

b) Amendment to *Form Interrogatories* Definition of the Term INCIDENT (Forms FI-120 and FI-129) (Action Required)

[Tab B]

Staff: Ms. Wendi Berkowitz

The Civil and Small Claims Advisory Committee recommends approval of amendments to the definition section of *Form Interrogatories* (FI-120) and *Form Interrogatories—Economic Litigation* (FI-129).

c) Order for Restitution to Crime Victims (New Form CR-110) (Action Required)

[Tab C]

Staff: Mr. John Toker

The Criminal Law Advisory Committee recommends approving form *Order for Restitution to Crime Victim* (CR-110) to facilitate civil enforcement of criminal restitution orders.

d) Implementation of Criminal Convictions Records Act (Cal. Rules of Court, rule 895) (Action Required)

[Tab D]

Staff: Mr. John Toker

The Criminal Law Advisory Committee recommends implementation of the Criminal Convictions Records Act (Cal. Rules of Court, rule 895) which requires courts to report specified information to the Department of Justice.

e) Amendments to Sentencing Guidelines (Cal. Rules of Court, rule 428) (Action Required)

[Tab E]

Staff: Mr. John Toker

The Criminal Law Advisory Committee recommends approval of an amendment to rule 428(b) to remove limitations on the aggravating factors a court may consider in deciding what term to impose for an enhancement

f) Amendments to Forms Concerning Civil Harassment (CH-100 to CH-150) and *Emergency Protective Order* (CLETS) (1295.90) (Action Required)

[Tab F]

Staff: Ms. Diane Nunn

The Family and Juvenile Law Advisory Committee recommends approval of amendments to Judicial Council Civil Harassment forms to conform to statute and to delete outdated references, and the *Emergency Protective Order* (CLETS) (1295.90) form to add stalking as a basis for issuing an order.

g) Amendments to Rules, Forms, and Standards of Judicial Administration Governing Juvenile Court Proceedings (Cal. Rules of Court, rules 39.3, 201, 240, 1401, 1402, 1421, 1440–1447, 1466, 1470–1478, 1487, 1488, 1493, and 1496; Standards of Judicial Administration, section 23; and Forms *Waiver of Rights* (JV-190), *Order for Prisoner’s Appearance at Hearing* (JV-450), *Petition for Waiver of Parental Consent Re Abortion* (AB-100), *Questionnaire and Declaration of Petitioner* (AB-105), *Confidential Affidavit of Minor* (AB-110), *Declaration Regarding Maturity and Best Interest* (AB-115), *Findings and Orders Re Abortion Without Parental Consent* (AB-120), *Order Authorizing Abortion Without Parental Consent* (AB-125), and *Notice of Appeal* (AB-130) (Action Required)

[Tab G]

Staff: Ms. Diane Nunn

The Family and Juvenile Law Advisory Committee recommends (1) amendments to rules 1401, 1421, 1466, 1487, 1488, 1493, and 1496, and to forms JV-190 and JV-450, to define terms and to conform to recent statutory changes; (2) amendments to rules 201 and 1402 to permit nonsubstantive variances for forms generated by the California State Department of Social Services’ new statewide computerized case management system; (3) an amendment to rule 1422, the repeal of rules 1440–1447 and 1470–1478, and the adoption of rules 1440–1447 and 1470–1476 to clarify and simplify procedures applicable to initial hearings in dependency and delinquency cases; and (4) the repeal of rules 39.3 and 240, Standards of Judicial Administration section 23, and forms AB-100 - AB-130 to conform to the recent decision by the California Supreme Court overturning the parental consent to abortion statute.

h) Amendments to Rules and Forms Applicable to Appellate Review of Juvenile Dependency Proceedings (Cal. Rules of Court, rules 39.1A and 39.1B; and Forms *Denial of Petition Rule 39.1B* (JV-826), *Notice of Action* (JV-828), and *Notice of Intent to File Writ Petition and Request for Record, Rule 39.1B* (JV-820) (Action Required)

[Tab H]

Staff: Ms. Diane Nunn

The Family and Juvenile Law Advisory Committee, Juvenile Law Subcommittee, recommends approval of (1) amendments to rule 39.1A to remove the January 1, 1998, sunset clause, (2) amendments to rule 39.1B to clarify procedures relating to appellate review of orders setting a hearing under Welfare and Institutions Code section 366.26, and (3) new and revised forms for use in appellate review under rule 39.1B.

i) Amendments to Appellate Rules Governing (1) Oral Arguments in the Supreme Court and Court of Appeal; (2) Service of Briefs and Other Documents; and (3) Review of Decisions of the Public Utilities Commission (Cal. Rules of Court, rules 22, 22.1, 40(f), and 58(a)) (Action Required)

[Tab I]

Staff: Mr. Ben McClinton

The Appellate Advisory Committee recommends approval of amendments to appellate rules concerning oral argument in the Supreme Court and court of appeal (Cal. Rules of Court, rule 22 and 22.1), service of briefs and other documents (Cal. Rules of Court, rule 40(f)), and review of decisions of the Public Utilities Commission (Cal. Rules of Court, rule 58(a)).

j) Amendment to Rule Concerning Eligibility Criteria for Attending Traffic Violator School (Cal. Rules of Court, rule 851)

[Tab J]

Staff: Ms. Nzinga Nyagua

The Traffic Advisory Committee recommends approval of a technical amendment to California Rules of Court, rule 851, concerning vehicle code infraction pretrial diversion eligibility criteria for attending traffic violator school.

k) 1998 Revisions to the *California Rules of Court, rule 850, Uniform Bail and Penalty Schedules* (Action Required)

[Tab K]

Staff: Ms. Nzinga Nyagua

The Traffic Advisory Committee recommends approval of the 1997 revisions to the Uniform Bail and Penalty Schedules to bring them into conformance with new legislation and make technical corrections.

l) Adoption of the Uniform Standards of Practice for Providers of Supervised Visitation (Cal. Standards Jud. Admin., § 26.2) (Action Required)

[Tab L]

Staff: Ms. Shelly Danridge

The Family and Juvenile Law Advisory Committee recommends the adoption of California Standards of Judicial Administration, section 26.2, concerning uniform standards of practice for providers of supervised visitation to comply with new legislation.

m) Approval of Technical Amendments to Court Records Management Standards (Action Required)

[Tab M]

Staff: Mr. Frank Darby

Staff recommends approval of technical amendments to court records management standards.

n) Guidelines for Diversion Drug Court Programs (Cal. Standards Jud. Admin., § 36) (Action Required)

[Tab N]

Staff: Ms. Sandy Claire

The Oversight Committee for the California Drug Court Project recommends California Standards of Judicial Administration, section 36 guidelines for diversion drug court programs.

o) Amendments to Standards Concerning Education of Judicial Officers on the Conduct of Voir Dire and of Judicial Officers, Court Staff, and Jury Staff on the Treatment of Jurors (Cal. Standards Jud. Admin., § 8.8) (Action Required)

[Tab O]

Staff: Ms. Catherine Lowe

The CJER Governing Committee recommends amending California Standards of Judicial Administration, section 8.8, to expand standards of education for judicial officers on the conduct of voir dire, and to establish standards for judicial officers, court administrators, and jury staff on the treatment of jurors.

p) Family Law (Child Support Enforcement) Rules and Forms (Cal. Rules of Court, rules 1276, 1285.32, 1285.65, 1299.01, 1299.07, 1299.13, 1299.17, 1299.22, 1299.25, and 1299.43) (Action Required)

[Tab P]

Staff: Mr. Michael Fischer
Mr. George Neilsen

Staff recommends approval of technical and corrective modifications to child support enforcement rules and forms adopted or revised on July 1, 1997.

q) Reimbursement of Costs in Change of Venue Criminal Cases (Cal. Standards Jud. Admin., § 4.2) (Action Required)

[Tab Q]

Staff: Mr. Scott Beseda

The Court Administrators Advisory Committee recommends approval of amendments to section 4.2 of the Standards of Judicial Administration relating to the reimbursement of costs in change of venue criminal cases.

Item 2

**Judicial Council Legislative Guidelines and Precedents
(Action Required)**

[Tab 2]

Staff: Mr. Ray LeBov

The Office of Governmental Affairs recommends adoption of the 1997 restatement of Judicial Council legislative guidelines and precedents.

Item 3

**Approval of Amendments to the Administrative Office of the
Courts Conflict of Interest Code (Action Required)**

[Tab 3]

Staff: Ms. Diane Nunn

Staff recommends approval of amendments to the AOC Conflict of Interest Code to add two new job classifications.

Item 4

**Amendments to Standards of Judicial Administration on the
Court's Duty to Prohibit Bias, Reasonable Accommodation for
Court Personnel, and Time Standards and Persons with
Disabilities (Cal. Standards Jud. Admin., §§ 1, 1.4, and 2.5)
(Action Required)**

[Tab 4]

The Access and Fairness Advisory Committee recommends approval of amendments to California Standards of Judicial Administration to fulfill the Implementation Plan of the Disabilities Subcommittee of the Access and Fairness Advisory Committee.

Staff: Ms. Arline Tyler
Ms. Marlene Smith

Discussion Agenda (Tabs Nos. 5–15)

Item 5

9:00 – 9:20 a.m.

AWARDS

a) Approval of the 1997 Ralph N. Kleps Awards (Action Required)

[Tab A]

The California Judicial Administration Conference Planning Committee recommends approval of the 1997 Ralph N. Kleps award winners.

Presentation (9:00 – 9:05)

Speakers: Hon. Kathleen E. O’Leary

Staff: Mr. Scott Beseda

Discussion/Council Action (9:05 – 9:10)

b) Approval of Distinguished Service Awards for 1997 (Action Required)

[Tab B]

The California Judicial Administration Conference Planning Committee recommends approval of Judicial Council Distinguished Service Award winners.

Presentation (9:10 – 9:15)

Speakers: Hon. Kathleen E. O’Leary

Staff: Ms. Claudia Fernandes

Discussion/Council Action (9:15 – 9:15)

c) Approval of 1997 Chief Justice Special Recognition Award (Action Required)

[Tab C]

The California Judicial Administration Conference Planning Committee recommends approval of the 1997 Chief Justice Special Recognition Award winners.

Presentation (9:15 – 9:20)

Staff: Mr. Scott Beseda

Discussion/Council Action (9:20 – 9:20)

Item 6
9:20 – 9:50 a.m.

**Approval of Adjustments to the Fiscal Year 1997–98
Annualized Allocation Recommendation (Action Required)**
[Tab 6]

Approval of adjustments to the (full-year) Fiscal Year 1997–98 allocation recommendation for the trial courts, based on compilation of actual expenditure data from the trial courts for Fiscal Year 1996–97.

Presentation (9:20 – 9:40)

Speakers: Hon. Steven E. Jahr
Staff: Mr. Jerry Yalon

Discussion/Council Action (9:40 – 9:50)

Item 7
9:50 – 10:30 a.m.

**Approval of Fiscal Years 1997–98 and 1998–99 Trial Court
Coordination Plans (Action Required)**
[Tab 7]

The Trial Court Coordination Advisory Committee recommends approval of fiscal years 1997–98 and 1998–99 trial court coordination plans.

Presentation (9:50–10:05)

Speakers: Hon. John Flaherty
Staff: Ms. Fran Jurcso

Discussion/Council Action (10:05–10:30)

10:30 – 10:45 a.m.

Break

Item 8
10:45–12:00 p.m.

**Approval of Trial Court Coordination Incentives (Action
Required)**
[Tab 8]

The Trial Court Coordination Advisory Committee recommends approval of revised trial court coordination incentives.

Presentation (10:45–11:15)

Speakers: Hon. John Flaherty
Staff: Ms. Fran Jurcso

Discussion/Council Action (11:15–12:00)

12:00 – 12:30 p.m.

Lunch

Item 9

12:30–12:40 p.m.

Amendment to Rule Governing Telephone Appearances (Cal. Rules of Court, rule 298) (Action Required)

[Tab 9]

The Civil and Small Claims Advisory Committee recommends approval of amendments to California Rules of Court, rule 298, concerning telephone appearances in nonevidentiary law and motion hearings, probate hearings, and conferences.

Presentation (12:30–12:35)

Speakers: Hon. Owen Kwong

Staff: Ms. Wendi Berkowitz

Discussion/Council Action (12:35–12:40)

Item 10

12:40–12:50 p.m.

Trial by Declaration for Traffic Infractions (Cal. Rules of Court, rule 828 and forms TR-200, TR-205, TR-210, TR-215, TR-220, and TR-225) (Action Required)

[Tab 10]

The Traffic Advisory Committee recommends approval of California Rules of Court, rule 828, and related mandatory forms concerning trials by written declaration for traffic infractions.

Presentation (12:40–12:45)

Speakers: Hon. Glenn Mahler

Staff: Ms. Nzinga Nyagua

Discussion/Council Action (12:45–12:50)

Item 11
12:50–1:00 p.m.

Amendment to Rule Governing the Judicial Council Traffic Advisory Committee (Cal. Rules of Court, rule 1034) (Action Required)

[Tab 11]

The Traffic Advisory Committee recommends approval of amendments to California Rules of Court, rule 1034, to clarify the role, mission, and membership of the Judicial Council Traffic Advisory Committee.

Presentation (12:50–12:55)

Speakers: Hon. Glenn Mahler
Staff: Ms. Nzinga Nyagua

Discussion/Council Action (12:55–1:00)

Item 12
1:00–2:30 p.m.

Proposals for Inclusion in the Judicial Council’s 1998 Sponsored Legislation Program (Action Required)

[Tab 12]

The Policy, Coordination and Liaison Committee recommends approval of legislative proposals for inclusion in the 1998 Judicial Council-sponsored legislation program.

Presentation (1:00 – 1:45)

Speaker: Hon. Marvin R. Baxter
Staff: Mr. Ray LeBov

Discussion/Council Action (1:45 – 2:30)

2:30–2:45 p.m.

Break

Item 13
2:45–3:00 p.m.

New Rule Concerning Questions of State Law Certified by Federal Appellate Courts and Other Courts (Cal. Rules of Court, rule 29.5) (Action Required)

[Tab 13]

The California Supreme Court and Appellate Advisory Committee recommends the approval of a new rule to establish a procedure for the California Supreme Court to answer questions of state law certified to it by the Supreme Court of the United States, a United States Court of Appeals, or the court of last resort of any state, territory, or commonwealth.

Presentation (2:45–2:55)

Staff: Ms. Linda McCulloh
Mr. Starr Babcock

Discussion/Council Action (2:55–3:00)

Item 14
3:00–3:15 p.m.

New and Amended Standard, Rules, and Forms Governing Small Claims (Cal. Standards Jud. Admin., sec. 16.7; Cal. Rules of Court, rule 982.7(a), Chapter 3, Small Claims Temporary Judges; and Forms SC-100, SC-120, SC-130, SC-133, SC-134, and SC-150) (Action Required)

[Tab 14]

The Civil and Small Claims Advisory Committee recommends approval of adding Chapter 3 to “Division IV Rules for Small Claims Actions” and *Small Claims Temporary Judges*; and adopting new Standards of Judicial Administration, section 16.7, *Submitted Small Claims Cases*; and the following forms: *Plaintiff’s Claim and Order to Defendant (SC-100)*; *Defendant’s Claim and Order to Plaintiff (SC-120)*; *Notice of Entry of Judgment (SC-130)*; and *Judgment Debtor’s Statement of Assets (SC-133)*; *Order to Appear for Examination—Small Claims (SC-134)*; and *Information for Plaintiff (SC-150)*.

Presentation (3:00–3:10)

Staff: Ms. Cara Vonk

Discussion/Council Action (3:10–3:15)

Item 15
3:15–3:45 p.m.

**Status Report on Senate Constitutional Amendment 4:
Trial Court Unification (No Action Required)**

[Tab 15]

The SCA 4 Implementation Working Group provides a status report on their review of statutory changes necessary to implement SCA 4 if it passes.

Presentation (3:15–3:35)

Staff: Ms. Cara Vonk
Mr. Anthony Williams

Discussion/Council Action (3:35–3:45)

3:45–4:15 p.m.

EXECUTIVE SESSION

Information Agenda

Circulating Orders Approved Since Last Business Meeting

Judicial Council Appointment Orders Since Last Business Meeting

Advisory Committee and Task Force Status Reports:

• **Access and Fairness**

Access for Persons with Disabilities Subcommittee Compliance
Review of Testing Entities for Certifying Court Interpreters for
the Hearing Impaired Status Report

• **Civil and Small Claims**

Small Claims Improvement Projects—Web Site