JUDICIAL COUNCIL MEETING
Minutes of the October 23, 2009, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:45 a.m. on Friday, October 23, 2009, at the Administrative Office of the Courts (AOC) in San Francisco.

Judicial Council members present: Chief Justice Ronald M. George; Senator Ellen M. Corbett, Justices Marvin R. Baxter, Tani Cantil-Sakauye, Brad R. Hill, and Richard D. Huffman; Judges George J. Abdallah, Jr., Lee Smalley Edmon, Terry B. Friedman, Dennis E. Murray, Kenneth K. So, Sharon J. Waters, James Michael Welch, David S. Wesley, and Erica R. Yew; Mr. Anthony P. Capozzi, Mr. Joel S. Miliband, Mr. James N. Penrod, and Mr. William C. Vickrey; advisory members: Judges Mary Ann O'Malley and Michael P. Vicencia; Commissioner Lon F. Hurwitz; Mr. Frederick K. Ohlrich, Mr. Michael D. Planet, Mr. Michael M. Roddy, and Ms. Kim Turner.

Absent: Assembly Member Mike Feuer, and Judge Winifred Younge Smith; and Ms. Miriam Aroni Krinsky.

Others present included: Visitors from the Kyrgyzstan Republic and their delegation: Ms. Djanyl Alieva, Chair of the Supreme Court of the Kyrgyz Republic; Ms. Larisa Gutnichenko, Chair of the Judicial Council of the Kyrgyz Republic; Mr. Chubak Abyshkaev, Ms. Elmira Baitikova, Mr. Kachyke Esenkanov, Ms. Aida Jogoshtieva, Ms. Gulbara Kalieva, Ms. Irina Letova, Ms. Maksuda Omorova, and Mr. Maratbek Osmonkulov, and DPK Consulting staff: Ms. Jyldyz Kojobekova, Mr. Daniyar Narymbaev, and Ms. Zhamiyla Nurumbetova; Justice Ronald B. Robie; Judge Judy Harris Kluger, Chief of Policy and Planning, New York State Unified Court; Ms. Robin Allen, Mr. Steve Ashman, Mr. Philip Brozenick, Ms. Deena Fawcett, Ms. Kate Harrison, Ms. Beth Jay, Ms. Saskia Kim, and Ms. Michelle Sales; **staff:** Mr. Peter Allen, Ms. Heather Anderson, Ms. Deirdre Benedict, Mr. Dennis Blanchard, Ms. Nadine Blaschak-Brown, Ms. Paula Bocciardi, Ms. Dianne Bolotte, Ms. Deborah Brown, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Mr. James Carroll, Ms. Tina Carroll, Mr. Arturo Castro, Mr. Steven Chang, Ms. Nicole Claro-Quinn, Ms. Janet Colla, Ms. Lora Collier, Ms. Deborah Collier-Tucker, Mr. Cathal Conneely, Mr. Kenneth Couch, Mr. Dexter Craig, Ms. Chris Cunningham, Mr. Patrick Danna, Mr. Douglas Denton, Ms. Charlene Depner, Ms. Donna Drummond, Mr. Kurt Duecker, Mr. Mark W. Dusman, Mr. Edward Ellestad, Mr. Robert Emerson, Mr. Ekuike Falorca, Mr. George Ferrick, Mr. Chad Finke, Mr. Bob Fleshman, Mr. Malcolm Franklin, Mr. Ernesto V. Fuentes, Ms. Cynthia Go, Mr. Ruben Gomez, Ms. Kristin Greenaway, Ms. Melanie Hayden, Ms. Lynn Holton, Ms. Bonnie Hough, Ms. Mary Jackson, Mr. Kenneth L. Kann, Mr. William Kasley, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Mr. John Larson, Ms. Althea Lowe-Thomas, Ms. Luz Macanan, Mr. James McCrea, Ms. Carolyn McGovern,

Ms. Susan McMullan, Mr. James Mensing, Mr. Douglas C. Miller, Mr. Frederick Miller, Ms. Vicki Muzny, Mr. Stephen Nash, Ms. Diane Nunn, Ms. Nzinga Nyagua, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Shawn Parsley, Ms. Jody Patel, Ms. Romunda Price, Ms. Mary M. Roberts, Ms. Anne Ronan, Ms. Katherine Runkel, Ms. Virginia Sanders-Hinds, Ms. Robin Seeley, Ms. Jeannine Seher, Ms. Joyce Shimamoto, Mr. Colin Simpson, Ms. Lucy Smallsreed, Ms. Marlene Smith, Mr. Curt Soderlund, Ms. Nancy E. Spero, Ms. Kirsten Starsiak, Mr. Johann Strauss, Ms. Marcia Taylor, Ms. Carlotta Tillman, Mr. Larry Tolbert, Mr. James Vesper, Ms. Bobbie Welling, Mr. Tony Wernert, Mr. Lee Willoughby, Mr. Jeffrey Wong, and Ms. Josely Yangco-Fronda; and **media representatives:** Mr. Todd Rogers and Ms. Amy Yarbrough, *San Francisco Daily Journal.*

Visitors From the Kyrgyz Republic
The Chief Justice welcomed Ms. Djanyl Alieva, Chair of the Supreme Court of the Kyrgyz Republic, Ms. Larisa Gutnichenko, Chair of the Judicial Council of the Kyrgyz Republic, and other jurists from the Kyrgyz Republic. The delegation was in California with the U.S. Agency for International Development as part of a Kyrgyz judicial reform and education project, on behalf of the republic's newly formed Judicial Council, to work with various judicial institutions and study the workings of our Judicial Council. Chief Justice Alieva presented Chief Justice George with artwork, embroidered on wool, with a scene depicting the country's geography and people in traditional clothing, representative of the dialogue initiated between our two judicial systems. Chief Justice Alieva also presented Chief Justice George with a DVD that describes the Kyrgyz Republic, in English.

2009 California on My Honor: Civics Institute for Teachers
Chief Justice George mentioned that although they were not present at the business meeting, a group of teachers was at the AOC attending a program. The teachers had participated in this professional development program, which took place June 29–July 2, in San Diego, and July 14–17, in San Francisco. Sixty competitively selected K–12 teachers from around the state learned about the role and operation of the California court system and participated in site visits to the Superior Courts of San Diego and San Francisco Counties. This program is a collaboration between court staff and California State University at San Marcos, under the leadership of Dr. Frances Chadwick, Assistant Professor of Education.

Swearing-in of New Council Members
Chief Justice George administered the oath of office to the new Judicial Council members present.

Public Comment Related to Trial Court Budget Issues
Chief Justice George noted that no requests to address the council had been received.

Approval of Minutes
The minutes of the July 29 and August 14, 2009, business meetings were approved.

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

Executive and Planning Committee
Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met six times since the August 14, 2009, Judicial Council meeting: by teleconference on September 17, September 30, October 9, and October 19, 2009, and via e-mail on September 3 and October 19, 2009.

Justice Huffman reported that on September 3, 2009, the committee, acting on behalf of the Judicial Council under California Rules of Court, rule 10.11(a), adopted the revised uniform bail and penalty schedules, which became effective on September 8, 2009.

On September 17, the committee oriented its new members and approved conversion of a vacant commissioner position to a judgeship in the Superior Court of Los Angeles County, bringing the total number of conversions to 13 of the 16 authorized for the current fiscal year. Justice Huffman stated that at least one other conversion is expected for the Los Angeles court and another for the Superior Court of Fresno County, making it likely that the council will fulfill the annual allocation of 16 conversions. In the course of the September 17 proceedings, the committee also considered and discussed the rule proposal on public access to court administrative records.

On September 30, 2009, the committee approved a request from the Superior Court of Los Angeles County not to convert a subordinate judicial officer position to a judgeship, recognizing the court's operational needs and the likelihood of two more vacancies from that court within the fiscal year. Also, the committee, acting on behalf of the Judicial Council under rule 10.11(d), approved budget allocations for the Court Appointed Special Advocate grant program for fiscal year 2009–2010 and an allocation to fund the Collaborative Justice Project Substance Abuse Focus Grants for fiscal year 2009–2010. On doing so, the committee requested that before its approving future Collaborative Justice Project grant funding allocations on the council's behalf, a formal delegation from the council be sought. Justice Huffman stated that the approvals made by the committee on the council's behalf are generally the product of council delegations made in a public setting.

On October 9, the committee met with the vice-chairs of the Rules and Projects Committee and the Policy Liaison and Coordination Committee and Judge Michael P. Vicencia to consider the concerns of courts and judges regarding how the AOC compiles information on the voluntary salary waiver program (VSW) and judges' donations in conjunction with that program. The committee directed the AOC Office of the General Counsel to draft guidance on the responsibilities for collecting this information and responding to related public requests for information. The committee approved the guidance on October 19. The guidance has since circulated to every judge and justice in California in addition to court executive officers. The committee also considered a nomination to the Advisory Committee on Criminal Jury Instructions, which was necessary because of the midterm departure of one member.

The committee completed the agenda-setting for the Judicial Council business meeting on October 19 and received notice, on behalf of the council, of the temporary closure of the Willits Branch of the Superior Court of Mendocino County. Justice Huffman concluded by informing the council of the committee's review of communications efforts to better inform constituents, members of the branch, and the public of the council's actions, increasing public awareness of branch policy matters.

Policy Coordination and Liaison Committee
Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met four times since the August 14, 2009, Judicial Council meeting.

Justice Baxter reported that yesterday's meeting was RUPRO's annual in-person meeting at which an orientation was conducted for new policy committee members. The committee also considered Judicial Council–sponsored legislation for recommendation to the full council at its December meeting.

Justice Baxter welcomed the new PCLC members Judge Michael P. Vicencia, Judge Sharon J. Waters, and Mr. Michael D. Planet.

In addition to the continuing legislative priorities, which will be presented to the full council in December, this year the policy committee reviewed deals with court escheat law. It will be considering three additional proposals in a few weeks which, if approved, will also be brought to the council for sponsorship at the December meeting.

Justice Baxter reported that this legislative year, the Governor signed 696 bills and vetoed 257. Many of the veto messages noted that despite the bill's good policy, the veto was due to budget constraints. Even so, 7 out of 10 Judicial Council–sponsored bills were enacted, especially noteworthy were: Assembly Bill 131 (Evans) and Assembly Bill 938 (Committee on Judiciary) both foster care–related bills, and Senate Bill 556 (Committee on Judiciary), court operations. In addition to council-sponsored legislation, other signed

bills included Senate Bill 75 (Committee on Budget and Fiscal Review), court budget clean-up bill, including the electronic reporting fix; and Assembly Bill 590 (Feuer), civil legal representation pilot project. No Judicial Council–sponsored bills were vetoed, and three are considered two-year bills: judgeships, court interpreters, and one foster care bill.

The legislature will reconvene on January 4, 2010, for the second year of the session and Justice Baxter will bring updates throughout the session on Judicial Council–sponsored bills and bills of interest to the branch.

Rules and Projects Committee
Presiding Judge Dennis E. Murray, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met five times since the August 14, 2009, Judicial Council meeting: in person on September 2 and October 22, and convening by teleconference on September 8, September 14, and September 29.

Presiding Judge Murray reported that RUPRO met in person on September 2 and by telephone on September 8 and 14 to review 46 rules and forms proposals that had circulated for public comment. RUPRO recommended approval of 43 proposals. RUPRO declined to recommend approval of 2 proposals (fiduciary self-representation in civil litigation and subpoena standby agreement in criminal cases). RUPRO deferred action on a proposal by the Domestic Violence Practice and Procedure Task Force until the task force has formally consulted with the Criminal Law Advisory Committee. For all proposals that included forms, RUPRO determined whether the form was needed or required to be effective on January 1 or could be delayed to July 1. The delayed effective date for some forms—which is noted in the agenda description of each item—is to allow courts to use their existing supplies of forms; train employees in any new procedures; and prepare for implementation, including making any needed changes to case management systems. RUPRO recommends approval of the remaining proposals, which are items A1 through A43 on the consent agenda.

On September 29, RUPRO met by telephone to consider a proposal for rules addressing public access to judicial administrative records. RUPRO recommended circulating the proposal for public comment. The comment period will end on October 29, and the proposal is expected to come before the council in December, with a January 1, 2010, effective date.

Yesterday, RUPRO met in person for a new member orientation.

In addition, members of RUPRO communicated via e-mail to review three matters:

1. On August 31, RUPRO considered a proposal for technical revisions to the Uniform Bail and Penalty Schedules to conform with a recent amendment to the Penal Code.

RUPRO recommended approval of this proposal, and it was adopted effective September 2009, by the Executive and Planning Committee on behalf of the council.

2. On September 14, RUPRO recommended correction of an error in a new form adopted effective July 1, 2009. This form is part of the miscellaneous technical changes report, which is item A43 on the consent agenda.

3. On October 19, RUPRO reviewed a forms proposal that is required by legislation. RUPRO recommended approval of this proposal, item J on the consent agenda.

Judicial Council Court Visit Report
Hon. Brad R. Hill, team leader, and Ms. Althea Lowe-Thomas, Bay Area/Northern Coastal Regional Office, made a presentation on court site visits to the Superior Courts of Monterey and Santa Clara Counties.

Chief Justice's Report
Chief Justice Ronald M. George reported on the activities in which he had been involved since the last Judicial Council meeting.

Each year the Chief Justice conducts liaison meetings with key justice system partners to discuss issues of mutual concern. Since the last Judicial Council meeting, the Chief Justice held liaison meetings with the California Public Defenders Association and the California Attorneys for Criminal Justice, as well as with the Attorney General. The meetings included the participation of Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee, and other judicial branch representatives.

He reported making a number of appointments to advisory committees, commenting that the work of the council's advisory committees and task forces is integral to the council's decisionmaking, and a vital part of branch policymaking.

Chief Justice George also authored an editorial that appeared in the *Los Angeles Times* concerning the council's decision, as a cost-saving measure, to close the courts uniformly on the third Wednesday of each month for the remaining 10 months of this fiscal year, as authorized by the Governor and the Legislature, after full consideration of all other alternatives and with substantial input from court leadership around the state. He also commended Judicial Council Member Anthony Capozzi for his commentary on the court closure decision in an editorial he wrote for the *Daily Journal.*

The Chief Justice reported on the public speaking engagements he conducted, many in conjunction with the annual meetings of the State Bar of California and the California Judges Association in September. These included addressing the California Women Lawyers Association, the State Bar of California to confer its Public Lawyer of the Year award, the annual Bench/Bar Judicial Administration Convention to confer the Pro Bono

awards, giving the State of the Judiciary address at the annual conference of delegates of California State Bar Associations, a joint meeting of the State Bar and the California Judges Association for the swearing-in of the presidents of each organization, and a fireside chat with members of the California Judges Association. The Chief Justice also attended a meeting of the California Court Commissioners Association and the inaugural meeting of the Senior Lawyers Division of the Los Angeles County Bar Association.

In October, he addressed the American Academy of Arts and Sciences on the subject of "The Perils of Direct Democracy: The California Experience," on the occasion of his induction into the academy. His speech addressed some of the excesses and problems of governance resulting from California's public initiative process. He also participated in a joint press conference of the state and federal court systems and the Federal Pro Bono reception sponsored by the Volunteer Legal Services Project to encourage pro bono services, and to recognize 25 law firms that have signed a Bay Area Pro Bono Pledge to contribute 3–5 percent of their billable hours to pro bono work. The Chief Justice commented on the significance of the law firms' commitment at a time when economic difficulty has resulted in both greater need for these services and greater hardship for law firms providing pro bono services. Finally, Chief Justice George delivered a lecture on the topic of access to justice in times of fiscal crisis to the Golden Gate University School of Law, as the inaugural lecture of the university's Chief Justice Ronald M. George Distinguished Lecture Series.

Chief Justice George reported two upcoming engagements: one to address the fall meeting of the Bench-Bar Coalition on October 28, and the Bay Area Pro Bono Reception and Fair on October 29, 2009, honoring California's pro bono volunteers, law school pro bono programs, and pro bono providers, as part of the celebration of National Pro Bono Week.

Chief Justice George ended his report with an account of his recent meeting with the Governor on budget matters. The Chief Justice emphasized to the Governor the need to restore to the 2010–2011 branch budget the funding reductions sustained by the branch in 2009–2010, stressing that the branch's financial status could worsen with a second year of similar budget reductions. The judicial branch has had to rely on trial court reserves, limited term fees due to sunset in two years, and other temporary measures to manage the cuts levied this year. Vital programs within the judicial branch have suffered and will be jeopardized further without some budget relief in the next fiscal year's budget process.

The Chief Justice gave the Governor several examples of funding contingencies made by the branch to offset the impacts of the 2009–2010 budget cuts. This year, $159 million was reallocated from various state funds to help reduce the effect of deficits in trial court operations and critical program areas, such as court-appointed dependency counsel. A total of $105 million of that amount was diverted from the development and deployment of California's Court Case Management System (CCMS), causing delays in deploying

that statewide infrastructure project. The Chief Justice warned that further diversion of funding from CCMS and delays in the project threaten to increase state costs, with hundreds of millions of dollars already invested in the project. The branch also reallocated $25 million from court facilities to offset the cuts in statewide court operations. The Governor was displeased by the delays necessary in the case management system's deployment, recognizing the value of a common data communication link among all courts, the executive branch agencies that support the statewide administration of justice, the Department of Finance, and our justice partners.

Furthermore, the Chief Justice commented on Governor Schwarzenegger's personal support for the judicial branch facilities programs as part of the Governor's legacy and as a source of economic stimulus for the state. The Administrative Office of the Courts' facilities construction program is likely to generate more than 100,000 jobs. The Governor considers the Long Beach Courthouse planned for Los Angeles County to be a flagship project among his public/private partnership initiatives to help improve California's infrastructure and economy.

The Chief Justice also urged the Governor to sign Assembly Bill 590, introduced by Assembly Member Mike Feuer, to establish a civil legal representation pilot project with $11 million set aside in 2011 to provide representation in specified civil case types in pilot courts for unrepresented litigants whose rights would be substantially affected by a lack of representation. To underscore the need for this legislation, in parts of California, 85–95 percent of the family law cases are handled without counsel. The Chief Justice referred to this statistic as one of the greatest challenges facing our court system in the next decade. The Chief Justice observed that, as we are finding with the Elkins Family Law Task Force, the lack of legal representation also has drastic effects on the courts' ability to operate efficiently. He remarked that the funding the Governor has authorized for this pilot project is a small cost for an initiative of such importance both to the court system and to individuals seeking justice.

In the same meeting, the Governor indicated interest in calling a meeting between the Chief Justice, Administrative Office of the Courts staff, and the State Chief Information Officer overseeing technology programs for the executive branch to discuss the judicial branch's pursuit of statewide case management technology. The Chief Justice further reported that through previous contact with California's congressional offices and the U.S. Department of Homeland Security, federal interest in CCMS is developing.

This concluded the Chief Justice's report.

Administrative Director's Report

Mr. William C. Vickrey, Administrative Director of the Courts, reported on the following matters that occurred since the last council meeting.

Mr. Vickrey began by congratulating Marcia Taylor, Director of the Appellate and Trial Court Judicial Services Division, on her impending retirement, lauding her achievements during her esteemed 21-year career at the AOC.

Mr. Vickrey referred council members to the *Report on the Activities of the Administrative Office of the Courts* distributed at the meeting and posted on the California Courts Web site with the meeting agenda.

He summarized recent legislative activity affecting the judicial branch, highlighting the Judicial Council–sponsored bills recently signed by the Governor: one on court operations (Sen. Bill 556), new procedures for electronic discovery in civil cases (Assem. Bill 5, legislation cosponsored by the council, the Consumer Attorneys of California, and the California Defense Counsel), and a statewide cost recovery program authorizing the Judicial Council to collect reimbursements for the costs of providing court-appointed counsel in juvenile proceedings, thereby improving the quality of counsel available in dependency cases (Assem. Bill 131).

Mr. Vickrey also thanked Senator Ellen Corbett, council member and chair of the State Senate Judiciary Committee, for her efforts to move legislation on authorizing funding for 50 new, previously approved judgeships through the Legislature for the Governor's approval (Sen. Bill 377).

He reviewed some of the issues tackled jointly with the Legislature in the enactment of Senate Bill 75, the budget cleanup bill: to revise the order of distribution for revenue generated by the new $10 court security fee increase; to further ensure that court employee retirement benefits would not be affected by mandatory furloughs associated with the court closure day; and to refine the language on the permissible uses of electronic recording to clarify that such equipment may be used for the purpose of monitoring the performance of subordinate judicial officers, hearing officers, and temporary judges at the discretion of courts, but not for the broad category of "judicial officers."

Mr. Vickrey noted the technical assistance being provided to the Superior Court of San Mateo County to address an unanticipated shortfall in the court's budget, reporting that AOC staff met with the court's presiding judge and executive officer to identify contributing factors and to ensure that the court is properly implementing statewide financial policies and procedures. The court executive officer is assuming direct financial oversight of the court's finances, and staff training will be provided.

He informed the council that the AOC has reinstated a committee to update the judicial workload assessment and resource allocation study models, in accordance with the Legislature's requirement for periodic review of the methodology used to assess statewide need for new judges.

He referenced the improvements achieved in the orientation program for assigned judges in order to meet the needs of the courts, stating that 402 judges are active in the program and that participation continues to grow each year.

Mr. Vickrey drew attention to the AOC's work to support the particular needs of families and children in the court system. As one example, the AOC received tribal recognition for a grant project the agency sponsored to produce a summit addressing the administration of justice for Native American victims of family violence. The AOC has also completed an evaluation of the quality and consistency of representation provided by court-appointed counsel in dependency proceedings.

On court facilities, Mr. Vickrey announced that 504 county court buildings have now been transferred to state responsibility, with all building transfers expected to be completed by December 31. The implementation of Senate Bill 1407 continues with architects selected for the first 13 courthouse construction projects on the immediate and critical needs project list; site selections approved by the State Public Works Board for 2 of these projects; and another 26 in the planning stages, with market surveys being conducted on many of them. Cities, redevelopment agencies, and counties have been cooperative in negotiating no-cost options, reduced cost options, and utility allowances to enable the AOC to achieve the Legislature's requirements for maximizing the value of public investments in these facilities projects and to ensure that the use of courthouse construction dollars produces the greatest number of projects for the people of California.

For the 15 other capital projects under way—most of them funded by the State Court Facilities Construction Fund before SB 1407—all site selections and acquisitions have been approved: 10 projects are in the design phase and 3 are under construction. Mr. Vickrey reported that the Performance-Based Infrastructure Project for the New Long Beach Courthouse has progressed aggressively, with construction expected to begin by mid–2010. There are also 800 courthouse modification projects under way across the state. The Office of Court Construction and Management's Customer Service Center normally receives 6,000–8,000 calls per month regarding maintenance issues; rain one week caused a surge in calls from the courts for immediate assistance because of leaks, flooding, and related issues.

Mr. Vickrey informed the council that the California Courts Technology Center (CCTC) completed its annual disaster recovery exercise over the Labor Day weekend, successfully demonstrating that infrastructure, network services, and applications could be safely and securely backed up, redirected, and restored at its secondary CCTC in Omaha, Nebraska. More than 100 participants from various courts took part in the exercise.

The AOC assumed responsibility from Deloitte Consulting for maintenance and support of the California Court Case Management System (CCMS) criminal and traffic application, CCMS-V2. This transfer of responsibility to the AOC is projected to save nearly $5 million over the projected life of the product. Application testing began for the CCMS-V4 application. The product is expected to be complete by late 2010.

He summarized several areas of advancing technology that are benefitting courts in the way of efficiency and better operational integration. The Phoenix Financial Program, the statewide financial management system deployed to all 58 courts, may be tapped to serve the needs of particular courts for payroll system reporting as the future of county-provided payroll services evolve in counties such as San Bernardino. The Computer-Aided Facilities Management program is expanding to help courts collect data about what maintenance is needed for the upkeep of the 18 million square feet of courthouse building space throughout the state. This capability enables courts to better preserve court buildings as a source of public investment. The California Courts Protective Order Registry is another system being introduced, with the support of the Domestic Violence Practice and Procedure Task Force and grant funding from the California Emergency Management Agency. The system will provide judges, staff, and law enforcement with a comprehensive registry of all restraining orders that contains the full text of all relevant orders. Ultimately the system will be part of a statewide approach to case management.

Mr. Vickrey described the education programs delivered recently to judges, justices, court executives, and court employees, despite elimination of some programs and reductions in others to achieve cost savings: the Appellate Justices Institute; Orientation for New Judges; Faculty Development Fundamentals, a court management program for new presiding judges, assistant presiding justices, and court executives to occur the following week; along with several court employee education programs. As the budget crisis imposes significant limitations on resources, the AOC is working to make additional programs and educational materials available online and through other distance delivery alternatives.

He updated council members on several funding initiatives to enhance California's probation programs and address recidivism rates. The Evidence–Based Probation Supervision Program sets aside $45 million for grants to county probation departments, with some additional funding for the AOC in order to provide technical assistance to grantees, for the purpose of fostering evidence-based sentencing to improve the supervision of offenders on probation and to better protect communities. The California Community Corrections Performance Incentives Act creates a state fund, based on state savings that result from reductions in felony probation revocation and recidivism rates, to be administered by the AOC and distributed to county probation departments for implementation of evidence-based community corrections programs. The program assigns the AOC to track recidivism results and provide information on program effectiveness to the Department of Finance, the Governor, and the Legislature. The

Parolee Court Reentry Program is a pilot project that allocates $10 million to the Judicial Council to conduct parolee reentry courts for technical violations of parole and to provide the Governor and the Legislature with information on the reentry program's effectiveness in three years' time. The California Risk Assessment Pilot Project provides grant funding to develop pilot programs in four courts on the development of risk assessment tools that will give rise to evidence-based sentencing programs. The AOC is working with the Legislature and the Department of Corrections to broaden the participation on the committee initially appointed to this project in order to include the oversight and input from judges and other partners who have a role in community-based corrections. All of these initiatives relate to the ongoing work of the branch regarding evidence-based sentencing.

Mr. Vickrey concluded by referring the council to the resolutions adopted at the Conference of the Chief Justices and State Court Administrators (listed in an attachment to the *Report on Activities of the Administrative Office of the Courts,* distributed at the meeting and posted with the agenda on the California Courts Web site) and by summarizing statewide judicial vacancies. There are 58 trial court vacancies; 50 more positions are legislatively authorized but have no funding.

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

The Chief Justice added his praise for the participation of a substantial number of assigned judges in the branch's voluntary salary waiver program, in which judges have forfeited one day's pay per month to help offset the budget cuts imposed on the branch.

CONSENT AGENDA (Items A1–A43, B–C, and J)

ITEM A RULES, FORMS, AND STANDARDS

Appellate

Item A1 Appellate Procedure: Time for Filing Notice of Appeal in a Civil Case (amend Cal. Rules of Court, rule 8.104)

The Appellate Advisory Committee recommended amending the rule regarding the time for filing the notice of appeal in a civil case (other than a limited civil case) to provide that the time for filing a notice of appeal runs from when the superior court clerk "serves," rather than "mails," the judgment or notice of entry of the judgment. This amendment will clarify that electronic service by the court of the judgment or a notice of entry of the judgment will trigger the start of the time for filing the notice of appeal. The rule was recommended to be effective January 1, 2010.

Council action

The Judicial Council, effective January 1, 2010, amended rule 8.104 to provide that the time for filing a notice of appeal runs from when the superior court clerk "serves," rather than "mails," the judgment or notice of entry of the judgment and that service may be by any method permitted by the Code of Civil Procedure, including electronic service.

Item A2 Appellate Procedure: *Civil Case Information Statement* (revise form APP-004)

The Appellate Advisory Committee recommended revising the form that appellants in civil appeals use to provide the Court of Appeal with information about the case to: (1) provide the court with the filing date of any notice of intent to file a motion for a new trial; (2) alert appellants to the special service requirements under Business and Professions Code section 16750.2; and (3) alert appellants to the requirement that they attach to the form a list of all parties and all attorneys of record who will participate in the appeal. These revisions will help the court appropriately determine the timeliness of an appeal and reduce errors by appellants in complying with these service and attachment requirements. The form was recommended to be effective July 1, 2010.

Council action

The Judicial Council, effective July 1, 2010, revised *Civil Case Information Statement* (form APP-004) to:

1. Specifically include a request for information about any notice of intent to file a motion for a new trial, to alert the court that such a notice was filed;
2. Add Business and Professions Code section 16750.2 to the list of statutes that require service of appellate briefs or petitions on the Attorney General or other public agencies, to alert litigants of this requirement;
3. Revise the description of this list to clarify that the list also includes statutes that require service of notices of appeal; and
4. Revise the note to the appellant at the top of the form to include a reminder that a list of all the parties and all their attorneys of record who will participate in the appeal must be attached to the form.

Item A3 Appellate Procedure: Record on Appeal (adopt Cal. Rules of Court, rule 8.819; amend rules 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, APP-011, and APP-110; and revise forms APP-003 and APP-103)

The Appellate Advisory Committee recommended: (1) revising the optional forms appellants may use in designating the record on appeal in civil cases to include spaces for additional information required or permitted by statute or rule and to make other

clarifying changes; (2) approving new optional forms to assist respondents in civil cases in making record designations permitted under the rules; and (3) amending the rules relating to records on appeal to (a) provide additional guidance regarding incorporating by reference or copying records from another appeal; (b) address the burden on the appellant when a respondent elects to use an appendix by providing that respondents may elect to use an appendix only in cases in which the appellant's fees for the clerk's transcript have not been waived; (c) fill a gap in the rules by specifying the consequences if the appellant in a misdemeanor or infraction case does not timely file the required election concerning the record of the oral proceedings; (d) reduce the need for requests to augment the record in criminal appeals by adding certain court-ordered diagnostic or psychological reports to the documents that are automatically included in the clerk's transcript when the defendant is the appellant; (e) clarify the appropriate handling of probation reports and court-ordered diagnostic reports in the clerk's transcripts in criminal appeals; and (f) clarify that the rule on sealed records applies in all proceedings in the appellate courts, not just in civil appeals. These changes are intended to make the rules and forms clearer and easier to use and to improve the record designation and preparation process. These changes to the rules above and forms APP-010, APP-011, and APP-110 were recommended to be effective January 1, 2010; forms APP-003 and APP-103 were recommended to be effective July 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Approved new optional forms, Respondent's Notice Designating Record on Appeal (Unlimited Civil Case) (form APP-010), Respondent's Notice Electing to Use an Appendix (Unlimited Civil Case) (form APP-011), and Respondent's Notice Designating Record on Appeal (Limited Civil Case) (form APP-110) to assist respondents in civil cases in making record designations permitted under the rules;
2. Amended rules 8.122 and 8.832 to clarify the time frame for sending the trial court exhibits that have been designated for inclusion in a clerk's transcript by replacing the requirement that they be sent "promptly" with a requirement that they be sent within 10 days after they are designated;
3. Amended rule 8.124 to address the burden on the appellant when a respondent elects to use an appendix by providing that respondents may elect to use an appendix only in cases in which the appellant's fees for the clerk's transcript have not been waived and by adding provisions to facilitate borrowing or copying of documents for an appendix;
4. Amended rules 8.124 and 8.147 to provide additional guidance regarding incorporating by reference or copying records from another appeal, including indicating how parts of any record to be incorporated by reference or copied are to be identified and requiring that the cover of the appendix or the clerk's or reporter's transcript include a notice of any incorporated record;
5. Amended rules 8.864 and 8.915 to fill a gap in these rules by specifying the

consequences if the appellant in a misdemeanor or infraction case does not timely file the required election concerning the record of the oral proceedings;

6. Amended rules 8.320(b) and 8.861 to reduce the need for requests to augment the record by adding certain court-ordered diagnostic or psychological reports to the documents that are automatically included in the clerk's transcript when the defendant is the appellant;
7. Amended rules 8.336(g) and 8.862 to clarify the appropriate handling of court-ordered diagnostic reports and probation reports in the clerk's transcript; and
8. Adopted new rule 8.819 and move rule 8.160 to chapter 1 of the appellate rules, renumbering it as rule 8.46, to clarify that the procedures relating to sealed records apply in criminal as well as civil appeals and in appellate division proceedings.

Effective July 1, 2010, the Judicial Council:
Revised *Appellant's Notice Designating Record on Appeal (Unlimited Civil Case)* (form APP-003) and *Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103) to include spaces for additional information required or permitted by statute or rule and to make clarifying changes.

Item A4 Appellate Procedure: Time for Filing Briefs (amend Cal. Rules of Court, 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)

The Appellate Advisory Committee recommended: (1) amending the rules relating to briefs in civil appeals in the Court of Appeal to give appellants 10 more days to file their opening brief; (2) revising the existing optional form for requesting an extension of briefing time in the Court of Appeal to request information about whether the trial court proceedings have been stayed; (3) amending the rules relating to briefs in civil appeals in the superior court appellate division to specifically provide that parties can apply to the presiding judge for an extension of briefing time; (4) approving a new optional form for requesting an extension of briefing time in the superior court appellate division; and (5) revising the information sheet about civil appeals in the superior court appellate division to reflect these changes. These changes were intended to reduce the need for appellants to file and the court to consider requests for extension of briefing time in the Court of Appeal and make it easier for presiding justices in the Court of Appeal and presiding judges in the superior court appellate division to rule on any requests for extensions of briefing time that are filed. The rules were recommended to be effective January 1, 2010, and the forms were recommended to be effective July 1, 2010.

Council action
Effective January 1, 2010, the Judicial Council:

1. Amended rule 8.212 to increase the time appellants in civil cases in the Court of Appeal have to file an opening brief from 30 to 40 days after the record is filed in the Court of Appeal; and
2. Amended rule 8.882 to specifically provide that the parties in civil appeals in the superior court appellate division may apply to the court for an extension of time to file a brief.

Effective July 1, 2010, the Judicial Council:
1. Revised *Application for Extension of Time to File Brief (Civil Case)* (form APP-006) to include space for an applicant to indicate whether the trial court proceedings have been stayed;
2. Approved new optional Application for Extension of Time to File Brief (Limited Civil Case) (form APP-106) that parties can use to apply to the court for an extension of time to file a brief in the appellate division and renumbered current form APP-106, Abandonment of Appeal (Limited Civil Case), as APP-107 to make space for new form APP-106; and
3. Revised Information on Appeal Procedures for Limited Civil Cases (APP-101-INFO) to reflect the proposed amendments to rule 8.882 and the approval of new form APP-106.

Item A5 Appellate Procedure: Petitions for Writs of Supersedeas (amend Cal. Rules of Court, rules 8.112 and 8.824)

The Appellate Advisory Committee recommended amending the rules regarding petitions for writs of supersedeas to require that the appellant/petitioner attach to the petition either a transcript of certain oral proceedings or, if a transcript is unavailable, a summary of these proceedings. These changes will help ensure that when the record on appeal has not yet been filed, the reviewing court has sufficient information to properly determine whether to issue the writ of supersedeas. The rules were recommended to be effective January 1, 2010.

Council action
The Judicial Council, effective January 1, 2010, amended rules 8.112 and 8.824 to help ensure that when the record on appeal has not yet been filed, the reviewing court has sufficient information to properly determine whether to issue the writ of supersedeas by requiring the appellant/petitioner to attach to the petition:

1. Either a reporter's transcript of any oral statement by the court supporting its rulings related to the issues that are likely to be raised on appeal or, if the reporter's transcript is unavailable, a declaration summarizing those statements; and
2. Either a reporter's transcript of the proceedings concerning any application for a stay in the trial court or, if the reporter's transcript is unavailable, a declaration summarizing those proceedings.

Appellate and Trial Court Presiding Judges

Item A6 Appellate Procedure: Videoconferencing Oral Argument in the Superior Court Appellate Division (amend Cal. Rules of Court, rules 8.885 and 8.929)

The Appellate and Trial Court Presiding Judges Advisory Committees recommended amending the rules regarding oral argument in the superior court appellate division to specifically provide that the judges of an appellate division can participate in oral argument by videoconference either on order of the presiding judge or if the court has adopted a local rule authorizing videoconferencing for oral argument. These changes will allow courts to conserve resources by reducing the time and costs associated with judges traveling to participate in oral argument in the appellate division. The rules were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, to help courts preserve resources and improve public access to oral argument in the superior court appellate division, the Judicial Council amended rules 8.885 and 8.929 to:

1. Authorize oral argument to be conducted using videoconferencing in a superior court appellate division either on order of the presiding judge of the appellate division or his or her designee or if the court has local rules authorizing the use of videoconferencing;
2. Establish basic requirements for any oral argument conducted by videoconference, including that:
   a. The appellate division must ensure that during oral argument the participants are visible and their statements audible to all other participants, court staff, and any members of the public who are in attendance;
   b. Unless otherwise provided by local rule or ordered by the presiding judge or his or her designee, all the parties must appear for oral argument at the superior court that issued the judgment or order that is being appealed;
   c. Oral argument must be open to the public at the superior court that issued the judgment or order that is being appealed; and
   d. A party must not be charged a fee to participate in oral argument by videoconference if the party participates from the superior court that issued the judgment or order that is being appealed or from a location from which a judge of the appellate division panel is participating in oral argument; and
3. Clarify that appellants may reserve some of their oral argument time for reply.

Appellate and Access and Fairness

Item A7 Appellate Procedure: Requests for Accommodations (amend Cal. Rules of Court, rule 1.100; revise *Requests for Accommodations by Persons With Disabilities and Response* (form MC-410)

The Access and Fairness and Appellate Advisory Committees recommended amending the rule regarding requests for accommodations for persons with disabilities and the optional form for making and responding to such requests to: (1) clarify when a response to such a request must be in writing; (2) clarify when the period for seeking review of an accommodation decision begins to run; and (3) clarify the procedures for seeking review of an accommodation decision made by a judicial officer. These changes are intended to make the rule and form clearer and easier to understand. Both the rule and form were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Amended California Rules of Court, rule 1.100 to:
   a. Clarify that the denial of an accommodation request, in whole or in part, must be in writing;
   b. Provide that the court's response to an accommodation request must include the date the response was delivered in person or sent to the applicant;
   c. Clarify that a petition for a writ of mandate in the appropriate reviewing court is the method for seeking review of an accommodation determination made by a judicial officer;
   d. Specify that only those participants in the proceeding who were notified by the court of an accommodation decision are considered real parties in interest in a writ proceeding concerning that decision;
   e. Clarify that the requirement to maintain the confidentiality of all information of the applicant concerning the request for accommodation also applies during any review process; and
   f. Make other nonsubstantive, clarifying changes.

2. Revised the response section of *Request for Accommodations by Persons With Disabilities and Response* (optional form MC-410) to:
   a. Clarify that the denial section covers denials in whole or in part;
   b. Move the paragraph concerning alternative accommodations to the section of the form addressing denials; and
   c. Include a space for the date the response is delivered in person or sent to the applicant.

Appellate and Civil and Small Claims

Item A8 Civil Forms: *Notice of Entry of Judgment or Order* (approve form CIV-130)

The Appellate and Civil and Small Claims Advisory Committees recommended that the Judicial Council approve a new optional form that can be used by litigants to give notice of entry of a judgment or order. This proposal was intended to assist litigants who are required to give notice of entry of a judgment or order and those who receive such notice by providing a simple, clear form for this purpose. The form was recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council approved new optional *Notice of Entry of Judgment or Order* (form CIV-130), to assist litigants in providing notice of entry of a judgment or order.

Civil and Small Claims

Item A9 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)

The Civil and Small Claims Advisory Committee recommended that: (1) the rule concerning court-related ADR neutrals be amended to require that courts that have mediation programs for general civil cases must establish minimum qualifications for the mediators in these programs; and (2) that the rules relating to the conduct of mediators in court-connected mediation programs for general civil cases and procedures for handling complaints against these mediators be amended to clarify that these rules do not apply to private mediators who are selected by the parties simply because the court memorializes the parties' agreement to use the mediator in a court order. These changes were intended to clarify the application of the rules and help courts assure the quality of court-connected mediation programs for general civil cases. Rules 3.851 and 3.865 were recommended to be effective January 1, 2010, and rule 10.781 to be effective January 1, 2011.

Council action

1. Effective January 1, 2010, the Judicial Council amended rules 3.851 and 3.865[1] to clarify the application of the rules of conduct and complaint procedures for mediators in court-connected mediation programs for general civil cases by providing that a mediator who is not on a superior court list or panel and who is selected by the parties is not "recommended, selected, or appointed" by the court within the meaning of these rules simply because the

[1] On October 24, 2008, the Judicial Council approved amendments to rule 3.865 that will be amended effective January 1, 2010. The amendments recommended in this report are to the January 1, 2010, version of rule 3.865.

court approves the parties' agreement to use this mediator or memorializes the parties' selection in a court order; and

2. Effective January 1, 2011, the Judicial Council amended rule 10.781 to help assure the quality of court-connected mediation programs for general civil cases by providing that a superior court that makes a list of mediators available to litigants in general civil cases or that recommends, selects, appoints, or compensates mediators to mediate any general civil case pending in the court must establish minimum qualifications for those mediators.

Item A10 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, 3.922, 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)

The Civil and Small Claims Advisory Committee recommended that the rules relating to temporary judges and referees be amended to: (1) clarify that all original documents in proceedings conducted by either a temporary judge or a referee must be filed with the court clerk; (2) require that all documents and exhibits in the possession of a temporary judge or referee that would be open to the public if filed or lodged with the court be made available to the public; (3) require that all proceedings before a temporary judge requested by the parties or before a referee that would be open to the public if held before a judge must be open to the public, regardless of where they are held; (4) require that, when they accept their appointments, all temporary judges requested by the parties and referees provide the court with a statement containing information about whom to contact for access to the hearings they conduct in these proceedings and that the court post this information in the court facility; and (5) make other clarifying changes. These amendments were intended to ensure that the court has a complete file in any proceedings before a temporary judge or referee and that the public has appropriate access to hearings and records in these proceedings. The rules were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Amended rule 2.400 to ensure that the court has a complete file in any proceedings before temporary judges and referees[2] and that the public has appropriate access to records in these proceedings, including, among other things, clarifying that all original documents in proceedings conducted by

[2] Rule 2.400 applies to all temporary judges, whether they are appointed by the court or requested by the parties, and to all referees, whether appointed under Code of Civil Procedure section 638 or 639.

either a temporary judge or a referee must be filed with the court clerk, not deposited with the temporary judge or referee, and requiring that all documents and exhibits in the possession of a temporary judge or referee that would be open to the public if filed or lodged with the court be made available to the public;

2. Adopted new rules 2.833 and 3.930, which cross-reference rule 2.400, to increase awareness of the applicable provisions in rule 2.400;
3. Reorganized the rules relating to references to make them simpler and easier to understand;
4. Amended and renumbered rules 2.833 and 3.309, amended rules 3.902, 3.922, and 3.926, and adopted new rule 3.931 relating to hearings in any proceedings before referees and temporary judges requested by the parties to:
   a. Ensure that the public has appropriate access to these hearings;
   b. Make the language concerning applications for an appropriate hearing site more consistent with other rules regarding applications and clarify that the proceedings are not stayed pending a decision on such an application unless the presiding judge or his or her designee orders such a stay; and
   c. Require that if a court staff mediator or evaluator is required to attend a hearing before temporary judge requested by the parties or a referee, that hearing must take place at a location requiring no more than 15 minutes' travel time from the mediator's or evaluator's work site, unless otherwise ordered by the presiding judge or his or her designee;
5. Amended and renumbered rule 2.834 and adopted new rule 3.932 to make the requirements concerning motions to seal records in proceedings before referees and temporary judges requested by the parties more consistent with the rules regarding sealed records and with the procedures generally followed with regard to motions; and
6. Made other clarifying changes to the rules relating to temporary judges and referees.

Item A11 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)

The Civil and Small Claims Advisory Committee recommended that the Judicial Council adopt and approve new forms for use in small claims cases and revise and revoke existing small claims forms. This proposal is part of an ongoing process of converting all small claims forms into plain language and will promote the Judicial Council's goal of access to the courts. The forms were recommended to be effective July 1, 2010.

Council action

Effective July 1, 2010, the Judicial Council:

1. Adopted form SC-200, *Notice of Entry of Judgment;*
2. Adopted form SC-202A, *Decision on Attorney-Client Fee Dispute;*
3. Approved form SC-112A, *Proof of Service by Mail;*
4. Approved form SC-113A, *Clerk's Certificate of Mailing;*
5. Approved form SC-150, *Request to Postpone Trial;*
6. Approved form SC-152, *Order on Request to Postpone Trial;*
7. Approved form SC-200-INFO, *What to Do After the Court Decides Your Small Claims Case;*
8. Approved form SC-220, *Request to Make Payments;*
9. Approved form SC-220-INFO, *Payments in Small Claims Cases;*
10. Approved form SC-221, *Response to Request to Make Payments;*
11. Approved form SC-222, *Order on Request to Make Payments;*
12. Approved form SC-290, *Acknowledgment of Satisfaction of Judgment;*
13. Revised form SC-130, *Notice of Entry of Judgment (Small Claim),* to be an alternative mandatory form;
14. Revised form SC-132, *Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment),* to be an alternative mandatory form;
15. Revoked form SC-106, *Request to Pay Judgment in Installments;*
16. Revoked form SC-110, *Request to Postpone Small Claims Hearing;* and
17. Revoked form SC-111, *Order on Request to Postpone Small Claims Hearings.*

Item A12 Civil Discovery: Subpoenas in Actions Pending Outside California (adopt forms SUBP-030, SUBP-035, SUBP-040, SUBP-045, and SUBP-050)

The Civil and Small Claims Advisory Committee recommended that the Judicial Council adopt forms to be used in applying for and issuing subpoenas for California discovery in out-of-state actions. The Legislature recently passed the Interstate and International Depositions and Discovery Act (Assem. Bill 2193 [Tran]; Stats. 2008, ch. 231). The act clarifies the deponents for whom California subpoenas can be issued in out-of-state actions and provides processes for obtaining the subpoenas and for the resolution of disputes regarding discovery in actions pending outside the state. This proposal fulfills the legislative mandate that the Judicial Council develop an application form and includes four new subpoena forms for use under the new statutory provisions. The forms were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council adopted:

1. *Application for Discovery Subpoena in Action Pending Outside California* (form SUBP-030);

2. *Subpoena for Production of Business Records in Action Pending Outside California* (form SUBP-035);
3. *Deposition Subpoena for Personal Appearance in Action Pending Outside California* (form SUBP-040);
4. *Deposition Subpoena for Personal Appearance and Production of Documents and Things in Action Pending Outside California* (form SUBP-045); and
5. *Subpoena for Inspection of Premises in Action Pending Outside California* (form SUBP-050).

Item A13 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, and NC-420; approve form NC-425; and revise form NC-100)

Amendments to Code of Civil Procedure section 1277, enacted in Assembly Bill 2304 (Plescia; Stats. 2008, ch. 586), mandate that when a person seeks a name change based on abuse, stalking, or sexual assault and that person is participating in the Secretary of State's confidential address program (Safe at Home), the court must keep the current legal name of the person confidential. In addition, the person may ask the court to file the petition and any associated papers under seal. The Civil and Small Claims Advisory Committee recommended that the Judicial Council adopt three new rules of court to facilitate (1) the mandatory confidentiality of the petitioner's current name and (2) the filing of a record under seal where appropriate. The committee also recommended that the Judicial Council revise the instructions on a current name change form and adopt five new name change forms, including an information sheet concerning confidential name change proceedings, a confidential cover sheet to be attached to all records in such proceedings, and forms for seeking permission to file the name change records under seal. The rules and forms were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Adopted California Rules of Court, rules 2.575, 2.576, and rule 2.577, concerning name change proceedings under the address confidentiality program;
2. Revised the "Instructions for Filing a Petition for Change of Name" on the *Petition for Change of Name* (form NC-100);
3. Adopted the following mandatory forms:
   a. *Confidential Cover Sheet—Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-400)
   b. *Information Sheet for Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-400-INFO)
   c. *Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-410)

d. *Declaration in Support of Application to File Documents Under Seal in Name Change Proceedings Under Address Confidentiality Program (Safe at Home)* (form NC-420); and

4. Approved optional form *Order on Application to File Documents Under Seal in Name Change Proceeding Under Address Confidentiality Program (Safe at Home)* (form NC-425).

Item A14 Attachments: Financial Abuse of Elder or Dependent Adults (revise forms AT-105, AT-115, AT-120, AT-125, AT-130, and AT-140)

The Civil and Small Claims Advisory Committee recommended that the Judicial Council revise the civil attachment forms to include references to attachments under Welfare and Institutions Code section 15657.01. That statute authorizes issuance of attachments in actions alleging financial abuse of an elder or dependent adult. The statute mandates that an application for such a writ include reference to the Welfare and Institutions Code section and that the writ provisions of the Code of Civil Procedure not inconsistent with Welfare and Institutions Code section 15657.01 otherwise apply. Under this proposal, parties seeking and courts issuing writs of attachment under the Welfare and Institutions Code will be able to use the Judicial Council forms. The forms were recommended to be effective July 1, 2010.

Council action

Effective July 1, 2010, the Judicial Council revised the following mandatory forms:

1. *Application for Right to Attach Order, Temporary Protective Order, etc.* (form AT-105);
2. *Notice of Application and Hearing for Right to Attach Order and Writ of Attachment* (form AT-115);
3. *Right to Attach Order After Hearing and Order for Issuance of Writ of Attachment* (form AT-120);
4. *Ex Parte Right to Attach Order and Order for Issuance of Writ of Attachment (Resident)* (form AT-125);
5. *Ex Parte Right to Attach Order and Order for Issuance of Writ of Attachment (Nonresident)* (form AT-130); and
6. *Temporary Protective Order* (form AT-140).

Item A15 Civil Form: *Notice of Intent to Appear by Telephone* (approve form CIV-020)

The Civil and Small Claims Advisory Committee recommended that the Judicial Council approve *Notice of Intent to Appear by Telephone* (form CIV-020). Code of Civil Procedure section 367.5 and amended rule 3.670 changed the law, effective January 1, 2008, to allow parties to appear by telephone at certain conferences, hearings, and

proceedings in civil cases, unless the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the case. The proposed form will make it easier for a party to provide written notice to the court and other parties of the intent to appear at a hearing, conference, or proceeding by telephone. The form was recommended to be effective July 1, 2010.

Council action
Effective July 1, 2010, the Judicial Council approved *Notice of Intent to Appear by Telephone* (form CIV-020) to facilitate providing written notice to the court and the other parties that a party intends to appear at a hearing, conference, or proceeding by telephone.

Item A16 Administrative Record in CEQA Actions (adopt Cal. Rules of Court, rules 3.1365–3.1368)

The Civil and Small Claims Advisory Committee recommended the adoption of rules governing the administrative record in CEQA actions. These rules will provide a statewide standard for organizing the record, authorize an electronic version of the record, and assure that the paper administrative record remains physically intact throughout trial court and appellate court review. The rules were recommended to be effective January 1, 2010.

Council action
Effective January 1, 2010, the Judicial Council adopted rules 3.1365– 3.1368 to provide a standardized format for paper and electronic versions of the administrative record in CEQA actions.

Item A17 Statement of Decision (amend Cal. Rules of Court, rule 3.1590)

The Civil and Small Claims Advisory Committee recommended amendment of the statement of decision rule to simplify time deadlines and other provisions that are unnecessarily complicated and difficult to follow. The rule is recommended to be effective January 1, 2010.

Council action
Effective January 1, 2010, the Judicial Council amended rule 3.1590 to make it clearer and easier to follow.

Court Technology

Item A18 Electronic Filing and Service: Changes to the Rules (adopt Cal. Rules of Court, rule 2.251; and amend rules 2.256 and 2.260)

The Court Technology Advisory Committee recommended that the rules on electronic filing and service be amended to make certain provisions more practical and effective. In addition, the committee recommended the adoption of a new general rule on the construction of the rules on electronic filing and service to provide guidance on the interpretation of those rules. The rules were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Adopted rule 2.251, which provides guidance on construing the rules on electronic filing and service to permit filing and service by electronic means to the extent feasible; and
2. Amended rules 2.256 and 2.260 to be more practical and workable.

Item A19 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)

The Court Technology Advisory Committee recommended the approval of two new optional forms to assist persons filing documents electronically with the courts: (1) *Consent to Electronic Service and Notice of Electronic Notification Address* (form EFS-005), to provide a means for a party to state its consent to electronic service and provide its electronic notification address to the court and other parties under rule 2.260(a) of the California Rules of Court; and (2) *Notice of Change of Electronic Notification Address* (form EFS-010), to provide a means for parties to give notice of a change in electronic notification address under rule 2.260(d). The forms were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council approved the following new optional forms:

1. *Consent to Electronic Service and Notice of Electronic Notification Address* (form EFS-005); and
2. *Notice of Change of Electronic Notification Address* (form EFS-010).

Item A20 Electronic Filing and Service: Forms for Proof of Electronic Service (approve forms POS-050/EFS-050, POS-050(D)/EFS-050(D), and POS-050(P)/EFS-050(P); and revise form POS-040)

The Court Technology Advisory Committee recommended the approval of new optional forms to help persons provide proof of electronic service. The proposal also recommended the revision of the current multipurpose proof of service form to reflect the

proposed amendment of California Rules of Court, rule 2.260(f)(1)(D) to simplify proof of electronic service. The new and revised forms will assist the public in providing proof of electronic service as such service becomes increasingly available in the years ahead. The forms were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Approved *Proof of Electronic Service* (form POS-050/EFS-050);
2. Approved *Attachment to Proof of Electronic Service (Documents Served)* (form POS-050(D)/EFS-050(D);
3. Approved *Attachment to Proof of Electronic Service (Persons Served)* (form POS-050(P)/POS-050(P); and
4. Revised *Proof of Service—Civil* (form POS-040).

Probate and Mental Health and Civil and Small Claims

Item A21 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)

The Civil and Small Claims and Probate and Mental Health Advisory Committees recommend that the Judicial Council amend rule 2.503(c) of the California Rules of Court to add proceedings for court approval of compromises of the claims of minors and persons with a disability to the list of proceedings for which remote electronic access is not available. These proceedings involve financial and other sensitive information concerning particularly vulnerable populations. Limiting remote electronic access to court records concerning the compromises and settlements would protect minors and disabled persons from unnecessary and widespread disclosure over the Internet of this sensitive information. The rule is recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council amended rule 2.503(c) to add proceedings to compromise the claims of a minor or person with a disability to the list of the proceedings for which the electronic court records are not remotely accessible.

Item A22 Civil and Probate Practice and Procedure: 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 Cal. Rules of Court, rules 7.101, 7.950, and 7.955; 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))

The Civil and Small Claims and Probate and Mental Health Advisory Committees recommend that the Judicial Council (1) amend existing rules of court governing proceedings for the compromise of the disputed claims of minors, settlement of filed actions involving minors or persons with certain defined disabilities, and disposition of the proceeds of judgments in favor of minors or persons with disabilities; (2) revise the form petition and order used in these proceedings and approve a new optional attachment to that petition for listing additional medical service providers to be paid from the proceeds to the compromise or judgment; (3) adopt a new rule of court to implement a new procedure for expedited disposition of certain small or uncontroversial compromises without a court hearing; and (4) adopt a new form petition to request the new expedited disposition. The proposal will establish a statewide standard for determining reasonable attorneys' fees to be awarded in minors' compromises and will clarify, reorganize, and update the existing petition for approval of minors' compromises and the order on the petition. The revised forms will address recent changes in the law defining disabled persons subject to the compromise approval procedure and concerning discharge of liens against recoveries for personal injuries in favor of public agencies for medical treatment provided to injured minors or disabled persons. The proposal will also create a new procedure for prompt determination of smaller or uncontroversial compromises without a court hearing and a new petition to be used to request this procedure. The rules and forms were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Amended rules 7.101, 7.950, and 7.955 and adopted rule 7.950.5 of the California Rules of Court; and
2. Revised Judicial Council forms MC-350 and MC-351, adopted form MC-350EX, and approved form MC-350(A-13b(5)).

Elder and Dependent Adult Abuse

Item A23 Protective Orders: Prevention of Elder and Dependent Adult Abuse (revise forms EA-100, DV-260/CH-102/EA-102, EA-120, and EA-130)

The Civil and Small Claims and Probate and Mental Health Advisory Committees recommend the revision of four forms used in proceedings to prevent abuse of elder and dependent adults. The revised forms will permit petitioners to request, and the courts to issue, orders protecting other named household family members and the conservators of petitioners. The revisions implement changes in the law relating to protecting elder and dependent adults and were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Revised *Request for Orders to Stop Elder or Dependent Adult Abuse* (form EA-100);

2. Revised *Confidential CLETS Information* (form DV-260/CH-102/EA-102);
3. Revised *Notice of Hearing and Temporary Restraining Order* (form EA-120); and
4. Revised *Order After Hearing Restraining Elder or Dependent Adult Abuse* (form EA-130).

Probate and Mental Health

Item A24 Probate Conservatorships and Guardianships: Value of Estate Property for Setting Surety Bond Amount for the Cost of Recovery on the Bond (amend Cal. Rules of Court, rule 7.207)

The Probate and Mental Health Advisory Committee recommended that the Judicial Council amend rule 7.207 of the California Rules of Court to clarify that the value of property in the estates of conservatees and wards is its estimated value, not its appraised value, for purposes of setting the additional amount of bond to cover the cost of recovery on the bond required by the rule and Probate Code section 2320(c)(4). This amendment would make the valuation of estate property for purposes of the additional bond consistent with its valuation for purposes of the base amount of the surety bond required by section 2320. The amended rule would also delete as no longer necessary transitional provisions applicable to conservatorships and guardianships in existence when the rule became effective on January 1, 2008. The rule is recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council amended rule 7.207 to eliminate references to the appraised value of the estate in determining the amount of additional bond required under rule 7.207(c) and to delete the transitional provisions of rule 7.207(b).

Item A25 Probate Conservatorships and Guardianships: *Reviewing the Accountings of Conservators and Guardians: Guidelines for Probate Examiners and Court Investigators* (adopt and authorize distribution of guidelines)

The Probate and Mental Health Advisory Committee recommended that the Judicial Council, effective October 23, 2009, (1) adopt guidelines for probate examiners and court investigators to assist them in their review of accountings of conservators and guardians filed for court approval, and (2) authorize distribution of the guidelines to the superior courts and their incorporation into curricula of the Administrative Office of the Courts (AOC), Education Division/Center for Judicial Education and Research (CJER) and court-sponsored training programs for these court staff positions. The committee also recommended that the council delegate authority to the Administrative Director of the Courts—in consultation with the advisory committee, court investigators, court staff

attorneys, probate examiners, and others in his discretion—to revise the guidelines as necessary or advisable, working with the Trial Court Presiding Judges and Court Executives Advisory Committees, the Probate and Mental Health Education Committee, and the AOC Education Division/CJER.

The guidelines, required by statute, will help courts respond to significant changes in the frequency, depth, and scope of investigations required by law in conservatorships and use techniques newly authorized by law to evaluate the accountings filed by conservatees and guardians to spot and reduce fraud and mismanagement by these fiduciaries.

Council action
Effective October 23, 2009, the Judicial Council:

1. Adopted and authorized distribution of *Reviewing the Accountings of Conservators and Guardians: Guidelines for Probate Examiners and Court Investigators* to the superior courts and incorporation into curricula of the Administrative Office of the Courts (AOC), Education Division/Center for Judicial Education and Research (CJER) and court-sponsored training programs for these court staff positions; and
2. Delegated authority to the Administrative Director of the Courts, in consultation with this advisory committee, court investigators, court staff attorneys, probate examiners, and others in his discretion, to revise the guidelines from time to time as necessary or advisable, working with the Trial Court Presiding Judges and Court Executives Advisory Committees, the Probate and Mental Health Education Committee, and the AOC Education Division/CJER.

Criminal

Item A26 Criminal Law: Felony Notice of Appeal (revise Judicial Council form CR-120)

The Criminal Law Advisory Committee recommended that the Judicial Council approve revisions to the form to reorganize the check boxes, add a check box, and provide additional information and instructions. The current form contains several check boxes to indicate the grounds for appeal and the type of proceeding the appeal follows. Frequently, the check boxes are marked incorrectly by self-represented defendants who are unclear about the applicable check boxes and grounds for appeal. The recommended revisions would better distinguish the grounds for appeal and provide additional information regarding the requirements for completion of the form. The form was recommended to be effective January 1, 2010.

Council action
Effective January 1, 2010, the Judicial Council revised the *Notice of Appeal—*

Felony (Defendant) (form CR-120) to:

1. Reorganize the check boxes and add instructions to distinguish appeals after trials and contested violations of probation from appeals after pleas and admissions;
2. Add a check box to specify an "other basis for appeal"; and
3. Provide additional information regarding the requirements for completion of the form.

Item A27 Criminal Law: Deadlines for Filing Pretrial Motions (amend Cal. Rules of Court, rule 4.111(a))

The Criminal Law Advisory Committee recommended that the Judicial Council approve amendments to rule 4.111(a) of the California Rules of Court to replace the word "calendar" with "court" in the deadlines prescribed for filing pretrial motions, replies, and proofs of service. Use of the word "calendar" in the current deadlines severely shortens the number of days parties have to file those papers, particularly during time frames that include weekends and governmental holidays. The recommended amendments would ensure that parties have sufficient time to file during time frames that include weekends and governmental holidays. The rule is recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council amended California Rules of Court, rule 4.111(a) to replace the word "calendar" with "court" in the deadlines prescribed for filing pretrial motions, replies, and proofs of service.

Item A28 Criminal Law: Petitions for Writs of Habeas Corpus (revise Judicial Council form MC-275)

The Criminal Law Advisory Committee recommended that the Judicial Council approve minor revisions to *Petition for Writ of Habeas Corpus* (form MC-275) to add information to the instructions on the first page of the form to specify certain filing requirements prescribed by the California Rules of Court. The form was recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council revised the *Petition for Writ of Habeas Corpus* (form MC-275) as follows:

1. Specified the number of copies that are required when a petition is filed in the Court of Appeal by a self-represented petitioner;
2. Clarified the number of supporting documents that must be filed in the Supreme Court; and
3. Advised attorneys that the number of copies of supporting documents that must be filed in the Court of Appeal may vary by local rule or court order in a specific case.

Item A29 Criminal Law: Petition and Order for Dismissal (revise Judicial Council forms CR-180 and CR-181)

The Criminal Law Advisory Committee recommended that the Judicial Council approve revisions to *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) to add an "interest of justice" basis for dismissal to the petition, an advisement to the order to indicate that a dismissal does not restore a defendant's ability to hold public office, and a check box to the order to indicate that the court has denied a request to reduce the charge from a felony to a misdemeanor. These revisions would conform the forms with existing statutory authority and recent changes in the law. Form CR-180 is recommended to be effective January 1, 2010, and form CR-181 is recommended to be effective July 1, 2010.

Council action

1. Effective January 1, 2010, the Judicial Council revised the *Petition for Dismissal* (form CR-180) to add an "interests of justice" basis for dismissal and an instruction requiring defendants to explain the basis for those dismissals by completing and attaching the optional *Attached Declaration* (form MC-031);
2. Effective July 1, 2010, the Judicial Council added an advisement to the *Order for Dismissal* (form CR-181) to indicate that dismissals under Penal Code section 1203.4 do not restore a defendant's ability to hold public office; and
3. Effective July 1, 2010, the Judicial Council added a check box to the *Order for Dismissal* (form CR-181) to allow the court to indicate that it denies the petitioner's request to reduce the charge to a misdemeanor under Penal Code section 17(b).

Item A30 Criminal Law: Felony Plea Form (revise Judicial Council form CR-101)

The Criminal Law Advisory Committee recommended that the Judicial Council approve revisions to the *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101) to delete an incomplete advisement regarding mandatory sex offender registration. The form was recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council revised the *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101) to delete the following advisement from item 3.d.: "I must register with the police or Sheriff's Department in the city or county in which I reside within five days of my birthday and within five days of any address change."

Appellate and Family and Juvenile Law

Item A31 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, 5.708, 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 8.409, respectively; renumber rule 8.406 as rule 8.408; repeal rules 5.590 and 5.600; and revise forms JV-320, JV-510, JV-800, JV-820, JV-825, and JV-828)

The Appellate and Family and Juvenile Law Advisory Committees recommended: (1) amending the rules governing appeals and writs in juvenile cases to delete duplicate provisions, consolidate provisions addressing the same subject, fill gaps in the rules, and make several substantive changes in the rules; and (2) revising the Judicial Council forms used in these proceedings to correspond with these changes in the rules. The substantive changes to the rules include conforming the provisions in several rules regarding notice to Indian tribes with statute; adding motions and associated material to the normal record on appeal; eliminating the requirement for automatic augmentation of the record on appeal whenever a new order is issued in a case; allowing trial and appellate courts to agree to implement expedited appeal procedures in all juvenile dependency proceedings; allowing attorneys to sign notices of intent to file writ petitions; and clarifying who must receive the notice of intent and writ petition. These amendments were intended to make the rules clearer and easier to understand; ensure that appropriate notice is given to Indian tribes in these proceedings; reduce the need for parties to file and courts to consider requests for additions to the record; eliminate unnecessary record augmentations; permit courts to implement procedures that would expedite juvenile dependency proceedings; and eliminate the possibility that difficulties in obtaining a potential petitioners' signatures on the notice of intent could threaten individuals' rights to seek review. The rules and forms were recommended to be effective July 1, 2010.

Council action

Effective July 1, 2010, the Judicial Council:[3]

1. Adopted, amended, renumbered or repealed rules 5.585–5.600, 5.708, and 8.400–8.456 as detailed below in recommendations 2–13 to delete duplicative provisions, consolidate provisions addressing the same issue, delete provisions related to appellate procedures from title 5 of the California Rules of Court, which contains the family and juvenile rules, and move them to title 8, which contains the appellate rules;
2. Renumbered rule 5.585 as rule 5.590 and amended it to eliminate

[3] The proposed effective date of the revised forms is July 1, 2010. To give courts additional time to implement any necessary changes by this effective date, including making any necessary changes to computerized case management systems and to use up any stockpiles of existing forms, the proposal needs to be considered by the Judicial Council at its October meeting.

provisions addressing the right to appeal from the rules, add an advisory committee comment directing readers to statute and case law addressing this right, and clarify the requirements concerning advisement of appellate rights;

3. Amended rule 5.708 to contain the correct reference to rule 5.590;
4. Amended rules 8.405(b), 8.450(f), 8.452(c), 8.454(g), and 8.456(c) to clarify that de facto parents, as identified in the rules, must currently be awarded that status by the juvenile court;
5. Amended the provisions in rules 8.405(b), 8.450(f), 8.452(c), 8.454(g), and 8.456(c) regarding notice to Indian tribes and custodians to conform with statute;
6. Renumbered current rule 8.404 as rule 8.407 and amended it to include motions and related materials as a part of the normal record on appeal;
7. Renumbered rule 8.408 as rule 8.409 and amended it to delete the provisions relating to augmentation and correction of the record, moved these provisions to new rule 8.410, and replace the requirement for automatic augmentation of the record with a requirement that the trial court provide notice to the parties whenever it amends or recalls the judgment or makes any other order in the case;
8. Adopted rule 8.411 to provide a procedure for abandoning an appeal;
9. Amended rule 8.416 to allow trial and appellate courts to agree to follow the expedited procedures for appeals in juvenile dependency cases that are now followed in the Superior Courts of Orange, Imperial, and San Diego Counties;
10. Amended rules 8.450–8.456 to:
    a. Allow the attorney of record to sign the notice of intent to file writ petition in proceedings under either Welfare and Institutions Code section 366.26 or 366.28; and
    b. Clarify who must be sent notice of the filing of the notice of intent and who must be served with a writ petition, including removing caregivers from the lists of those who must receive any such notice or petition;
11. Revised *Orders Under Welfare and Institutions Code Sections 366.26, 727.3, 727.31* (form JV-320), *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26* (form JV-820), and *Notice of Action* (form JV-828) to conform to recent statutory amendments and the proposed rule amendments;
12. Revised *Proof of Service–Juvenile* (form JV-510) to allow its use with all documents that could be filed in the juvenile court and remove the proof of service portion from *Petition for Extraordinary Writ* (form JV-825); and
13. Revised *Notice of Appeal–Juvenile* (form JV-800) so it can be used to request appointment of counsel on appeal and to update references to rule numbers.

Family and Juvenile Law

Item A32 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

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council revise, adopt, and approve specific forms to promote compliance with statutory mandates and to facilitate judicial consistency in proceedings involving child custody evaluations. Particular changes are related to recent amendments to Family Code section 3111, which authorizes the court to impose a monetary sanction for the unwarranted disclosure of a written, confidential child custody evaluation report. The rule and forms were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Amended rule 5.220 of the California Rules of Court (Court-ordered child custody evaluations) to include the statutorily mandated notice regarding the confidentiality of the child custody evaluation report;
2. Revised *Order Appointing Child Custody Evaluator* (form FL-327) to reference the new, mandatory form *Notice Regarding Confidentiality of Child Custody Evaluation Report* (form FL-328) and conform to case law regarding the scope and purpose and the determination of fees and costs of the evaluation.
3. Adopted *Notice Regarding Confidentiality of Child Custody Evaluation Report* (form FL-328) as the new form mandated by statute; and
4. Approved *Child Custody Evaluation Information Sheet* (form FL-329-INFO) to educate parents about the process and confidential nature of child custody evaluations.

Item A33 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)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council revise 12 forms to implement two recent statutory changes. Assembly Bill 2781 (Leno; Stats. 2006, ch. 797) requires that every child support order issued on or after January 1, 2010, include a separate money judgment owed by the child support obligor to pay a fee to a private child support collector. Assembly Bill 910 (Karnette; Stats. 2007, ch. 617) requires continuation of health insurance coverage for adult disabled children, necessitating an additional item on many of these forms.

Additional space would be added to five forms and the term "obligor" would be changed to "parent ordered to pay support" and "obligee" would be changed to "parent receiving support" throughout the forms to make the forms more understandable. The forms were recommended to be effective January 1, 2010.

Council action
Effective January 1, 2010, the Judicial Council revised 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 to make them consistent with statute and improve administration of title IV-D cases.

Item A34 Juvenile Law: Deferred Entry of Judgment (amend Cal. Rules of Court, rule 5.800; revise form JV-751)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council amend rule 5.800 and revise form JV-751, effective July 1, 2010, to promote compliance with statutory mandates and facilitate judicial consistency in proceedings involving deferred entry of judgment (DEJ). The proposed rule and form changes are designed to bring rule 5.800 and form JV-751 into compliance with Welfare and Institutions Code section 790, including clarifying the court's independent authority to grant DEJ and incorporating findings related to the child's ability to benefit from DEJ.

Council action
Effective July 1, 2010, the Judicial Council:

1. Amended rule 5.800(b) to specify the court's discretion to independently grant DEJ upon making a finding that the child meets the benefit and suitability requirements outlined under section 790. The rule is also amended to reflect that the child must admit the petition as charged, as required by section 791(a)(3). Probation-related terms are incorporated to reflect the expectation under section 794 that curfew and school attendance requirements may be imposed if appropriate.
2. Revised form JV-751 by addressing the same issues reflected in the proposed amendments to rule 5.800; specifically, clarify the court's independent authority to grant DEJ and to make required findings related to the child's appropriateness for and ability to benefit from DEJ. Additionally, revised the form so that it reflects the requirement that the child must admit to the petition as charged, as required by section 791(a)(3). The revised form also reflects that search and seizure requirements must be imposed if DEJ is granted while specifying that curfew and school attendance requirements may be imposed if appropriate. Finally, revised form JV-751 to remove the reference to Code of Civil Procedure section 170.6. Although section 170.6 is understood to

apply broadly in most contested civil and criminal actions where the issue of bias enters in, in general Judicial Council forms do not contain a reference to its application and it is inconsistent to include this notice on form JV-751.

Item A35 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)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council amend four rules and adopt three rules to implement statutory changes relevant to review and permanency hearings in juvenile dependency proceedings, as mandated by Assembly Bill 2070 and Assembly Bill 706. Further restructuring and language changes were necessary to facilitate rule usage for judicial officers and practitioners. The amended and new rules will comply with current statutory mandates and promote legal consistency and clarity. The rules were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Amended rule 5.695(f) (Orders of the court). The amendments to this rule addresses new requirements regarding the timing and provision of reunification services, as outlined in Welfare and Institutions Code section 361.5(a);[4]
2. Adopted rule 5.706 (Family maintenance review hearings). This new rule applies to review hearings under section 364 in which the dependent child remains in the custody of the parent or legal guardian. Previously, these requirements were combined with the 6-month review hearing requirements in rule 5.710, but now they are separated because the legal mandates for the two hearing types are quite different;
3. Adopted rule 5.708 (General review hearing requirements). This rule describes the legal requirements regarding notice, reports, case plans, court findings and orders, and other procedures generally applicable to 6-, 12-, 18-, and 24-month review hearings when the dependent child has been removed from the custody of the parent or legal guardian. Previously, these requirements were repeated three times in the 6-, 12-, and 18-month rules; this new rule reduces redundancy by bringing all the common requirements into one rule;
4. Amended rule 5.710 (Six-month review hearing). This rule is revised and condensed to reflect the court procedures and determinations specifically applicable at the 6-month review hearing for children in out-of-home care.

[4] Unless otherwise stated, all section references are to the Welfare and Institutions Code.

Minor wording changes in subdivisions (b)(4) and (c)(1)(D) comply with case law. (See *M.V. v. Superior Court* (2008) 167 Cal.App.4th 166, fn. 3 & 8);

5. Amended rule 5.715 (Twelve-month permanency hearing). This rule is revised and condensed to reflect court procedures and determinations specifically applicable at the 12-month permanency hearing;
6. Amended rule 5.720 (Eighteen-month permanency review hearing). This rule is revised and condensed to reflect court procedures and determinations specifically applicable at the 18-month permanency review hearing; and
7. Adopted rule 5.722 (Twenty-four-month subsequent permanency review hearing). This new rule reflects the court procedures and determinations specifically applicable at the 24-month subsequent permanency review hearing, as outlined in Assembly Bill 2070 and Welfare and Institutions Code sections 366.22 and 366.25.

Item A36 Juvenile Law: Presence and Participation of Child at Hearings (amend Cal. Rules of Court, rules 5.534 and 5.725)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council amend two rules to comply with current statutory mandates. Effective January 1, 2009, the Legislature revised Welfare and Institutions Code section 349, which includes revised provisions regarding a child's presence at and participation in a juvenile court hearing if the child is the subject of that hearing. The proposed rule amendments were necessary to promote legal compliance with section 349 and to eliminate unnecessary redundancy. The rules were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council amended rules 5.534 and 5.725 of the California Rules of Court to comply with current statutory mandates and to facilitate consistency.

Item A37 Juvenile Law: Request to Change Court Order (amend Cal. Rules of Court, rule 5.570)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council amend rule 5.570 to promote compliance with new legal requirements in Welfare and Institutions Code section 388(c)(1), effective January 1, 2009, that allow any party, including a dependent child, to petition the court to terminate court-ordered reunification services under certain conditions. The amended rule will conform to current statutory mandates and promote clarity. The rule is recommended to be effective January 1, 2010.

Council action
Effective January 1, 2010, the Judicial Council amended rule 5.570 of the California Rules of Court to comply with current law.

Item A38 Juvenile Law: Required Information for Child Attaining Age of Majority (revise form JV-365)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council revise form JV-365 to comply with changes to Welfare and Institutions Code section 391, effective January 1, 2009, which identify new requirements regarding information, documents, and services that must be provided to a dependent child who has reached the age of majority before the termination of jurisdiction hearing. The amended form will conform to current statutory mandates and promote clarity. The form was recommended to be effective January 1, 2010.

Council action
Effective January 1, 2010, the Judicial Council revised form JV-365 to comply with current statutory mandates and to clarify some existing items on the form.

Item A39 Juvenile Law: Nondiscrimination in the Appointment of Court Appointed Special Advocates (CASAs) (amend Cal. Rules of Court, rule 5.655)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council amend rule 5.655 to comply with changes to Welfare and Institutions Code section 103, effective January 1, 2009, which expand the list of categories protected from discrimination for an adult qualified to act as a CASA volunteer. The amended rule will conform to current statutory mandates and promote consistency. The rule is recommended to be effective January 1, 2010.

Council action
Effective January 1, 2010, the Judicial Council amended rule 5.655 of the California Rules of Court to comply with current statutory mandates and to facilitate consistency.

Item A40 Juvenile Law: Affidavit Under Penalty of Perjury (revise form JV-210)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council revise form JV-210 because of concerns that the form does not qualify as an affidavit as required under section 329 of the Welfare and Institutions Code since the affiant is not required to sign the declaration under penalty of perjury. The proposed amendments were necessary to promote compliance with that section and with Code of Civil Procedure section 2015.5 and to ensure that form JV-210 serves

as a valid affidavit. Various technical and clarifying changes to the form were also proposed. The amended rule will conform to current statutory mandates and promote consistency. The form was recommended to be effective July 1, 2010.

Council action

Effective July 1, 2010,[5] the Judicial Council amended form JV-210, *Application to Commence Proceedings by Affidavit and Decision by Social Worker,* to comply with current statutory mandates and ensure that the form serves as a valid affidavit.

Domestic Violence

Item A41 Domestic Violence: Judicial Education on Domestic Violence Issues (adopt Cal. Rules of Court, rule 10.464)

The Domestic Violence Practice and Procedure Task Force and the CJER Governing Committee recommended adoption of a rule to provide for education on domestic violence for trial court judges and subordinate judicial officers. The rule would not increase the total number of hours stated in existing educational requirements and expectations under California Rules of Court, rule 10.462. Rather, it would create a duty for those who hear matters in criminal, family, juvenile delinquency, juvenile dependency, or probate to participate in appropriate education on domestic violence issues within those requirements and expectations, and, in addition, for judicial officers with primary assignments in these areas to participate in periodic updates. In addition, the rule would require inclusion of domestic violence issues at the Judicial College and in primary assignment courses for both new and experienced judges. The proposed rule is in response to a recommendation to the Judicial Council and its resulting directive of February 2008. The rule is recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council adopted rule 10.464 to provide for education on domestic violence for judges, commissioners, and referees. The rule:

1. Requires participation in appropriate education on domestic violence issues by each judicial officer who hears matters in criminal, family, juvenile delinquency, juvenile dependency, or probate as part of his or her requirements and expectations under rule 10.462, and, in addition, for those with primary assignments in these areas, participation in periodic updates as part of these requirements and expectations; and
2. Requires inclusion of domestic violence issues in courses at the Judicial College and in primary assignment courses for both new and experienced judicial officers.

---

[5] The proposed effective date of the revised forms is July 1, 2010. To give courts additional time to implement any necessary changes by this effective date, including making any necessary changes to computerized case management systems, the proposal needs to be considered by the Judicial Council at its October meeting.

Item A42 Family Law: Denial of Request for Temporary Restraining Order (revise Judicial Council forms DV-110, DV-125, DV-126-INFO, DV-130, DV-200, DV-210-INFO, DV-250, DV-510-INFO, and DV-540-INFO; adopt form DV-109; and approve form DV-112)

The Family and Juvenile Law Advisory Committee recommended revising, adopting, and approving specific forms related to the Domestic Violence Prevention Act. Particular changes relate to recent amendments to Family Code section 6320.5, which requires a court to state its reasons when denying a petition for an ex parte restraining order. The forms were recommended to be effective January 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Revised Judicial Council forms DV-110, DV-125, DV-126-INFO, DV-130, DV-200, DV-210-INFO, DV-250, DV-510-INFO, and DV-540-INFO;
2. Adopted form DV-109; and
3. Approved form DV-112.

Miscellaneous

Item A43 Rules and Forms: Miscellaneous Technical Changes (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, SUBP-010, and SUM-140)

The Administrative Office of the Courts recommended making technical and minor substantive changes unlikely to create controversy to miscellaneous rules and forms. These changes were necessary to correct inadvertent omissions, typographical errors, language inconsistencies, or changes in the rule and statute name and numbering systems. All rules changes and changes to forms APP-015/FW-015-INFO, APP-016/FW-016, FW-007, and FW-008 were recommended to be effective January 1, 2010, and forms ADR-103, DV-101, GC-340, SUBP-010, and SUM-140 were recommended to be effective July 1, 2010.

Council action

Effective January 1, 2010, the Judicial Council:

1. Amended rule 2.258(b) to correct a reference from Government Code "section 68511.3" to "sections 68630–68641";
2. Amended the advisory committee comment to rule 8.104 to correct a rule reference from "8.408" to "8.308";
3. Amended rule 8.130(b)(2) to correct an internal subdivision reference from "(d)(2)" to "(d)(1)";
4. Amended rule 8.212(b)(3) to correct a reference from "8.200(c)(5) or (6)"

to"8.200(c)(6) or (7)";

5. Amended rule 8.910(b) to change a reference to "the People" to "respondent" and to delete the reference to "counsel for the appellant" because there is already a reference to "the appellant";
6. Amended rule 8.1005(c) to correct a rule reference from "8.708" to "8.888";
7. Amended rule 10.54(b)(3) to delete the word "traffic" and specify "juvenile hearing officer" instead of "juvenile traffic hearing officer" for consistency with the amendment of Welfare and Institutions Code section 255;
8. Revised form APP-015/FW-015-INFO to reflect California Government Code section 68511.3(a)(6)(B) and update the table on page 1 to reflect recently revised federal poverty guidelines;
9. Revised forms APP-016/FW-016, FW-007, and FW-008 to remove the notation at the top that the forms are confidential. The notation that the documents are confidential was inadvertently included on the forms although neither the fee waiver statutes (Gov. Code, § 68630 et seq.) nor California Rules of Court, rule 3.50 et seq., provide that the forms, a notice of a hearing, and two orders on fee waiver applications be issued confidentially; and
10. Revised form SUM-140 to delete the first introductory sentence (in both English and Spanish), which states that the party has 30 days to respond to the suit, although under the law, and as stated correctly in the next line on the form, a party has only 10 days to respond to a complaint to enforce a storage lien.

Effective July 1, 2010, the Judicial Council:

1. Revised form ADR-103, item 3.b.2, to correct "petitioner" to "respondent";
2. Revised form DV-101, the first item, by deleting a reference to "item 21";
3. Revised form GC-340, item 9 on page 2, to correct a reference from item "27" to "28"; and
4. Revised form SUBP-010, to delete a reference "Civil Code § 15(a)(e)" in the footer on the bottom right of page 1.

Item B **Child Support: Base Allocations for AB 1058 Child Support Commissioner and Family Law Facilitator Program, Fiscal Year 2009–2010**

The Family and Juvenile Law Advisory Committee recommended that the council approve the allocation of non–trial court funding to local courts for the child support commissioner and family law facilitator program. The funds for this program are provided by a cooperative agreement between the California Department of Child

Support Services (DCSS) and the Judicial Council. Two-thirds of these funds are federal funds and the remaining one-third are state General Funds (non–trial court funding). The courts are also being offered an option to use local court funds up to an approved amount to draw down federal matching funds.

Council action

The Judicial Council, effective October 23, 2009:

1. Approved the committee's recommended revised base allocations for the child support commissioner program for fiscal year 2009–2010, subject to the state Budget Act; and
2. Approved the committee's recommended revised base allocations for the family law facilitator program for fiscal year 2009–2010, subject to the state Budget Act.

Item C Court Interpreters: Certification and Registration Testing Fees

The Court Interpreters Advisory Panel recommended requiring that court interpreter certification and registration test candidates pay the full cost of their examinations. The Court Interpreters Advisory Panel also recommended delegating authority to the Administrative Director of the Courts to set future court interpreter testing fees, based on competitive market rates. Currently the AOC subsidizes roughly a third of the cost of all examinations, which is both fiscally unsustainable and not a good use of scarce resources. The council should act on this proposal so that the AOC can invest in court interpreter program initiatives that are more likely to produce qualified court interpreters.

Council action

The Judicial Council, effective October 23, 2009, approved policy changes to:

1. Require court interpreter certification and registration test candidates to pay the full and actual cost for the administration of oral and written examinations, based on two current competitive market rates. Candidates will be required to pay separately for each exam taken (written and oral), at the actual market rate of each exam. This fee structure shall not become effective until a new agreement is established between the AOC and the test administrator. The Court Interpreters Program anticipates a new agreement will be established in spring 2010; and
2. Delegate authority to the Administrative Director of the Courts to set court interpreter certification and registration examination fees, effective immediately. The Administrative Director should set certification and registration testing fees based on the current market cost for the administration of these examinations.

Item J **Civil Law: Disability Access Litigation (approve form DAL-001)**

The Civil and Small Claims Advisory Committee recommended approval of *Important Information for Building Owners and Tenants* (form DAL-001). Civil Code section 55.3(c) relates to construction-related accessibility claims in which a plaintiff represented by an attorney has made a monetary demand or has filed or is about to file a civil complaint. It requires the attorney to provide a written advisory to the defendant with each monetary demand or complaint and requires the Judicial Council to adopt a form that may be used for this purpose. Form DAL-001 contains the required information. The form was recommended to become effective October 23, 2009.

Council action
The Judicial Council, effective October 23, 2009, approved *Important Information for Building Owners and Tenants* (form DAL-001), which contains the information required under Civil Code section 55.3(b).

DISCUSSION AGENDA (Items D–G, and I)

Item D **Presentation of the 2008–2009 Recipients of the Ralph N. Kleps Award for Improvement in the Administration of the Courts**

Kleps Award Committee Chair, Justice Ronald B. Robie made a presentation recognizing and profiling the eight 2008–2009 Kleps Award recipients, with the participation of Ms. Deirdre Benedict.

Council action
The Judicial Council took no action on this item.

Item E **Ethics: Amendments to the Code of Ethics for the Court Employees of California**

Mr. Michael D. Planet, Chair, Court Executives Advisory Committee; Ms. Deena Fawcett, Clerk/Administrator, Court of Appeal, Third Appellate District; and Ms. Marlene Hagman-Smith, Executive Office Programs Division, presented this item.

The Court Executives Advisory Committee recommended that the Judicial Council approve amendments to the *Code of Ethics for the Court Employees of California* to reflect updated and comprehensive tenets and guidelines that support the highest standards of professional integrity and ethical conduct by all court employees. The Supreme Court, Court of Appeal, and most of the trial courts have adopted the current 1994 Code of Ethics version or a local variation of the model code. These proposed revisions were

recommended to modernize expectations for ethical employee conduct and ensure the public's trust and confidence in the justice system.

Council action

The Judicial Council, effective October 23, 2009:

1. Approved the proposed nonsubstantive clarifying language amendments contained throughout the 12 tenets and guidelines of the Code of Ethics;
2. Amended Tenet Eight to combine the original Tenet Eight (Duty to serve) with the original Tenet Nine (Competency) to create a new Tenet Nine (Service and competency);
3. Approved a new Tenet Eight and guideline (Public resources) that address the importance of good stewardship of court public resources;
4. Amended Tenet Eleven (Harassment) to expand the guidance to avoiding all categories of harassment, including sexual harassment; and
5. Directed the AOC to start the proposal process to amend rule 10.473(c)(1) of the California Rules of Court to include a requirement of a minimum of 3 hours of ethics training as part of the 30 hours of continuing education that trial court executive officers must complete every 3 years.

Item F **Statement of Policy for Prefunding Other Postemployment Benefits and Establishing Qualified Irrevocable Trusts in the Trial Courts**

Mr. Ernesto V. Fuentes and Mr. Kenneth R. Couch, Human Resources Division, presented this item.

The Administrative Office of the Courts proposed that the Judicial Council adopt a policy and guidelines on prefunding other postemployment benefits and the establishment of irrevocable trusts by the trial courts. The policy would require trial courts to work with the AOC in determining the court's ability to prefund such trusts, as well as the actual process of establishing an irrevocable trust. No current policy or guidelines covered these issues.

Council action

The Judicial Council, effective October 23, 2009, adopted the following policy directives to provide trial courts with guidance and authorization protocols for prefunding other postemployment benefits (OPEB) obligations:

1. Courts offering OPEB, such as retiree health insurance, should consider prefunding as a financial goal. In considering to prefund OPEB, each trial court should take into account its current and future financial condition and determine whether prefunding is in the best interest of the court in balancing and reconciling the branch's goals to provide access to the courts.

2. Given the difficult financial condition of the State Budget, the Judicial Council should establish a moratorium on authorizing prefunding of OPEB. This moratorium on prefunding should last for a two-year period, ending June 30, 2011. The Judicial Council should delegate to the Administrative Director of the Courts (ADC) the authority to grant exceptions to this moratorium. The ADC will consider exceptions on a case-by-case basis. Factors creating exceptions may include extenuating circumstances beyond the control of the court and/or contractual obligations under a memorandum of understanding that require prefunding. Additionally, courts must consult with the AOC Finance Division in determining a court's ability to prefund these benefits.
3. a. Trial courts prefunding their OPEB, in accordance with this policy and working in conjunction with the AOC Finance Division, must follow Government Accounting Standards Board Standard 43 and establish a qualified irrevocable trust that follows the Internal Revenue Code section 115.
   b. Numerous entities provide such qualified trusts. However, the California Employer's Retiree Benefit Trust available through the California Public Employees' Retirement System (CalPERS) and Public Agency Retirement Services are the providers of qualified trusts authorized by the Judicial Council. Trial courts seeking to use other providers for establishing a qualified irrevocable trust must receive prior approval from the ADC.
   c. A court must not make itself a fiduciary for the qualified irrevocable trust.
4. Trial courts prefunding their OPEB must follow the Judicial Council's *Statement of Investment Policy for the Trial Courts*, adopted in 2004. The policy requires that the Judicial Council or its designee, the Administrative Director of the Courts, approve all investments.
5. Trial courts prefunding their OPEB by establishing a qualified irrevocable trust must contact the AOC Human Resources Division. The division will coordinate a trial court's application through review by the AOC Finance Division and the Office of the General Counsel, with final approval by the ADC.

Item G **Allocation of Special Fund Monies for Court System Projects and Programs in FY 2009–2010**

Mr. Stephen Nash and Mr. Steven Chang, Finance Division, presented this item with the participation of Mr. Colin Simpson, Finance Division.

The Administrative Office of the Courts recommended approval of allocations from the Trial Court Improvement Fund, Judicial Administration Efficiency and Modernization

Fund, and Trial Court Trust Fund (TCTF) to support various programs and projects, including statewide administrative and technology infrastructure, judicial education, complex civil litigation, alternative dispute resolution, and self-help.

Council action

The Judicial Council, effective for FY 2009–2010, with one dissenting vote:

1. a. Approved allocation of $53.831 million for projects and programs from the Modernization Fund ($8.414 million) and the Improvement Fund ($45.417 million);
   b. Authorized restoration of ongoing funding for the Alternative Dispute Resolution Program in FY 2010–2011 and authorized staff to proceed with program planning, including (1) soliciting court proposals for FY 2010–2011, (2) recommending projects to E&P for approval, and (3) entering into Intrabranch Agreements for FY 2010–2011 funding;
2. Approved allocation of:
   a. $87.771 million for statewide administrative programs and services, from the Modernization Fund ($9.958 million), the Improvement Fund ($38.309 million), and the TCTF ($39.504 million); and
   b. $83.353 million for statewide administrative and technology infrastructure projects, from the Modernization Fund ($20.337 million), the Improvement Fund ($30.481 million), and the TCTF ($32.535 million);
3. Approved allocation of $7.4 million to courts for the replacement of technology assets, such as personal computers and printers, but also authorized courts to redirect these funds to offset the impact of budget reductions, as deemed necessary by each court, in FY 2009–2010; and
4. Delegated authority to the Administrative Director of the Courts to adjust allocations of funds to courts and for approved programs and projects, as needed, to address unanticipated needs and contingencies. Any adjustments will be reported back to the council after the end of the fiscal year.

Item I **Adoption and Permanency for Children in California: A Resolution for the Courts**

Mr. Christopher Wu, Center for Families, Children & the Courts, and Ms. Michelle Sales, CASA case supervisor, volunteer, and former foster youth (Stanislaus County), presented this item with the participation of Mr. Steve Ashman, Executive Director, CASA Stanislaus County, and Ms. Lora Collier, Center for Families, Children & the Courts.

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council actively recognize National Adoption Month in California's courts by

proclaiming November to be Court Adoption and Permanency Month, as it has since 1999. The goal of the month is to encourage and highlight innovative efforts by courts and local communities to take special measures to expedite adoption and permanency while raising awareness of the need for safe and permanent homes for children. With approximately 71,000 children in California living apart from their families in child welfare–supervised out-of-home care, it is important that California's courts continue to make specific efforts to find them safe and permanent homes. Annual recognition of November as Court Adoption and Permanency Month reinforces the Judicial Council's commitment to finding permanent homes for children.

Council action
The Judicial Council declared the month of November "Court Adoption and Permanency Month," and Chief Justice Ronald M. George and Administrative Director William C. Vickrey executed a resolution commemorating the declaration.

Information-only Item

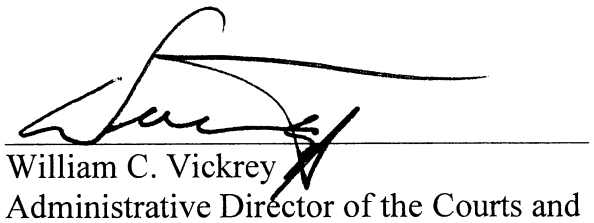
Information Sheet on Waiver of Court Fees and Costs **(form FW-001-INFO)**
Effective February 9, 2009, a revision to form FW-001-INFO was approved by the Executive and Planning Committee on behalf of the Judicial Council to reflect revised federal poverty guidelines in accordance with California Government Code section 68511.3(a)(6)(B).

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

Appointment Orders since the last business meeting.
[Appointment Orders Tab]

There being no further public business, the meeting was adjourned at 1:00 p.m.

Respectfully submitted,



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