

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
Malcolm M. Lucas Board Room
455 Golden Gate Avenue
San Francisco, California 94102-3688
April 21, 2006
8:30 a.m.–2:40 p.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**
 February 24, 2006, business meetings
 [Minutes Tab]
- 8:45–9:00 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. Suzanne N. Kingsbury, Chair
 [Council Reports Tab]
- 9:00–9:15 a.m. **Judicial Council Court Visit Reports**
 Hon. Suzanne N. Kingsbury, Team Leader
 Report on visit to the Superior Courts of Shasta and Tehama
 Counties.
- 9:15–9:25 a.m. **Administrative Director’s Report**
 Mr. William C. Vickrey, Administrative Director of the Courts, will
 make a report.
- 9:25–9:35 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 meeting.

Consent Agenda (Items A1–A10, B)

(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 Sonya Smith at 415-865-7653 at least 48 hours before the meeting.)

ITEM A RULES, FORMS, AND STANDARDS

Appellate

**Item A1 Appellate Procedure: Certificate of Interested Entities and Persons
(adopt Cal. Rules of Court, rule 14.5 and amend rules 56–59)
(Action Required)**

The Appellate Advisory Committee recommends adopting new rule 14.5 and amending rules 56–59 to require that litigants in the Court of Appeal file a “Certificate of Interested Entities and Persons.” If a party is an entity, that party would be required to identify in the certificate any other entities or persons known to have a 10 percent or greater ownership interest in the party. In addition, all parties would be required to identify any other entity or person they know to have a financial or other interest in the outcome of the proceeding that the party reasonably believes the justices should consider in determining whether to disqualify themselves. The proposed certificate requirement will help Court of Appeal justices identify entities or persons with “hidden” interests in the proceedings, to assist the justices in determining whether to recuse themselves under the Code of Judicial Ethics.

Staff: Ms. Heather Anderson
 Office of the General Counsel

Civil and Small Claims

**Item A2 Fees to Be Set by the Court (amend Cal. Rules of Court, rules 6.712
and 2006) (Action Required)**

The Civil and Small Claims Advisory Committee recommends that rule 6.712, which authorizes the courts to set fees for specified services and products, be amended to permit them to charge a reasonable fee, not to exceed costs, for certain additional services and goods, including microfiches, envelopes, postage, offsite retrieval of documents, and the return of file-stamped copies of documents by fax. These new fees will enable courts to be reimbursed for the additional services and products that they provide to the public. The committee also recommends that

the direct fax filing fee be placed in rule 6.712 and the provision for that fee in rule 2006 be repealed.

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

Item A3 **Petition for Gender Change and Issuance of New Birth Certificate (approve forms NC-300, NC-210/310, NC-320, and NC-330; revise forms NC-100 and NC-200) (Action Required)**

The Judicial Council previously adopted a set of forms for persons to use to petition for orders for a change of name and a separate set of forms to apply for orders for a change of name and gender. The Civil and Small Claims Advisory Committee recommends approval of a third set of forms that could be used by a person to apply for an order for a change of gender and the issuance of a birth certificate without a name change. Also, the committee recommends revising the forms for petitioning for a change of name and for petitioning for a change of name and gender to provide the current address of the State Registrar.

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

Criminal Law

Item A4 **Juror Questionnaire for Criminal Cases—Capital Case Supplement (revise form MC-002) (Action Required)**

The Criminal Law Advisory Committee recommends that the Judicial Council amend form MC-002 to incorporate a supplemental questionnaire to be used in juror voir dire in capital cases. The Judicial Council approved form MC-002, *Jury Questionnaire for Criminal Cases*, effective January 1, 2006. Form MC-002 is an optional, general questionnaire to be used by the court and counsel to assist the court in making criminal case voir dire more efficient. There is currently no specific set of questions contained in form MC-002 that addresses issues of particular relevance to capital cases.

Staff: Mr. John Larson
Executive Office Programs Division

Family and Juvenile Law

Item A5 **Domestic Violence (revise forms DV-100, DV-110, DV-126-INFO, DV-130, DV-170, DV-210-INFO, DV-260, DV-500-INFO, DV-510-INFO, DV-520-INFO, DV-530-INFO, DV-540-INFO, DV-550-INFO, DV-720-INFO, FL-105/GC-120, FL-310, FL-341, JV-200, JV-205, JV-245, and JV-250) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that several domestic violence, family law, and juvenile law forms be revised to implement recent statutory amendments intended to improve the handling of domestic violence cases. The proposal also responds to comments from governmental officials and the public to improve judicial administration.

Staff: Ms. Tamara Abrams
Center for Families, Children & the Courts

Item A6 **Family Law: Ex Parte Communication in Child Custody Proceedings (adopt Cal. Rules of Court, rule 5.235) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends adoption of rule 5.235 in order to comply with the mandate of Family Code section 216, which was enacted by Senate Bill 1088 (Bowen; Stats. 2005, ch. 489). Senate Bill 1088 requires that the Judicial Council adopt a rule of court regarding ex parte communication in child custody proceedings. Senate Bill 1088 also requires that the rule of court take effect July 1, 2006.

Staff: Ms. Gabrielle Selden
Center for Families, Children & the Courts

Item A7 **Juvenile Law: Procedure Before Removal of Child From Prospective Adoptive Parents (adopt Cal. Rules of Court, rules 1463.1, 1463.3, and 1463.5; amend rule 1496.2; renumber form JV-325 as JV-330; adopt forms JV-321, JV-322, JV-323, JV-324, JV-325, and JV-325-INFO) (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2006, adopt various rules and forms to specify the procedures necessary before the Department of Social Services (DSS) or an adoption agency can remove a dependent child from the home of a prospective adoptive parent, and to fulfill the

mandate of Welfare and Institutions Code section 366.26(n). Additionally, the committee recommends renumbering form JV-325, *Letters of Guardianship (Juvenile)*, to JV-330 so the forms are consistently sequential.

Staff: Ms. Kerry Doyle
Center for Families, Children & the Courts

Item A8 **Miscellaneous Technical Changes to the California Rules of Court and Judicial Council Forms (amend Cal. Rules of Court, rules 6.603, 38, 38.2, 1402, 1413, 1436.5, 1462, 1520, and 1542; revise forms DV-160, FL-470, FL-615, FL-677, FL-692, JV-185, JV-450, and JV-644) (Action Required)**

AOC staff recommends that the Judicial Council, effective July 1, 2006, amend Cal. Rules of Court, rules 6.603, 38, 38.2, 1402, 1413, 1436.5, 1462, 1520, and 1542; and revise Judicial Council forms DV-160, FL-470, FL-615, FL-677, FL-692, JV-185, JV-450, and JV-644. These amendments are necessary to comply with statutory language; correct typographical, layout, and formatting errors; and correct cross-references to rules.

Staff: Ms. Christine Cleary
Center for Families, Children & the Courts

Probate and Mental Health

Item A9 **Probate: Forms for Private Professional Guardians and Conservators to Show Their Qualifications and Compliance With Continuing Education Requirements (adopt forms GC-005 and GC-006) (Action Required)**

The Probate and Mental Health Advisory Committee proposes the adoption of two new Judicial Council forms that would be used by private professional guardians and conservators to show appointing courts that they satisfy recently adopted rules of court that establish minimum qualifications and continuing education requirements for these fiduciaries.

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

Item A10 **Probate: Private Professional Guardians of the Person (amend Cal. Rules of Court, rule 7.1010) (Action Required)**

This proposal would modify rule 7.1010 to conform its definition of a “private professional guardian,” subject to the rule to the underlying statutory definition of that term changed by legislation effective January 1, 2006.

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

Item B **Court Interpreters: 2005 Language Need and Interpreter Use Study, Government Code section 68563 (Action Required)**

The Court Interpreters Advisory Panel recommends that the Judicial Council approve the *2005 Language Need and Interpreter Use Study* for submission to the Governor and Legislature and, in addition, adopt the recommendation that no additional language be designated for inclusion in the certification program. The language study is the basis for determining the need to establish interpreter programs and certification.

Staff: Mr. Mark Garcia
Executive Office Programs
Mr. Cannon Han
Executive Office Programs

Discussion Agenda (Items C, D–F)

ITEM C **RULES, FORMS, AND STANDARDS**

Judicial Administration

Item C

9:35–10:20 a.m. Trial Court Facilities: Standards, Rule Changes (amend Cal. Rules of Court, rules 6.150 and 6.180), and Project Standards Review (Action Required)

The Interim Court Facilities Panel concurs with Office of Court Construction and Management (OCCM) staff in the recommendation that the Judicial Council adopt the *California Trial Court Facilities Standards, 2006 Edition* (Facilities Standards), amend rules 6.150 and 6.180 to change all references in these rules from “guidelines” to “standards,” and establish an interim process to review compliance with the standards, pending the adoption of the long-term facilities governance structure.

If adopted, the Facilities Standards will be used in the design and construction of new and renovated trial court facilities in California and would replace *Trial Court Facility Guidelines*, adopted in July 2002.

Presentation (30 minutes)

Speakers: Ms. Kim K. Davis
Office of Court Construction and Management
Mr. Clifford Ham
Office of Court Construction and Management

Discussion/Council Action (15 minutes)

10:20–10:50 a.m. **Special Order of Business**
Hon. Marvin R. Baxter
Associate Justice of the Supreme Court

10:50–11:05 a.m. **Break**

Item D **Trial Court Budget Priorities for Fiscal Year 2006–2007 (Action**
11:05–11:40 a.m. Required)

This item presents recommendations for trial court budget priority program areas for fiscal year 2006–2007. Once priorities have been approved, AOC staff will gather information from the courts on their needs for funding in specific areas. After the 2006 Budget Act is enacted and the amount of funding for the trial courts based on the SAL percentage rate adjustment is known, staff will prepare a report to the council, at its August 2006 meeting, recommending allocation to the courts for the priority areas.

Presentation (20 minutes)

Speakers: Ms. Christine M. Hansen
Finance Division
Mr. Stephen Nash
Finance Division

Discussion/Council Action (15 minutes)

Item E **Temporary Judges: Report and Recommendations (amend**
11:40–12:10 p.m. Cal. Rules of Court, rules 243.20 and 243.31) (Action Required)

The Temporary Judges Working Group provides information and recommendations in response to the questions posed by the Judicial Council at its December 2, 2005, meeting. It reports that the Supreme

Court Advisory Committee has concluded that most of the rules concerning temporary judges referred by the council to the Supreme Court be included in the Code of Judicial Ethics, but that a few provisions that are more of a policy or procedural nature not be included. The Temporary Judges Working Group recommends that the provisions that will not be included in the Code of Judicial Ethics be included in the rules on temporary judges in the California Rules of Court that will become effective July 1, 2006.

Presentation (15 minutes)

Speakers: Hon. Robert B. Freedman
Co-chair, Temporary Judges Working Group
Hon. James R. Lambden
Chair, Access and Fairness Advisory Committee
Mr. Robert Lowney
Education Division/CJER
Mr. Patrick O'Donnell
Office of the General Counsel

Discussion/Council Action (15 minutes)

12:10 p.m.–12:40 p.m. **Lunch Break**

Item F Administrative Infrastructure (Action Required)

12:40–2:40 p.m.

1) Discussion of Administrative Infrastructure (No Action Required)

AOC staff will present a status report on administrative infrastructure initiatives, including the Court Accounting and Reporting System (CARS), Court Human Resources Information System (CHRIS), and California Case Management System (CCMS).

2) [Approval of Statewide Administrative Infrastructure Services Funding Process and Delegation of Authority to Allocate Funds From the Trial Court Trust Fund and the Trial Court Improvement Fund \(Action Required\)](#)

Speakers: Mr. Ronald G. Overholt
Chief Deputy Director
Ms. Sheila Calabro
Southern Regional Office
Mr. Ernesto V. Fuentes
Human Resources Division

Ms. Christine M. Hansen
Finance Division
Ms. Patricia M. Yerian
Information Services Division

There have been no Circulating Orders since the last business meeting.

Judicial Council Appointment Orders Since the Last Business Meeting
[Appointment Orders Tab]

Annual Report of Trial Court Expenditures for Fiscal Year 2004–2005
(Mandated Legislative Report for Information Only)
[Mandated Report Tab]