



JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.6(a))

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

Thursday, October 25, 2012 • 10:30 a.m.–5:10 p.m.

Friday, October 26, 2012 • 8:30 a.m.–1:10 p.m.

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by the Judicial Council Secretariat. Please check the agenda at <http://www.courts.ca.gov/jcmeetings.htm> for recent postings of hyperlinked reports.

THURSDAY, OCTOBER 25, 2012 AGENDA

NON-BUSINESS MEETING—CLOSED (RULE 10.6(A))

Closed Session 10:30 a.m.–12:40 p.m.

Lunch Break 12:40–2:00 p.m. (approx.)

OPEN MEETING (RULE 10.6(A))—BUSINESS MEETING AGENDA (ITEMS 1–5)

- 2:00–2:05 p.m. Swearing in of New Council Members and the Administrative Director of the Courts**
The Chief Justice will administer the oath of office to new council members and the Administrative Director of the Courts.
- 2:05–2:20 p.m. Recognition of Departing Advisory Committee Chairs**
The Chief Justice will recognize departing advisory committee chairs for their years of service to the Judicial Council and the judicial branch.

NOTE: Time is estimated. Actual start and end times may vary.

2:20–2:40 p.m. Public Comment

[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]

Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to judicialcouncil@jud.ca.gov or mail or deliver your request to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Tuesday, October 23, 2012**. In the request, please state:

- The speaker's name, occupation, and (if applicable) name of the entity that the speaker represents;
- The speaker's email address, telephone number, and mailing address; and
- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences.

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than five minutes, the specific time allocation to be determined based on the number of speakers and available time.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

Written Comments Received

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to judicialcouncil@jud.ca.gov or mailed or delivered to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Nancy E. Spero. Only written comments received by **1 p.m. on Wednesday, October 24, 2012**, will be distributed to council members at the meeting.

2:40–2:45 p.m. Approval of Minutes

Minutes of the August 30-31, 2012, meetings.

2:45–2:55 p.m. Chief Justice's Report

Chief Justice Tani G. Cantil-Sakauye will report.

Item 2 4:15–4:35 p.m.

Judicial Workload Assessment: 2012 Update of the Need for New Judgeships in the Superior Courts (Action Required)

The Administrative Office of the Courts (AOC) recommends approving the *Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. Doing so fulfills the requirements of Government Code section 69614(c), as well as a new requirement, starting with this year's Judicial Needs update, that the Judicial Council report on conversions of additional subordinate judicial officer (SJO) positions that result in a judge's being assigned to a family or juvenile assignment previously held by an SJO (Gov. Code, § 69615(c)(1)(C)). The report shows that, despite a modest decline in the judicial need in 2012, trial courts need 13 percent more than the number of currently authorized judicial positions.

Public Comment & Presentation (15 minutes) • Discussion/Council Action (5 minutes)

Speakers: Mr. Dag MacLeod, Manager, Court Operations Special Services Office
 Ms. Leah Rose-Goodwin, Senior Research Analyst, Court Operations Special Services Office

Item 3 4:35–4:45 p.m.

Judicial Branch Administration: Reduced Annual Membership Dues for the National Center for State Courts (Action Required)

State court judicial councils and administrative offices pay membership dues annually for the support of and participation in activities of the National Center for State Courts (NCSC). The NCSC is a nonprofit organization charged with improving judicial administration in state courts through efforts directed by the Conference of Chief Justices, the Conference of State Court Administrators, and other associations of judicial leaders. Given the level of cumulative budget reductions for the Judicial Council/Administrative Office of the Courts (AOC), the AOC recommends reducing the annual payment to the NCSC for the 2013 calendar year.

Public Comment and Presentation (5 minutes) • Discussion (5 minutes)

Speaker: Ms. Jody Patel, Chief of Staff, Administrative Office of the Courts

Item 4 4:45–4:55 p.m.

Judicial Council Report on Distinguished Service Award Recipients (Action Required)

The chairs of three Judicial Council internal committees, the Policy Coordination and Liaison Committee, Executive and Planning Committee, and Rules and Projects Committee, recommend that the council approve the recommended recipients of the 2012 Judicial Council of California Distinguished Service Awards. These annual awards, the highest honors bestowed by the judicial branch, recognize individuals who exemplify the leadership strengths that create significant and positive contributions to court administration in California. Following council approval, the awards will be presented on a date and at an event to be determined.

Public Comment & Presentation (5 minutes) • Discussion/Council Action (5 minutes)

Speakers: Hon. Marvin R. Baxter, Chair, Policy Coordination and Liaison Committee
Ms. Claudia Fernandes, Office of Education/CJER

Item 5 4:55–5:10 p.m.

Adoption and Permanency Month: Judicial Council Resolution (Action Required)

The Family and Juvenile Law Advisory Committee recommends adopting the attached resolution proclaiming November to be Court Adoption and Permanency Month. The council can once again actively recognize National Adoption Month in California’s courts by issuing this proclamation to encourage courts and local communities to take special measures to address the issues of adoption and permanency, including family reunification, in their counties. Annual recognition of November as Court Adoption and Permanency Month reinforces the Judicial Council’s commitment to finding permanent homes for children.

Public Comment and Presentation (10 minutes) • Discussion (5 minutes)

Speakers: Mr. Christopher Wu, Supervising Attorney, Center for Families, Children & the Courts
Ms. Eliza Patten, Senior Staff Attorney, Legal Services for Children
Ms. Flor Bermudez and Mr. Mark Bernard, Adoptive Parents

FRIDAY, OCTOBER 26, 2012 AGENDA—BUSINESS MEETING

CONSENT AGENDA (ITEMS A1–A30 THROUGH E)

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.

ITEMS A1–A30

RULES, FORMS, AND STANDARDS

Alternative Dispute Resolution

[Item A1 Alternative Dispute Resolution: Judicial Arbitration \(Action Required\)](#)

The Civil and Small Claims Advisory Committee recommends that the rules governing the judicial arbitration program be amended to (1) clarify that, in order to prevent entry of a judicial arbitration award as the judgment in a case, any request to dismiss the entire case must be signed by all parties to the case and any request to dismiss all parties to the arbitration must be signed by all those parties; and (2) provide that an arbitrator who has devoted a substantial amount of time to a case can request compensation even if the case settles without filing of an award.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Ms. Heather Anderson, Legal Services Office

Appellate Procedure

[Item A2 Appellate Procedure: Appointment of Appellate Counsel in Juvenile Delinquency Appeals \(Action Required\)](#)

The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommend amending rule 8.403(a) to more accurately reflect the scope of Welfare and Institutions Code section 634 by deleting the sentence regarding appointment of appellate counsel for juveniles at the parents' or guardians' expense in delinquency appeals.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Hon. Kimberly J. Nystrom-Geist and Hon. Dean T. Stout, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Heather Anderson, Legal Services Office

Ms. Audrey Fancy, Center for Families, Children, & the Courts

[Item A3 Appellate Procedure: Contents of the Normal Record in Criminal Appeals \(Action Required\)](#)

The Appellate Advisory Committee recommends amending three appellate rules to add items to the normal record in certain criminal appeals that are routinely needed for appellate review in these cases. These changes are proposed to save litigants and courts the time and costs

NOTE: Time is estimated. Actual start and end times may vary.

associated with making and considering requests to augment the record and preparing and transmitting supplemental clerk's or reporter's transcripts to the reviewing court.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

Item A4 Appellate Procedure: Copies of Briefs in Civil Appeals in the Court of Appeal Served on the Supreme Court (Action Required)

The Appellate Advisory Committee and the Court Technology Advisory Committee recommend amending the rules relating to the copies of briefs from civil appeals in the Court of Appeal that must served on the Supreme Court to provide that (1) unless it would cause the party filing the brief undue hardship, a single electronic copy of the brief must be served on the Supreme Court, rather than four paper copies; and (2) petitions for rehearing and answers to these petitions are not considered "briefs" for this purpose.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Hon. Ming W. Chin, Chair, Court Technology Advisory Committee

Ms. Heather Anderson and Mr. Patrick O'Donnell, Legal Services Office

Item A5 Appellate Procedure: Premature or Late Notice of Intent to File a Writ Petition in a Juvenile Dependency Proceeding (Action Required)

The Appellate Advisory and the Family and Juvenile Law Advisory Committees recommend that the Judicial Council amend rule 8.450 to (1) fill a gap in the rules by specifying what happens if a notice of intent to file a writ petition to review an order setting a hearing under Welfare and Institutions Code section 366.26 is filed too early or too late, and (2) save trial courts costs associated with unnecessarily sending notices and preparing records when such notices are filed prematurely.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Hon. Kimberly J. Nystrom-Geist and Hon. Dean T. Stout, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Heather Anderson, Legal Services Office

Ms. Audrey Fancy, Center for Families, Children, & the Courts

Item A6 Appellate Procedure: Recoverable Costs on Appeal (Action Required)

The Appellate Advisory Committee recommends amending the rules regarding costs on appeal to make recoverable the fees and net interest expenses incurred to borrow funds to deposit as security for an appeal bond, as security for a letter of credit procured to secure an appeal bond, or with the superior court in lieu of an appeal bond.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

Item A7 Appellate Procedure: Reference to Fee Amounts for Filing Notice of Appeal (Action Required)

The Appellate Advisory Committee recommends amending the rule relating to filing a notice of appeal in a limited civil case to reflect recent increases in filing fees established by statute. Because this proposal would simply correct the references to the applicable statutes and replace the references to fee amounts with a reference to a web page containing current fee information, the advisory committee recommends that these amendments be adopted effective immediately without being circulated for public comment.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

Item A8 Appellate Procedure: Transmission of Administrative Records on Appeal (Action Required)

The Appellate Advisory Committee recommends amending the rule on the record of administrative proceedings to provide that if an administrative record that was admitted in evidence, refused, or lodged in the superior court was returned to a party and is subsequently designated for inclusion in the record on appeal, the party in possession of the administrative record, rather than the clerk of the superior court, is responsible for transmitting that record to the reviewing court. The amendment would provide costs savings and efficiencies for superior courts.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

Item A9 Court Records: Creation, Maintenance, and Preservation of Court of Appeal Records (Action Required)

The Appellate and the Court Technology Advisory Committees recommend updating the rule regarding preservation of Court of Appeal records to reflect recent changes in the Government Code section regarding trial court records on which this appellate rule is based. These amendments to the rule are intended to allow the Courts of Appeal to take advantage of modern technology in the creation, maintenance, and preservation of their records.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Hon. Ming W. Chin, Chair, Court Technology Advisory Committee

Ms. Heather Anderson and Mr. Patrick O'Donnell, Legal Services Office

Civil and Small Claims

Item A10 Civil Discovery: Form Interrogatories for Construction Litigation (Action Required)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council approve a new set of form interrogatories designed specifically for use in litigating

construction and construction defect cases. The Judicial Council forms currently include interrogatories for general use in civil cases as well as specialized interrogatories for certain other types of civil cases, but none specifically for construction litigation. The proposed *Form Interrogatories—Construction Litigation* (form DISC-005) include standardized interrogatories on topics unique to construction litigation as well as several broader topics carried over from the general form interrogatories for civil cases.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Ms. Anne Ronan, Legal Services Office

Item A11 Civil Practice and Procedure: Notice of Conditional Settlement (Action Required)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend rule 3.1385, regarding notice of conditional settlement, to provide that most hearings and other proceedings requiring the appearance of a party be vacated during the time between the filing of the notice of conditional settlement and the dismissal date specified in the notice under this rule, to avoid unnecessary appearances by the parties. The amendment would also specifically address payment of a settlement by installment payments.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Ms. Susan McMullan, Legal Services Office

Item A12 Civil Trials: Voir Dire Rules of Court (Action Required)

Civil and Small Claims Advisory Committee recommends that the Judicial Council amend the rules of court on jury selection in civil cases to implement recent statutory amendments to the civil jury voir dire statute, Code of Civil Procedure section 222.5, and to delete those sections of the rules that are duplicative of or inconsistent with the provisions of that statute.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Ms. Anne Ronan, Legal Services Office

Item A13 Small Claims: Forms to Address Default in Payment of Judgment in Installments (Action Required)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council approve four new optional forms to assist litigants and courts when a judgment creditor alleges there has been a default in the payment of a small claims judgment that the court has ordered may be made in installments. These forms will supplement forms that the Judicial Council previously approved for courts to order that a small claims judgment may be paid in installments, which provide that the judgment creditor may request that the payment plan be canceled and that the entire balance become due and collectible if there is a default in the payment of an installment.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Hon. Patricia M. Lucas, Vice-Chair, Civil and Small Claims Advisory Committee

Ms. Anne Ronan, Legal Services Office

Criminal Law

Item A14 Criminal Justice Realignment: Felony Waiver and Plea Form (Action Required)

The Criminal Law Advisory Committee recommends revisions to the Judicial Council *Plea Form, With Explanations and Waiver of Rights—Felony* (form CR-101) in response to recent criminal justice realignment legislation that modified felony sentencing laws.

Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee

Mr. Arturo Castro, Criminal Justice Court Services Office

Item A15 Criminal Justice Realignment: Intercounty Transfer Procedures (Action Required)

The Criminal Law Advisory Committee recommends amendments to rule 4.530 of the California Rules of Court and revisions to three related Judicial Council forms in response to recent criminal justice realignment legislation that amended Penal Code section 1203.9 to apply intercounty probation transfer procedures to mandatory supervision cases under Penal Code section 1170(h)(5)(B). In addition, to facilitate verification of a supervised person's county of residence, the committee also recommends adding a data field to one of the forms, form CR-250, for petitioners to note the supervised person's address.

Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee

Mr. Arturo Castro, Criminal Justice Court Services Office

Item A16 Criminal Justice Realignment: Procedures to Revoke Parole and Postrelease Community Supervision (Action Required)

The Criminal Law Advisory Committee recommends the repeal of rule 4.540 as obsolete in light of recent realignment-related legislation that applies longstanding probation revocation procedures to revocations of postrelease community supervision. The committee recommends amending rule 4.541 to extend its reporting requirements to petitions to revoke probation and mandatory supervision and to delete cross-references to rule 4.540, assuming its repeal. In addition, the committee recommends modifying *Petition for Revocation of Community Supervision* (form CR 300) from mandatory to optional and revising the instructions so that the form applies to parole revocations, effective July 1, 2013.

Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee

Mr. Arturo Castro, Criminal Justice Court Services Office

Item A17 Criminal Procedure: Transcripts of Notification of Appeal Rights (Action Required)

The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.305 to eliminate the requirement that reporter's transcripts of the court's notification of the defendant's appeal rights be prepared, certified, and filed in all applicable cases. This proposal reflects recent statutory amendments to Penal Code section 1203.01 that relieved courts from producing similar transcripts in every felony case resulting in a prison sentence. The committee also recommends the repeal of rule 4.470, an identical copy of rule 4.305, as duplicative.

Hon. Steven Z. Perren, Chair, Criminal Law Advisory Committee

Mr. Arturo Castro, Criminal Justice Court Services Office

Family and Juvenile Law

Item A18 Family Law: Correcting Substantive Issues in Forms for Dissolution of Domestic Partnership or Marriage (Action Required)

The Family and Juvenile Law Advisory Committee recommends revising forms FL-103 and FL- 123 to correct substantive omissions and formatting errors that have caused confusion to parties and court clerks and made them unusable by some parties for whom the forms were intended. The committee proposes correcting the forms so that they are consistent with their stated purpose.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean T. Stout, Cochair, Family and Juvenile Law Advisory Committee

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

Item A19 Family Law: Proof of Service by Posting or Publication (Action Required)

The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend that the Judicial Council adopt rule 5.72 and approve new application, order and proof of service forms for family law cases where a petitioner is unable to locate a respondent to serve the summons. On demonstration of a good faith effort to locate the respondent, these forms allow service either by publication or, if the petitioner is eligible for a fee waiver, by posting.

Hon. Kimberly J. Nystrom-Geist and Hon. Dean T. Stout, Cochairs, Family and Juvenile Law Advisory Committee

Hon. Laurie Zelon, Chair, Elkins Family Law Implementation Task Force

Ms. Bonnie Rose Hough and Ms. Gabrielle Selden, Center for Families, Children & the Courts

Item A20 Juvenile Dependency: Counsel Collections Program (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt *Guidelines for the Juvenile Dependency Counsel Collections Program* as Appendix F to the California Rules of Court, amend rule 1.4 to add a reference to Appendix F, and

approve seven new optional forms for dependency courts to use in implementing the counsel collections program. This recommendation fulfills the council's legislative mandate to "establish a program to collect reimbursements from the person liable for the costs of counsel appointed to represent parents or minors ... in dependency proceedings" (Welf. & Inst. Code, § 903.47(a)). As required by the statute, the guidelines include a statewide standard for determining an obligated person's ability to pay reimbursement as well as policies and procedures to allow courts to recover costs associated with implementing the counsel collections program.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean T. Stout, Cochair, Family and Juvenile Law Advisory Committee

Mr. Corby Sturges, Center for Families, Children & the Courts

Item A21 Juvenile Law: Interstate Compact on the Placement of Children (Action Required)

The Family and Juvenile Law Advisory Committee recommends amending one of the California Rules of Court and revising two Judicial Council forms to implement recent changes in the law related to the Interstate Compact on the Placement of Children (ICPC). The ICPC is an interstate agreement that governs the placement of California children in other states, as well as the placement of out-of-state children in California. Although the compact has not changed in recent years, the regulations implementing the ICPC were amended in 2010 and again in 2011. Most notably, ICPC Regulation No. 7, regarding expedited out-of-state placements of dependent children, was significantly expanded and revised in 2011. In addition, a 2010 Court of Appeal opinion invalidated rule 5.616(b)(1). These developments necessitate that rule 5.616 and two ICPC-related forms be revised to incorporate the new requirements.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean T. Stout, Cochair, Family and Juvenile Law Advisory Committee

Ms. Mara Bernstein, Center for Families, Children & the Courts

Probate and Guardianship

Item A22 Probate: Notice to Creditors in Decedents' Estates (Action Required)

The Probate and Mental Health Advisory Committee recommends revising two forms related to notice to creditors in decedents' estates. Statutorily required advice given on those forms concerning the time that creditors of a decedent have to file claims with the court and the personal representative of the decedent's estate is inaccurate, incomplete, and potentially misleading in some situations. Legislation sponsored by the Judicial Council that will become effective on January 1, 2013, will amend the statute to clarify the advice provided on the forms; the forms must be revised to conform to the amended law. The revisions also will alert creditors that laws other than those governing the creditors' claim process may affect their claims.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

Mr. Douglas C. Miller, Legal Services Office

Item A23 Probate Conservatorship and Guardianship: Financial Eligibility for County Payment for Counsel Appointed by the Court in Proceedings Under the Guardianship-Conservatorship Law (Action Required)

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt guidelines, in response to a direction from the Legislature, for determining the financial eligibility for payment by the county of all or a portion of the cost of counsel appointed for (proposed) conservatees and wards and for certain other persons, in proceedings under the Guardianship-Conservatorship Law. The advisory committee also proposes the amendment of rule 1.4(d) of the California Rules of Court to specify that the guidelines will be included in the rules as Appendix E.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

Mr. Douglas C. Miller, Legal Services Office

Item A24 Probate Guardianships: Communications Between California Courts on Guardianship Venue Issues (Action Required)

The Probate and Mental Health Advisory Committee recommends the adoption of rule 7.1014 of the California Rules of Court, which would implement a new statutory requirement on a court where a petition for the appointment of a guardian of the person of a minor has been filed. The proposed rule is a response to a provision in the new statute that directs the Judicial Council to adopt rules of court to implement the inter-court communication mandate of the law by January 1, 2013. The statute requires each such court to communicate with courts in all other California counties where family law custody or visitation proceedings concerning the minor were previously filed before determining the appropriate venue for the guardianship proceeding.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

Mr. Douglas C. Miller, Legal Services Office

Item A25 Probate Guardianships: Testimony and Alternatives to Testimony of Wards and Proposed Wards in Guardianship Cases (Action Required)

The Probate and Mental Health Advisory Committee recommends adopting new probate rule 7.1016 to extend to probate guardianship proceedings provisions of recently effective legislation and parts of a recently adopted rule of court concerning testimony and alternatives to testimony of children involved in custody and visitation litigation under the Family Code. The legislation that compelled the adoption of the new family law rule of court was placed in a Family Code section that also expressly applies to the appointment of a guardian of the person of a child. But a separate rule for guardianship proceedings, rather than the direct application of the family law rule to those proceedings, is recommended because of unique features of probate guardianship cases that distinguish them from family law custody matters.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

Mr. Douglas C. Miller, Legal Services Office

Protective Orders

[Item A26 Protective Orders: Emergency Protective Order Form \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee recommend that the *Emergency Protective Order* (form EPO-001) be revised to clarify and highlight the firearms provisions that apply when the order is issued and to collect information whether firearms have been reported, observed, searched for, or seized. They also recommended that the form be reorganized and other changes be made so that the form would be more effective and easier to understand.

Hon. Kimberly J. Nystrom-Geist and Hon. Dean T. Stout, Cochairs, Family and Juvenile Law Advisory Committee

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Mr. Bruce Greenlee and Mr. Patrick O'Donnell, Legal Services Office

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

[Item A27 Protective Orders: Notice of New Hearing and Order on Reissuance \(Action Required\)](#)

The Family and Juvenile Law Advisory Committee recommends revising two forms used in Domestic Violence Prevention Act cases to reduce court workload, enhance the forms' clarity, and promote public safety.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean T. Stout, Cochair, Family and Juvenile Law Advisory Committee

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

Miscellaneous

[Item A28 Rules and Forms: Technical Change to Title of Rule 10.301 \(Action Required\)](#)

The CJER Governing Committee recommends changing the chapter in which rule 10.301 is located and amending its title to more accurately reflect the rule's content in order to avoid ongoing confusion and to improve the organization of the rules pertaining to judicial branch education. These changes are non-substantive in nature.

Hon. Robert Dondero, Vice Chair, CJER Governing Committee

Dr. Diane Cowdrey, Director, Office of Education/CJER

[Item A29 Trial and Appellate Court Procedure: Contact Information for Parties and Attorneys \(Action Required\)](#)

NOTE: Time is estimated. Actual start and end times may vary.

The Appellate Advisory Committee and the Court Technology Advisory Committee recommend amending the trial and appellate rules to require that attorneys and self-represented parties in both trial and appellate courts initially provide the same contact information, including e-mail addresses if available, and provide that changes in this information trigger a requirement that they notify the court and other parties. The rule amendments would also clarify that if multiple attorneys from the same law firm, corporation, or public law office are joining in a document filed in the Court of Appeal, the cover of the document must include the names and State Bar numbers for all of the attorneys, but the law firm, corporation, or public law office must designate only one attorney to receive notices and other communications from the court. The Judicial Council information sheets regarding appeals to the appellate division would be revised to reflect the proposed changes in rule 8.816 and to update web addresses referenced in these forms, and *Notice of Change of Address* (form MC-040) would be revised to clarify that it can be used to provide notice of changes not only in an address, but in other contact information as well.

Hon. Kathryn Doi Todd, Chair, Appellate Advisory Committee

Hon. Ming W. Chin, Chair, Court Technology Advisory Committee

Ms. Heather Anderson and Mr. Patrick O'Donnell, Legal Services Office

Item A30 Trial Court Security: Petitions Under Government Code Section 69926 (Action Required)

The Trial Court Presiding Judges Advisory Committee recommends that the Judicial Council adopt rule 10.174 of the California Rules of Court. The proposed rule would fulfill the Judicial Council's obligation under recently enacted legislation to adopt a rule of court that establishes a process for resolving disputes that may arise among a sheriff, county, and superior court related to a memorandum of understanding for court security services. The proposed rule would provide a process for finally and expeditiously resolving such disputes.

Hon. Laurie Earl, Chair, Trial Court Presiding Judges Advisory Committee

Mr. Michael Giden, Legal Services Office

Item B Collaborative Justice Project: Substance Abuse Focus Grant Funding Allocation Recommendations for Fiscal Year 2012-2013 (Action Required)

The Collaborative Justice Courts Advisory Committee recommends that funding allocations for Collaborative Justice Substance Abuse Focus Grants through the California Collaborative and Drug Court Projects in the Budget Act of 2012 (Stats. 2012, ch. 21; § 45.55.020, item 0250-101-0001) be distributed to court programs as proposed in the attached table. This report details the committee's recommendations for funding programs in 47 courts for fiscal year 2012-2013 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

Hon. Richard Vlavianos, Chair, Collaborative Justice Courts Advisory Committee

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

Item C Judicial Branch Administration: Audit Reports for Judicial Council Acceptance (Action Required)

The Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (A&E) and the AOC recommend that the Judicial Council accept the audit reports that pertain to the Superior Courts of Del Norte and Stanislaus Counties. This acceptance complies with the policy approved by the Judicial Council on August 27, 2010, which specifies Judicial Council acceptance of audit reports as the last step to finalization of the reports before their placement on the California Courts public website to facilitate public access. Acceptance and publication of these reports will enhance accountability and provide the courts with information to minimize financial, compliance, and operational risk.

Hon. Richard D. Huffman, Chair, Advisory Committee on Financial Accountability and Efficiency

Mr. John A. Judnick, Internal Audit Services, AOC Finance Division

Item D Proposed Allocation for Fiscal Year 2012-2013 Judicial Council Court Appointed Special Advocate (CASA) Local Assistance (Action Required)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Court Appointed Special Advocate (CASA) grant funding allocations for fiscal year 2012-2013. The recommended allocations will fund current programs with the same methodology used in FY 2011-2012, award implementation funding for four new programs which received development funding last year, and set aside funds for technical assistance.

Hon. Kimberly J. Nystrom-Geist, Cochair, Family and Juvenile Law Advisory Committee

Hon. Dean T. Stout, Cochair, Family and Juvenile Law Advisory Committee

Ms. Amy Nunez, Center for Families, Children & the Courts

Item E Allocations and Reimbursements to Trial Courts: Annual Report to the Legislature (Action Required)

The AOC recommends that the Judicial Council approve the report on allocations and reimbursements to trial courts for fiscal year 2011-2012, required by Government Code section 77202.5, to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary.

Mr. Zlatko Theodorovic, Director, AOC Fiscal Services Office

Mr. Steven Chang, AOC Fiscal Services Office

DISCUSSION AGENDA (ITEMS F–I)

Item F **8:30–8:50 a.m.**

[Judicial Branch Education: Final Report on the 2010–2012 CJER Governing Committee Education Plan \(No Action Required\)](#)

The Governing Committee of the Center for Judicial Education and Research (CJER) has completed the final report on its 2010–2012 education plan for the judicial branch and the audiences the CJER Governing Committee serves. The final report provides an overview on the education plan’s execution and the extent to which it met the educational objectives established by the CJER Governing Committee.

Public Comment and Presentation (10 minutes) • Discussion (10 minutes)

Speakers: Hon. Robert L. Dondero, Vice Chair, CJER Governing Committee
 Dr. Diane E. Cowdrey, Director, Office of Education/CJER

Item G **8:50–10:05 a.m.**

[Court Facilities: Indefinite Delay of Seven SB 1407 Projects Due to Funding Redirections and Recommendations Related to Pegasus Audit Report \(Action Required\)](#)

The Court Facilities Working Group (the working group) recommends indefinite delay of seven projects due to the cumulative and ongoing redirection of SB 1407 funds to the General Fund and trial court operations. Other projects are recommended to move forward assuming no further redirection of SB 1407 funds. The working group also recommends the council adopt the findings and recommendations of the Pegasus Audit Report, with two caveats: the timeline of the implementation of the report’s recommendations be extended by six months, until July 16, 2013, and the task of creating and maintaining policies be centralized, to ensure they are consistent and current throughout all parts of the AOC’s Judicial Branch Capital Program Office.

Public Comment and Presentation (30 minutes) • Discussion (45 minutes)

Speakers: Hon. Brad R. Hill, Chair, Court Facilities Working Group
 Hon. Patricia M. Lucas, Vice-Chair, Court Facilities Working Group
 Hon. Jeffrey W. Johnson, Chair, Courthouse Cost Reduction Subcommittee

Break **10:05–10:20 a.m. (approx.)**

Item H **10:20–11:10 a.m.**

[Trial Court Special Funds: Allocations for Fiscal Year 2012–2013 \(Action Required\)](#)

The Trial Court Budget Working Group recommends a one-time allocation of \$71.923 million from the State Trial Court Improvement and Modernization Fund (STCIMF) for various programs in support of the trial courts, including \$6.769 million related to the financial component of Phoenix Financial and Human Resources Services costs previously charged to trial

NOTE: Time is estimated. Actual start and end times may vary.

courts, a one-time allocation from the Trial Court Trust Fund (TCTF) of \$58.836 million to offset reductions to trial court operations funding, and any revenue from the new \$30 fee for court reporting services in civil proceedings lasting under one hour be allocated to courts in the amount that each court collected. In addition, in order to fully distribute the recommended TCTF allocation, the working group is recommending that the council direct staff to seek additional expenditure that is subject to the approval to the Department of Finance and Legislature. The working group is also asking the Judicial Council to consider delegating the authority to transfer STCIMF allocations during the year from one program or project to another, subject to any restrictions or conditions provided by the council.

Public Comment and Presentation (20 minutes) • Discussion (30 minutes)

Speakers: Mr. David H. Yamasaki, Member, Trial Court Budget Working Group
Mr. Zlatko Theodorovic, Cochair, Trial Court Budget Working Group

Item I 11:10 a.m.–1:10 p.m.

Trial Court Trust Fund Allocations: 2 Percent Reserve (Action Required)

Courts applying for urgent needs funding from the 2 percent reserve in the Trial Court Trust Fund due to unavoidable funding shortfalls.

Public Comment and Presentation (45 minutes) • Discussion (75 minutes)

Speakers: Hon. James LaPorte, Presiding Judge, Superior Court of California,
County of Kings
Hon. David P. Warner, Presiding Judge, Superior Court of California,
County of San Joaquin
Hon. Steven D. Barnes, Judge, Superior Court of California,
County of Kings
Mr. Zlatko Theodorovic, Director, AOC Fiscal Services Office

Lunch 1:10–1:40 p.m. (approx.)

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

INFO 1 Status Update on the Implementation of Judicial Council Directives - AOC Realignment

The Chair of the Executive and Planning Committee (E&P) presents this informational report regarding the implementation of the Judicial Council Directives - AOC Realignment as approved by the council on August 31, 2012. The AOC Realignment directives specifically direct the Administrative Director of the Courts to report to E&P before each Judicial Council meeting on

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each of the directives approved. This informational report provides an update from the E&P Chair reporting on the progress of implementation efforts.

INFO 2 Court Facilities: Lease-Revenue Bond Issuances, Fall 2011–Spring 2012

As authorized and directed by the Judicial Council, the Administrative Director of the Courts presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2011 and spring 2012 for the financing of court facilities projects.

INFO 3 Family Law: Court Employed Child Custody Mediators' Working Files

At the request of the Judicial Council, the Family and Juvenile Law Advisory Committee has prepared this informational report on policy considerations related to the retention and destruction of the working files of court-employed child custody mediators, sometimes referred to as family court services files. The committee makes no recommendation for council action on this issue at this time.

INFO 4 Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours (Report No. 15)

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 15th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, nine superior courts—those of Kings, San Mateo, Amador, Calaveras, Ventura, Contra Costa, El Dorado, San Diego, and Sutter Counties—have issued new notices.

INFO 5 Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice

The Administrative Office of the Courts recommends that the Judicial Council approve the transmittal of the attached report to the Legislature on *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*, as required under Government Code section 77001.5. Although this is an annual requirement, reports due November 2010 and 2011 were not submitted due to resource limitations in the judicial branch. The attached report attempts to overcome these limitations by identifying and reporting on existing measures adopted by the Judicial Council that respond to the reporting requirements. Taking advantage of improvements in data quality, the report provides information on the following standards and measures of trial court operations: (1) caseload clearance rates; (2) time to disposition; (3) stage of case at disposition; (4) trials by type of proceeding; and (5) judicial workload and resources.

INFO 6 Court Facilities: Trial Court Facility Modifications Quarterly Activity Report: Quarter 1, Fiscal Year 2012-2013

The Trial Court Facility Modifications Working Group (TCFMWG) has completed their facility modification funding for the first quarter of fiscal year 2012–2013. The Court Facilities Working Group has reviewed their activities. In compliance with the Trial Court Facility Modifications Policy, the TCFMWG is submitting its Trial Court Facility Modification Quarterly Activity Report: Quarter 1, Fiscal Year 2012-2013 as information for the Judicial Council.

INFO 7 Trial Courts: Annual Investment Report for Fiscal Year 2011-2012

This Trial Court Annual Investment Report provides the financial results for the funds invested by the AOC on behalf of the trial courts as part of the judicial branch treasury program. This report is submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004. This report covers the period of July 1, 2011, through June 30, 2012.

INFO 8 Trial Court Trust Fund: Expenditures and Encumbrances for Fiscal Year 2012–2013, 1st Quarter

In compliance with the Budget Act of 2012 requirements, this is an informational report concerning all expenditures made in the first quarter of fiscal year (FY) 2012–2013 of programs and projects appropriated from Item 0250–001–0932 of the Budget Act of 2012. In addition, this report includes any other expenditures and encumbrances of funds from the Trial Court Trust Fund excluding those related to Schedules (2), (3), and (4) of Item 0250–101–0932 of the Budget Act of 2012 and direct allocations to trial courts.

INFO 9 Trial Court Trust Fund Allocation: Final \$235 Million Reduction Based on Ending 2011–2012 Fund Balance

In July 2012, the council approved a preliminary \$235 million reduction to trial courts based on each court's share of the ending 2011-12 total fund balance with the final reduction amount to be determined once the last trial court closed its financials for fiscal year 2011-12. The last trial court closed its 2011–12 financial books on September 14, 2012. Based on the methodology prescribed by the Budget Act of 2012, and adopted by the council at its July 27, 2012 meeting, which allocates a portion of a \$235 million reduction to each court based on each court's share of the ending 2011–2012 total fund balance, the final allocation of the reduction is computed and displayed in column F of Attachment 1.

As the council already allocated a preliminary share of the \$235 million reduction to each trial court (see column C of Attachment 1), courts will receive an allocation adjustment based on the final computation (see column G of Attachment 1) in starting in October.

[Appointment Orders since the last business meeting](#)

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