JUDICIAL COUNCIL MEETING
Minutes of the December 15, 2009, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:40 a.m. on Tuesday, December 15, 2009, at the Administrative Office of the Courts (AOC) in San Francisco.

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

Absent: Senator Ellen M. Corbett; and Assembly Member Mike Feuer.

Others present included: Justices Ming W. Chin, Judith D. McConnell, Douglas P. Miller, and Ronald B. Robie; Judges James E. Herman and William A. MacLaughlin; Mr. Adam Acosta, Ms. Beth Jay, Ms. Barbara Kauffman, Mr. Anthony Lew, Ms. Karen Norwood, Ms. Sharis Peters, Ms. Carole Prescott, and Ms. Arnella Sims; **staff:** Mr. Peter Allen, Mr. Clifford Alumno, Mr. Nick Barsetti, Mr. Dennis Blanchard, Ms. Deborah Brown, Ms. Sheila Calabro, Ms. Nancy Carlisle, Mr. James Carroll, Mr. Steven Chang, Ms. Roma Cheadle, Mr. Curtis L. Child, Mr. Kenneth Couch, Dr. Diane E. Cowdrey, Ms. Linda Cox, Mr. Dexter Craig, Mr. Patrick Danna, Mr. Ekuike Falorca, Mr. Chad Finke, Mr. Michael Fischer, Mr. Malcolm Franklin, Mr. Ernesto V. Fuentes, Ms. Aurea Galang, Ms. Sue Hansen, Ms. Donna S. Hershkowitz, Ms. Lynn Holton, Mr. Mark Jacobson, Mr. John A. Judnick, Mr. Kenneth L. Kann, Ms. Camilla Kieliger, Mr. Gary Kitajo, Ms. Leanne Kozak, Ms. Maria Kwan, Ms. Althea Lowe-Thomas, Mr. Robert Lowney, Mr. Dag MacLeod, Ms. Carolyn McGovern, Ms. Susan McMullan, Mr. Stephen Nash, Ms. Linda Nguyen, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms. Christine Patton, Ms. Susan Reeves, Ms. Pam Reynolds, Ms. Nancy Riddell, Ms. Mary M. Roberts, Ms. Rona Rothenberg, Ms. Jeannine Seher, Mr. Tarlok Singh, Ms. Marlene Smith, Mr. Curt Soderlund, Ms. Nancy E. Spero, Ms. Ann Springgate, Mr. Johann Strauss, Ms. Linda Theuriet, Ms. Barbara Whiteoak, Mr. Lee Willoughby, and Ms. Josely Yangco-Fronda; and **media representatives:** Mr. Bob Egelko, *San Francisco Chronicle,* Ms. Cheryl Miller, *The Recorder,* and Ms. Amy Yarbrough, *San Francisco Daily Journal.*

Public Comment Related to Trial Court Budget Issues
Chief Justice George noted that two requests to address the council had been received, one from Ms. Sharis Peters, representing the American Federation of State, County, and Municipal Employees (AFSCME) Local 276, and the other from Ms. Karen Norwood, President, AFSCME Local 3302. Chief Justice George indicated that Ms. Norwood had withdrawn her request to address the council. Chief Justice George reported that a third request to address the council had also been received from Ms. Arnella Sims, Court Reporter, Superior Court of Los Angeles County, representing Service Employees International Union (SEIU), Local 721. He then called on Ms. Peters.

Ms. Peters expressed her concerns with regard to the impact of court closures on the courts, saying that the closures result in difficulties for court users and that the possibility that there will be layoffs in the courts will further limit the public's access to timely and thorough assistance in legal matters. She urged the council to consider redirecting a portion of the monies generated by the passage of Senate Bill 1407 to the courts to help avoid courthouse and courtroom closures.

Chief Justice George thanked Ms. Peters and called on Ms. Sims.

Ms. Sims expressed her concern about the recommendation in agenda Item 11, having to do with delegation of authority to the Policy Coordination and Liaison Committee (PCLC) to take positions to sponsor legislative proposals on behalf of the Judicial Council when prompt action is required.

Chief Justice George thanked Ms. Sims and called on Justice Richard D. Huffman, Chair, Executive and Planning Committee (E&P), Justice Marvin R. Baxter, Chair, PCLC, and Judge Dennis E. Murray, Chair, Rules and Projects Committee (RUPRO), to address the concerns raised by Ms. Sims.

Justice Huffman reported that in instances where prompt action is necessitated regarding legislative proposals, it would be virtually impossible to assemble the Judicial Council, hold a meeting, and produce information in a meaningful manner. Justice Huffman pointed out that the membership on the PCLC includes not only Justice Baxter from the Supreme Court, but also a justice of the Court of Appeal, trial court judges, a court executive officer, and two members of the State Bar. In situations where such issues arise, the chairs of E&P and RUPRO would also be asked to participate in the deliberative process to ensure representation on behalf of the full membership of the council.

Justice Baxter reported that only in situations when a matter is time sensitive will such matters be delegated to the PCLC. He also pointed out that nothing prevents the full council from taking up the issue and taking an opposing position on the issue at hand.

And, as a practical matter, if an item is particularly controversial, the PCLC would bring the matter to the full council for comment.

Judge Murray reiterated that anytime the PCLC takes up issues of this nature, the other chairs of the Judicial Council's internal committees, himself, and Justice Huffman, are included in the process.

A written statement (a copy of which is attached to these minutes) was received from Judge Charles E. Horan, of the Superior Court of California, County of Los Angeles, regarding comments on recommendation 3 contained in the report for discussion agenda Item 11: 2010 Judicial Council Legislative Priorities. In addition to Judge Horan, the electronic communication was also submitted by the following:

Judge Mark R. Forcum, Superior Court of California, County of San Mateo
Judge Maryanne G. Gilliard, Superior Court of California, County of Sacramento
Judge Daniel B. Goldstein, Superior Court of California, County of San Diego
Judge Dodie A. Harman, Superior Court of California, County of San Luis Obispo
Associate Justice Thomas E. Hollenhorst, Court of Appeal, Fourth Appellate District, Division Two
Judge David R. Lampe, Superior Court of California, County of Kern
Judge Loren E. McMaster, Superior Court of California, County of Sacramento
Judge Lisa C. Schall, Superior Court of California, County of San Diego
Alliance of California Judges

Approval of Minutes
The minutes of the October 23, 2009, business meeting were approved.

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

Executive and Planning Committee
Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met four times since the October 23, 2009, Judicial Council meeting: by teleconference on November 12 and 23, 2009, and December 7, 2009, and via e-mail on October 28, 2009.

Justice Huffman reported that on October 28, 2009, (proposal circulated by e-mail) the committee considered a nomination for an appointment to an out-of-cycle vacancy on the

Court Interpreters Advisory Panel and forwarded the nomination to the Chief Justice for his review and approval.

On November 12, 2009, E&P met to discuss with staff branchwide communications planning for 2009–2010. The committee reviewed options for improving both the timeliness and clarity of information sent in communications between the Judicial Council and the judicial branch and provided direction and priorities.

On November 23, 2009, E&P reviewed and approved reports for the December 15 Judicial Council meeting agenda and set the agenda for the meeting.

Finally, on December 7, 2009, E&P met again and reviewed the final reports and further set the agenda for the December 15 Judicial Council meeting.

At that meeting the committee also reviewed and approved the staff recommendation confirming the conversion of an SJO position in the Superior Court of Contra Costa County effective January 29, 2010.

Under existing statute, the Judicial Council may convert up to 16 SJO positions each year upon vacancy. The Governor is notified of the actions taken so appointments to the new judgeships can be made. Justice Huffman reported that nearly all of the SJO positions for this fiscal year have been converted and as a result, E&P, also at its December 7 meeting, confirmed the conversion of an SJO position in the Superior Court of Sonoma County at the earliest possible effective date upon the Legislature authorizing SJO position conversions for fiscal year 2010–2011.

Justice Huffman also reported on a non–E&P activity: on December 1, 2009, Chief Justice Ronald M. George and several members of the Judicial Council and others toured the Court Case Management System (CCMS) project site in Santa Ana and then visited the Superior Court of Orange County to get a firsthand view of CCMS. The purpose of the visit was to provide information about CCMS's scope, resources, and project timeline. The presentations included information about how CCMS is being built and the major components of the system. A demonstration of the CCMS prototype was provided for criminal, family law, and the appellate court process. At the Orange court, the visitors saw the V3 (civil, small claims, probate and mental health) system in operation.

The sessions clarified the magnitude of CCMS as it relates to project size and complexity, but more importantly, the product demonstrations provided a new perspective on how vital quick deployment of CCMS is to all 58 courts. The firsthand views of CCMS highlighted benefits for public access to justice and better case management system capabilities for court operations. Positive feedback has been received from those who participated in the December 1 event, and additional sessions will be held for members of the Legislature and executive branch officials.

Policy Coordination and Liaison Committee
Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met once since the October 23, 2009, Judicial Council meeting.

Justice Baxter reported that at its November 12 meeting, the PCLC continued its October Judicial Council meeting regarding Judicial Council–sponsored legislation. Specifically, the PCLC recommended council sponsorship on legislative proposals concerning modernizing the management of court records; bringing consistency to protective order statutes, and e-service of documents. These and other items recommended by the policy committee for council sponsorship were items 1–5 on this meeting's consent agenda, and item 12 on the discussion agenda.

Justice Baxter also reported that the Legislature will reconvene on January 4 for the second half of the 2009–2010 Legislative Session. As the legislative session resumes, the PCLC will begin its regular meeting schedule to discuss legislative issues as they arise.

Rules and Projects Committee
Presiding Judge Dennis E. Murray, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met three times by teleconference since the October 23, 2009, Judicial Council meeting.

RUPRO met on November 20 to consider three proposals that came before the council during its December 15 meeting. RUPRO recommended approval of these proposals, which were items 7, 9, and 10 on the consent agenda.

On December 4, RUPRO met to consider a proposal for rules addressing public access to judicial administrative records. RUPRO recommended adoption of that proposal, which was item 14 on the discussion agenda. RUPRO recommended that the two alternative fee structures be considered for discussion by the entire Judicial Council.

On December 9, RUPRO met to review rules and forms proposals to circulate for public comment during the Winter Cycle. Following public circulation and further review by the advisory committees and RUPRO, those proposals are expected to come before the Judicial Council at the April 2010 business meeting.

Chief Justice's Report
Chief Justice Ronald M. George reported on the activities in which he had been involved since the last Judicial Council meeting. Those included appearances at the State Bar Pro Bono celebration, the Bench-Bar Coalition, the Chancery Club, and the Italian American Bar Association. The Chief Justice routinely conducts liaison meetings with key justice system partners to discuss issues of mutual interest. Since the last Judicial Council

meeting, he, Justice Marvin R. Baxter, and AOC leaders have met with representatives of the California District Attorneys Association, the California Defense Counsel, and the California State-Federal Judicial Council. In November, the Chief Justice attended a Supreme Court outreach session at the University of California, Berkeley, School of Law during which the university publicly hosted oral arguments with law students and high school students.

In December, Chief Justice George and the Judicial Council visited the California Court Case Management System (CCMS) development site and the Superior Court of Orange County. He described the system's progress as impressive and encouraged attendees to continue the progress toward a unified case management system despite the inaccuracies being reported about CCMS by the media. Paul Robinson, Deloitte Consulting, shared that development is 75 percent complete and deployment in early adopter courts is getting closer.

The Chief Justice's annual press briefing on the court system, for both the legal press and general circulation media, served as an opportunity to report on what has transpired at the Supreme Court and the judicial branch over the past year. He also conferred awards on judicial branch leaders at the 2009 Distinguished Service and Benjamin Aranda III Access to Justice Awards ceremony. He met with California Judges Association (CJA) leaders, President Michael P. Vicencia and past-President Mary E. Wiss, to discuss the excellent partnership that the CJA and the Judicial Council have shared over the budgetary and policy issues during the past year and the mutual expectation of continuing a successful working relationship.

Chief Justice George reported that the Supreme Court took steps to further economize, given fiscal constraints and limited judicial branch resources, with a decision to close its Los Angeles office, staffed by three employees. The closure will result in savings of personnel costs, rent paid to the Department of General Services, and document handling expenses estimated to be $350,000–$400,000 per year. The Supreme Court took this measure in addition to the 100 percent voluntary participation by Supreme Court justices in the statewide judicial salary waiver program.

Chief Justice George acknowledged with great regret the unexpected passing of Judge Barbara J. Miller of the Superior Court of Alameda County. He remembered her for her distinguished service first as a commissioner of the court, then as a judge, beginning in 1996, and from 2002–2003 as a presiding judge. She was active on the Judicial Council from 2005–2008 and maintained a warm spirit and cooperative approach in council matters. Judge Winifred Younge Smith, a colleague of Judge Miller's on the Alameda court; Mr. Ronald G. Overholt, who first knew her while he served as executive officer for Alameda; and Judge James Michael Welch, whose judicial career coincided with Judge Miller's, each remembered Judge Miller for her friendship and reasoning skills and recognized the tremendous loss of her leadership for the court and in state judicial affairs.

Chief Justice George complimented the AOC leadership, Mr. William C. Vickrey, Mr. Overholt, the directors, and staff for their performance during what has been a time of fiscal restraint incurred by the judicial branch and also, in his view, unfair and inaccurate reporting on AOC operations within the branch. From his perspective, the reporting deficiencies are particularly unfortunate in view of the responsiveness and openness that the judicial branch maintains. He emphasized that the judicial branch neither resists scrutiny nor treats it as unwelcome. The branch is open to constructive dialogue and suggestions. He criticized the type of unfair and inaccurate journalism that requires correction of misinformation and selective reporting in direct disregard of advance information provided by the AOC to ensure balanced reporting.

He concluded with congratulations to Mr. Vickrey for his induction into the Warren E. Burger Society, an honor bestowed by the National Center for the State Courts, for Mr. Vickrey's leadership among state court executives both within California and nationally. The Chief Justice praised Mr. Vickrey for his expertise in managing the challenges of California's budget crisis and his service on a number of high-profile committees devoted to justice system issues, such as the Pew Commission on Children in Foster Care, the Executive Session for State Court Leaders in the 21st Century (sponsored by the Kennedy School of Government at Harvard University), and the National Performance Management Advisory Commission, addressing performance measurement in the public sector.

This concluded the Chief Justice's report.

AOC Employee Compensation Policies and Judicial Council Governance
Following the conclusion of the Chief Justice's report, there was a discussion of AOC employee compensation policies and Judicial Council governance over the AOC. A resolution was made to reaffirm the council's current governance process concerning AOC compensation, including the Chief Justice's authority for approving compensation of AOC employees. The resolution was adopted with one vote against it and one abstention.

Administrative Director's Report
Mr. William C. Vickrey, Administrative Director of the Courts, reported on the following matters that occurred since the last council meeting. He noted a meeting with the Department of Finance director and his staff, which he attended with AOC Chief Deputy Director Overholt, and AOC Finance Division Director Stephen Nash, to impress on the executive branch that the level of budget reductions in trial court funding this year is not sustainable to cover rising personnel costs associated with changes in health-care and retirement costs and employee benefits. The meeting also centered on the need for a plan to restore baseline funding for the judicial branch to adequate levels in the next two years to ensure that the courts remain open and fully operational in fiscal year 2010–2011. Mr.

Vickrey remains hopeful for a productive follow-up meeting on this subject with the Governor.

Mr. Vickrey reported on discussions held with representatives from criminal bar associations—prosecution and defense representatives, as well as civil plaintiff and defense bar representatives—to discuss proposals within the justice community to make the system more efficient and to assist the courts, such as changes in operating procedures, rules of court, legislation, and fee structures. A follow-up meeting is expected in January with a set of recommendations likely for the council's approval for forwarding to the Governor and the Legislature for their consideration.

Mr. Vickrey called attention to the prestigious 2009 Ruth Massinga Award conferred on Justice Carlos R. Moreno by the Casey Family Programs for his leadership on the Blue Ribbon Commission on Children in Foster Care. He commended Justice Moreno for the contributions he has made to the foster care system in both his professional and personal life.

He updated the council on the award presentations to the courts selected by the council in April to receive the 2008–2009 Kleps Awards, which recognize innovative court programs. This year, Kleps Award Committee members and council members will travel to each court site to present the honors. Presentations have been made so far to the Superior Courts of Contra Costa County for its Online Probable Cause program, Imperial County for its Binational Justice Project, Santa Clara County for its collaborative Giving Families a Chance program, and Monterey County for its Self-help Online Workshop Registration program. Mr. Vickrey expressed appreciation for participation by several council members and judges who have attended the presentations and commented on the inspiring examples set by the judges and court staff of each court honored.

He referred council members to the developments in the court facility program detailed in his report and announced that the statewide transfer of court facilities will be complete, with the transfers of the Glenn and Modoc facilities, by the end of December. He referenced the Center for Families, Children & the Courts' work with tribal entities on judicial issues concerning children and family. He also highlighted the progress being made by consultants and AOC staff on the use and development of technology to improve the design of CCMS, with the assistance of consultants, AOC staff, and, in particular, judges and court staff. Mr. Vickrey also commented on the Office of Court Research's report on the impact of class action lawsuits, which shows a correlation in the decline of state class action lawsuits filed in the last year and federal class action legislation that has allowed courts to decline jurisdiction on lawsuits.

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

CONSENT AGENDA (Items 1–10)

Item 1 Legislative Policy Guidelines (Action Required)

The Policy Coordination and Liaison Committee (PCLC) recommended that the Judicial Council adopt the update to the Judicial Council's *Legislative Policy Guidelines* through the 2009 legislative year. This proposal provides concise policy guidance regarding council positions on court-related legislation, providing the framework and historical background for future council positions on legislation.

Council action
The Judicial Council adopted the update to the Judicial Council's *Legislative Policy Guidelines* through the 2009 legislative year.

Item 2 Judicial Council–sponsored Legislation: Modernizing Trial Court Records Management (amend Gov. Code, §§ 68150 and 68151) (Action Required)

The Policy Coordination and Liaison Committee, the Court Executives Advisory Committee, and the Court Technology Advisory Committee recommended that the Judicial Council sponsor legislation to modernize the statutes on the management of court records so that the courts will be able to operate in a more effective, cost-efficient manner using contemporary technology. This proposal would amend current law to authorize courts to create, maintain, and preserve records in any form or forms, including paper, optical, electronic magnetic, micrographic, or photographic media or other technology, provided that the form or forms satisfy standards or guidelines. The amended statute would require the Judicial Council to adopt rules to establish the guidelines or standards for the creation, maintenance, reproduction, and preservation of court records. By allowing courts to use current technology in managing court records, this proposal will enable courts to operate in a more effective, cost-efficient manner.

Council action
The Judicial Council voted to sponsor legislation to amend Government Code sections 68150 and 68151 to modernize the statutes on the management of court records.

Item 3 Judicial Council–sponsored Legislation: Disposition of Unclaimed Money Deposited With the Trial Courts (amend Gov. Code, § 68084.1) (Action Required)

The Policy Coordination and Liaison Committee recommended amending the Government Code to require courts to deposit any unclaimed victim restitution money that the court has been holding for three years or longer either into the state Restitution Fund or the county general fund to be used by a local agency for the purposes of victim services. This proposal would provide the courts with needed statutory direction and authority for proper handling of unclaimed victim restitution money that the court has been holding for three years or longer and fill a gap in current law.

Council action

The Judicial Council voted to sponsor legislation in 2010 to amend Government Code section 68084.1 to require courts to deposit any unclaimed victim restitution money that they have been holding for a minimum of three years into either the state Restitution Fund or the county general fund to be used by a local agency for purposes of victim services.

Item 4 **Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6) (Action Required)**

The Policy Coordination and Liaison Committee and the Court Techonology Advisory Committee recommended that the Judicial Council sponsor legislation to make the statute on electronic filing and service more flexible and effective. The statute currently authorizes service by the electronic transmission of documents but not by providing notice to other parties that a document is served and providing a hyperlink to the document. This proposal would authorize electronic service by providing notice and a hyperlink as well as by the electronic transmission of a document. The proposal would also clarify that all types of documents—not just notices and accompanying documents—may be served electronically. This proposal responds to changes in technology and the use of technology, filling a need not addressed by current law.

Council action

The Judicial Council voted to sponsor legislation to amend Code of Civil Procedure section 1010.6 on electronic service to make the statute more flexible and effective.

Item 5 **Judicial Council–sponsored Legislation: Protective Orders (amend Code Civ. Proc., Welf. & Inst. Code, and Fam. Code) (Action Required)**

The Policy Coordination and Liaison Committee, the Civil and Small Claims Advisory Committee, and the Family and Juvenile Law Advisory Committee recommended that the Judicial Council sponsor legislation to amend sections of the Code of Civil Procedure,

Welfare and Institutions Code, and Family Code that provide for protective orders relating to civil harassment, workplace violence, elder and dependent adult abuse, juvenile law, and domestic violence. The purpose of the legislation is to create greater consistency in procedures and practices, eliminate unnecessary statuory differences, fill in procedural gaps, clarify uncertain matters, and generally improve the statutes that relate to protective orders. The improvements in the statutes should also make it possible to have more consistent and usable statewide forms for protective orders.

Council action
The Judicial Council voted to sponsor legislation to improve the statutes relating to protective orders. Specifically, the committees recommended that the council approve in concept the proposed legislation contained in the invitation to comment that is currently circulating. The council also delegated to the PCLC the authority to finalize the legislation after the proposal has been circulated, the comments have been reviewed, and recommendations for a final version are submitted by the advisory committees.

Item 6 **Biennial Review of Organizations Authorized by the Judicial Council to Certify Interpreters for Deaf and Hard-of-Hearing Persons (Action Required)**

The Court Interpreters Advisory Panel (CIAP) recommended that the Judicial Council reauthorize the Registry of Interpreters for the Deaf to test and certify court interpreters for individuals who are deaf or hard-of-hearing, that organizations authorized by the Judicial Council to test and certify court interpreters for individuals who are deaf or hard-of-hearing be required to submit compliance documentation every four years, and that authority be delegated to the Administrative Director of the Courts to authorize entities to test and certify court interpreters for individuals who are deaf or hard-of-hearing. CIAP stated that the council should act on this matter because it has established guidelines that require authorization of entities to test and certify court interpreters for individuals who are deaf or hard-of-hearing.

Council action
Effective immediately, the Judicial Council adopted the following:

1. Reauthorized the Registry of Interpreters for the Deaf, Inc. (RID), to test and certify court interpreters for deaf or hard-of-hearing individuals for an additional four years;
2. Required the review and reauthorization every four years of entities to test and certify court interpreters for deaf or hard-of-hearing individuals;
3. Revised section III(c) of the Judicial Council *Guidelines for Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing Persons* to state: "An approved certifying organization shall provide evidence to the Judicial

Council of continued compliance with the guidelines at four-year intervals after the initial approval"; and

4. Delegated authority to the Administrative Director of the Courts to authorize entities to test and certify court interpreters for deaf or hard-of-hearing individuals, based on the Judicial Council guidelines.

Item 7 **Civil Jury Instructions: Approve Publication of Revisions to the *California Civil Jury Instructions (CACI)* (Action Required)**

The Advisory Committee on Civil Jury Instructions recommended approval of the publication of revisions and additions to the *California Civil Jury Instructions,* which were first published in September 2003 and last revised in April 2009. This proposal includes 41 new and revised instructions and verdict forms.

Council action

The Judicial Council, effective December 15, 2009, approved for publication under rule 2.1050 of the California Rules of Court the civil jury instructions prepared by the advisory committee. The new and revised instructions will be officially published in the 2010 edition of the *Judicial Council of California Civil Jury Instructions (CACI).*

Item 8 **Equal Access Fund: Distribution of Funds for Partnership Grants (Action Required)**

The Legal Services Trust Fund Commission of the State Bar of California has prepared a report requesting approval of an allocation of $1,625,000 in Equal Access Fund partnership grants for distribution to programs providing legal assistance to self-represented litigants. The Budget Act authorizing the Equal Access Fund provides that the Judicial Council must approve the commission's recommendations if the council determines that the awards comply with statutory and other relevant guidelines. The report demonstrates that the commission has complied with those guidelines.

Council action

The Judicial Council, effective December 15, 2009, approved the allocation of $1,625,000 in Equal Access Fund partnership grants to the State Bar Legal Services Trust Fund Commission for distribution to the following legal service agencies for programs conducted jointly with courts that provide legal assistance to self-represented litigants:

Bay Area Legal Aid
Domestic Violence Emergency Orders Clinic $40,713

Bet Tzedek Legal Services

Elder Law Project	$101,703
California Rural Legal Assistance	
Landlord/Tenant and Small Claims Pro Per Assistance Project, San Joaquin	$56,703
Stanislaus County Landlord/Tenant Pro Per Clinic	$61,703
Central California Legal Services, Inc.	
Elder Abuse Access to Justice Partnership	$66,703
Contra Costa Senior Legal Services	
Senior Self-Help Clinic	$29,703
East Bay Community Law Center	
Consumer Law Clinic	$51,703
Elder Law and Advocacy	
Bilingual Conservatorship Clinic	$41,703
Greater Bakersfield Legal Assistance, Inc.	
Family Law Access Project	$61,703
Inland Counties Legal Services	
Blythe Legal Information/Advocacy Partnership Project	$11,603
Legal Aid Foundation of Los Angeles	
Torrance Self-Help Legal Access Center	$41,703
Legal Aid Foundation of Santa Barbara County	
Legal Resource Center in Lompoc	$71,703
Legal Aid Society of Orange County	
Central Justice Center Self-Help Center	$66,703
Legal Aid Society of San Diego, Inc.	
Civil Harassment Temporary Restraining Order Clinic	$61,703
Unlawful Detainer Assistance Program, South County Courthouse	$66,703
Legal Aid Society of San Mateo County	
San Mateo County Landlord/Tenant Clinic	$46,703
Legal Assistance for Seniors	
Partnership to Assist Guardianship Litigants	$61,703

Legal Services of Northern California	
Consumer Assistance Clinic (Yolo)	$56,703
Mendocino County Self-Help Legal Access Center	$51,703
Shasta Legal Information and Assistance Program	$24,703
Solano County Restraining Order Clinic	$51,703
Los Angeles Center for Law and Justice	
Help With Orders Prepared for Enforcement	$66,703
Neighborhood Legal Services of Los Angeles County	
Domestic Abuse Self-Help Project	$46,703
San Gabriel Valley Self-Help Legal Access Center	$66,703
Pro Bono Project Silicon Valley	
Domestic Violence Self-Representation Assistance	$16,703
Public Counsel	
Appellate Self-Help Clinic	$51,703
Public Law Center	
Orange County Courthouse Guardianship Clinic	$38,703
San Diego Volunteer Lawyer Project	
North County Civil Harassment Restraining Order Clinic	$66,703
Senior Citizens' Legal Services	
Conservatorship and Elder Abuse Project	$53,703
Watsonville Law Center	
Language Access Project	$91,703
Total	$1,625,000

Item 9 Traffic: 2010 Uniform Bail and Penalty Schedules (Action Required)

The Traffic Advisory Committee proposed revisions to the Uniform Bail and Penalty Schedules to become effective January 1, 2010. Vehicle Code section 40310 provides that the Judicial Council must annually adopt a uniform traffic penalty schedule for all nonparking Vehicle Code infractions. According to rule 4.102 of the California Rules of Court, trial courts, in performing their duty under Penal Code section 1269b, must annually revise and adopt a schedule of bail and penalties for all misdemeanor and

infraction offenses except Vehicle Code infractions. The penalty schedule for traffic infractions is established by the schedules approved by the Judicial Council. The proposed revisions would bring the schedules into conformance with recent legislation.

Council action
The Judicial Council, effective January 1, 2010, adopted the proposed 2010 Uniform Bail and Penalty Schedules.

Item 10 Jury Service: Technical Amendment to Sanctions for Failure to Appear (amend Cal. Rules of Court, rule 2.1010) (Action Required)

Code of Civil Procedure section 209 allows courts to impose monetary sanctions for failure to appear in response to a jury summons. Rule 2.1010 of the California Rules of Court implements the statute by providing a procedure that prospective jurors must use to set aside sanctions imposed by default for failure to respond to a jury summons. Both section 209 and rule 2.1010 had sunset provisions of January 1, 2010. Senate Bill 319 eliminated the sunset provision in the statute. The proposed amendment would remove the sunset provision in rule 2.1010.

Council action
The Judicial Council, effective January 1, 2010, amended California Rules of Court, rule 2.1010 to delete a sunset provision of January 1, 2010.

DISCUSSION AGENDA (Items 11–15)

Item 11 2010 Judicial Council Legislative Priorities (Action Required)

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

The Policy Coordination and Liaison Committee recommended that the Judicial Council advocate to secure sufficient funds to permit courts to be open and operating every court day. PCLC also recommended that the council confirm continuing sponsorship of legislation to enact the third set of 50 new trial court judgeships upon appropriation by the Legislature. These proposals were necessary to provide the judicial branch with critical resources to provide meaningful access to justice. Since the council may have a very short time frame in which to act on legislative and budget proposals, PCLC further recommended that the council delegate authority to the PCLC to sponsor proposals on behalf of the Judicial Council, with notice to the chairs of the Executive and Planning and Rules and Projects Committees of meetings at which such actions may occur and provide subsequent notification to the council of all such actions taken.

Council action
The Judicial Council voted to:

1. Advocate to secure a budget that permits courts to be open and operating every court day;
2. Continue to sponsor legislation to create the third set of 50 new judgeships to be allocated consistent with the council's 2008 Judicial Needs Assessment; and
3. Delegate to the PCLC the authority to take positions to sponsor legislative proposals on behalf of the Judicial Council when prompt action is required, require the PCLC to notify the chairs of the Executive and Planning Committee and the Rules and Projects Committee of any PCLC meeting in which such actions will be considered so that they may participate if available, and if feasible to notify all other Judicial Council members of the intended action, and require the PCLC, after acting under this delegation, to notify the Judicial Council of all such actions.

Item 12 **Report to the Legislature: Historical Analysis of Disparities in Judicial Benefits (Sen. Bill X2 11) (Action Required)**

Ms. Jody Patel, Regional Administrative Director, Ms. Mary M. Roberts, Office of the General Counsel, and Mr. Dag MacLeod, Executive Office Programs Division, presented this item.

The Administrative Office of the Courts recommended that the Judicial Council approve the report to the Legislature titled the *Historical Analysis of Disparities in Judicial Benefits*. The report was in response to Senate Bill X2 11, which required the Judicial Council to report to the Legislature analyzing the statewide inconsistencies in judicial benefits on or before December 31, 2009.

Council action
The Judicial Council, effective December 15, 2009, approve the attached report for submission to the Legislature in compliance with Senate Bill X2 11.

Item 13 **Interim Report on Court Executive Officer Compensation Study (No Action Required)**

Ms. Jody Patel, Regional Administrative Director, and Mr. Kenneth Couch, Human Resources Division, presented this item.

The Judicial Council directed staff of the Administrative Office of the Courts to study executive management compensation in the trial courts and present

recommendations on fiscal procedures or rules of court that will ensure appropriate accountability. This interim report summarizes the AOC's progress to date in responding to that directive, provides the findings of the study of court executive officer compensation in the trial courts, and provides information about the timeline for presenting recommendations to the council to ensure appropriate fiscal accountability in this area. A final report is expected to be presented to the council in April 2010.

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

Item 14 **Public Access to Judicial Administrative Records (adopt Cal. Rules of Court, rules 10.500 and 10.501; repeal rule 10.802; and amend rule 10.803) (Action Required)**

Hon. Judith D. McConnell, Administrative Presiding Justice, Court of Appeal, Fourth Appellate District; Hon. Mary Ann O'Malley, Chair, Trial Court Presiding Judges Advisory Committee; Hon. James E. Herman, Judge, Superior Court of California, County of Santa Barbara (representing the California Judges Association); Mr. Michael D. Planet, Chair, Court Executives Advisory Committee; Mr. Curtis L. Child, Office of Governmental Affairs; and Ms. Mary M. Roberts , Office of the General Counsel, presented this item with the participation of Ms. Linda Nguyen and Ms. Ann Springgate, Office of the General Counsel.

The Administrative Office of the Courts, in collaboration with a judicial working group, recommended that the council adopt new rules of court establishing public access provisions applicable to judicial administrative records held by the trial and appellate courts, the Judicial Council, and the AOC. The proposed rules would replace existing rule 10.802 which provides access to a limited category of superior court and AOC records of budget and financial information. The proposed rules draw from and were drafted using state law regarding access to executive branch records, in some instances supplemented by state law regarding access to legislative records and federal law regarding access to federal executive branch agency records. The proposed rules create a presumption that records reflecting the administrative functions of judicial branch entities are open to the public and specify exemptions to that basic tenet in appropriate circumstances. The proposed rules include appropriate exemptions from access to address the role and functions of the judicial branch. The proposed rules are necessary to implement the requirements of Government Code section 68106.2.

Council action
The Judicial Council, effective January 1, 2010:

1. Adopted rules 10.500(a)–(e)(3) and (e)(5)–(j), which provide public access to

nondeliberative and nonadjudicative court records, and budget and management information relating to the administration of the courts;

2. Adopted Alternative 2 as the fee structure to be imposed under rule 10.500(e)(4) and adopted Fee Guidelines, as amended, in the form of amended Attachment A to the report (a revised version reflecting the amendments is attached to these minutes) and directed the AOC to seek funds from the Legislature for the costs of implementing this new mandate. Authorized up to $1.5 million be set aside, subject to available appropriations, to provide a funding source to reimburse trial courts for specified expenses incurred between January 1, 2010, and December 31, 2011, in responding to requests for public access to judicial administrative records under rule 10.500 and as provided in the Fee Guidelines, in a manner and at a frequency determined by the Administrative Director of the Courts. The Trial Court Trust Fund shall be the source of last resort for funding to reimburse the trial courts.
3. Adopted rule 10.501, which requires the maintenance of certain trial court budget and management information as set forth in current rules 10.802(a) and 10.802(b);
4. Repealed rule 10.802, on maintenance of and public access to budget and management information;
5. Amended rule 10.803, on disputes regarding access to information, to reflect the adoption of rules 10.500 and 10.501;
6. Directed the Supreme Court, Courts of Appeal, superior courts, and AOC to maintain records regarding requests for public access to judicial administrative records and information, including the time, cost, and type of court resources spent in responding to requests received, and costs recovered, and to provide that information to the AOC upon request to enable compilation of branchwide data and presentation to the council of a report analyzing the impact of the rules on court operations statewide;
7. Directed the AOC to compile and present to the council by December 31, 2011, branchwide information about the impact of the new rules on public access to judicial administrative records, including the costs and resources required to meet the rule requirements; and
8. Adopted as findings the rationale for recommendation in the report to the council, which demonstrates the impact of the proposed rules on the public's right of access to judicial administrative records and the important public interests protected by these rules and the need for protecting those interests.

Item 15 Commission for Impartial Courts: Final Report (Action Required)

Hon. Ming W. Chin, Chair, Commission for Impartial Courts Steering Committee, Hon. William A. MacLaughlin, Chair, Task Force on Judicial Campaign Finance, Hon. Judith D. McConnell, Chair, Task Force on Public Information and Education, Hon. Douglas P. Miller, Chair, Task Force on Judicial Candidate Campaign Conduct, and Hon. Ronald B.

Robie, Chair, Task Force on Judicial Selection and Retention, presented this item with the participation of Ms. Christine Patton, Regional Administrative Director.

The Commission for Impartial Courts presented its final recommendations for safeguarding judicial quality, impartiality, and accountability in California. It recommended that the council accept its final report and direct the Administrative Director of the Courts to provide, at the February 2010 council meeting, an implementation plan. The 71 recommendations would promote ethical and professional conduct by judicial candidates; better regulate campaign financing practices; expand public information and education about the judiciary, both during judicial election campaigns and otherwise; and improve the methods and procedures of selecting and retaining judges.

Council action
The Judicial Council, effective immediately,

1. Received and accepted the final report of the Commission for Impartial Courts;
2. Directed the Administrative Director of the Courts to provide for consideration at the February 2010 Judicial Council business meeting an implementation plan for the recommendations as approved by the Judicial Council and a prioritization of those recommendations; and
3. Directed the Administrative Director of the Courts to report to the council by December 2010 on the implementation of these recommendations.

Information-only Item

- **Trial Court Annual Investment Report as of June 30, 2009**
  The Trial Court Annual Investment Report provided the financial results for the funds invested by the Administrative Office of the Courts (AOC) on behalf of the trial courts as part of the judicial branch treasury program. This report was submitted pursuant to the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004 (Resolutions). The period covered by this report was from July 1, 2008, through June 30, 2009.

- **Report of Trial Court Trust Fund Revenue, Expenditure, and Fund Balance Designation for Fiscal Year 2008–2009**

- **Report of Allocations and Reimbursements to the Trial Courts for Fiscal Year 2008–2009**

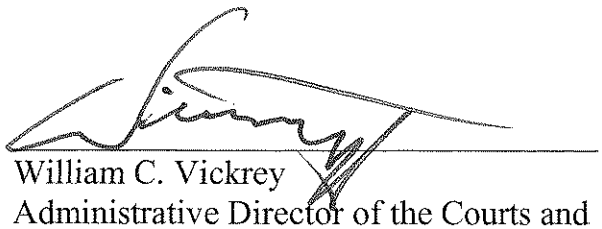
- Report of Special Funds' Expenditures for Fiscal Year 2008–2009

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

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

There being no further public business, the meeting was adjourned at 3:48 p.m.

Respectfully submitted,



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

Spero, Nancy

From: Judge Charles Horan [CHORAN@LASuperiorCourt.org]
Sent: Friday, December 11, 2009 1:28 PM
To: Spero, Nancy
Subject: Request To Commend on Agenda Item on 12/15/09

To: Justice Richard Huffman, Chair, Executive and Planning Committee
Nancy Spero, Administrative Office of the Courts, Senior Attorney,
Executive Office Programs Division

Re: Request to Address Council re: Agenda Item at Upcoming Council Meeting

On 12/8/09 Hon. Michael Welch, Vice-chair of the Executive and Planning Committee sent to all judges the agenda for the 12/15/09 meeting of the Judicial Council. The rules provide that anyone wishing to address the Council at a public meeting must provide their written request and related documentation to the Executive and Planning Committee, through the AOC, within 4 business days of the meeting. The committee must respond at least two business days before the meeting.

In the case of the 12/15/09 meeting, because it is being held on a Tuesday rather than the usual Thursday, this left only a total of 4 business days between the circulation of the agenda and the meeting. Obviously, this is not enough time for members of the public to prepare and deliver their requests, or for the Committee to act on the requests and give the requisite notification in return. Further, given the fact that the Council meeting is held on a working court day, rather than on the next day (a mandated closure day) judges are loathe to close their courtrooms to appear personally before the council, thereby causing their courts to be closed on two successive days. Given the above, please accept this written objection on behalf of the Alliance of California Judges to be timely filed and properly presented to the Council, and accept and distribute this communication to the Council in lieu of an in-person appearance.

Re: Agenda item 11—Legislative Priorities, recommendation (3).
The Policy Coordination and Liaison Committee (PCLC) will recommend that the Judicial Council delegate to that committee the authority to take positions and to sponsor legislative proposals on behalf of the full Council when "prompt action is required."
The recommendation further sets up a procedure for advance notification of such action to two other committees, and after-the-fact notification to the full Council.

The Alliance of California Judges objects to the proposal on a number of grounds.
First, the proposal fails to satisfactorily define situations in which "prompt action is required", leaving that to the discretion, presumably, of PCLC. Further, the proposal places no limits whatsoever on the sorts of legislative proposals that PCLC would be empowered to make under such conditions.

Several months ago, in the frenzy of budget negotiations, the AOC, apparently without Council knowledge or approval, drafted and submitted to one or more members of the legislature and/or to legislative staff, draft legislation that would have amended Government Code sections 77001 and 77206.1. If adopted, these changes would have, among other things, given the Council the power over the selection of presiding judges, executive officers, court administrators, and others. Other changes in the same proposal would have reorganized the Judicial Branch from a decentralized one to a unitary one run by the Judicial Council and the AOC. As we are sure you all remember, the entire episode received much press attention, and fostered much distrust of the AOC. I attach hereto that draft legislation, for those that might not have seen it.

Recently, the Alliance of California Judges has tried to obtain from Mr. Curtis Child a complete explanation as to how this occurred. While Mr. Child has responded to certain requests, discussions on this point remain ongoing, as I'm sure Mr. Child will confirm.

Given the above, we believe it would be wholly unwise to grant to any entity, other than the Council as a whole, the power to propose legislation respecting the judiciary.
Debate, input, and transparency are things we need to encourage. Notwithstanding the stated goal of the proposal set forth in agenda item 11 sub. 3, we are not confident that the power would be used in a prudent manner. Therefore, we oppose the measure.

In the event that the Council decides to adopt the proposal over our objection, we ask that the grant of authority to PCLC come with the proviso that under no circumstances is the power to be utilized other than in truly emergent situations, and further that any legislation proposed under that grant be shared not only with the Executive and Planning Committee and the Rules and Projects committee as set forth in the current proposal, but also with a designated Director of the Alliance of California Judges and any other judge requesting such advance notification.

Respectfully submitted,

Mark Forcum
Maryanne Gilliard
Daniel Goldstein
Dodie A. Harman
Thomas E. Hollenhorst
Charles Horan
David R. Lampe
Loren E. McMaster
Lisa Schall
Directors
Alliance of California Judges

Attachment: Prior legislative proposal

"Section 77001 of the Government Code is amended to read:

77001. The Judicial Council shall adopt rules, policies, or directives which ~~establish a decentralized system of trial court management. These rules~~ shall ~~ensure~~ provide, consistent with statute:
(a) ~~Local authority and responsibility of trial courts to manage day-to-day operations.~~

~~(b) Countywide administration of the trial courts.~~

~~(c) The authority and responsibility of trial courts to manage all of the following, consistent with statute, rules of court, and standards of judicial administration:~~

~~(1)~~ Annual allocation of superior court funding.
~~, including policies and procedures about moving funding between functions or line items or programs.~~

~~(2) Local personnel plans, including the promulgation of personnel policies.~~

~~(3)~~ (b) Processes and procedures to improve superior court operations and responsiveness to the public.

(~~4~~c) The ~~trial courts of each county shall establish~~ means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners.

(d) ~~Trial~~ Superior court input into the Judicial Council budget process.

(e) Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.

Section 77202.1 is added to the Government Code to read:

77202.1. (a) As used in this section, "council" means the Judicial Council and "AOC" means the Administrative Office of the Courts.

(b) The council has the responsibility for managing the budget of the judicial branch.

©) To assist the council in carrying out the responsibility described in subdivision (a), the following requirements and obligations shall apply:

(1) The council shall review the current operation of the courts to identify whether there may be efficiencies that could be implemented in a court or courts to more effectively or efficiently utilize court resources. The council shall also identify opportunities that provide greater accountability and transparency for the use of judicial branch resources. The council shall report to the Budget Committees of the Senate and Assembly on any legislation needed to implement any measures to promote greater efficiency, accountability, or transparency and may adopt by policy or directive any measure that is within the council's rule-making authority.

(2) The executive officer of a superior court shall report to the council and the AOC on the fiscal condition of the court and cooperate with the council and the AOC on all matters as determined by the council.

(3) As a condition of receiving its annual allocation, every superior court shall submit to the AOC for approval, a complete and detailed budget at such time and in such form as may be prescribed by the AOC, setting forth all proposed expenditures and estimated revenues for the ensuing fiscal year. The budgets submitted by each superior court shall show the allocations of appropriations or other funds available for the fiscal year by quarter or other period of time as determined by the AOC. Expenditures may be classified by line item for each program in the detail prescribed by the AOC. The AOC may require each court to set aside a specified reserve for contingencies or other purposes. No superior court shall increase or decrease a line item in excess of 10 percent in a fiscal year without authorization from the AOC.

(4) After budgets are approved and allocations provided the superior courts, the Council may, in the interest of the judicial branch revise, alter, or amend the budget of superior courts by re-directing budget allocations among superior courts, upon notice to the affected courts and opportunity to report to the Council why such transfer should not occur.

(d) By January 1 of each year, the AOC shall provide to the Legislature and the Department of Finance summary and detailed information regarding the approved budgets of superior courts. The AOC shall provide updates to this information, upon request, to the Legislature or the Department of Finance.

(e) In addition to its other auditing authority, the AOC may examine all records, files, documents, books, papers, accounts and all financial affairs of any superior court. The superior court shall provide the AOC access to any records, files, documents, books, papers or accounts for the purpose of such examination, as well as, in the presence of the custodian or his or her deputy, to the cash drawers and cash in the custody of the superior court. The examination provided for by this subdivision shall occur as often as the Administrative Director of the Courts deems necessary, taking into consideration the work done by other auditors, including internal auditors.

Government Code section 77206.1 is amended to read:

77206.1. (a) The presiding judge, or the person designated by the presiding judge to authorize expenditures from the Trial Court Operations Fund or bank account established under section 77009(a), shall approve no claim, and shall authorize no warrant, for any obligation in excess of that authorized therefor in the budget approved by the Judicial Council.

(b) The Administrative Director of the Courts shall advise the Judicial Council, and the Judicial Council may appoint a person or entity to manage the expenditures from the Trial Court Operations Fund or bank account established under section 77009(a), of any court found to be in violation of this section or found to be in substantial or material noncompliance with the rules or directives regulating the budget and fiscal management of the superior courts adopted by the Judicial Council pursuant to Government Code section 77206, including but not limited to the rules and directives set forth in the Trial Court Financial Policies and Procedures Manual.

(c) The executive officer of a superior court who incurs any expenditure in excess of the allocation or other provisions of the fiscal year budget as approved by the Judicial Council or as subsequently changed by or with the approval of the Judicial Council, is personally liable for the amount of the excess expenditures."

Rule 10.500. Public access to judicial administrative records
Fee Guidelines

(a) For purposes of rule 10.500(e)(4), the direct costs of equipment, supplies, and staff time required to duplicate or produce the requested record are established as follows:

(i) Paper duplication of any record on 8½-by-11-inch or 8½-by-14-inch paper, including transfer of a record in electronic format to paper of these sizes if required for the response—10 cents per page; and

(ii) Production of a record in electronic format, or paper duplication of any record on paper sizes other than as described in (i)—actual direct costs incurred by the judicial branch entity.

(b) In lieu of the costs established in (a), a judicial branch entity may establish its own direct costs of equipment, supplies, and staff time required to duplicate or produce the requested record under rule 10.500 if it determines that a different amount represents its direct costs for these items and then posts the proposed fee for these costs for public comment for a minimum of four weeks. On completion of the notice and comment period, the costs established by the judicial branch entity under this procedure will be effective following notice to the Judicial Council of the costs established.

(c) A trial court may request reimbursement from funding provided by the Administrative Office of the Courts to assist in mitigating the impact of rules 10.500 and 10.501 on the operating costs of judicial branch entities as follows:

(i) The Administrative Office of the Courts will reimburse trial courts for the actual direct costs, calculated on an hourly basis, of search and review time of personnel in excess of two hours per request that is spent on requests for records for other than commercial use, up to a maximum hourly rate established by the Administrative Office of the Courts based on the average statewide hourly rate for salary and benefits of a mid-step Legal Process Clerk.

(ii) The Administrative Office of the Courts will make reimbursement under these Fee Guidelines up to the aggregate total amount of $1,500,000 and will reimburse trial courts for properly substantiated claims under the procedure established by the Administrative Director or his delegee.