

JUDICIAL COUNCIL OF CALIFORNIA
Minutes of the Business Meeting—January 24, 2012
Ronald M. George State Office Complex
William C. Vickrey Judicial Council Conference Center
Malcolm M. Lucas Board Room
San Francisco, California

CLOSED SESSION (RULE 10.6(B))—PLANNING AND DISCUSSION
PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

The meeting commenced at 9:30 a.m. and adjourned at 11:00 a.m.

No council action

OPEN MEETING (RULE 10.6(A))—BUSINESS MEETING

Chief Justice Tani G. Cantil-Sakauye, Chair, called the meeting to order at 11:15 a.m. on Tuesday, January 24, 2012, at the William C. Vickrey Judicial Council Conference Center in the Ronald M. George State Office Complex.

Judicial Council members present: Chief Justice Tani G. Cantil-Sakauye; Justices Judith Ashmann-Gerst, Harry E. Hull, Jr., and Douglas P. Miller; Judges Stephen H. Baker, Emilie H. Elias, James E. Herman, Teri L. Jackson, Ira R. Kaufman, Mary Ann O’Malley, Kenneth K. So, Sharon J. Waters, and David S. Wesley; Ms. Angela J. Davis, Ms. Miriam Aroni Krinsky, Ms. Edith R. Matthai, Mr. Mark P. Robinson, Jr., and Mr. Ronald G. Overholt; **advisory members:** Judges David F. De Alba, Terry B. Friedman (Ret.), Robert James Moss, David Rosenberg, and David M. Rubin; Commissioner Sue Alexander; Court Executive Officers Alan Carlson, Kim Turner, and David H. Yamasaki; and Mr. Frederick K. Ohlrich.

Absent: Justice Marvin R. Baxter, Senator Noreen Evans, Assembly Member Mike Feuer, and Judge Erica R. Yew.

Others present included: Justice Terence L. Bruiniers and Judge Burt Pines **public:** Ms. Karen Norwood, Ms. Sharis Peters, Mr. James L. Kaller, Ms. Kathryn L. Andersen, Mr. Harry Shulman, Ms. Emily Green, Ms. Bona Nasution, Mr. Shane Trawick, Ms. Maytak Chin, Ms. Haylee Corliss, and Mr. Niall McCarthy; **AOC staff:** Mr. Peter Allen, Mr. Nick Barsetti, Ms. Dianne Bolotte, Ms. Deborah C. Brown, Mr. Mr. Robert Buckley, Ms. Nancy Carlisle, Mr. Philip Carrizosa, Mr. James Carroll, Ms. Roma Cheadle, Mr. Curtis L. Child, Dr. Diane E. Cowdrey, Mr. Dexter Craig, Mr. Mark W. Dusman, Mr. Chad Finke, Ms. Cristina Foti, Mr. Ernesto V. Fuentes, Ms. Pat Haggerty, Ms. Sue Hansen, Ms. Donna S. Hershkowitz, Ms. Lynn Holton, Ms. Beth Jay, Mr. William L. Kasley, Mr. Gary Kitajo, Ms. Maria Kwan, Ms. Althea

Lowe-Thomas, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Jody Patel, Ms. Mary M. Roberts, Mr. Curt Soderlund, Ms. Nancy E. Spero, Mr. Zlatko Theodorovic, and Mr. Lee Willoughby; and **media representatives:** Ms. Laura Ernda, *Daily Journal* and Ms. Maria Dinzeo, *Courthouse News Service*.

Swearing in of New Council Member

Before administering the oath of office to the new council member, the Chief Justice presented a retirement resolution honoring Judge Burt Pines on the conclusion of his term on the council. Judge Pines provided parting remarks. The Chief Justice then, swore in Judge Emilie H. Elias, Superior Court of California, County of Los Angeles, to succeed Judge Burt Pines (Ret.).

Public Comment

Letters submitted to the Judicial Council for consideration at this meeting are attached. The council received and granted one request to speak on a judicial administration matter:

1. Mr. James L. Kaller, Coalition of Concerned Legal Professionals

Chief Justice's Report

The Chief Justice related the highlights of her activities since the December 2011 council meetings.

Interim Administrative Director's Report

Mr. Ronald G. Overholt, Interim Administrative Director of the Courts, distributed a report on the activities of the AOC since the December meetings.

Judicial Council Committee Presentations

Executive and Planning Committee (E&P)

Justice Douglas P. Miller, Chair, reported that E&P had met five times since December 2011. In the course of those committee meetings, the committee set the agenda for the council's January 24, 2012, business meeting. Other significant matters addressed by E&P were the Court Case Management System (CCMS) Internal Committee's recommendation to E&P and the council to suspend due diligence on the possibility of a collaboration with other interested entities to carry out early deployment of CCMS; a letter from the County of Los Angeles Board of Supervisors addressing guidelines the council set for the amnesty program under Vehicle Code Section 42008.7; nominations for out-of-cycle vacancies on the council and the Court Interpreters Advisory Panel; and an annual agenda meeting with the chairs of the advisory committees and task forces that E&P oversees.

Policy Coordination and Liaison Committee (PCLC)

In the chair's absence, Vice-Chair Judge James E. Herman reported that the PCLC had met once since December 2011, on January 12, for an update on the budget and legislation of interest to the branch, such as: Assembly Bill 1208 and legislation related to expedited appellate review of certain California Environmental Quality Act cases. He also added that the Legislature

reconvened for the second year of the 2011–2012 session on January 4, and the deadline for the introduction of new bills in 2012 is February 24.

Rules and Projects Committee (RUPRO)

Justice Harry E. Hull, Jr., Chair, reported that RUPRO had met twice since December 2011: on January 20, in preparation for a meeting to review annual agendas with the advisory groups that RUPRO oversees, and on January 23 to discuss the respective annual agenda proposals with the chairs and principal staff of each of those advisory groups. RUPRO had asked committees to prioritize their annual agenda proposals this year according to one of two priority levels that RUPRO specified: Priority Level 1; (A) urgently needed to conform to current law, (B) urgently needed to respond to a recent change in the law, (C) necessary to a statute or council decision that requires adoption by a specific date, (D) capable of providing significant cost savings, efficiencies, or revenue, (E) an urgently needed response to a problem causing significant cost or inconvenience to the courts or to the public, or (F) necessary to mitigate severe financial or legal risk; and Priority Level 2; useful but not necessary to implement statutory changes, identify concerns or problems, or advance Judicial Council goals and objectives.

California Court Case Management System (CCMS) Internal Committee

Judge James E. Herman, Chair, reported that the committee had met three times since December 2011. The steering committee the chair established, to monitor the progress of due diligence while the branch explored a collaborative opportunity with the Chan Soon-Shiong Family Foundation and the State Bar, also met weekly. On January 5, the committee attended an educational briefing on CCMS deployment activities. Actions taken by the committee since December include recommending suspension of the discussion of a 3-way collaboration for deploying CCMS; and an invitation issued to 22 trial courts for their participation in interviews with Grant Thornton LLP to collect information that will be part of a comprehensive analysis that consulting firm is preparing for council consideration. Judge Herman added that he has also been participating in the weekly updates provided by Grant Thornton LLP and Deloitte Consulting on predeployment activities.

CONSENT AGENDA (ITEMS A1–A14, B–H)

Civil and Small Claims

Item A1 Civil Practice and Procedure: Service of Double-Sided Papers

The Civil and Small Claims Advisory Committee recommended amending rule 2.117 of the California Rules of Court to provide that parties may agree to accept service of double-sided papers. This would result in a reduction in paper use and storage space required and, for documents served by mail, reduced postage.

Council action

The Judicial Council, effective July 1, 2012, approved the committee's recommendation to amend rule 2.117 to authorize service of double-sided papers with the agreement of the party being served.

Item A2 Civil Trials: Juror Questionnaire for Expedited Jury Trials

The Civil and Small Claims Advisory Committee recommended approval of an optional juror questionnaire form for use in expedited jury trials.

Council action

The Judicial Council approved the *Juror Questionnaire for Expedited Jury Trials* (form MC-003) as an optional form, for use effective July 1, 2012.

Item A3 Civil Trials: Proposed Consent Order for Expedited Jury Trials

The Civil and Small Claims Advisory Committee recommended that the council approve two forms that parties may use to memorialize their agreement to take part in a civil expedited jury trial and to present that agreement to the court: *[Proposed] Consent Order on Expedited Jury Trial* (form EJT-020), which includes all the elements that statute mandates be included in such an agreement, and *Attachment to [Proposed] Consent Order on Expedited Jury Trial* (form EJT-020A), which includes a checklist of other items relating to an expedited jury trial on which the parties may agree.

Council action

The Judicial Council approved new forms *[Proposed] Consent Order on Expedited Jury Trial* (form EJT-020) and *Attachment to [Proposed] Consent Order on Expedited Jury Trial* (form EJT-020A) effective July 1, 2012, for optional use in initiating expedited jury trial procedures.

Criminal Law

Item A4 Criminal Procedure: Fingerprint Form

The Criminal Law Advisory Committee recommended that the Judicial Council approve revisions to the Judicial Council *Fingerprint Form* (form CR-100) as required by recent legislation that modified the fingerprint requirements under Penal Code section 992.

Council action

The Judicial Council, effective January 24, 2012, approved the following revisions to *Fingerprint Form* (CR-100):

1. Delete the following instruction: “Immediately following the arraignment on an information or indictment, the defendant is required to provide a right thumbprint on this form”; and
2. Add the following instruction: “In any case in which the defendant is charged with a felony, the court must require the defendant to provide a right thumbprint on this form. Unless the court has obtained the thumbprint at an earlier proceeding, it must do so at the arraignment on the information or indictment, or upon entry of a guilty or no contest plea under Penal Code section 859a.”

Family and Juvenile Law

Item A5 Family Law: Request for Order in Lieu of Existing Notice of Motion or Order to Show Cause, and Witness List for Use in Family Law Proceedings

Proposed rule 5.92 of the California Rules of Court and a proposed new form, *Request for Order* (form FL-300), would implement the recommendation in the *Elkins Family Law Task Force Final Report and Recommendations* to simplify the forms for motions in family law proceedings. The task force recommended that the notice of motion and order to show cause should be combined into a single *Request for Order* form that could be used for both purposes. In addition, new form *Witness List* (form FL-321) would provide an optional form to assist parties in complying with Family Code section 217(c), which requires a party seeking to present live testimony from witnesses other than the parties to file and serve a witness list with a brief description of the anticipated testimony.

Council action

The Judicial Council, effective July 1, 2012, approved the recommendations of the Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force to:

1. Adopt rule 5.92 of the California Rules of Court to require that a notice of motion or order to show cause in a family law case be filed on the revised *Request for Order* (form FL-300) except when another Judicial Council form is designated for a specific motion or order to show cause;
2. Revise the existing *Order to Show Cause* (form FL-300) to become the proposed *Request for Order* (form FL-300) form;
3. Approve the *Information Sheet for Request for Order* (form FL-300 INFO);

4. Revoke the *Application for Order and Supporting Declaration* (form FL-310) and incorporate its contents into the *Request for Order*;
5. Revoke the *Notice of Motion* (form FL-301);
6. Revise the following rule and forms to replace form references from *Notice of Motion* or *Order to Show Cause* to *Request for Order* or to add a reference to the *Request for Order* as appropriate: *Attorney's Fees and Costs* (rule 5.93) *Proof of Service of Summons* (form FL-115), *Temporary Emergency Court Orders* (form FL-305), *Application and Order for Reissuance of Order to Show Cause* (form FL-306), *Request for Orders Regarding Noncompliance With Disclosure Requirements* (form FL-316), *Order to Pay Waived Court Fees and Costs* (FL-336), *Application to Set Aside Order to Pay Waived Court Fees—Attachment* (form FL-337), and *Bifurcation of Status of Marriage or Domestic Partnership—Attachment* (form FL-347);
7. Revise mandatory form FL-320, *Responsive Declaration to Order to Show Cause or Notice of Motion*, to add a parenthetical reference to “parenting time” in item 2 and to change the form’s title to *Responsive Declaration to Request for Order* to make it consistent with the change in title to form FL-300.
8. Change the name of *Application or Response to Application for Separate Trial* (form FL-315) to *Request or Response to Request for Separate Trial* (form FL-315) and change the reference from attaching to the *Application for Order to the Request for Order*; and
9. Approve *Witness List* (form FL-321) as an optional form.

Item A6 Juvenile Law: Commitment to California Department of Corrections and Rehabilitation, Division of Juvenile Facilities

The Family and Juvenile Law Advisory Committee recommended that form JV-732 be revised to correct an inadvertent error that rendered this mandatory form optional as of January 1, 2012. This form has been mandatory since it was first adopted effective January 1, 2003.

Council action

The Judicial Council, effective January 24, 2012, approved the committee’s recommendation to revise form JV-732, *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities*, to restore this form to its mandatory status as described in California Rules of Court, rule 1.31.

Probate and Mental Health

Item A7 Probate Guardianship: Information concerning a proposed ward's possible Indian connections requested in Judicial Council forms that must be filed with a petition for the appointment of a guardian.

The Probate and Mental Health Advisory Committee recommended revising the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)), which must be used by guardianship petitioners to provide background information about the proposed ward. Form GC-210(CA) would be modified to request specific information about the child's possible Indian connections and instruct petitioners on their duty to make initial inquiries about those connections. In addition, the *Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child* (form ICWA-005-INFO), which provides general instructions about the requirements of the federal Indian Child Welfare Act (ICWA) in all child custody proceedings, would be modified to refer to form GC-210(CA). Rule 7.1015(d)(2) of the California Rules of Court would also be amended to refer to that form and to conform with ICWA and state law concerning the duty of initial inquiry about a proposed ward's Indian connections.

Council action

The Judicial Council, effective July 1, 2012, approved the committee's recommendation to:

1. Revise the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) to instruct guardianship petitioners about their initial duty to inquire about their proposed ward's possible connections to Indian people and tribes and call for all of the information about those connections that must be given to the court when a petition for appointment of a guardian of an Indian child is filed;
2. Revise the *Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child* (form ICWA-005-INFO) to refer to and describe the proper use of the revised guardianship form in a case involving an Indian child, improve the entire form's appearance and readability, and clarify the form's explanation of the responsibilities to prepare, serve, and file the notice to parents and Indian tribes described in the form; and
3. Amend rule 7.1015(d)(2) of the California Rules of Court to refer to the revised *Guardianship Petition—Child Information Attachment* instead of the form it would replace in guardianship practice involving an Indian child, and to add the child's Indian custodian to the list of persons of whom a guardianship petitioner must inquire about the child's Indian connections.

Item A8 Vital Statistics Records: Delayed Certificates of Death, Birth, and Marriage

The Probate and Mental Health Advisory Committee recommended revising and converting from optional to mandatory the existing Judicial Council forms for a court determination of death leading to the creation of a delayed record of the event, and adopting new forms for court determinations of births and marriages. Revisions to the existing forms for a court determination of death would reflect changes in the agency of state government responsible for entry of delayed certificates of death. Adoption of new forms for court determinations of births and marriages would provide greater uniformity in these proceedings throughout the state and assist the large number of self-represented persons who seek this relief.

Council action

The Judicial Council, effective July 1, 2012, approved the committee's recommendation to:

1. Revise and rename *Petition to Establish Record of Death* (form MC-360) and *Declaration in Support of Petition to Establish Record of Death* (form MC-360A) and convert these forms from optional to mandatory;
2. Adopt *Petition to Establish Fact, Time, and Place of Birth* (form MC-361) and *Declaration in Support of Petition to Establish Fact, Time, and Place of Birth* (form MC-361A) as mandatory forms; and
3. Adopt *Petition to Establish Fact, Date, and Place of Marriage* (form MC-362) and *Declaration in Support of Petition to Establish Fact, Date, and Place of Marriage* (form MC-362A) as mandatory forms.

Tribal Protective Orders

Item A9 Protective Orders: Registration and Enforcement of Protective Orders Issued by Tribal Courts

The California Tribal Court/State Court Forum and the Family and Juvenile Law Advisory Committee recommended adopting a new rule of court, amending another rule, and approving a new form to establish an efficient and consistent statewide procedure for California superior courts to register protective orders issued by tribal courts in California under Family Code section 6404. Registration of tribal court protective orders will help ensure that law enforcement agencies enforce these orders uniformly and consistently.

Council action

The Judicial Council, effective July 1, 2011, approved the recommendations of the California Tribal Court/State Court Forum and the Family and Juvenile Law Advisory Committee to:

1. Adopt rule 5.386 to require, if a tribal court requests, the court in the county where the tribal court is located to adopt a written procedure or local rule to permit the fax or electronic filing of any tribal protective order that is entitled to be registered pursuant to Family Code section 6404, and
2. Amend rule 2.300 which addresses fax filing in civil, probate, and family law proceedings to clarify that it does not apply to the fax filing of tribal court protective orders covered by this rule; and
3. Approve *Fax Transmission Cover Sheet for Registration of Tribal Court Protective Order* (form DV-610), a cover sheet for the fax filing of tribal court protective orders.

Item B Collections: Amnesty Program Reimbursement

The Finance Division and Regional Office Enhanced Collections Unit of the Administrative Office of the Courts (AOC) recommended that the Judicial Council approve a plan for allocating and disbursing to court and county collections programs \$500,000 received from the California State Department of Finance (DOF). The DOF funds come with specific reporting requirements and may be used only to offset the cost of commission fees payable to private vendors collecting delinquent court-ordered debt eligible under the statewide amnesty program effective January 1, 2012, through June 30, 2012. The amount allocated to each program will depend on the methodology approved by the council and the final number of programs requesting funds, which must be disbursed within fiscal year 2011–2012. The amount disbursed will be based on the actual costs of vendor commissions submitted by the programs to the AOC up to the amount allocated.

Council action

The Judicial Council, effective January 24, 2012, approved the AOC recommendations to:

1. Approve the allocation and disbursement of \$500,000 received from the DOF to court and county collection programs that agree to: (a) reimburse private collection vendors for their commission costs; (b) follow the AOC's process to obtain the funds; and (c) report amnesty program revenue on specified dates.
2. Approve the allocation of the funding to all qualifying programs proportionally based on the amount of amnesty-eligible debt as reported in June 2009, as described below, and direct the AOC to disburse the money based on actual costs invoiced up to the amount allocated.
3. Delegate to the Administrative Director of the Courts the authority to reallocate remaining funds appropriated by the DOF to all qualifying programs proportionally based on the amount of remaining amnesty-eligible debt, as reflected in the April 16,

2012, reports, and direct the AOC to disburse the money based on actual costs invoiced up to the amount allocated.

DISCUSSION AGENDA (ITEMS G–N)

Item C Judicial Branch Semiannual Contract Reporting Requirement: Report Listing Executed Contracts and Vendor Payments

The Finance Division of the Administrative Office of the Courts (AOC) recommended that the Judicial Council approve for submission to the Joint Legislative Budget Committee (JLBC) and the State Auditor reports required under Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* (JBCM) approved by the Judicial Council on August 26, 2011. The reports provide information for the reporting period on contracting activities of judicial branch entities. This is the first semiannual report and covers the period from October 1 through December 31, 2011.

Council action

The Judicial Council, effective January 24, 2012,:

1. Accepted the two semiannual Judicial Council reports for the period of October 1 through December 31, 2011, concerning contracting activities of:
 - a. The Superior Courts, prepared by the Trial Court Administrative Services Division (TCAS); and
 - b. The Supreme Court, Courts of Appeal, Judicial Council, AOC, and the Habeas Corpus Resource Center (HCRC), prepared by the Finance Division.
2. Directed the AOC to submit the reports to the Joint Legislative Budget Committee and the State Auditor by February 1, 2012.

Item D California Court Case Management System (CCMS): Suspension of Due Diligence Process for CCMS Collaborative Project

The Executive and Planning Committee and the California Court Case Management System Internal Committee (the committees) recommended that the Judicial Council approve suspension of the council's due diligence process with the Chan Soon-Shiong Family Foundation (Foundation) and the State Bar of California (State Bar). All of the parties had reached the conclusion, by late December 2011, that a collaborative relationship was too complex to pursue at this time. In addition, the committees determined that it was more practical at this time to focus the judicial branch's limited resources on developing a feasible deployment plan.

Council action

The Judicial Council, effective January 24, 2012, approved the recommendation by the Executive and Planning Committee and the Court Case Management System Internal Committee that the Judicial Council suspend of the council's due diligence process with the Chan Soon-Shiong Family Foundation (Foundation) and the State Bar of California (State Bar) regarding a partnership to further deployment efforts of the California Court Case Management System (CCMS) and other technology related activities.

Item E Budget: State Budget and Judicial Branch Budget Update

Senator Joseph Dunn (Ret.), Bench-Bar Coalition Co-chair and council member Judge Mary Ann O'Malley, and State Bar of California Chair Mr. Niall McCarthy, were joined by Mr. Ronald G. Overholt, Interim Administrative Director of the Courts, Mr. Curtis L. Child, Director of the Office of Governmental Affairs, and Mr. Zlatko Theodorovic, Director of the Finance Division, to provide the council members with information on the Governor's proposed budget for fiscal year 2012-13, its impact on the judicial branch, and the strategy for moving forward.

No council action

Item F Collections: Traffic Amnesty Guidelines

The chair of the Executive and Planning Committee provided council members with information on the Traffic Amnesty Guidelines, which the council approved at its August 2011 meeting. The guidelines were adopted to implement Vehicle Code section 42008.7, which created the mandatory amnesty program for traffic and non-traffic infractions and an optional amnesty program for certain misdemeanors. The Los Angeles County Board of Supervisors asked the council to reconsider the guidelines with respect to whether cases in which installment payments were made after January 1, 2009, could be eligible. The amnesty program began January 1, 2012, and concludes June 30, 2012.

No Council action

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours (Report #9)

In 2010, the Legislature enacted fee increases and fund transfers for the courts and also added section 68106 to the Government Code. In 2011, the Legislature enacted Assembly Bill 973, which amended section 68106 effective January 1, 2012. As amended, section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website and relay to the Legislature all such court notices. This is the ninth report

providing information about the implementation of these notice requirements. Since the eighth report, two courts—Santa Clara and San Bernardino—have given such notice. Since section 68106 originally was added, on October 19, 2010, a total of 24 courts have given notice.

In Memoriam

Chief Justice Cantil-Sakauye closed the meeting with a moment of silence to remember recently deceased judicial colleagues and honor their service to their courts and the cause of justice:

- Hon. Stephen Allen Dombrink (Ret.), Superior Court of California, County of Alameda
- Hon. Thomas T. Johnson (Ret.), Superior Court of California, County of Los Angeles
- Hon. Wallace L. Taggart (Ret.), Superior Court of California, County of San Bernardino

There being no further public business, the meeting was adjourned at 3:35 p.m.

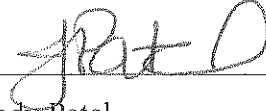
Respectfully submitted,

Jody Patel
Interim Administrative Director of the Courts and
Secretary of the Judicial Council

Attachments

1. Correspondence submitted by Mr. James L. Kaller, Esq., Coalition for Concerned Legal Professionals
2. Correspondence submitted by Referee Heidi W. Shirley

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jody Patel", is written over a horizontal line.

Jody Patel

Interim Administrative Director of the Courts and
Secretary to the Judicial Council

Attachments

1. Correspondence submitted by Mr. James L. Kaller, Esq., Coalition for Concerned Legal Professionals
2. Correspondence submitted by Referee Heidi W. Shirley

January 2, 2012

Honorable members of the Judicial Council:

I am an attorney in San Francisco and I have practiced here for over 25 years. I am a certified specialist in estate planning, trust and probate law.

I am a member of the Board of Directors of Bay Area Coalition of Concerned Legal Professionals (CCLP), an all-volunteer organization of attorneys and members of the community who since 1976 have organized together to address the lack of meaningful legal recourse for working people who cannot afford it. We organize Know Your Law educational sessions and free-of-charge Legal Advice Sessions in the community as one approach to address this lack.

CCLP supports the Judicial Council's efforts to restore the funding for the California State courts. As of October 3, 24 of the 60 courtrooms in San Francisco have been closed and 100 clerks laid off. The delays in justice will cause many people serious problems:

- Delays are expected of 18 months in probate proceedings before action can be taken with decedents' properties.
- Divorces are expected to take 18 months and the delays in civil proceedings are skewing the equities against plaintiffs.
- When insurance companies know that a case can take five years to go to trial and they can set aside money for any recovery in a tax deductible account while forcing the plaintiff and counsel to forego any hope of recovery for years, they can bring tremendous pressure on the plaintiff and counsel (or on a claimant who cannot find an attorney to take the case) to take an unfairly low settlement or simply give up. My colleagues who handle personal injury cases are already reporting this.

The Judicial Council is a body of the California Judiciary, under our tripartite system, and the judiciary is a separate and coordinate body of government and independent of the Legislative and Executive branches. It is time that the Council on behalf of the Judiciary demands whatever is necessary to meet the needs of the people of California for an arena in which to exercise their rights under the U.S. and California Constitutions to "petition the government for redress of grievances" and to a jury trial in civil case.

For large corporations, in business cases, there are other forums available. They can have their disputes handled with greater efficiency and expediency through mediation and arbitration services where recently retired judges from the same courts suffering the budget cuts, reside over the cases.

But individuals, such as an injured plaintiff, a woman in an abused relationship, someone subjected to discrimination or whose civil rights are denied, have nowhere else to go. Justice delayed is justice denied. Is it any reason people are taking their grievances to the street and “occupying”?

Over the years I have been practicing law, my colleagues and I have witnessed that the right to a day in court has been under indirect attack, including by:

- Cutting funding for legal services programs such that 50% of those who would be eligible for services are turned away, at the same time placing limitations on the types of cases that legal services programs can undertake, making the legal process inaccessible for those without means.
- Limiting damage awards, taking the power to assess them from juries and making many cases economically impossible for an attorney to take;
- Inserting mandatory arbitration clauses in consumer and employment contracts, which force consumers and employees to privately arbitrate all claims before for pay firms, and precluding consumers and employers from bringing class actions in cases where the practices affect many.
- Allowing foreclosure of millions of homes without court order or review of any kind.
- The California Legislature’s \$350 million in cuts to the court budget has led to San Francisco closing 24 of 60 departments, and criminal cases have constitutional priority.

Yet, the State of California continues to offer *\$40 billion in tax deductions and credits to large corporations* and the wealthy, more than *twice* the state’s deficit.

Whereas, the California Constitution provides that the right to petition the government for redress of grievances not be limited;

Whereas, those rights have been infringed for the vast majority of Californians, through a course of action leading to closing courtrooms; and

Whereas, the Chief Justice of the State and the California Judicial Council have the inherent power to compel sufficient funding to carry out the duties of the state courts,

We demand that the Judicial Council use whatever ways and means may be necessary to demand sufficient funding to hear and determine all causes, civil as well as criminal, in a timely and expeditious manner and to demand that the legislature not simply cut from constitutional responsibilities of the state, but examine and eliminate these \$40 billion in corporate handouts as a means of fully funding government obligations.

Thank you.

James L. Kaller, Esq. (State Bar No. 103487)

On behalf of Coalition for Concerned Legal Professionals (CCLP)

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From: Referee Heidi W. Shirley [mailto:HWShirley@LASuperiorCourt.org]
Sent: Friday, January 20, 2012 2:44 PM
To: Executive & Planning
Subject: Re: Judicial Council Meeting on Jan 24

I wish to express my objections to the prospective collaboration with Dr. Soon-Shiong's foundation. It is surprising and disturbing that the Judicial Council would even contemplate accepting \$20,000,000 from a private citizen. What about all those ethical rules preventing judicial officers from accepting even miniscule gifts from members of the public? This individual has been involved in extensive litigation disputes in the courts, and very likely will again be involved in future disputes. Will the entire California judiciary be ready to recuse itself, in the event of new or ongoing litigation? It makes much more sense to put the cherished computer plan on hold until funding can be obtained through the state. Independence of the judiciary must be maintained. Yours sincerely, Heidi Shirley