

a San Diego institute conducted last year. Participating teachers were recruited statewide through various channels, including the California Council for the Social Studies (teachers), county department of education social studies coordinators, and many other organizations.

Presentation/Discussion (10 minutes)

Speakers: Mr. John Larson
Executive Office Programs Division
Dr. Fran Chadwick
Project Director
Assistant Professor of Education
California State University at San Marcos

8:40–8:55 a.m.

[Adoption and Permanency for Children in California: A Resolution for the Courts \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council again declare November “Court Adoption and Permanency Month,” as it has since 1999. The month of November was selected so that the state’s observance would coincide with National Adoption Month. The goal of Court Adoption and Permanency Month is to highlight innovative efforts aimed at expediting adoption and permanency while raising awareness of the need for safe and permanent homes for children. The Family and Juvenile Law Advisory Committee has worked closely with the Governor’s Office and the California Legislature to develop resolutions highlighting adoption and permanency issued by the executive, legislative, and judicial branches every year. With approximately 77,000 children in California living apart from their families in child welfare–supervised out-of-home care, it is important that California’s courts continue to make concerted efforts to find them safe and permanent homes.

Presentation/Discussion (15 minutes)

Speakers: Ms. Charlene Depner
Center for Families, Children & the Courts
Ms. Kelly Beck
Center for Families, Children & the Courts
Ms. Stacey Mangni
Center for Families, Children & the Courts

8:55–9:15 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]

9:15–9:25 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 business meeting.

Consent Agenda (Items A1–A43, B–C, J¹)

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 A RULES, FORMS, AND STANDARDS

Appellate
Item A1

Appellate Procedure: Remittitur, Costs, and Sanctions in Appeals and Writ Proceedings (adopt Cal. Rules of Court, rules 8.278, 8.386, and 8.499; and amend rules 8.272, 8.276, 8.366, and 8.490) (Action Required)

The Appellate Advisory Committee recommends adopting new rules addressing remittitur in habeas corpus and other writ proceedings; amending the rule on costs in civil appeals to clarify that filing fees are among the recoverable costs; amending the rule on sanctions in civil appeals to clarify that sanctions can be awarded for filing frivolous motions; amending the rule on petitions for writs of mandate, certiorari, or prohibition to clarify that the court may impose sanctions for frivolous writ petitions; and making other clarifying changes to these rules. These new and amended rules will fill some gaps in the existing rules and should make the requirements relating to remittitur in writ

¹ Item J appears out of alphabetical order on the consent agenda due to it being added after the Judicial Council agenda item numbers were assigned.

proceedings easier for litigants to find and the procedures relating to costs and sanctions easier for litigants to understand and implement.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A2

Appellate Procedure: Records in Civil and Criminal Cases (amend and renumber Cal. Rules of Court, rule 8.120 as rule 8.122; adopt rules 8.120, 8.121, and 8.123; amend rules 8.124, 8.128, 8.130, 8.134, 8.137, 8.144, 8.147, 8.224, and 8.320; and revise *Notice Designating Record on Appeal* form APP-003) (Action Required)

The Appellate Advisory Committee recommends adopting a new rule and revising the current *Notice Designating Record on Appeal* (form APP-003) regarding designation of the record in civil appeals to address all the available options for providing the record on appeal; adopting a new rule establishing a procedure for transmitting to the Court of Appeal administrative records that were admitted in evidence, refused, or lodged in the trial court; and making other clarifying changes to the rules and form relating to records in civil and criminal appeals. Adopting rules that more clearly lay out the options for designating the record in a civil appeal and that establish a procedure for transmitting administrative records to the Court of Appeal, and providing a form that encompasses all these options, should make the record designation process easier for civil litigants to understand and implement.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A3

Appellate Procedure: Certificate of Interested Entities and Persons (amend Cal. Rules of Court, rules 8.208 and 8.490; and approve form APP-008, *Certificate of Interested Entities or Persons*) (Action Required)

The Appellate Advisory Committee recommends approving a new optional *Certificate of Interested Entities or Persons* (form APP-008) and amending the rules relating to these certificates to: (1) clarify the types of proceedings in which a certificate is required and when in the life of such proceedings the certificate must be filed; and (2) provide that a party may seek to file a certificate under seal if the identity of a party has not been publicly disclosed. These rule amendments should make the rules easier to understand and use, and the new statewide

form should make compliance with the certificate requirements easier for individuals who practice in more than one appellate district.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A4

Appellate Procedure: Petitions for Writs of Supersedeas (amend Cal. Rules of Court, rule 8.112) (Action Required)

The Appellate Advisory Committee recommends amending the rule regarding petitions for writs of supersedeas (which are petitions requesting that the Court of Appeal stay the enforcement of a trial court judgment or order pending a decision on an appeal of that judgment or order) to expand the record that must be filed with a petition for a writ of supersedeas when the record on appeal has not yet been filed. This amendment will make proceedings for writs of supersedeas more efficient by helping ensure that the reviewing court receives sufficient information with a petition for a writ of supersedeas to properly determine whether to issue the writ.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A5

Appellate Procedure: Miscellaneous Appellate Rules (amend Cal. Rules of Court, rules 8.32, 8.155, and 8.1008) (Action Required)

The Appellate Advisory Committee recommends (1) amending the rule regarding addresses of record to clarify that each attorney representing a party may use only a single address; (2) amending the rule regarding motions to augment the record to require consecutive numbering of documents attached to such a motion; and (3) amending the rule regarding petitions to transfer a case from the superior court appellate division to the Court of Appeal to give potential petitioners sufficient time to file a petition and to provide that a party may not file an answer to a petition for transfer unless the court requests an answer. The changes to the rules relating to addresses of record and augmentation motions would establish uniform statewide practices in these areas. The changes to the rule relating to petitions for transfer would make these proceedings both fairer to potential petitioners and more efficient.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A6

Appellate Procedure: Applications to File Amicus Briefs in the Court of Appeal and the Supreme Court (amend Cal. Rules of Court, rules 8.200 and 8.520) (Action Required)

The Appellate Advisory Committee recommends amending the rule relating to briefs in the Court of Appeal to require that an application to file an amicus brief in the Court of Appeal be filed no later than 14 days after the last appellant's reply brief is filed or could have been filed and amending both this rule and the rule regarding amicus applications in the Supreme Court to provide that the deadline for filing amicus applications can be extended for "good cause." Setting a time frame for filing an amicus application in the Court of Appeal will fill a gap in the current rules and improve court administration by eliminating late applications that either are denied or can delay the processing of appeals.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A7

Appellate Procedure: Notices of Appeal and Notices of Various Defaults (amend Cal. Rules of Court, rules 8.100, 8.108, 8.140, 8.220, 8.308, and 8.400) (Action Required)

The Appellate Advisory Committee recommends (1) amending the rule regarding extensions of the time to file a notice of appeal in a civil case to clarify that the rule only operates to extend, not shorten, the normal time to appeal; (2) amending the rules relating to various default procedures to make the notice of default and sanctions provisions more consistent, including requiring the notice to state that the court may, rather than will, impose the specified sanctions if the party does not correct the default; and (3) making other small, clarifying amendments to these rules. Clarifying the time to file a notice of appeal and the sanction rules should make these rules easier to understand and use.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A8

Appellate Procedure: Overlength Briefs in Capital Cases (amend Cal. Rules of Court, rule 8.630; and adopt rule 8.631) (Action Required)

The Appellate Advisory Committee recommends amending the rule regarding briefs in capital appeals to increase the permissible length of appellants' opening briefs and respondents' briefs in these appeals and

adopting a new rule regarding applications to file over-length briefs in these cases that sets out the factors that will be considered in determining whether good cause exists for filing an over-length brief and that establishes when such applications must be filed. Increasing the basic brief length should improve efficiency by decreasing the number of cases in which applications to file over-length briefs are needed, and establishing a filing deadline and factors for assessing such applications should improve efficiency by helping counsel assess, early on, whether it is appropriate to file an application and, if so, what needs to be included in such an application and by providing the court with information to assess whether good cause exists for granting the application without having to read the entire record and draft brief.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A9

Rules Applicable to All Courts: Format of Citations (adopt Cal. Rules of Court, rule 1.200; amend rule 3.1113 and the advisory committee comment to rule 8.204) (Action Required)

The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend adopting a new rule requiring that citations in all papers filed in the trial or appellate courts be in the style prescribed by either the *California Style Manual* or *The Bluebook: A Uniform System of Citation*, at the option of the filing party, and making conforming amendments to the rules relating to memoranda and briefs. This would establish a uniform statewide rule regarding the format of citations.

Staff: Ms. Heather Anderson
Office of the General Counsel

Civil and Small Claims

Item A10

Request and Order to File New Litigation by Vexatious Litigant (approve form MC-701) (Action Required)

The Civil and Small Claims Advisory Committee recommends the approval of the *Request and Order to File New Litigation by Vexatious Litigant* (form MC-701), a new form that will standardize vexatious litigants' requests to file new litigation that are currently filed in many different ways.

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

Item A11

Small Claims: Interpreter Instructions (revise forms SC-100 and SC-150) (Action Required)

The Civil and Small Claims Advisory Committee recommends revising two small claims forms to clarify the responsibility of the court and the parties concerning small claims court interpreters. Instructions on the two forms delete reference to a “free” interpreter, reorder the sequence of the instructions, add an instruction to ask the court for an interpreter at least five days before the court date, and add an instruction to ask for a list of interpreters and the fee waiver application form. The revised forms will correct misleading information that implies the court can provide an interpreter for free. Although some courts try to provide interpreter assistance, there is no guarantee that a free interpreter can be provided in all cases. Parties may be disappointed with the court system and the case unnecessarily postponed if the parties are not informed in advance to bring someone to the hearing to interpret for them or to ask the court for an interpreter. Only if a small claims party qualifies for a fee waiver must the court appoint an interpreter at public expense.

Staff: Ms. Cara Vonk
Office of the General Counsel

Item A12

Alternative Dispute Resolution: Mandatory Settlement Conferences (amend Cal. Rules of Court, rule. 3.1380) (Action Required)

The Civil and Small Claims Advisory Committee recommends amending the rule relating to mandatory settlement conferences to (1) clarify that courts have the authority to set more than one settlement conference; (2) prohibit courts from appointing a person to conduct a settlement conference under this rule at the same time that the person is serving as a mediator in the same action; and (3) prohibit courts from appointing a person to conduct a mediation under this rule. The amendment regarding multiple settlement conferences will address concerns raised by recent case law, and the amendments drawing a clearer line between appointing mediators and appointing persons to conduct settlement conferences should help conform practices with the Evidence Code provisions concerning mediation confidentiality.

Staff: Ms. Heather Anderson
Office of the General Counsel

Item A13

Rules Modernization: Updating Antiquated References to “Attachés” (amend Cal. Rules of Court, rules 2.400, 3.58, and 3.60) (Action Required)

The Civil and Small Claims Advisory Committee recommends that rules 2.400, 3.58, and 3.60 of the California Rules of Court be modernized and clarified by replacing the terms “attaché” and “attachés” with “authorized court personnel.”

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

Item A14

Commission to Take Deposition Outside California (approve form DISC-030) (Action Required)

The Civil and Small Claims Advisory Committee recommends the approval of the *Commission to Take Deposition Outside California* (form DISC-030), a new optional form to be used by parties to make requests for, and by courts to issue or order, a commission to take out-of-state depositions.

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

Item A15

Offer to Compromise and Acceptance Under Code of Civil Procedure Section 998 (approve form CIV-090) (Action Required)

The Civil and Small Claims Advisory Committee recommends the approval of the *Offer to Compromise and Acceptance Under Code of Civil Procedure Section 998* (form CIV-090), an optional form that litigants may use to make and accept offers to compromise in simple, two-party civil cases involving only money judgments.

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

Item A16

Revised Format for Separate Statements in Support of Motion for Summary Judgment (amend Cal. Rules of Court, rule 3.1350) (Action Required)

The Civil and Small Claims Advisory Committee recommends that rule 3.1350, on the format of separate statements in support of or opposition to motions for summary judgment and summary adjudication of issues, be amended. The amendment will modify the format for separate

statements and reduce the amount of reformatting required to prepare a separate statement in opposition to a motion.

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

Item A17

Protecting Private Information in Public Court Documents (amend Cal. Rules of Court, rule 1.20 and adopt Confidential Reference List of Personal Identifiers form MC-120) (Action Required)

The Civil and Small Claims Advisory Committee recommends that rule 1.20 of the California Rules of Court be amended to require parties and their attorneys to exclude or redact social security numbers and financial account numbers from documents presented for filing with the court. The committee further recommends the adoption of the *Confidential Reference List of Identifiers* (form MC-120), a form containing a list of complete identifiers that may be filed confidentially if the court so orders on a showing of good cause.

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

Item A18

Requests for Admission (revise form DISC-020) (Action Required)

The Civil and Small Claims Advisory Committee recommends that the *Requests for Admission* form be revised to include information that explains, among other things, the purpose of the form, the importance of carefully considering whether to admit or deny the truth of facts or the genuineness of documents, and the potential penalties that exist for failing to admit the truth of a matter later proven.

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

Item A19

Telephone Appearances in Civil Cases (amend Cal. Rules of Court, rules 3.670, 3.722, and 3.1207; amend Cal. Stds. Jud. Admin., std. 3.1; and revise form CM-020) (Action Required)

The Civil and Small Claims Advisory Committee recommends that rules 3.670, 3.722, and 3.1207 of the California Rules of Court and standard 3.1 of the California Standards of Judicial Administration relating to telephone appearances in civil cases be amended to improve access by telephone to conferences, hearings, and proceedings; to promote uniformity in the procedures relating to telephone

appearances; and to reduce litigation costs. The amendments are consistent with Assembly Bill 500 on telephone appearances in civil cases. The committee also recommends revising the *Ex Parte Application for Extension of Time to Serve Pleading and Orders* (form CM-020) to be consistent with the amended rules.

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

Court Technology

Item A20

[Appellate Procedure: Copies of Briefs in Civil Appeals \(amend Cal. Rules of Court, rule 8.212\) \(Action Required\)](#)

The Appellate Advisory Committee and the Court Technology Advisory Committee recommend amending the rule regarding the number of copies of briefs that must be served, to give parties in civil appeals the option of serving one electronic copy, rather than four paper copies of their briefs, on the Supreme Court. This amendment would improve efficiency by allowing transmission of the electronic copy to the depository libraries, saving printing, shipping, and digitization costs.

Staff: Ms. Heather Anderson
Office of the General Counsel
Mr. Christopher Smith
Information Services Division

Item A21

[Electronic Filing and Service and Service by Fax \(amend Cal. Rules of Court, rules 2.250, 2.253, 2.256, 2.257, 2.259, 2.260, and 2.306\) \(Action Required\)](#)

The Court Technology Advisory Committee recommends that the rules on electronic service and filing, and the rule on service by fax, be amended to improve their application and reflect changes in practice.

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

Item A22

[Access to Electronic Records \(amend Cal. Rules of Court, rule 2.503\) \(Action Required\)](#)

The Civil and Small Claims and the Court Technology Advisory Committees recommend that rule 2.503 of the California Rules of Court be amended to provide that records in cases involving the abuse

of elder or dependent adults and workplace violence must be made available electronically, to the extent it is feasible to do so, only at the courthouse and not by remote electronic access. This amendment is intended to protect the privacy of persons involved in these cases.

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

Family and Juvenile Law

Item A23

Family Law and Juvenile Law: Confidential Intermediary Appointment for Sibling Contact After Adoption (adopt Cal. Rules of Court, rule 5.410; adopt forms ADOPT-330 and ADOPT-331) (Action Required)

The Family and Juvenile Law Advisory Committee recommends adopting rule 5.410 and two mandatory forms. The rules and forms establish the procedure for siblings to contact each other after at least one of them has been adopted. The rules and forms are necessary for implementation of recent legislation, which authorizes a sibling to ask for court assistance in seeking contact with a sibling who has been adopted.

Staff: Ms. Kelly Beck
Center for Families, Children & the Courts

Item A24

Family Law: Counsel Appointed to Represent a Child in Family Law Proceedings (amend Cal. Rules of Court, rule 5.10; adopt rules 5.240, 5.241, and 5.242; repeal Cal. Stds. Jud. Admin., stds. 5.10 and 5.11; and approve forms FL-322 and FL-323) (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending rule 5.10 of the California Rules of Court; adopting rules 5.240, 5.241, and 5.242; repealing standards 5.10 and 5.11 of the California Standards of Judicial Administration; and approving forms FL-322, *Declaration of Counsel for a Child Regarding Qualifications* and FL-323, *Order Appointing Counsel for a Child*, effective January 1, 2008, to establish minimum experience requirements for counsel appointed to represent children in family law cases and to promote greater consistency among the courts by providing criteria for the court to consider when making appointments.

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

Item A25

Family Law: Summary Dissolution (revise forms FL-800 and FL-810) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2008, amend forms FL-800 and FL-810. These summary dissolution forms are being amended to reflect statutory cost-of-living increases and to make minor clarifying changes.

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

Item A26

Family Law: Child Custody Information Sheet (approve form FL-314-INFO) (Action Required)

The Family and Juvenile Law Advisory committee recommends that the Judicial Council, effective January 1, 2008, approve optional form FL-314-INFO, *Child Custody Information Sheet* as a statewide information sheet to inform litigants of the child custody court process and alternative dispute resolution options.

Staff: Ms. Rita Mah
Center for Families, Children & the Courts

Item A27

Family, Juvenile, and Probate Law: Enactment of the Federal Indian Child Welfare Act as California Law in the Family, Probate, and Welfare and Institutions Codes (adopt Cal. Rules of Court, rules 5.480–5.487 and 7.1015; repeal rule 5.664; revise forms GC-210(CA), JV-100, JV-101(A), JV-110, JV-600; adopt forms ICWA-010(A), ICWA-020, and ICWA-030; approve forms ICWA-005-INFO, ICWA-030(A), ICWA-040, ICWA-050, and ICWA-060; and revoke forms ADOPT-226, JV-130, and JV-135) (Action Required)

The Family and Juvenile Law and Probate and Mental Health Advisory Committees recommend that the Judicial Council, effective January 1, 2008, adopt California Rules of Court, rules 5.480–5.487 and 7.1015; repeal rule 5.664; revise forms GC-210(CA), JV-100, JV-101(A), JV-110, and JV-600; adopt forms ICWA-010(A), ICWA-020, and ICWA-030; approve forms ICWA-005-INFO, ICWA-030(A), ICWA-040, ICWA-050, and ICWA-060; and revoke forms ADOPT-226, JV-130, and JV-135. All of the proposed changes are necessitated by passage of Senate Bill 678 (Ducheny; Stats. 2006, ch. 838), effective January 1,

2007, which codified the federal Indian Child Welfare Act into state law.

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

Mr. Douglas C. Miller
Office of the General Counsel

Item A28

Juvenile and Family Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.726, 5.727, 5.728, 8.450, and 8.454; revise forms FL-327, JV-321, JV-323, and JV-324; adopt forms JV-325, JV-326, JV-326-INFO, JV-327, and JV-328; and revoke forms JV-325, JV-325-INFO, JV-720, and JV-730) (Action Required)

The Family and Juvenile Law Advisory Committee recommends making several changes to miscellaneous family and juvenile law rules and forms. These changes are necessary to comply with statutory mandates and policies and to facilitate consistency and court procedures.

Staff: Ms. Melissa Ardaiz
Center for Families, Children & the Courts
Ms. Aleta Beaupied
Center for Families, Children & the Courts

Item A29

Child Support: Administration of Title IV-D Child Support Cases (amend Cal. Rules of Court, rule 5.324; revise form FL-679; adopt forms FL-618 and FL-679-INFO; and revoke forms FL-500, FL-505, FL-525, FL-526, FL-556, FL-557, FL-558, FL-559, and FL-571) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend rule 5.324 and revise form FL-679 to allow the local child support agency to request a telephone appearance in title IV-D child support cases on behalf of a parent, a party, or a witness. The Family and Juvenile Law Advisory Committee further recommends that the Judicial Council adopt forms FL-618 and FL-679-INFO to request dismissal of title IV-D actions to promote greater clarity of the reasons for dismissal for parties and court clerks, and that the council revoke nine forms used in the enforcement of interstate child support because they are no longer needed.

Staff: Ms. Anna Maves
Center for Families, Children & the Courts

Item A30

Juvenile Law: Psychotropic Medication Forms and Rule (amend Cal. Rules of Court, rule 5.640; revise form JV-220; revoke form JV-220A; and adopt forms JV-219-INFO, JV-220(A), JV-221, JV-222, and JV-223) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2008, amend rule 5.640, revise form JV-220, revoke form JV-220A, and adopt forms JV-219-INFO, JV-220(A), JV-221, JV-222, and JV-223 to improve the statewide procedure used to seek juvenile court authorization for administering psychotropic medication to children in out-of-home placements.

Staff: Ms. Aleta Beaupied
Center for Families, Children & the Courts

Item A31

Juvenile Law: Ensuring Foster Children's Educational Rights (amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.650, 5.668, 5.695, and 5.790; adopt rule 5.651; revise forms JV-225, JV-365, JV-535, and JV-536; and approve forms JV-537, JV-538, and JV-539) (Action Required)

The Family and Juvenile Law Advisory Committee recommends that, effective January 1, 2008, the Judicial Council amend rules 5.502, 5.518, 5.534, 5.650, 5.668, 5.695, and 5.790 of the California Rules of Court; adopt rule 5.651; revise forms JV-225, JV-365, JV-535, and JV-536; and approve forms JV-537, JV-538, and JV-539 to assist the juvenile court in performing its oversight role of ensuring that children who are dependents or wards of the juvenile court receive the educational services to which they are entitled under state and federal law.

Staff: Ms. Chantal Sampogna
Center for Families, Children & the Courts

Judicial Administration

Item A32

Judicial Administration: Court Self-Help Centers (adopt Cal. Rules of Court, rule 10.960) (Action Required)

The Task Force on Self-Represented Litigants recommends that the Judicial Council, effective January 1, 2008, adopt rule 10.960 on

administration of court self-help centers. The rule identifies assistance to self-represented litigants as a core court function and sets out a broad basic architecture for the administration of court self-help centers that will ensure that the public continues to be provided with high quality self-help services.

Staff: Ms. Deborah Chase
Center for Families, Children & the Courts

Probate and Mental Health

Item A33

Probate: Qualifications for Membership in the Probate and Mental Health Advisory Committee (amend Cal. Rules of Court, rule 10.44) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the rule of court that states the committee's mission and establishes qualifications for committee membership be amended to clarify certain qualifications for membership and enhance the committee's ability to address important issues in probate and mental health law and practice. The rule would be amended to (1) ensure that at least one court probate investigator is a member of the committee at all times; and (2) increase participation in committee activities of persons knowledgeable in mental health or developmental disability law. These changes would address substantial changes made in recent years in probate conservatorship practice, and would also increase the committee's focus on mental health-related legal issues.

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

Item A34

Probate: Written Notice to Conservatees and Others of the Conservatee's Rights (adopt form GC-341 and approve form GC-341(MA)) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the council adopt and approve Judicial Council forms that would (1) notify and advise a conservatee and his or her close family members of important rights the conservatee retains after the court has appointed a conservator; and (2) help conservators prove to the court that the notice form has been properly mailed. These forms implement a requirement of the Omnibus Conservatorship and Guardianship Reform Act of 2006.

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

Item A35

Probate: Standards for the Good Cause Exception to Notice of Hearing of a Petition for Appointment of a Temporary Guardian or Conservator (adopt Cal. Rules of Court, rules 7.1012 and 7.1062) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the council adopt new rules of court to establish uniform standards for the good cause exception to notice of the hearing on petitions for the appointment of temporary conservators or guardians. These rules would implement requirements of the Omnibus Conservatorship and Guardianship Reform Act of 2006.

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

Item A36

Probate: Additional Surety Bond in Conservatorships and Guardianships to Cover Cost of Recovery on the Bond (adopt Cal. Rules of Court, rule 7.207) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the council adopt a new rule of court to establish the amount of additional surety bond conservators and guardians must furnish to cover the costs of recovery on the bond, including attorney's fees. The proposed rule would establish the amount of additional bond as a sliding scale of percentages of the total value of bondable income and property in the estate and certain public benefit payments to the conservatee or ward. The rule would implement a requirement of the Omnibus Conservatorship and Guardianship Reform Act of 2006.

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

Item A37

Probate: Notices of Changes of Residence of Conservatees and Wards (adopt Cal. Rules of Court, rules 7.1013 and 7.1063; revise form GC-080; adopt form GC-079; and approve forms GC-079(MA) and GC-080(MA)) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the Judicial Council (1) adopt two new California Rules of Court; (2) revise a current Judicial Council form and adopt a new form; and (3) approve two new optional forms, to clarify and implement a new law

that requires written notice to the court and interested persons of moves to new residences made by conservatees or minor children under the care of conservators or guardians appointed by the court. The rules would provide definitions and guidance for conservators and guardians concerning their responsibilities under the new law. The forms would provide the written notices and the means of proving their delivery. This proposal would implement a requirement of the Omnibus Conservatorship and Guardianship Reform Act of 2006.

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

Item A38

Probate: Standards for the Conduct of Conservators and Guardians of Estates and for Determining Compensation of Conservators and Guardians (renumber Cal. Rules of Court, rule 7.756; and adopt rules 7.756, 7.1009, and 7.1059) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt three new rules of court that would establish standards for the conduct of conservators and guardians of estates and for determining reasonable compensation payable to conservators and guardians from the estates of their conservatees and wards. These rules would implement requirements of the Omnibus Conservatorship and Guardianship Act of 2006.

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

Item A39

Probate: Giving Notice of Filing an Inventory and Appraisal, and Objecting to an Inventory and Appraisal (adopt form GC-042; approve forms GC-042(MA) and GC-045) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the council (1) adopt and approve Judicial Council forms to be used to give notice of the filing of an Inventory and Appraisal in a conservatorship or guardianship and instructions on how to object to the inventory as a whole or to one or more appraisals contained in it, and to prove that the notice form has been mailed; and (2) approve a form of objections to an Inventory and Appraisal. These forms would implement a requirement of the Omnibus Conservatorship and Guardianship Reform Act of 2006.

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

Item A40

Probate: Judicial Council Forms for Standard and Simplified Accountings by Conservators and Guardians and a Rule of Court to Govern Their Use (adopt Cal. Rules of Court, rule 7.575; adopt forms GC-400(SUM)/GC-405(SUM), GC-405(A), and GC-405(C); and approve forms GC-400(PH)(1)/GC-405(PH)(1), GC-400(PH)(2)/GC-405(PH)(2), GC-400(AP)/GC-405(AP), GC-400(A)(1), GC-400(A)(2), GC-400(A)(3), GC-400(A)(4), GC-400(A)(5), GC-400(A)(6), GC-400(B)/GC-405(B), GC-400(OCH)/GC-405(OCH), GC-400(NI), GC-400(C)(1), GC-400(C)(2), GC-400(C)(3), GC-400(C)(4), GC-400(C)(5), GC-400(C)(6), GC-400(C)(7), GC-400(C)(8), GC-400(C)(9), GC-400(C)(10), GC-400(C)(11), GC-400(D)/GC-405(D), GC-400(DIST)/GC-405(DIST), GC-400(OCR)/GC-405(OCR), GC-400(NL), GC-400(E)(1)/GC-405(E)(1), GC-400(E)(2)/GC-405(E)(2), GC-400(F)/GC-405(F), GC-400(G)/GC-405(G), and GC-400(A)(C) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt or approve Judicial Council forms for use by conservators and guardians to prepare and file standard and simplified accountings, and adopt a California Rule of Court to define these types of accountings and prescribe the use of the new forms. This proposal would implement a requirement of the Omnibus Conservatorship and Guardianship Reform Act of 2006.

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

Item A41

Probate and Mental Health: Ex Parte Communications in Proceedings Under the Probate Code and in Lanterman-Petris-Short Act Conservatorship Proceedings (adopt Cal. Rules of Court, rule 7.10) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the council adopt a new rule of court that would (1) restrict ex parte communications to the court from parties and attorneys in matters pending in proceedings under the Probate Code and Lanterman-Petris-Short Act conservatorships for the gravely disabled; and (2) prescribe appropriate conduct by the court when ex parte communications are received from persons interested in these proceedings who are not parties. This rule would implement a requirement of the Omnibus Conservatorship and Guardianship Reform Act of 2006.

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

Miscellaneous

Item A42

Miscellaneous Technical Changes to the California Rules of Court and Judicial Council Forms (amend Cal. Rules of Court, rules 2.111, 3.300, 3.512, 3.816, 3.867, 3.924, 3.1203, 4.151, 5.475, 8.112, 10.48, 10.780, and 10.951; revise forms CIV-010, CR-110/JV-790, DE 350/GC-100, DISC-001, EJ-001, FL-342(A), FL-692, FL-935, JV-180, JV-505, MC-300, SUBP-025, and WG-003) (Action Required)

AOC staff recommend making technical and minor substantive changes to miscellaneous rules and forms. These changes are necessary to correct inadvertent omissions, typographical errors, improper formatting, and language inconsistencies, and to clarify the rules and forms at issue.

Staff: Ms. Susan McMullan
Office of the General Counsel

Item A43

Code of Judicial Ethics (amend Cal. Rules of Court, rules 1.3 and 1.4; remove Code of Judicial Ethics) (Action Required)

At the request of the Supreme Court, the staff of the Administrative Office of the Courts recommends that the Code of Judicial Ethics be removed from the California Rules of Court and that publishers be advised to place the code in the supplementary materials in their published volumes of rules in a suitable location preceding other Supreme Court rules, policies, and guidelines. The staff further recommends that rules 1.3 and 1.4 of the California Rules of Court be amended to reflect the removal and relocation of the Code of Judicial Ethics.

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

Item B

Court Facilities Planning: Allocation of Fiscal Year 2007–2008 Funding for the Second Group of 50 (Assem. Bill 159) New Trial Court Judgeships (Action Required)

AOC staff recommends approval of the allocation of one-time and ongoing annual facilities funding in the FY 2007–2008 Budget Act for 46 of the 50 Assembly Bill 159 (Jones) new judgeships. The funding

allocation is based on an allocation of full funding needs to seven new judgeships requiring a below-average allocation to meet facility needs and an equal distribution of remaining funds to 39 new judgeships. These allocations are indicated in columns A, B, and C of the attachment to this report. The council must act on this proposal because it is an allocation of appropriated funds for FY 2007–2008.

Staff: Ms. Kelly Popejoy
Office of Court Construction and Management
Mr. Chris Magnusson
Office of Court Construction and Management

Item C

Collaborative Justice Project: Grant Funding Allocations for Fiscal Year 2007–2008 (Action Required)

The Collaborative Justice Courts Advisory Committee requests authorization to distribute the full allocation, set at \$1,174,478, in California Collaborative and Drug Court Project funds to local jurisdictions in the form of grants distributed through the Collaborative Justice Courts Project. The Budget Act for Fiscal Year 2007–2008 provides for this allocation of \$1,174,478 to California collaborative and drug court projects.

Staff: Ms. Nancy Taylor
Center for Families, Children & the Courts

Item J

Statutory Appointment Under Assembly Bill 900 (Action Required)

Recently enacted Assembly Bill 900, the Public Safety and Offender Rehabilitation Services Act of 2007, creates a three-member panel composed of the State Auditor, the Inspector General, and an appointee of the Judicial Council. The Executive and Planning Committee recommends that the Judicial Council, effective October 26, 2007, appoint William C. Vickrey, the Administrative Director of the Courts, to the three-member panel created by Assembly Bill 900.

Staff: Executive and Planning Committee
Mr. Joshua Weinstein
Office of the General Counsel

Discussion Agenda (Items D–I)

Item D

9:35–10:05 a.m.

Probate Conservatorship Task Force Final Report (Action Required)

This report presents the recommendations of the Probate Conservatorship Task Force that was created by the Chief Justice in January 2006, to review the management of probate conservatorship cases in the state trial courts. After an 18-month review of court practices, including taking of public testimony, researching other jurisdictions, interviewing users of the system, and soliciting comments to its draft report, the task force is requesting that the council accept its final report and direct further action on its recommendations.

Presentation (15 minutes)

Speakers: Hon. Roger W. Boren
Chair, Probate Conservatorship Task Force
Ms. Christine Patton
Bay Area/Northern Coastal Regional Office

Discussion/Council Action (15 minutes)

10:05–10:20 a.m. **BREAK**

Item E

10:20–10:50 a.m.

Probate: Education Requirements for Judicial Officers Assigned to Hear Probate Proceedings; Qualifications and Education Requirements for Probate Court Staff Attorneys, Examiners, and Investigators; and Qualifications and Education Requirements for Counsel Appointed in Conservatorships and Guardianships (amend Cal. Rules of Court, rule 10.462; renumber rule 10.463; amend and renumber rules 10.464 and 10.471; and adopt rules 7.1101, 10.468, 10.478, 10.776, and 10.777) (Action Required)

The Probate and Mental Health Advisory Committee recommends that the council, effective January 1, 2008, adopt new rules of court to (1) establish initial and continuing education requirements for judicial officers assigned to hear proceedings under the Probate Code; (2) establish qualifications and education requirements for court staff investigators, examiners, and probate attorneys; and (3) establish qualifications and continuing education requirements that counsel must meet to be appointed by the court to represent minors, conservatees, and proposed conservatees in probate guardianship and conservatorship matters. These rules implement the Omnibus Conservatorship and Guardianship Reform Act of 2006.

Presentation (15 minutes)

Speakers: Hon. Don Edward Green
Chair, Probate and Mental Health Advisory
Committee

Mr. Douglas C Miller
Office of the General Counsel
Discussion/Council Action (15 minutes)

Item F

10:50–11:30 a.m.

DRAFT Pilot Program and Court-Appointed Counsel (Action Required)

Staff recommends that the council receive the report on court-appointed counsel and the DRAFT Pilot Program and adopt recommendations related to DRAFT expansion, adoption of court-appointed counsel caseload and compensation standards, and court-appointed counsel funding reform.

Presentation (20 minutes)

Speakers: Mr. Lee Morhar
Center for Families, Children & the Courts
Ms. Leah Wilson
Center for Families, Children & the Courts

Discussion/Council Action (20 minutes)

Item G

11:30 a.m.–
12:00 p.m.

Authorization for the AOC to Administer a Joint Powers Authority (JPA) Formed by Counties to Manage Risk Associated With Seismic-related Damage to Seismic Level V Trial Court Facilities (Action Required)

AOC staff, in cooperation with the State-County SB10 Seismic Issues Working Group, recommends the Judicial Council and the counties jointly implement a new, statewide seismic risk management program that will provide the counties with an opportunity to manage collectively the significant seismic risks associated with the Level V Facilities. This agenda item seeks Judicial Council authorization for participation by the AOC in the implementation of this program, which involves forming a joint powers authority (JPA) to allow counties to accumulate funds, based on engineering and actuarial assumptions, for the purpose of funding the counties' financial obligations for seismic-related damage to level V court facilities.

Presentation (15 minutes)

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

Mr. Brad Heinz
Office of the General Counsel
Discussion/Council Action (15 minutes)

12:00–12:30 pm. **LUNCH BREAK**

Item H **Report and Recommendations on Phoenix System**
12:30–1:00 p.m. **(Action Required)**

Presentation (15 minutes)
Speakers: Mr. William C. Vickrey
Administrative Director of the Courts
Mr. Ronald G. Overholt
Chief Deputy Director
Ms. Jody Patel
Northern/Central Regional Office
Discussion/Council Action (15 minutes)

Item I **Recommendations on the Conversion of Subordinate Judicial**
1:00–1:30 p.m. **Officer Positions per AB 159 (Action Required)**

AB 159 provides for the annual conversion of a maximum of sixteen subordinate judicial officer (SJO) positions to superior court judgeships beginning in fiscal year 2007-2008. In order to restore the proper balance between judgeships and SJOs, and to minimize the amount of time that SJO positions eligible for conversion remain vacant, the Administrative Office of the Courts (AOC) recommends a list of vacant SJO positions that should be converted. Because vacancies do not exist at this time to convert all sixteen positions, the AOC will return to the council to seek approval for additional positions to be converted within fiscal year 2007-2008.

Presentation (15 minutes)
Speakers: Ms. Donna S. Hershkowitz
Office of Governmental Affairs
Mr. Dag MacLeod
Executive Office Programs
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]