JUDICIAL COUNCIL MEETING
Minutes of the October 24, 2008, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:45 a.m. on Friday, October 24, 2008, at the Administrative Office of the Courts (AOC) in San Francisco, California.

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

Absent: Senator Ellen M. Corbett, Assembly Member Dave Jones, Judge Dennis E. Murray.

Others present included: Justices James J. Marchiano, Patricia K. Sepulveda, and Douglas E. Swager; Judges Terence L. Bruiniers and Michael Nash; Mr. Stan Bissey, Ms. Jillian Ducker, Mr. Ishmail Jackson, Ms. Beth Jay, Ms. Christin Ogle, Mr. Mark Schwartz, and Ms. DeAnnah Thomas; **staff:** Mr. Ray Agno, Mr. Peter Allen, Mr. Nick Barsetti, Ms. Aleta Beaupied, Ms. Deirdre Benedict, Ms. Mara Bernstein, Mr. Dennis Blanchard, Ms. Dianne Bolotte, Ms. Margie Borjon-Miller, Ms. Deborah Brown, Mr. Robert Buckley, Ms. Ayanna Cage, Ms. Sheila Calabro, Ms. Roma Cheadle, Mr. Curtis L. Child, Ms. Nicole Claro-Quinn, Dr. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Patrick Danna, Ms. Charlene Depner, Ms. Marita Desuasido, Mr. Kurt Duecker, Ms. Angela Duldulao, Mr. Mark W. Dusman, Mr. Edward Ellestad, Mr. Robert Emerson, Mr. Ekuike Falorca, Ms. Audrey Fancy, Mr. Jonathan Feigenson, Mr. Bob Fleshman, Mr. Malcolm Franklin, Mr. Ernesto V. Fuentes, Mr. David Glass, Mr. Joe Glavin, Mr. Ruben Gomez, Ms. Michelle Gray, Mr. Bruce Greenlee, Ms. Marlene Hagman-Smith, Ms. Donna Hershkowitz, Mr. Alan Herzfeld, Mr. Burt Hirschfeld, Ms. Sidney Hollar, Ms. Lynn Holton, Ms. Bonnie Hough, Mr. Kenneth L. Kann, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Ms. Eunice Lee, Mr. Barry Lynch, Mr. Dag MacLeod, Ms. Angela McIsaac, Ms. Susan McMullan, Mr. Frederick G. Miller, Mr. Stephen Nash, Ms. Diane Nunn, Mr. Ronald G. Overholt Ms. Jody Patel, Ms. Christine Patton, Mr. Chung-Ron Pi, Ms. Catharine Price, Ms. Kelly Quinn, Ms. Susan Reeves, Mr. Christopher Rey, Ms. Mary M. Roberts, Ms. Rona Rothenberg, Ms. Lanette Scott, Ms. Rhonda Sharbono, Ms. Deborah Silva, Ms. Nancy E. Spero, Ms. Sonya Tafoya, Ms. Marcia Taylor, Ms. Kathy Tyda, Ms. Susie Viray, Ms. Barbara Jo

Whiteoak, Mr. Don Will, Mr. Lee Willoughby, Ms. Josely Yangco-Fronda, Ms. Daisy Yee; and **media representatives:** Ms. Amy Yarbrough, *San Francisco Daily Journal.*

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

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

Approval of Minutes
The minutes of the August 15, 2008, business meeting will be submitted for approval at the December 9, 2008, business meeting.

2008 California on My Honor: Civics Institute for Teachers
Ms. Catharine Price, program coordinator of the 2008 California on My Honor: Civics Institute for Teachers program, provided an overview of two sessions of this professional development program, which took place June 30–July 3 in San Diego and July 8–11 in San Francisco. Fifty selected K–12 teachers from around the state learned about the role and operation of the California court system and participated in site visits to the Superior Courts of San Diego and San Francisco Counties. Participants also explored models of existing court- and law-related education curricula and programs and reviewed current K–12 California civics standards. Since the institute, they have created unique lesson plans tailored for use in their own classrooms. This program is collaboration between court staff and California State University at San Marcos, under the leadership of Dr. Fran Chadwick, Assistant Professor of Education. Dr. Chadwick, introduced the participating teachers who were in attendance at the meeting.

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

Executive and Planning Committee
Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met four times since the August 15, 2008, Judicial Council meeting: in person on October 10, 2008, and by teleconference on October 1, 6, and 8, 2008. On October 17, the committee deliberated by email.

Justice Huffman reported on the in-person and telephone meetings and the e-mail deliberations since the August 15, 2008, council meeting. During this time, E&P oriented its new members, reviewed and approved the materials and agendas for the October 10 and October 24 meetings, received briefings about court facilities matters and the council's visit on October 23 to view the operations of the Phoenix Financial and Human Resources program, confirmed the conversion of an SJO position pursuant to Judicial Council delegated authority, and reviewed and forwarded appointment recommendations to the Chief Justice regarding a few out-of-cycle vacancies on advisory committees.

Rules and Projects Committee
Judge Jamie Jacobs-May, Vice-chair, reported that the Rules and Projects Committee (RUPRO) had met three times since the August 15, 2008, Judicial Council meeting: in person on September 3, 2008, and by teleconference on September 11, 2008 and October 3, 2008. In addition, the committee deliberated by email once. During this time, RUPRO reviewed the rules and forms before the council for action at this meeting and new and revised Civil Jury Instructions.

Policy Coordination and Liaison Committee
Justice Marvin R. Baxter, chair, reported that the Policy Coordination and Liaison Committee (PCLC) had met once since the August 15, 2008, Judicial Council meeting— on October 23, 2008—when the committee oriented new members and considered Judicial Council-sponsored legislation for recommendation to the council at its December 2008, meeting.

Justice Baxter noted the enormous success with Senate Bill 1407, the court facilities revenue bond.

Justice Baxter also noted that, with the 2009–2010 legislative term beginning on December 1, 2008, there will be approximately 30 new Senators and Assembly members in the Legislature.

Judicial Council Court Visit Reports
Hon. Brad R. Hill, Team Leader, and Ms. Christine Patton, Regional Director, Bay Area/Northern Coastal Regional Office, reported on Judicial Council visits to the Superior Courts of San Benito and Santa Cruz Counties.

Administrative Director's Report
Mr. William C. Vickrey reported on the following matters that have occurred since the last council meeting.

The annual meeting of the Bench-Bar Coalition, with more than 90 attendees, featured remarks by the Chief Justice and a legislative roundtable on "The Lawyer-Legislator's

Role in Shaping Tomorrow's Judiciary." The coalition, jointly sponsored by the State Bar of California and the Judicial Council, enhances communication and coordinates the activities of the judicial community with state, local, and specialty bars on issues of common interest.

The Judicial Council adopted standards of trial court performance more than 10 years ago in the areas of access to justice, expedition and timeliness, fairness, independence and accountability, and public trust and confidence. Implementing these standards requires measurements, including surveys. The AOC recently surveyed over 1,000 court users in the Superior Courts of El Dorado and Sacramento Counties on issues of access and fairness. This court user survey was based on pilot work in the Superior Courts of San Mateo and San Joaquin Counties with the CourTools program, designed by the National Center for State Courts, for assessing the effectiveness of court operations.

The transition of the California Courts Technology Center (CCTC) from California to Arizona and Nebraska was successfully completed, ensuring that existing information and services are continued and enhanced. The dedicated CCTC Service Desk supports more than 1,300 branch employees from all 58 superior courts, 6 appellate courts, and the Supreme Court, and it will be able to facilitate restoration of IT services after a catastrophic event with minimal impact on court business.

The California Court Case Management System (CCMS) is steadily progressing toward completion of the final functional design. Development of the system is anticipated to be completed in 2010 and deployed to all 58 trial courts by fiscal year 2012–2013. CCMS and data sharing education and outreach continue with presentations to our justice system partners and within the branch: California Highway Patrol, Department of Corrections and Rehabilitation, Department of Justice, Department of Child Support Services, California Department of Social Services, and the Judicial Council's Trial Court Presiding Judges and Court Executives Advisory Committees.

Regarding court facilities, the AOC will refine the request for qualifications to reflect a request of the Joint Legislative Budget Committee to allow potential performance-based infrastructure developers to propose either taxable or a tax-exempt financing structure for the new Long Beach court building. The transfer of courthouses from county to state responsibility is continuing on schedule, with the goal that by the end of December 2008, most will have transferred. Two court facilities leases were completed in Riverside and San Mateo Counties.

Court leaders from California, Arizona, and Utah convened for the Western States Court Leadership Academy's inaugural session, providing leadership education to more than 80 court executives, assistant executives, and senior managers. Mr. Michael D. Planet and Mr. Michael M. Roddy, who attended the academy, reported on its value

and success. They joined Mr. Vickrey in thanking AOC Education Director Diane Cowdrey and Education Division staff for their contributions to the academy.

The Summit of Judicial Leaders on Evidence-Based Sentencing, held in October 2008 identified state and national trends in criminal justice, evaluated new innovations in state sentencing and corrections systems, and examined evidence-based practices in community corrections to reduce recidivism. Justice Ming W. Chin and the chairs of the task forces on the Commission for Impartial Courts addressed the 200 bench officers, court officers, probation and corrections officers, and academics in attendance. Chief Justice of Arizona Ruth McGregor delivered the annual Shapiro Purpose of Justice Lecture. Arizona is the first and only state where the judicial leadership has established a center for evidence-based sentencing. The Chief Justice presented the annual awards on behalf of the State Bar of California, the California Judges Association, and the Judicial Council to top judicial and court administrative leaders.

The first annual Probate Conservatorship Institute convened with 132 participants, who received educational updates on legal issues affecting probate and conservatorship cases.

More than 200 JusticeCorps members were sworn in for a new program year in court self-help centers in Los Angeles, San Diego, and the San Francisco Bay Area (Alameda, San Francisco, San Mateo, and Santa Clara Counties).

An existing grant to the AOC has been augmented to include a new project on Native American victims of domestic violence, sexual assault, stalking, and teen dating violence. This new project will enhance access to and improve the administration of justice in these areas for Native American victims. In addition, the AOC has collected information for the development of policy recommendations for state governmental and nonprofit agencies to improve responses to domestic violence and child maltreatment.

Since the last council meeting, the AOC has provided services to 12 courts related to bargaining and other labor relations issues.

Judicial vacancies continue to remain at a high level, and caseloads continue to expand, placing severe pressure on the courts. There are 4 appellate court vacancies. Excluding the 50 authorized but unfunded trial court positions, there are still about 78 judicial vacancies. The Governor's appointment secretary recently stated that she hopes to have an announcement soon on a significant number of appointments.

The AOC regional offices sponsor three on-site meetings per year that offer region-based presiding judges and court executives an opportunity to address common judicial administration issues.

Mr. Vickrey is serving as a member of three recently established national groups addressing challenges facing our state courts and government:

- ABA Commission on Fair and Impartial State Courts, which will identify ways for the three branches of government to cooperate to assure that courts have adequate resources. This work will coincide with the work in California of the Commission for Impartial Courts;
- Executive Session for State Court Leaders in the 21st Century, which will clarify the role of state courts and their leaders as instruments of democratic governance; and
- National Performance Management Advisory Commission, which will develop a comprehensive, conceptual framework for public sector performance management.

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

Chief Justice's Report

The Chief Justice acknowledged and thanked AOC Office of Governmental Affairs Director Curtis L. Child and his staff for their assistance in the passage of Senate Bill 1407, which will have considerable significance for the people of California for years to come. He also thanked members of the council for their contributions as members of the council's internal committees:

- Policy Coordination and Liaison Committee, for legislative accomplishments this past year;
- Executive and Planning Committee, for the recent thorough and thoughtful recommendations for dozens of appointments to advisory committees; and
- Rules and Projects Committee, for maintaining the rules development process that produces so many fine proposals for council adoption, such as those for today's meeting.

The Chief Justice along with Justice Marvin R. Baxter, Mr. Vickrey, Mr. Ronald G. Overholt, and others regularly meet in the Chief Justice's chambers with representatives of the judicial branch's justice system partners in order to find common ground in service to the public. These partnerships have made possible many accomplishments. Since the last council meeting, the Chief Justice has met with representatives of the following:

- California Attorneys for Criminal Justice and the California Public Defenders Association;
- California District Attorneys Association, the organization of elected district attorneys in the state; and
- California Defense Counsel, representing the civil defense Bar.

The Chief Justice then reported on the activities in which he had been involved since the August 15, 2008, meeting:

- The meeting of the Assigned Judges Program in Los Angeles, with more than 300 assigned judges participating, nearly all of the judges in the program. This program makes possible the delivery of justice in courts with long-standing judicial vacancies;
- A visit to the San Mateo complex litigation court. The Chief stated his support for expanding the statewide program;
- The 2008 conference of the Sandra Day O'Connor Project on the State of the Judiciary at Georgetown Law School. This is the third conference Justice O'Connor has invited Chief Justice George to attend. The purpose of the conference is to further the aims of judicial impartiality and independence, focusing this year on the corporate and business sectors. The work of this project dovetails with the California Commission for Impartial Courts;
- The Summit of Judicial Leaders on Evidence-Based Sentencing, held in Monterey;
- An address via video to Inland County Legal Services;
- The annual meeting of the State Bar of California and the California Judges Association, including the swearing-in of their new presidents, Attorney Holly J. Fujie and Judge Mary E. Wiss, respectively; delivering the State of the Judiciary address to the Conference of Delegates of the California Bar Associations and the Bench-Bar Coalition Conference, and the keynote address to the California Women Lawyers Association; and several other speaking engagements, including at the Public Lawyer of the Year Award and various pro bono awards events, and the Diversity Awards;
- More informally, the Chief Justice participated in a question-and-answer session at the annual meeting of the California Judges Association. The Chief Justice expressed his appreciation to Stanley Bissey, Executive Director of the association, who was present at this council meeting;
- More than 2,000 high school and college students in Riverside County's Coachella Valley saw the California Supreme Court in action at a special public outreach session on October 7–8, 2008; and
- A meeting in chambers with the incoming chair of the Assembly Judiciary Committee, Assembly Member Mike Feuer.

Chief Justice George congratulated Mr. Vickrey on his recent appointment as a member of the American Bar Association Presidential Commission on Fair and Impartial State Courts.

CONSENT AGENDA (Items A1–A41)

ITEM A RULES, FORMS, AND STANDARDS

Civil Jury Instructions

Item A1 Civil Jury Instructions: Approve Publication of Revisions to Civil Jury Instructions (CACI)

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

Council action

The Judicial Council, effective October 24, 2008, approved for publication under California Rules of Court, rule 2.1050 the civil jury instructions prepared by the Advisory Committee on Civil Jury Instructions. The new and revised instructions will be officially published in the 2009 edition of the Judicial Council of California *Civil Jury Instructions (CACI).*

Appellate

Item A2 Appellate Procedure: Petitions for Review (amend Cal. Rules of Court, rules 8.504 and 8.520)

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

Council action

The Judicial Council, effective January 1, 2009:

1. Amended rule 8.504 to:

a. Clarify that if a petition is seeking review of a Court of Appeal order, a copy of that order must be attached to the petition; and
b. Clarify that copies of orders or opinions that must be attached to the petition do not count toward the 10-page limit on attachments to petitions for review; and

2. Amended rule 8.520 to increase the maximum length of a reply brief on the merits to 8,400 words or 30 pages.

Item A3 **Appellate Procedure: Proceedings for Writs of Mandate, Certiorari, and Prohibition (amend and renumber Cal. Rules of Court, rule 8.490 as rules 8.485, 8.486, 8.487, 8.488, 8.489, 8.491, 8.492, and 8.493; adopt rule 8.490; renumber rule 8.494 as rule 8.495; amend rules 8.112, 8.264, 8.268, 8.312, 8.366, 8.450, 8.454, 8.500, 8.552, 8.931, and 8.1018; and amend the advisory committee comments to rules 8.18, 8.272, and 8.278)**

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

Council action
The Judicial Council, effective January 1, 2009:

1. Amended and renumbered rule 8.490 to:
   a. Separate it into several shorter rules numbered 8.485–8.489 and 8.491–8.493;
   b. Consolidate provisions concerning the content of declarations used in the supporting documents in lieu of a transcript; and
   c. Make other minor changes;
2. Placed the rules created under 1 in a new chapter 7, titled "Writs of Mandate, Certiorari, and Prohibition in the Supreme Court and Court of Appeal";
3. Renumbered rule 8.494 as rule 8.495 and chapters 7–9 in title 8, division 1, as chapters 8–10 to accommodate the new rules created under 1 and the new chapter created under 2;
4. Amended rule 8.264 to remove the provisions relating to finality of decisions in writ proceedings, orders denying bail or a reduction of bail pending appeal

in a criminal case, and denials of the transfer of an appellate division matter;
5. Adopted rule 8.490 and amended rules 8.366 and 8.1018 to incorporate, respectively, the provisions relating to finality of decisions in writ proceedings, orders denying bail or a reduction of bail pending appeal in a criminal case, and denials of the transfer of an appellate division matter that were removed from rule 8.264 under 4;
6. Amended rule 8.931 to consolidate provisions concerning the content of declarations used in the supporting documents in lieu of a transcript or electronic recording; and
7. Amended rules 8.268, 8.312, 8.500, and 8.552 and their advisory committee comments; rules 8.112, 8.450, and 8.454; and the advisory committee comments to rules 8.18, 8.272, and 8.278, to update current references to rules 8.264, 8.490, and 8.499.

Item A4 Appellate Procedure: Habeas Corpus Proceedings in the Supreme Court and Courts of Appeal (amend Cal. Rules of Court, rules 8.380 and 8.384; amend and renumber rule 8.386 as rule 8.387; and adopt rules 8.385 and 8.386)

The Appellate Advisory Committee recommended amending the rules relating to habeas corpus proceedings in the Supreme Court and Courts of Appeal to: (1) move the general provisions concerning the handling of petitions for writs of habeas corpus out of the rule on petitions filed by self-represented parties and into a new, separate rule; (2) eliminate the limit on the length of petitions filed by attorneys and, except in proceedings related to sentences of death, apply a 14,000-word/50-page limit to any memoranda filed by an attorney; (3) clarify the format requirements that apply when an attorney files a petition on *Petition for Writ of Habeas Corpus* (form MC-275); (4) require attorneys to provide information about previous petitions concerning the same judgment and petitioner filed in any state court, rather than just those filed in a lower court or the Supreme Court; and (5) add new provisions addressing the issuance of orders to show cause, the filing of a return in either the superior court or appellate court, the procedures followed if the return is filed in an appellate court, and hearing and decision in the appellate court. Reorganizing these rules will help make it easier to find relevant provisions and make these rules easier to use. Clarifying the provisions concerning the format of petitions and adding procedures for handling habeas proceedings in the appellate courts will fill gaps in the existing rules and clarify these procedures.

Council action
The Judicial Council, effective January 1, 2009:

1. Amended rule 8.380, relating to petitions for writs of habeas corpus filed by unrepresented parties, to remove current subdivisions (b)–(d), which

generally address records in habeas proceedings, informal responses, and petitions filed in an inappropriate court;

2. Amended rule 8.384, relating to petitions for writs of habeas corpus filed by attorneys, to:
   a. Delete the cross-reference to rule 8.380;
   b. Eliminate the limit on the length of petitions and, except in proceedings related to sentences of death, apply a 14,000-word/50-page limit to any memoranda filed by an attorney;
   c. Specify that all petitions filed by attorneys, whether or not on *Petition for Writ of Habeas Corpus* (form MC-275), must be produced on a computer or typewritten and must comply with the requirements of rule 8.40(b) and (c) relating to document covers and rule 8.204(a)(1)(A) relating to tables of contents and authorities;
   d. Require attorneys to provide information about previous petitions concerning the same judgment and petitioner filed in any state court, rather than just those filed in a lower court or the Supreme Court. As with previous petitions filed in the Supreme Court, however, the rule would allow the petitioner to cite to, rather than attach copies of, any previous petitions filed in the same Court of Appeal and add provisions specifying how such previous petitions are to be cited; and
   e. Add new subdivision headings to the provisions addressing supporting documents, the number of copies of petitions that must be filed, and noncomplying petitions;
3. Adopted new rule 8.385 to:
   a. Encompass the provisions addressing records, informal responses, and petitions filed in an inappropriate court that were removed from rule 8.380;
   b. Specify that the court must issue an order to show cause if the petitioner has made the required prima facie showing that he or she is entitled to relief;
   c. Clarify that if the reviewing court orders the respondent to file the return in the superior court, the superior court then has jurisdiction in the matter; and
   d. Provide that if the return is ordered to be filed in the Supreme Court or Court of Appeal, rule 8.386 applies and the court must appoint counsel for any unrepresented petitioner who wants but cannot afford counsel;
4. Adopted new rule 8.386 to set out the procedures that are followed if the return is ordered to be filed in the Supreme Court or Court of Appeal; and
5. Renumbered current rule 8.386 as rule 8.387 and amended it to add provisions addressing filing, finality, rehearing, and modification of decisions in habeas corpus proceedings.

Item A5 **Appellate Procedure: Certificates of Interested Entities and Persons (adopt Cal. Rules of Court, rule 8.361; amend rules 8.208 and 8.490[1]; and revise form APP-008)**

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

Council action
The Judicial Council, effective January 1, 2009:

1. Amended rule 8.208 to:
   a. Clarify that only entities or individuals other than the parties themselves need to be identified on the certificate;
   b. Clarify that an insurer does not have a financial interest requiring disclosure based simply on its status as insurer for a party; and
   c. Allow a party to request permission to file the certificate under seal if the identity of any person or entity subject to disclosure on the certificate has not been disclosed in the proceeding; and
2. Adopted new rule 8.361 and amended rule 8.490[2] to require that a certificate be filed in criminal cases in which an entity is a defendant; and
3. Revised *Certificate of Interested Entities or Persons* (form APP-008) to reflect the changes in the rules by deleting boxes that could be checked to indicate whether an interested entity or person was a party or nonparty and deleting language in the Notice section that referred to the use of the certificate form only in civil cases.

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[1] Other proposed amendments to rule 8.490 are also being recommended by the committee at this time. Please see the report concerning proceedings for writs of mandate, certiorari, and prohibition, also on this meeting's agenda.
[2] As previously noted, other proposed amendments to rule 8.490 are also being recommended by the committee at this time. If those amendments are adopted by the council, the part of rule 8.490 that would be amended—subdivision (i)—will be renumbered as rule 8.488.

Item A6 **Appellate Procedure: Briefs (amend Cal. Rules of Court, rules 8.200, 8.216, 8.520, 8.882, and 8.884)**

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

Council action
The Judicial Council, effective January 1, 2009:

1. Amended rules 8.200(c), 8.520(f), and 8.882(c) to require that a person or entity, other than the California Attorney General, seeking to file an amicus brief must indicate whether the brief was authored in whole or in part by a party or counsel for a party and must identify any party or other person or entity, other than the amicus, who made a monetary contribution intended to fund the preparation or submission of the brief;
2. Amended rules 8.216 and 8.884 to clarify that in a case in which a cross-appeal has been filed, a combined brief from a party that is both an appellant and a respondent must address the points in each appeal separately but may include a single statement of facts; and
3. Amended rule 8.882 to add a provision to allow parties in appeals in limited civil cases to stipulate to extensions of briefing time of up to 30 days.

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

The Appellate Advisory Committee recommended: (1) adopting new appellate division rules addressing amendment of the rules of court and statutes and establishing a procedure for parties in appeals of limited civil cases to request that original exhibits be transmitted to the appellate division at the time of briefing; (2) revising form MC-210 to accommodate its use by defendants seeking a record of the oral proceedings in the trial court at public expense; and (3) updating other rules and forms to reflect these changes. Adding a new appellate division rule addressing amendment of the California Rules of Court and statutes will help users of these rules find these general provisions. Adding a new rule allowing parties in limited civil cases to request that original exhibits be sent to the appellate division at the time of briefing will increase access to justice by giving litigants in these cases an alternative, lower-cost method of providing relevant exhibits to the appellate division. Adding these rules to the appellate division rules will also increase the consistency between the appellate division rules and the Court of Appeal rules. Revising form MC-210 should make it easier for defendants to find and use this form to show they are indigent for purposes of seeking a record of the oral proceedings at public expense.

Council action
The Judicial Council, effective January 1, 2009:

1. Adopted rule 8.805 establishing provisions in the appellate division rules addressing amendment of the rules of court and statutes;
2. Adopted rule 8.843 establishing a procedure for parties in appeals of limited civil cases to request that original exhibits be transmitted to the superior court appellate division at the time of briefing;
3. Revised form MC-210 to accommodate its use by defendants seeking a record of the oral proceedings in the trial court at public expense; and
4. Amended the advisory committee comments to rules 8.851, 8.866, 8.868, 8.917, and 8.919 and revised forms APP-101-INFO, CR-131-INFO, CR-133, CR-134, CR-141- INFO, and CR-142 to reflect the adoption of rule 8.843 and the change in the title of form MC-210 and to make other minor, technical changes.

Item A8 Appellate Procedure: Judicial Notice (amend Cal. Rules of Court, rule 8.252)

The Appellate Advisory Committee recommended amending the rule relating to judicial notice in the Court of Appeal to require that motions for judicial notice explain why the material to be noticed is relevant to the appeal and state whether judicial notice of the material was sought in the trial court or whether the material relates to proceedings that occurred after the judgment or order being appealed. Requiring that motions for judicial notice include this information will improve the administration of

justice and efficiency by ensuring that the Court of Appeal receives the information it needs to rule on such motions in a timely manner.

Council action
The Judicial Council, effective January 1, 2009, amended California Rules of Court, rule 8.252, to require that motions for judicial notice in the Court of Appeal explain why the material to be noticed is relevant to the appeal and state whether judicial notice of the material was sought in the trial court or whether the material relates to proceedings that occurred after the judgment or order being appealed.

Item A9 Appellate Procedure: Service and Filing (amend Cal. Rules of Court, rule 8.25; adopt rule 8.817; approve forms APP-009, APP-009-INFO, APP-109, and APP-109-INFO; and revise forms APP-102, APP-103, APP-104, APP-106, CR-135, CR-143, APP-150-INFO, and APP-151)

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

Council action
The Judicial Council, effective January 1, 2009:

1. Amended rule 8.25 to indicate that the rules of court or other law may establish exceptions to the general rule that a filing is not timely unless the clerk receives the document before the time to file it expires;
2. Adopted new rule 8.817 to address service and filing in the superior court appellate division;
3. Approved *Proof of Service (Court of Appeal)* (form APP-009); *Information Sheet for Proof of Service* (Court of Appeal) (form APP-009-INFO); *Proof of Service* (Appellate Division) (form APP-109); and *What Is Proof of Service?* (form APP-109-INFO); and
4. Revised forms APP-102, APP-103, APP-104, APP-106, CR-135, CR-143,

APP-150-INFO, and APP-151 to include references to new forms APP-009 and APP-009-INFO and to make other minor technical changes.

Item A10 Alternative Dispute Resolution: Procedures for Addressing Complaints About Mediators in Court-Connected Mediation Programs for Civil Cases (renumber Cal. Rules of Court, rules 3.870–3.878 as rules 3.890–3.898, respectively; amend and renumber rules 3.865, 3.866, 3.867, and 3.868 as rules 3.868, 3.867, 3.871, and 3.872, respectively; adopt rules 3.865, 3.866, 3.869, and 3.870; amend rule 10.781; and revise *Attendance Sheet for Court-Program Mediation of Civil Case* (form ADR-107)

The Civil and Small Claims Advisory Committee recommended amending and adopting rules concerning superior court procedures for addressing complaints about court-program mediators in general civil cases and revising optional form ADR-107, *Attendance Sheet for Court-Program Mediation of Civil Case.* The advisory committee also recommended that the Administrative Office of the Courts develop model complaint procedures. The new and amended rules would expand existing general requirements concerning complaint procedures and provide that the courts that are currently required to establish complaint procedures must do so by local rule of court, and the model complaint procedures would assist courts in satisfying these requirements. This would help to ensure that complaints are addressed in a manner that is fair and respectful to the complainant and the mediator and consistent with the mediation confidentiality laws. The revisions to form ADR-107 would make the form easier for participants to complete and more useful to mediators and courts.

Council action
The Judicial Council, effective July 1, 2009:

1. Amended and renumbered California Rules of Court, rules 3.865, 3.866, 3.867, and 3.868 as rules 3.868, 3.867, 3.871, and 3.872, respectively, and adopted rules 3.865, 3.866, 3.869, and 3.870 to revise and expand the current general requirements concerning superior court procedures for addressing complaints about mediators who are required to comply with the Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases (Cal. Rules of Court, rule 3.850 et seq.);
2. Renumbered current rules 3.870–3.878 as rules 3.890–3.898 to allow the revised general requirements concerning complaint procedures to immediately follow the rules of conduct for mediators;
3. Amended rule 10.781 to provide that inclusion on a court list of alternative dispute resolution (ADR) neutrals and eligibility to be recommended, appointed, or compensated by the court to serve as a neutral are revocable privileges and confer no vested right on the neutral; and

4. Revised *Attendance Sheet for Court-Program Mediation of Civil Case* (form ADR-107) to make this optional attendance sheet more user-friendly.

Civil and Small Claims

Item A11 Civil Rules: Motion to Be Relieved as Counsel (amend Cal. Rules of Court, rule 3.1362)

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

Council action
The Judicial Council, effective January 1, 2009, amended California Rules of Court, rule 3.1362 so that all service requirements concerning a motion to be relieved as counsel are included in a single subdivision of the rule.

Item A12 Civil Forms: *Summons—Cross-Complaint* (adopt form SUM-110)

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

Council action
The Judicial Council, effective January 1, 2009, adopted a mandatory form *Summons—Cross-Complaint* (form SUM-110).

Item A13 Civil Forms: *Summons—Enforcement of State Housing Law* (adopt form SUM-145)

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

Council action
The Judicial Council, effective January 1, 2009, adopted mandatory form *Summons—Enforcement of State Housing Law* (form SUM-145).

Item A14 Trial Courts: Release of Court Records (amend Cal. Rules of Court, rule 2.400)

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

Council action
The Judicial Council amended California Rules of Court, rule 2.400 to clarify that filed papers may be released to an attorney of record within the court facility.

Item A15 Civil Discovery: Deposition Subpoenas (revise forms SUBP-015 and SUBP-020)

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

Council action
The Judicial Council, effective January 1, 2009:

1. Revised *Deposition Subpoena for Personal Appearance* (form SUBP-015); and
2. Revised *Deposition Subpoena for Personal Appearance and Production of Documents and Things* (form SUBP-020).

These forms are revised to add information explaining where a deponent may be required to appear for deposition.

Item A16 Civil Rules: Unlawful Detainers and Other Summary Proceedings Involving Possession of Real Property (adopt Cal. Rules of Court, rules 3.1327, 3.1347, 3.1351; renumber rules 3.1020, 3.1025, and 3.1030; and amend rule 3.1350)

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

Council action
The Judicial Council, effective January 1, 2009:

1. Adopted rule 3.1327, concerning motions to quash or stay actions in summary proceedings involving possession of real property;
2. Adopted rule 3.1347, concerning discovery motions in summary proceedings involving possession of real property;
3. Adopted rule 3.1351, concerning motions for summary judgment in summary proceedings involving possession of real property;
4. Renumbered rules 3.1020, 3.1025, and 3.1030 on discovery motions as rules 3.1345, 3.1346, and 3.1348, respectively; and
5. Amended rule 3.1350 to clarify that the rules requiring the filing of certain documents to support or oppose a motion for summary judgment do not apply to such motions made in summary proceedings involving possession of real property.

Item A17 Civil Form: *General Denial* (revise form PLD-050)

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

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

Council action
The Judicial Council, effective January 1, 2009, revised *General Denial* (form PLD-050) to remove the reference to procedures of the municipal and justice courts, to delete the proof of service on the back of the form, to clarify the general instructions, and to refer the litigant to the current proof of service forms.

Item A18 Civil Forms: *Proof of Service—Civil* (amend Cal. Rules of Court, rule 2.260 and revise forms POS-040 and POS-040(P))

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

Council action
The Judicial Council, effective January 1, 2009:

1. Revised rule 2.260(f)(1)(A) to specify that the server's electronic service address in a proof of service is required in addition to a residence or business address;
2. Revised *Proof of Service—Civil* (form POS-040) to reflect the proposed change in rule 2.260(f)(1)(A) and clarify what addresses of the server are required; to clarify what information is required for different methods of service, including the address where and time when service occurred; to add the appropriate hours for personal service on an attorney's office; and to make terms in the form consistent; and
3. Revised *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)) to clarify what information is required concerning the address where and time when service occurred.

Item A19 Small Claims: *Proof of Service* (revise form SC-104)

The Civil and Small Claims Advisory Committee recommended that the Judicial Council revise *Proof of Service* (form SC-104) to clarify the Instructions to Server section. The form, approved for optional use in small claims actions, would be revised

to correct contradictory information regarding when a server must mail a copy of a document to the person being served. The revised form also clarifies that mailing is required only for substituted service. Finally, it clarifies that the *Proof of Service* must be filed in advance of the hearing.

Council action
The Judicial Council, effective January 1, 2009, revised *Proof of Service* (form SC-104) to clarify the Instructions to Server section.

Item A20 Civil Forms: Claims of Exemption (revise forms EJ-160 and WG-006)

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

Council action
The Judicial Council, effective January 1, 2009, revised:

1. *Claim of Exemption (Enforcement of Judgment)* (form EJ-160); and
2. *Claim of Exemption (Wage Garnishment)* (form WG-006).

Item A21 Civil Case Management: Settlements (amend Cal. Rules of Court, rule 3.1385)

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

Council action
The Judicial Council, effective January 1, 2009, amended California Rules of Court, rule 3.1385.

Item A22 Civil Form: Case Management Statement (revise form CM-110)

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

> ***Council action***
> The Judicial Council, effective January 1, 2009, revised the civil *Case Management Statement* (form CM-110) to provide a place for a party to indicate whether it intends to appear at the conference by telephone and to delete current item 21.

Item A23 Trial Courts: Alteration of Judicial Council Forms (amend Cal. Rules of Court, rules 1.31 and 1.35)

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

> ***Council action***
> The Judicial Council, effective January 1, 2009, amended California Rules of Court, rules 1.31 and 1.35 to clarify under what circumstances Judicial Council forms may be altered.

Item A24 Temporary Judges: Application of Rules to Retired Judicial Officers; Education and Training Requirements (amend Cal. Rules of Court, rules 2.810 and 2.812)

The Civil and Small Claims Advisory Committee recommended that rule 2.810 of the California Rules of Court be amended to make the rules on court-appointed temporary judges applicable to retired judicial officers. It further recommended that rule 2.812 be amended to provide that, commencing five years after the retired judicial officer last served in a judicial position either as a full-time judicial officer or as an assigned judge,

a retired judicial officer must satisfy all the education and training requirements of rule 2.812; however, a retired judicial officer in a small claims case must satisfy all the requirements of section 116.240(b) of the Code of Civil Procedure and of the rules on court-appointed temporary judges before serving in the case.

Council action
The Judicial Council, effective January 1, 2009:

1. Amended rule 2.810 of the California Rules of Court, on the scope of the rules on court-appointed temporary judges (rules 2.810–2.819), to eliminate the statement that these rules do not apply "to retired judicial officers appointed by the courts to serve as temporary judges";
2. Amended rule 2.812, on the education and training of temporary judges, to add a new subdivision (d) stating: "Commencing five years after the retired judicial officer last served in a judicial position either as a full-time judicial officer or as an assigned judge, a retired judicial officer serving as a temporary judge must satisfy all the education and training requirements of this rule. However, a retired judicial officer serving as a temporary judge in a small claims case must satisfy all the requirements of Code of Civil Procedure section 116.240(b) and the rules in this chapter before serving in the case"; and
3. Amended rule 2.812(c)(1) to delete the words "or other person approved by the Administrative Office of the Courts," thereby clarifying that bench officers must provide the mandatory training on bench conduct and demeanor.

Item A25 Class Actions: Entry of Judgment Following Final Approval of Settlement (amend Cal. Rules of Court, rules 3.769 and 3.770)

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

Council action
The Judicial Council, effective January 1, 2009, amended California Rules of Court, rules 3.769 and 3.770 to provide that on approval of a class settlement and entry of judgment, a court may not also enter dismissal of the action.

Court Interpreters

Item A26 Court Interpreters: Interpreter Provisional Qualification Forms (revise forms INT-001, INT-002, INT-100, INT-110, and INT-120)

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

Council action

The Judicial Council, effective January 1, 2009, revised mandatory forms INT-001, INT-002, INT-100, INT-110, and INT-120 in order to:

1. Clarify the provisional qualification process for interpreters;
2. Clarify the forms for reporting the use of provisionally qualified interpreters;
3. Facilitate the provisional qualification of nonregistered interpreters and reporting of the use of provisionally qualified interpreters;
4. Provide courts with the relevant Government Code sections and California Rules of Court related to provisional qualification of noncertified and nonregistered interpreters;
5. Ensure that the forms contain all designated languages where necessary;
6. Clarify that local court interpreter coordinators must attempt to contact interpreters on the list of federal certified interpreters in Spanish, Haitian-Creole, or Navajo before provisionally qualifying an interpreter in one of those three languages;
7. Clarify that local court interpreter coordinators must attempt to contact the regional coordinator for their region of California before provisionally qualifying an interpreter; and
8. Allow for easier use of the forms by the courts due to revised formatting and spacing.

Court Security

Item A27 Court Security Plans (adopt Cal. Rules of Court, rules 10.172 and 10.173; and repeal Cal. Stds. Jud. Admin., std. 10.40)

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

Council action
The Judicial Council, effective January 1, 2009:
1. Adopted rules 10.172 and 10.173 of the California Rules of Court to establish the areas to be addressed in a court security plan, provide a process for the review of such plans, and require each court to form a court security committee to advise the presiding judge, and
2. Repealed standard 10.40 of the Standards of Judicial Administration.

Criminal Law

Item A28 Criminal Law: Petitions for Writs of Habeas Corpus (amend Cal. Rules of Court, rule 4.551 and revise Judicial Council form MC-275)

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

Council action
The Judicial Council, effective January 1, 2009:
1. Amended California Rules of Court, rule 4.551 to delete a potentially misleading reference to the service requirements of Penal Code section 1475 from rule 4.551(a)(1); and
2. Revised Judicial Council form MC-275, *Petition for Writ of Habeas Corpus,* to delete a potentially misleading reference to the service requirements of Penal Code section 1475 and make other minor, nonsubstantive changes designed to conform form MC-275 to current style guidelines for Judicial Council forms, e.g., adding italics and aligning columns.

Item A29 Criminal Law: Criminal Protective Orders (revise Judicial Council forms CR-160, CR-161, and CR-165)

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

Council action
The Judicial Council revised, effective January 1, 2009:
1. CR-160, *Criminal Protective Order—Domestic Violence;*
2. CR-161, *Criminal Protective Order—Other Than Domestic Violence,* and

3. CR-165, *Notice of Termination of Protective Order in Criminal Proceedings (CLETS).*

Item A30 Criminal Law: Petition and Order for Dismissal (revise form CR-180 and approve form CR-181)

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

Council action

The Judicial Council, effective January 1, 2009:

1. Revised form CR-180 by changing the form's title to *Petition for Dismissal,* by separating the petition and order into distinct forms, and by providing on the order additional advisements to petitioners regarding certificates of rehabilitation and the obligation to provide DNA samples under Penal Code section 299; and
2. Approved form CR-181, *Order for Dismissal*, for optional use by the courts.

Criminal Law and Family and Juvenile Law

Item A31 Criminal and Juvenile Law: DNA Expungement Forms (approve forms CR-185/JV-796 and CR-186/JV-798)

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

Council action

The Judicial Council, effective January 1, 2009, approved forms CR-185/JV-796, *Petition for Expungement of DNA Profiles and Samples*, and CR-186/JV-798, *Order for Expungement of DNA Profiles and Samples*, for optional use by petitioners and courts.

Family and Juvenile Law

Item 32 Child Support: Revised Forms to Improve Quality of Translation for Non-English-Speaking Self-Represented Litigants (revise forms FL-615, FL-625, FL-626, and FL-663)

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

Council action

The Judicial Council, effective January 1, 2009,

1. Revised *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment (Governmental)* (form FL-615) to include a statement of competency by the person providing interpretation or translation and improve the quality of language assistance for non-English-speaking self-represented litigants;
2. Revised *Stipulation and Order (Governmental)* (form FL-625) to add a Declaration of Person Providing Interpretation/Translation and enhance comprehension of child support stipulations for non-English-speaking self-represented litigants;
3. Revised *Stipulation and Order Waiving Unassigned Arrears (Governmental)* (form FL-626) to include a statement of competency by the person providing interpretation or translation and improve the quality of language assistance for non- English-speaking self-represented litigants; and
4. Revised *Stipulation and Order for Joinder of Other Parent (Governmental)* (form FL-663) to add a Declaration of Person Providing Interpretation/Translation and enhance comprehension of child support stipulations for non-English-speaking self-represented litigants.

Item A33 Child Support: Compliance With Federal Mandate Related to Automated Child Support Calculation Program (amend Cal. Rules of Court, rule 5.275)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council amend rule 5.275 to bring California fully into compliance with the federal mandate that courts hearing title IV-D child support cases use only the California

Guideline Child Support Calculator software program developed by the Department of Child Support Services to prepare support calculations. This amendment will bring rule 5.275 current with practices that are already in place for child support commissioners.

Council action

The Judicial Council, effective January 1, 2009, amended California Rules of Court, rule 5.275 to require that the guideline calculator be used by parties and attorneys to present support calculations to the court and by the court to prepare support calculations. In order to make the chapter heading apply to both the amended and existing language of rule 5.275, the council also renamed the heading of chapter 6 of Title 5 of the California Rules of Court (where rule 5.275 is located) "Certification of Statewide Uniform Guideline Support Calculators."

Item A34 Family Law: Miscellaneous Forms (revise forms FL-105/GC-120 and FL-315; adopt forms FL-105(A)/GC-120(A) and FL-347; and approve forms FL-318-INFO, FL-348, FL-910, and FL-915)

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

Council action

The Judicial Council, effective January 1, 2009,

1. Revised Judicial Council form *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (FL-105/GC-120) to promote compliance with the UCCJEA and make the form easier for parties to complete;
2. Revised *Application or Response to Application for Separate Trial* (form FL-315) to make the form consistent with recent amendments to Family Code section 2337;
3. Adopted *Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105(A)/GC-120(A)) to promote a uniform method of presenting complete information about children involved in a family law or guardianship case;
4. Adopted *Bifurcation of Status of Marriage or Domestic Partnership—Attachment* (form FL-347) to comply with recent changes to Family Code section 2337;

5. Approved *Retirement Plan Joinder—Information Sheet* (form FL-318-INFO) to help parties comply with the requirements of Family Code section 2337 regarding joining pension plans;
6. Approved *Pension Benefits—Attachment to Judgment* (form FL-348) to comply with recent changes to Family Code section 2337;
7. Approved *Request of Minor to Marry* (form FL-910) to help parties and the court comply with recent changes to Family Code sections 302 and 303; and
8. Approved *Order on Request of Minor to Marry (Family Law)* (form FL-915) to help parties and the court comply with recent changes to Family Code sections 302 and 303.

Item A35 Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; and adopt forms JV-183 and JV-184)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council make various juvenile rule and form changes and adopt two new forms to comply with current statutory mandates and to facilitate consistency and clarity. The amended rules and new and revised forms will resolve issues concerning ambiguous language, typographical errors, changes in the law, and ease of form use.

Council action

The Judicial Council, effective January 1, 2009,

1. Amended rule 5.640 of the California Rules of Court and revised *Information About Psychotropic Medication Forms* (form JV-219-INFO) to bring each into compliance with current law regarding the administration of psychotropic medication;
2. Amended rule 5.570 of the California Rules of Court to correct typographical errors and revised *Request to Change Court Order* (form JV-180) to make it more user-friendly and to separate the court orders from the request itself;
3. Adopted *Court Order on Form JV-180, Request to Change Court Order* (form JV-183) and *Order After Hearing on Form JV-180, Request to Change Court Order* (form JV-184) to clarify the court's findings and orders relevant to form JV-180 and to separate the court orders from the request itself; and
4. Amended rule 5.725(e) of the California Rules of Court and revised *Orders Under Welfare and Institutions Code Sections 366.26, 727.3, 727.31* (form JV-320) to bring each into compliance with the new statutory exception to termination of parental rights outlined in Welfare and Institutions Code section 366.26(c)(1)(A) and to make minor technical changes; and
5. Revised *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice* (form JV-732) to comply with statutory requirements in Welfare and Institutions Code section 731(c) and recent case law.

Item A36 Juvenile Law: Confidentiality of Records (adopt Cal. Rules of Court, rule 5.553 and amend rule 5.552; adopt forms JV-569, JV-571, JV-572, JV-573, and JV-574; and revise form JV-570)

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

Council action

The Judicial Council, effective January 1, 2009:

1. Adopted rule 5.553 of the California Rules of Court to provide guidance regarding requests for disclosure of the juvenile case file of a deceased child;
2. Amended rule 5.552 of the California Rules of Court to conform to new statutory requirements and to clarify that, before granting a petition to disclose confidential juvenile court records, the court must make an individual determination of the best interest of the child;
3. Adopted form JV-569 to create a proof of service to help the court ensure that all those entitled to notice of a request for disclosure receive it;
4. Revised form JV-570 to allow its use when requesting the juvenile case file of a deceased child;
5. Adopted form JV-571 to provide a means to notice parties that a request for disclosure has been made and inform them of their right to object to disclosure;
6. Adopted form JV-572 to provide a uniform way to object to disclosure;
7. Adopted form JV-573 to separate the petition from the court's order denying the petition or setting a hearing which are both currently included on form JV-570;
8. Adopted form JV-574 to separate the court's order after judicial review from the petition itself, which are both currently included on form JV-570.

Probate

Item A37 Probate—Decedents' Estates: Advice to Creditors of Decedents Concerning Rejected Claims (revise form DE-174)

The Probate and Mental Health Advisory Committee recommended that the *Allowance or Rejection of Creditor's Claim* (form DE-174), the form used by personal representatives of decedents' estates to notify creditors of decedents that their claims have been approved or rejected, be revised to (1) clarify the advice given to creditors

whose claims have been rejected, and (2) conform the form's stated deadline for enforcing rejected claims to changes in the statutes establishing that deadline.

Council action
The Judicial Council, effective January 1, 2009, revised the *Allowance or Rejection of Creditor's Claim* (form DE-174) to clarify the advice given to creditors of decedents with rejected claims.

Item A38 Probate—Guardianships and Conservatorships: Court-Appointed Counsel for Wards and Conservatees (amend Cal. Rules of Court, rule 7.1101; revise form GC-010; and adopt form GC-011)

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

Council action
The Judicial Council, effective January 1, 2009:
1. Amended rule 7.1101 of the California Rules of Court to address professional liability insurance requirements for appointed attorneys in small courts and to clarify the requirements for demonstrating an attorney's continued eligibility for appointment in years after his or her initial qualification;
2. Adopted the *Annual Certification of Court-Appointed Attorney* (form GC-011) to enable appointed counsel to certify yearly that they have completed required continuing education and remain eligible for appointment under the rule; and
3. Revised the *Certification of Attorney Concerning Qualifications for Court Appointment in Conservatorships or Guardianships* (form GC-010) to implement the proposed changes in rule 7.1101.

Item A39 Probate—Guardianships and Conservatorships: Reporting by Institutions and Financial Institutions About Transactions in Assets, Accounts, and Safe-Deposit Boxes of Wards and Conservatees Held by the Institutions (adopt Cal. Rules of Court, rules 7.1011 and 7.1061; revise forms GC-050, GC-150, GC-250, and GC-350)

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

Council action

The Judicial Council, effective January 1, 2009:

1. Adopted rules 7.1011 and 7.1061 of the California Rules of Court to require guardians and conservators of estates to deliver their *Letters of Guardianship* and *Letters of Conservatorship* and the appropriate Judicial Council report forms to affected institutions and financial institutions when these fiduciaries collect assets, accounts, or the contents of safe-deposit boxes of their wards or conservatees held by the institutions or financial institutions;
2. Revised the temporary and general *Letters of Guardianship* and *Letters of Conservatorship* (forms GC-150, GC-250, and GC-350) to include instructions to institutions and financial institutions concerning their responsibilities under Probate Code sections 2890–2893; and
3. Revised the *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) to enable institutions to report all transactions in a ward's or conservatee's assets held by the institution in a single report.

Item A40 Probate—Guardianships and Conservatorships: Good Faith Exceptions to Notice of Hearings on Petitions for Appointment of Temporary Guardians and Conservators (amend Cal. Rules of Court, rules 7.1012 and 7.1062; revise forms GC-110(P) and GC-140; approve forms GC-112, GC-112(A-1), GC-112(A-2), and GC-115; and adopt form GC-141)

The Probate and Mental Health Advisory Committee recommended that rules 7.1012 and 7.1062 of the California Rules of Court be amended to permit the plain-language petition for appointment of a guardian of the person designed for self-represented persons, form GC-110(P), to contain an application for an exception to notice of hearing on the petition, and to delete the requirement of a memorandum of points and authorities with the application. The committee also recommended that form GC-110(P) be revised to reflect the changes in rule 7.1012, new optional forms for an application for an exception to notice of hearing on the petition for appointment of a

temporary conservator and supporting declarations be approved, and the existing joint use *Petition for Appointment of Temporary Guardian or Conservator* (form GC-140) be converted into separate petitions for the appointment of a temporary guardian or a temporary conservator.

Council action

The Judicial Council, effective January 1, 2009:

1. Amended rule 7.1012 of the California Rules of Court to permit an application for a good cause exception to notice of a petition for appointment of a temporary guardian to be included in the *Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P));
2. Amended rules 7.1012 and 7.1062 to delete the requirement that a memorandum must be filed with an application for an exception to notice;
3. Revised form GC-110(P) to clarify the requirements for the application for an exception to notice included in the form and revised the *Order Appointing Temporary Guardian or Conservator* (form GC-140) to become exclusively an order appointing a temporary guardian;
4. Approved *Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator* (form GC-112) as the standard application for a good cause exception to notice of the hearing on a petition for appointment of a temporary conservator, *Declaration in Support of Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator* (form GC-112(A-1) and *Declaration Continuation Page* (form GC-112(A-2)) as a declaration in support of the application, and *Order on Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator* (form GC-115) as an order on the application; and
5. Adopted *Order Appointing Temporary Conservator* (form GC-141).

Miscellaneous

Item A41 Rules and Forms: Miscellaneous Technical Changes (amend Cal. Rules of Court, rules 3.61, 3.220, 3.740, 3.851, 3.1320, 3.1342, 3.1702, 5.600, 5.645, 5.690, 5.772, 8.882, 10.613, and 10.820; and revise forms ADR-105, APP-105, CR-132, CR-136, CR-137, CR-144, CR-145, DISC-002, DISC-003/UD-106, MC-050, MC-201, PLD-C-001(2), and SUBP-002)

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

Council action

The Judicial Council, effective October 24, 2009:

1. Amended rule 10.660(a) to correct a reference to Government Code sections "71639.5(a) and 71825.2(a)" to "sections 71639.5 and 71825.2".

Government Code sections 71639.5(c) and 71825.2(c) require the Judicial Council to adopt rules of court establishing a mechanism for appointment of appellate justices to hear petitions under both subdivisions (a) and (b) of sections 71639.5 and 71825.2. Subdivision (a) of rule 10.660, which established this appointment mechanism, inadvertently provided that this rule only applied to petitions filed under subdivision (a) of these sections.

The Judicial Council, effective January 1, 2009:

1. Amended rule 3.61 to correct a reference to the Government Code;
2. Amended rule 3.220(a) to include collections cases;
3. Amended rule 3.740(b) to require serving form CM-101 with the original complaint;
4. Amended rule 3.851(a)(1) to correct "and" to "or";
5. Amended rule 3.1320(i) to add "under" before "Code of Civil Procedure";
6. Amended rule 3.1342(a) to add "under" before "Code of Civil Procedure";
7. Amended rule 3.1702(b)(2)(B) to correct a reference from "rule 8.276(d)" to "rule 8.278(c)";
8. Amended rule 5.600(f)(2) to correct a reference from rule 8.616(a) to rule 8.450(g);
9. Amended rule 5.645(c) to correct a reference from "Article I" to "Article 1";
10. Amended rule 5.690(c)(1) to correct "much" to "must" after "A written case plan";
11. Amended rule 5.772(h) to correct "cour" to "court";
12. Amended rule 8.882(d)(2) to make wording consistent with other rules by changing "appellate division" to "court";
13. Amended rule 10.613(d)(1) to implement Assembly Bill 1949 by changing "Thirty" to "Forty-five";
14. Amended rule 10.820(e) to add "any" before "superior court";
15. Revised form ADR-105, item F(2), second bullet, to correct a reference to renumbered forms 982.1(20) through 982.1(23) to "PLD-C-001 through PLD-C-001(3)";
16. Revised form APP-105, item e, to clarify a statement about local rules authorizing the use of electronic recordings as the record of the oral proceedings[1];
17. Revised form CR-132, items 1a–1c, to consolidate previous items 1a (name) and 1b (address) into item 1a and to renumber item 1c to 1b;
18. Revised form CR-136, item d, to correct a reference from rule 8.837 to rule

8.869; and item e, to clarify a statement about local rules authorizing the use of electronic recordings as the record of the oral proceedings;
19. Revised form CR-137, items 1a–1c, to consolidate previous items 1a (name) and 1b (address) into item 1a and to renumber item 1c to 1b;
20. Revised form CR-144, item d, to correct a reference from rule 8.837 to rule 8.916; and item e, to clarify a statement about local rules authorizing the use of electronic recordings as the record of the oral proceedings;
21. Revised form CR-145, items 1a–1c, to consolidate previous items 1a (name) and 1b (address) into item 1a and to renumber item 1c to 1b;
22. Revised form DISC-002, page 4, item 202.0, to correct "Discrimtination" to "Discrimination";
23. Revised form DISC-003/UD-106, page 2, to correct the item after 70.10 from 70.1 to 70.11;
24. Revised form MC-050, page 2, Instructions, to correct "attomey" to "attorney";
25. Revised form MC-201, page 1, item 3 under Notice, to implement an increase in the filing fee amount from $50 to $100 (Veh. Code, § 14607.6) and to make minor formatting changes;
26. Revised form PLD-C-001(2), item CC-1 b. 1., to move the last three words to the beginning of the following item CC-1 b. 2.; and
27. Revised form SUBP-002, page 2, to add instructions for requesting accommodations for individuals with a hearing loss.

DISCUSSION AGENDA (Items B–F)

Item B Facilities: Naming of the East Contra Costa County Courthouse

Hon. Terence L. Bruiniers, Superior Court of California, County of Contra Costa presented this item.

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

Council action
The Judicial Council approved and authorized the naming of the new east Contra Costa County Courthouse as the Richard E. Arnason Justice Center.

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

Ms. Diane Nunn Center for Families, Children & the Courts, and Ms. Lanette Scott, Student Intern, presented this item.

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

> ***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.

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

Mr. Lee Willoughby, Office of Court Construction and Management, Ms. Kelly Quinn, Office of Court Construction and Management, and Mr. Bob Emerson, Office of Court Construction and Management, presented this item.

Due to the enactment of Senate Bill 1407, the Administrative Office of the Courts recommended that the council update the prioritization methodology, adopt an update to the Trial Court Capital-Outlay Plan, and select 41 bond-funded (SB 1407) projects. The AOC also recommended the council delegate to the Administrative Director of the Courts the authority to determine the timing of when funding requests for these projects should be submitted funding requests for these 41 projects based on application of the methodology and availability of funding.

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

The Administrative Director informed the members of the Judicial Council that the AOC Office of the General Counsel advised that there is no legal or ethical requirement that any member refrain from voting or interpose a recusal if 1 or more projects affect the court with which that member is affiliated. The Administrative Director analogized this circumstance to the occasions when the council approves budgets for all of the courts, including the specific courts with which the members may be affiliated.

Council action

The Judicial Council:

1. Adopted the updated Trial Court Capital-Outlay Plan based on the reevaluation of one capital-outlay project because of confirmed underlying conditions and the addition of another project. The plan update includes updated escalated costs for the 12 previous council-approved projects, based on the September 2008 submission to the DOF.
2. Adopted an update to the *Prioritization Methodology for Trial Court Capital-Outlay Projects* in accordance with SB 1407 to allow consideration and funding of Critical Need projects before funding all Immediate Need projects, to prioritize those projects with viable economic opportunities for the purpose of determining which projects should be submitted to the DOF for funding approval, and to clarify the funding request process in accordance with recommendation Nos. 3 and 4 below.
3. Adopted the list of 41 trial court capital projects to be funded by SB 1407 and directed the AOC to evaluate these 41 projects according to the updated methodology, with its emphasis on economic opportunity, to determine which projects should be submitted to the DOF for funding approval in FY 2010–2011 and if any changes should be made to projects previously approved by the council for submission to the DOF for funding from SB 1407.
4. Delegated to the Administrative Director the approval authority of when to submit projects from the attached list of trial court capital projects to be funded by SB 1407 to the DOF for funding approval, based on application of the updated methodology—including prioritizing those projects with viable economic opportunities—and availability of funding. Directed the

Administrative Director to regularly report back to the council on the status of all SB 1407 projects.

5. Directed the AOC to present the updated plan—including any technical updates—and the selected FY 2010–2011 funding requests for trial court capital projects in the *Judicial Branch AB 1473 Five-Year Infrastructure Plan* for FY 2010–2011, to the state Department of Finance in mid-2009.

Item E Update of the Judicial Workload Assessment

Mr. Dag MacLeod, Executive Office Programs Division, and Mr. Ron Pi, Executive Office Programs Division, presented this item.

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

Council action

The Judicial Council:

1. Confirmed the need for the Legislature to create the remaining third 50 judgeships on the priority list approved by the Judicial Council in 2007;
2. Approved an updated priority ranking for 100 new judgeships beyond the 150 originally proposed by the Judicial Council, and directed AOC staff to seek legislation and funding authorizing these new positions; and
3. Approved the report to the Legislature on the need for judgeships in each superior court.

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

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

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

Council action

The Judicial Council, effective January 1, 2009:

(a.) Adopted rule 5.505 of the California Rules of Court to establish juvenile dependency court performance measures in the areas of hearing timeliness, court procedures and due process, child safety, child permanency, and child and family well-being and to establish related procedures;
(b.) Approved the *Implementation Guide to Juvenile Dependency Court Performance Measures* to provide courts and developers of California's Court Case Management System with the necessary technical information to implement the juvenile dependency court performance measures specified in proposed rule 5.505.

The Judicial Council also:

(a.) Directed the Family and Juvenile Law Advisory Committee and the Administrative Office of the Courts to review the implementation of rule 5.505 in the trial courts during calendar year 2012, or as soon thereafter as CCMS-V4 is operational in 10 or more courts. Such review will include consultation with the Trial Court Presiding Judges and Court Executives Advisory Committees and obtaining information from courts about any resource limitations that affect their ability to comply with the data gathering, data entry, or other requirements of rule 5.505; and
(b.) Directed the Family and Juvenile Law Advisory Committee and the Administrative Office of the Courts to report to the Judicial Council no later than December 2012 on the courts' experience with and recommendations for modifications, if any, in rule 5.505.

There were no Circulating Orders since the last business meeting.

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

There being no further public business, the meeting was adjourned at 12:20 p.m.

Respectfully submitted,

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