

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688
February 22, 2008
8:30–11:40 a.m.
Open to the Public

AGENDA

- 8:30–8:40 a.m. **Public Comment Related to Trial Court Budget Issues***
[Subject to requests]
*This time is reserved for public comment on Discussion Agenda items relating to trial court budgets.
- 8:40–8:45 a.m. **Approval of Minutes**
Minutes of the October 26, 2007, and December 6, 2007, business meetings.

- 8:45–8:55 a.m. **2007 California on My Honor: Civics Institute for Teachers**
- This professional development program took place August 8–10, 2007, in San Diego. Twenty-four selected K-12 teachers from around the state learned about the role and operation of the California court system. Participants explored models of existing court- and law-related education curricula and programs and reviewed current K-12 California civics standards. Since the institute, they have created unique lesson plans tailored for use in their own classrooms. Today participants from the August session are gathered together for a follow-up session where they will share lesson plans developed in August with each other, display examples of student work, and evaluate the initial implementation of those lesson plans. This year’s program was a collaboration between court staff and the California State University at San Marcos, under the leadership of Dr. Fran Chadwick, assistant professor of education. Participating teachers were recruited statewide through various channels, including the California Council for the Social Studies, county department of education social studies coordinators, and many other organizations. Several of the civics institute participants will be present at today’s council meeting.

Presentation/Discussion (10 minutes)
Speakers: Ms. Catharine Price
 Executive Office Programs Division

Dr. Fran Chadwick
Project Director
Assistant Professor of Education
California State University at San Marcos
Ms. Robyn Litt
Encinitas Union School District
San Diego
Mr. Spencer Wright
Venture Academy Charter
San Joaquin County Board of Education

8:55–9:10 a.m.

Mediation Week: A Resolution Recognizing the Benefits of Mediation and Court Mediation Programs (Action Required)

Staff recommends that the Judicial Council adopt a resolution recognizing the third week of March as “Mediation Week,” to coincide with similar recognitions by other government organizations and leaders. Information about the Judicial Council resolution will be disseminated throughout the judicial branch, to local bar associations, to mediation providers, and to the general public. Judicial Council recognition of Mediation Week will encourage courts to implement and expand mediation programs; promote public awareness and use of those programs; and acknowledge the court staff, mediators, and others who make them successful.

Presentation/Discussion (10 minutes)

Speakers: Hon. Helen I. Bendix
Judge, Superior Court of Los Angeles County
Mr. Alan Weiner
Office of the General Counsel
Ms. Heather Anderson
Office of the General Counsel
Ms. Audrey Fancy
Center for Families, Children & the Courts
Mr. George Ferrick
Center for Families, Children & the Courts

Discussion/Council Action (5 minutes)

9:10–9:20 a.m.

Judicial Council Committee Presentations
Executive and Planning Committee
Hon. Richard D. Huffman, Chair
Policy Coordination and Liaison Committee
Hon. Marvin R. Baxter, Chair
Rules and Projects Committee

Hon. Eileen C. Moore, Chair
[Committee Reports Tab]

- 9:20–9:30 a.m. **Administrative Director’s Report**
Mr. William C. Vickrey, Administrative Director of the Courts, will make a report.
- 9:30–9:40 a.m. **Chief Justice’s Report**
Chief Justice Ronald M. George will report on activities in which he has been involved since the last Judicial Council business meeting.

CONSENT AGENDA (ITEMS 1–5)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

Item 1 Probate: Qualifications of Counsel for Appointment in Conservatorships and Guardianships (adopt form GC-010) (Action Required)

The Probate and Mental Health Advisory Committee recommends adoption of a new mandatory form to be used by attorneys to show their qualifications for court appointment as counsel for conservatees or proposed conservatees in probate conservatorship proceedings or minors in probate guardianship matters. The form would enable attorneys to comply with the certification requirements of rule 7.1101 of the California Rules of Court, adopted by the Judicial Council effective January 1, 2008.

Staff: Mr. Douglas C. Miller
 Office of the General Counsel

Item 2 Probate: Collection of the Graduated Filing Fee in Decedents’ Estates (amend Cal. Rules of Court, rules 7.151 and 7.552; adopt rule 7.553; and revise form DE-111) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the Judicial Council (1) amend existing rules of court governing determination of the graduated filing fee in decedents’ estates, necessary adjustments in the fee, and estate reimbursement of certain persons for payment of the fee; (2) adopt a new rule of court concerning the graduated filing fee payable for estates commenced after December 31, 2007; and (3) revise the *Petition for Probate* (form DE-111) to implement recent legislation that changes the way the

graduated filing fee is collected, eliminates the need to estimate the size of the estate in the petition, and eliminates the need to make some of the determinations and calculations required by the existing rules.

Staff: Mr. Douglas C. Miller
Office of the General Counsel

Item 3 **Judicial Council Appointment to the California Council for Interstate Adult Offender Supervision (Action Required)**

The Executive and Planning Committee recommends Judge Stephen W. White of the Superior Court of Sacramento County for appointment to the California Council for Interstate Adult Offender Supervision. The state council consists of seven members and must include the Secretary of the California Department of Corrections and Rehabilitation or his or her designee, three members appointed by the Governor, one member appointed by the Senate Committee on Rules, one member appointed by the Speaker of the Assembly, and one superior court judge appointed by the Judicial Council. In April 2005, the Judicial Council appointed Judge Rebecca S. Riley of the Superior Court of Ventura County. Because Judge Riley recently resigned from her appointment on the state council, the Judicial Council must make a new appointment.

Staff: Mr. Arturo Castro
Office of the General Counsel

Item 4 **Traffic Infractions: Installment Payment of Bail Forfeitures and Traffic Violator School Fees (adopt forms TR-300 and TR-310) (Action Required)**

The Traffic Advisory Committee proposes adoption of *Agreement to Pay and Forfeit Bail in Installments* (form TR-300) and *Agreement to Pay Traffic Violator School Fees in Installments* (form TR-310), effective April 1, 2008. Vehicle Code sections 40510.5 and 42007 provide that the Judicial Council must prescribe the form of an agreement for payment of traffic infraction bail or traffic violator school fees in installments when a court elects to allow such a procedure without an appearance in court. The proposed forms would satisfy the requirements of the new law.

Staff: Mr. Courtney Tucker
Office of the General Counsel

Item 5 **Conflict of Interest Code for the Administrative Office of the Courts
(Action Required)**

As the code reviewing body for judicial branch agencies, the Judicial Council annually reviews and approves proposed amendments to the Conflict of Interest Code for the Administrative Office of the Courts. This year’s proposed amended code adds and deletes designated positions.

Staff: Mr. Steven Crooks
 Office of the General Counsel

Discussion Agenda (Items 6–9)

Item 6 **Access and Fairness in California Law Schools: Focus Group
9:40–10:05 a.m. Project (Action Required)**

This report presents the recommendations of the Access and Fairness Advisory Committee after a three-year project that examined access and fairness in California law school curricula and the law school environment. After completion of this project and solicitation of feedback from law school deans, the advisory committee requests that the council accept its final report and direct further action on its recommendations.

Presentation (10 minutes)

Speakers: Hon. James R. Lambden
 Access and Fairness Advisory Committee
 Ms. Donna Clay-Conti
 Office of the General Counsel
 Ms. Patricia Lee
 State Bar of California, Office of Legal Services

Discussion/Council Action (15 minutes)

Item 7 **Appellate Procedure: Rules and Forms for the Superior Court
10:05–10:25 a.m. Appellate Divisions** (repeal Cal. Rules of Court, rules 8.700–8.793; renumber rules 8.900–8.916 as rules 8.950–8.966; adopt new rules 8.800–8.936 and 10.1100–10.1108; repeal Judicial Council forms CR-130, TR-150, TR-155, TR-160, and TR-165; and approve new forms APP-101-INFO, APP-102, APP-103, APP-104, APP-105, and APP-106 relating to appeals in limited civil cases; APP-150-INFO and APP-151 relating to petitions for extraordinary writs; CR-131-INFO, CR-132, CR-133, CR-134, CR-135, CR-136, and CR-137 relating to appeals in misdemeanor cases; and CR-141-INFO,

CR-142, CR-143, CR-144, and CR-145 relating to appeals in infraction cases (Action Required)

The Appellate Advisory Committee recommends that the current rules relating to the superior court appellate divisions be repealed and replaced with new rules and that new forms for civil and criminal appeals and writ proceedings in the appellate divisions be approved. The new rules (1) eliminate outdated rule language, (2) update the remaining language so it is similar to the recently revised rules for the Courts of Appeal, (3) reflect current practices, (4) fill in gaps in the rules, (5) improve the record preparation process, and (6) place the rules in a more logical order. The new forms include information sheets about appeals and writ proceedings and forms that litigants can use to complete some of the basic steps in the appellate process, such as preparing a notice of appeal or writ petition, designating the record on appeal, and preparing a proposed statement on appeal. Adopting new rules and forms that more clearly lay out the procedures in the appellate division will improve public access to and trust in the courts by making these appellate procedures easier for litigants, particularly self-represented litigants, to understand and use. This will also improve court administration and reduce burdens on litigants, the trial courts, and the appellate divisions associated with procedural mistakes in these appellate proceedings and requests for relief from default.

Presentation (10 minutes)

Speakers: Hon. Kathryn Doi Todd
Appellate Advisory Committee
Hon. Ronald B. Robie
Appellate Division Rules Working Group
Ms. Heather Anderson
Office of the General Counsel

Discussion/Council Action (10 minutes)

10:25–10:40 a.m. **BREAK**

Item 8 **Capital Appeals: Constitutional Amendment Involving Processing of Capital Cases (Cal. Const., art. VI, § 12) (Action Required)**
10:40–11:10 a.m.

The Policy Coordination and Liaison Committee recommends sponsoring a legislative constitutional amendment to improve the processing of fully briefed appeals of judgments of death by authorizing the state Supreme Court to transfer certain fully briefed capital appeals to the Court of Appeal. The proposal would amend the California Constitution to include judgments of death under the existing authority of the Supreme Court to transfer a cause from itself to the Court of

Appeal and to prescribe a process for Supreme Court review of decisions of the Court of Appeal affirming or reversing a judgment of death. The Policy Coordination and Liaison Committee recommends that staff pursue bipartisan legislative authorship. The proposed constitutional amendment would make the best use of limited judicial branch resources, while ensuring fairness and justice in posttrial capital litigation.

Presentation (10 minutes)

Speakers: Ms. June Clark
Office of Governmental Affairs
Ms. Beth Jay
California Supreme Court
Mr. Jake Dear
California Supreme Court

Discussion/Council Action (20 minutes)

Item 9 **Domestic Violence: Final Report of the Domestic Violence Practice and Procedure Task Force (Action Required)**

11:10–11:40 a.m.

The Domestic Violence Practice and Procedure Task Force recommends that the council receive and accept its final report containing suggested guidelines and practices for improving the administration of justice in domestic violence cases. The task force further recommends that the Judicial Council appoint an implementation task force to monitor implementation of the guidelines and practices, refer proposals to appropriate Judicial Council advisory committees or other entities, submit suggested revisions for minimum educational requirements, study the need for additional resources, and report its progress to the council. Creation of an implementation task force will ensure that the 139 guidelines and recommended practices are institutionalized or referred to the appropriate entity for review and preparation of proposed legislation, rules, forms, or educational materials.

Presentation (15 minutes)

Speakers: Hon. Laurence Donald Kay (Ret.)
Domestic Violence Practice and Procedure Task Force
Ms. Bobbie L. Welling
Center for Families, Children & the Courts

Discussion/Council Action (15 minutes)

Circulating Orders since the last business meeting.

[Circulating Orders Tab]

Appointment Orders since the last business meeting.

[Appointment Orders Tab]

Items included FOR YOUR INFORMATION ONLY

- A. [Letter dated January 9, 2008, from the AOC Finance Division to the Legislative Counsel, Secretary of the Senate, and Chief Clerk of the Assembly](#), “Report to the Legislature on Allocation of FY 2006–2007 New Judgeship Funding as Required by the 2006 Budget Act, Item 0250-101-0932, Provision 10.”
- B. [Letter dated January 9, 2008, from the AOC Finance Division to the Legislative Counsel, Secretary of the Senate, and Chief Clerk of the Assembly](#), “Report to the Legislature on Allocation of FY 2007–2008 New Judgeship Funding as Required by the 2006 Budget Act, Item 0250-101-0932, Provision 10.”
- C. [Letter dated January 10, 2008, from the AOC Finance Division to the Legislative Counsel, Secretary of the Senate, and Chief Clerk of the Assembly](#), “Annual Report of Trial Court Expenditures for Fiscal Year 2006–2007, as Required by Government Code Section 68502.5.”
- D. [Letter dated February 11, 2008, from the AOC Finance Division to the Legislative Counsel, Secretary of the Senate, and Chief Clerk of the Assembly](#), “Annual Report of Fiscal Year 2006–2007 Court Facilities Trust Fund Expenditures, as Required by Government Code Section 70352.”
- E. [Letter dated February 11, 2008, from the AOC Finance Division to the Legislative Counsel, Secretary of the Senate, and Chief Clerk of the Assembly](#), “Annual Report of Fiscal Year 2006–2007 Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior court Civil Proceedings, as Required by Government Code Section 68086.”