JUDICIAL COUNCIL MEETING
Minutes of the April 24, 2009, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:40 a.m. on Friday, April 24, 2009, at the Administrative Office of the Courts (AOC) in San Francisco, California.

Judicial Council members present: Chief Justice Ronald M. George; Justices Marvin R. Baxter, Tani Cantil-Sakauye, Brad R. Hill, and Richard D. Huffman; Judges George J. Abdallah, Jr., Lee Smalley Edmon, Peter Paul Espinoza, Terry B. Friedman, Carolyn B. Kuhl, Thomas M. Maddock, Dennis E. Murray, Winifred Younge Smith, Sharon J. Waters, and James Michael Welch; Mr. Raymond G. Aragon, Mr. Anthony P. Capozzi, and Mr. William C. Vickrey; advisory members: Judges Kenneth K. So and Mary E. Wiss; Commissioner Lon F. Hurwitz; Mr. Michael D. Planet and Mr. Michael M. Roddy.

Absent: Senator Ellen M. Corbett and Assembly Member Mike Feuer; Mr. Joel S. Miliband and Mr. James N. Penrod.

Others present included: Visitors from the Hashemite Kingdom of Jordan and their delegation: Chief Justice Ismail Saleh Mustafa Al Omari; Judges Basel Mohammed Mosleh Abuanzeh, Muhammad Matrouk Al Ajarmeh, Fayez Jiries Mas'd Hamarneh, Yousef Hmoud, and Hani A. J. Qaqish; Krayyem Abed Ali Tarrawneh and Zaid Khalaf Al Talafeeh; Qais Jabarin and George Kara'a; Ms. Liliani Khohry and Ms. Hanadi Thomas; Mr. William E. Davis, Ms. Annaa Sedman, Ms. Rebecca Silva, and Mr. Sergio Zegarra. Also Justices Judith D. McConnell and Ronald B. Robie; Judge Cynthia Ann Ludvigsen; Ms. Ashlie Barrall, Mr. Philip Brozenick, Ms. Guiselle Espinoza, Mr. Jonathan Estrin, Ms. Liya Getachew, Ms. Glenda Gomez, Ms. Jasmine Huff, Mr. Gaspare Ingargiola, Mr. David Iniguez, Ms. Beth Jay, Ms. Barbara Kauffman, Ms. Claire LaVaute, Ms. Willa Lin, Ms. Luan Mai, Ms. Christine O'Malley, Ms. Narineh Panosian, Ms. Kathleen Russell, Mr. Johann Stauss, Ms. Stephanie Wong, Ms. Tiffany Wong, and Mr. Sam Zelver; **staff:** Ms. Tara Agenese, Mr. Peter Allen, Mr. Nick Barsetti, Ms. Deirdre Benedict, Ms. Abigail Birnbaum, Mr. Dennis Blanchard, Ms. Deborah Brown, Ms. Ayanna Cage, Ms. Sheila Calabro, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Mr. Curtis L. Child, Ms. Nicole Claro-Quinn, Ms. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Kurt Duecker, Mr. Mark W. Dusman, Ms. Lura Dymond, Mr. Robert Emerson, Mr. Ernesto V. Fuentes, Mr. David Glass, Mr. Joe Glavin, Mr. Ruben Gomez, Ms. Pat Haggerty, Ms. Hilary Hehman, Ms. Donna Hershkowitz, Ms. Lynn Holton, Mr. Kenneth L. Kann, Mr. Gary Kitajo, Ms. Maria Kwan, Mr. John Larson, Ms. Althea Lowe-Thomas, Mr. Barry Lynch, Mr. Dag MacLeod, Mr. Briggs Matheson, Ms. Angela McIsaac, Ms. Susan McMullan, Mr. Frederick G. Miller, Mr. Stephen Nash, Mr. Ronald G. Overholt, Ms. Jody Patel, Ms.

Christine Patton, Mr. Christopher Rey, Ms. Jacquie Ring-Salguero, Ms. Mary M. Roberts, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Teresa Ruano, Ms. Marlene Smith, Mr. Curt Soderlund, Ms. Nancy E. Spero, Mr. Jim Vesper, Ms. Karen Viscia, Mr. Tony Wernert, Ms. Jill Whelchel, Mr. Lee Willoughby, and Ms. Josely Yangco-Fronda.

Visitors From the Kingdom of Jordan
The Chief Justice welcomed His Excellency, Chief Justice Ismail Saleh Mustafa Al Omari and other jurists from the Hashemite Kingdom of Jordan. The delegation was in California with the U.S. Agency for International Development to work with various judicial institutions and study, among other things, complex case management and alternative dispute resolution. Chief Justice Omari presented Chief Justice George with an honorary plaque from the Judicial Council of Jordan.

Visitors From JusticeCorps
The Chief Justice welcomed participants of the JusticeCorps program. The JusticeCorps is a unique program that is a collaborative effort between the AOC, superior courts, University of California, California State University, and various community-based service providers. The program trains university students from Los Angeles County, the Bay Area, and San Diego to serve in court-based self-help centers under the supervision of attorneys.

Hon. Richard D. Huffman Honored
The Chief Justice announced that in March council member Justice Richard D. Huffman was one of this year's four recipients of the Law Library Justice Foundation of San Diego's Bernard E. Witkin, Esq. Award. This award honors persons from the San Diego legal and judicial community for civic leadership and excellence in the teaching, practice, enactment, or adjudication of the law.

"Day in the Life of the Courts" Photography Exhibit
The Chief Justice announced that a "Day in the Life of the Courts" photography exhibit is now on display in the Judicial Council Conference Center reception area. Each year, photographs from a different superior court are rotated into this exhibit. The photos now on exhibit are those of the Superior Court of San Francisco County. The exhibit is a collaborative effort of the AOC and the particular court photographed, capturing the diversity of its activities and the drama in everyday occurrences. Chief Justice George expressed his appreciation to Mr. Gordon Park-Li, executive officer of the Superior Court of San Francisco County, and the judges and commissioners who agreed to be photographed for the exhibit.

Public Comment Related to Trial Court Budget Issues
Chief Justice George noted that no requests to address the council had been received.

Approval of Minutes
The minutes of the December 9, 2008, business meeting were approved.

Judicial Council Committee Presentations
The minutes of the meetings of the Judicial Council's internal committees—the Executive and Planning Committee, Rules and Projects Committee, and Policy Coordination and Liaison Committee—can be found in the Committee Reports tab in the Judicial Council binders. The minutes are also linked to the Judicial Council Committee Presentations title on the business meeting agenda, which is posted on the California Courts Web site at *www.courtinfo.ca.gov/jc/meetings.htm.*

Executive and Planning Committee
Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met seven times since the March 12, 2009, Judicial Council meeting: by teleconference on March 23, March 26, April 1, April 10, and April 20 and in person on April 22 and 23.

Justice Huffman reported that on March 23 the committee reviewed and commented on the draft version of the Site Selection and Acquisition Policy for Judicial Branch Facilities, prior to the policy being posted for public comment.

On March 26, the committee, acting on behalf of the Judicial Council between meetings under rule 10.11(d) of the California Rules of Court, canceled the Judicial Council–sponsored portion of the 2009 California Bench Bar Biannual Conference scheduled for September 9–11, 2009, in San Diego, due to present financial circumstances in California.

On April 1, the committee began the process of agenda-setting for the April 24 council meeting.

E&P also acted on behalf of the council to confirm action on several subordinate judicial officer (SJO) positions. The committee exempted from conversion to a judgeship a currently vacant SJO position in the Superior Court of Kern County. It confirmed the conversion of a vacant SJO position in the Superior Court of Santa Barbara County, effective July 1, 2009, as part of the conversions authorized by the FY 2009–2010 Budget Act. That conversion is subject to the Judicial Council filing the notice to the Legislature required by Government Code section 69615. Until a judge is named and sworn in for this position, the court may fill this position with a retired commissioner.

E&P also agreed to recommend to the Judicial Council that the council make modifications to its SJO conversion policy adopted in December 2007. A report containing those recommendations is included as Item H on today's agenda.

On April 10, the committee met to review the draft guidelines on court-funded supplemental judicial benefits. Justice Marvin R. Baxter and Presiding Judge Dennis E. Murray, chairs of two other internal committees of the Judicial Council, were invited to this meeting. In consultation with the Administrative Director of the Courts, Mr. William C. Vickrey, E&P reviewed and suggested revisions on the draft guidelines; set this matter on the April 24, 2009, business meeting agenda; and requested that staff seek public comment to conclude on April 20, 2009, and return to E&P on April 23 with a draft report to the Judicial Council, including and considering the comments received.

On April 22, E&P reviewed the 2009 annual advisory committee and task force agendas with the chairs, vice-chair, and principal staff of the 9 committees and task forces for which Chief Justice George has assigned oversight to E&P.

Lastly, on April 23, E&P reviewed and approved the draft report to the council on court-funded supplemental judicial benefits and finalized the agenda for the April 24, 2009, business meeting.

Policy Coordination and Liaison Committee
Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met twice since the March 12, 2009, Judicial Council meeting.

Justice Baxter reported that PCLC took positions on 15 pieces of legislation relating to civil and small claims, criminal law, family law, probate conservatorships, traffic violator schools, judicial officers, trial court operations, debt collection, and restitution.

In addition, one piece of legislation was approved for council sponsorship. The legislation dealt with a pilot project for providing court interpreters in civil matters.

The legislative deadline for policy committees to hear and report bills introduced in their house is May 15, and the deadline to pass bills out of the house of origin is June 5.

Eight council-sponsored bills continue to move through the Legislature.

On March 10, 2009, the Judicial Council hosted the 15th annual Judicial–Legislative–Executive Forum at the State Capitol. The forum is an informational event for legislators, the Governor, and executive branch officials and provides them with an opportunity to talk with judges and bar leaders from around the state. As in the past, the forum took place in conjunction with the Chief Justice's State of

the Judiciary address to the Legislature. The Bench-Bar Coalition's Day in Sacramento event occurred the following day, March 11, when bench and bar leaders met with legislators on issues of critical importance to the judicial branch, including budget, judgeships, foster care, and Judges' Retirement System II.

Rules and Projects Committee
Presiding Judge Dennis E. Murray, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met five times since the March 12, 2009, Judicial Council meeting.

On March 18, RUPRO met by telephone to consider several proposals for consideration by the council. RUPRO recommends approval of these proposals, which are items A2, A4, and A5 on today's consent agenda.

RUPRO met by telephone on March 27 to consider several additional proposals for council consideration. This meeting included a review of a joint proposal from the Civil and Small Claims Advisory Committee, Appellate Advisory Committee, and Family and Juvenile Law Advisory Committee for proposed rules and forms to implement a new statutory scheme for fee waivers, which would go into effect on July 1. RUPRO recommends approval of that proposal and the additional proposals it reviewed on March 27, which are items A1, A3, and B on today's consent agenda.

On April 2, RUPRO met by telephone to review proposed revisions to the civil jury instructions. RUPRO recommends approval of this proposal, which is item D on today's consent agenda.

On April 15, RUPRO met in person to review one task force annual agenda and 47 proposals to circulate for public comment in the spring 2009 rules cycle. RUPRO approved for public circulation 45 proposals, which are currently out for comment until June 17. Following public circulation and further review by the advisory committees and RUPRO, these proposals are expected to come before the Judicial Council at the October 2008 business meeting.

Lastly, on April 22, RUPRO met in person to review annual agendas and updates from 11 advisory committees and task forces overseen by RUPRO and to discuss the advisory groups' work with their chairs and principal staff. RUPRO approved the annual agendas.

Administrative Director's Report
Mr. William C. Vickrey reported on the following matters, which occurred since the last council meeting.

- Mr. Vickrey provided a recap of the April meeting in which he met with presiding judges; administrative presiding justices; Judicial Council representatives; Judge Mary E. Wiss, president of the California Judges Association (CJA); and Mike Belote, CJA advocate, to review the implications of legislative decisions reached in an extraordinary session to pass the State Budget on February 19, 2009. The meeting focused on the anticipated impacts of the Legislature's decision to defer the appropriation for the courthouse revenue bond needed to finance courthouse construction projects that are now pending. (Mr. Vickrey noted that the council will consider appellate court facility projects separately, as part of the next five-year trial court capital outlay plan in the near future.) Also discussed at the meeting was the Legislature's decision to continue the current system of county-provided supplemental judicial benefits with the passage of SBX2 11, a measure that preserves local supplemental judicial benefits as they were in place July 1, 2008, and also directed the Judicial Council to prepare an analysis of the existing disparities in local judicial benefits for the Legislature by December 31, 2009.

Regarding court facilities, Mr. Vickrey remarked that the AOC Office of Court Construction and Management, under the leadership of Mr. Ronald G. Overholt and Mr. Lee Willoughby, continues work on the transfer agreements assigning county courthouses to state responsibility; 501 courthouses have been transferred with 33 remaining for completion in the months to come. The Long Beach Courthouse, a Performance-Based Infrastructure project, has attracted preliminary interest from three firms, which will be asked to submit formal proposals in response to the AOC's upcoming request for proposals. On an additional note, the Superior Court of Sonoma County's new Civil and Family Law Courthouse opened its doors to the public on April 6, 2009. Mr. Vickrey, Mr. Overholt, and others from the AOC participated in the dedication of the new courthouse, which features six courtrooms and totals 36,550 square feet in size.

The AOC Office of Court Research, in partnership with Hastings College of the Law and the Federal Judicial Center, has produced the first of a series of studies on class action litigation in California. The study provides the first strong, substantive information on California class actions, the growth of these cases, and the impact of the Class Action Fairness Act passed by Congress, which has had minimal effect on California's workload.

Mr. Vickrey also announced that the State Justice Institute would soon vote on a request for grant funding made by Roger Warren to fund an evidence-based sentencing pilot project that is jointly sponsored by the AOC and the Chief Probation Officers of California, named the California Risk Assessment Pilot Project (RAPP). If approved, the grant funding will be combined with funding provided by the National Institute of Corrections to fund the total cost of the project. The purpose of the RAPP is to

demonstrate the effectiveness of the use of risk assessment tools in reducing recidivism.

In closing, Mr. Vickrey summarized the development of an educational partnership between the Institute of Court Management (ICM) of the National Center for State Courts (NCSC) and seven states, including California. The ICM has certified court leaders in each participating state to teach several ICM courses that are part of the certification requirements for the institute's Court Managers Program and Court Executive Development Program. The courses will be available locally to non-judicial court personnel and will be a more cost-effective way for courts to participate in the programs with the elimination of out-of-state travel expenses.

Mr. Vickrey indicated he would be happy to respond to any questions. There being none, his report was concluded.

Chief Justice's Report

Chief Justice George reported on the activities in which he had been involved since the last Judicial Council meeting.

The Chief Justice reported on recent liaison meetings he conducted with two statewide organizations: a meeting with the president of the California State Bar and State Bar leadership to review matters of common interest and one with the California State Association of Counties (CSAC), which Justice Marvin R. Baxter also attended. The Chief Justice expressed his appreciation for the level of mutual cooperation between the council and the CSAC, which has resulted in significant structural changes in the judicial branch, relieving the counties of much of the necessity for direct involvement in the court system. The Chief Justice complimented the counties for their partnership role. He reported that county representatives were pleased to be relieved of the responsibility for 501 of their 534 facilities, now managed under the direction of Mr. Lee Willoughby, director of the AOC Office of Court Construction and Management, and other AOC staff.

The Chief Justice cited a number of speaking engagements that he attended since the last meeting. They included a role in the presentation of the San Francisco Bar Volunteers and Legal Services Awards; his acceptance of an award from the Asian Law Alliance; a speaking engagement before the Appellate Law Librarians; one before the American Business Trial Lawyers, where he fielded an hour of questions and answers with retired Justices Charles S. Vogel and Miriam A. Vogel; and his acceptance of an award from the Los Angeles Law Library Foundation, where he also provided an update on the council's activities. He also attended a ceremony celebrating the completion of a set of oral histories provided by four retired Supreme Court Justices for the California Supreme Court Oral History Project. On April 7, the California Supreme Court Historical Society and the current Supreme Court justices

honored former Supreme Court Chief Justice Malcolm M. Lucas, and former justices Edward A. Panelli, John A. Arguelles, and Armand Arabian for their participation in the oral history project which centers on justices appointed to the Court by Governor Deukmejian. UC Berkeley's Institute of Governmental Studies administered the project while the histories will be archived at the university's Bancroft Library.

On April 17, the Chief Justice was invited to the Superior Court of Los Angeles County for a tour of the court's self-help center and Justice Corps program. The invitation included a speaking engagement to address an annual seminar for the Civil Division judges of the superior court. Approximately 200–250 judges attended the event. The Chief Justice shared updates on matters receiving the council's recent attention in addition to the council's legislative agenda in Sacramento and responded to questions.

The Chief Justice referenced a series of budget discussions that he attended with AOC Chief Deputy Director Ronald G. Overholt and AOC Office of Governmental Affairs Director Curtis L. Child for coordinating a response to the proposed cuts in the trial courts' operating budgets. They met with the Governor and legislative leaders in Sacramento, including Susan Kennedy, the Governor's Chief of Staff; Speaker of the Assembly Karen Bass; President pro Tem of the Senate Darrell Steinberg; Senate Republican Leader Dennis Hollingsworth; Assembly Republican Leader Mike Villines; Senator Denise Moreno Ducheny, chair of the Senate Budget Committee; Assembly Member Noreen Evans, chair of the Assembly Budget Committee; and Senator Tom Harman, vice-chair of the Senate Judiciary Committee.

The Chief Justice also discussed the Judges' Retirement System II with the Governor and his staff, emphasizing the need for a permanent solution to achieve statewide parity in judicial benefits. Despite the near-term solution introduced with the passage of SBX2 11, it is still necessary to remain focused on the long-term objective of reducing disparities. He noted that he will travel with Administrative Director of the Courts William C. Vickrey, Chief Deputy Director Ronald G. Overholt, and Office of Governmental Affairs Director Curtis L. Child to Washington, D.C. next month in an effort to seek federal stimulus money for some of California's statewide public safety needs, including funds to cover the estimated $68 million shortfall in security funding and the completion of the California Court Case Management System (CCMS). CCMS can improve public safety and security through the statewide tracking of warrants, restraining orders, and conditions on firearms use, as well as other public safety measures.

Also discussed with legislators and the Governor's Chief of Staff were fee increases to offset some of the cutbacks in the judicial branch budget, under review by the Legislature. These included both the Governor's proposal for a $7 increase in the security fee levied by courts and a post-judgment fee to be imposed in civil cases for

security costs. The Chief Justice remarked that while the shortfall in court security funding worsens, the Governor's office understands and acknowledges the urgency of the need to address court security. The Governor's office, however, is opposed to any new programs and any new requests for funding due to the current budget circumstances. The Stockton courthouse security breach in March, during which a judge was injured by a defendant, is the most recent example of the dangers at stake. Further underscoring this priority, the Chief Justice cited a 2009 report by the Superior Court of Los Angeles County, indicating that tens of thousands of weapons are recovered at screening sites in the 50 Los Angeles County court facilities every year.

This concluded the Chief Justice's report.

Presentation on Law-Related Education Web Site and Collaboration With the Constitutional Rights Foundation

Administrative Presiding Justice Judith D. McConnell, a member of the Commission for Impartial Courts Steering Committee and chair of the commission's Task Force on Public Information and Education; Ms. Karen Viscia, AOC Executive Office Programs Division; and Mr. Jonathan Estrin, president, Constitutional Rights Foundation, made a presentation and showed excerpts of episodes from Courts in the Classroom, a newly completed law-related education Web site. The Web site is a series of online animated graphic novels designed to interest and teach youths about the role of the judicial branch and our system of democracy. The stories are all about youth or subjects that youths care about, with a unique way of making the subject matter relevant to the lives of young people.

The Constitutional Rights Foundation is a nonprofit, nonpartisan, community-based organization dedicated to educating America's young people about the importance of civic understanding and participation in a democratic society. The foundation develops, produces, and distributes programs and materials to teachers and students and will be working with the AOC to expand the Courts in the Classroom Web site as well as to develop other programs and materials that will better educate the public on the judicial branch.

Chief Justice George asked if there were any questions and there were none.

CONSENT AGENDA (Items A1–A5, B–F)

ITEM A RULES, FORMS, AND STANDARDS

Family and Juvenile Law

Item A1 Family Law: Protection for Specified Animals (revise Judicial Council forms DV-100, DV-110, DV-120, DV-130, DV-170, DV-210-INFO, and DV-510-INFO)

The Family and Juvenile Law Advisory Committee recommended that the Judicial Council, effective July 1, 2009, revise the specified Domestic Violence Prevention Act forms to conform with recently enacted legislation extending protection orders to specified animals.

Council action
The Judicial Council, effective July 1, 2009, revised the following forms:

1. DV-100, *Request for Order;*
2. DV-110, *Temporary Restraining Order and Notice of Hearing;*
3. DV-120, *Answer to Temporary Restraining Order;*
4. DV-130, *Restraining Order After Hearing (Order of Protection);*
5. DV-170, *Other Orders;*
6. DV-210-INFO, *What Is "Proof of Service"?;* and
7. DV-510-INFO, *I Filled Out the Forms—What Now?*

Item A2 Family Law: Summary Dissolution (revise forms FL-800 and FL-810)

The Administrative Office of the Courts, Center for Families, Children & the Courts, recommended that the Judicial Council, effective July 1, 2009, revise forms FL-800 and FL-810 to promote compliance with Family Code section 2400. This particular statute concerns the eligibility of parties to file summary dissolution of marriage actions. Under the statute, on January 1 of each odd-numbered year, the Judicial Council is required to adjust and publish the dollar limitations for summary dissolution relating to community property unpaid obligations and community and separate property assets. The Judicial Council publishes the adjusted limits in the *Joint Petition for Summary Dissolution of Marriage* (form FL-800) and *Summary Dissolution Information* (form FL-810).

Council action
The Judicial Council, effective July 1, 2009, revised forms FL-800 and FL-810, to reflect adjusted amounts for community property unpaid obligations under Family Code section 2400(a)(6) and community and separate property assets under Family Code section 2400(a)(7).

Fee Waiver

Item A3 Civil and Appellate Fee Waiver Rules and Forms (adopt Cal. Rules of Court, rules 3.57 and 8.26; amend rules 1.31, 3.50, 3.51, 8.100, 8.122, 8.128, 8.818, 8.821, 8.832, and 8.833; repeal rules 3.52, 3.53, 3.54, 3.55, 3.58, and 3.59; amend and renumber rules 3.56, 3.57, 3.60, 3.61, 3.62, and 3.63 as rules 3.52, 3.53, 3.54, 3.55,

3.56, and 3.58, respectively; revoke Judicial Council form FW-004; revise forms FW-001, FW-001-INFO, FW-002, FW-003, FW-005, FW-006, CIV-110, SUM-100, SUM-110, SUM-120, SUM-130, SUM-140, SUM-145, FL-110, APP-101-INFO, and APP-103; and adopt forms FW-007, FW-008, FW010, FW-011, FW-012, FL-336, FL-337, FL-338, APP-015/FW-015-INFO, and APP-016/FW-016)

The Legislature has enacted a new law, Assembly Bill 2448 (Feuer) (Stats. 2008, ch. 462), to govern the grant of an initial fee waiver and the process for subsequent recovery of the waived fees in appropriate cases. The resulting fee waiver statutes were developed and sponsored by the Judicial Council in an effort to balance the court's fiscal responsibility with the need to ensure access to justice for those without the means to pay court fees. This proposal included new and revised forms to be used by parties and the courts to implement this new statutory scheme, which becomes operative July 1, 2009. The proposal also recommended amending the rules of court to reflect the changes in the law and to repeal those rules that are now included in statutory provisions.

Council action
The Judicial Council, effective July 1, 2009:

1. Adopted new rules 8.26 and 3.57 of the California Rules of Court; amended rules 1.31, 3.50, 3.51, 8.100, 8.122, 8.128, 8.818, 8.821, 8.832, and 8.833; repealed rules 3.52, 3.53, 3.54, 3.55, 3.58, and 3.59; and amended and renumbered rules 3.56, 3.57, 3.60, 3.61, 3.62, and 3.63 as rules 3.52, 3.53, 3.54, 3.55, 3.56, and 3.58;

2. Revised the following forms:
   a. *Request to Waive Court Fees* (form FW-001);
   b. *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO);
   c. *Request to Waive Additional Court Fees (Superior Court)* (form FW-002);
   d. *Order on Court Fee Waiver (Superior Court)* (form FW-003);
   e. *Notice: Waiver of Court Fees (Superior Court)* (form FW-005);
   f. *Request for Dismissal* (form CIV-110);
   g. *Summons* (form SUM-100);
   h. *Summons—Cross-Complaint* (form SUM-110);
   i. *Summons (Joint Debtor)* (form SUM-120);
   j. *Summons—Unlawful Detainer—Eviction* (form SUM-130);
   k. *Summons—Storage Lien Enforcement* (form SUM-140);
   l. *Summons—Enforcement of State Housing Law* (form SUM-145);

m. *Summons (Family Law)* (form FL-110);
n. *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO); and
o. *Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103);

3. Adopted the following mandatory forms:
   a. *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006);
   b. *Notice on Hearing About Court Fees* (form FW-007);
   c. *Order on Court Fee Waiver After Hearing (Superior Court)* (form FW-008);
   d. *Notice to Court of Improved Financial Situation or Settlement* (form FW-010);
   e. *Notice to Appear for Reconsideration of Fee Waiver* (form FW-011);
   f. *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court)* (form FW-012);
   g. *Order to Pay Waived Court Fees and Costs (Superior Court)* (form FL-336);
   h. *Application to Set Aside Order to Pay Waived Court Fees—Attachment* (form FL-337);
   i. *Order After Hearing on Motion to Set Aside Order to Pay Waived Court Fees (Superior Court)* (form FL-338); and
   j. *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO);

4. Approved the optional form *Order on Court Fee Waiver (Court of Appeal or Supreme Court)* (form APP-016/FW-016); and

5. Revoked the current *Order on Application for Waiver of Additional Court Fees and Costs* (form FW-004).

Probate

Item A4 Probate: Changes in Judicial Council Forms to Provide Required Information on Professional Fiduciaries as Proposed Conservators or Guardians (revise forms GC-310 and GC-314, GC-210 and GC-212; adopt form GC-210(A-PF)/GC-310(A-PF)

The Probate and Mental Health Advisory Committee recommended that the Judicial Council, effective July 1, 2009, (1) revise the petitions for the appointment of general conservators and guardians and the confidential screening forms for persons proposed for these appointments to add requests for information about professional fiduciaries required by recent changes in the law and to delete requests for information made

obsolete by those changes; and (2) adopt a new form as an attachment to the conservatorship and guardianship petitions to enable professional fiduciaries to promptly and easily provide the new information in a consistent manner throughout the state. These changes would implement changes in the law effective January 1, 2009.

Council action
The Judicial Council, effective July 1, 2009:

1. Revised the *Petition for Appointment of Probate Conservator* (form GC-310), the *Confidential Conservator Screening Form* (form GC-314), the *Petition for Appointment of Guardian of Minor* (form GC-210), and the *Confidential Guardian Screening Form* (form GC-212) to request information required of professional fiduciaries under the Professional Fiduciaries Act and Probate Code sections 1821 and 2340; and
2. Adopted a new mandatory form, *Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator* (form GC-210(A-PF)/GC-310(A-PF)) for professional fiduciaries to use to provide the information required of them in support of their appointment in both guardianships and conservatorships.

Miscellaneous

Item A5 Rules and Forms: Miscellaneous Technical Changes (amend Cal. Rules of Court, rules 2.260, 5.175, 8.486, 8.860, 8.862, 8.863, 8.869, 8.916, 8.1010, and 8.1105; and revise forms CR-135, CR-161, CR-290, CR-290.1, CR-292, INT-110, MC-025, SUBP-002, TR-INST, and WG-002.

AOC recommended making technical and minor substantive changes unlikely to create controversy 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.

Council action
The Judicial Council, effective April 24, 2009:

1. Revised form TR-INST, section 5.010 on page 5, to clarify and expressly state that the formatting of court location and phone number information on notice to appear forms may be modified to allow inclusion of information for multiple courts.

The Judicial Council made the following changes to the California Rules of Court and Judicial Council forms, effective July 1, 2009:

2. Amended rule 2.260(f)(1) to correct a reference from Code of Civil Procedure section "1013(a)" to "1013a";
3. Amended rule 5.175(b) to correct a rule reference from 232.5 to 3.1591;
4. Amended rule 8.486(b)(3)(A) to change "the petitioner's arguments" to "the parties' arguments";
5. Amended rules 8.860(b), 8.862(c), and 8.863(c) to change references to "the People" and "prosecuting attorney" to "respondent" and further amended rule 8.860(b) to delete the reference to "counsel for the appellant" because there is already a reference to "the appellant";
6. Amended rules 8.869(c)(1) and 8.916(c)(1) to change references to "appellant" to "defendant";
7. Amended rule 8.1010 to correct rule references from rules "8.753–8.761" and "8.783–8.785," which were repealed, to "8.830–8.843, 8.860–8.873, or 8.910–8.923";
8. Amended rule 8.1105(f)(1) to correct a rule reference from "8.707," which was repealed, to "8.887";
9. Revised form CR-135, item 1b, to add "State Bar number";
10. Revised form CR-161 to delete an advisement below the caption mistakenly added during the most recent revisions of the form;
11. Revised forms CR-290, CR-290.1, and CR-292—the criminal abstracts of judgment—to add the criminal conviction assessment required by recently enacted Government Code section 70373 (Sen. Bill 1407) and to delete an order to obtain DNA samples made obsolete by Penal Code section 296(a)(2)(C), which requires that, starting January 1, 2009, the samples be obtained at the time the defendant is first arrested for, or charged with, a felony;
12. Revised form INT-110, item 2d, to add "states" after "Give";
13. Revised form MC-025 to replace "Page 1 of 1" in the bottom right corner with "Page __ of __" and to delete line numbers; and
14. Revised form SUBP-002, item 3b, to correct "sea]" to "seal" and to correct the request for accommodation from "five court days" to "five days" in accordance with Civil Code section 54.8(a).

The Judicial Council made the following change to a Judicial Council form, effective July 24, 2009:

15. Revised form WG-002 to reflect the increase of the federal minimum wage from $6.55 to $7.25 per hour.

Item B **Alternative Dispute Resolution: Extend Effective Date of New and Amended Rules on Requirements for Addressing Complaints About Court-Program Mediators (Cal. Rules of Court, rules 3.865–3.872)**

The Administrative Office of the Courts recommended that the Judicial Council extend from July 1, 2009, to January 1, 2010, the effective date of new and amended rules concerning superior court procedures for addressing complaints about court-program mediators in general civil cases. These new and amended rules require courts to place their mediator complaint procedures in their local rules of court. Staff at several courts had asked for additional time to develop, circulate, and submit the necessary local rules. Extending the effective date of these rules to January 1, 2010, would give those courts the additional time they need to adopt the required local rules.

Council action
The Judicial Council extended the effective date of new and amended rules 3.865–3.872, from July 1, 2009, to January 1, 2010.

Item C Court Facilities Planning: Revision to Facility Modifications Prioritization Methodology

The Administrative Office of the Courts recommended the adoption of the revised *Prioritization Methodology for Modifications to Court Facilities* and that AOC staff be directed to implement the changes as well as to report to the Judicial Council on their effectiveness when the remaining transfers of court facilities from the counties to the state are completed, or to report earlier should additional revisions to this policy be recommended for council approval. The council must act on this proposal because facility work is currently proceeding under the facility modifications program.

Council action
The Judicial Council:
1. Adopted the revised *Prioritization Methodology for Modifications to Court Facilities* and directed AOC staff to implement its revisions; and
2. Directed AOC staff to report to the judicial Council on the effectiveness of the above policy revisions at the time the remaining transfers of court facilities from the counties to the state are completed, or to report earlier should additional revisions to this policy be recommended for council approval.

Item D Civil Jury Instructions: Approve Publication of Revisions

The Advisory Committee on Civil Jury Instructions recommended approval of the publication of revisions and additions to the *Judicial Council of California Civil Jury Instructions (CACI),* which were first published in September 2003 and last revised in October 2008. This proposal included 43 new and revised instructions and verdict forms. Among them were revisions to the instructions and verdict forms on product liability and elder abuse and new instructions on statutes of limitation.

Council action
The Judicial Council, effective April 24, 2009, approved for publication under rule 2.1050 of the California Rules of Court the civil jury instructions prepared by the Advisory Committee on Civil Jury Instructions. The new and revised instructions will be officially published in a supplement to the 2009 edition of the *Judicial Council of California Civil Jury Instructions.*

Item E Revision of the Trial Court Fund Balance Policy

The Administrative Office of the Courts recommended revision of the council-approved trial court fund balance policy. The recommended changes were mostly technical, including the deletion of obsolete information, and also included clarifications that would result in more statewide consistency in reporting in areas such as the identification of statutory and contractual obligations. The proposed revisions had been reviewed by and are recommended by the Trial Court Budget Working Group.

Council action
The Judicial Council approved the revised trial court fund balance policy.

Item F Subordinate Judicial Officers: Extension of Authorization for Temporary SJOs in Superior Court of Riverside County Through June 30, 2010

The Administrative Office of the Courts recommended that the Judicial Council extend, in accordance with Government Code section 71622(a), through June 30, 2010, the authorization of the three temporary positions for subordinate judicial officers at the Superior Court of California, County of Riverside. The Judicial Council authorized these positions in 2007 and 2008 in connection with the Strike Force, at the request of the Chief Justice, for the purpose of reducing the criminal case backlog in the Riverside court.

Council action
The Judicial Council extended, in accordance with Government Code section 71622(a), through June 30, 2010, the authorization of the three positions for subordinate judicial officers at the Superior Court of California, County of Riverside. These positions commenced in 2007 following the creation of the Strike Force, at the request of the Chief Justice, for the purpose of reducing the criminal case backlog in the Riverside court. Without the extension of the authorization for these three positions, the delivery of justice in Riverside would be even more severely affected.

DISCUSSION AGENDA (Items G–J)

Item G Ralph N. Kleps Awards for 2008–2009

Justice Ronald B. Robie, Ralph N. Kleps Award Committee Chair, presented this item.

The Ralph N. Kleps Award Committee recommended approval of the recipients of the 2008–2009 Ralph N. Kleps Awards to recognize and honor the innovative contributions made by individual courts in California in the administration of justice.

Council action
The Judicial Council approved the following courts and programs as recipients of the 2008–2009 Ralph N. Kleps Awards:

Category 1 (courts with 2 to 10 authorized judicial positions (AJPs))

Superior Court of California, County of Amador
Online Procedural Manual. A Web-based collection of job aides that outline court procedures for virtually any court process and includes links to applicable rules and forms. Facilitates the dissemination of accurate and consistent information both to the public and within the court and is particularly useful in a small court where clerks are called upon to work outside their subject matter area on a regular basis.

Category 2 (courts with 11 to 39 AJPs)

Superior Court of California, County of Imperial
Binational Justice Project. A binational collaborative network with justice partners from Mexico that provides free legal services to self-represented litigants, public education, community outreach, and an internship program for Mexican law school students.

Superior Court of California, County of Monterey
Self-Help Online Workshop Registration. An online module that allows the public to register for self-help center workshops and make appointments for individualized document review, eliminating an unnecessary trip to the courthouse for residents of this geographically expansive county, and automates the process for court staff.

Superior Court of California, County of San Mateo
Multi-Option Appropriate Dispute Resolution Project—"MAP." A broad array of dispute resolution options and educational outreach in family law,

juvenile dependency and delinquency, small claims, probate, complex litigation, and civil calendars, brought together under one roof and conducted in partnership with the local bar and community mediation center.

Category 3 (courts with 40-plus AJPs)

Superior Court of California, County of Contra Costa
Online Probable Cause. A computer application that allows a judge on magistrate duty the ability to approve/deny probable cause declarations in real time from any Internet connection. Significantly improves communication with arresting officers, expedites probable cause response, and improves the efficient processing of judicial workload.

Superior Court of California, County of Los Angeles
Online Juror Orientation. A fully customized and interactive online program that offers the 10,000 individuals called to jury duty daily in this populous county an opportunity to complete jury orientation at their convenience and report later on their first day of service. Accommodates the schedules and personal demands of prospective jurors and helps to streamline the existing process of "live" orientation in a way that increases the effectiveness of court staff.

Superior Court of California, County of Santa Clara
Giving Families a Chance: The Collaboration Between Family Court Services and FIRST 5. Aimed at children under the age of six and their families, this program addresses the common underlying problems that create unnecessary litigation. Participating families are given priority access to an extensive network of county social services, community support, and pro bono legal services, with the court serving as the hub and entry point.

Category 4 (appellate courts)

Court of Appeal, Second Appellate District
Appellate Self-Help Clinic. A free self-help center that provides self-represented civil litigants a better understanding of the appellate court's practices and procedures and offers an opportunity for paperwork review prior to filing; assistance with filling out court forms; and information about procedures, filings, and deadlines while moving through the appellate process.

Category 5 (collaborative projects)

No recommendations were presented in this category.

Item H Proposed Revision to Judicial Council Delegation of Authority Over SJO Conversions

Mr. Dag MacLeod, AOC Executive Office Programs Division, and Ms. Donna Hershkowitz, AOC Office of Governmental Affairs, presented this item.

The Judicial Council, at its December 7, 2007, business meeting, approved a policy delegating to the Executive and Planning Committee the authority and responsibility for confirming the conversion of Subordinate Judicial Officer positions to judgeships. This report provided an overview of SJO conversion activity during fiscal years 2007–2008 and 2008–2009 and recommended minor modifications to the policy approved at that business meeting. Specifically, the policy modifications sought to (1) allow for greater flexibility in the allocation of SJO conversions across different court groups and (2) establish specific criteria for granting courts temporary exemptions to SJO conversion.

Council action

The Judicial Council:

1. Extended by three months the time frame during which SJO conversions may be allocated across any of the four court allocation groups; and
2. Established specific criteria for granting courts exemptions from conversions of particular vacant SJO positions.

Item I FY 2009–2010 Budget Status Report

Mr. William C. Vickrey, Administrative Director of the Courts, and Mr. Ronald G. Overholt, Chief Deputy Director, presented this item with the participation of Mr. Stephen Nash, Director, AOC Finance Division.

The Administrative Director of the Courts and the Chief Deputy Director provided a status report on the judicial branch budget for 2009–2010.

Council action

The Judicial Council directed the Administrative Director of the Courts to return to the council with recommendations on a variety of alternative cost-saving options for the judicial branch, including the option of a uniform court closure day for the entire judicial branch, one day each month for a period of one year.

Item J Interim Procedures for the Administration of the Court-Funded Judicial Benefits

Justice Richard D. Huffman, Chair, Executive and Planning Committee; Mr. William C. Vickrey, Administrative Director of the Courts; Mr. Curtis L. Child, Director, AOC

Office of Governmental Affairs; and Ms. Mary M. Roberts, General Counsel, AOC Office of the General Counsel, presented this item.

The Executive and Planning Committee and the chairs of the Policy Coordination and Liaison Committee and Rules and Projects Committee recommended the adoption of interim procedures to regulate the administration of court-funded local judicial benefits that are authorized by Senate Bill X2 11. The procedures (1) require recordkeeping of and reporting on benefits, (2) establish a presumption that cash allowances generally be in the nature of payment for or reimbursement of expenses, and (3) prohibit new court-funded benefits or an increase in any existing court-funded benefits. The procedures were proposed to further the accountability of and public trust and confidence in the court system in light of the extraordinarily severe fiscal condition of the state and the Judicial Council's responsibility over the fiscal management of the trial courts.

Council action

The Judicial Council:

1. Effective May 21, 2009, adopted interim procedures for the administration of court-funded supplemental judicial benefits that are authorized by SBX2 11. The proposed interim procedures:
   a. Require recordkeeping of and reporting on supplemental benefits;
   b. Establish a presumption that cash allowances generally be in the nature of payment for or reimbursement of expenses; and
   c. Prohibit new court-funded benefits or an increase in any existing court-funded benefits.
2. Delegated to the Executive and Planning Committee and the chairs of the Policy Coordination and Liaison Committee and the Rules and Projects Committee authority to receive additional comments on the procedures and to take appropriate action.

Chief Justice Ronald M. George Honored

Mr. Vickrey announced the recent election of Chief Justice George to membership in the American Academy of Arts and Sciences. The American Academy of Arts and Sciences is one of the nation's most prestigious honorary societies and a center for independent policy research. The new class will be inducted at a ceremony on October 10 at the academy's headquarters in Cambridge, Massachusetts.

- **Information Only Item**

- Memo from the Administrative Director of the Courts regarding action taken by the Executive and Planning Committee, on behalf of the Judicial Council, on March 26, 2009, pursuant to rule of court 10.11(d), cancelling the Judicial Council–sponsored

portion of the 2009 California Bench Bar Biannual Conference scheduled for September 9–11, in San Diego, California.

There were no Circulating Orders since the last business meeting.

Appointment Orders since the last business meeting.
[Appointment Orders Tab]

There being no further public business, the meeting was adjourned at 11:55 a.m.

Respectfully submitted,

William C. Vickrey
Administrative Director of the Courts and
Secretary of the Judicial Council