

JUDICIAL COUNCIL MEETING
Minutes of April 15, 2003, Meeting

The Judicial Council of California business meeting began at 8:40 a.m. on Tuesday, April 15, 2003, at the Administrative Office of the Courts (AOC) in San Francisco, California, on the call of Chief Justice Ronald M. George, chair.

Judicial Council members present: Chief Justice Ronald M. George; Associate Justices Marvin R. Baxter, Norman L. Epstein, Richard D. Huffman, and Laurence Donald Kay; Judges Gail A. Andler, Aviva K. Bobb, Eric L. Du Temple, William C. Harrison, Jack Komar, William A. MacLaughlin, Ronald M. Sabraw, and Barbara Ann Zúñiga; Mr. Rex Heeseman, Mr. David J. Pasternak, Mr. William C. Vickrey, and Mr. Thomas Joseph Warwick, Jr.; **advisory members:** Judges Frederick Paul Horn and Gregory C. O'Brien, Jr.; Commissioner Patricia H. Wong; Ms. Tressa S. Kentner, Ms. Susan Null, and Mr. Alan Slater.

Absent: Senator Martha M. Escutia, Assembly Member Ellen M. Corbett, Judges Brad R. Hill and Heather D. Morse, and Ms. Ann Miller Ravel.

Others present included: Associate Justices James A. Ardaiz, Carol A. Corrigan, James R. Lambden, Judith McConnell, and James D. Ward; Judges George J. Abdallah, Jr., B. Tam Nomoto Schumann, and Darrell W. Stevens; Mr. James Adams, Mr. Michael W. Boggs, Ms. Beth Jay, Ms. Annette Kirby, Ms. Debbie Mercado, and Ms. Carole Prescott; **staff:** Ms. Tamara Abrams, Ms. Melissa Ardaiz, Mr. Michael Bergeisen, Mr. Dennis Blanchard, Ms. Dianne Bolotte, Mr. John Burke, Ms. Francine Byrne, Mr. James Carroll, Ms. Tina Carroll, Mr. Roderic Cathcart, Ms. Jeanne Caughell, Ms. Roma Cheadle, Ms. Penelope Davis, Mr. Bob Fleshman, Ms. Denise Friday, Mr. Ruben Gomez, Ms. Janet Grove, Ms. Christine Hansen; Ms. Sue Hansen, Mr. Andy Hauer, Mr. Jim Hill, Ms. Lynn Holton, Ms. Bonnie Hough, Ms. Susan Hough, Mr. Harry Jacobs, Ms. Melissa Johnson, Mr. Kenneth Kann, Ms. Martha Kilbourn, Mr. Shawn Landry, Mr. John Larson, Mr. Ray LeBov, Ms. Sally Lee, Ms. Lisa Lightman, Mr. Robert Lowney, Ms. Kate Lucchio, Mr. Douglas C. Miller, Mr. Frederick Miller, Ms. Diane Nunn, Mr. Patrick O'Donnell, Ms. Susan Oliker, Ms. Claudia Ortega, Mr. Ronald G. Overholt, Ms. Christine Patton, Ms. Catharine Price, Ms. Romunda Price, Mr. Michael M. Roddy, Mr. Robert Schindewolf, Ms. Beth Shirk, Ms. Marlene Smith, Ms. Maya Smith, Ms. Sonya Smith, Ms. Pat Sweeten, Ms. Kim Taylor, Ms. Marcia Taylor, Ms. Nancy Taylor, Ms. Alla Urisman, Mr. Jim Vesper, Mr. Tony Wernert, Ms. Barbara Whiteoak, Mr. Michael Wright, and Ms. Pat Yerian; **media representatives:** Mr. Jeff Chorney, *The Recorder*, Ms. Donna Domino, *San Francisco Daily Journal*.

Except as noted, each action item on the agenda was unanimously approved on the motion made and seconded. (Tab letters and item numbers refer to the binder of Reports and Recommendations dated April 15, 2003, that was sent to members in advance of the meeting.)

Chief Justice Ronald M. George acknowledged representatives of employee groups from the courts who asked to address the Judicial Council concerning trial court budget issues. The Chief welcomed Ms. Carole Prescott, President of American Federation of State, County, and Municipal Employees (AFSCME) Local 575, Ms. Debbie Mercado, President of AFSCME Local 276, and Mr. Michael W. Boggs, President of AFSCME Local 910.

Public Comment Related to Trial Court Budget Issues

Ms. Carole Prescott, President of AFSCME Local 575, representing the court clerks of Los Angeles County, reported that since she last addressed the council at its February 28, 2003, meeting, the Los Angeles courts had received notice that they would close for eight days. However, with a lot of work and the help of the council, the court found a way to stay open. Ms Prescott expressed her thanks to the council and legislators for their support in the successful effort to keep the courts open and closures to a minimum.

Ms. Prescott further reported that the court is having a difficult time prioritizing. It was discovered that the courts had ordered over 1,100 computers during a time when they were talking about closing the courts. A message was conveyed to court leaders about the importance of remaining open to serve the public. As a result, many of the computers were either returned or not delivered. Ms. Prescott requested the continued support of the council in keeping the courts open to serve the public.

Mr. Michael W. Boggs, President of AFSCME Local 910, which represents research attorneys and law clerks who provide legal research support to judges, discussed the impact a new court policy will have with regard to retaining trained staff. He explained that under the union's current hiring system, individuals are not hired into probationary positions that then become permanent. Instead, they are hired as one-year temporary employees. Then, based on the court's needs, staff may begin a probationary period leading to permanent employment. However, under the new policy there will no longer be a progression from temporary position to probationary position unless a research attorney position has become vacant. The new policy is such that after two years as a temporary employee, the staff member would be terminated and a new hire brought in. He stated that his group would be further affected by Senate Bill 2011, passed last year, which limits temporary employment to six months. Mr. Boggs stated that the union was fighting this new policy and asked the council for support in this endeavor.

Ms. Debbie Mercado, President of AFSCME Local 276, representing the child custody evaluators and senior family mediators for the Superior Court of Los Angeles County, explained that their business representative, Damian Tryon, was unable to attend due to his being in negotiations with the courts.

Ms. Mercado reported that management of the Superior Court of Los Angeles County continued to view layoffs and work furloughs as their plan of preference for cost savings. She reported that AFSCME submitted cost-saving and revenue-generating proposals and received a response weeks later basically discounting all plans they had proposed.

At the same time the union learned that the courts had ordered over \$1 million worth of computer equipment. As a result of the union's intervention, the order was significantly reduced. Ms. Mercado asserted that this incident demonstrates that, rather than curtailing unnecessary and costly purchases, the Superior Court of Los Angeles County's plan of preference appears to be work furloughs and court closures that negatively affect both the employees and the public that they serve. Ms. Mercado reported that furloughs and court closures would not be required through the end of fiscal year 2002–2003. She stated that even though serious shortages are anticipated in fiscal year 2003–2004, furloughs and court closures should be seen only as a last resort. She stressed the importance of keeping the courts open, especially in cases involving individuals seeking restraining orders, families and their children in need of protective custody, or visitation orders in abusive homes.

Ms. Mercado thanked the council for their support and offered to keep lines of communication open for future endeavors and to improve court services for everyone involved, primarily by keeping the doors open.

Chief Justice George thanked each of the representatives for sharing their thoughts with the council and stressed that the mission of the Judicial Council has always been access and fairness. As he stated recently to the Legislature, in taking steps to deal with the state's budget crisis, the last resort is to lay off employees. The Chief stated that he was very pleased that through the mutual efforts of the leadership of the Superior Court of Los Angeles County (represented here by its Assistant Presiding Judge William A. MacLaughlin), members of the Judicial Council and the AOC, and others, the Los Angeles court system has been able to avoid court closures and furloughs. He restated his commitment to engaging in all efforts to avoid court closures and furloughs. He stated that he is hopeful that the courts will be able to do that. He noted upcoming meetings with various employee representatives and continuing efforts to work together on issues of mutual interest to improve the administration of justice.

Approval of Minutes of February 28, 2003

Chief Justice George inquired whether anyone had any corrections they would like to make to the minutes of the previous meeting.

Referring to section G1 on page 17 of the minutes, Justice Norman L. Epstein indicated that his motion to provide an interim statement to represent the sense of the council should have read, "It is a first priority to preserve access . . ." Justice Epstein asked that the minutes be corrected to add the phrase "It is a first priority."

The council approved the minutes of its February 28, 2003, meeting as corrected.

Judicial Council Committee Presentations

Executive and Planning Committee

Associate Justice Richard D. Huffman, chair, reported that the Executive and Planning Committee (E&P) had met twice since the last council meeting. On February 28, 2003, the committee met after the council's business meeting to approve recommendations for funding for mentor courts. The committee, acting on behalf of the council, approved the allocation of \$1.66 million to the following courts:

Butte/Glenn	\$203,054
Del Norte	\$149,712
Los Angeles	\$500,000
Napa	\$296,936
San Joaquin	\$166,121
Yolo	\$345,607

The committee met again on April 1, 2003, for a number of items. One was to review reports to set the agenda for today's meeting. The committee, also on behalf of the Judicial Council, approved the establishment of a subordinate judicial officer (SJO) position for the Superior Court of San Joaquin County. AOC staff analysis of the court's request revealed that that court is significantly understaffed and has been paying pro tem judges. Therefore the court has sufficient funds for the SJO position without asking for additional money. The court's workload more than justified a new SJO position. With that set of assurances, the SJO position was approved.

The committee also approved the recommendation of staff to establish an Assembly Bill 1058 SJO position for the Superior Court of San Diego County. The request was based upon the AB 1058 workload and the recommendation of the child support agency that is providing the funding for that position.

Finally, also in the AB 1058 area, the committee approved the reallocation of child support program funding as part of a midyear reallocation where money is taken from those courts that have unused money and allocated to courts that are in need of money to continue those programs.

Justice Huffman also reported that occasionally, during site visits or otherwise, members of the judiciary worry about how rules are prepared. The Rules and Projects Committee (RUPRO) has a regular program in place for circulation and analysis of these rules, and a form is on the agenda today that illustrates the process. The Executive and Planning Committee reviewed the form, raised some issues, and discussed it with staff who, in turn, discussed it with the advisory committee and RUPRO. The form has been moved

from the consent agenda to the discussion agenda, and RUPRO has additional materials to offer. There have also been consultations with the advisory committee. This illustrates the process of rule making that the council goes through. Not only do we send out regular mailings for people to comment but also the rules come back, are analyzed by staff and by the advisory committee, then go through RUPRO's in-depth analysis, and finally come to E&P to determine if they are ready for the agenda. The process is a vigorous, healthy process that brings these issues up for a good deal of input from the judicial branch.

Justice Huffman also informed the council that E&P is soliciting Judicial Council advisory committee nominations as part of its role of making nomination recommendations to the Chief Justice for membership on these bodies. The nomination requests went out on April 11, 2003. The due date for the Judicial Council applications is May 30, 2003, and June 30, 2003, for the advisory committee positions.

Chief Justice George confirmed with Justice Huffman that the dates for nominations had been moved up from previous years and asked members to keep the new dates in mind.

Justice Huffman reported that the goal is to have a list of Judicial Council nominees available for Chief Justice George so that if he approved of them, he could appoint them before the July meeting. The hope is that the July planning meeting might include, by invitation, the new council members so that they don't go a year before participating in a planning session. So it is very important that people get applications in so that E&P can begin the task of making inquiries related to the applications.

Lastly, E&P met with the advisory committee chairs, Justice Baxter, Judge Andler, and members of the AOC staff to discuss the size and makeup of the advisory committees. In an effort to save money and keep the committees as efficient and lean as possible, the recruitment is being reduced this year. With the concurrence of the advisory committee chairs, the recruiting will be for 28 fewer positions this year than would have been recruited for normally. The analysis done by the advisory committee chairs made it clear that some of the committees have grown to the point that not all of their positions are needed. Annually, the internal committee chairs will meet with the advisory committee chairs to make sure that they have the right numbers and the right mix of people.

The Executive and Planning Committee also agreed with the advisory committee chairs and the internal committee chairs to review the manner in which advisory committees report to the council. In an effort to try to get the advisory committees more coordinated with the Judicial Council planning process, the committees will be divided, probably between RUPRO and E&P, for review of the manner in which the committees prepare their action plans. The goal is to both eliminate unnecessary work and maximize the advisory committees' ability to help meet the challenges we have with the limited resources available.

Policy Coordination and Liaison Committee

Associate Justice Marvin R. Baxter, chair, reported that the Policy Coordination and Liaison Committee (PCLC) met three times since the last Judicial Council meeting. At the meetings on March 13, March 27, and April 10, the committee took positions on 19 bills relating to a wide variety of subjects. At the March 13 meeting, the committee, joined by the chairs of the other internal council committees, approved in concept an additional proposal for council-sponsored legislation in 2003. That proposal would enhance collections of court-ordered fines and penalties.

Justice Baxter then reported on the status of Judicial Council–sponsored bills, as follows:

Assembly Bill 1180 clarifies that when a summoned juror fails to appear for jury service, the court may, in lieu of using contempt procedures, impose reasonable monetary sanctions on the prospective juror following an Order to Show Cause hearing. This bill is on the Assembly floor.

Assembly Bill 1306 provides that if an out-of-county resident is sentenced under Proposition 36, probation and jurisdiction shall, at the discretion of the sentencing judge, be transferred to the defendant’s county of permanent residence. This bill is awaiting hearing in the Assembly Public Safety Committee.

Assembly Bill 1710 makes technical and clarifying amendments in the areas of family and juvenile law. This bill is on the Assembly floor, on the consent calendar.

Assembly Bill 1712 brings various statutory provisions of law into conformance with the abolition of municipal courts and their unification with the superior courts. It makes clarifying changes with respect to judicial arbitration proceedings, guardians ad litem, jury lists, service of process, small claims court, and witness fees. This bill is awaiting a hearing in the Assembly Judiciary Committee.

Senate Bill 328 makes technical changes to the Trial Court Facilities Act and is in the Senate Appropriations Committee.

Senate Bill 655 authorizes the issuance of up to \$1.85 billion in bonds, the proceeds of which would be deposited in the State Courthouse Construction Fund. This bill is set for hearing in the Senate Judiciary Committee.

A report was just received that Assembly Bill 1706 is about to be amended to be the council-sponsored bill on conversion of eligible subordinate judicial officer positions to judgeships. The Legislature has indicated that it will authorize only a small number of conversions each year, though the specific number has not yet been determined. The amended bill should be in print next week, and a hearing will be scheduled in the Assembly Judiciary Committee in May.

In addition, at its next meeting the PCLC will consider a proposal for council-sponsored legislation that will clarify the presiding judges' and the Chief Justice's emergency powers in the case of war, insurrection, or other public calamity.

Justice Baxter expressed appreciation for all who attended the Judicial-Legislative-Executive Forum and the Chief's State of the Judiciary address. He emphasized how important it is for the relationships between the three branches of government to be nurtured and reminded those who have an interest in being kept up to date on the Judicial Council's position vis-à-vis legislation that information is available on the judicial branch's California Courts Web site (www.courtinfo.ca.gov).

Rules and Projects Committee

Judge Gail A. Andler, chair, reported that the Rules and Projects Committee (RUPRO) met on two occasions since the last council meeting and reviewed more than 70 rules and forms proposals to go out for public comment. There was lively and spirited debate on many of those proposals and the meetings were very productive.

On March 28, RUPRO reviewed proposals for new and amended rules and forms that are coming before the council today. RUPRO recommends approval of the following rules and forms:

Items A1–A9 and A11 on the consent agenda and item C on the discussion agenda.

RUPRO also recommends the approval of item A10 on the discussion agenda, with one modification that will be further explained in the oral presentation of that form. RUPRO recommends that the *Confidential Guardianship Status Report* form be broadened to require disclosures of arrests as well as disclosures of criminal charges and convictions.

At its meeting on March 28, RUPRO also reviewed 15 proposals for new and amended rules and forms to go out for public comment.

RUPRO met again on April 10 to review 56 proposals for new and amended rules and forms to go out for public comment. The public comment period for these rules and forms is from April 17 to July 1, 2003. RUPRO anticipates that these proposals will come before the council at its October 21 business meeting.

CONSENT AGENDA

ITEM A RULES, FORMS, AND STANDARDS

General rules

Item A1 Electronic Access to Court Calendars, Indexes, and Registers of Action (adopt Cal. Rules of Court, rule 2077) (Action Required)

The Court Executives Advisory Committee recommends approving a rule that defines minimum contents for, as well as information that must be excluded from, court calendars, indexes, and registers of action that are provided to the public electronically.

Council action:

The Judicial Council, effective July 1, 2003:

1. Adopted rule 2077 of the California rules of Court; and
2. Directed the Administrative Office of the Courts' Information Services Division to incorporate the provisions of rule 2077 as functional requirements of existing case management system certification efforts or the judicial branch's California Case Management System.

Item A2 Trial Court Presiding Judges Advisory Committee (amend Cal. Rules of Court, rule 6.46) (Action Required)

The Trial Court Presiding Judges Advisory Committee recommends that the Judicial Council amend rule 6.46 to ensure that it conforms in structure and content with the rules for other council advisory committees and to delete obsolete, redundant, and unnecessary information.

Council action:

The Judicial Council, effective April 18, 2003, amended rule 6.46 of the California Rules of Court.

Civil and Small Claims

Item A3 Civil Case Cover Sheet (revise form 982.2(b)(1) and amend Cal Rules of Court, rule 201.8(b)) (Action Required)

The Civil and Small Claims Advisory Committee recommends revising a form and amending a rule to incorporate technical changes and instructions to plaintiffs and others filing their first paper.

Council action:

The Judicial Council, effective July 1, 2003:

1. Revised the *Civil Case Cover Sheet* (form CM-010 (formerly form 982.2(b)(1)); and
2. Amended rule 201.8(b) of the California Rules of Court.

Item A4 Small Claims Procedure: Plaintiff's Claim and Order to Defendant (Small Claims) and Information for the Plaintiff (Small Claims) (revise forms SC-100 and SC-150) (Action Required)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2003, revise form SC-100, *Plaintiff's Claim and Order to Defendant (Small Claims)* and form SC-150, *Information for the Plaintiff (Small Claims)* to (1) conform to recent legislative amendments; (2) add a ZIP code to the venue selected by the plaintiff; (3) add a mailing address to the current mandatory street address; (4) add an instruction that forms and more information can be obtained from the California Courts Online Self-Help Center Web site (www.courtinfo.ca.gov/selfhelp), the county law library, or the courthouse nearest to the party; and (5) make other minor technical corrections.

Council action:

The Judicial Council, effective July 1, 2003, revised *Plaintiff's Claim and Order to Defendant (Small Claims)* (form SC-100) and *Information for the Plaintiff (Small Claims)* (form SC-150). [Forms SC-100 and SC-150 contained technical errors in the report submitted to the council. The forms have been corrected consistent with the recommendations in the council report. The corrected forms SC-100 and SC-150 are attached to these minutes.]

Item A5 Civil Forms: Miscellaneous Technical Revisions (revise forms 982(a)(6), 982(a)(21), SC-109, and UD-116) (Action Required)

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2003, revise one general civil form, one form for limited civil cases in economic litigation, one optional small claims form, and one unlawful detainer form to conform to recent legislative changes, provide sufficient space for requested information, and clarify a particular provision for self-represented parties.

Council action:

The Judicial Council, effective July 1, 2003, revised the:

1. *Request for Entry of Default* (form 982(a)(6)) to conform to recently amended section 425.11 of the Code of Civil Procedure;
2. *Case Questionnaire—For Limited Civil Cases (Under \$25,000)* (form 982(a)(21);
3. *Authorization to Appear on Behalf of Party (Small Claims)* (form SC-109); and
4. *Declaration for Default Judgment by Court (Unlawful Detainer—Code Civ. Proc., § 585(d))* (form UD-116) to conform to recently amended section 1946.1 of the Civil Code.

Criminal

Item A6 Changes to Criminal Sentencing Rules and Advisory Committee Comments (amend Cal. Rules of Court, rules 4.403, 4.405, 4.406, 4.410, 4.411.5, 4.413, 4.414, 4.426, 4.428, 4.433, 4.435, 4.447, 4.451, 4.452, 4.472, and 4.480 and amend advisory committee comments to rules 4.300, 4.403,

4.405, 4.406, 4.410, 4.411, 4.412, 4.414, 4.420, 4.421, 4.423, 4.426, 4.428, 4.431, 4.433, 4.437, 4.447, 4.451, and 4.453) (Action Required)

The proposed amendments would update the comments to the sentencing rules in Title Four of the California Rules of Court and make other stylistic updates to the rules. Additionally, the proposal would clarify that Title Four applies to criminal cases in the superior court.

Council action:

The Judicial Council, effective July 1, 2003, [note: The council report erroneously stated that these amendments were effective January 1, 2003. The council did not intend that these amendments be retroactive, and the effective date is intended to be July 1, 2003.] amended:

1. California Rules of Court, rules 4.403, 4.405, 4.406, 4.410, 4.411.5, 4.413, 4.414, 4.426, 4.428, 4.433, 4.435, 4.447, 4.451, 4.452, 4.472, and 4.480; and
2. Advisory committee comments to rules 4.300, 4.403, 4.405, 4.406, 4.410, 4.411, 4.412, 4.414, 4.420, 4.421, 4.423, 4.426, 4.428, 4.431, 4.433, 4.437, 4.447, 4.451, and 4.453.

Family and Juvenile

Item A7 Child Abduction Prevention (adopt forms DV-108, DV-145, FL-312, and FL-341(B); revise forms DV-105, DV-120, DV-140, FL-305, FL-310, FL-311, FL-340, FL-341, and JV-200) (Action Required)

Assembly Bill 2441 was chaptered on September 25, 2002. This bill enacts the Synclair-Cannon Child Abduction Prevention Act of 2002, now Family Code section 3048, to address the increasing problem of international child abduction. The statute mandates certain provisions that must be included in every temporary or permanent court order pertaining to child custody or visitation. Under the new legislation, if a court becomes aware of a potential risk of abduction in a child custody proceeding, the court must consider certain statutory factors to determine whether such a risk actually exists. If the court determines that there is a risk of abduction, it must decide which statutory conditions should be included in its order. Family Code section 3048(c) requires that “[t]he Judicial Council shall make the changes to its child custody order forms ... that are necessary for implementation by July 1, 2003.”

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2003, take the following action to conform to Family Code section 3048:

1. Adopt forms DV-108, DV-145, FL-312, and FL-341(B); and
2. Revise forms DV-105, DV-120, DV-140, FL-305, FL-310, FL-311, FL-340, FL-341, and JV-200.

Council action:

The Judicial Council, effective July 1, 2003:

1. Adopted forms DV-108, DV-145, FL-312, and FL-341(B); and
2. Revised forms DV-105, DV-120, DV-140, FL-305, FL-310, FL-311, FL-340, FL-341, and JV-200.

Item A8 Family Law: Technical Changes to Family Law and Domestic Violence Rules and Forms (amend Cal. Rules of Court, rules 5.126, 5.158, 5.220, 5.400 and revise forms 1285.66, 1296.32, 1299.02, OMB 0970-0085, DV-125, DV-150, DV-160, DV-170, DV-210, DV-250, DV-600, DV-710, FL-160, FL-350, FL-421, FL-490, FL-500, FL-505, FL-525, FL-526, FL-556, FL-557, FL-558, FL-559, FL-600, FL-680, and FL-684) (Action Required)

Members of the Family and Juvenile Law Advisory Committee, court personnel, local child support agency personnel, members of the public, and staff have identified some inadvertent errors and omissions that must be corrected in domestic violence and family law forms. All family law rules of court and all 299 domestic violence prevention and family law forms were renumbered and revised effective January 1, 2003. In the course of that major change, a few technical errors were made that require correction. Additionally federal forms that must be accepted in California have been updated, and the Judicial Council forms need to be revised to conform to these changes.

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2003, amend the rules and revise the forms listed above.

Council action:

The Judicial Council, effective July 1, 2003:

1. Amended rule 5.126 to correct a reference to form FL-315 rather than FL-325;
2. Amended rule 5.158 to correct a reference to rule 5.154 rather than 5.254;
3. Amended rule 5.220 to conform with the requirements under Family Code section 3118 for evaluation in cases where the court has determined that there are serious allegations of child sexual abuse;
4. Amended rule 5.400 as it refers to two forms by their prior names and deleted hyphens between “contact,” “after,” and “adoption”;
5. Revised form 1285.66, *Findings and Order Regarding Contempt (Family Law—Domestic Violence Prevention—Uniform Parentage—Governmental)*, to assign a new form number FL-415 as this form was inadvertently omitted during renumbering;
6. Revised form 1296.32, *Short Form Order After Hearing (Governmental)*, to assign a new form number FL-688 as this form was inadvertently omitted during renumbering;
7. Revised form 1299.02, *Notice and Acknowledgment of Receipt (Governmental)*, to assign a new form number FL-605 as this form was inadvertently omitted during renumbering;

8. Revised OMB form 0970-0085, *Notice of Determination of Controlling Order*, to assign a new form number FL-571 as this form was inadvertently omitted during renumbering;
9. Revised form DV-125, *Reissue Temporary Restraining Order (Domestic Violence Prevention)*, to clarify the date on which the last hearing was set;
10. Revised form DV-150, *Supervised Visitation Order (Domestic Violence Prevention)*, to reference item 10 in item 7;
11. Revised form DV-160, *Child Support Order (Domestic Violence Prevention)*, to replace old form numbers with the new form numbers, and to correct the Spanish translation;
12. Revised form DV-170, *Other Orders (Domestic Violence Prevention)*, to clarify the name of the form as well as the definition of “restitution”;
13. Revised form DV-210, *What Is “Proof of Service”?* (*Domestic Violence Prevention*), to clarify how many types of service exist and that the sheriff or marshal, not necessarily law enforcement in general, is authorized to serve the orders for free. The revisions add a form name to an existing form number and clarify that the litigant is to attach a copy of the original order, not the original itself, to the forms delivered to the restrained person;
14. Revised form DV-250, *Proof of Service by Mail (CLETS) (Domestic Violence Prevention)*, to correct an error and allow the form to be used by a respondent;
15. Revised form DV-600, *Register Out-of-State Restraining Order (CLETS) (Domestic Violence Prevention)*, to correct the Family Code reference in the footer;
16. Revised form DV-710, *Notice of Hearing to Renew Restraining Order (CLETS) (Domestic Violence Prevention)*, to correct a typographical error by removing the word “not” from the reverse-block warning at the bottom of the page. This revision clarifies that the form is a court order and ensures that existing court orders would remain in full force and effect until the hearing date;
17. Revised form FL-160, *Property Declaration (Family Law)*, to move line 13 down so that parties have sufficient space to list other assets or debts in line 12;
18. Revised form FL-350, *Stipulation to Establish or Modify Child Support and Order*, to correct an incomplete sentence regarding issuance of an earnings assignment;
19. Revised form FL-421, *Payment History Attachment (Family Law—Governmental—Uniform Parentage Act)*, to clarify the instructions on seeking reimbursed child-care expenses, medical, and other expenses;
20. Revised form FL-490, *Application to Determine Arrearages*, to add form number to the *Income and Expense Declaration* reference;
21. Revised form FL-500, *Uniform Support Petition*, to conform to the current version of the federal form;
22. Revised form FL-505, *Child Support Enforcement Transmittal #1— Initial Request*, to conform to the current version of the federal form;
23. Revised form FL-525, *Affidavit in Support of Establishing Paternity*, to conform to the current version of the federal form;
24. Revised form FL-526, *General Testimony*, to conform to the current version of the federal form;

25. Revised form FL-556, *Registration Statement*, to conform to the current version of the federal form;
26. Revised form FL-557, *Child Support Enforcement Transmittal #2—Subsequent Actions*, to conform to the current version of the federal form;
27. Revised form FL-558, *Locate Data Sheet*, to conform to the current version of the federal form;
28. Revised form FL-559, *Child Support Enforcement Transmittal #3—Request for Assistance/Discovery*, to conform to the current version of the federal form;
29. Revised form FL-600, *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations (Governmental)*, to add reference to Petitioner and Respondent in item 2b and to bold information about the family law facilitator;
30. Revised form FL-680, *Notice of Motion (Governmental)*, to add “Child” before “Support” in the caption, shift notice concerning child support commissioner to the first paragraph, and add *Financial Statement (Simplified)* (FL-155) after *Income and Expense Declaration* (FL-150);
31. Revised form FL-684, *Request for Order and Supporting Declaration (Governmental)*, to add OMB form number and an item 2c for Other and to add the “specify” in item 5.

Probate

Item A9 Probate Form: *Petition for Probate* (revise form DE-111) (Action Required)

The Probate and Mental Health Advisory Committee recommends that Judicial Council form DE-111, *Petition for Probate*, be revised to reflect a change in the law of intestate succession made by a statute enacted in 2002 that will be effective on July 1, 2003. This change will give an intestate decedent’s surviving domestic partner a right to inherit all or a part of the decedent’s estate that is equivalent to the right of a surviving spouse to inherit the decedent’s separate property.

Council action:

The Judicial Council, effective July 1, 2003, revised the *Petition for Probate* (form DE-111).

Item A10 Probate Form: *Confidential Guardianship Status Report* (adopt form GC-251) (Action Required)

This item was moved to the end of the discussion agenda following item G.

Item A11 Miscellaneous Technical Changes to Rules (amend Cal Rules of Court, rule 64 and repeal rule 41.5) (Action Required)

AOC staff recommends amending rule 64 to correct an erroneous cross-reference in that rule and repealing rule 41.5 because it has been superseded by revised rule 22(a).

Council action:

The Judicial Council, effective July 1, 2003:

1. Amended rule 64 of the California Rules of Court; and
2. Repealed rule 41.5 of the California Rules of Court.

DISCUSSION AGENDA

The Chief Justice noted that the first matter on the discussion agenda, item B, was not an action item but, instead, involved a presentation to the council by the CJER Governing Committee recognizing the founders of judicial education and administrative and staff education. The Chief Justice then acknowledged and welcomed the chair and vice-chair of the CJER Governing Committee, Judge B. Tam Nomoto Schumann and Judge George J. Abdallah, Jr., from the Superior Court of Orange County and the Superior Court of San Joaquin County, respectively, as well as Jim Vesper from the Education Division/CJER.

Item B CJER Governing Committee Presentation: Recognition of Founders of Judicial Education and Administrative and Staff Education (Discussion Only; No Action Required)

Judge B. Tam Nomoto Schumann, Chair, CJER Governing Committee presented to the Judicial Council a plaque honoring the founders of judicial education, as follows:

California Judges

Association

The Ford Foundation
Bernard E. Witkin, Esq.

Other Significant

Contributors

Hon. Murray Draper
Hon. Leon Emerson
Hon. Frank Mackin
Hon. Hilton McCabe
Hon. Raymond Sherman

Judicial College Deans

Hon. Donald R. Fretz (1967–1968)
Hon. Claude M. Owens (1969–1970)
Hon. William H. Levit (1971)
Hon. Henry Busch (1972–1973)
Hon. Bernard E. Jefferson (1974–1975)
Hon. Homer B. Thompson (1976–1977)
Hon. John R. Stanton (1978–1979)
Hon. William B. Keene (1980–1981)
Hon. Norman L. Epstein (1982–1983)
Hon. Marie Bertillion Collins (1984–1985)
Hon. David Rothman (1986–1987)

Presented in 2003 with the deepest appreciation and gratitude on behalf of present, past, and future members of the California judiciary by the Governing Committee of the Center for Judicial Education and Research (CJER).

Judge George J. Abdallah, Jr., presented a plaque honoring the founders of court staff education, as follows:

Pilot Project Steering Committee
for JAIC [Judicial Administration
Institute of California]

Mr. Dennis B. Jones
Ms. June H. Cicero
Hon. Susan P. Finlay
Hon. Steven J. Howell
Mr. Stephen M. Kelly
Mr. Edward M. Kritzman
Mr. Joseph A. Lane
Ms. Sharon Lear
Ms. Susan Null
Mr. Charles D. Ramey
Dr. Moshe Rubinstein
Hon. B. Tam Nomoto
Schumann

Chairs of JAIC

Mr. Charles D. Ramey (1996–1997)
Ms. Sharon Lear (1997–1998)
Ms. Joyce Ziegler (1998–1999)
Hon. Jon Mayeda (1999–2000)
Ms. Inga McElyea (2000–2001)
Ms. Sharol Strickland (2001–2002)

Other Significant Contributors

Hon. Ernest Borunda
Hon. John W. Kennedy, Jr.
Mr. Frederick K. Ohlrich
Mr. Arthur Sims

Presented in 2003 with the deepest appreciation and gratitude on behalf of present, past, and future members of the California judicial branch by the Governing Committee of the Center for Judicial Education and Research (CJER).

CJER managing attorneys Mr. Bob Schindewolf and Mr. Bob Lowney presented an ongoing multiphase curriculum development process, which is building the future of judicial education in California.

Council action:

This item was for information purposes only. No action was necessary.

The Chief Justice thanked the item B presenters and noted that the next item, item C, was an action item involving family law and limited scope representation with adoption of rules of court and adoption and approval of various forms. The Chief further noted that this item had arisen at the request of the State Bar whereby the Commission on Access to Justice had prepared a report on the subject and the Board of Governors of the State Bar had adopted recommendations asking the Judicial Council to develop the rules and forms (now presented at item C) so that attorneys can assist self-represented litigants, improving access. The Chief then acknowledged and welcomed the presenters, Justice James R. Lambden of the Court of Appeal, First Appellate District, who has been very active in the commission and in the provision of legal services generally, and Bonnie Hough from the Center for Families Children & the Courts.

RULES, FORMS, AND STANDARDS

Family and Juvenile

Item C Family Law: Limited Scope Representation (adopt Cal. Rules of Court, rules 5.170 and 5.171; adopt form FL-950; and approve forms FL-955, FL-956, and FL-958) (Action Required)

Family law courts serve increasing numbers of litigants who represent themselves in court. Many of these litigants would like the assistance of an attorney for a part of a case even if they cannot afford full representation. At the request of the State Bar, the Commission on Access to Justice prepared a *Report on Limited Scope Legal Assistance* that made a number of recommendations aimed at encouraging attorneys to provide limited scope representation. The Board of Governors of the State Bar has adopted these recommendations that include asking the Judicial Council to develop rules and forms to enable limited scope representation so that attorneys can assist self-represented litigants, thereby increasing access to justice and encouraging court efficiency.

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2003, adopt rules 5.170 and 5.171 of the California Rules of Court and form FL-950, and approve forms FL-955, FL-956, and FL-958, to facilitate attorneys' provision of limited scope representation in family law courts.

Council action:

The Judicial Council, effective July 1, 2003:

1. Adopted rules 5.170 and 5.171 of the California Rules of Court;
2. Adopted form FL-950; and

Approved forms FL-955, FL-956, and FL-958.

The Chief Justice introduced item D, the progress report of the Collaborative Justice Courts Advisory Committee, and noted that that committee's chair, Judge Darrell W. Stevens of the Superior Court of Butte County, was in attendance along with Nancy Taylor and Francine Byrne from the AOC's Executive Office Programs Division.

Item D Collaborative Justice Courts Advisory Committee: Progress Report (Action Required)

On December 18, 2001, the council accepted the committee's progress report, submitted in accordance with rule 6.56(d) of the California Rules of Court, and directed the committee to provide an annual progress report. This report, submitted to fulfill that requirement, is focused on committee activities that have occurred since December 2001. During that time the committee completed numerous long-term projects. At present, the committee is at work on several projects that are scheduled for completion during the next 24 months. Therefore, the committee recommends that the next progress report be submitted in 24 months.

Council action:

The Judicial Council, effective April 15, 2003:

1. Accepted the progress report of the Collaborative Justice Courts Advisory Committee; and
2. Modified the time frame for submission of the next progress report from 12 to 24 months. Any reports required for ongoing committee activities would be in addition to the progress report.

Item E Task Force on Jury System Improvements: Final Report (Action Required)

The Task Force on Jury System Improvements recommends that the Judicial Council receive and approve the final report of the task force and authorize its statewide release to presiding judges, court executive officers, jury managers, bar organizations, the executive and legislative branches, and other interested parties.

The report not only details the efforts made to achieve the recommendations of the Blue Ribbon Commission on Jury System Improvement, but also reiterates the task force's support for certain legislative initiatives, rules of court, and suggestions for improving court practices that either did not become law initially or were deferred for later consideration.

Council action:

Effective April 15, 2003, the Judicial Council received and approved the final report of the Task Force on Jury System Improvements and authorized its statewide release to presiding judges, court executive officers, jury managers, bar organizations, the executive and legislative branches, and other interested parties.

Item F Status of the Civil Instructions Prepared by the Task Force on Jury Instructions (No Action Required)

Justice Carol A. Corrigan, from the First Appellate District, chair of the Task Force on Jury Instructions, and Justice James D. Ward, task force vice-chair, from the Fourth Appellate District, presented an update on the work of the task force in anticipation of presenting the civil instructions to the council for approval in July.

Justice Corrigan reported that the task force has been working on new jury instructions for about six years. She explained that the task force has, at the Chief Justice's direction, several primary goals. The first and most obvious is to produce jury instructions that accurately state the law and that are easier for the average juror to understand. The task force also wanted to make the process of preparing the instructions more inclusive than it has been historically. To that end the task force has involved judges and lawyers and members of the public from around the state of California both on the task force itself and as part of the group of commentators, so that the resulting instructions really are a

product of the entire judicial and legal family. A third piece of the project that was very important to the Chief Justice from the start was to have these materials be available, at least in part, in the public domain. Once the instructions are completed, they will not be a proprietary product but will be publicly available on the Internet and through the Administrative Office of the Courts at little or no cost.

Justice Ward, who led the civil group within the task force, discussed the development of the civil jury instructions. As he explained, the task force will present approximately 800 civil jury instructions to the council in July. Staff is meeting regularly with the publishers in order to put together not only the bound volumes but also the best computer software program that we could hope for to make the product extremely usable by the attorneys and judges of the state. The charge to the task force was to write jury instructions in plain English that properly stated the law. AOC staff in San Francisco, primarily Lyn Hinegardner, did the initial drafting. The draft was then processed by work groups of the task force and then by the full task force. The product was then turned over to experts in the various fields the instructions addressed. There were times where it was necessary, for instance, in medical malpractice and in antitrust, to set up separate subcommittees of experts from around the state to consider what had been written. The task force submitted its product as it progressed to a number of people in this manner and then released it to the public. The task force has had three completed public releases, and the fourth release, which will be completed this next month, is currently in process. Each release is sent out for public comment to the legal community and results in, literally, volumes of comments. The task force then responds by making changes as necessary from those comments. So when the task force meets with the council again in July, these instructions will have been vetted through the attorneys and judges of the state of California and other experts wherever possible.

Ms. Melissa Johnson commented on the council's review process for the instructions. The Rules and Projects Committee (RUPRO) will review the instructions first, and staff plans to distribute the bulk of them to the committee before the end of this month. RUPRO will then meet in early June to review them. Once RUPRO has reviewed the instructions (and presumably has recommended approval), staff will distribute them to the council. At the RUPRO meeting, staff and Justice Ward will be available to answer any questions the committee might have about the techniques used in drafting as well as the substance, if there is any concern about whether the instructions are legally correct. Staff requests that council members send any questions ahead of time so that they can be prepared to answer them. If there are other council members who are particularly interested in the instructions and would like to review them at the same time that the Rules and Projects Committee does, staff would be happy to distribute them to these other council members at that time.

Chief Justice George asked what process RUPRO would engage in to review the instructions.

Judge Gail A. Andler reported that RUPRO had scheduled a meeting for June 5th.

Ms. Johnson reported that staff planned to provide RUPRO with a general summary of the public comments, highlighting the more controversial issues and how the committee resolved them, rather than providing all of the voluminous comments.

Judge Andler noted that if the project lends itself to dividing and conquering, RUPRO would probably divide primary review responsibility for the instructions among the members, rather than have all members focusing on all 800 instructions, and then have the members report back at the RUPRO meeting.

Council action:

This item was for information only. No action was necessary.

Item G Budget Status Report (No Action Required)

This trial court budget update was an oral presentation to the Judicial Council.

Mr. William C. Vickrey, Administrative Director of the Courts, made introductory comments about the current budget climate and ongoing efforts to secure adequate funding for the judicial branch. He then introduced Ms. Christine Hansen, Director of the AOC's Finance Division, to provide an up-to-date report on the judicial branch budget.

Ms. Hansen's report addressed the following areas:

- The Governor's midyear reduction plan was approved in mid-March and included \$44.5 million in additional reductions for the judicial branch for fiscal year (FY) 2002–2003. This reduction totaled \$36 million for the trial courts and \$8.5 million for the appellate courts and the AOC (judiciary). It brings the total amount of budget reductions affecting the judicial branch in FY 2002–2003 to nearly \$200 million.
- Since the last council meeting, there have been a number of legislative hearings involving the judicial branch budget. Testimony on the various policy proposals included in the Governor's Proposed Budget for FY 2003–2004 has been provided by Bill Vickrey, the Legislative Analyst's Office, and the Department of Finance (DOF), as well as by affected constituencies such as the California State Association of Counties (CSAC), the sheriffs, court reporters, and employee bargaining units.
- Judicial branch leadership and AOC staff have communicated to the Legislature a commitment to working collaboratively with the constituencies affected by the policy proposals in the Governor's Proposed Budget, in an effort to achieve consensus on ways to achieve cost savings. Specific efforts include the establishment of a Security Working Group, discussions with CSAC, discussions with State Bar leaders, and discussions with key legislators and legislative staff. The AOC has also taken a number of steps to keep staff informed of new budget developments.

- Spring Finance Letters were submitted to the DOF in mid-February. A total of \$14.927 million in Finance Letters were submitted for the judiciary. Of this, the DOF recommended approval of \$349,000 in reimbursement authority to fund the Accounting Processing Center as well as \$10.8 million in support of the Trial Court Facilities Act. A total of \$61.028 million in Finance Letters were submitted on behalf of the trial courts. The DOF will not approve any of these proposals as Spring Finance Letters, but has stated that they will reconsider several of the requests as part of the Governor's May Revise.
- The DOF and the Department of Personnel Administration have provided some information about FY 2003–2004 funding for staff salaries and benefits. They have issued a 10 percent layoff drill across the executive branch. DOF has communicated that there will not be funding for the general salary increases that were supposed to occur on July 1.
- A number of actions have been taken as a result of the direction the Judicial Council provided during the February business meeting:
 - ♦ Emergency funding is being set aside to assist courts that took all reasonable steps to prepare for and manage the anticipated budget reductions yet still face undue hardships, such as court closures and layoffs.
 - ♦ Since the last council meeting, the Judicial Branch Workers' Compensation Program has been established for participation on a voluntary basis. Of the 58 trial courts, 44 have already enrolled or signed up to participate beginning July 1, 2003;
 - ♦ Stephen Nash, of the AOC's Finance Division, is working, in coordination with the State Controller's Office and the DOF, to develop strategies to address the cash flow issues that occur when a State Budget is not passed on time.
 - ♦ An area of primary focus now is enhanced collections. With the possibility of millions of uncollected fines and fees existing in California, this is a promising revenue option.
 - ♦ Staff has initiated discussions with the DOF about establishing an annual baseline adjustment process for funding the costs of retirement and benefits for trial court employees.
 - ♦ On the issues of resource equity and staffing standards, staff is evaluating data in order to develop the most appropriate model to address the problem of inequities among the courts. We expect to make a recommendation on staffing standards by the end of the calendar year;
 - ♦ The Trial Court Executive Management Budget Working Group is convening to develop a methodology for addressing funding issues relating to the erosion

of judicial branch baseline budgets and unaddressed growth in the FY 2004–2005 budget process.

Council action:

This item was for information only. No action was necessary.

Item A10 Probate Form: *Confidential Guardianship Status Report* (adopt form GC-251) (Action Required)

(Moved from the consent agenda.)

The Probate and Mental Health Advisory Committee recommends that the Judicial Council adopt the proposed new form GC-251, *Confidential Guardianship Status Report*, in response to the directive contained in a new statute. The report would provide the court with important information about the lives of children under the protection of the probate court and would be the only mandatory communication between many guardians and the court in the years following the guardians' appointment.

Among the information that is requested is criminal history information about the guardian and adults living in the home where the child is living. The advisory committee's recommendation was that the information requested would be about charges filed or convictions. RUPRO recommended that arrests be added to that.

Following further discussion by RUPRO during this morning's break, revisions were made in the language in item 1e of the form. AOC staff read the entire revised item 1e and its explanation and recommended adopting the form with the following change in language:

Since your appointment or your last report, have you, or has any adult living in the home where the child is living, been arrested for, charged with, or convicted of (1) any felony or misdemeanor; or (2) any other offense involving alcohol, illegal drugs, or sexual misconduct?

No and yes check boxes follow the text of item 1e. The instructions for that item, following the check boxes, would read as follows:

(If your answer is "Yes," please explain in Attachment 1e. You need not report infractions (such as minor traffic offenses) that do not involve alcohol, illegal drugs, or sexual misconduct.)

Council action:

The Judicial Council, effective July 1, 2003, adopted the *Confidential Guardianship Status Report* (form GC-251) as modified above.

Circulating and Appointment Orders Approved

**Circulating Order—CO-03-01: *Information Sheet on Waiver of Court Fees and Costs*
(Form 982(a)(17)(A))**

Appointment Orders

No appointment orders have been signed since the last business meeting.

There being no further business, the meeting was adjourned at 12:15 p.m.

Respectfully submitted,

William C. Vickrey
Secretary