

**Judicial Council of California**  
**Executive and Planning Committee**  
**October 21, 2010, 4:00–4:20 p.m.**  
**Conference Call**

**Members Participating:** Justices Richard D. Huffman and Tani Cantil-Sakauye; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So; Commissioner Lon F. Hurwitz; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

**Members Absent:** Judge David S. Wesley

**AOC Members Participating:** Mr. Dennis Blanchard, Ms. Deborah Brown, Ms. Nancy Carlisle, Ms. Marcia Carlton, Mr. Kenneth Couch, Mr. Patrick Farrales, Ms. Denise Friday, Mr. John Judnick, Mr. Kenneth L. Kann, Ms. Susan McMullan, Ms. Vicki Muzny, Mr. Stephen Nash, Mr. Ronald G. Overholt, Ms. Dyanna Quizon, Ms. Mary M. Roberts, Ms. Nancy E. Spero, Mr. Courtney Tucker, and Mr. William C. Vickrey

Minutes

The committee reviewed and approved the minutes of the October 6, 2010, Executive & Planning Committee meeting.

Agenda Setting for the October 29, 2010, Judicial Council Meeting

The committee reviewed reports 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  
October 28, 2010, 10:30–11:30 a.m.  
JCCC Boardroom**

**Members Participating:** Justices Richard D. Huffman and Tani Cantil-Sakauye; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So; Commissioner Lon F. Hurwitz; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

**Member Absent:** Judge David S. Wesley

**AOC Members Participating:** Ms. Nancy Carlisle, Ms. Roma Cheadle, Mr. Kenneth L. Kann, Mr. Ronald G. Overholt, and Ms. Nancy E. Spero

Judicial Council Nominations

The committee reviewed materials and formulated its recommendations to the Chief Justice regarding an out of cycle vacancy for court commissioner on the Judicial Council.

Request to Speak at October 29 Judicial Council Meeting

The committee was briefed on the October 26, 2010, request from a judge on behalf of the Alliance of California Judges to speak on Items H and I at the October 29, 2010, Judicial Council meeting. The committee affirmed and approved the action of its chair on October 26 to direct staff to communicate that the request was granted for one speaker, 5 minutes, regarding Item H, the trial court allocations item. The committee also affirmed and approved the chair's action to deny the request to speak regarding Item I, the informational report from the Advisory Committee on Accountability and Efficiency for the Judicial Branch. Members concurred with the reason provided to the requestor: Oral comments would be redundant since the Alliance already had distributed a 3-page written statement to Judicial Council members and others. Staff informed the committee that the Alliance's October 26 letter would be re-distributed to all council members and would be made a part of the meeting record.

Conversion of Subordinate Judicial Officer Positions

The committee approved the staff recommendation to confirm the conversion of a vacant position in the Superior Court of Los Angeles County and another in the Superior Court of Marin 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 approved 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 Fresno County from the conversion of one current subordinate judicial officer vacancy.

Respectfully submitted,

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

Ronald G. Overholt  
Chief Deputy Director

**Judicial Council of California  
Executive and Planning Committee  
November 22, 2010, 12:00–12:20 p.m.  
Conference Call**

**Members Participating:** Justice Richard D. Huffman, Judges, Stephen H. Baker, Kevin A. Enright, Kenneth K. So, and David S. Wesley; Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

**Members Absent:** Justice Tani Cantil-Sakauye and Commissioner Lon. F. Hurwitz

**AOC Members Participating:** Ms. Heather Anderson, Mr. Dennis Blanchard, Ms. Deborah Brown, Mr. Arturo Castro, Mr. Curtis L. Child, Ms. June Clark, Dr. Charlene Depner, Mr. Michael Fischer, Mr. Bruce Greenlee, Ms. Donna S. Hershkowitz, Ms. Bonnie Rose Hough, Mr. Kenneth L. Kann, Mr. Greg Keil, Ms. Susan McMullan, Mr. Douglas C. Miller, Stephen Nash, Ms. Diane Nunn, Ms. Jody Patel, Ms. Christine Patton, Mr. Daniel Pone, Mr. Brian Simeroth, Ms. Marlene Hagman-Smith, Mr. Curt Soderlund, Ms. Nancy E. Spero, Mr. Courtney Tucker, and Mr. William C. Vickrey

Minutes

The committee reviewed and approved the minutes of the October 21 and 28, 2010, Executive and Planning Committee meetings.

Agenda Setting for the December 14, 2010, Judicial Council Meeting

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

Respectfully submitted,



Kenneth L. Kann  
Director, Executive Office Programs Division

**Judicial Council of California  
Executive and Planning Committee  
December 2, 2010, 1:00–1:50 p.m.  
Conference Call**

**Members Participating:** Justice Richard D. Huffman; Judges, Stephen H. Baker, Kevin A. Enright, Kenneth K. So, and David S. Wesley; Commissioner Lon. F. Hurwitz; Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

**Members Absent:** Justice Tani Cantil-Sakauye

**AOC Members Participating:** Ms. Deborah Brown, Mr. Robert Buckley, Ms. Nancy Carlisle, Mr. Steven Chang, Mr. Curtis L. Child, Ms. Charlene Depner, Ms. Rachel Dragolovich, Ms. Donna S. Hershkowitz, Ms. Bonnie Hough, Mr. Kenneth L. Kann, Ms. Debora Morrison, Ms. Jody Patel, Ms. Mary M. Roberts, Mr. Colin Simpson, Mr. Curt Soderlund, and Ms. Nancy E. Spero

Minutes

The committee reviewed and approved the minutes of the November 22, 2010, Executive and Planning Committee meeting.

Agenda Setting for the December 14, 2010, Judicial Council Meeting

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

2011 E&P Meeting Dates

The committee set its 2011 meeting dates for Judicial Council agenda-setting.

Government Code Section 68106 Implementation and Briefing on Relationship to Prior Council Actions

The committee reviewed a status report regarding the implementation of mandates in new Government Code Section 68106 that specify public notice requirements in the event of a trial court closing any courtroom or closing or reducing the hours of clerks' offices during regular business hours on any weekday except judicial holidays. The committee approved the written report to be added to the information only section of the next Judicial Council meeting agenda. The committee also acted to suspend the Operating Guidelines and Directives for Budget Management in the Judicial Branch currently in effect, which address hours for trial court clerks' offices and other matters, pending further review and recommendations.

Respectfully submitted,



Kenneth L. Kann  
Director, Executive Office Programs Division

**Judicial Council of California**  
**Executive and Planning Committee**  
**December 3, 2010, 2:30–3:30 p.m.**  
**Conference Call**

**Members Participating:** Justice Richard D. Huffman; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So, and David S. Wesley; Mr. Alan Carlson, Mr. Frederick K. Ohlrich, and Mr. James N. Penrod

**Members Absent:** Justice Tani Cantil-Sakauye

**AOC Members Participating:** Ms. Deborah Brown, Mr. Robert C. Buckley, Ms. Nancy Carlisle, Mr. Curtis L. Child, Mr. Michael Fischer, Mr. Burt Hirschfeld, Mr. Charles Martel, Mr. Charles Perkins, Ms. Mary M. Roberts, Ms. Nancy E. Spero, and Mr. William C. Vickrey

Pending Litigation

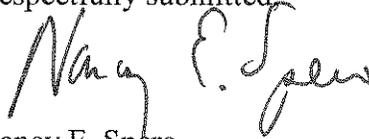
Discussion Protected by the Attorney-Client Privilege

The AOC General Counsel brought before the committee a confidential matter protected by attorney-client privilege.

Agenda Setting for the December 14, 2010, Judicial Council Meeting

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

Respectfully submitted,



Nancy E. Spero  
Senior Attorney  
Executive Office Programs Division

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

**Conference Call Meeting  
August 12, 2010**

**Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. Terry B. Friedman; Hon. Michael P. Vicencia; Hon. Sharon J. Waters; Mr. Michael D. Planet; and Mr. Joel S. Miliband.

**Policy Coordination and Liaison Committee members absent:** Hon. Brad R. Hill, Vice-Chair and Mr. Anthony P. Capozzi.

**OGA staff present:** Mr. Curtis Child, Ms. Donna Hershkowitz, and Ms. Yvette Trevino.

**ACTION ITEMS**

**1. Approval of minutes**

The minutes of the July 29, 2010, conference call were approved as submitted.

**2. Consent Items**

N/A

**3. Discussion Item**

Action on Proposed Budget Trailer Bill Language

a) Limitations on court closures/no disparate impact on civil cases

Declares the intent of the Legislature that the fund transfers to and new revenues for the Trial Court Trust Fund provided in the 2010 Budget Act shall, to the greatest extent possible, be used to prevent trial court closures and maintain adequate services to the public. Directs trial courts to provide notice to the Judicial Council of plans to close a court, as defined, and the financial constraints or other reasons that make the closure necessary.

**PCLC Action: Approved.**

**OTHER BUSINESS**

Confirm next PCLC conference call:

Proposed date: Thursday, September 16, 2010

Respectfully submitted,

Curtis L. Child, Director  
Office of Governmental Affairs  
Administrative Office of the Courts

# Minutes

## Rules and Projects Committee Teleconference

Monday, October 4, 2010

4:00 – 5:00 p.m.

**Members present:** Hon. Douglas P. Miller (Chair), Hon. Lee S. Edmon, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Mr. Joel S. Miliband, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, Hon. Burt Pines, and Ms. Kim Turner.

**Members absent:** Hon. Erica Yew (Vice-Chair).

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

**AOC staff present:** Ms. Aleta Beaupied, Ms. Bonnie Hough, Mr. Corby Sturges, and Ms. Leah Wilson.

**Others present:** Ms. Miriam Krinsky.

### *Proposals to recommend Judicial Council approval*

#### **Family and Juvenile Law**

**Item 1**      **Juvenile Law: Family Finding** (adopt Cal. Rules of Court, rule 5.637; amend Cal. Rules of Court, rules 5.502, 5.534, 5.690, and 5.695; approve Judicial Council forms JV-285 and JV-287)

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

Rule 5.637:

Add an advisory committee comment to highlight that the requirements in rule are pursuant to statute.

Further, the Rules and Projects Committee directed the Family and Juvenile Law Advisory Committee to consider adding to the advisory committee comment a statement that although it is not required by statute, efforts to locate relatives should be continued past 30 days, to the extent resources allow.

**Item 2**      **Juvenile Dependency 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.

# Minutes

## Rules and Projects Committee Proposal Circulated by Email on Tuesday, October 19, 2010 and approved on Thursday, October 21, 2010

**Members participating:** Hon. Douglas P. Miller (Chair), Hon. Erica Yew (Vice-Chair), Hon. Lee S. Edmon, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Mr. Joel S. Miliband, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, and Ms. Kim Turner.

**Members not participating:** Hon. Burt Pines.

**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** (revise Schedule and forms TR-300 and TR-310)

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

# Minutes

## Rules and Projects Committee Teleconference

Tuesday, November 23, 2010

12:00 - 1:00 p.m.

**Members present:** Hon. Douglas P. Miller (Chair), Hon. Erica Yew (Vice-Chair), Hon. Lee S. Edmon, Hon. Ira R. Kaufman, Mr. Joel S. Miliband, Hon. Burt Pines, Hon. Teri L. Jackson.

**Members absent:** Hon. Robert Moss, Hon. Mary Ann O'Malley, and Ms. Kim Turner.

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

**AOC staff present:** Ms. Heather Anderson, Mr. Arturo Castro, Mr. Bruce Greenlee, and Mr. Courtney Tucker.

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

#### Traffic

**Item 1**            **2011 Uniform Bail and Penalty Schedule**

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

#### Civil Jury Instructions (CACI)

**Item 2**            **Civil Jury Instructions: Additions, Revisions and Revocations** (39 instructions with only changes to directions for use, additions to sources and authority, or minor nonsubstantive changes to instruction text)

**RUPRO Action:** The Rules and Projects Committee approved publication of the revised instructions with the following modifications:

Instructions 2334, 2336, and 3301 are withdrawn as the Supreme Court granted a time extension to grant or deny review of cases cited in these instructions.

**Item 3**            **Civil Jury Instructions: Additions, Revisions and Revocations** (59 new, revised, and renumbered instructions and verdict forms)

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

## Criminal

- Item 4**      **Judicial Administration: Membership of the Criminal Law Advisory Committee** (amend Cal. Rules of Court, rule 10.42)

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

## Appellate

- Item 5**      **Appellate Procedure: Filing, Modification, and Finality of Decisions in Proceedings for Writs of Review of Certain State Agency Decisions** (amend Cal. Rules of Court, rule 8.499)

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

# Minutes

## Rules and Projects Committee

Proposal Circulated by Email on Thursday, December 2, 2010  
and approved on Monday, December 6, 2010

**Members participating:** Hon. Douglas P. Miller (Chair), Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Mr. Joel S. Miliband, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, Hon. Burt Pines, and Ms. Kim Turner.

**Members not participating:** Hon. Erica Yew (Vice-Chair), and Hon. Lee S. Edmon.

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

**AOC staff participating:** Mr. Patrick O'Donnell.

### *Proposals to recommend Judicial Council approval*

**Item 1**      **School Violence Prevention: Technical Form Revision** (revise form SV-120)

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

# Minutes

## Rules and Projects Committee Teleconference

Monday, December 6, 2010

4:00 - 4:30 p.m.

**Members present:** Hon. Douglas P. Miller (Chair), Hon. Lee S. Edmon, Hon. Teri L. Jackson, Hon. Burt Pines, and Ms. Kim Turner.

**Members absent:** Hon. Erica Yew (Vice-Chair), Hon. Ira R. Kaufman, Mr. Joel S. Miliband, Hon. Robert J. Moss, and Hon. Mary Ann O'Malley.

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

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

**Advisory committee chair present:** Hon. Walter Croskey.

### *Proposals to recommend Judicial Council approval*

## Civil Jury Instructions

### **Item 1**      **Use of Present Value Tables** (revise CACI No. 3904B)

**Action:** The Rules and Projects Committee recommended that the Civil Jury Instructions Advisory Committee reconsider the proposed revision and develop criteria, to be reviewed by the Rules and Projects Committee, for acknowledging special contributions to the Civil Jury Instructions in the preface rather in the instructions themselves. The criteria and any subsequent proposal for such acknowledgement should also take into consideration acknowledgements currently included in CACI 4400 et seq. and CACI 113.