.400, 8.412, 8.416, 8.450, 8.452, 8.454, and 8.456; amend and renumber rules 5.585, 8.404, and 8.408 as rules 5.590, 8.407, and 5.409, respectively; renumber rule 8.406 as rule 8.408; repeal rules 5.590 and 5.600; and revise form JV-820)

Action: The Rules and Projects Committee approved circulation for comment.

Appellate

Item 44 **Appellate Procedure: Time for Filing Notice of Appeal in a Civil Case** (amend Cal. Rules of Court, rule 8.104)

Action: The Rules and Projects Committee approved circulation for comment.

Item 45 **Appellate Procedure: Civil Case Information Statement** (revise form APP-004)

Action: The Rules and Projects Committee approved circulation for comment.

Item 46 **Appellate Procedure: Record on Appeal** (adopt Cal. Rules of Court, rule 8.819; amend rules 2.1040, 8.122, 8.124, 8.147, 8.320, 8.336, 8.832, 8.861, 8.862, 8.864, and 8.915; renumber rule 8.160 as rule 8.46; approve forms APP-010 and APP-110; and revise forms APP-003 and APP-103)

Action: The Rules and Projects Committee approved circulation for comment.

Item 47 **Appellate Procedure: Time for Filing Briefs** (amend rules 8.212 and 8.882; adopt new form APP-106; revise forms APP-006 and APP-101-INFO; and renumber form APP-106 as form APP-107).

Action: The Rules and Projects Committee approved circulation for comment with the following modifications.

APP-006, item 8: Delete “have been.”

Item 48 **Appellate Procedure: Petitions for Writs of Supersedeas** (amend Cal. Rules of Court, rules 8.112 and 8.824)

Action: The Rules and Projects Committee approved circulation for comment.

Approved by the committee on September 2, 2009

Minutes

Rules and Projects Committee Meeting

Wednesday, April 22, 2009

11:00 a.m. - 3:15 p.m.

RUPRO members present: Hon. Dennis Murray (Chair), Hon. George A. Abdallah (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, Hon. Lon Hurwitz, and Hon. Sharon J. Waters.

Members absent: Mr. James Penrod.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff present: Ms. Heather Anderson, Mr. Arturo Castro, Mr. Bruce Greenlee, Ms. Bonnie Rose Hough, Mr. Douglas C. Miller, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Anne Ronan, Ms. Robin Seeley, Mr. Courtney Tucker, Ms. Jennifer Walter, Ms. Julia Weber.

Others present: Hon. Jerilyn L. Borack, Hon. Marjorie Laird Carter, Hon. H. Walter Croskey, Hon. Susan D. Huguenor, Hon. Laurence D. Kay, Hon. Sandra L. Margulies, Hon. Dennis M. Perluss, Hon. Steven Z. Perren, Hon. Deborah A. Ryan, and Hon. Kathryn Doi Todd.

Item 1 Criminal Law Advisory Committee

Action: The Rules and Projects Committee approved the annual agenda.

Item 2 Advisory Committee on Civil Jury Instructions

Action: The Rules and Projects Committee approved the annual agenda.

Advisory Committee on Criminal Jury Instructions

Action: The Rules and Projects Committee approved the annual agenda.

Item 3 Appellate Advisory Committee

Action: The Rules and Projects Committee approved the annual agenda.

The Rules and Projects Committee requested that the Appellate Advisory Committee consider working with the Education Division and the Governing Committee of CJER to develop training for judges and research attorneys in the appellate division of the superior court.

Item 4 Probate and Mental Health Advisory Committee

Action: The Rules and Projects Committee approved the annual agenda.

Item 5 Traffic Advisory Committee

Action: The Rules and Projects Committee approved the annual agenda with the following modifications:

Page 2: Delete “Draft legislation and” in project entitled “Develop Procedure for Trial By Written Declaration in Absentia under Vehicle Code Section 40903.”

Item 6 Civil and Small Claims Advisory Committee

Action: The Rules and Projects Committee approved the annual agenda.

Item 7 Family and Juvenile Law Advisory Committee

Action: The Rules and Projects Committee approved the annual agenda.

Item 8 Task Force on Self-Represented Litigants

Action: The Rules and Projects Committee approved the annual agenda.

Item 9 Elkins Family Law Task Force

Action: The Rules and Projects Committee approved the status report.

Item 10 California Blue Ribbon Commission on Children in Foster Care

Action: The Rules and Projects Committee approved the status report.

RUPRO

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Item 11 **Self-Representation by Fiduciaries in Civil Cases** (adopt rule 7.15 of the California Rules of Court; revise Judicial Council forms MC-050, MC-051, and MC-053)

Action: The Rules and Projects Committee approved circulation for comment.

Approved by the committee on September 14, 2009

Minutes

Rules and Projects Committee Teleconference Meeting

Wednesday, June 10, 2009

12:00 a.m. - 1:00 p.m.

800-644-1474

Members present: Hon. Dennis E. Murray (Chair), Hon. George Abdallah, Jr. (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, Hon. Lon Hurwitz, Mr. James Penrod, and Hon. Sharon J. Waters.

Members absent: Mr. Michael M. Roddy.

RUPRO staff present: Ms. Deborah Brown, and Ms. Camilla Kieliger.

AOC staff present: Ms. Tamara Abrams, Ms. Bonnie Rose Hough, Mr. Kenneth Kann, Mr. Patrick O'Donnell, and Ms. Nancy Spero.

Item 1 **Protective Orders: Elder and Dependent Adult Abuse Prevention**
(revise forms EA-100, DV-260/CH-102/EA-102, EA-120, and EA-130)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

Form EA-100: Move items 5 and 11 to page one;

Item 5: Change to read: "Are you asking for protection for any other family or household members or the conservator of the person named in (1)? If 'yes,' list those persons:"

Item 11: Change to read: "If you are asking in (5) for protection for any family or household members or the conservator of the person in (1), why do they need protection?"

Form EA-130:

Item 5: "In addition to the person named in (1), the following family or household members or conservator of that person are protected by the orders indicated below:"

Item 15(b)(2): Change to read "must personally serve a copy of this Order on the person in ~~(1)~~ (2)."

Item 2 **Family Law: Domestic Violence Prevention Act forms** (revise Judicial Council form DV-110, *Notice of Hearing*, DV-125, *Reissue Temporary Restraining Order*, DV-126-INFO, *How to Reissue a Temporary Restraining Order*, DV-130, *Restraining Order After Hearing*, DV-140, *Child Custody and Visitation Order*, DV-200,

Proof of Service (In Person), DV-210, What Is “Proof of Service”?, DV-250, Proof of Service by Mail, DV-510-INFO, I Filled Out the Forms – What Now?, and DV-540-INFO, Information for the Restrained Person; adopt form DV-111, Temporary Restraining Order and approve form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order.)

Action: The Rules and Projects Committee approved circulation for comment with the following modifications:

DV-110, item 4.b.: Change to read “The temporary restraining order is **DENIED** for the reasons stated below.”

Item 3 Proposed Process for Amending Rules of Court to Make them Consistent with Governance Policies

Action: The Rules and Projects Committee approved the proposed process, pending review of the rules proposed.

Approved by the committee on September 14, 2009.

Minutes

Rules and Projects Committee Meeting

Thursday, July 8, 2009

12:00-1:00 p.m.

800-644-1474

Members present: Hon. Dennis Murray (Chair), Hon. George A. Abdallah (Vice-Chair), Hon. Tani Cantil-Sakauye, Mr. James Penrod, Mr. Michael M. Roddy, and Hon. Sharon J. Waters.

Members absent: Hon. Lee Smalley Edmon, and Hon. Lon Hurwitz.

RUPRO staff present: Ms. Deborah Brown, and Ms. Camilla Kieliger.

AOC staff present: Ms. Robin Seeley.

Item 1 Criminal Jury Instructions: Approve Publication of Revisions

Action: The Rules and Projects Committee approved publication of 33 instructions, and recommended approval of the publication of 43 new, revised, and revoked instructions on the Judicial Council's consent agenda with the following modifications:

Instruction 603:

Revise the last paragraph of the instruction to clarify language in future revisions.

Instruction 2111:

This proposed revision is withdrawn.

Instruction 2131:

The Criminal Jury Instructions Advisory Committee will review the added language of "and had reasonable cause" before submitting to the Judicial Council.

Instruction 2377:

Add "4th" after "163 Cal.App." in the added citation.

Approved by the committee on September 14, 2009.

Minutes

Rules and Projects Committee Teleconference Meeting

Tuesday, July 14, 2009

12:00 - 1:00 p.m.

800-644-1474

Members present: Hon. Dennis E. Murray (Chair), Hon. George Abdallah, Jr. (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, Hon. Lon Hurwitz, and Hon. Sharon J. Waters, and Mr. Michael M. Roddy.

Members present: Mr. James Penrod.

RUPRO staff present: Ms. Deborah Brown, and Ms. Camilla Kieliger.

AOC staff present: Ms. Nancy Carlisle, Mr. Kenneth Kann, and Ms. Nancy Spero.

Item 1 **Judicial Administration Rules: Changes to Conform to Policy and Practice** (amend Cal. Rules of Court, rules 1.4, 10.1, 10.2, 10.10, 10.11, 10.12, 10.13, 10.14, 10.30, 10.34, 10.70, 10.80, 10.81, and 10.101)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with the following modifications:

Rule 10.1(a)(1): Add "by the judicial branch" before "for the benefit".

Rule 10.12(c): Clarify that the subdivision specifically addresses the role of PCLC in the area of communication and coordination.

Rule 10.34:

(b)(2): Add "as stated in the rules of court" after "general charge".

(e)(1): Change to read "assist the chair in presenting the committee's recommendations."

Add "if directed to do so by the Administrative Director of the Courts" at the end of the paragraph.

Rule 10.30(e): Change title to read "existing advisory ~~bodies~~ committees." Delete Reviser's Notes item 5.

Item 2 **Further RUPRO discussion re: Family and Juvenile Law Advisory Committee Annual Agenda**

Information item only, no action required.

Approved by the committee on September 14, 2009.

Minutes

Rules and Projects Committee Meeting

Wednesday, September 2, 2009

11:00 a.m. - 4:05 p.m.

Redwood Room

Administrative Office of the Courts, 3rd Floor

RUPRO members present: Hon. Dennis Murray (Chair), Hon. George A. Abdallah (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, Hon. Lon Hurwitz, Mr. James Penrod, Mr. Michael M. Roddy, and Hon. Sharon J. Waters.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff present: Ms. Heather Anderson, Ms. Melissa Ardaiz, Ms. Mara Bernstein, Mr. Arturo Castro, Ms. Donna Clay-Conti, Ms. Kerry Doyle, Ms. Audrey Fancy, Ms. Bonnie Rose Hough, Mr. Douglas C. Miller, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Anne Ronan, Ms. Gabrielle Selden, Mr. Jim Vesper, Ms. Jennifer Walter, Ms. Julia Weber, Ms. Bobbie Welling, Mr. Alan Wiener, and Ms. Carrie Zoller.

Proposals to recommend Judicial Council approval

Appellate

Item 1 **Appellate Procedure: Time for Filing Notice of Appeal in a Civil Case** (amend Cal. Rules of Court, rule 8.104)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Item 2 **Appellate Procedure: Appellate Procedure: Civil Case Information Statement** (revise form APP-004)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda, with the following modification:

Form APP-004: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Item 3 **Appellate Procedure: Record on Appeal** (adopt Cal. Rules of Court, rule 8.819; amend rules 2.1040, 8.122, 8.124, 8.147, 8.320, 8.336, 8.861, 8.862, 8.864, and 8.915; renumber rule 8.160 as rule 8.46; approve forms APP-010, APP-011, and APP-110; and revise forms APP-003 and APP-103)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with the following modifications:

Rule 2.1040: Withdraw proposed amendments to this rule.
Forms: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Item 4 **Appellate Procedure: Time for Filing Briefs** (amend rules 8.212 and 8.882; renumber form APP-106 as form APP-107; approve form APP-106; and revise forms APP-006 and APP-101-INFO)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with the following modifications:

Judicial Council report: Change wording in recommendation number one from “unlimited civil cases” to “civil appeals.”

APP-006 and APP-101-INFO: Change the reference to and the title of form APP-001 to delete “Unlimited.”

Forms: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Item 5 **Appellate Procedure: Petitions for Writs of Supersedeas** (amend Cal. Rules of Court, rules 8.112 and 8.824)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with the following modifications:

Rule 8.112 and 8.824: Add an advisory committee comment to say “A reporter’s transcript is unavailable within the meaning of this rule if the court reporter has not yet completed preparation of the transcript at the time the petition is filed.”

Appellate and Trial Court Presiding Judges

Item 6 **Appellate Procedure: Videoconferencing Oral Argument in the Superior Court Appellate Division** (amend rules 8.885 and 8.929)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Appellate and Access and Fairness

Item 7 **Decisions Regarding Requests for Accommodations** (amend Cal. Rules of Court, rule 1.100 and revise *Request for Accommodations by Persons With Disabilities and Response* (form MC-410))

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with the following modification:

Form MC-410: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Appellate and Civil and Small Claims

Item 8 **Civil Forms: Notice of Entry of Judgment or Order** (approve form CIV-130)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with the following modification:

Form CIV-130: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Civil and Small Claims

Item 9 **Alternative Dispute Resolution: Qualifications of Mediators in Court-Connected Mediation for General Civil Cases** (amend Cal. Rules of Court, rules 3.851, 3.865, and 10.781, and approve Model Qualification Standards for Mediators in Court-Connected Mediation Programs for General Civil Cases)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with the following modification:

The proposal should be changed to recommend that the Judicial Council direct the Administrative Office of the Courts to develop

model qualification standards.

- Item 10** **Alternative Dispute Resolution: Access to Hearings and Records in Proceedings Before Temporary Judges and Referees** (adopt Cal. Rules of Court, rules 2.833, 3.930, 3.931, and 3.932; amend rules 2.400, 3.902, and 3.926; amend and renumber rules 2.833, 2.834, and 3.909; and repeal rules 3.907, 3.908, 3.910, and 3.927)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with the following modifications.

Rule 2.834(b): Clarify that the “statement” is separate from “certification,” and that the only information required for public posting is contact information.

Rule 2.834(d): Clarify that the reference to court mediator or evaluator refers to a staff mediator.

- Item 11** **Small Claims Plain-Language Forms** (adopt forms SC-200 and SC-202A; approve forms SC-112A, SC-113A, SC-150, SC-152, SC-200-INFO, SC-220, SC-220-INFO, SC-221, SC-222, and SC-290; revise forms SC-130 and SC-132; and revoke forms SC-106, SC-110, and SC-111)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with the following modification:

Forms: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

- Item 12** **Civil Discovery: Subpoenas in Actions Pending Outside California** (adopt forms SUBP-030, SUBP-035, SUBP-040, SUBP-045, and SUBP-050)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.

Forms: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Item 13 **Civil Law: Confidential Name Change Proceedings** (adopt Cal. Rules of Court, rules 2.575, 2.576, and 2.577, adopt forms NC-400, NC-400-INFO, NC-410, NC-420, and NC-425, and revise form NC-100)

Action: The Rules and Projects Committee deferred action and recommended the following modifications:

NC-400-INFO: Add item 2: “Is a Lawyer Necessary? You are not required to have a lawyer, but it is highly advisable that you contact a lawyer or a legal service agency to discuss the effects of a confidential legal name change. It is important that you understand that changing your name, especially doing so confidentially, is a life-changing decision that may significantly impair your ability to obtain a passport, apply for school programs or grants, receive credit, purchase or rent property, gain employment, start a business, and other matters. “

Add a warning that enforcement of a protective order may be more difficult following a confidential name change.

Item 14 **Attachments: Financial Abuse of Elder or Dependent Adults** (revise forms AT-105, AT-115, AT-120, AT-125, AT-130 and AT-140)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with the following modification:

Forms: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Item 15 **Civil Form: Notice of Intent to Appear by Telephone** (approve form CIV-020)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.

Form CIV-020: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

- Item 16** **Administrative Record in CEQA Actions** (adopt Cal. Rules of Court, rules 3.1365–3.1368)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.

- Item 17** **Statement of Decision** (amend Cal. Rules of Court, rule 3.1590)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.

Court Technology

- Item 18** **Electronic Filing and Service: Changes to the Rules** (adopt Cal. Rules of Court, rule 2.251; and amend rules 2.256 and 2.260)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.

- Item 19** **Forms for Electronic Service: *Consent to Electronic Service and Notice of Electronic Notification Address and Notice of Change of Electronic Notification Address*** (approve forms EFS-005 and EFS-010)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with an effective date of January 1, 2010.

- Item 20** **Electronic Filing and Service: Forms for Proof Of Electronic Service** (approve forms POS-050/EFS-050, POS-050(D)/EFS-050(D), and form POS-050(P)/EFS-050(P)); and revise form POS-040)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with an effective date of January 1, 2010.

Probate and Civil and Small Claims

- Item 21** **Access to Electronic Records: Limitation on Remote Access to Records in Proceedings to Compromise the Claims of Minors or Persons with a Disability** (amend Cal. Rules of Court, rule 2.503)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Elder and Dependent Adult Abuse

- Item 22** **Protective Orders: Prevention of Elder and Dependent Adult Abuse** (revise forms EA-100, DV-260/CH-102/EA-102, EA-120, and EA-130)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with an effective date of January 1, 2010.

Probate and Mental Health

- Item 23** **Probate: Fiduciary self representation in civil litigation** (adopt Cal. Rules of Court, rule 7.15; revise forms MC-050, MC-051, and MC-053)

Action: The Rules and Projects Committee recommended that the proposal not be approved by the Judicial Council.

- Item 24** **Probate conservatorships and guardianships: Value of estate property for purposes of setting the amount of the surety bond for the cost of recovery on the bond** (amend Cal. Rules of Court, rule 7.207)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

- Item 25** **Guidelines for Probate Examiners and Court Investigators to Assist Them in Reviewing Accountings of Conservators and Guardians and Detecting Fraud** (adopt and authorize distribution of guidelines)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Criminal

- Item 26** **Criminal Law: Felony Notice of Appeal** (revise form CR-120)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with an effective date of January 1, 2010.

Item 27 **Criminal Law: Deadlines for Filing Pretrial Motions** (amend Cal. Rules of Court, rule 4.111(a))

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Item 28 **Criminal Law: Petitions for Writs of Habeas Corpus** (revise form MC-275)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with an effective date of January 1, 2010.

Item 29 **Criminal Law: Petition and Order for Dismissal** (revise forms CR-180 and CR-181)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with an effective date of January 1, 2010 for form CR-180 and July 1, 2010 for form CR-180.

Item 30 **Criminal Law: Felony Plea Form** (revise form CR-101)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with an effective date of January 1, 2010.

Criminal and Family and Juvenile

Item 31 **Criminal Law: Subpoena Standby Agreement** (approve form CR-125(A)/JV-525(A))

Action: The Rules and Projects Committee recommended that the proposal not be approved by the Judicial Council.

Appellate and Family and Juvenile

Item 32 **Appellate Procedure: Appeals and Writ Proceedings in Juvenile**

Dependency and Delinquency Cases (adopt Cal. Rules of Court rules 5.585, 8.401, 8.403, 8.404, 8.405, 8.406, 8.410, and 8.411; amend rules 5.595, 8.400, 8.412, 8.416, 8.450, 8.452, 8.454, and 8.456; amend and renumber rules 5.585, 8.404, and 8.408 as rules 5.590, 8.407, and 5.409, respectively; renumber rule 8.406 as rule 8.408; repeal rules 5.590 and 5.600; and revise form JV-820)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with an effective date of July 1, 2010.

Family and Juvenile

Item 33 **Family Law: Child Custody Evaluations** (amend Cal. Rules of Court, rule 5.220; revise form FL-327; adopt form FL-328, and approve form FL-329-INFO)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with an effective date of January 1, 2010, and with the following modifications:

FL-328: Move the paragraph "Potential Consequences..." up before the paragraph "Unwarranted Disclosure of Report."

Add "The court will determine custody based on the best interest of the child" as the last sentence of the paragraph "Unwarranted Disclosure of Report."

Item 34 **Child Support: Form Revisions to Implement Changes to the Family Code and Improve Administration of Title IV-D Cases** (revise forms FL-342, FL-350, FL-530, FL-615, FL-618, FL-625, FL-630, FL-665, FL-684, FL-687, FL-688, and FL-692)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Forms: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Item 35 **Juvenile Law: Deferred Entry of Judgment** (amend Cal. Rules of Court, rule 5.800; revise form JV-751)

Action: The Rules and Projects Committee recommended approval

on the Judicial Council's consent agenda with the following modifications:

Rule 5.800(b)(2): Add "and suitable" after "eligible."

JV-751, Notice box: Staff will check on the background for item 2 (reference to Code of Civil Procedures section 170.6) and will delete it unless the history shows a reason to retain it.

Form JV-751: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

- Item 36** **Juvenile Law: Review and Permanency Hearings in Dependency Proceedings** (amend Cal. Rules of Court, rules 5.695, 5.710, 5.715, and 5.720; adopt rules 5.706, 5.708, and 5.722)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

- Item 37** **Juvenile Law: Presence and Participation of Child at Hearings** (amend Cal. Rules of Court, rules 5.534 and 5.725)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

- Item 38** **Juvenile Law: Request to Change Court Order** (amend Cal. Rules of Court, rule 5.570)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

- Item 39** **Juvenile Law: Required Information for Child Attaining Age of Majority** (revise form JV-365)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with the following modification:

Form JV-365: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

- Item 40** **Juvenile Law: Nondiscrimination in the Appointment of Court Appointed Special Advocates (CASAs)** (amend Cal. Rules of Court, rule 5.655)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Item 41 **Juvenile Law: Affidavit Under Penalty of Perjury** (revise form JV-210)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Form JV-210: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Domestic Violence

Item 42 **Domestic Violence: Judicial Education on Domestic Violence Issues** (adopt Cal. Rules of Court, rule 10.464)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with the following modification:

Rule 10.464: Add "and expectations" after "Education requirements" in the title of the rule.

~~**Item 43**~~ — Deferred to September 8, 2009 meeting.

Miscellaneous

Item 44 **Miscellaneous Technical Amendments** (amend Cal. Rules of Court, rules 2.258, 8.104, 8.130, 8.212, 8.910, 8.1005, and 10.54; and revise forms ADR-103, APP-015/FW-015-INFO, APP-016/FW-016, DV-101, FW-007, FW-008, GC-340, and SUBP-010)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Forms: Presumed to be effective July 1, 2010 with option for staff to propose a January 1, 2010 effective date on September 8.

Other Business

Item 45 Family and Juvenile Law Advisory Committee Annual Agenda

The Rules and Projects Committee discussed this item; no action was required.

Item 46 Minutes

December 8, 2008; March 18, 2009; March 27, 2009; April 2, 2009; and April 15, 2009, meeting minutes

Action: The Rules and Projects Committee approved the minutes.

Item 47 Other – General Comments Received

Action: In light of the current economic constraints, the Rules and Projects Committee recommended that only forms that are expressly mandated or otherwise deemed urgent, or will not impose significant costs for the courts be approved with a January 1, 2010, effective date. All other forms are recommended for approval with a July 1, 2010, effective date. Staff should consider how the development cycle for form proposals may be revised to increase the time between Judicial Council action and the forms' effective date.

Item 48 Status update on court closures

Information item; no action required.

Approved by the committee on September 14, 2009.

Minutes

Rules and Projects Committee Teleconference

Tuesday, September 8, 2009

12:00 - 1:00 p.m.

Members present: Hon. Dennis Murray (Chair), Hon. George Abdallah, Jr. (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, Hon. Lon Hurwitz, Mr. James Penrod, Mr. Michael M. Roddy, and Hon. Sharon J. Waters.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff present: Ms. Tamara Abrams, Ms. Christine Cleary, Ms. Audrey Fancy, Ms. Bonnie Rose Hough, Mr. Douglas C. Miller, Mr. Patrick O'Donnell, and Ms. Bobbie Welling.

Others present: Hon. Lawrence Kay

Proposals to recommend for Judicial Council approval

Item 1 **Domestic Violence: Firearms Relinquishment in Criminal Cases**
(adopt Cal. Rules of Court, rule 4.170)

Action: The Rules and Projects Committee deferred action on this item until the Criminal Law Advisory Committee has been consulted and taken a position on the proposal.

Item 2 **Family Law: Domestic Violence Prevention Act forms** (revise Judicial Council forms DV-110, DV-125, DV-126-INFO, DV-130, DV-140, DV-200, DV-210-INFO, DV-250, DV-510-INFO, and DV-540-INFO; adopt form DV-111; and approve form DV-112)

Action: The Rules and Projects Committee deferred action on this item until staff can discuss RUPRO's recommendations with the Family and Juvenile Law Advisory Committee. RUPRO recommended the following modifications:

DV-109, item 4.b.: Include checkboxes instead of blank lines only.

DV-110:

Item 16.b.: Revise to read "No information has been provided to the court about a criminal protective order"

Page 4, Warnings, 3rd bullet: Add "jail or" before "prison."

DV-130, items 18.b.1 and 2: Change sentence to reflect correct noun-

verb congruence (“proof” and “were”).

Item 3 **Compromise of Minors’ Claims, Settlement of Actions Involving Minors and Persons with Disabilities, and Disposition of Judgments in Favor of Minors and Persons with Disabilities**

(amend rules 7.101, 7.950, and 7.955 of the Cal. Rules of Court; adopt rule 7.950.5; revise Judicial Council forms MC-350 and MC-351; adopt form MC-350EX, and approve form MC-350(A-13b(5)))

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.

Item 4 **Civil Law: Confidential Name Change Proceedings** (adopt Cal. Rules of Court, rules 2.575, 2.576, and 2.577, adopt forms NC-400, NC-400-INFO, NC-410, NC-420, and NC-425, and revise form NC-100) (*Deferred from September 2, 2009, meeting*)

Action: The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with the following modifications:

NC-400-INFO, item 2: Switch the sequence of current items 1 and 2.

Item 5 **Effective dates for forms reviewed at the September 2, 2009, meeting:**

Item 3: Appellate Procedure: Record on Appeal: APP-010, APP-011, and APP-110 approved for January 1, 2010.

Item 7: Decisions Regarding Requests for Accommodations: MC-410 approved for January 1, 2010.

Item 8: Civil Forms: Notice of Entry of Judgment or Order: CIV-130 approved for January 1, 2010.

Item 12: Civil Discovery: Subpoenas in Actions Pending Outside California: SUBP-030, SUBP-035, SUBP-040, SUBP-045, and SUBP-050 approved for January 1, 2010.

Item 34: Child Support: Form Revisions to Implement Changes to the Family Code and Improve Administration of Title IV-D Cases: FL-342, FL-350, FL-530, FL-615, FL-618, FL-625, FL-630, FL-665, FL-684, FL-687, FL-688, and FL-692 approved for January 1, 2010.

RUPRO

September 8, 2009, minutes

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Item 39: Juvenile Law: Required Information for Child Attaining Age of Majority: JV-365 approved for January 1, 2010.

Item 44: Miscellaneous Technical Amendments: APP-015/FW-015 – INFO, APP-016/FW-016, FW-007, and FW-008 approved for January 1, 2010.

Approved by the committee on September 14, 2009.

Minutes

Rules and Projects Committee

Proposal Circulated by Email on Friday, September 11, 2009

Members participating: Hon. Dennis Murray (Chair), Hon. George Abdallah, Jr. (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lee Smalley Edmon, Hon. Lon Hurwitz, Mr. James Penrod, Mr. Michael M. Roddy, and Hon. Sharon J. Waters.

RUPRO staff participating: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff participating: Ms. Anne Ronan.

Proposals to recommend for Judicial Council approval

Item 1 **Civil Forms: *Summons—Storage Lien Enforcement*** (revise SUM-140)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

Approved by the committee on September 18, 2009.

Minutes

Rules and Projects Committee Teleconference

Monday, September 14, 2009

4:00 - 4:15 p.m.

Members present: Hon. Dennis Murray (Chair), Hon. George Abdallah, Jr. (Vice-Chair), Hon. Tani Cantil-Sakauye, Hon. Lon Hurwitz, Mr. James Penrod, Mr. Michael M. Roddy, and Hon. Sharon J. Waters.

Members absent: Hon. Lee Smalley Edmon.

RUPRO staff present: Ms. Deborah Brown, Ms. Susan McMullan, and Ms. Camilla Kieliger.

AOC staff present: Ms. Tamara Abrams, Ms. Audrey Fancy, Ms. Bonnie Rose Hough, and Ms. Gabrielle Selden.

Proposals to recommend for Judicial Council approval

Item 1 **Family Law: Domestic Violence Prevention Act forms** (revise Judicial Council forms DV-110, DV-125, DV-126-INFO, DV-130, DV-140, DV-200, DV-210-INFO, DV-250, DV-510-INFO, and DV-540-INFO; adopt form DV-111; and approve form DV-112)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with the following modifications:

DV-109, item 4.b.: Delete item 3 (illegibility).

Item 2 **Family Law: Child Custody Evaluations** (amend Cal. Rules of Court, rule 5.220; revise form FL-327; adopt form FL-328, and approve form FL-329-INFO)

Action: The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with a modification to the version of form FL-328 recommended at the September 2, 2009, Rules and Projects Committee meeting. At that meeting, the committee recommended revising form FL-328 by adding "The court will determine custody based on the best interest of the child" as the last sentence of the paragraph "Unwarranted Disclosure of Report."

Based on additional information provided by staff after the September 2, 2009, meeting, the Rules and Projects Committee withdrew that recommendation and recommended approval of the form without the additional statement.

Item 3

Minutes

April 22, 2009; June 6, 2009; July 8, 2009; July 14, 2009, September 2, 2009; and September 8, 2009, meeting minutes

Action: The Rules and Projects Committee approved the minutes.

Approved by the committee on September 18, 2009.