

JUDICIAL COUNCIL MEETING
Minutes of the April 21, 2006, Meeting
San Francisco, California

Chief Justice Ronald M. George, Chair, called the meeting to order at 8:40 a.m. on Friday, April 21, 2006, at the Administrative Office of the Courts (AOC) in San Francisco, California.

Judicial Council members present: Chief Justice Ronald M. George; Justices Marvin R. Baxter, Candace D. Cooper, Richard D. Huffman, and Eileen C. Moore; Judges J. Stephen Czuleger, Michael T. Garcia, Suzanne N. Kingsbury, Charles W. McCoy, Jr., Barbara J. Miller, Douglas P. Miller, Dennis E. Murray, William J. Murray, Jr., Michael Nash, and Richard E. L. Strauss; Mr. Anthony P. Capozzi, Ms. Barbara J. Parker, and Mr. William C. Vickrey; **advisory members:** Judge Terry B. Friedman; Commissioner Ronald E. Albers; Ms. Deena Fawcett, Mr. Alan Slater, and Ms. Sharol Strickland.

Absent: Senator Joseph Dunn; Assembly Member Dave Jones; Judge Sharon J. Waters; Ms. Tamara Lynn Beard, Mr. Thomas V. Girardi, and Mr. Rex S. Heinke.

Others present included: Presiding Judge Larry W. Allen; Assistant Presiding Judge James C. McGuire; Judges Gerard S. Brown, Bryan F. Foster, Robert B. Freedman, Mary E. Fuller, Arthur Harrison, John M. Pacheco, Michael A. Smith, and John Peter Vander Feer; Executive Officer Tressa Kentner; Counsel Services Chief of Staff Debra Meyers; Mr. Stanley Bissey, Ms. Beth Jay, Ms. Susan Oldroyd; **staff:** Ms. Tamara Abrams, Mr. Anthony Alosi, Mr. Michael Bergeisen, Mr. Dennis Blanchard, Ms. Dianne Bolotte, Ms. Deborah Brown, Ms. Marcia Caballin, Ms. Sheila Calabro, Mr. Philip Carrizosa, Ms. Tina Carroll, Ms. Casie Casados, Ms. Jeanne Caughell, Ms. Roma Cheadle, Mr. Dexter Craig, Ms. Chris Cunningham, Ms. Kim Davis, Mr. Mark Dusman, Ms. Diana Earl, Ms. Nina Erlich-Williams, Mr. Bob Fleshman, Mr. Glenn Fong, Mr. Ernesto V. Fuentes, Mr. Mark Garcia, Ms. Susan Goins, Mr. Ruben Gomez, Ms. Dena Graff, Mr. Cannon Han, Ms. Christine M. Hansen, Ms. Sue Hansen, Ms. Donna Hershkowitz, Ms. Lynn Holton, Ms. Kathleen T. Howard, Ms. Mary Jackson, Mr. Richard Kai, Mr. Kenneth L. Kann, Mr. Gregory Keil, Mr. Matthew Kennedy, Ms. Camilla Kieliger, Ms. Martha Kilbourn, Ms. AhMoi Kim, Mr. Gary Kitajo, Ms. Leanne Kozak, Mr. John Larson, Mr. Robert Lowney, Ms. Kate Lucchio, Mr. James McCrea, Mr. Lee Morhar, Ms. Jackie Murphy, Ms. Vicki Muzny, Mr. Stephen Nash, Ms. Christine Nath, Ms. Diane Nunn, Mr. Patrick O'Donnell, Mr. Ronald G. Overholt, Ms. Shawn Parsley, Ms. Jody Patel, Ms. Christine Patton, Ms. Laura Rigdon, Ms. Mary M. Roberts, Ms. Virginia Sanders-Hinds, Mr. Robert Schindewolf, Ms. Marlene Smith, Ms. Sonya Smith, Ms. Nancy Spero, Ms. Jan Starnes, Mr. Joel Tokimitsu, Mr. Todd Torr, Ms. Phyllis Treige, Mr. Courtney Tucker, Ms. Alla Urisman, Mr. Jim Vesper, Ms. Patti Williams, Ms. Daisy Yee, and Ms. Patricia M. Yerian; **media representatives:** Mr. Dave Kravets, Associated Press; Ms. Shelley Eads and Mr. Mike McKee, *The Recorder*; Mr. Bob Egelko, *San Francisco Chronicle*; and Ms. Donna Domino and Mr. Todd Rogers, *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 21, 2006, that was sent to members in advance of the meeting.)

Public Comment Related to Trial Court Budget Issues

Chief Justice George noted that no requests to address the council had been received.

Approval of Minutes of the February 24, 2006, Business Meeting

The minutes of the February 24, 2006, business meeting were approved.

Judicial Council Committee Presentations

Executive and Planning Committee

Justice Richard D. Huffman, chair of the Executive and Planning Committee (E&P), reported that the committee had met four times since the last council meeting.

The committee addressed a number of issues on behalf of the Judicial Council, one having to do with requests for paid sabbaticals. The committee had a request from Judge Donald E. Shaver of the Superior Court of Stanislaus County for a 120-day sabbatical to serve as a visiting professional at the International Criminal Court at The Hague. The leave had been approved by his court. E&P partially approved the request, approving a 60-day paid sabbatical to be supplemented by 60 days of leave that the judge was able to obtain with the approval of the Stanislaus presiding judge.

E&P also recommended that the Assigned Judges Program provide coverage for the Superior Court of Stanislaus County during the period of Judge Shaver's leave. The committee directed Judge Shaver to report back to E&P when he returns on what benefits he sees for judges and the administration of justice in California if the judicial branch were to continue this program and to explore with the Education Division/Center for Judicial Education and Research (CJER) staff the development of a course for the Continuing Judicial Studies Program. The partial approval of Judge Shaver's sabbatical request is part of a continuing discussion of paid sabbatical leave. The council's ability to award paid sabbaticals is rather limited, and the question of whether such sabbaticals should be granted and, if so, under what circumstances is one that E&P may want to bring to the council for further discussion or direction.

The committee also considered an action the council took in December 2005 that approved the creation of facilities' modification working groups. At the request of the Administrative Director of the Courts, E&P acted on behalf of the council to authorize the Administrative Director to appoint additional members to these groups in a number

equal to the current total membership to ensure that the groups are representative of the court system.

On March 29th the committee met to set the agenda for the April council meeting and to approve the reported annual expenditures for the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund. The committee also approved grants for alternative dispute resolution programs in several courts and made recommendations on some nominations issues for the Working Group on Court Security.

At the same meeting the committee began reviewing plans for the public hearing on access to justice. The committee discussed with Office of Governmental Affairs staff the format for the meeting and who the witnesses would be.

The committee acted on behalf of the council to approve the Administrative Director's request that an additional 2.5 million dollars (\$2,500,000) be committed for self-help centers in fiscal year 2006–2007. The funds will come from one-time savings that AOC staff will identify as the budget process continues.

The committee also made a nomination recommendation to the Chief Justice for filling a position on the Court Facilities Transitional Task Force. Finally, the committee reviewed the composition and charge of the Judicial Service Advisory Committee and directed that the rule of court establishing the committee be revised. E&P directed that the nomination process for the Judicial Service Advisory Committee be postponed and that AOC staff work with the committee's chair and vice-chair to develop rule proposals to more clearly define the committee's charge. The objective of the proposals will be to re-establish the committee in a way that is consistent with both the council's collaborative efforts with the California Judges Association and ongoing efforts by the council, the Chief Justice, and AOC staff to make judicial service desirable.

Chief Justice George's Comments

Chief Justice George introduced a group of visiting judges and court staff from the Superior Court of San Bernardino County: Presiding Judge Larry W. Allen; Assistant Presiding Judge James C. McGuire; Judges Gerard S. Brown, Bryan F. Foster, Mary E. Fuller, Arthur Harrison, John M. Pacheco, Michael A. Smith, and John Peter Vander Feer; Executive Officer Tressa S. Kentner; and Counsel Services Chief of Staff Debra Meyers.

Policy Coordination and Liaison Committee

Justice Marvin R. Baxter, chair of the Policy Coordination and Liaison Committee (PCLC), reported that the committee had met six times by conference call since the last council meeting.

During those meetings the PCLC took positions on 25 bills relating to a wide variety of subjects, including court employees, court interpreters, criminal law and procedure, family law, judicial officers, juries, juvenile dependency, probate, self-help, and traffic.

There are five Judicial Council–sponsored bills that are proceeding through the Legislature, and they cover the areas of court operations, judges’ retirement, and, most importantly, new judgeships. The PCLC will continue to meet regularly to take positions on pending legislation on behalf of the council and will make every effort to keep the council fully informed of developments.

On February 28th the Chief Justice delivered his annual State of the Judiciary address to a joint session of the Legislature, and this was followed by the 12th Annual Judicial-Legislative-Executive Forum. Both events were well attended by representatives of the judicial, executive, and legislative branches as well as by Bench-Bar Coalition members led by Anthony P. Capozzi. These two events were very well received, as in past years, and are an important part of the council’s ongoing efforts to enhance the working relationships among the three branches of government.

Rules and Projects Committee

Judge Suzanne N. Kingsbury, chair of the Rules and Projects Committee (RUPRO), reported that the committee had met three times in person and once by phone since the last council meeting.

On March 16th RUPRO met in person to review rules and forms proposals that are coming before the council today. RUPRO recommended approval of the rules and forms proposals in items A1 through A10 on the consent agenda, as well as the rule amendments in item C of the discussion agenda. Judge Kingsbury noted a minor change to one of the forms that was part of item A3 in the council binder. The corrected form NC-330 (which was page 8 of item A3) was distributed to council members at the meeting. The words, “change of gender” were substituted for “change of name” in 2A and 2B of that form.

On April 6th RUPRO met by phone to review item E on today’s discussion agenda, the temporary judges report and recommendations. RUPRO recommended approval of the rules proposed in that report also.

On April 11th RUPRO met in person to review 40 proposals to circulate for public comment in the spring 2006 rules cycle. Following public circulation and further review by advisory committees and RUPRO, these proposals will come before the Judicial Council at the October 2006 business meeting.

On April 20th RUPRO met in person to review one additional proposal to circulate for public comment in the spring 2006 rules cycle as well as a proposal for minimum education rules, which will circulate on a special 90-day cycle.

RUPRO was scheduled to meet on May 15th to review the rules reorganization proposal that has circulated for public comment and is now being considered by advisory committees. It is scheduled to come before the council on June 30th.

Judicial Council Court Visits Report

Judge Suzanne N. Kingsbury reported on visits to the Superior Courts of Tehama and Shasta Counties with the assistance of Ms. Camilla Kieliger and Ms. Jackie Murphy. Judge Kingsbury was joined on the visits to these two courts by council members Justice Eileen C. Moore; Judges Michael T. Garcia, Charles W. McCoy, Jr., and Douglas P. Miller; Commissioner Ronald E. Albers; Ms. Deena Fawcett; Mr. Rex S. Heinke; and Mr. Alan Slater; along with AOC staff members Ms. Stefanie Elam, Ms. Jackie Escajeda, Ms. Sara Fisher, Mr. Malcolm Franklin, Ms. Christine Patton, and Ms. Marcia Taylor.

Chief Justice's Report

Chief Justice Ronald M. George reported that since the council's last meeting, he had given the State of the Judiciary address, followed by a reception the judiciary and legislators and legislative staff.

Chief Justice George also reported that he had, at the invitation of *California Lawyer* magazine, distributed the California Lawyer Attorney of the Year (CLAY) Awards for the most outstanding legal practitioners in the state; attended an event focusing on legal services for children where he helped give out other awards; and made remarks at a statewide conference on self-represented litigants.

The Chief Justice and Justice Marvin R. Baxter participated in liaison meetings with the Criminal Defense Bar, and Chief Justice George also appeared at an event for the Contra Costa Bar Association to present the association's first annual Equal Access to Justice, Chief Justice Ronald M. George Pro Bono Award.

The Chief Justice also participated in a ceremony dedicating a criminal justice wall of fame dating back to 1850, which was organized by retired Judges Arthur Alarcon and Warren Ettinger. The honorees' names are set forth on the wall of the Clara Shortridge Foltz Criminal Justice Center, formerly known as the Criminal Courts Building. The wall honors deceased judges, lawyers, prosecutors, and defense counsel who played a prominent role in the history of the criminal justice system in Los Angeles.

The Chief Justice also attended a dinner hosted by the Los Angeles Bar Association and about 12 other bar associations focusing on pro bono legal services and at which he was recognized for his tenth anniversary as Chief Justice. The California Supreme Court justices were also honored at an annual lunch given by the appellate division of the Los Angeles County Bar Association.

The Chief Justice met with several of the editors and reporters of the *Los Angeles Times* in an effort to raise awareness of the need for new judgeships and court facilities.

The Chief Justice also attended a luncheon hosted by Ms. Sheila Calabro and her staff at the new offices of the Southern Regional Office. The Chief Justice was taken on a tour of the facilities and answered questions from staff.

As a member of the Editorial Advisory Board of *California Lawyer*, the Chief Justice urged the magazine to run an article on court security, facilities needs, and other matters.

The Chief Justice reported that the Attorney General's office is doing a videotaped oral history of its alumni that parallels some of the efforts under way to produce an oral history of the Court of Appeal in conjunction with the 100th anniversary of the Court of Appeal.

The Chief Justice also reported that he would be participating, by videotape, in a forthcoming Statewide Conference on Language Access to the Courts to be held in San Diego, May 11–12, 2006.

The Chief Justice reported that retired U.S. Supreme Court Justice Sandra Day O'Connor had accepted his invitation to speak at the 80th anniversary of the Judicial Council to be celebrated at the Fall Leadership Conference on November 3, 2006. The Chief Justice also agreed to participate as a speaker at a conference on judicial independence that Justice O'Connor is holding in Washington, D.C., in September.

The Chief Justice recognized council member Judge Michael Nash, who had received the National Court Appointed Special Counsel (CASA) Association's 2006 Judge of the Year award for his advocacy for children and their needs in the courts.

The Chief Justice also recognized council member Judge Douglas P. Miller's recent appointment to the Court of Appeal for the Fourth Appellate District.

Administrative Director's Report

Mr. William C. Vickrey acknowledged the retirement of Michael Bergeisen, General Counsel of the AOC's Office of the General Counsel. Mr. Vickrey noted Mr. Bergeisen's many accomplishments, including reorganizing and redirecting the legal department, providing excellent litigation management and transactional advice, and establishing a high-quality legal staff. A copy of the resolution presented to Mr. Bergeisen is attached to these minutes.

CONSENT AGENDA (ITEMS A1–A10, B)

Item A1 Appellate Procedure: Certificate of Interested Entities and Persons (adopt Cal. Rules of Court, rule 14.5 and amend rules 56–59)

The Appellate Advisory Committee recommends adopting new rule 14.5 and amending rules 56–59 to require that litigants in the Court of Appeal file a Certificate of Interested Entities and Persons. If a party is an entity, that party would be required to identify in the certificate any other entities or persons known to have a 10 percent or greater ownership interest in the party. In addition, all parties would be required to identify any other entity or person they know to have a financial or other interest in the outcome of the proceeding that the party reasonably believes the justices should consider in determining whether to disqualify themselves. The proposed certificate requirement will help Court of Appeal justices identify entities or persons with “hidden” interests in the proceedings, to assist the justices in determining whether to recuse themselves under the Code of Judicial Ethics.

Council action

The Judicial Council, effective July 1, 2006, adopted new rule 14.5 and amended rules 56, 57, 58, and 59 of the California Rules of Court to require that litigants in the Court of Appeal file a Certificate of Interested Entities and Persons. If a party is an entity, that party will be required to identify in the certificate any other entities or persons known to have a 10 percent or greater ownership interest in the party. In addition, all parties will be required to identify in the certificate any other entity or person they know to have a financial or other interest in the outcome of the proceeding that the party reasonably believes the justices should consider in determining whether to disqualify themselves under canon 3E of the Code of Judicial Ethics.

To gather input on the implementation and effect of these requirements, the council will seek public comment on these rules after they have been in effect for two years.

Item A2 Fees to Be Set by the Court (amend Cal. Rules of Court, rules 6.712 and 2006)

The Civil and Small Claims Advisory Committee recommends that rule 6.712, which authorizes the courts to set fees for specified services and products, be amended to permit them to charge a reasonable fee, not to exceed costs, for certain additional services and goods, including microfiches, envelopes, postage, offsite retrieval of documents, and the return of file-stamped copies of documents by fax. These new fees will enable courts to be reimbursed for the additional services and products that they provide to the public. The committee also recommends that the direct fax filing fee be placed in rule 6.712 and the provision for that fee in rule 2006 be repealed.

Council action

The Judicial Council, effective July 1, 2006, amended rule 6.712 of the California Rules of Court to authorize courts to set fees for certain specified additional services and products, and amended rule 2006 to delete subdivision (g) which provided for a fax filing fee that will instead be provided for in rule 6.712(b)(14).

**Item A3 Petition for Gender Change and Issuance of New Birth Certificate
(approve forms NC-300, NC-210/310, NC-320, and NC-330; revise forms
NC-100 and NC-200)**

The Judicial Council previously adopted a set of forms for persons to use to petition for orders for a change of name and a separate set of forms to apply for orders for a change of name and gender. The Civil and Small Claims Advisory Committee recommends approval of a third set of forms that could be used by a person to apply for an order for a change of gender and the issuance of a birth certificate without a name change. Also, the committee recommends revising the forms for petitioning for a change of name and for petitioning for a change of name and gender to provide the current address of the State Registrar.

Council action

The Judicial Council, effective July 1, 2006:

1. Approved *Petition for Change of Gender and Issuance of New Birth Certificate* (form NC-300);
2. Approved *Declaration of Physician—Attachment to Petition* (form NC-210/NC-310);
3. Approved *Notice of Hearing on Petition for Change of Gender and Issuance of New Birth Certificate* (NC-320);
4. Approved *Order for Change of Gender and Issuance of New Birth Certificate* (form NC-330);
5. Revised *Petition for Change of Name* (NC-100); and
6. Revised *Petition for Change of Name and Gender* (NC-200).

**Item A4 Juror Questionnaire for Criminal Cases—Capital Case Supplement
(revise form MC-002)**

The Criminal Law Advisory Committee recommends that the Judicial Council amend form MC-002 to incorporate a supplemental questionnaire to be used in juror voir dire in capital cases. The Judicial Council approved form MC-002, *Jury Questionnaire for Criminal Cases*, effective January 1, 2006. Form MC-002 is an optional, general questionnaire to be used by the court and counsel to assist the court in making criminal case voir dire more efficient. There is currently no specific set of questions contained in form MC-002 that addresses issues of particular relevance to capital cases.

Council action

The Judicial Council, effective July 1, 2006, revised form MC-002 to incorporate the *Capital Case Supplement* into the model questionnaire.

Item A5 Domestic Violence (revise forms DV-100, DV-110, DV-126-INFO, DV-130, DV-170, DV-210-INFO, DV-260, DV-500-INFO, DV-510-INFO, DV-520-INFO, DV-530-INFO, DV-540-INFO, DV-550-INFO, DV-720-INFO, FL-105/GC-120, FL-310, FL-341, JV-200, JV-205, JV-245, and JV-250)

The Family and Juvenile Law Advisory Committee recommends that several domestic violence, family law, and juvenile law forms be revised to implement recent statutory amendments intended to improve the handling of domestic violence cases. The proposal also responds to comments from governmental officials and the public to improve judicial administration.

Council action

The Judicial Council, effective July 1, 2006, revised the following forms to conform with recent legislative amendments and include additional firearms information as well as technical updates and corrections:

1. DV-100, *Request for Order*;
2. DV-110, *Temporary Restraining Order and Notice of Hearing (CLETS—TRO)*;
3. DV-126-INFO, *How to Reissue a Temporary Restraining Order*;
4. DV-130, *Restraining Order After Hearing (CLETS—OAH)*;
5. DV-170, *Other Orders*;
6. DV-210-INFO, *What Is “Proof of Service”?*;
7. DV-260, *Confidential CLETS Information*;
8. DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?*;
9. DV-510-INFO, *I Filled Out the Forms—What Now?*;
10. DV-520-INFO, *Get Ready for Your Hearing (For Protected Person)*;
11. DV-530-INFO, *How to Enforce Your Order*;
12. DV-540-INFO, *Information for the Restrained Person*;
13. DV-550-INFO, *Get Ready for Your Hearing (For Restrained Person)*;
14. DV-720-INFO, *How Do I Ask the Court to Renew My Restraining Order?*;
15. FL-105/GC-120, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*;
16. FL-310, *Application for Order and Supporting Declaration*;
17. FL-341, *Child Custody and Visitation Order Attachment*;
18. JV-200, *Custody Order—Juvenile—Final Judgment*;
19. JV-205, *Visitation Order—Juvenile*;
20. JV-245, *Application and Affidavit for Restraining Order—Juvenile*; and
21. JV-250, *Restraining Order—Juvenile (CLETS—JUV)*.

Item A6 Family Law: Ex Parte Communication in Child Custody Proceedings (adopt Cal. Rules of Court, rule 5.235)

The Family and Juvenile Law Advisory Committee recommends adoption of rule 5.235 in order to comply with the mandate of Family Code section 216, which was enacted by Senate Bill 1088 (Bowen; Stats. 2005, ch. 489). Senate Bill 1088 requires that the Judicial Council adopt a rule of court regarding ex parte communication in child custody proceedings. Senate Bill 1088 also requires that the rule of court take effect July 1, 2006.

Council action

The Judicial Council, effective July 1, 2006, adopted rule 5.235 of the California Rules of Court to implement the legislative mandate of Senate Bill 1088 establishing uniform statewide practices regarding ex parte communication in child custody proceedings.

Item A7 Juvenile Law: Procedure Before Removal of Child From Prospective Adoptive Parents (adopt Cal. Rules of Court, rules 1463.1, 1463.3, and 1463.5; amend rule 1496.2; renumber form JV-325 as JV-330; adopt forms JV-321, JV-322, JV-323, JV-324, JV-325, and JV-325-INFO)

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2006, adopt various rules and forms to specify the procedures necessary before the Department of Social Services (DSS) or an adoption agency can remove a dependent child from the home of a prospective adoptive parent, and to fulfill the mandate of Welfare and Institutions Code section 366.26(n). Additionally, the committee recommends renumbering form JV-325, *Letters of Guardianship (Juvenile)*, to JV-330 so the forms are consistently sequential.

Council action

The Judicial Council, effective July 1, 2006:

1. Adopted rules 1463.1, 1463.3, and 1463.5 of the California Rules of Court to provide the procedures necessary before the Department of Social Services (DSS) or an adoption agency can remove a dependent child from the home of a prospective adoptive parent, and to fulfill the mandate of Welfare and Institutions Code section 366.26(n);
2. Amended rule 1496.2 of the California Rules of Court to reference the correct form number;
3. Renumbered existing form JV-325, *Letters of Guardianship (Juvenile)* as JV-330 to ensure consistent sequential numbering of the forms; and
4. Adopted forms JV-321, *Request for Prospective Adoptive Parent Designation, Notice, and Order*; JV-322, *Confidential Information—Prospective Adoptive Parent*; JV-323, *Notice of Intent to Remove Child and Proof of Notice, Objection to Removal, and Order After Hearing*; JV-324, *Notice of Emergency*

Removal, Objection to Removal, and Order After Hearing; and JV-325, *Proof of Notice of Hearing*, as well as the instruction sheet JV-325-INFO, *Instructions for Notice of Prospective Adoptive Parent Hearing*, to provide the procedures necessary before the Department of Social Services (DSS) or an adoption agency can remove a dependent child from the home of a prospective adoptive parent, and to fulfill the mandate of Welfare and Institutions Code section 366.26(n).

Item A8 Miscellaneous Technical Changes to the California Rules of Court and Judicial Council Forms (amend Cal. Rules of Court, rules 6.603, 38, 38.2, 1402, 1413, 1436.5, 1462, 1520, and 1542; revise forms DV-160, FL-470, FL-615, FL-677, FL-692, JV-185, JV-450, and JV-644)

AOC staff recommends that the Judicial Council, effective July 1, 2006, amend Cal. Rules of Court, rules 6.603, 38, 38.2, 1402, 1413, 1436.5, 1462, 1520, and 1542; and revise Judicial Council forms DV-160, FL-470, FL-615, FL-677, FL-692, JV-185, JV-450, and JV-644. These amendments are necessary to comply with statutory language; correct typographical, layout, and formatting errors; and correct cross-references to rules.

Council action

The Judicial Council, effective July 1, 2006:

1. Amended rule 6.603(c)(4)(A)(i) of the California Rules of Court to correct a typographical error, replacing “but” with “by” so that this reads “persistent refusal to carry out assignments as assigned by the presiding judge”;
2. Amended rule 38 of the California Rules of Court to correct typographical errors at subdivision (a), where the word “order” is now made plural, and at (f)(1), where the word “clerks” is now made singular;
3. Amended rule 38.2(h)(1) of the California Rules of Court to correct a typographical error by adding the word “to” before “deliver”;
4. Amended rule 1402(b) of the California Rules of Court to delete the word “the” before “juvenile court”;
5. Amended rule 1413(c) of the California Rules of Court to change “will establish” to “establishes” and “will have” to “has” consistent with the Judicial Council’s plain-language convention and the intended meaning;
6. Amended rule 1436.5(c) of the California Rules of Court to add the word “section” before “366.26” in the subdivision’s bracketed title;
7. Amended rule 1462(c)(7) of the California Rules of Court to correct a typographical error, deleting the word “an” before “immediately appealable”;
8. Amended rule 1520(b)(3) to delete “court or” before “calendar days” in order to correct a typographical error;
9. Amended rule 1542 of the California Rules of Court to correct an outdated cross-reference by changing “1543(b)” to “1543(c) and (d)” in order to reflect amendments to rule 1543 that became effective January 1, 2005;

10. Revised form DV-160, *Child Support Order—Order of Protection* to correct several Spanish-language typographical errors on pages 6 and 8;
11. Revised page 2 of form FL-470, *Application and Order for Health Insurance Coverage* to reflect changes in Family Code sections 3765 and 3766 by replacing “10 days” with “30 days” in item 2 under “Instructions for Employer or Other Person Providing Health Insurance” and by replacing “10 days to contest this order” with “15 days after you receive a copy of this order to object to the order” in item 2 under “Employee Information”;
12. Revised form FL-615, *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* to add an “other parent” option to item 3d, thereby providing a means for identifying a nonparty parent;
13. Revised form FL-677, *Notice of Opposition and Notice of Motion on Claim of Exemption* to add a check box to item 6 so that this form can be used by a local child support agency in a financial institution data match (FIDM) case where a claim of exemption has been filed;
14. Revised form FL-692, *Minutes and Order or Judgment* to correct several typographical errors in the Spanish-language portion of the form;
15. Revised form JV-185, *Child’s Information Sheet—Request to Change Court Order* to replace an erroneous reference in item A to “form JV-388” with a reference to “form JV-180” because form JV-388 does not exist;
16. Revised page 2 of form JV-450, *Order for Prisoner’s Appearance at Hearing Affecting Prisoner’s Parental Rights and Waiver of Appearance* to correct a typographical error by changing “PRISONERS” in the heading “DECLARATION THAT PRISONERS DOES NOT WISH TO ATTEND HEARING” to the singular “PRISONER”; and
17. Revised form JV-644, *Jurisdiction Hearing—Juvenile Delinquency* to correct an inaccurate attachment reference in item 7 so that the attachment number, now given as “Attachment 6,” is changed to match the item number.

Item A9 Probate: Forms for Private Professional Guardians and Conservators to Show Their Qualifications and Compliance With Continuing Education Requirements (adopt forms GC-005 and GC-006)

The Probate and Mental Health Advisory Committee proposes the adoption of two new Judicial Council forms that would be used by private professional guardians and conservators to show appointing courts that they satisfy recently adopted rules of court that establish minimum qualifications and continuing education requirements for these fiduciaries and to help private professional guardians and conservators demonstrate their qualifications and compliance with continuing education requirements as mandated by rules 7.1010 and 7.1060 of the California Rules of Court.

Council action

The Judicial Council, effective July 1, 2006, adopted form GC-005, *Declaration of Private Professional Conservator or Guardian—Qualifications* and form GC-006,

Declaration of Private Professional Conservator or Guardian—Continuing Education.

Item A10 Probate: Private Professional Guardians of the Person (amend Cal. Rules of Court, rule 7.1010)

This proposal would modify rule 7.1010 to conform its definition of a “private professional guardian,” subject to the rule to the underlying statutory definition of that term changed by legislation effective January 1, 2006.

Council action

The Judicial Council, effective July 1, 2006, amended rule 7.1010 of the California Rules of Court to conform to statutory changes.

Item B Court Interpreters: 2005 Language Need and Interpreter Use Study, Government Code section 68563

The Court Interpreters Advisory Panel recommends that the Judicial Council approve the *2005 Language Need and Interpreter Use Study* for submission to the Governor and Legislature and, in addition, adopt the recommendation that no additional language be designated for inclusion in the Court Interpreter Certification Program. The language study is the basis for determining the need to designate languages to include in the certification program.

Council action

The Judicial Council:

1. Approved the *2005 Language Need and Interpreter Use Study* for submission to the Governor and Legislature; and
2. Adopted the Court Interpreters Advisory Panel’s recommendation that no additional language be designated for inclusion in the certification program.

DISCUSSION AGENDA (ITEMS C–F)¹

Item D Trial Court Budget Priorities for Fiscal Year 2006–2007

Ms. Christine M. Hansen, Finance Division, presented this item with the participation of Ms. Vicki Muzny, Finance Division.

This item presents recommendations for trial court budget priority program areas for fiscal year 2006–2007. Once priorities have been approved, AOC staff will gather

¹ Due to schedule conflicts, discussion items were presented in the following order: Item D, Item F(1), Item F(2), item C, and item E.

information from the courts on their needs for funding in specific areas. After the 2006 Budget Act is enacted and the amount of funding for the trial courts based on the SAL percentage rate adjustment is known, staff will prepare a report to the council, for presentation at its August 2006 meeting, recommending allocation to the courts for the priority areas.

Council action

The Judicial Council:

1. Approved the following statewide budget priorities for the trial courts for fiscal year 2006–2007:
 - Self-help programs;
 - Staffing and operating costs for new facilities in fiscal year 2006–2007 (including unfunded costs for transferred facilities); and
 - Administrative services and technology infrastructure;² and
2. Directed staff to collect information from the trial courts to determine the costs for funding these priority areas, work with the Trial Court Budget Working Group once the final fiscal year 2006–2007 state appropriations limit (SAL) percentage rate is known, and provide recommendations to the council on what can be accomplished in these priority areas, based on the projected funding to be available through the SAL adjustment.

The council further directed staff to explore options for providing technical assistance for public relations work in the trial courts, to support the development of programs such as the annual report provided by the Superior Court of Ventura County. The council requested that staff consider how such projects could be funded and technically supported and asked staff to report to the Executive and Planning Committee.

Special Order of Business: Recognizing Chief Justice Ronald M. George’s 10th Anniversary in Office

Mr. William C. Vickrey made remarks recognizing Chief Justice George’s 10th anniversary as California’s Chief Justice and Chair of the Judicial Council. Several council members made comments acknowledging the Chief Justice for his outstanding leadership, fairness, and devotion to access to justice for all in California. The speakers, in order of appearance, were: Mr. Anthony P. Capozzi, Judge Michael Nash, Ms. Sharol H. Strickland, Judge Terry B. Friedman, and Judge Suzanne N. Kingsbury. Justice Marvin R. Baxter presented the Chief Justice with a resolution from the Judicial Council. A copy of the resolution is attached to these minutes.

² The application of this budget priority was amended by motion during the council discussion of Item F2, below.

Item F Administrative Infrastructure

(1) Discussion of Administrative Infrastructure

Mr. William C. Vickrey, Administrative Director of the Courts, Mr. Ronald G. Overholt, Chief Deputy Director, Mr. Mark Dusman, Information Services Division, Mr. Richard Kai, Finance Division, and Mr. Glenn Fong, Human Resources Division presented this item.

AOC staff presented a status report on administrative infrastructure initiatives, including the Court Accounting and Reporting System (CARS), Courts Human Resources Information System (CHRIS), and California Case Management System (CCMS).

(2) Approval of Statewide Administrative Infrastructure Services Funding Process and Delegation of Authority to Allocate Funds from the Trial Court Trust Fund and the Trial Court Improvement Fund

Ms. Christine M. Hansen, Finance Division presented this item with the participation of Ms. Vicki Muzny, Finance Division.

Recommendations by the Trial Court Budget Working Group and AOC staff were presented on proposed statewide funded expenses and proposed court expenses for statewide administrative infrastructure services and a supplemental funding process for courts unable to pay for expenses related to statewide technology projects. In addition, AOC staff presented recommendations to delegate authority to the Administrative Director of the Courts to allocate funds from the Trial Court Trust Fund (TCTF) and Trial Court Improvement Fund in accordance with the supplemental funding process and to report back to the Judicial Council annually on these allocations.

Council action

The Judicial Council:

1. Approved the proposed statewide funded expenses and proposed court expenses for statewide administrative infrastructure services;
2. Approved the supplemental funding process for statewide administrative infrastructure services;
3. Delegated authority to the Administrative Director of the Courts to allocate one-time and ongoing unallocated funds from the TCTF and the Improvement Fund to the courts in accordance with the supplemental funding request process, and, if it becomes necessary, to make direct payment for statewide administrative infrastructure costs from one-time funding in the TCTF, which would not reduce approved current or future allocations to the trial courts; and
4. Directed that AOC staff report annually to the Judicial Council in December as to the amount of funding from the TCTF and the Improvement Fund allocated to

the courts through the supplemental funding process, as well as any amounts paid directly out of the TCTF in the previous fiscal year for statewide administrative infrastructure costs.

William C. Vickrey added the following amendment to the motion, which was approved by the council: If there is no adequate funding within other funding sources (Trial Court Trust Fund and Trial Court Improvement Funds) and a court is considered under-funded as a result of implementing one of the Statewide Administrative Infrastructure Services projects, the deficiency should be addressed through available equalization funding. If funding is needed as part of the Judicial Council budget priorities, AOC staff will return to the Judicial Council for action. (Note: This amendment modifies the application of the trial court funding priorities approved by the council in Item D).

Item C Trial Court Facilities: Standards, Rule Changes (amend Cal. Rules of Court, rules 6.150 and 6.180), and Project Standards Review

Ms. Kim Davis, Office of Court Construction and Management, and Mr. Clifford Ham, Office of Court Construction and Management, presented this item.

The Interim Court Facilities Panel concurs with Office of Court Construction and Management (OCCM) staff in the recommendation that the Judicial Council adopt the *California Trial Court Facilities Standards, 2006 Edition* (Facilities Standards), amend rules 6.150 and 6.180 to change all references in these rules from “guidelines” to “standards,” and establish an interim process to review compliance with the standards, pending the adoption of the long-term facilities governance structure.

If adopted, the Facilities Standards will be used in the design and construction of new and renovated trial court facilities in California and would replace Trial Court Facility Guidelines adopted in July 2002.

Council action

The Judicial Council:

1. Adopted the *California Trial Court Facilities Standards, 2006 Edition*;
2. Amended rules 6.150 and 6.180 of the California Rules of Court to clarify the council’s authority under Government Code section 70391 to establish standards for court facilities; and
3. Pending the adoption of the long-term facilities governance structure under rule 6.15(c) before June 30, 2007, adopted a policy providing that the Project Standards Review Team will evaluate new court building projects for compliance with the Facilities Standards, will approve or disapprove deviations from the standards, and will provide for the appeal of such decisions to the Interim Court Facilities Panel.

Item E Temporary Judges: Report and Recommendations (amend Cal. Rules of Court, rules 243.20 and 243.31)

Hon. Robert B. Freedman, Cochair, Temporary Judges Working Group, Mr. Robert Lowney, Education Division/Center for Judicial Education and Research (CJER), and Mr. Patrick O'Donnell, Office of the General Counsel, presented this item.

The Temporary Judges Working Group provides information and recommendations in response to the questions posed by the Judicial Council at its December 2, 2005, meeting. It reports that the Supreme Court Advisory Committee has concluded that most of the rules concerning temporary judges referred by the council to the Supreme Court be included in the Code of Judicial Ethics, but that a few provisions that are more of a policy or procedural nature not be included. The Temporary Judges Working Group recommends that the provisions that will not be included in the Code of Judicial Ethics be included in the rules on temporary judges in the California Rules of Court that will become effective July 1, 2006.

Council action

The Judicial Council, contingent upon the Supreme Court's May 2006 action on the recommendations of its Ethics Advisory Committee on these rules, and effective July 1, 2006:

1. Amended rule 243.20 of the California Rules of Court to add new subdivisions on limitations on service by court-appointed temporary judges, the waiver of mandatory disqualifications or limitations, the effects of late discovery of grounds for disqualification or limitation, the notification of the court of the disqualification of a temporary judge, and the procedures for requesting that a temporary judge be disqualified; and
2. Amended rule 243.31 of the California Rules of Court to reflect the addition of new provisions on disclosures by temporary judges to the Code of Judicial Ethics and to provide a cross-reference to rule 243.20(d).

The council also:

3. Directed the Temporary Judges Working Group to continue for approximately 12–18 months to provide guidance, oversight, and recommendations to the Judicial Council concerning temporary judging; and
4. Reiterated its support for legislation to increase the number of judicial positions and thereby decrease the courts' reliance on temporary judges.

The council directed AOC staff to work with the cochairs of the Temporary Judges Working Group to formulate recommendations, and report back to the Executive

and Planning Committee, with regard to the development of policies on private judging.

Circulating Orders

There were no Circulating Orders since the last business meeting.

Appointment Orders

Copies of appointment orders are for information only; no action was necessary.

Mandated Reports

The Annual Report of Fiscal Year 2004–2005 Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings, which was submitted to the Legislature on January 27, 2006, was distributed with meeting materials for council information only; no action was necessary.

There being no further public business, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,



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