

**Judicial Council of California**  
**Executive and Planning Committee**  
**August 4, 2010, 12:00–12:45 p.m.**  
**Conference Call**  
**Correction**

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

**Members Absent:** Justice Richard D. Huffman

**AOC Members Participating:** Mr. Peter Allen, Mr. Dennis Blanchard, Ms. Nancy Carlisle, Mr. Curtis L. Child, Ms. Gisele Corrie, Mr. Robert Emerson, Ms. Claudia Fernandes, Mr. Malcolm Franklin, Ms. Deborah Genzer, Mr. Michael Giden, Ms. Bonnie Hough, Ms. Terry Ince, Mr. John Judnick, Mr. Kenneth L. Kann, Ms. Althea Lowe-Thomas, Mr. Dag MacLeod, Mr. Chris Magnusson, Mr. Stephen Nash, Mr. Ronald G. Overholt, Ms. Kelly Quinn, Ms. Mary M. Roberts, Ms. Lucy Smallsreed, Ms. Nancy E. Spero, Ms. Linda Theuriet, Mr. William C. Vickrey, Ms. Bobbie Welling and Mr. Michael Wright

Minutes

The committee reviewed and approved the minutes for the Executive & Planning Committee meetings held on June 21 and July 9, 2010.

Conversion of Subordinate Judicial Officer Positions

The committee approved the staff recommendations to confirm the conversion of a vacant commissioner position on the Superior Court of Los Angeles County and a position expected to become vacant in December 2010 with a commissioner's retirement from the Superior Court of Alameda County. The conversions are effective on the date of legislative ratification of the authority to convert positions for fiscal year 2010–2011, or, for the Superior Court of Alameda, on the date of the commissioner's retirement—December 31, 2010—whichever is later. The committee additionally approved the staff recommendation to confirm the conversion of a vacant position in the Superior Court of Santa Cruz County effective July 1, 2011, or the date of legislative ratification of the authority to convert positions in fiscal year 2011–2012, whichever is later. The committee approves that each court may employ a retired commissioner for each of these vacancies until a judge is named and sworn in for the corresponding position.

The committee also exempts the Superior Court of Los Angeles from the conversion of three other current subordinate judicial officer vacancies.

The committee further directed staff to propose to the Judicial Council that the council reallocate the remaining conversion slot for fiscal year 2010–2011 to the Superior Court of El Dorado County. The committee approved the option for the court to employ a retired commissioner for the vacancy, pending the Judicial Council's decision on the reallocation and conversion.

Out-of-Cycle Vacancy on the Judicial Council

The committee approved the staff recommendation to solicit nominations for the non-voting advisory position for a trial court commissioner on the council, due to an expected vacancy effective January 1, 2011.

Agenda Setting for the August 27, 2010, Judicial Council Meeting

The committee reviewed reports and set the agenda for the next Judicial Council business meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Overholt', written in a cursive style.

Ronald G. Overholt  
Chief Deputy Director

**Judicial Council of California  
Executive and Planning Committee  
August 10, 2010, 4:00–4:15 p.m.  
Conference Call**

**Members Participating:** Justice Richard D. Huffman, Judges Lee Smalley Edmon, Kenneth K. So, and James Michael Welch; Mr. James N. Penrod and Mr. Michael M. Roddy

**Members Absent:** Judges Mary Ann O'Malley, Winifred Younge Smith; and Mr. Frederick K. Ohlrich

**AOC Members Participating:** Ms. Gwen Arafles, Mr. Dennis Blanchard, Ms. Deborah Brown, Ms. Nancy Carlisle, Mr. Stephen Chang, Mr. Kenneth L. Kann, Ms. Diane Lowery, Ms. Vicki Muzny, Mr. Stephen Nash, Ms. Diane Nunn, Mr. Ronald G. Overholt, and Ms. Nancy E. Spero,

Agenda Setting for the August 27, 2010, Judicial Council Meeting

The committee reviewed a report and further set the agenda for the next Judicial Council business meeting.

Respectfully submitted,



Ronald G. Overholt  
Chief Deputy Director

**Judicial Council of California  
Executive and Planning Committee  
August 25, 2010, 10:00 a.m.–3:20 p.m.  
Recess 11:00 a.m.–1:20 p.m.  
Judicial Council Conference Center  
Catalina Room**

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

**Other Judicial Council Members Participating:** Judge Sharon J. Waters

**AOC Members Participating:** Mr. Kenneth L. Kann, Ms. Maria Kwan, and Ms. Nancy E. Spero

Minutes

The committee reviewed and approved the minutes for the August 19, 2010, Executive & Planning Committee meeting.

Advisory Committee Nominations

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

Respectfully submitted,



Kenneth L. Kann  
Director, Executive Office Programs Division

# Minutes

## Rules and Projects Committee Teleconference

Wednesday, March 24, 2010

12:00 - 1:15 p.m.

**RUPRO members present:** Hon. Dennis Murray (Chair), Hon. Tani Cantil-Sakauye (Vice-Chair), Hon. George A. Abdallah, Jr., Ms. Miriam A. Krinsky, Hon. Lon Hurwitz, Ms. Kim Turner, Hon. David S. Wesley (joined at 1 pm) and Hon. Erica R. Yew.

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

**AOC staff present:** Ms. Heather Anderson, Mr. Arturo Castro, Ms. Christine Cleary, Ms. Ann Gilmour, Mr. Mark Jacobson, Mr. Douglas C. Miller, Mr. Patrick O'Donnell, Ms. Jody Patel, Ms. Robin Seeley, and Ms. Jennifer Walter.

**Others present:** Hon. Laurence D. Kay.

### *Proposals to recommend Judicial Council approval*

#### Presiding Judges

**Item 1**      **Authority and Duties of the Presiding Judge Related to Setting and Modifying Executive Officer Total Compensation** (amend Cal. Rules of Court, rule 10.603).

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

In the report, add the timeframe for the TCPJAC/CEAC Presiding Judges/Court Executive Officers Rules and Roles Analysis Working Group to develop proposals to amend relevant rules to address the potential conflict of interest resulting from linking CEO salaries to wage increases reached in labor negotiations.

**Item 2**      **Reporting Subordinate Judicial Officers to the Commission on Judicial Performance** (amend Cal. Rules of Court, rules 10.603 and 10.703)

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

#### Appellate

**Item 3**      **Appellate Procedure: Timeliness of Filings** (amend Cal. Rules of Court, rules 8.25, 8.104, 8.308, 8.406, 8.450, 8.454, 8.500, 8.817, 8.822, 8.853, and 8.902)

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

- Item 11**      **Appellate Procedure: *Civil Case Information Statement*** (revoke form APP-004)

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

## Criminal

- Item 4**      **Criminal Law: Intercounty Probation Case Transfer** (adopt Cal. Rules of Court, rule 4.530)

**Action:** The Rules and Projects Committee deferred action on this proposal until a revised proposal can be distributed by email:

The Criminal Law Advisory Committee is asked to address concerns about the proposed rule's lack of guidance regarding the collection and disbursement of fines and fees after transfer. The Rules and Projects Committee suggested that this provision be modified to clarify that any fines and fees collected after transfer should be transmitted back to the transferring court for local distribution as required by law.

## Family and Juvenile

- Item 5**      **Juvenile Law: Tribal Customary Adoption** (amend Cal. Rules of Court, rules 5.502, 5.690, 5.708, 5.715, 5.720, 5.722, 5.725, 5.726, 5.727, 5.728, 5.730, and 5.740; revise forms JV-300, JV-320, JV-321, JV-327, ADOPT-050, ADOPT-200, ADOPT-210, ADOPT-215 and ADOPT-220)

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

Rule 5.730, Advisory Committee Comment:

In the last sentence, add "and for children's counsel to ascertain and present to the court ..." after "for the court to consider."

## Probate and Mental Health

- Item 6**      **Qualifications and Continuing Education of Paralegals Eligible for Compensation From Estates of Decedents, Conservatees, and Wards** (amend Cal. Rules of Court, rule 7.703).

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

## Jury Instructions

- Item 8**      **Criminal Jury Instructions: Additions and Revisions (Technical)**

**Action:** The Rules and Projects Committee approved publication of the revised instructions.

**Item 8 Criminal Jury Instructions: Additions and Revisions**

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

The Rules and Projects Committee asked that the Criminal Jury Instructions Advisory Committee consider the following for future revisions:

1125: Clarify the definition of "lewd and lascivious behavior" to resolve a possible inconsistency between the two first sentences.

2370: Clarify in bench notes when the optional language relating to the compassionate use defense should be given.

## Domestic Violence

**Item 7 Domestic Violence: Firearms Relinquishment in Criminal Cases** (adopt Cal. Rules of Court, rule 4.170)

**Action:** The Rules and Projects Committee recommended review on the Judicial Council's discussion agenda.

## Miscellaneous

**Item 9 Rules and Forms: Technical amendments**

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

## Other Business

**Item 10 RUPRO: Minutes (December 4, 2009; December 9, 2009; December 14, 2009; February 2, 2010; and February 24, 2010)**

**Action:** The Rules and Projects Committee approved the minutes:



# Minutes

## Rules and Projects Committee Proposal Circulated by Email on March 26, 2010 and approved on March 30, 2010

**Members participating:** Hon. Dennis Murray (Chair), Hon. Tani Cantil-Sakauye (Vice-Chair), Hon. George Abdallah, Jr., Hon. Lon Hurwitz and Ms. Kim Turner.

**Members absent:** Ms. Miriam A. Krinsky, Hon. David S. Wesley, and Hon. Erica R. Yew.

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

**AOC staff participating:** Mr. Arturo Castro.

### *Proposals to recommend Judicial Council approval*

**Item 1**      **Criminal Law: Intercounty Probation Case Transfer** (adopt Cal. Rules of Court, rule 4.530)

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

*Approved by the committee on September 13, 2010.*



# Minutes

## Rules and Projects Committee Proposal Circulated by Email on April 1, 2010 and approved on April 6, 2010

**Members participating:** Hon. Dennis Murray (Chair), Hon. George Abdallah, Jr., Ms. Miriam A. Krinsky, and Ms. Kim Turner.

**Members absent:** Hon. Tani Cantil-Sakauye (Vice-Chair), Hon. Lon Hurwitz, Hon. David S. Wesley, and Hon. Erica R. Yew.

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

**AOC staff participating:** Mr. Courtney Tucker.

### *Proposals to recommend Judicial Council approval*

**Item 1            Traffic: 2010 Uniform Bail and Penalty Schedules**

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

*Approved by the committee on September 13, 2010.*



# Minutes

## Rules and Projects Committee Teleconference Thursday, April 8, 2010 12:00 - 12:15 p.m.

**Members present:** Hon. Dennis Murray (Chair), Hon. Tani Cantil-Sakauye (Vice-Chair), Hon. George Abdallah, Jr., Hon. Lon Hurwitz, Ms. Kim Turner, and Hon. David S. Wesley.

**Members absent:** Ms. Miriam A. Krinsky and Hon. Erica R. Yew.

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

**AOC staff present:** Ms. Heather Anderson and Mr. Patrick O'Donnell.

### *Proposals to recommend Judicial Council approval*

**Item 1**      **Court Technology: Electronic Filing Pilot Program in the Court of Appeal, Second Appellate District** (adopt Cal. Rules of Court, rules 8.70–8.80)

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

*Rule 8.75(d)(1):* Add "its" after "electronic filer."

*Approved by the committee on September 13, 2010.*



# Minutes

## Rules and Projects Committee Meeting

Wednesday, April 14, 2010

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

**Members present:** Hon. Dennis Murray (Chair), Hon. George Abdallah, Jr., Hon. Lon Hurwitz, Ms. Miriam A. Krinsky, Ms. Kim Turner, Hon. David S. Wesley, and Hon. Erica R. Yew.

**Members absent:** Hon. Tani Cantil-Sakauye (Vice-Chair).

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

**AOC staff participating:** Ms. Heather Anderson, Ms. Aleta Beaupied, Ms. Donna Clay-Conti, Ms. Kerry Doyle, Ms. Audrey Fancy, Ms. Marlene Hagman-Smith, Mr. Douglas C. Miller, Mr. Patrick O'Donnell, Mr. Dan Pone, Ms. Anne Ronan, Ms. Gabrielle Selden, and Mr. Alan Wiener.

## Appellate

**Item 1**      **Trial and Appellate Procedure: Electronic Recordings Offered Into Evidence** (amend Cal. Rules of Court, rule 2.1040)

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

Invitation to Comment:

Revise to solicit specific questions on whether transcripts should be required when the recording is offered into evidence in some classes of cases and at the time of appeal in others.

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

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

**Item 3**      **Appellate Procedure: Clerks Transcript in Civil Appeals** (amend Cal. Rules of Court, rules 8.122 and 8.832)

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

**Item 4**      **Appellate Procedure: Judicial Notice** (adopt Cal. Rules of Court, rule 8.809)

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

**Item 5**      **Appellate Procedure: Transfer of Appellate Division Cases to the Court of Appeal** (adopt Cal. Rules of Court, rule 8.1006; amend rules 8.25, 8.40, 8.887, 8.890, 8.1000, 8.1002, 8.1005, 8.1008, 8.1012, 8.1014, 8.1016, and 8.1018; and amend and renumber rule 8.1010)

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

8.1006(b)(2): Clarify to indicate “if the time for the appellate court to order transfer on its own motion...”

**Item 6**      **Appellate Procedure: Briefs and Petitions** (amend Cal. Rules of Court, rules 8.204, 8.212, 8.360, 8.486, 8.504, 8.520, 8.630, 8.883, and 8.928)

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

**Item 7**      **Appellate Procedure: Numbers of Copies of Motions** (amend Cal. Rules of Court, rule 8.44)

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

**Item 8**      **Appellate Procedure: Extension of Time to File Notice of Appeal** (amend Cal. Rules of Court, rules 8.104, 8.108 and 8.823)

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

**Item 9**      **Appellate Procedure: Record on Appeal** (amend rules 8.866, 8.868, 8.917, and 8.919)

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

The Rules and Projects Committee suggested that the Appellate Advisory Committee review the overall scheme for the time required to respond to a notice.

**Item 10**     **Judicial Administration: Membership of Appellate Advisory Committee** (amend Cal. Rules of Court, rule 10.40)

**Action:** The Rules and Projects Committee returned the proposal to the Appellate Advisory Committee with the following recommendations:

Consider replacing one of the current membership with the requested new member category in order to avoid increasing the size of the committee.

## Civil and Small Claims

**Item 11**      **Judicial Administration: Membership of the Civil and Small Claims Advisory Committee** (amend Cal. Rules of Court, rule 10.41)

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

Invitation to Comment:

Clarify that the intent is not to increase the size of the committee, but instead to replace one of the existing categories.

**Item 12**      **Alternative Dispute Resolution: Case Management Statement** (revise form CM-110)

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

**Item 13**      **Alternative Dispute Resolution (ADR): Mediator's Statement of Agreement or Nonagreement and Statistical Reports to Judicial Council** (adopt Cal. Rules of Court, rules 3.835 and 3.845; amend rule 3.895; repeal rule 3.897; and revise form ADR-100)

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

**Item 14**      **Alternative Dispute Resolution (ADR): Order Appointing Referee** (revise form ADR-110)

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

**Item 15**      **Small Claims: Forms to Facilitate Settlement** (adopt form SC-189 and approve forms SC-188, SC-188-INFO, SC-190, SC-191, SC-192, SC-198, and SC-199)

**Action:** The Rules and Projects Committee did not approve circulation for comment.

**Item 16**      **Small Claims: Forms to Address Default in Payment of Judgment** (approve forms SC-223 and SC-224)

**Action:** The Rules and Projects Committee did not approve circulation for comment.

- Item 17**      **Civil Case Coordination: Submission of Assignment Order and Termination of Proceeding** (amend Cal. Rules of Court 3.540 and 3.541 and adopt rule 3.546)

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

- Item 18**      **Civil Practice and Procedure: Response to Amended Complaint** (amend Cal. Rules of Court, rule 31320)

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

- Item 19**      **Civil Practice and Procedure: Clarifying Amendment to Statement of Decision Rule** (amend Cal. Rules of Court, rule 3.1590)

**Action:** The Rules and Projects Committee did not approve circulation for comment.

- Item 20**      **Civil Trials: Expedited Jury Trials** (adopt Cal. Rules of Court, rules 3.1545–3.1558 and adopt form EJT-010-INFO)

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

Invitation to Comment:

Request specific comment on whether the inclusion of commissioners under the proposal should be made as an exception to Judicial Council policy regarding the role of commissioners otherwise limiting such a role.

- Item 21**      **Attorney’s Fees: Time for Making a Claim in a Civil Case** (amend Cal. Rules of Court, rule 3.1702)

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

- Item 22**      **Civil Petitions: Forms for Change of Gender and Issuance of New Birth Certificates** (revise forms NC-300 and NC-320)

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

- Item 23**      **Civil Motions: Lodging of Copies of Authorities** (amend Cal. Rules of Court, rule 3.1113)

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

## Court Technology

- Item 24**      **Proposed Orders: Electronic Submission of Proposed Orders** (amend Cal. Rules of Court, rules 2.252 and 3.1312; adopt form EFS-020)

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

- Item 25**      **Electronic Service: Rule Amendments to Authorize Electronic Service by Notice and Hyperlink; Revision of Forms on Electronic Filing and Service** (amend Cal. Rules of Court, rules 2.250–2.260 and 8.70–8.80; revise forms EFS-005, EFS-010, POS-050/EFS-050, and POS-050(P)/EFS-050(P))

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

## Protective Orders

- Item 26**      **Protective Orders: Confidentiality of Information on California Law Enforcement Telecommunications System (CLETS) Information Form** (adopt Cal. Rules of Court, rule 1.51)

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

- Item 27**      **Protective Orders: School Site and Workplace Violence Prevention Forms** (adopt forms SV-100, SV-100-INFO, SV-102, SV-109, SV-110, SV-120, SV-120 INFO, SV-130, SV-200, SV-200-INFO, SV-220, SV-250, and SV-800; adopt forms WV-102, WV-109, WV-120-INFO, WV-200-INFO, and WV-220; revise forms WV-100; revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and revoke form WV-132)

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

SV 100-INFO, item 6:

In the second to the last sentence change “employee” to “student.”

SV-109 and WV-109, item 5.a:

Change to track language in DV-109, item 4.

## Criminal

- Item 28**      **Criminal Procedure: Sentencing on Revocation of Probation** (amend Cal. Rules of Court, rule 4.435)

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

- Item 29**      **Criminal Procedure: Imposition of Enhancements** (amend Cal. Rules of Court, rule 4.428)

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

- Item 30**      **Criminal Procedure: Criminal Protective Orders** (revise forms CR-160, CR-161, CR-162, and CR-165)

**Action:** The Rules and Projects Committee deferred action until after the April; 23, 2010, Judicial Council action on the Domestic Violence Practice and Procedure Task Force proposal to adopt rule 4.700.

- Item 31**      **Criminal Procedure: Application of Penal Code Section 654** (amend Cal. Rules of Court, rule 4.424)

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

## Family and Juvenile Law

- Item 32**      **Child Support: Revoke Redundant Child Support Order Form** (revoke form DV-160)

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

- Item 33**      **Child Support: Protection of Obligor Social Security Number** (revise form FL-480)

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

- Item 34**      **Child Support: Notice of Change in Case Management Responsibility in Title IV-D Cases** (adopt form FL-634)

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

**Item 35**      **Family Law: Spousal and Domestic Partner Support** (revise forms FL-180 and FL-343, and approve form FL-343(A))

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

FL-180:

Delete item n.2.

FL-343:

Delete item 3.c. and revise 3.d.1. to reflect the new title of FL-343(A).

FL-343(A):

Change the form to a stand-alone worksheet and modify the attachment selection section.

**Item 36**      **Family Law: Disclosure Requirements** (revise forms FL-141, FL-310, and FL-320)

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

FL-141:

Revise item 5 to allow separate waiver of the forms listed in 5.a and 5.b.

**Item 37**      **Family Law: Appearance, Stipulations, and Waivers** (revise form FL-130, and approve form FL-131)

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

**Item 38**      **Family Law: Child Custody Evaluators** (amend Cal. Rules of Court, rule 5.225; revise forms FL-325 and FL-326)

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

**Item 39**      **Juvenile Law: Family Finding and Engagement** (adopt Cal. Rules of Court, rule 5.637; amend rules 5.502, 5.534, 5.690, 5.695, 5.708, 5.715, 5.720, 5.722 and 5.810; adopt Judicial Council forms JV-130, JV-130(A), JV-285, and JV-287)

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

5.637(c):

Involve court in finding of inappropriateness of engagement: “The agency does not need to contact and engage relatives when the court finds that

relative's..."

5.695(f)(3):

Include a reference to the court's finding that the agency has done diligent research in determining appropriateness of engagement.

- Item 40**      **Juvenile Law: Findings and Orders After Hearing and Termination of Juvenile Court Jurisdiction** (approve Judicial Council forms JV-403, JV-443, JV-455, JV-456, and JV-457; revise forms JV-365, JV-405, JV-406, JV-410, JV-412, JV-415, JV-416, JV-417, JV-420, JV-421, JV-425, JV-426, JV-430, JV-431, JV-432, JV-433, JV-435, JV-436, JV-437, JV-438, JV-440, JV-441, JV-442, JV-445, and JV-446)

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

JV-410, item 4.b and other similar instances on other forms:

Change to read "The child was properly notified under Welf. & Inst. Code § 349, of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable to child to be present."

JV-421, item 25, and other similar instances on other forms:

Clarify that item 25 is for the items in item 24 that are indicated "not met:" "...requires to meet the unmet needs specified in item 24 or other concerns are:"

- Item 41**      **Juvenile Law: Eligibility for Special Immigrant Juvenile Status** (revise form JV-224)

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

- Item 42**      **Juvenile Law: Consideration of Parent's Incarceration or Institutionalization in Extending Services** (amend Cal. Rules of Court, rule 5.710)

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

## Judicial Administration

- Item 43**      **Civil Grand Juries: Reporting Demographic Data** (Amend Cal. Rules of Court, Rule 10.625)

**Action:** The Rules and Projects Committee did not approve circulation for comment.

- Item 44**      **Judicial Branch Education: Minimum Ethics Education Requirements for Trial Court Executive Officers** (amend California Rules of Court, rule 10.473)

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

- Item 45**      **Court Administration: Modernize Rules on Trial Court Records** (adopt Cal. Rules of Court, rule 10.850, and 10.854, revise rule 10.855; and repeal Standards of Jud. Adm., section 10.80)

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

10.854(a) and (c):

Revise to include collaboration with presiding judges and court executive officers, and to allow making the Trial Court Records Manual available for public comment before it is issued and before substantive revisions are made.

## Probate

- Item 46**      **Orders Appointing and Directing the Actions of Court Investigators in Probate Conservatorships** (adopt Cal. Rules of Court, rule 7.1060; revise Judicial Council form GC-330 and convert it to an optional form; approve form GC-331)

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

- Item 47**      **Probate Guardianships: Continuing Education Requirements for Counsel Appointed for Minors in Guardianships of the Person** (amend Cal. Rules of Court, rule 7.1101)

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

- Item 48**      **Probate: Statement of Duties and Responsibilities of Conservators** (revise form GC-348)

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

## Traffic

**Item 49**      **Traffic Infractions: Trial by Written Declaration Under Vehicle Code Section 40903** (adopt rule 4.215 of the California Rules of Court and forms TR-216, TR-218, TR-220, and TR-225)

**Action:** The Rules and Projects Committee did not approve circulation for comment.

*Approved by the committee on September 13, 2010.*

# Minutes

## Rules and Projects Committee Meeting

Friday, May 14, 2010

12:00-12:20 p.m.

**RUPRO members present:** Hon. Dennis Murray (Chair), Hon. Tani Cantil-Sakauye (Vice-Chair), Hon. George A. Abdallah, Jr., Hon. Lon Hurwitz, and Ms. Kim Turner.

**Members absent:** Ms. Miriam A. Krinsky, Hon. David S. Wesley, and Hon. Erica R. Yew.

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

**AOC staff present:** Mr. Bruce Greenlee

**Item 1AB Civil Jury Instructions: Approve Publication of Revisions** (35 Instructions With Only Changes to Directions for Use, Additions to Sources and Authority, or Minor Nonsubstantive Changes to Instruction Text)

**Action:** The Rules and Projects Committee approved publication of the revised instructions.

**Item 2AB Civil Jury Instructions: Recommend Approval of Publication of Revisions** (28 New, Revised, and Revoked Instructions and Verdict Forms)

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

1800: Delete "conversation" from item 2.

*Approved by the committee on September 13, 2010.*



# Minutes

## Rules and Projects Committee Meeting

Monday, September 13, 2010

11:00 a.m. – 2:00 p.m.

Administrative Office of the Courts, 3<sup>rd</sup> Floor

Catalina Room

**RUPRO members present:** Hon. Tani Cantil-Sakauye (Vice-Chair), Hon. Lon Hurwitz, Ms. Miriam A. Krinsky, and Ms. Kim Turner.

**Members absent:** Hon. George A. Abdallah, Jr., Hon. David S. Wesley, and Hon. Erica R. Yew.

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

**AOC staff present:** Heather Anderson, Melissa Ardaiz, Arturo Castro, Bonnie Hough, Anna Maves, Patrick O'Donnell, Anne Ronan, Robin Seeley, Gabrielle Selden, Julia Weber, Alan Wiener.

**Others present:** Hon. Douglas P. Miller.

### *Proposals to recommend for Judicial Council approval and to approve for circulation for comment*

## Appellate

- Item 1**      **Appellate Procedure: *Civil Case Information Statement*** (revise form APP-004)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda with the following modifications:
- Comment Chart, page 8:  
Correct spelling of last name of commentator #2 from "Bean" to "Bien."
- Item 2**      **Appellate Procedure: *Clerk's Transcript in Civil Appeals*** (amend Cal. Rules of Court, rules 8.122 and 8.832)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.
- Item 3**      **Appellate Procedure: *Judicial Notice*** (adopt Cal. Rules of Court, rule 8.809)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda.

- Item 4**      **Appellate Procedure: Transfer of Appellate Division Cases to the Court of Appeal** (adopt Cal. Rules of Court, rule 8.1006; amend rules 8.25, 8.40, 8.887, 8.890, 8.1000, 8.1002, 8.1005, 8.1008, 8.1012, 8.1014, 8.1016, and 8.1018; and amend and renumber rule 8.1010)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.
- Item 5**      **Appellate Procedure: Briefs and Petitions** (amend Cal. Rules of Court, rules 8.204, 8.212, 8.360, 8.486, 8.504, 8.520, 8.630, 8.883, and 8.928)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.
- Item 6**      **Appellate Procedure: Numbers of Copies of Motions** (amend Cal. Rules of Court, rule 8.44 and 8.931)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.
- Item 7**      **Appellate Procedure: Extension of Time to File Notice of Appeal** (amend Cal. Rules of Court, rules 8.104, 8.108, 8.822, and 8.823)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.

## Civil and Small Claims

- Item 8**      **Judicial Administration: Membership of the Civil and Small Claims Advisory Committee** (amend Cal. Rules of Court, rule 10.41)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda.
- Item 9**      **Alternative Dispute Resolution: Case Management Statement** (revise form CM-110)
- Action:** The Rules and Projects Committee recommended approval on the Judicial Council’s consent agenda with the following modifications:
- CM-110:  
*Item 10.a:* Change “check” to “read.”
- Item 10.a.1:* Delete the box options added for “reviewed.”
- Item 10.c:* Consider replacing the generic term “ADR” in the third column, with the specific term from column one. Consider merging the fourth column with the third, adding “Date completed” as the fourth item in the

status column.

The Civil and Small Claims Advisory Committee anticipates considering additional revisions to the form in the future, including considering adding information about the expedited jury trial program, if legislation is enacted. (See also item 13.)

**Item 10**      **Alternative Dispute Resolution (ADR): Order Appointing Referee**  
(revise form ADR-110)

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

**Item 11**      **Civil Case Coordination: Submission of Assignment Order** (amend Cal. Rules of Court 3.540)

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

**Item 12**      **Civil Practice and Procedure: Response to Amended Complaint**  
(amend Cal. Rules of Court, rule 3.1320)

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

**Item 13**      **Jury Trials: Expedited Jury Trial Procedures** (adopt Cal. Rules of Court, rules 3.1545–3.1552, and form EJT-010)

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

Report, page 9, last paragraph:

Reconsider and clarify rationale for precluding private judges from conducting expedited jury trials because of concerns about use of court facilities in proceedings involving private judges not appointed by the court.

Rule 3.1546:

Add as a second sentence: “A temporary judge appointed by the court under rules 2.810–2.819 may conduct an expedited jury trial if agreed to by the parties.”

Rule 3.1547(a)(2)(B):

Add “self-represented litigant” as a separate category.

**Item 14**      **Attorney’s Fees: Time for Making a Claim in a Civil Case** (amend Cal. Rules of Court, rule 3.1702)

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

**Item 15**      **Civil Petitions: Forms for Change of Gender and Issuance of New Birth Certificates** (revise forms NC-300 and NC-320)

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

## Court Technology

**Item 16**      **Electronic Service and Filing: Service, Filing, and Submission of Proposed Orders** (amend Cal. Rules of Court, rules 2.252 and 3.1312; adopt form EFS-020)

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

**Item 17**      **Electronic Service: Authorize Electronic Service by Notice and Hyperlink** (amend Cal. Rules of Court, rules 2.250, 2.252– 2.256, 2.259, 8.73, 8.75, 8.76, and 8.79; amend and renumber rules 2.260, 8.71, and 8.80 as rules 2.251, 8.70, and 8.71, respectively; repeal rules 2.251 and 8.71; and revise forms EFS-005, EFS-010, POS-050/EFS-050, and POS-050(P)/EFS-050(P))

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

## Protective Orders

**Item 18**      **Protective Orders: Confidentiality of the CLETS (California Law Enforcement Telecommunications System) Information Form** (adopt Cal. Rules of Court, rule 1.51; revise Form DV-260/CH-102/EA-102)

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

**Item 19**      **Protective Orders: Prevention of Private Postsecondary School and Workplace Violence** (adopt forms SV-100, SV-102, SV-109, SV-110, SV-120, SV-130, WV-102, and WV-109; approve forms SV-100-INFO, SV-120 INFO, SV-200, SV-200-INFO, SV-250, SV-800, WV-120-INFO, and WV-200-INFO; revise form WV-100; revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and revoke form WV-132)

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

## Criminal

**Item 20**      **Criminal Procedure: Imposition of Enhancements** (amend Cal. Rules of Court, rule 4.428)

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

**Item 21**      **Criminal Procedure: Application of Penal Code Section 654** (amend Cal. Rules of Court, rule 4.424)

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

**Item 22**      **Judicial Administration: Membership of the Criminal Law Advisory Committee** (amend Cal. Rules of Court, rule 10.42)

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

Invitation to Comment:

Revise the last paragraph to indicate that with the proposed change, the Criminal Advisory Committee may increase in size as provided in Cal. Rule of Court, rule 10.31.

## Family and Juvenile Law

**Item 23**      **Child Support: Revoke Redundant Child Support Order Form** (revoke form DV-160)

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

**Item 24**      **Child Support: Protection of Obligor Social Security Number** (revise form FL-480)

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

**Item 25**      **Child Support: Notice of Change in Case Management Responsibility** (adopt form FL-634)

**Action:** The Rules and Projects Committee recommended approval on the Judicial Council's consent agenda pending staff's consideration and incorporation of the following modifications:

FL-634:

In general, revise the language to be clearer and to accommodate self-represented litigants. Consider the following changes:

Change title to “Notice of change in responsibility for managing child support case.”

Notice box:

*First paragraph:* Change the first sentence to reflect revised title. Delete the second sentence.

*Second paragraph:* In the first sentence, highlight “not”;  
In the second sentence, change “any other party” to “other parties”;  
In the third sentence, delete the last phrase, “where all matters will continue to be heard at the court listed in item 3.”

*Third paragraph:* Delete.

Body of form:

Immediately below the Notice box, delete “CHANGE”;

Add underlined lead-ins to items 1-3, such as:

1. New child support agency: ...

2. Serving pleadings: ...

3. Court filings: ...

Consider deleting item 4.

Comment chart:

Consider if the committee response to some of the comments may change in light of the changes made to the form.

**Item 26**      **Family Law: Disclosure Requirements** (revise forms FL-141, FL-310, FL-320; and approve FL-316)

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

**Item 27**      **Family Law: Appearance, Stipulations, and Waivers** (revise form FL-130, and approve form FL-131)

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

**Item 28**      **Family Law: Child Custody Evaluators** (amend Cal. Rules of Court, rule 5.225; revise forms FL-325 and FL-326)

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

The Rules and Projects Committee recommended that the Family and Juvenile Law Advisory Committee further consider how changing to a calendar year rather than a rolling 12-month period (set forth in the amendments to rule 5.225(i)(2)(B)) might address the difficulty evaluators have found in meeting training requirements, and how courts currently using lists of qualified evaluators maintain such lists in light of the “rolling” annual requirement.

**Item 29**      **Juvenile Law: Family Finding and Engagement** (adopt Cal. Rules of Court, rule 5.637; amend rules 5.502, 5.534, 5.690, 5.695, 5.708, 5.715, 5.720, 5.722 and 5.810; adopt Judicial Council forms JV-285 and JV-287)

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

**Item 30**      **Juvenile Law: Findings and Orders After Hearing and Termination of Juvenile Court Jurisdiction** (approve Judicial Council forms JV-403, JV-443, JV-455, JV-456, and JV-457; revise forms JV-365, JV-405, JV-406, JV-410, JV-412, JV-415, JV-416, JV-417, JV-418, JV-420, JV-421, JV-425, JV-426, JV-430, JV-431, JV-432, JV-433, JV-435, JV-436, JV-437, JV-438, JV-440, JV-441, JV-442, JV-445, and JV-446)

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

**Item 31**      **Juvenile Law: Eligibility for Special Immigrant Juvenile Status** (revise form JV-224)

**Action:** The Rules and Projects Committee deferred action on this proposal until September 15, so staff can implement the following modifications:

JV-224:

*Item 1:* Add an introductory sentence to show that this applies in juvenile delinquency proceedings as well as juvenile dependency proceedings.

*Item 3:* Clarify what must be specified in this section. Consider modifying wording to read “It is not in the best interest of the child to be returned to his or her previous country of nationality or country of last habitual residence (*specify country or countries*) ... or his or her parents’ country or countries (*specify country or countries*) ...”

**Item 32**      **Juvenile Law: Consideration of Parent’s Incarceration or Institutionalization in Extending Services** (amend Cal. Rules of Court, rule 5.710)

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

Rule 5.710(c)(1)(D)(ii):

Change the last sentence to clarify “whether the incarcerated or institutionalized parent has made good faith effort to maintain contact with the child and whether there are any other barriers to the parent’s access to services.”

## Judicial Administration

**Item 33**      **Judicial Branch Education: Minimum Ethics Education Requirements for Trial Court Executive Officers** (amend Cal. Rules of Court, rule 10.473)

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

**Item 34**      **Court Administration: The Modernization of Trial Court Records** (adopt Cal. Rules of Court, rules 10.850 and 10.854; amend rule 10.855; and repeal Cal. Stds. Jud. Admin., std. 10.80)

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

## Probate

**Item 35**      **Probate Conservatorships: Orders Appointing and Directing the Actions of Court Investigators** (adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve forms GC-331 and GC-332)

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

**Item 36**      **Probate Guardianships: Continuing Education Requirements for Counsel Appointed for Minors in Guardianships of the Person** (amend Cal. Rules of Court, rule 7.1101)

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

**Item 37**      **Probate: Statement of Duties and Responsibilities of Conservators** (revise form GC-348)

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

## Miscellaneous

**Item 38**      **Miscellaneous Technical Amendments** (amend Cal. Rules of Court, rules 2.550, 3.860, 3.893, 3.1103, 3.1114, 5.727, 8.46, 8.328, 8.486, 8.842, 8.883, and 8.891; revise forms ADOPT-210, ADOPT-215, JV-320, MC-012, MC-350, SC-100, SC-104B, SC-120, and SC-133; and revoke forms GC-005, GC-006)

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

## Criminal Jury Instructions

### **Item 40**      **Jury Instructions: Additions and Revisions to Criminal Instructions**

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

Instruction 593:

*First added paragraph:* Add "be" after "must."

Instruction 3516:

Make cite to *Ceja* consistent with bench notes for instruction 1750.

## Other Business

### **Item 39**      **RUPRO Minutes** (March 24, March 30, April 6, April 8, April 14, and May 14, 2010)

**Action:** The Rules and Projects Committee approved the minutes.

*Approved by the committee on September 27, 2010.*