

**Judicial Council of California  
Executive and Planning Committee  
February 15, 2011, 4:00–4:20 p.m.  
Conference Call**

**Members Participating:** Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kenneth K. So, and David S. Wesley; Mr. Frederick K. Ohlrich and Mr. James N. Penrod

**Member Absent:** Judge Kevin A. Enright and Mr. Alan Carlson

**AOC Members Participating:** Mr. Dennis Blanchard, Ms. Deborah C. Brown, Ms. Nancy Carlisle, Mr. Kenneth L. Kann, Ms. Susan McMullan, Ms. Mary M. Roberts, and Ms. Nancy E. Spero

Minutes

The committee reviewed and approved the minutes of the February 7, 2011, Executive and Planning Committee meeting.

Agenda Setting for the February 25, 2011, Judicial Council Meeting

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

Out-of-Cycle Vacancy Nomination for Appellate Advisory Committee

The committee reviewed a staff memo regarding an out-of-cycle vacancy on the Appellate Advisory Committee and formulated its recommendation to the Chief Justice.

February 22, 2011, Annual Agenda Review

The committee prepared for upcoming E&P annual agenda review meetings with chairs and principal staff of each of the committees and task forces under its purview.

Respectfully submitted,



Kenneth L. Kann  
Director  
Executive Office Programs Division



**Judicial Council of California**  
**Executive and Planning Committee**  
**February 22, 2011, 11:30–4:30 p.m.**  
**Judicial Council Conference Center, Redwood Room**

**Members Participating:** Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So, and David S. Wesley; and Mr. Alan Carlson and Mr. James N. Penrod

**Members Absent:** Mr. Frederick K. Ohlrich

**Judicial and Court Executive Officers Participating:** Justices Terence L. Bruiniers, Ming W. Chin, Robert L. Dondero, and Ronald B. Robie; Judges Steven K. Austin, James R. Brandlin (by telephone), Julie A. McManus, Richard Vlavianos; and Ms. Kim Turner

**AOC Members Participating:** Ms. Francine Byrne, Ms. Roma Cheadle, Ms. Donna Clay-Conti, Dr. Diane E. Cowdrey, Mr. Kurt Duecker, Mr. Malcolm Franklin, Ms. Li Gotch, Ms. Terry Ince, Ms. Mary Jackson, Mr. Kenneth L. Kann, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Carla Reynolds, Ms. Marlene Smith, Ms. Nancy E. Spero, Ms. Nancy Taylor, Mr. James M. Vesper and Mr. William C. Vickrey

Advisory Committee and Task Force Annual Agenda Review

The Executive and Planning Committee reviewed and approved the 2011 advisory committee and task force annual agendas presented by the chairs, vice-chairs, and principal staff of eight committees and task forces for which the Chief Justice has assigned oversight. Those eight committees are: Trial Court Presiding Judges Advisory Committee, the Governing Committee of the Center for Judicial Education and Research (CJER), Court Interpreters Advisory Panel, Court Emergency Response and Security Task Force, Collaborative Justice Courts Advisory Committee, Court Technology Advisory Committee, Access and Fairness Advisory Committee, and Court Executives Advisory Committee.

Minutes

The committee revised the minutes of the December 17, 2010, Executive & Planning Committee meeting to accurately reflect the decision of the E&P committee during the December 17 meeting.

Respectfully submitted,



Ronald G. Overholt  
Chief Deputy Director



**Judicial Council of California**  
**Executive and Planning Committee**  
**March 23, 2011, 4:00–4:40 p.m.**  
**Conference Call**

**Members Participating:** Justices Richard D. Huffman and Harry E. Hull, Jr.; Judges Stephen H. Baker, Kevin A. Enright, Kenneth K. So; and Mr. Alan Carlson, Mr. Frederick K. Ohlrich and Mr. James N. Penrod

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

**AOC Members Participating:** Mr. Dennis Blanchard, Ms. Nancy Carlisle, Mr. Kenneth L. Kann, Mr. Ronald G. Overholt, Ms. Nancy E. Spero, and Mr. William C. Vickrey

Minutes

The committee reviewed and approved the minutes of the February 15, 2011, and February 22, 2011, Executive and Planning Committee meetings.

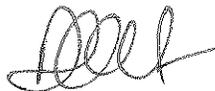
Judicial Council Issues Meetings

AOC staff briefed the committee on the agenda setting process for Judicial Council issues meetings and received the committee's suggestions on topics for the April 28, 2011, meeting as well as future meetings.

Agenda Setting for the April 29, 2011, Judicial Council Meeting

AOC staff briefed the committee on agenda items anticipated for the next Judicial Council business meeting and received the committee's response and suggestions.

Respectfully submitted,



Ronald G. Overholt  
Chief Deputy Director



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

**Conference Call Meeting  
January 26, 2011**

**Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Keith D. Davis; Hon. Sharon J. Waters; Hon. Winifred Younge Smith; Ms. Miriam Aroni Krinsky; Ms. Edith R. Matthai; and Mr. Michael M. Roddy.

**Policy Coordination and Liaison Committee members absent:** Hon. Terry B. Friedman (Ret.)

**OGA staff present:** Ms. Donna Hershkowitz, Ms. June Clark, Mr. Daniel Pone, Ms. Tracy Kenny, Ms. Jacqueline Wong-Hernandez, Ms. Monica LeBlond, and Ms. Yvette Trevino.

**ACTION ITEMS**

**1. Approval of minutes**

The minutes of the October 28, 2010 and November 10, 2010 conference calls were approved as submitted.

**2. Consent Item**

Action on Pending Legislation

a) AB 141 (Fuentes), as introduced – Jurors: electronic communications

Requires the court, when admonishing the jury against conversing about a trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices.

**PCLC Action: Support.**

b) Judges Retirement System II: Subordinate Judicial Officer Service Credit and Pre-Retirement Death Benefits

Amends the Judges Retirement System II (JRS II) statutes to: (1) allow JRS II members who previously served as subordinate judicial officers (SJOs) to purchase JRS II service credit for a fraction of their SJO years; and (2) allow a spouse of a JRS II member who is entitled to pre-retirement death benefits to opt for benefits that have a lower dollar value, and/or to waive his or her share of the benefits and allow them to pass to another designated beneficiary

**PCLC Action: Recommend Judicial Council sponsorship, as amended to include an option for non-spouse beneficiaries to elect their preferred pre-retirement death benefit.**

### 3. Discussion Item

N/A

### 4. Informational Items

a) Budget update

Donna Hershkowitz reported on the state budget and the Legislative Analyst Office's targeted reductions relating to the judicial branch budget.

**PCLC Action: No action required.**

b) Update on Judicial Council-Sponsored Legislation

Donna Hershkowitz, June Clark, and Daniel Pone reported on the status of authorship for the 7 council-sponsored proposals approved in December.

**PCLC Action: No action required.**

### OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: February 16, 2011

Respectfully submitted,

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

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

**Conference Call Meeting**

**February 16, 2011**

**Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); Hon. Winifred Younge Smith; Hon. Sharon J. Waters; Ms. Miriam Aroni Krinsky; Ms. Edith R. Matthai; and Mr. Michael M. Roddy.

**Policy Coordination and Liaison Committee members absent:** Hon. Keith D. Davis

**OGA staff present:** Mr. Curtis Child, Ms. Jacqueline Wong-Hernandez, Ms. Monica LeBlond, and Ms. Yvette Trevino.

**Other AOC staff present:** Mr. Ronald G. Overholt

**ACTION ITEMS**

**1. Approval of minutes**

The minutes of the January 26, 2011, conference call were approved as submitted.

**2. Consent Item**

N/A

**3. Discussion Item**

N/A

**4. Informational Item**

a) Budget update

Curtis Child reported on the judicial branch budget and the Joint Legislative Audit Committee and Assembly Budget Subcommittee #5 hearing relating to the California Court Case Management System.

**PCLC Action:** No action required.

**OTHER BUSINESS**

Confirm next PCLC conference call:

Proposed date: March 10, 2011

Respectfully submitted,

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

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

**Conference Call Meeting**

**March 10, 2011**

**Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); Hon. Winifred Younge Smith; Hon. Sharon J. Waters; Ms. Miriam Aroni Krinsky; Ms. Edith R. Matthai; and Mr. Michael M. Roddy.

**Policy Coordination and Liaison Committee members absent:** Hon. Keith D. Davis

**OGA staff present:** Mr. Curtis Child, Ms. Donna Hershkowitz, Ms. June Clark, Mr. Daniel Pone, Ms. Tracy Kenny, Mr. Henry Sepulveda, Ms. Monica LeBlond, and Ms. Yvette Trevino.

**ACTION ITEMS**

**1. Approval of minutes**

The minutes of the February 16, 2011, conference call were approved as submitted.

**2. Consent Items**

Action on Pending Legislation

- a) AB 73 (Feuer), as introduced – Dependency proceedings: public access  
States the intent of the Legislature to enact legislation providing that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest.  
**PCLC Action:** Support.
  
- b) AB 212 (Beall), as introduced – California Fostering Connections to Success Act  
Clarifies the intent and implementation of the California Fostering Connections to Success Act (AB 12 (Beall and Bass), Stats. 2010, ch. 559). Specifically, AB 212: (1) clarifies the requirements for youth to be eligible for extended care consistent with federal requirements; (2) clarifies the process by which a nonminor can petition the court for reinstatement of jurisdiction; (3) clarifies who may bring a petition to modify jurisdiction pursuant to Welfare and Institutions Code section 241.1; (4) conforms provisions relating to Kin-GAP guardianships in the delinquency statutes to reflect federal requirements; (5)

restores a provision erroneously deleted from law that allows youth in Kin-GAP guardianships to receive support up to age 19 if they are in the process of completing high school or an equivalency certificate; and (6) standardizes the terminology used in statute regarding the “period of trial independence” that is authorized for youth who opt not to participate in extended foster care.

**PCLC Action:** Support.

- c) AB 362 (Lowenthal), as introduced – Elections: office of superior court judge: write-in candidate

Revises the number of signatures needed for placing an uncontested judicial election on the ballot for a potential write-in contest from 100 to at least 0.1 percent of the registered voters qualified to vote, with respect to the office, provided that the petition contains at least 100 signatures, but need not contain more than 600 signatures. Requires that a write-in candidate for the office of superior court judge include on the statement of intent to run his or her compliance with eligibility requirements for a judge of a court of record.

**PCLC Action:** Support.

- d) SB 326 (Yee), as introduced – Court records: public access

Requires the Judicial Council to adopt a rule of court requiring courts to make newly filed or lodged court records available for public inspection at the courthouse no later than the end of the same day on which those records are received by the court. Defines court records broadly to include any document, paper, or exhibit filed or lodged by the parties to an action or proceeding.

**PCLC Action:** Oppose.

- e) SB 565 (DeSaulnier), as introduced – Vehicles: traffic violator schools: fees

Corrects a chaptering-out error caused by the late enactment of a 2010 budget trailer bill that amended the Vehicle Code provision describing the court’s responsibility for collecting certain fees when a person is ordered or permitted to attend traffic violator school.

**PCLC Action:** Support.

### 3. Discussion Item

N/A

#### 4. Informational Items

a) Budget update

Curtis Child reported on the judicial branch budget, including the proposed court security realignment, and allocation of the \$200 million reduction.

**PCLC Action:** No action required.

b) Update on Judicial Council-sponsored legislation

OGA staff gave updates on council-sponsored legislation and select other bills of interest to the judicial branch.

**PCLC Action:** No action required.

#### **OTHER BUSINESS**

Confirm next PCLC conference call:

Proposed date: March 30, 2011

Respectfully submitted,

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



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

**Conference Call Meeting**

**March 18, 2011**

**Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); Hon. Winifred Younge Smith; Hon. Sharon J. Waters; Ms. Edith R. Matthai; and Mr. Michael M. Roddy.

**Policy Coordination and Liaison Committee members absent:** Hon. Keith D. Davis and Ms. Miriam Aroni Krinsky.

**OGA staff present:** Mr. Curtis Child, Ms. Donna Hershkowitz, Ms. June Clark, Mr. Daniel Pone, Mr. Henry Sepulveda, and Ms. Monica LeBlond.

**Other AOC staff present:** Mr. William C. Vickrey

**ACTION ITEMS**

**1. Approval of minutes**

N/A

**2. Consent Item**

N/A

**3. Discussion Item**

N/A

**4. Informational Items**

**2. Budget update**

Curtis Child reported on a series of budget bills that passed both houses on March 17, 2011, and how the judicial branch budget was impacted by their passage.

**PCLC Action: No action required.**

**3. Legislation update**

Curtis Child and other OGA staff gave updates on selected bills of interest to the judicial branch.

**PCLC Action: No action required.**

**OTHER BUSINESS**

Confirm next PCLC conference call:

Proposed date: March 30, 2011

Respectfully submitted,

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

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

**Conference Call Meeting**

**March 30, 2011**

**Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Terry B. Friedman (Ret.); Hon. Winifred Younge Smith; Hon. Sharon J. Waters; Ms. Miriam Aroni Krinsky; Ms. Edith R. Matthai; and Mr. Michael M. Roddy.

**Policy Coordination and Liaison Committee members absent:** Hon. Keith D. Davis

**Guests present:** Hon. Douglas Elwell, Cochair, Joint Legislation Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees; Hon. Kevin Enright, Chair, Trial Court Presiding Judges Advisory Committee; Hon. Steven Perren, Chair, Criminal Law Advisory Committee; Hon. Richard Vlavianos, Chair, Collaborative Justice Courts Advisory Committee; Ms. Rosa Junqueiro, Cochair, Joint Legislation Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees.

**OGA staff present:** Mr. Curtis Child, Ms. Donna Hershkowitz, Ms. June Clark, Mr. Daniel Pone, Ms. Tracy Kenny, Ms. Dia Poole, Mr. Henry Sepulveda, Ms. Monica LeBlond, and Ms. Yvette Trevino.

**Other AOC staff present:** Mr. William C. Vickrey, Mr. Ronald G. Overholt, Ms. Mary Roberts, Ms. Debora Brown, Ms. Francine Byrne, Mr. Arturo Castro, Mr. Michael Fischer, and Ms. Nancy Taylor.

**ACTION ITEMS**

**1. Approval of minutes**

The minutes of the March 10, 2011, and March 18, 2011, conference calls were approved as submitted.

**2. Consent Items**

Action on Pending Legislation

- a) AB 738 (Hagman), as introduced – Public employees’ retirement: elected officials

Provides that a person who is publicly elected to any office on or after January 1, 2012, shall not become a member of any retirement system by virtue of that service and shall not acquire any retirement rights or benefits for serving in

that elective office unless required by the Constitution. Prohibits an official elected on or after January 1, 2012, from becoming a member or obtaining any retirement rights or benefits from specified state and local retirement systems for serving in an elective office (does not include Judges' Retirement Systems).

**PCLC Action:** Oppose unless amended to expressly exclude judges from the class of elected officials affected by the bill.

- b) **AB 1264 (Hagman), as introduced – Statewide Bail Commission: statewide bail schedule**  
Repeals the requirement that the superior court adopt a uniform countywide schedule of bail and instead establishes a Statewide Bail Commission. Requires the commission to revise annually a statewide bail schedule for all bailable felony, misdemeanor and infraction offenses except Vehicle Code infractions.  
**PCLC Action:** Oppose.
- c) **AB 1284 (Hagman), as introduced – Probation bonds**  
Permits the court, in lieu of revoking probation, to allow the defendant to post bond to secure appearance at any future hearing regarding a violation of the court-imposed conditions of probation. Requires the court to notify the defendant, the surety, and the bail agent of the probation revocation hearing.  
**PCLC Action:** Oppose.
- d) **AB 1406 (Committee on Judiciary), as introduced – Dissolution of marriage: disclosure**  
Sets forth a time period of 60 days from the filing of a petition or a response in a marital dissolution matter for the petitioner or respondent to serve upon the other party the preliminary declaration of disclosure, and requires that disclosure to include the declarant's tax returns for the two years prior to service.  
**PCLC Action:** Support.

### 3. Discussion Item

#### Action on Pending Legislation

- a) **AB 109 (Committee on Budget), as amended March 17, 2011 – Criminal justice alignment**  
Among other things, shifts jurisdiction over parole from the Executive Branch to the Judicial Branch.  
**PCLC Action:** Took no position on AB 109, but directed staff to submit a letter to Governor and Legislature on behalf of Judicial Council expressing grave concerns about the concept of shifting parole jurisdiction to the judicial branch, and the critical need to provide adequate resources.  
*[Hon. Marvin R. Baxter recused himself from vote.]*

b) AB 973 (Campos), as proposed to be amended – Trial courts: budget process: public meeting

Requires trial courts, prior to adopting a baseline budget plan for the fiscal year, to accept public input by holding a public hearing where testimony may be presented and also by receiving written comments. Provides that notice of the hearing must be posted, at least 10 court days prior to the hearing, within or about the court's facilities, on the court's public Web site, and electronically distributed to individuals who have subscribed to the court's electronic distribution service. Also requires that, during the current 60-day notice period regarding notice of courtroom closures, or closure or reduction in the hours of clerks' offices, the public be given an opportunity to submit written comments on the court's plan. Specifies that the 60-day notice period does not restart if the court makes changes to the plan based on comments received.

**PCLC Action:** Support if further amended to provide flexibility to the trial courts on how the opportunity for public comment is provided, rather than mandating a public hearing; neutral if not so amended.

c) AB 1208 (Calderon), as introduced – Trial courts: administration

Provides that each trial court of this state is an independent constitutional and statutory court, with the independent right and duty to manage its administrative and financial affairs in accordance with its own policies, as provided by its trial court management, if the court is in reasonable compliance with accounting, audit, and budgetary standards established by law. Provides that each trial court shall be independently empowered with enumerated powers. Provides that, except as otherwise provided by law, all funds allocated for trial court operations, once appropriated, shall be fully allocated among the trial courts, and that no deductions shall take place without the consent of the affected courts. Requires the trial court management's written consent to impose, implement, or share any case or accounting information system, or to contribute any portion of the trial court's budget to a statewide information system, or to undertake the construction of a court facility in that county.

**PCLC Action:** Oppose, but support the process developed by the Chief Justice with the establishment of the Strategic Evaluation Committee to address branch governance issues.

d) SB 221 (Simitian), as introduced – Small claims court: jurisdiction

Increases small claims court jurisdiction for actions brought by natural persons from \$7,500 to \$10,000.

**PCLC Action:** Support.

#### 4. Informational Items

a) Budget update

Curtis Child reported on the State budget.

**PCLC Action: No action required.**

b) Legislation update

Curtis Child gave updates on selected bills of interest to the judicial branch.

**PCLC Action: No action required.**

c) Federal legislation update

Curtis Child and Henry Sepulveda reported on recent federal legislative activity, specifically regarding legislation authorizing the intercept of federal tax refunds for the collection of court-ordered debt.

**PCLC Action: No action required.**

#### OTHER BUSINESS

Confirm next PCLC conference call:

Proposed date: April 13, 2011

Respectfully submitted,

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

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

**Conference Call Meeting**

**April 6, 2011**

**Summary Minutes of Meeting**

**Policy Coordination and Liaison Committee members present:** Hon. Marvin R. Baxter, Chair; Hon. James E. Herman, Vice-Chair; Hon. Keith D. Davis; Hon. Terry B. Friedman (Ret.); Hon. Winifred Younge Smith; and Hon. Sharon J. Waters.

**Policy Coordination and Liaison Committee members absent:** Ms. Miriam Aroni Krinsky, Ms. Edith R. Matthai, and Mr. Michael M. Roddy.

**Guest present:** Hon. Brad R. Hill, Chair, Judicial Recruitment and Retention Working Group.

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

**ACTION ITEMS**

**1. Approval of minutes**

N/A

**2. Consent Item**

N/A

**3. Discussion Item**

a) Status of Pension Reform Proposals Affecting Judicial Officers

OGA staff provided update to PCLC on various pension reform efforts and their potential impact on judges and justices. Staff recommended that PCLC approve sending a joint memorandum to all current and retired judges from the chairs of PCLC, the Judicial Recruitment and Retention Working Group and the CJA President outlining the proposals and the next steps planned by the council and CJA.

**PCLC Action:** Approve sending joint memorandum.

**OTHER BUSINESS**

Confirm next PCLC conference call:

Proposed date: April 20, 2011

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.

*Approved by the committee on March 25, 2011.*



# 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.

*Approved by the committee on March 25, 2011.*



# 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.

*Approved by the committee on March 25, 2011.*

# 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.

*Approved by the committee on March 25, 2011.*



# 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.

*Approved by the committee on March 25, 2011.*



# Minutes

## Rules and Projects Committee Teleconference

Friday, December 10, 2010

12:00 - 1:30 p.m.

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

**Members absent:** Hon. Erica Yew (Vice-Chair), Hon. Lee S. Edmon, and Mr. Joel S. Miliband.

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

**AOC staff present:** Ms. Heather Anderson, Ms. Deborah Chase, Mr. Kurt Duecker, Ms. Marlene Hagman-Smith, Ms. Bonnie Hough, Ms. Anna Maves, Mr. Douglas C. Miller, Ms. Diane Nunn, Ms. Anne Ronan, Mr. Courtney Tucker, Mr. Alan Wiener, and Ms. Leah Wilson.

### *Proposals to recommend circulation for comment*

#### Appellate

**Item 1**      **Trial and Appellate Procedure: Electronic Recordings Offered Into Evidence** (amend Cal. Rules of Court, rules 2.1040 and 8.122)

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

Invitation to Comment:

Revise the Invitation to Comment to note that local rules exist addressing electronic recordings offered into evidence, but that to the extent that they conflict with the proposed rule, the proposed rule prevails.

Rule 2.1040:

(a)(2) and (b)(1): Delete the clauses that start with "Except."

#### Civil and Small Claims

**Item 2**      **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 with the following modifications:

Invitations to Comment:

Revise the second sentence in the first paragraph to read: "New rules ~~3.835 and~~ 3.845 would..."

**Item 3**      **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 with the following modifications:

Invitation to Comment:

Add request for comment on whether the format required for authorities in (i)(1) should be further defined to mirror (i)(2).

## Probate

**Item 4**      **Probate Conservatorships: Determination of Conservatee's Appropriate Level of Care** (adopt form GC-355)

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

## Family and Juvenile

**Item 5**      **Juvenile Law: Sibling Visitation** (amend Cal. Rules of Court, rule 5.670; revise Judicial Council form JV-401)

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

Invitation to Comment:

Second paragraph: Confirm whether federal law requires that the state “document,” or if the verb can be changed to “find” or “conclude.”

**Item 6**      **Child Support: Revised Forms to Implement Changes to the Family Code and Improve Administration of Title IV-D Cases** (revise forms FL-530, FL-615, FL-625, FL-630, FL-665, FL-676, FL-676-INFO, FL-687, and FL-692)

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

Invitation to Comment:

Page 4, “Child Care Costs”, line 6: Revise to read “~~regularly~~ manually.”

**Item 7**      **Family and Juvenile Rules: Live testimony at hearings and Declarations** (adopt Cal. Rules of Court, rule 5.119 and amend rule 5.118(f))

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

Invitation to Comment:

Request specific comment on whether or not 5.118(g) should be included.

Rule 5.118:

*(f)(2)(B):* Change “thinks” to “believes.”

## Presiding Judges and Court Executive Officers

### Item 8

**Judicial Administration: Authority and Duties of Presiding Judge and Court Executive Officer** (amend Cal. Rules of Court, rules 10.603, 10.610, 10.670, 10.181, and 10.184)

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

Invitation to Comment:

*First paragraph:* Change “addressing” to “concerning.”

*Third paragraph, first sentence:* Change “between” to “among.”

*Page 2, “Duties: Subordinate Judicial Officers, first sentence:* Add “officers” after “judicial.”

Rule 10.603:

*Items (i)-(iii):* Add quotation marks around terms to be defined.

### Item 9

#### Minutes

**Action:** The Rules and Projects Committee approved the minutes with the following corrections:

December 6, 2010, conference call:

Add “develop criteria considering placement of acknowledgement in the preface” to the 12/6/10 email minutes

### Item 10

#### 2011 Uniform Bail and Penalty Schedule

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

*Approved by the committee on March 25, 2011.*



# Minutes

## Rules and Projects Committee Teleconference

Monday, January 24, 2011

12:00 - 12:30 p.m.

**Members present:** Hon. Erica Yew (Vice-Chair), Hon. Sue Alexander, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, Hon. Burt Pines and Ms. Kim Turner.

**Members absent:** Hon. Douglas P. Miller (Chair), and Mr. Joel S. Miliband.

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

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

### *Proposals to recommend circulation for comment*

#### Traffic

**Item 1**      **Procedures and eligibility criteria for attending traffic violator school**  
(amend Cal. Rules of Court, rule 4.104)

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

*Approved by the committee on March 25, 2011.*



# Minutes

## Rules and Projects Committee Proposal Circulated by Email on Friday, February 4, 2011 and approved on Monday, February 7, 2011

**Members participating:** Hon. Douglas P. Miller (Chair), Hon. Erica Yew (Vice-Chair), 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. Sue Alexander and Hon. Burt Pines.

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

**AOC staff participating:** Ms. Heather Anderson and Ms. Anne Ronan.

### *Proposals to recommend Judicial Council approval*

#### Civil/Appellate

**Item 1**      **Fee Waiver: Poverty Guidelines on Request to Waive Court Fees and Information Sheet on Waiver of Appellate Court Fees** (revise forms FW-001 and APP-015/FW-015-INFO)

**Action:** The Rules and Projects Committee recommended approval.

*Approved by the committee on March 25, 2011.*



# Minutes

## Rules and Projects Committee Meeting

Tuesday, February 22, 2011

11:15 a.m. - 4:50 p.m.

### *Annual Agenda review*

**Members present:** Hon. Douglas P. Miller (Chair), Hon. Sue Alexander, Hon. Teri L. Jackson, Hon. Ira R. Kaufman, Hon. Robert J. Moss, Hon. Mary Ann O'Malley, Hon. Burt Pines, Ms. Kim Turner (joining at 3 p.m.)

**Members absent:** Hon. Erica Yew (Vice-Chair), Mr. Joel S. Miliband.

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

**Advisory Committee and Task Force Chairs present:** Hon. Mitchell L. Beckloff, Hon. Walter Croskey, Hon. Laurence D. Kay (ret.), Hon. Sandra L. Margulies, Hon. Kathleen O'Leary, Hon. Dennis M. Perluss, Hon. Stephen Z. Perren, Hon. Deborah A. Ryan, Hon. Dean Stout, Hon. L. Thomas Surh (ret.), Hon. Kathryn Doi Todd, and Hon. Laurie D. Zelon.

**AOC staff present:** Ms. Heather Anderson, Mr. Arturo Castro, Ms. Deborah Chase, Ms. Christine Cleary, Mr. Bruce Greenlee, Ms. Bonnie Hough, Mr. Douglas C. Miller, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Anne Ronan, Ms. Robin Seeley, Mr. Courtney Tucker, Ms. Julia Weber, Ms. Bobbie Welling, Mr. Alan Wiener, and Mr. Christopher Wu.

#### **Item 1            Advisory Committee on Civil Jury Instructions**

**Action:** The Rules and Projects Committee approved the annual agenda with the following revisions:

The advisory committees on civil and criminal jury instructions are asked to add to their Annual Agendas a priority level two project to review instructions on the same topics, such as general and concluding instructions (e.g., evaluation of witnesses, credibility, and circumstantial evidence) in an effort to align language and make the instructions more uniform.

#### **Item 2            Traffic Advisory Committee**

**Action:** The Rules and Projects Committee approved the annual agenda with the following revisions:

Amend the project Traffic Bench Officer and Temporary Judge Training to add information on return-to-court options after a failure to appear.

#### **Item 3            Appellate Advisory Committee**

**Action:** The Rules and Projects Committee approved the annual agenda

with the following revisions:

Amend the key objectives to read “rules of court and forms ~~relating to~~ including . . .” In addition, in next year’s annual agenda, the advisory committee is asked to be more specific in its key objectives.

Change the completion date of the project titled “Sealed and Confidential Records” to 2013.

Add a project that describes the advisory committee’s current review of rules related to writ proceedings.

**Item 4 Task Force on Self-Represented Litigants**

**Action:** The Rules and Projects Committee approved the annual agenda.

**Item 5 Family and Juvenile Law Advisory Committee**

**Action:** The Rules and Projects Committee approved the annual agenda with the following revisions:

Change the project titled “Protective Order Forms Working Group” to priority level one.

**Item 6 Elkins Family Law Task Force**

**Action:** The Rules and Projects Committee approved the annual agenda.

**Item 7 Criminal Law Advisory Committee**

**Action:** The Rules and Projects Committee approved the annual agenda with the following revisions:

Amend the project titled “Fax Filings” to include e-delivery and e-filing.

Amend the project identified as “Intercounty Probation Transfer Procedure Forms” to priority level one.

**Item 8 Probate and Mental Health Advisory Committee**

**Action:** The Rules and Projects Committee approved the annual agenda with the following revisions:

Amend the project to develop guidelines to assist in determining financial eligibility for county payment of court-appointed counsel for minors in guardianships to include Center for Families Children and the Courts staff as a resource.

**Item 9            Advisory Committee on Criminal Jury Instructions**

**Action:** The Rules and Projects Committee approved the annual agenda with the following revisions:

The advisory committees on civil and criminal jury instructions are asked to add to their Annual Agendas a priority level two project to review instructions on the same topics, such as general and concluding instructions (e.g. evaluation of witnesses, credibility, and evidence) in an effort to align language and make the instructions more uniform.

**Item 10           California Blue Ribbon Commission on Children in Foster Care**

**Action:** The Rules and Projects Committee accepted the report of the Blue Ribbon Commission with the following recommendation:  
The Rules and Projects Committee recommended that the Blue Ribbon Commission include in its 2011 report to the Judicial Council a research update and report on any measurable outcomes of the Commission's recommendations.

**Item 11           Domestic Violence Practice and Procedure Task Force**

**Action:** The Rules and Projects Committee approved the annual agenda with the following revisions:

Amend the project identified as "Firearms Relinquishment Rule Follow-up" to have a completion date of Winter 2012 and include development of an arraignment script that includes a firearms relinquishment inquiry, consistent with rule 4.700.

Amend the project titled "Bench Cards" to include development of bench cards in this area.

**Item 12           Civil and Small Claims Advisory Committee**

**Action:** The Rules and Projects Committee approved the annual agenda with the following revisions:

Change the project titled "Protective Orders" to priority level one.

The Rules and Projects Committee also expressed support of the committee continuing development of small claims forms.

*Approved by the committee on March 25, 2011.*



# Minutes

## Rules and Projects Committee Teleconference

Monday, March 7, 2011

12:00 - 12:30 p.m.

**Members present:** 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, and Hon. Burt Pines.

**Members absent:** Hon. Erica Yew (Vice-Chair), Hon. Sue Alexander, and Ms. Kim Turner.

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

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

### *Proposals to recommend circulation for comment*

#### Civil

**Item 1**      **Telephone Appearances: Statewide Uniform Fees** (amend Cal. Rules of Court, rule 3.670)

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

*Approved by the committee on March 25, 2011.*

