

Item A2

Trial Court Presiding Judges Advisory Committee (amend Cal. Rules of Court, rule 6.46) (Action Required)

Staff: Ms. Penelope Davis
Executive Office Programs Division

The Trial Court Presiding Judges Advisory Committee recommends that the Judicial Council amend rule 6.46 to ensure that the rule conforms in structure and content with other council advisory committees and to delete obsolete, redundant, and unnecessary information.

Civil and Small Claims

Item A3

***Civil Case Cover Sheet* (revise form 982.2(b)(1); and amend Cal Rules of Court, rule 201.8(b)) (Action Required)**

Staff: Mr. Patrick O'Donnell, Office of the General Counsel

The Civil and Small Claims Advisory Committee recommends revising a form and amending a rule to incorporate technical changes and instructions to plaintiffs and others filing their first paper.

Item A4

Small Claims Procedure: *Plaintiff's Claim and Order to Defendant (Small Claims)* and *Information for the Plaintiff (Small Claims)* (revise forms SC-100 and SC-150) (Action Required)

Staff: Ms. Cara Vonk, Office of the General Counsel

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2003, revise form SC-100, *Plaintiff's Claim and Order to Defendant (Small Claims)*, and form SC-150, *Information for the Plaintiff (Small Claims)*, to (1) conform to recent legislative amendments, (2) add a zip code to the venue selected by the plaintiff, (3) add a mailing address to the current mandatory street address, (4) add an instruction that forms and more information can be obtained at the California Courts Self-Help Center Web site (www.courtinfo.ca.gov/selfhelp), the county law library, or the courthouse nearest to the party, and (5) make other minor technical corrections.

Item A5

Civil Forms: Miscellaneous Technical Revisions (revise forms 982(a)(6), 982(a)(21), 982(a)(22), SC-109, and UD-116 (Action Required)

Staff: Ms. Cara Vonk, Office of the General Counsel

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2003, revise one general civil form, one form for limited civil cases in economic litigation, one optional small claims form, and one unlawful detainer form to conform to recent legislative changes, provide sufficient space for requested information on the form, and clarify a particular provision for self-represented parties.

Criminal
Item A6

Criminal Rules and Advisory Committee Comments (amend rules 4.403, 4.405, 4.406, 4.410, 4.411.5, 4.413, 4.414, 4.426, 4.428, 4.433, 4.435, 4.447, 4.451, 4.452, 4.472, and 4.480; and amend advisory committee comments to rules 4.300, 4.403, 4.405, 4.406, 4.410, 4.411, 4.414, 4.420, 4.421, 4.423, 4.426, 4.428, 4.431, 4.433, 4.437, 4.447, 4.451, and 4.453) (Action Required)

Staff: Mr. Joshua Weinstein, Office of the General Counsel

The proposed amendments would update the comments to the sentencing rules in Title Four of the California Rules of Court and make other stylistic updates to the rules. Additionally, the proposal would clarify that Title Four applies to criminal cases in the superior court.

Family and Juvenile
Item A7

Child Abduction Prevention (adopt forms DV-108, DV-145, FL-312, and FL-341(B); revise forms DV-105, DV-120, DV-140, FL-305, FL-310, FL-311, FL-340, FL-341, and JV-200) (Action Required)

Staff: Ms. Bonnie Hough
Center for Families, Children & the Courts

Assembly Bill 2441 was chaptered on September 25, 2002. This bill enacts the Synclair-Cannon Child Abduction Prevention Act of 2002, now Family Code section 2048, to address the increasing problem of international child abduction. The statute mandates certain provisions that must be included in every temporary or permanent court order pertaining to child custody or visitation. Under the new legislation, if a court becomes aware of a potential risk of abduction in a child custody proceeding, the

court must consider certain statutory factors to determine whether such a risk actually exists. If the court determines that there is a risk of abduction, it must decide which statutory conditions should be included in its order. Family Code section 3048(c) requires that “[t]he Judicial Council shall make the changes to its child custody order forms ... that are necessary for implementation by July 1, 2003.”

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2003 take the following action to conform to Family Code section 3048:

Adopt forms DV-108, DV-145, FL-312, and FL-341(B), and revise forms DV-105, DV-120, DV-140, FL-305, FL-310, FL-311, FL-340, FL-341, and JV-200.

Item A8

Family Law: Technical Changes to Family Law and Domestic Violence Rules and Forms (amend rules 5.126, 5.158, 5.220, 5.400 and revise forms 1285.66, 1296.32, 1299.02, OMB 0970-0085, DV-125, DV-150, DV-160, DV-170, DV-210, DV-250, DV-600, DV-710, FL-160, FL-350, FL-421, FL-490, FL-500, FL-505, FL-525, FL-526, FL-556, FL-557, FL-558, FL-559, FL-600, FL-680, and FL-684) (Action Required)

Staff: Mr. Michael Wright
Center for Families, Children & the Courts

Members of the Family and Juvenile Law Advisory Committee, court personnel, local child support agency personnel, members of the public and staff have identified some inadvertent errors and omissions that must be corrected in domestic violence and family law forms. All family law rules of court and all 299 domestic violence prevention and family law forms were renumbered and revised effective January 1, 2003. In the course of that major change, a few technical errors were made that require correction. Additionally federal forms that must be accepted in California have been updated, and the Judicial Council forms need to be revised to conform to these changes.

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2003, amend the rules and forms listed above.

Probate
Item A9

**Probate Form: *Petition for Probate* (revise form DE-111)
(Action Required)**

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

The Probate and Mental Health Advisory Committee recommends that Judicial Council form DE-111, *Petition for Probate*, be revised to reflect a change in the law of intestate succession made by a statute enacted in 2002 that will be effective on July 1, 2003. This change will give an intestate decedent's surviving domestic partner a right to inherit all or a part of the decedent's estate that is equivalent to the right of a surviving spouse to inherit the decedent's separate property.

Item A10

**Probate Form: *Confidential Guardianship Status Report*
(adopt form GC-251) (Action Required)**

This item was moved to the end of the Discussion agenda following Item G.

Item A11

Miscellaneous Technical Changes to Rules (amend Cal Rule of Court, rule 64 and repeal rule 41.5) (Action Required)

Staff: Mr. Kenneth Kann, Office of the General Counsel

AOC staff recommends amending a rule to correct an erroneous cross-reference in rule 64 and repealing rule 41.5 because it was superseded by revised rule 22(a).

Discussion Agenda (Tabs B–H)

Item B
9:10–9:30 a.m.

CJER Governing Committee Presentation: Recognition of Founders of Judicial Education and Administrative and Staff Education (Discussion Only; No Action Required)

The Governing Committee of the Center for Judicial Education and Research proposes that the Judicial Council and others join in recognizing and honoring the founders listed on recognition plaques to be installed on a wall of the Judicial Council Conference Center.

Presentation (15 minutes)

Speakers: Hon. B. Tam Nomoto Schumann
Superior Court of Orange County
Chair, CJER Governing Committee
Hon. George J. Abdallah, Jr.
Superior Court of San Joaquin County
Vice-chair, CJER Governing Committee
Mr. James Vesper, Education Division/CJER
Discussion/Council Action (5 minutes)

ITEM C

RULES, FORMS, AND STANDARDS

Family and Juvenile

Item C

9:30–9:50 a.m.

Family Law: Limited Scope Representation (adopt Cal. Rules of Court, rules 5.170 and 5.171; adopt form FL-950, and approve forms FL-955, FL-956, and FL-958) (Action Required)

Family law courts serve increasing numbers of litigants who represent themselves in court. Many of these litigants would like the assistance of an attorney for a part of a case even if they cannot afford full representation. At the request of the State Bar, the Commission on Access to Justice prepared a Report on Limited Scope Legal Assistance that made a number of recommendations aimed at encouraging attorneys to provide limited scope representation. The Board of Governors of the State Bar has adopted these recommendations that include asking the Judicial Council to develop rules and forms to enable limited scope representation so that attorneys can assist self-represented litigants, thereby increasing access to justice and encouraging court efficiency.

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2003, adopt forms FL-950, FL-955, FL-956 and FL-958, and rules 5.170 and 5.171 of the California Rules of Court to facilitate attorneys in providing limited scope representation in family law courts.

Presentation (10 minutes)

Speakers: Hon. James R. Lambden
Court of Appeal, First Appellate District
Ms. Bonnie Hough
Center for Families, Children & the Courts

Discussion/Council Action (10 minutes)

Item D

9:50–10:05 a.m.

Collaborative Justice Courts Advisory Committee: Progress Report (Action Required)

On December 18, 2001, the council accepted the committee's progress report, submitted in accordance with rule 6.56(d) of the California Rules of Court, and directed the committee to provide an annual progress report. This report, submitted to fulfill that requirement, is focused on committee activities that have occurred since December 2001. During that time the committee completed numerous long-term projects. At present, the committee is at work on several projects that are scheduled for completion during the next 24 months. Therefore, the committee recommends that the next progress report be submitted in 24 months.

Presentation (10 minutes)

Speakers: Hon. Darrell W. Stevens
Superior Court of Butte County
Chair, Collaborative Justice Courts Advisory
Committee
Ms. Nancy Taylor, Executive Office Programs Division
Ms. Francine Byrne, Executive Office Programs Division

Discussion/Council Action (5 minutes)

10:05–10:20 a.m.

BREAK

Item E

10:20–10:50 a.m.

**Task Force on Jury System Improvements: Final Report
(Action Required)**

The Task Force on Jury System Improvements recommends that the Judicial Council receive and approve the final report of the task force and authorize its statewide release to presiding judges, court executive officers, jury managers, bar organizations, the executive and legislative branches, and other interested parties.

The report not only details the efforts made to achieve the commission recommendations, but also reiterates the task force's support for certain legislative initiatives, rules of court, and suggestions for improving court practices that either did not become law initially or were deferred for later consideration.

Presentation (20 minutes)

Speakers: Hon. Judith McConnell
Court of Appeal, Fourth Appellate District
Vice-chair, Task Force on Jury System Improvements
Mr. John A. Larson, Executive Office Programs Division

Discussion/Council Action (10 minutes)

Item F
10:50–11:35 a.m.

**Status of the Civil Instructions Prepared by the Task Force
on Jury Instructions (No Action Required)**

Chairs and staff of the task force on Jury Instructions will present an update on the work of the Task Force, in anticipation of presenting the civil instructions to the council for approval next August.

Presentation (30 minutes)

Speakers: Hon. Carol A. Corrigan
Court of Appeal, First Appellate District
Chair, Task Force on Jury Instruction
Hon. James D. Ward
Court of Appeal, Fourth Appellate District
Vice Chair, Task Force on Jury Instructions
Ms. Melissa Johnson, Office of the General Counsel

Discussion/Council Action (15 minutes)

Item G
11:35–12:05 p.m.

Budget Status Report (No Action Required)

Trial court budget update to be presented to the Judicial Council.

Presentation (15 minutes)

Speakers: Mr. William C. Vickrey
Administrative Director of the Courts
Ms. Christine M. Hansen
Director, Finance

Discussion/Council Action (15 minutes)

Item A10
12:05–12:15 p.m.

**Probate Form: Confidential Guardianship Status Report
(adopt form GC-251) (Action Required)**

**(Moved from the
Consent agenda)**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt the proposed new form GC-251, *Confidential Guardianship Status Report*, in response to the directive contained in a new statute. The report would provide the court with important information about the lives of children under the protection of the probate court, and would be the only mandatory communication between many guardians and the court in years following the guardians' appointment.

Presentation (5 minutes)

Speaker: Mr. Douglas C. Miller, Office of the General Counsel

Discussion/Council Action (5 minutes)

Circulating Orders Approved Since Last Business Meeting
[Circulating Orders Tab]

Judicial Council Appointment Orders Since Last Business Meeting

[No appointment orders have been signed since the last business meeting.]